

***STAFFORD COUNTY PLANNING COMMISSION  
WORK SESSION MINUTES  
January 3, 2007***

The work session of the Stafford County Planning Commission of Wednesday, January 3, 2007, was called to order at 5:30 p.m. by Chairman William Cook in the Board of Supervisors Chambers of the County Administrative Center.

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

Members Absent:

Staff Present: Harvey, Judy, Stepowany, Hornung, Schultis, Woolfenden and Gregori

Declarations of Disqualification

None

ORDINANCE COMMITTEE

1. Mr. Stepowany presented the Reservoir Protection Overlay Ordinance (RPOD). He stated the Ordinance would amend Chapter 17 of the County Code, currently known as prohibited activities at terminal reservoirs. He stated the current list of activities would be deleted and the use of de-nitrifying on-site disposal systems would be encouraged. He stated erosion and sediment control practices would be exempt for agricultural purposes when more than one acre was affected and followed the practices of the Tri-County Soil and Water Conservation District. He stated violators of the Ordinance would be guilty of a Class 3 misdemeanor. He stated Part 2 of the Ordinance would amend Section 28-61 to include purpose and intent, establishment of districts, district zones, and extent of RPOD. He stated uses permitted by-right would be allowed unless specifically limited as prohibited, and those which required a Conditional Use Permit (CUP) would be allowed to be requested unless specifically limited to where the use was prohibited. He listed the different zones associated with the Ordinance: the District Zone, the Reservoir Zone, the Buffer Zone, the Proximity Zone, and Water Shed Zone. He stated Section 22-87 would be amended to require the exact location of all zoning district, overlay districts and buffers. He stated there would be buffers for the Critical Resource Protection Area (CRPA), landscaping, and historic districts.

Mrs. Kirby asked for an explanation of de-nitrifying.

Patricia Kurpiel, Utilities Commission, stated a de-nitrifying system would remove nitrogen to an acceptable level. She stated the systems were required in the state of Maryland.

Mrs. Kirby stated citizens tend to not be happy about the cost of systems. She stated, in her opinion, de-nitrifying systems should be left out of the Ordinance.

Mr. Cook asked why de-nitrifying systems were not mandatory.

Mrs. Kurpiel stated the systems were fairly expensive.

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Mr. Judy stated the Commonwealth of Virginia establishes sewer criteria.

Mr. Pitzel stated there was a typo on page 3, Item D of the proposed Ordinance was supposed to be two hundred feet, not one hundred feet.

Mr. Stepowany stated one hundred feet was correct.

Mrs. Kurpiel stated the Reservoir Sub-committee and Utilities Commission had gone back and forth in deciding the distance.

Mr. Pitzel stated Stafford County had a leash law, but in his opinion banning animals around the reservoir would be hard to enforce.

Mr. Di Peppe stated the sub-committee read a lot of literature from other localities and fecal matter was a problem in the reservoirs. He stated skin contact from people swimming in reservoirs was harmful to the water quality.

Mr. Pitzel stated there would have to be a two hundred foot buffer for termite sprays.

Mrs. Kurpiel stated that would be the standard for the whole overlay district.

Mr. Stepowany stated termite sprays would be prohibited though-out the drainage basin. He stated a Baited System, a solid chemical, was recommended.

Mr. Pitzel stated photo processing would be prohibited in the RPOD. He asked if that pertained to computer photo processing.

Mr. Judy suggested adding the words "or eliminate" to the Ordinance so citizens could use computer photo processing systems.

Mr. Pitzel stated that would be acceptable.

Mr. Di Peppe stated he appreciated the work of the sub-committee and Planning Department. He stated it was important to protect the water supply.

Mrs. Kirby asked why two hundred feet was changed to one hundred feet

Mrs. Kurpiel stated the spill way where water was released could be dangerous to fishermen.

The Planning Commission discussed the safety issues of the spill way.

