

**STAFFORD COUNTY PLANNING COMMISSION**  
**WORK SESSION MINUTES**  
**June 6, 2007**

The work session of the Stafford County Planning Commission of Wednesday, June 6, 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, and Di Peppe

Members Absent: Rhodes

Staff Present: Harvey, Judy, Stepowany, Schulte, Schultis, Ennis, Zuraf, Hornung, and Gregori

Declarations of Disqualification

None

UNFINISHED BUSINESS:

Mr. Cook stated Mr. Rhodes was excused from the meeting. He stated the Board of Supervisors sent the Traditional Neighborhood Development (TND) Ordinance to the Planning Commission and asked that the Commission hold a Public Hearing on June 20, 2007 and the Board would like the TND Ordinance sent back to them no later than July 17, 2007.

Mrs. Kirby stated she was concerned about the lack of time available to address any questions from the citizens at the Public Hearing.

Mr. Harvey stated the time limit does not allow the Planning Commission to defer the Ordinance after the Public Hearing.

Mrs. Carlone asked about the sixty days policy.

Mr. Judy stated the Planning Commission did not have any enforcement capabilities. He stated the Board can set a specific time and the TND Ordinance has already been presented to the Planning Commission at a Public Hearing. He stated the Board referred the Ordinance back to the Commission because of a procedural issue. He stated the Commonwealth of Virginia requires certain language be included in the motion to initiate a Zoning Amendment.

Mr. Di Peppe stated there was a tremendous amount of discussion about the TND Ordinance. He stated, in his opinion, the current way it was written would be hard to get it passed. He stated to have an opportunity to make a technical change in the text would be better than having the Ordinance denied by the Board. He stated this would provide an opportunity to sit down with both sides.

Mr. Judy stated the Planning Commission could authorize a special meeting if they felt they needed more discussion time.

Mr. Cook stated a sub-committee meeting could be held with Mr. Di Peppe selecting the participants. He stated there could be a special meeting for a Public Hearing on June 27, 2007 at 7:00 p.m.

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Mr. Harvey stated his concern would be meeting the advertising dates for the Board of Supervisors.

Mr. Pitzel stated the June 27, 2007 Public Hearing would be prior to the first run of the Board of Supervisors ad on July 3, 2007.

Mr. Di Peppe made a motion to hold a Public Hearing on June 27, 2007. Mr. Pitzel seconded. The motion passed 6-0 (Mr. Rhodes was absent).

Mr. Di Peppe asked if each side of the TND Ordinance could appoint a representative. He asked when the advertisement for the sub-committee needed to be sent.

Mr. Judy stated the sub-committee would not require an advertisement in the newspaper because it was not a Public Hearing.

Mr. Cook stated he would continue with the Work Session Agenda as presented. He stated Living Hope Lutheran Church would have 10 minutes for a presentation and 10 minutes for discussion. He stated he would allow 10 minutes for each ordinance to be discussed.

1. Comprehensive Plan Compliance Review – Living Hope Lutheran Church - 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 28-117 within the Rock Hill Election District. **(Time Limit: August 7, 2007)(Deferred to June 6, 2007 Work Session)**

Steve Grimes, Building Committee for Living Hope Lutheran Church, stated an architect firm was under contract to create the schematic drawings for the church and Welford Engineering was designing the site. He stated the construction loan was approved based on the Open Arms Child Development Center which was part of Living Hope Lutheran Church. He stated a survey was conducted of the citizens in Stafford County and the results affirmed the need for developmental child care center.

Pastor Gary Reeder presented background information about Living Hope Lutheran Church.

Mr. Grimes stated the loan was tied to the completed developmental child care center. He stated the site was located in a blanket of the Urban Service Area. He stated they were not asking for the boundary to be moved, but simply to fill in a hole in the Urban Service Area where the site was located. He stated each version of the Comprehensive Plan Revision incorporates the site into the Urban Service Area. He stated they were not sure when the Comprehensive Plan would be approved and that would affect the financing. He stated the need for childcare had been articulated, and the church requests the sewer extension be approved.

Mrs. Kirby stated the Planning Commission had not voted on the Comprehensive Plan Revision.

Mr. Grimes stated the site was surrounded by public sewer.

