

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
April 18, 2007

The work session of the Stafford County Planning Commission of Wednesday, April 18, 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: None

Staff Present: Harvey, Judy, Stepowany, Schulte, Forestier, and Gregori

Declarations of Disqualification

None

OLD BUSINESS

Mr. Cook stated Mr. Rhodes and Mr. Di Peppe would be late due to traffic.

Mr. Di Peppe arrived at 5:35 p.m.

1. RC2600453; Reclassification – Stafford Business Park – A proposed reclassification from A-1, Agricultural to B-2, Urban Commercial Zoning District to allow commercial development of Assessor's Parcel 44-61 consisting of 3.0 acres, located on the north side of Warrenton Road across from Village Parkway within the Hartwood Election District. The Comprehensive Plan recommends the property for Light Industrial and Urban Commercial uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. The Urban Commercial designation 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: June 19, 2007)(Deferred to the April 18, 2007 Work Session)**

Clark Leming, Leming and Healy, stated it was not necessary to dedicate right-of-way to Truslow Road. He stated the applicant had proffered out seven uses but they did not understand the objection to a theater. He stated they proffered out carwashes but may comeback for a Conditional Use Permit (CUP). He stated it would not be practical to proffer the General Development Plan (GDP).

Mrs. Kirby stated the Planning Commission was only looking at the three acre site. She stated Bird/Cooke was still being discussed by the Board of Supervisors.

Mr. Leming stated the three acre site would be driven by the adjacent site. He stated the applicant proffered the architectural design. He stated they were not in a position to tell the Planning Commission exactly where the building would be on the site. He stated shopping centers needed flexibility. He stated this was a three acre parcel surrounded by commercial zoning.

Steve Teads, Stafford E & A, stated they did not know who the tenants would be.

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Mrs. Carlone stated, in her opinion, it was difficult to approve an application without knowing what the site would look like.

Mr. Di Peppe stated he could not vote for it until he knew exactly what the site would look like.

Mr. Teads stated they would not know what the site would look like until they have contracts.

Mr. Di Peppe stated the Planning Commission asked every applicant to proffer the GDP.

Mr. Leming stated the Bird/Cooke reclassification did not proffer the GDP.

Mrs. Kirby stated the Bird/Cooke reclassification was still in front of the Board.

Mr. Leming stated this was in fill zoning.

Mr. Cook stated the applicant had proffered out a lot of uses. He stated he did not understand proffering out a movie theater.

Mr. Judy stated he believed Mrs. Carlone and Mrs. Kirby objected to an adult movie theater.

Mr. Leming stated the applicant agreed to proffer out adult businesses.

Mrs. Kirby asked if someone would be allowed to take the wood from the blacksmith's shop that was currently on the site.

Mr. Teads stated that would be okay.

Mr. Mitchell stated citizens like commercial zoning because it helps with taxes.

Mrs. Carlone made a motion for denial. Mrs. Kirby seconded. The motion failed 3-4 (Mr. Pitzel, Mr. Rhodes, Mr. Mitchell, and Mr. Cook were opposed.)

Mr. Mitchell made a motion for approval. Mr. Rhodes seconded. The motion passed 4-3 (Mrs. Kirby, Mrs. Carlone, and Mr. Di Peppe were opposed).

2. SUB2501278; Kings Crossing, Preliminary Subdivision Plan – A preliminary subdivision plan for 15 single family residential lots, zoned A-1, Agricultural consisting of 66.21 acres, located on the southwestern corner of Shelton Shop Road and Courthouse Road on Assessor's Parcel 28-2B, within the Rock Hill Election District. **(Time Limit: May 2, 2007)(Deferred to the April 18, 2007 Work Session)**

Mr. Harvey stated there was a signed restoration plan for the areas which were graded and part of the area would be a future sanitary sewer line.

Mrs. Kirby asked if the canopy trees could be more than two or three inches tall when planted.

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Mrs. Forestier stated the number of trees being replanted was greater than the number of trees which were removed.

Mrs. Kirby asked when the restoration plan would be completed.

Jack Bailey, applicant, stated the restoration would begin in late October. He stated the Resource Protection Area (RPA) would have been disturbed anyhow. He stated the sewer line would be in place by June.