Mr. Harvey stated the Planning Commission did not have the authority to change the distance to two hundred feet since it was decided by the Utilities Commission. He stated the Planning Commission could make a recommendation. He stated there were about two thousand property owners in the RPOD who would have to be notified before it could go to public hearing,

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therefore it would be best to work with the Board of Supervisors and the Utilities Commission on the Ordinance.

Mrs. Kirby stated in her opinion it sounded more like a political issue than a safety issue.

Mr. Rhodes suggested getting all the governing bodies together before the mass mailing.

Mr. Cook made a motion to retain Item 1 in committee. Mrs. Carlone seconded. The motion passed 7-0.

2. Mr. Stepowany presented the Traditional Neighborhood Development (TND) Ordinance. He stated the Ordinance would amend the Zoning Ordinance to permit a TND in the PD-1 and PD-2 Zoning Districts and a CUP would be required for a TND in the B-2 zoning district. He stated there were changes to the Ordinance since the December 6, 2006 Planning Commission Work Session. He stated the minimum tract size for the PD-1 would be 550 acres if not adjoining a rail station and the maximum tract size for a PD-1 would be 1,000 acres if adjoining a rail station and proposed golf course. He stated there were changes to Section 103, amendments approved by the Board of Supervisors, Page 15, parking and storage facilities for bicycles, Page 16 architectural materials would be determined by the Neighborhood Design Standards, Page 19 and 21 provisions for pipe-stem lots, and Page 21 (f)(3) signs per the Zoning Ordinance, Page 29 uses within transect zones permitted by-right or special exception, the Planning Commission does not have the authority to approve a use, Page 34 table 2.2 parking for bicycles based on use not by the number of required parking spaces, facilities to park the bikes must be with the use. He stated the Regulating Plan delineates the transect zone and there would be specific development regulations for each transect zone.

Mr. Cook stated the PD-1 could be 500 acres if located next to a rail station.

Mr. Stepowany stated the PD-1 would be 800 acres if located next to a rail station but not a golf course.

Mrs. Kirby stated the architectural materials would be determined by the Neighborhood Design Standards because of a lawsuit.

Mr. Stepowany stated because of a lawsuit the Planning Commission cannot limit the materials used. He stated the Planning Commission could limit the materials prohibited and the building materials could be proffered.

Mrs. Kirby stated the Planning Commission could require the same materials used in the Highway Corridor Overlay District.

Mr. Judy stated localities could have design standards for industrial and commercial zones but not residential.

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Dan Sloan, McGuire Woods Law Office, stated a Home Owners Association in Suffolk, Virginia challenged the city in court. He stated the Planning Commission could not prohibit certain materials except through proffers.

Mrs. Kirby stated the Planning Commission could vote no on proffers.

Mr. Sloan stated yes.

Mrs. Kirby stated she was concerned about pipe-stems.

Mr. Stepowany stated pipe-stems were requested by a group of developers.

Mrs. Carlone stated, in her opinion, pipe-stems were not a good idea.

Mrs. Kirby recommended the pipe-stems be removed from the Ordinance.

Mr. Stepowany stated that would be acceptable.

Mr. Pitzel stated essentially the TND would be a cluster in the PD-1 and PD-2 zones. He stated Mr. Stepowany had done a great job pulling a lot of information together.

Mr. Stepowany stated making the TND a separate zoning category would affect the Comprehensive Plan.

Mr. Cook stated he and Mrs. Kirby met with Ted Smart, creator of the Smart Code. He stated Mr. Smart was willing to meet with the Planning Commissioners and Board of Supervisors.

Mrs. Kirby stated TND would be mainly located around rail stations.

Mr. Stepowany stated there were TND which were successful and not located near a rail station.

Mrs. Kirby stated the TND Ordinance made more sense to her once she meant with Mr. Smart.

Mr. Cook made a motion to retain Item 2 in committee. Mrs. Kirby seconded. The motion passed 6-1 (Mr. Pitzel was opposed).