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Mrs. Carlone stated the Planning Commission denied a request for extension of the Urban Service Area at the May 16, 2007 meeting. She stated, in her opinion, if the Commission approved this request it would make them look arbitrary.

Pastor Reeder stated, in his opinion, the Planning Commission considered the cases which came before them, so there was always a selection involved on the merits of each case. He stated the loan package could not be put together without the financing involved with the child care center.

Mrs. Carlone asked if employees would be from the community or from within the church.

Pastor Reeder stated the child development center would be staffed by citizens from outside the church as well as congregation members.

Mr. Pitzel asked if the applicant knew the property was outside the Urban Service Area when it was purchased.

Mr. Grimes stated the Lutheran Church had owned the property since 1991. He stated the benefits of public sewer outweighed a septic system.

Mrs. Kirby stated this was a very hard decision to make. She stated there were some cases where they go outside of the Urban Service Area, for example failing drainfields or threatening the water supply. She stated if the Commission starts going out of the Urban Service Area, than the next person wants the line extended. She stated if the Commission approved an extension of Urban Service Area to one person but not another, than they open themselves up to lawsuits.

Pastor Reeder stated he understands the Planning Commission reason's, but Rodney Thompson Middle School and Winding Creek Elementary School were outside of the Urban Service Area and public sewer was extended to those sites. He asked the Commission how those school sites were different from the Living Hop Lutheran Church educational institution.

Mr. Grimes stated he understands the position of the Planning Commission. He stated the Urban Service Area was completely surrounding the site.

Mr. Di Peppe made a motion to retain Item 1 in committee. Mrs. Carlone seconded. The motion passed 6-0 (Mr. Rhodes was absent).

ORDINANCE COMMITTEE

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

Members Absent: Rhodes

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UNFINISHED BUSINESS:

Mrs. Kirby asked if Rachel Hudson was present.

Mr. Stepowany stated no. He stated Ms. Hudson was not a member of the Ordinance Committee but it was nice to have her available. He stated Mr. Ingalls was present.

Mr. Cook stated it would make sense to have the Acting Zoning Administrator present.

Mr. Harvey stated he would advise Ms. Hudson the Planning Commission would appreciate her attendance.

Mr. Stepowany stated Ms. Hudson was included in the Planning Commission mail out and was informed when there was an Ordinance Committee.

1. 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. **(Deferred until further notice)**

Mr. Stepowany stated the Ordinance was amending Sections 22-4 and Section 22-5 of the Family Subdivision Ordinance revising the definition of immediate family to include sibling, grandchild and grandparent. He stated the amendment required the owner to have retained the property for 15 years before subdividing and conveying the portion of the property to an immediate member of the family. He stated the immediate member of the family must hold the property for 15 years before transferring the property to any non-immediate family member.

Mrs. Kirby asked how the Planning Department would know if the property was sold outside the immediate family.

Mr. Stepowany stated the Code of Virginia required a restriction on the deed and the plat, which was in the current Subdivision Ordinance.

Mr. Judy stated there was a provision put into the Code Section that would allow under certain hardship status for the person to be released from the restrictive covenant in the deed.

Mrs. Carlone asked if that needed to be put in the Ordinance.

Mrs. Kirby stated she was concerned there was no way to enforce the Ordinance.

Mr. Judy stated there was a deed restriction and a covenant which would run with the land so any time the deed was transferred the language would have to be transferred. He stated if the land was illegally transferred and a building permit was applied for, construction on the property could be prohibited.

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Mr. Cook stated a title company would find the deed restriction.

Mr. Di Peppe stated the language was to conform to the State Code of Virginia.

Mr. Judy stated the only thing Stafford County has to do to conform to State Code was add siblings to the definition of immediate family. He stated the 15 years was optional.

Mr. Di Peppe asked if the State Code specified how many years the property must be held.

Mr. Judy stated State Code specifies 15 years but it was an optional provision.

Mr. Stepowany stated paragraph 13 could state 5 year.

Mr. Judy stated tentatively yes.

Mr. Cook stated hypothetically if he purchased 20 acres, he could subdivide the property into five, 3 acre lots for his children, but each child would have to hold the property for 15 years before selling it.