Mrs. Kirby asked about the location of Section 5.

Mr. Bailey stated it was at the western entrance of Augustine towards the back cul-de-sac.

Mrs. Kirby stated the project was not on Route 630.

Mr. Bailey stated no.

Mr. Cook stated the plan looked like it came in off of Lighthouse Drive.

Mrs. Kirby asked about possible civil charges for the grading.

Mrs. Forestier stated the County does not impose civil charges.

Mrs. Carlone stated, in her opinion, the Mr. Stonehill should have been fined for the grading.

Mrs. Kirby made a motion for approval. Mr. Mitchell seconded. The motion passed 6-0 (Mr. Rhodes was absent).

Mrs. Carlone stated she did not like waiting six months for the restoration.

Mrs. Forestier stated late fall or early spring was the best time to plant.

Mr. Rhodes arrived at 5:45 p.m.

ORDINANCE COMMITTEE

Item 1 Electronic Signs

Mr. Stepowany stated he would like Mr. Judy to discuss the changes that have been made to the Ordinance.

Mr. Judy stated last on April 11, 2007 he had a meeting with Jim Barrett and Alan Griffith of the Virginia Department of Transportation (VDOT) to discuss repairs to non-conforming billboards. He stated the basis for the meeting was to discuss the billboards which were on the list provided to the Planning Commission on April 4, 2007. He stated in 1994 all billboards greater than 50 feet became non-conforming. He stated when the Lamar Company applied for a building permit, VDOT showed it

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was conforming. He stated the apparent position of the Zoning Administration was that if the sign was non-conforming, they could upgrade as long as they were not adding to the non-conformity. He stated VDOT needed to be notified in writing about any changes to the Zoning Ordinance pertaining to billboards. He stated billboards could be upgraded to fifty percent of the cost of a new sign. He stated when a billboard was taken down; the owners could reuse the frame to save money. He stated VDOT does not include labor or equipment costs when determining the cost to repair the billboard. He stated VDOT and Code Administration now know all billboards larger than 50 feet are non-conforming.

Mrs. Kirby asked how this would be enforced.

Mr. Judy stated it was in the Virginia State Code.

Mr. Stepowany stated billboard owners could make fifty-percent upgrades every year.

Mrs. Kirby asked if the Planning Commission could require receipts for all upgrades to billboards.

Mr. Judy stated the City of Virginia Beach demanded receipts from billboard owners.

Mrs. Carlone asked how other localities have handled electronic signs.

Mr. Judy stated Lynchburg and Arlington were the only other localities currently dealing with electronic signs.

Mrs. Carlone asked if there was anyway to appeal to the Lamar Company to allow the County to use the signs for emergencies.

Mr. Judy stated that was a possibility.

Mr. Di Peppe stated if something happened to an electronic sign, it would more than likely cost more than fifty-percent of the price to repair it.

Mr. Judy stated that was a possibility.

Mr. Di Peppe stated there should not be anymore non-conforming signs in Stafford County.

Mr. Mitchell asked if VDOT had the list of non-conforming signs.

Mr. Judy stated the County would prepare an official letter to send to VDOT along with the Zoning Ordinance and a map.

Mrs. Kirby made a motion to set Item 1 for Public Hearing. Mrs. Carlone seconded. The motion passed 7-0.

Mr. Cook stated Item 1 would be held at the May 16, 2006 Public Hearing.

ADJOURNMENT

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With no further business to discuss the meeting was adjourned at 6: 40 p.m.

William Cook, Chairman

STAFFORD COUNTY PLANNING COMMISSION MINUTES
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The regular meeting of the Stafford County Planning Commission of Wednesday, April 18, 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, Gregori, Schulte, Ennis and Stepowany

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

None

PUBLIC HEARINGS:

1. Comprehensive Plan Compliance Review – Smith Lake Point - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of public sewer service outside of the County's designated Urban Service Area to Assessor's Parcel 21-5E within the Aquia Election District.

Mrs. Ennis presented the staff report. She stated the property was currently undeveloped rural residential on 4.07 acres. She stated the proposed use was for 3 lots served by public sewer, with a low pressure sewer system with grinder pumps because gravity was not available. She stated the Land Use Plan does not recommend extension of water and sewer outside of the Urban Services Area. She stated staff recommends denial because the plan was not in compliance with the Comprehensive Plan.