Mr. Cook stated the entire Work Session on February 21, 2007 would be dedicated to the TND Ordinance. He stated Lakeview Estates would be moved from the February 21, 2007 Work Session to the February 7, 2007 Work Session.

**NOMINATING COMMITTEE**

Mr. Cook stated he would adjourn the work session to allow the Nominating Committee fifteen minutes to meet and discuss nominations.

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ADJOURNMENT

With no further business to discuss the Planning Commission Work Session was adjourned at 6:45 p.m.

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William Cook, Chairman

# **STAFFORD COUNTY PLANNING COMMISSION MINUTES**

## **January 3, 2007**

The regular meeting of the Stafford County Planning Commission of Wednesday, January 3, 2007, was called to order at 7:30 p.m. by Chairman William Cook in the Board of Supervisors Chambers of the Stafford County Administration Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Judy, Zuraf, Hornung, and Gregori

PUBLIC PRESENTATIONS: None

### ELECTION OF OFFICERS:

Mr. Mitchell stated the Nominating Committee had selected Mr. Cook as Chairman of the Planning Commission.

Mrs. Kirby made a motion to appoint Mr. Cook as the Chairman. Mrs. Carlone seconded. The motion passed 7-0.

Mr. Mitchell stated the Nominating Committee had selected Mrs. Kirby as Vice Chair of the Planning Commission.

Mr. Rhodes made a motion to appoint Mrs. Kirby as Vice Chairman. Mr. Di Peppe seconded. The motion passed 7-0.

Mr. Mitchell stated the Nominating Committee had selected Mr. Pitzel as Secretary.

Mr. Di Peppe made a motion to appoint Mr. Pitzel as Secretary. Mr. Rhodes seconded the motion. The motion passed 7-0.

### PUBLIC HEARINGS:

1. CUP2600687; Conditional Use Permit – Shelton Shop Center Office – A request for a Conditional Use Permit to allow a medical clinic in a B-2 Zoning District on Assessor's Parcel 19S-4J consisting of 0.57 acres, located on the west side of Soaring Eagle Drive approximately 600 feet south of Garrisonville Road within the Rock Hill Election District. **(Time Limit: April 2, 2007)**

Mr. Zuraf presented the staff report. He stated the single story building was currently under construction and would be constructed of brick with a pitched roof. He stated there would be three or four physicians located in the building and access would be off of Soaring Eagle Drive. He stated they would expect 181 vehicles per day and the Traffic Impacts were minimal. He stated storage of materials would follow Virginia state guidelines and minor surgery could take place on the premises. He stated staff recommends approval.

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Mrs. Carlone asked about the church located near the site.

Mr. Zuraf stated the Planning Department had not received a site plan for the church.

Mr. Pitzel asked if the building was originally an office building.

Mr. Zuraf stated yes.

Mr. Mitchell stated the building was said to be five thousand square feet but the site plan stated the building would be 4,840 square feet.

Mr. Zuraf stated the five thousand square feet was an approximation.

Mr. Di Peppe stated 181 vehicle trips per day seemed like a low number to support a practice with three or four physicians.

Mr. Zuraf stated the vehicle trips per day were based on the ITE Trip Monitoring Manual.

Mr. Judy asked about emergency access.

Mr. Zuraf stated emergency access was not a requirement because Soaring Eagle Drive connects to two roads.

James Loving, applicant, stated two of the physicians would be working part time, attributing to the lower traffic count. He stated the building was designed to be a medical clinic from the very beginning of the project.

Mr. Cook stated, in his opinion, the ITE Trip Monitoring Manual needed to be updated. He opened the Public Hearing. With no one coming forward, the Public Hearing was closed.

Mrs. Kirby made a motion for approval of the Conditional Use Permit (CUP). Mr. Rhodes seconded. The motion passed 7-0.