Mr. Judy stated Mr. Cook would have to hold the property for 15 years before he could subdivide and convey the property to his children.

Mr. Cook stated he disagreed with that.

Mr. Di Peppe stated the new language was trying to prevent abuse of the Family Subdivision.

Mr. Judy stated, in his opinion, if someone challenged the Ordinance that had any other time limit besides the 15 years provision, and then the Commission may find the County has no authority to choose any other time period.

Mrs. Carlone asked if it would be possible to change the time limit to 10 years.

Mr. Judy stated the worst case scenario if the Planning Commission did anything other than the 15 year provision, since there was no enabling statute that provides for any other time limit, and under common law and restriction on the right of someone to alienate their property as in the statutory provision would be suspect in a court of law.

Mr. Pitzel asked what extra benefits there were by creating a Family Subdivision instead of a Minor Subdivision.

Mr. Stepowany stated the current requirements would allow a Private Access Easement (PAE) to serve only two lots and if there was more than that then it would be a Major Subdivision and the access would have to be a public road.

Mr. Pitzel asked if there could be an option for the property owners to upgrade the access and the benefits they received by creating a Family Subdivision and then apply for a Minor Subdivision.

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Mr. Judy stated they could vacate the plat and re-plat under the Subdivision Ordinance. He stated that was one of the penalties for circumventing the Subdivision Ordinance.

Mr. Pitzel stated there was a way out of the Family Subdivision Ordinance.

Mr. Ingalls stated subdivisions cost a lot of money. He stated building a public road was expensive.

Mr. Judy stated that was the problem. He stated people know if they go through the Minor Subdivision process it will cost a lot of money and the way to save money was to circumvent the Family Subdivision Ordinance.

Mr. Ingalls stated Family Subdivision provides more flexibility. He stated lots could be set back off the road.

Mr. Stepowany stated the Planning Department had discussions with Code Administration about drainage and roads because it was a concern that the access easements were not reviewed for adequacy in drainage and other issues.

Mr. Ingalls stated most people do not even live in a house for 15 years before they move.

Mr. Di Peppe stated, in his opinion, this was a good Ordinance.

Mr. Cook made a motion to retain Item 1 in committee. Mr. Mitchell seconded. The motion failed 3-4 (Mr. Di Peppe, Mrs., Kirby, Mr. Pitzel, and Mrs. Carlone were opposed) (Mr. Rhodes was absent).

Mrs. Kirby stated, in her opinion, the Commission needed to vote on the Ordinance. She stated she would like to make a substitute motion for approval of the Ordinance. Mrs. Carlone seconded.

Mr. Stepowany stated he would like to amend paragraph 13 to state 15 years so it would be consistent.

Mrs. Kirby stated she would amend her motion to include the amendment to paragraph 13.

Mr. Ingalls asked which 15 years could be waived.

Mr. Judy stated as far as he knew there could be a provision dealing with hardship.

Mr. Di Peppe stated a hardship was a hardship.

Mr. Judy stated his initial thought would be the second 15 years on which the deed restriction was placed.

Mr. Pitzel stated, in his opinion, the Planning Commission should vote on the Ordinance as is.

Mr. Mitchell asked if the change in the Ordinance was a substantial change.

Mr. Judy stated there was not a substantial change.

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The motion passed for approval passed 4-3 (Mr. Cook, Mr. Mitchell, and Mr. Ingalls were opposed) (Mr. Rhodes was absent).

2. Amendment to Zoning Ordinance – Amendment to Section 28-25, Definitions of Specific Terms; and, Section 28-122, Certain Types Prohibited in all Districts, of the Zoning Ordinance, pursuant to O07-46. The amendment clarifies that only signs visible from a public right-of-way are subject to Section 28-122. The amendment excludes signs erected and owned by the county, state or Federal Highway Administration from Section 28-122. The amendment prohibits signs in all zoning districts which present multiple views and objects that have realistic motion, high-resolution color images, complex visual arrangements, rich variation in color, and a vast amount of images similar to a television screen or computer monitor where the image can be changed periodically by electronic signal. The amendment prohibits signs in all zoning districts with multisided-vision signs; displaying device capable of presenting images sequentially by rotating multisided cylinders. **(Deferred to June 6, 2007 Work Session)**

Mr. Stepowany stated there were revised changes to the Ordinance which would require a new Public Hearing. He asked if the Ordinance could be discussed as unfinished business at the regular meeting.