Mrs. Carlone asked how many homes were on well and septic in the area.

Mrs. Ennis stated none.

Mr. Pitzel asked if the development would affect the reservoir.

Mrs. Ennis stated no.

Mrs. Kirby asked if drainfields would affect the reservoir.

Mr. Harvey stated any flooding would be away from the reservoir.

Mrs. Ennis stated Dale Allen, of the Utilities Department, stated the reservoir would not be impacted.

Mr. Harvey stated any runoff would flow away from the lake.

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David Garafalo, Garafalo Homes, stated the site was 4,300 feet outside of the growth area. He stated soils work was completed prior to purchasing the property in April of 2006. He stated drainfields sites were not found, but there had been an existing drainfield for a trailer that was located on the property. He stated he spoke with the Planning Department and Utilities Department but was not made aware of Urban Service Area until December. He stated the extension of sewer would benefit the County would have sewer upgrades at the developer's expense, protect drinking water, and would save from pump and haul method. He stated the proposed development was at the end of the road and there was no potential for growth.

Mr. Di Peppe asked what the cost of an alternative system would be.

Mr. Garafalo stated an alternative system would not work.

Mr. Mitchell asked Mr. Garafalo why he purchased the property if it could not have drainfields.

Mr. Garafalo stated as far as he knew the site was okay for public sewer. He stated he thought based on the letter from the Utilities Department sewer could be extended to the site.

Mr. Rhodes stated the letter was dated March 2003.

Mr. Garafalo stated the letter was given to him, by the Utilities Department, as evidence that sewer could be extended. He stated he would not have purchased the property if he had known sewer could not be extended. He stated he was not made aware of the fact that a Comprehensive Plan Compliance Review would be necessary.

Mr. Pitzel asked if the lot was vacant.

Mr. Garafalo stated yes.

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

Mr. Rhodes asked if the sewer line would extend to the existing homes along the way to the proposed site.

Mrs. Ennis stated the existing homes were on drainfields.

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

Mr. Cook stated Item 1 would be discussed at the May 16, 2007 Planning Commission Work Session.

2. Amendment to the Comprehensive Plan – Amending the Land Use Plan Element of the Comprehensive Plan and establishment of a Planned-Traditional Neighborhood Development Plan as a new Element of the Comprehensive Plan. The amendment to the Land Use Plan revises Figure 1.2, “Stafford County Comprehensive Plan.” Amends Overlay

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Designations, Planned Unit Development of Chapter Five of the Stafford County Land Use Plan by deleting “unit” from all reference to Planned Unit Development and changing all references of “PUD” to “PD” and renaming the “business PD” to “town center PD” which adds multifamily residential units to business centers. The Planned-Traditional Neighborhood Development Plan recommends policies to support Traditional Neighborhood Development. The Plan includes:

- Recommended site design criteria for the establishment of a Traditional Neighborhood Development.
 - Recommended street categories and standards.
 - Recommended architectural standards.
3. Amendment to Zoning Ordinance - Amendment to Section 28-25, Definitions of specific terms; Section 28-33, Districts generally; Section 28-34, Purpose of districts; Table 28-35, Table of uses and standards; Table 3.1, District Uses and Standards; Section 28-39, Special Regulations; Section 28-53, Planned development districts; Section 28-56, Application for planned development; Section 28-66, P-TND, Planned-Traditional Neighborhood Development; and Section 28-136, Types of signs permitted in the P-TND districts, of the Zoning Ordinance, pursuant to O07-39. The amendment establishes the Planned-Traditional Neighborhood Development (P-TND) zoning districts and regulations for development of a Traditional Neighborhood Development within the P-TND district.

Mr. Harvey asked if Items 2 and 3 could be presented together.

Mr. Cook stated that would be fine.