2. Index of Official Road Names – Amend the Addressing Ordinance as follows:

<u>Location</u>	<u>Current Name</u>	<u>New Name</u>
South side of Air Park Boulevard, 3800 feet from north end of Forbes Street	No Name	Skyhawk Lane

Mr. Zuraf presented the staff report. He stated there were three homes on the easement and two of the home owners would like the easement to be named Skyhawk Lane. He stated the staff recommends approval.

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Mr. Rhodes asked if there was an attempt to contact the third person.

Mr. Zuraf stated Planning staff attempted to contact the third resident, but he was unsure of the method of contact.

Mr. Cook opened the Public Hearing. With no one coming forward, the Public Hearing was closed.

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

### UNFINISHED BUSINESS:

3. Amendment to Subdivision Ordinance - Amendment to Section 22-153, Lots for Water and Sewer Mains, of the Subdivision Ordinance, pursuant to O06-62. The proposed amendment would require all water and sewer easements, in their entirety, serving water and/or sewer mains between lots in a residential subdivision to be located on lots conveyed to and maintained by a homeowners association. The width of the easement shall be in accordance with Chapter 25 and Chapter 26.2 of the Stafford County Code. **(Deferred at Staff's Request)**

Mr. Cook stated Item 3 was deferred.

4. RC2600390; Reclassification – Bird/Cooke Property - A proposed reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District for an office and retail shopping center on Assessor's Parcel 44-62 consisting of 26.12 acres, located on the north side of Warrenton Road approximately 800 feet north of Cardinal Forest Drive across from Village Parkway within the Hartwood Election District. The Comprehensive Plan recommends the property for Urban Commercial uses which would allow development of commercial retail and office uses. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Time Limit: January 15, 2007)(Deferred to January 3, 2007 Regular Meeting)**

Mr. Harvey stated there were new proffers and architectural elevations included in the Planning Commission packets. He stated there was a recommendation from Mrs. Carlone with regard to additional clarification of text in Proffer 3, which the applicant agreed to. He stated Proffer 2 read dominant colors shall be generally of low reflection, subtle and neutral colors or earth tones and “there shall not be high intensity brick, bright white or fluorescent tones, excluding signs.” He stated the elevation dates were changed to reflect the December 15, 2006 version included in the packet and the buildings and general character throughout the project would be in accordance with the elevation. He stated the pad sites would have to coordinate with the overall design of the project. He stated Proffer 3 read there would be a third through lane across the frontage of the property and would provide any additional right of way so the right of way across the property was 72 feet from the center line. He stated prior to the Occupancy Permit being issued for the first building, there would be a right in/right out entrance constructed on Warrenton Road. He stated the project was proposing to share a common driveway with the adjacent property, which would be the signalized intersection at Village Parkway and Warrenton Road. He stated Mrs. Carlone would like Proffer 3, to read “shall have been constructed” in lieu of “shall be constructed.” He stated Proffer 5 was

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modified to address the landscaping and would allow the developer to work with staff to create a landscaping design with a variety of deciduous and evergreen materials.

Mrs. Kirby stated she was concerned about the words “excluding signage” in Proffer 2. She stated Proffer 6 read all signs would be monument style and be of a consistent style, which does not really tell the Commission what the signs would look like.

Mr. Cook stated Proffer 6 should read “no neon signage allowed.”

Mr. Klebenoff stated he would remove the words “excluding signage” on Proffer 2.

Mrs. Kirby stated she would like Proffer 6 to read “no neon signs shall be permitted.”

Mr. Klebenoff asked if Proffer 6 could read any free standing signs shall be monument style signs, without neon, and such monument signs shall be of a consistent design.”

Mrs. Kirby stated that would be acceptable.

Mr. Cook stated he would like a section added to state national chains have to follow the dominant colors and architectural design of the property.

Mr. Klebenoff suggested modifying Proffer 6 to read “provided the building design and colors were consistent with the guidelines stated above”.

Mrs. Carlone made a motion to accept the proffers as amended. Mrs. Kirby second. The motion passed 7-0.