Mr. Cook stated that would be okay.

Mr. Stepowany stated any amendment to an ordinance that was not brought to the Planning Commission by resolution, would now have a scripted text the Chairman of the Ordinance Committee would read to approve or deny an ordinance for a Public Hearing.

Mr. Di Peppe announced the end of Ordinance Committee.

Mr. Cook stated he would give Deputy Chief Andrew Milliken, Fire and Rescue and Mr. Chuck Thompson, Fire and Rescue, 10 minutes to address the Commission. He asked Mr. Di Peppe to include Mr. Thompson and Mr. Milliken in the Traditional Neighborhood Development (TND) sub-committee.

Chuck Thompson, Fire and Rescue, stated he was not opposed to the TND. He stated years ago main street burned down on a regular basis because everything was clustered and they would not recommend the TND unless it proffers sprinklers in the Ordinance. He stated a benefit of clustering would make it easier for the Fire Department to get equipment to the site.

Andrew Milliken, Fire and Rescue, stated the clustering created by the TND creates a need for fire protection through sprinkler systems. He stated they would like the Planning Commission to consider an amendment to the Ordinance as it stands to provide sprinklers in both residential and commercial structures.

Mr. Judy stated Zoning Ordinances were developed within the use of the property, not necessarily the construction standards. He stated he respectfully disagreed with Mr. Milliken that the building height was a construction issue, it is a use issue. He stated the County had no authority to alter the State Building and Fire Code. He stated he would check to see if the County had the ability to have rules that were stricter than the Building Code suggest. He stated as of right now, he was not sure if this could be a requirement under the Zoning Ordinance.

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Mr. Di Peppe asked if sprinklers could be added to the Design Manual.

Mr. Judy stated that was possible.

Mr. Thompson stated in the Celebrate Virginia development any residential property has to have sprinklers. He stated the Building Code does allow the Commission to request sprinklers to be proffered under a reclassification application.

Mrs. Kirby asked if more hydrants would be required in the clustered areas.

Mr. Thompson stated they would require fewer hydrants because the sprinklers would be in place. He stated the developer would prefer hydrants because they are only about \$2500 and sprinklers were \$1 per square foot.

Mr. Di Peppe asked Mr. Milliken and Mr. Thompson to designate someone to be part of the TND sub-committee. He stated he believed in safety first.

Mrs. Kirby asked if the Fire and Rescue Department was notified of the TND Ordinance earlier.

Mr. Thompson stated he had a family emergency and Mr. Milliken was in training.

Mr. Mitchell asked if sprinkling houses would raise the costs of homes. He stated, to his knowledge, none of the homes in his subdivision had sprinklers. He stated the sprinkling of houses would run the costs up and the developer could pass the costs on, but it may raise the costs of each unit.

Mr. Thompson stated 3,000 people die annually from house fires in the United States. He stated the costs for residential sprinklers were not recognized immediately, but would be recognized in the fire station that does not have to be staffed or the fire station that the County does not have to build.

Mr. Mitchell stated in Washington, D.C. they lost a major museum because the hydrants were not working. He stated if one hydrant in Stafford County was not working, then the fire system would have been to no avail.

Mr. Thompson stated hydrants and the main feeding the system were not always one in the same. He stated of the 700 units in Dell Webb about 350 have residential sprinklers, which were proffered.

ADJOURNMENT

With no further business to discuss the meeting was adjourned at 6:55 p.m.

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William Cook, Chairman

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
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The regular meeting of the Stafford County Planning Commission of Wednesday, June 6, 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, and Di Peppe

MEMBERS ABSENT: Rhodes

STAFF PRESENT: Harvey, Judy, Woolfenden, Gregori, Schulte, Schultis, Hornung, and Stepowany