Mr. Stepowany explained, in detail, the changes that would directly affect the Comprehensive Plan and the Zoning Ordinance. He stated the amendment establishes the Traditional Neighborhood Development Plan, an element of the Land Use and Comprehensive Plan. He stated the Comprehensive Plan recommends various land uses that include desired development densities and location criteria. He stated the Plan encourages various types of PD’s and recommends general criteria regarding uses, location, and densities of this type of development. He stated buildings would be clustered together, front closely on streets with homes of all types, shops, and workplaces intermingled, even within a building, mixing of land uses and pedestrian-friendly street environment, and availability of transportation options. He stated the Amendment would help protect the cultural and environmental resources by allowing larger intensity of development within less sensitive areas, reduce the impervious area of a project, reduce the amount of storm water runoff, encourage the use of transit systems, promote the public health, welfare and safety through a TND. He stated there were 2 levels to a TND, Community and the Block and Building. He stated there would be regulations concerning whether on-street parking is permitted, minimum number of travel lanes, medians, sidewalks and/or bicycle trails, access from lots and speed limits. He stated there would be recommended architectural standards for all transect zones in the Neighborhood Design Standards Manual. He stated applications for new P-TND districts would be evaluated on their ability to demonstrate that the County’s location policies and design standards have been followed. He stated the minimum tract size would be 30 acres and the allocated density would be 10 per gross tract acres. He stated the proposed Land Use Plan recommends mixed-use to have a density of 10 units per acre with an open space ration of 25%. He stated every residential unit must

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be within a pedestrian shed and be 1,320 feet wide from the destination point unless near a transit station then it's 2,640 feet. He stated there were 7 Transect Zones with a Regulating Plan. He stated technical modifications or adjustments to the Regulating Plan and Neighborhood Design Standards would need approval by the Director of Planning. He stated staff recommended approval.

Mrs. Carlone asked if the transportation information would be discussed with each application.

Mr. Stepowany stated yes.

Mrs. Carlone asked if the TND would be in the Urban Growth Area.

Mr. Stepowany stated the TND would be a floating zone.

Mrs. Carlone stated she was concerned about the density.

Mr. Stepowany stated the Comprehensive Plan recommends fifteen dwelling units per acre.

Mr. Pitzel asked if the TND would require a reclassification.

Mr. Stepowany stated yes.

Mrs. Kirby asked if there was a particular zone that was appropriate for a TND.

Mr. Stepowany stated areas designated Urban Residential Zoning Districts.

Mr. Di Peppe stated the TND would only be as good as the governing body and developers make it.

Mr. Cook thanked Mr. Stepowany for his hard work on the Ordinance and opened the Public Hearing.

Thomas Cropp stated he was concerned about 1,100 homes being built on the same amount of space as 400 homes. He stated the 25 % open space ratio meant the TND would have to be built up and asked if there was enough water pressure and sprinklers for Stafford County to build up. He stated, in his opinion, discussion of TND's should go slowly and carefully.

Marty McCleavey stated he was thrilled Stafford County was considering changes to the Zoning Ordinances which would promote TND's. He stated, in his opinion, Stafford County had been developed wrong and the TND needs everything checked closely and the citizens need to watch and control the TND developments. He stated the TND was a community concept.

Susan Stimpson stated she lived in a walking neighborhood and could walk to the train and schools on the trails which connect the community. She stated the Planning Commission should cautiously approve the TND. She stated the text on mixed use should be strict and, in her opinion, most people were in favor of the TND. She stated Stafford County already had a lot of growth and there have been problems. She stated she was in favor of the TND Ordinance.

William Long stated he lived in Leeland Station and he agreed with Mr. Di Peppe that the TND would only be as good as the governing body makes it. He stated he was concerned about the traffic

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congestion with so many new people moving into a TND. He stated it would be nice if a TND had enough retail to do all one's shopping but he understands the culture is a Wal-Mart and Lowes culture. He stated sports teams were located through out the County and parents had to drive to Route 3 or North Stafford for sporting events. He stated the TND would not reduce traffic flow and there would probably be an increase in traffic congestion.

Michael Farren stated he lived in Leeland Station. He stated Leeland Station was a mass transportation hub and the roads in the area would have to be re-worked regardless of the TND. He stated Base Realignment and Closures would bring about 4,200 jobs to the area. He stated Stafford County would continue to grow and the Planning Commission could choose sprawl or the preservation of green space.

Wendy Davison, Fredericksburg Regional Chamber of Commerce, distributed and read a letter to the Planning Commission written by Robert Hagan, President of the Fredericksburg Regional Chamber of Commerce.