Mr. Judy suggested using the phrase “nothing herein shall be construed to prohibit national and regional retail users of buildings on the property from reasonably employing general features of their prototype architectural design.”

Mrs. Kirby stated she objected to that. She stated there would be too many possibilities and who would decide what would be reasonable general features.

Mrs. Carlone made a motion to approve the reclassification. Mrs. Kirby seconded. The motion passed 7-0.

5. CUP2600130; Conditional Use Permit – Suh Gas Station - A request for a conditional use permit to allow vehicle fuel sales in a B-2 Zoning District on Assessor's Parcels 29-90A and 96 consisting of 3.2 acres, located on the north side of Courthouse Road at the intersection with Wyche Road within the Aquia Election District. **(Time Limit: December 19, 2006)(Deferred to the January 17, 2007 Work Session)**

Mr. Cook stated Item 5 was deferred.

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6. RC2501249; Reclassification – Onville Estates - A proposed reclassification from A-2, Rural Residential Zoning District to R-1, Suburban Residential Zoning District on Assessor's Parcel 20-49J consisting of 59.13 acres, located on the west side of Onville Road approximately 300 feet north of Ebenezer Church Road within the Griffis-Widewater Election District. The Comprehensive Plan recommends the property for Rural Residential use. The Rural Residential designation would allow residential development at a maximum density of one dwelling unit per three acres. This request would allow single family detached or duplex dwellings at a maximum density of three dwelling units per acre. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the R-1 zoning district. **(Time Limit: January 31, 2007)(Deferred to January 17, 2007 Work Session)**

Mr. Cook stated Item 6 was deferred.

7. CUP2501638; Conditional Use Permit; Sydney Hastings Commons 7-11 - A request for a Conditional Use Permit to allow a convenience store with vehicle fuel sales in the Highway Corridor Overlay Zoning District on Assessor's Parcel 45-92C consisting of 2.42 acres, located on the northwest corner of Warrenton Road and Melchers Drive within the Falmouth Election District. **(Time Limit: February 13, 2007)(Deferred to January 17, 2007 Work Session)**

Mr. Cook stated Item 7 was deferred.

8. RC2600559; Reclassification - Fairfield Inn & Suites - A proposed reclassification from R-1, Suburban Residential to B-2, Urban Commercial Zoning District to allow the construction of a hotel on Assessor's Parcels 30-2C and 30-2D consisting of 1.48 acres, located on the south side of Derrick Lane approximately 400 feet east of Jefferson Davis Highway within the Aquia Election District. The Comprehensive Plan recommends the property for Urban Residential use, which would allow development of a variety of residential uses up to fifteen (15) dwelling units per acre. This request would allow development of commercial retail and office uses. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: March 7, 2007) (Deferred to February 7, 2007 Work Session)**

Mr. Cook stated Item 8 was deferred.

9. CUP2600560; Conditional Use Permit - Fairfield Inn & Suites - A request for a Conditional Use Permit to allow the construction of two hotels within the Highway Corridor Overlay Zoning District on Assessor's Parcel 30-2C, 30-2D, and 30-5 consisting of 5.34 acres, located on the east side of Jefferson Davis Highway, just south of Derrick Lane within the Aquia Election District. **(Time Limit: March 7, 2007) (Deferred to February 7, 2007 Work Session)**

Mr. Cook stated Item 9 was deferred.

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10. SUB2501051; Lake View Estates, Preliminary Subdivision Plan – A preliminary subdivision plan for 22 single family residential lots, zoned A-1, Agricultural consisting of 87.53 acres, located on the west side of Rocky Run Road approximately 2,700 feet south of Warrenton Road on Assessor's Parcels 44-12 and 44-13, within the Hartwood Election District. **(Time Limit: February 27, 2007) (Deferred to February 21, 2007 Work Session)**

Mr. Cook stated Item 10 was deferred.