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

Bruce Hendrick, Vice President of Smith Packet Long Term Care Development, stated the company has built 125 life-care facilities. He stated his company was able to secure a Certificate of Public Need for Brooke Nursing Home and enacted emergency legislation that added some additional beds to create a total of 90 nursing home beds available to Stafford County. He stated the last nursing home to be built in Stafford County was in 1977 and there currently was only one nursing home serving Stafford County residence. He stated a new Zoning Ordinance would allow the mothers, fathers, and grandparents of Stafford County stay in the area and have continuum care on one campus. He stated life-care allows for an individual to progress on one campus as their needs change. He stated this would be a benefit for spouses and families. He stated his company had provided a basis for discussion to the Planning staff and the language before the Planning Commission had been lifted from an Ordinance in Henrico, Virginia where Smith Packet was currently developing a life-care campus. He stated the Ordinance was age restricted, provided for the complete continuum of care, and the density was 17 acres per unit. He stated life-care campuses do not impact the schools, traffic, or other government services as much as other developments. He stated hopefully the Planning Commission would view this as another option for a level of care and complete services available on a pedestrian friendly campus.

Mrs. Carlone stated she had a few concerns about townhouses and single family.

Mr. Hendrick stated they would be cottages, duplexes, or triplexes.

Mr. Pitzel asked what size a lot would be.

Mr. Hendrick stated 10 acres to 45 acres.

Mr. Pitzel asked if a Conditional Use Permit (CUP) would be required.

Mr. Harvey stated he was not sure if density could be increased through a CUP. He stated in Stafford County the most intense Zoning District only allows for 7 dwelling units per acre for multi-family.

Mr. Pitzel stated a Zoning District like this would need to be inside the Urban Service Area.

Mr. Harvey stated staff would recommend a Comprehensive Plan change along with a new Zoning District. He stated the density of the project would require public water and sewer.

Mrs. Kirby asked what weak-link townhouses were.

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Mr. Harvey stated weak-link town home units were connected by a garage or a family room, not by a common wall which goes up two stories.

Mrs. Kirby asked if there would be a golf course.

Mr. Hendrick stated sometimes life-care campuses have golf courses.

Mrs. Kirby asked if golf courses could be proffered out.

Mr. Hendrick stated yes.

Mr. Harvey stated Mr. Hendrick spoke with staff and it was recommended he provide a draft ordinance that could be used County wide.

Mrs. Kirby asked which part of the ordinance would require life-care zoning.

Mr. Harvey stated a nursing home was allowed in Residential and Agricultural Zoning Districts but stated residential zoning districts require a CUP. He stated for a typical adult assisted living facility there was not the density in the County to support that sort of activity. He stated as part of the graduated care program, Mr. Hendrick was looking at condominiums and other types of dwelling units that would be at a higher density than currently allowed in the Zoning Ordinance.

Mr. Di Peppe stated the area was under served right now and he was very interested in the concept if it could be crafted in a way which would satisfy the citizens of Stafford County.

Mr. Hendrick thanked the Planning Commission for their time.

PUBLIC HEARINGS:

1. RC2600938; Reclassification - Fraternal Order of Eagles - A proposed reclassification from B-1, Convenience Commercial and M-1, Light Industrial Zoning Districts to B-2, Urban Commercial Zoning District for expansion of existing lodge facilities on Assessor's Parcels 54E-2-1, 54E-2-6A, 54E-2-6C and 54E-2-8 consisting of 1.13 acres, located on the east side of Cool Spring Road at the intersection with DeBruen Lane within the George Washington Election District. The Comprehensive Plan recommends the property for Urban Commercial 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: September 4, 2007)**

Ms. Woolfenden presented the staff report. She stated the Generalized Development Plan (GDP) shows development for a tot lot, picnic, and horseshoe area. She stated Assessor's Parcel 54E-2-6 was the site of the lodge and most of the parking for the Fraternal Order of Eagles (FOE). She stated the rezoning would make the zoning designation consistent with the current use. She stated the applicant was proffering the use of the property shall be limited to the activities of club, lodge, or fraternal organization, new lighting within the parking area would be "cut off" lighting directed away from adjacent uses and roads. She stated the applicant agreed to consolidate the property, and would be limited to the existing entrances. She stated any new free-standing sign would be a monument style business sign, constructed of brick, architecturally textured masonry, wood, or similar materials, the horseshoe pits and barbeque area shown on the GDP would be screened from Cool Spring Road by a mix of plantings to include evergreens. She stated the applicant would

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construct all new sidewalk improvements at a minimum width of 5 feet and fencing would be constructed around the proposed development of the horseshoe pits, tot lots and pavilion. She stated staff recommends approval of the application.