Patricia Kurpiel stated, in her opinion, the Ordinance should be delayed. She stated there needed to be balanced and preserve open space. She stated the Smart Code says the region should keep the natural topography. She stated allowing high density in Stafford without consideration of open space was nothing but a massive up zoning of the County. She stated the Ordinance needs to come together with the Comprehensive Plan. She stated 6, 12, 24, and 96 units per acre were too much for Stafford County. She stated, in her opinion, 10 dwelling units per acre was too intense for Stafford County and the minimum 30 acre requirement needed to be stipulated only for in fill or rehabilitation of strip malls. She stated the Smart Code was not followed but picked apart for the benefit of developers. She stated the Smart Code stipulates sector scale plans where open space planning was accomplished.

Nan Rollison, Coalition for Smarter Growth, stated the Coalition supported smart growth and transit oriented development. She stated the Coalition supported the Leeland Station development. She stated the TND was broad and had high densities by-right. She stated the Comprehensive Plan was not complete and the implementation of the new ordinance should follow the Comprehensive Plan revision. She stated the public has not been fully engaged in the Comprehensive Plan process and the decision about how and where to grow. She stated the proposed TND districts could be located in Agricultural areas, which the Smart Code terms preserve and reserve areas. She stated according to the Smart Code, the TND was meant to be applied to the four Urban Sectors, but the Ordinance would allow the application through out all of the Smart Code sectors. She stated the Ordinance would make the TND by right even in the preserve and reserve sectors, outside the Urban Service Area. She stated, in her opinion, the Planning Commission should defer the Ordinance.

Rob Gollahon stated the TND would not be by-right. He stated Stafford County did not have many communities with sidewalks, stores, front porches, and civic uses. He stated the TND would create more types of housing to allow for condominiums, townhomes, single family homes, and some commercial units mixed in. He stated some people want to drive 9 miles from the Interstate 95 exit to their home and others would prefer to have a transit hub in their community.

Keith Johnson, CT Park, stated America was founded by small cities which grew over a time period.

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Dan Sloan, McGuire Woods, stated the TND was a tool to allow density and good development. He stated if the pedestrian neighborhood design was a better way to design than the conventional large lot sprawl, than the Ordinance would help level the playing field for development. He stated the TND was a better tool for good development and it should not be turned down because it was not the perfect tool box yet. He stated the density which would work in Miami, Florida might not be appropriate for the Gulf Coast of Mississippi. He stated staff has gone through the process of going through the current Comprehensive Plan and building in numbers that were lower than the maximums under the Comprehensive Plan.

Lou Ellen White Feather stated she disagreed with Mr. Gollahon. She stated people do not go out to White Oak to build homes on 3 acre lots. She stated developers put 3 houses on 3 acres of property. She stated TND had not existed in a long time. She stated as developers bring in new growth plans, the citizens who have lived in Stafford for many years watch their taxes go up and their view of a traditional neighborhood fades. She stated traditional neighborhoods could not be maintained, cultural resources could not be protected, and land cannot be placed in conservation districts. She stated neighborhoods were not given enough voice to see the County maintained in a manner they believed best. She stated many of her neighbors were in church on a Wednesday night and didn't attend meetings. She stated some of her neighbors feel there was nothing they could do to prevent growth and higher taxes.

Ray Freeland stated the Ordinance gives the local government control of the density in a TND. He stated the TND was not by right and there were tools to control the density. He stated the TND had less environmental impacts and the TND provided development opportunities.

Craig Johnson stated, in his opinion, there was a misconception of the numbers of people who want to build homes in rural areas. He stated no one wanted to live on the outskirts of the County. He stated people wanted to live near transit areas and infrastructure. He stated there were hidden costs to building homes on three acre sites including grading, drainfields, and driveways. He stated clearing 3 acre lots had more negative environmental impacts than the TND.

Kathy Beard, Stafford Council for Progress, congratulated the Planning Commission on their visionary leadership. She stated for several months the Ordinance had been subject to many reviews by the public and committees. She stated TND's were supported by the Chesapeake Bay Foundation, the American Institute of Architects, and the General Assembly of Virginia. She stated the Comprehensive Plan should incorporate pedestrian friendly road design, interconnection of new local streets with existing local streets and roads, preservation of natural areas, requirements for storm water management, and mixed use development. She stated the TND would put development back into the growth area, where it belongs. She stated, in her opinion the TND would provide environmental improvements. She stated she would like to commend all the hard work on the Ordinance.