**NEW BUSINESS**

11. PAE2600704; Concept, LLC, Private Access Easement – A private access easement to serve 2 lots on 10.36 acres located on the north side of Marlborough Point Road approximately 1,400 feet east of the Brook Road intersection on Assessor's Parcel 49-5A, within the Aquia Election District. **(Time Limit: March 28, 2007)**

Mrs. Hornung presented the staff report. She stated the parcel was split A-1 and A-2. She stated the Private Access Easement (PAE) would serve two lots and would be 456 feet in length and 50 feet in width. She stated staff recommends approval.

Mrs. Carlone asked if a vacation of the easement was required.

Mrs. Hornung stated there was not a vacation of the easement.

Mrs. Kirby stated Marlborough Point was a historic area. She asked if a Phase 1 Study had been conducted.

Mr. Harvey stated he was not aware of a Phase I Study conducted on the easement.

Mrs. Kirby stated there were possible Native American sites in that area.

Mr. Mitchell made a motion to put Item 11 in committee and to have the Historic Preservation Planner review the project. Mr. Rhodes seconded. The motion passed 7-0.

Mr. Cook stated Item 11 would be discussed on January 17, 2007.

12. SUB2600625; Williams Subdivision, Preliminary Subdivision Plan - A preliminary subdivision plan for 13 single family residential lots, zoned A-2, Rural Residential, consisting of 14.55 acres located on the north side of Enon Road approximately 1,500 feet west of Wyatt Lane on Assessor's Parcels 45-125 and 45-125B within the Hartwood Election District. **(Time Limit: February 28, 2007)**

Mr. Cook stated Item 12 was deferred at the applicant's request. He stated Item 12 would be discussed at the February 21, 2007 Regular Meeting.

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MINUTES

November 1, 2006 Work Session

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

November 1, 2006 Regular Meeting

Mrs. Kirby made a motion for approval. Mrs. Carlone seconded. The motion passed 7-0.

November 15, 2006 Work Session

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

November 15, 2006 Regular Meeting

Mrs. Kirby made a motion for approval. Mrs. Carlone seconded. The motion passed 7-0.

December 6, 2006 Work Session

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

December 6, 2006 Regular Meeting

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

PLANNING DIRECTOR'S REPORT

Mr. Harvey wished the Planning Commission a Happy New Year.

COUNTY ATTORNEY'S REPORT

Mr. Judy wished the Planning Commission a Happy New Year.

SECRETARY/TREASURER REPORT

No report.

STANDING COMMITTEE REPORTS

Mr. Pitzel stated on December 19, 2006 the Comprehensive Plan Steering Committee made a presentation to the Board of Supervisors. He stated the Comprehensive Plan would be presented to the Planning Commission at the beginning of April, which was two months behind schedule.

Mr. Harvey stated the Board of Supervisors wanted a recommendation from the Planning Commission by May 2007.

Mr. Rhodes stated it was possible that the Planning Commission would have questions about the Comprehensive Plan and there would be no definite timeline.

Mr. Pitzel stated Mr. Brito had been appointed as a liaison to the Comprehensive Plan Steering Committee, along with Mr. Milde. He stated currently there were fourteen people on the committee. He stated on January 8, 2007 the committee would present the land use maps.

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Mr. Di Peppe stated the Traditional Neighborhood Development Ordinance and Reservoir Protection Overlay District Ordinance were retained in Ordinance Committee.

CONSENT AGENDA

SPECIAL COMMITTEE REPORTS

Mrs. Kirby stated the members of the Architectural Review Board had attended a very good seminar with the National Park Service.

Mr. Di Peppe stated the Old Falmouth Renaissance Commission had trouble getting a quorum. He stated, in his opinion, it was a shame the Commission could not hold a meeting because members were not attending.

CHAIRMAN'S REPORT

Mr. Cook stated he would replace Mr. Rhodes as a member of the Transportation Commission.

ADJOURNMENT

Mrs. Kirby made a motion for adjournment. Mr. Mitchell second. The meeting was adjourned at 8:37 p.m.

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William Cook, Chairman