Mrs. Carlone asked what the hours of operation would be.

Ms. Woolfenden stated the abutting properties were auto salvage, a towing facility, and a dog groomer.

Mrs. Carlone stated she was concerned if there were hours of operation for the outdoor facilities.

Mr. Di Peppe asked if the property was rezoned could another structure be built in 10 years.

Ms. Woolfenden stated they would be limited by the Floor Area Ratio (FAR) and the use was limited.

Mr. Di Peppe asked if there was an architectural rendering.

Ms. Woolfenden stated no.

Larry Ingalls, Sullivan Donahoe, and Ingalls, stated the FOE acquired the land over time and the parcels were small, the largest being just over 1/3 of an acre. He stated the applicant proffered the use of the property to be a club or a fraternal organization. He stated the applicant proffered to use the existing entrances and consolidate the parcels into one. He stated the hours of operation for the outdoor facility in an industrial area and would not be disturbing other people.

Mrs. Carlone stated she was not aware of the hours of operation for the bar. She stated even though it was an industrial area, she would like it to be proffered.

Mr. Di Peppe asked how large the pavilion and restroom facilities were.

Jerry Sullivan, Charter Member of FOE, stated the facility would be about 40 feet by 90 feet. He stated the FOE would like to put in a pavilion and tot lot for the families. He stated the facility would be used in the daytime. He stated the Eagles hold themselves to very high standards.

Mrs. Carlone asked if they would proffer the hours of operation.

Mr. Sullivan asked that the Planning Commission trust the Eagles.

Mr. Di Peppe stated the Commission usually does ask for the hours of operation to be proffered in residential areas.

Mr. Cook opened the Public Hearing.

Ernest Helk stated he was in favor of the reclassification. He stated he was a member of the FOA for 11 years. He stated they needed something for the members to do outside of the building. He stated the Eagles were very family oriented and children usually come to the lodge as guests, with

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the outside activity the older children may want to spend more time with their families at the lodge. He stated this would be good for the community.

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

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

2. Comprehensive Plan Amendment - Stafford Town Station – A proposed amendment to the Land Use Plan map component of the Comprehensive Plan. The proposed amendment would redesignate Assessor's Parcel's 38-29, 38-29A, 38-111, 38-121, 38-122, 38-123, 38-124 and 38-124 from Light Industrial, Rural Residential, and Rural Residential to Single-Family Residential and Urban Residential Land Use and extending the Urban Service Area to include all of the above referenced parcels. The proposed amendment would be for the purpose of developing a P-TND, Planned Traditional Neighborhood Development. **(Time Limit: September 18, 2007)**

Mr. Cook stated Item 2 was postponed.

3. RC2700296; Reclassification - Stafford Town Station - A proposed reclassification from A-1, Agricultural Zoning District and B-1, Convenience Commercial Zoning District to TND, Planned Traditional Neighborhood Development Zoning District. Assessor's Parcels 38-29, 38-29A, 38-111, 38-121, 38-122, 38-123, and 38-124 are currently zoned A-1 and B-1. The property is located on the east side of Jefferson Davis Highway approximately 500 feet south of Aquia Road and along Esquia Hill Road within the Aquia Election District. The Comprehensive Plan recommends the property for Light Industrial use which would allow a variety of industrial manufacturing and office uses and the Rural Residential Use which would allow development of three (3) acre lots for single family residential use. The Resource Protection designation would require stream protection buffers along all streams that exhibit perennial flow characteristics. **(Time Limit: September 18, 2007)**

Mr. Cook stated Item 3 was postponed.

UNFINISHED BUSINESS:

4. Comprehensive Plan Compliance Review – Living Hope Lutheran Church - 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 28-117 within the Hartwood Election District. **(Time Limit: August 7, 2007)(Deferred to June 6, 2007 Work Session)**

Mr. Cook stated Item 4 was discussed at Work Session and deferred to committee.