Cecelia Kirkman stated she would encourage the Planning Commission to ask staff who they have been meeting with in advance and in private. She stated it would be premature to amend the Comprehensive Plan for the TND Ordinance since the revised Comprehensive Plan has not been finalized. She stated if you give the developers the right to build up than you need to limit their ability to build out. She stated if the Ordinance was passed as presented, there would be more growth inside and outside the Urban Service Area which would not lead to smart growth, just more growth. She stated the Ordinance did not address the areas currently zoned PD-1 and PD-2 which

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was about 500 acres in the County. She stated the overall density needed to be calculated based on the net buildable area, not the gross acreage. She stated a minimum of 30 acres was not sufficient for a TND. She stated schools were large facilities and should not be allowed within the T-2 Rural Transect Zone and golf courses and pavement were not open spaces. She stated the definitions of square and green need to specify areas made of pervious surfaces not more concrete. She stated there were many other issues.

Harvey Gold, Fredericksburg Area Builders Association, stated, in his opinion, the TND did not lead to uncontrollable growth because the County would still have input with each TND application. He stated it was a tool to allow smart growth to occur. He stated for many years there was only one way to build, so to have another tool was an advantage to the County. He stated the County would have the final decision on all TND application.

With no one further coming forward, the Public Hearing was closed.

Mr. Stepowany stated the TND would only be considered in the Urban Service Area and there would be rigid standards for the TND in the Zoning Ordinance.

Mr. Rhodes asked if there could be a by-right TND.

Mr. Stepowany stated no.

Mrs. Kirby there would always be a bright new development.

Mr. Cook stated he disagreed with Mrs. Kirby.

Mr. Di Peppe stated he was in favor of the TND. He stated a TND would not be by right and would be held to design standards. He made a motion for approval of the Amendment to the Comprehensive Plan.

Mr. Mitchell seconded. The motion passed 5-2 (Mrs. Kirby and Mrs. Carlone were opposed).

Mrs. Carlone stated she was in favor of neighborhoods but was concerned about traffic and schools.

Mr. Pitzel stated he once lived in a high density development and enjoyed it.

Mr. Di Peppe made a motion for approval of the Amendment to the Zoning Ordinance. Mr. Mitchell seconded. The motion passed 5-2 (Mrs. Kirby and Mrs. Carlone were opposed).

4. Amendment to Subdivision Ordinance - Amendment to Section 22-87, Contents, of the Subdivision Ordinance, pursuant to O07-34. The amendment requires a note to be added to a final plat and deed of dedication in the event additional dedication to a primary highway, as defined by Virginia Department of Transportation (VDOT), is required, and that such dedication is to be made to the Commissioner of the Department of Transportation.

Mr. Stepowany presented the staff report. He stated the proposed amendment would revise Section 22-87 to clarify the statements required on final subdivision plats and deed of dedications involving the dedication of right-of-way. He stated instead of stating that a secondary road shall be dedicated

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to public use, the statement would be revised to state that “the roads are hereby dedicated to public street purpose and conveyed in fee simple to the County.” He stated when the final subdivision plat requires dedication of right-of-way along a primary road; a new statement shall be added to the plat and deed of dedication. He stated the statement would state that “the right of way is dedicated to public street purposes and conveyed in fee simple to the Commissioner of the Commonwealth of Virginia Department of Transportation.”

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

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

5. Amendment to Subdivision Ordinance - Amendment to Section 22-6, Vesting of rights, of the Subdivision Ordinance, pursuant to O07-35. The amendment requires construction plans to be submitted prior to or in conjunction with the submittal of an application for final subdivision plat. The amendment also establishes the minimum number of lots to be shown on a final plat based on the total number of lots approved for the preliminary subdivision plan. If the preliminary subdivision plan was approved for less than 100 lots, the plat is required to show a minimum of 10 lots. If the preliminary subdivision plan was approved for more than 100 lots, the plat is required to show a minimum of 10 percent or 25 lots, whichever is less.