5. Amendment to Zoning Ordinance – Amendment to Section 28-25, Definitions of Specific Terms; and, Section 28-122, Certain Types Prohibited in all Districts, of the Zoning Ordinance, pursuant to O07-46. The amendment clarifies that only signs visible from a

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public right-of-way are subject to Section 28-122. The amendment excludes signs erected and owned by the county, state or Federal Highway Administration from Section 28-122. The amendment prohibits, signs in all zoning districts which present multiple views and objects that have realistic motion, high-resolution color images, complex visual arrangements, rich variation in color, and a vast amount of images similar to a television screen or computer monitor where the image can be changed periodically by electronic signal. The amendment prohibits signs in all zoning districts with multisided-vision signs; displaying device capable of presenting images sequentially by rotating multisided cylinders. **(Deferred to June 6, 2007 Work Session)**

Mr. Stepowany stated he would like to explain the sections of the Ordinance which would be amended. He stated Section 28-121 added in the word "intent" to the purposes and intent section. He stated the language "secondary affect that can accompany the unregulated display of signs to preserve the residential character of the neighborhood, avoid the appearance of clutter, protect property value, reduce traffic hazard caused by distraction and impairment of motorists, and to ensure the County remains an attractive place to live and work, and reduce administrative burden" would require an amendment to Section 28-121. He stated Section 28-122 was amended to read any sign displaying time and temperature or a public service message board could only alternate on intervals no less than 5 seconds when the location and operation for such sign does not constitute a public safety hazard. He stated there was a request which needed to be discussed for Item 8, signs which present multiple physical views and objects that have digitally or electronically produced high resolution color images similar to television or computer monitor where the image was capable to being but not necessarily set in realistic motion or simulated motion, or where the add copy can be change periodically by digital or electronic signals or otherwise, and where such sign exceeds 6 square feet in area exclusive of the sign frame. He stated Section 28-123 amendment read No portion of a freestanding sign shall be greater than twenty (20) feet as measured perpendicularly from the edge of pavement of the nearest surface to the topmost extent of the sign structure in A-1 districts. He stated Section 28-135 was amended to read any sign and its supporting structure displayed within the County shall be maintained in good working order and repair, and shall be properly anchored so as to keep the sign in sound condition and all exposed surfaces shall be protected against deterioration by proper and periodic application of weather coating materials such as paint or other similar surface treatment, Reflective or fluorescent surface coating that create a highly reflective surface shall not be used. He stated Section 28-136 Severability Clause reads if any part, section or subsection, paragraph, subparagraph or sentence, phrase, clause, term or word of this Article, or the application thereof to any person, property, or circumstance is held invalid or unconstitutional by a valid judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect the validity of the remaining parts, sections or subsections, paragraphs, subparagraphs or sentences, phrases, clauses, terms or works of this Article regulating signs, especially those relating to general advertising signs and all such remaining provisions shall remain in full force and effect. He stated Section 28-137 was amended to read in any section or subsection of this Article where a specific or general reference is made to a sign by the type of message displayed on the sign, and such message is generally referred to or interpreted as a commercial message, a sign meeting all other size, lighting maintenance and location requirements, but containing a non-commercial message, may be substituted. He stated he could answer any questions the Commission may have.

Mr. Judy stated Mr. Rhodes was concerned the Ordinance would prohibit a computer monitor in a store window displaying a menu or a sale.

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Mrs. Kirby stated, in her opinion, the concern of the Commission was that if a restaurant has an electronic sign displaying the menu, than a tattoo parlor may want to have an electronic sign displaying their designs?

Mr. Judy stated the signs in the windows would not be seen from the highway. He stated he would caution the Commission that there was a fine line when regulating content. He stated no one could put something on a sign that constitutes obscenity or that would offend the reasonable senses of the neighborhood.

Mrs. Kirby stated she was willing to allow electronic signs in a window with regulations on the square footage.

Mr. Stepowany asked if it should be 2 square feet or as large as 8 square feet.

Mr. Cook stated 2x3 was 6 square feet and that would fit in a window.

Mr. Di Peppe asked if there was a legal description of high resolution.

Mr. Pitzel stated the phrase high resolution could be dropped.

Mr. Cook stated it should read electronically produced, color, and/or black and white images.

Mr. Pitzel stated the Ordinance reads “any lighting either by exposed tubing or a string of lights either outlining a part of a building or fixed to any ornamental thereof” and asked if Christmas lights would be affected by the Ordinance.