Mr. Stepowany presented the staff report. He stated the proposed amendment would revise Section 22-6 of the Subdivision Ordinance requiring the construction plan to be submitted prior to or in conjunction with the submission of the final subdivision plat application. He stated this amendment establishes a table to mandate the minimum number of lots required to be shown on the final subdivision plat. He stated staff believes this amendment was necessary to ensure that an approved subdivision was diligently pursued by the developer. He stated the development projects that are not diligently pursued may lose vesting and become subject to new future regulations.

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

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

6. Amendment to Subdivision Ordinance - Amendment to Section 22-4, Definition; and, Section 22-5, Family and minor subdivision, of the Subdivision Ordinance, pursuant to O07-36. The amendment revises the definition of immediate family to include sibling, grandchild and grandparent. The amendment requires the owner of a property to have owned the property for at least fifteen (15) years prior to subdividing and conveying a portion of the property to an immediate member of the family, and the immediate member of the family shall retain ownership of the property for at least fifteen (15) years prior to transferring the property to any non-immediate member of the family.

Mr. Stepowany presented the staff report. He stated the proposed amendment would amend the definition of immediate family to include sibling, grandchild and grandparent. He stated the amendment also changes the number of years the grantee of a family subdivision can transfer or sell the property to a non-immediate family member from (5) years to fifteen (15) years with the provision that the property has been owned for at least fifteen (15) consecutive years by the current owner or member of the immediate family prior to the transfer. He stated the amendment would

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bring the Subdivision Ordinance in compliance with the State Code. He stated staff notes that if the new time limit requirements were to be approved, any applicant for a family subdivision would be required to provide proof that they had owned the land for the previous fifteen (15) years. He stated State Code does not have any provisions for relief from the fifteen (15) year requirement for recipients of the property. He stated the option to sell the property would be limited to that of another qualifying family member.

Mr. Pitzel stated this amendment was for the County to be in compliance with State Code.

Mr. Judy stated they were adding in siblings to the definition of immediate family. He stated the 15 years portion was optional by State Code. He stated if one's mother owned the property for 14 years and you owned it for a year, which would be the 15 year period at which the property could be conveyed.

Mr. Cook asked if this only applied if the property was being subdivided.

Mr. Judy stated yes.

Mr. Cook opened the Public Hearing.

Thomas Cropp stated he supported the revised definition of family but he questioned the 15 year requirement. He stated he had not read the State Code but suggested the Planning Commission should verify that 15 years was the required provision. He stated once the property was passed on, the recipient would have to own the property for 15 years which could be a burden to a family. He stated he was opposed to the amendment.

Kathy Beard, Stafford Council for Progress, stated she was concerned about property rights. She stated there were instances when citizens have financial problems and need to be able to borrow against their problem. She stated the Ordinance would limit the availability of using one's land as an asset. She stated she was concerned that the core element in Stafford was people in rural areas and this may adversely affect them. She stated, in her opinion, there be time to make sure there were no other issues with the Ordinance.

Henry Cropp stated he was against the 15 year requirement. He stated it would be hard for a person to sell their property if they had a financial problem.

Jim Wilkerson stated he was told he could give 1 acre of property to his son but then he law changed by the time he wanted to do so.

With no one further coming forward the Public Hearing was closed.

Mrs. Kirby made a motion to put Item 6 in committee. Mr. Mitchell seconded. The motion passed 7-0.

Mr. Cook stated Item 6 would be discussed at a work session yet to be determined.

Mr. Di Peppe stated he thought the amendment was to conform to State Code.

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Mr. Judy stated the amendment would help prevent unauthorized use of the family subdivision.

7. Amendment to Subdivision Ordinance - Amendment to Section 22-86, Filing, of the Subdivision Ordinance, pursuant to O07-37. The amendment deletes the provision that the application for final subdivision plat shall be accompanied by one reproducible copy plus eight (8) prints and revise to require the application be submitted on standard forms provided by the Planning Department with the applicable fee.

Mr. Stepowany presented the staff report. He stated the proposed amendment would revise Section 22-86 to eliminate the requirement of the reproducible copy (mylar) for final plat approval and eliminate reference to the number of plans required for submission. He stated this requirement would be listed on standard forms provided by the Planning Department.

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

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

8. Amendment to Subdivision Ordinance - Amendment to Section 22-270, Provisions for pipe stem lots, of the Subdivision Ordinance, pursuant to O07-38. The amendment establishes the minimum width for the pipe stem portion of a pipe stem lot which does not adjoin another pipe stem lot to be eighteen (18) feet.

Mr. Stepowany presented the staff report. He stated the proposed amendment would revise Section 22-270 to require the minimum width of eighteen (18) feet for the pipe stem portion of a single pipe stem lot which does not abut another pipe stem lot.

Mr. Mitchell stated every other lot could be a pipe stem.

Mr. Stepowany stated driveways would have to be at least 200 feet apart on pipe-stem lots.

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

Mrs. Kirby made a motion for approval. Mr. Di Peppe seconded. The motion passed 6-1 (Mr. Mitchell was opposed).

Mr. Mitchell stated, in his opinion, pipe stems were worthless, ugly and messy.

UNFINISHED BUSINESS:

9. RC2600453; Reclassification – Stafford Business Park – A proposed reclassification from A-1, Agricultural to B-2, Urban Commercial Zoning District to allow commercial development of Assessor's Parcel 44-61 consisting of 3.0 acres, located on the north side of Warrenton Road across from Village Parkway within the Hartwood Election District. The Comprehensive Plan recommends the property for Light Industrial and Urban Commercial uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. The Urban Commercial designation would allow development of commercial, retail and office uses. See Section 28-35 of the Zoning Ordinance for a full listing of

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permitted uses in the B-2 Zoning District. **(Time Limit: June 19, 2007)(Deferred to the April 18, 2007 Work Session)**

Mr. Mitchell made a motion for approval. Mr. Rhodes seconded. The motion passed 4-3 (Mr. Di Peppe, Mrs. Carlone, and Mrs., Kirby were opposed).

10. SUB2501278; Kings Crossing, Preliminary Subdivision Plan – A preliminary subdivision plan for 15 single family residential lots, zoned A-1, Agricultural consisting of 66.21 acres, located on the southwestern corner of Shelton Shop Road and Courthouse Road on Assessor's Parcel 28-2B, within the Rock Hill Election District. **(Time Limit: May 2, 2007)(Deferred to the April 18, 2007 Work Session)**

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

NEW BUSINESS:

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

Mr. Cook stated Item 11 was deferred to the May 2, 2007 Planning Commission meeting.

MINUTES

March 21, 2007 Work Session

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

March 21, 2007 Regular Meeting

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

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated on May 2, 2007, one hour would be set aside at the work session to discuss the Zoning Ordinance Strengths, Weaknesses, and Threats.

COUNTY ATTORNEY'S REPORT

Mr. Judy stated Stafford Lakes LLC served the County with a petition attacking the drainfield ordinance. He stated the Legal Food Frenzy raised \$1,110 and 2,700 pounds of food.

Mr. Di Peppe asked if an attorney would continue serving at the Comprehensive Plan Steering Committee Meetings.

Mr. Judy stated yes.

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Mrs. Carlone stated she was disgusted by the actions of one particular developer at the Steering Committee meetings.

SECRETARY/TREASURER REPORT

No report

STANDING COMMITTEE REPORTS

Mr. Pitzel stated the Steering Committee had settled on a map and build out analysis. He stated the next meeting would be on April 30, 2007.

Mr. Di Peppe stated the Electronic Sign Ordinance needed to be scheduled for Public Hearing.

Mrs. Kirby made a motion to set the Electronic Sign Ordinance for Public Hearing. Mr. Rhodes seconded. The motion passed 7-0.

Mr. Cook asked Mr. Harvey to schedule the Public Hearing for May 16, 007.

CONSENT AGENDA

None

SPECIAL COMMITTEE REPORTS

No report

CHAIRMAN'S REPORT

Mr. Cook stated the May 16, 2007 Regular Meeting agenda would be amended to allow for the presentation of the Comprehensive Plan after Public Presentations and before Public Hearings.

ADJOURNMENT

Mr. Mitchell made a motion for adjournment. Mr. Pitzel seconded.

The meeting was adjourned at 10:41 p.m.

William Cook, Chairman