Mr. Judy stated that language was already in the Ordinance exempting Christmas light.

Mr. Di Peppe asked if there needed to be language stating the 6 feet electronic signs in a store window had to be parallel to the street and could not be perpendicular.

Mr. Pitzel stated the flat surface would have to be displayed parallel to the direction of travel.

Mr. Di Peppe made a motion for approval for a Public Hearing with the Planning Commission for Ordinance O07-46 to amend Sections 28-25, 28-122, 28-123, 28-135, 28-136, and 28-137 of the Zoning Ordinance changes to 28-122 delete “high resolution” and add “and or black and white” after color and the sign would not exceed 6 square feet. He stated the amendment establishes regulations pertaining to electronic signs. He stated the Planning Commission finds that public necessity, convenience, general welfare, or good zoning practice requires the governing body to consider an Ordinance to amend the regulations.

Mrs. Kirby stated any sign allowed under this regulation must have its flat side parallel to the road. She seconded the motion.

Mr. Cook stated there needed to be a second to the amendment.

Mrs. Carlone seconded the amendment. The motion passed 6-0 (Mr. Rhodes was absent).

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The motion to send the Ordinance to Public Hearing passed 6-0 (Mr. Rhodes was absent).

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. **(Deferred until further notice)**

Mr. Judy stated the Virginia State Legislature amended Section 15.2-22-44.1 pertaining to the 15 year provision and there were two clauses: "the property has been owned for 15 consecutive years by the current owner or member of the immediate family." He stated the second clause read "the property owner agrees to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a non-member of the immediate family for a period of 15 years." He stated the amendment was not withstanding the provision of clause 2, a locality may reduce or provide exceptions to the period of years to prescribed in such clause when changed circumstances so require the Board may reduce or provide exceptions to the period of years prescribed in sub paragraph 4 upon such modification of a restriction the Board shall execute a writing reflecting such modification which writing shall be recorded in accordance with Virginia Code Section 17.1-2-27.

Mr. Stepowany stated the changes would not require a new Public Hearing.

Mr. Judy stated the Planning Commission was a fact finding body and recommending what the Ordinance should say. He stated there was a Public Hearing and the public gave their opinion and an exception clause was considered. He stated, in his opinion, he did not think another Public Hearing was necessary.

Mr. Cook stated if another Public Hearing was not necessary, than the Ordinance should be sent to the Board.

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

7. SUB2500762; Potomac Creek Overlook, Preliminary Subdivision Plan - A subdivision preliminary plan for 25 single family residential lots, zoned A-1 consisting of 97.38 acres located approximately 2,700 feet east of Jefferson Davis Highway and 1,500 feet south of Eskimo Hill Road on Assessor's Parcels 38-126 within the Aquia Election District.  
**(Time Limit: July 18, 2007)(Deferred to June 20, 2007 Work Session)**

Mr. Cook stated Item 7 was deferred to June 20, 2007 Work Session.

NEW BUSINESS:

8. 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

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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 September 5, 2007 Regular Meeting at the applicants request)**

Mr. Cook stated Item 8 was deferred to September 5, 2007.

9. SUB2600907; Crown Lane, Preliminary Subdivision Plan - A preliminary subdivision plan for 5 single family residential lots, zoned R-1, Suburban Residential, consisting of 3.52 acres located at the intersection of Truslow Road and Crown Lane on Assessor's Parcel 45-162A within the Falmouth Election District. **(Time Limit: August 28, 2007)**

Ms. Woolfenden presented the staff report. She stated the preliminary subdivision plan was reviewed at the January 24, 2007, Technical Review Committee (TRC) meeting. She stated all lots front on Truslow Road and normally lots on a collector road have reverse frontage but because it does not have more than five lots, they do not need to have reverse frontage. She stated the sewer line was being extended to these homes as the only infrastructure improvement. She stated stormwater would be managed through bio-retention basins on each individual lot. She stated staff recommends approval.

Mrs. Carlone stated she was concerned about more driveways being on Truslow Road.

Ms. Woolfenden stated the Ordinance only required subdivisions with more than 5 lots to have reverse road frontage.

Mrs. Kirby stated she was concerned that the driveways were very close together. She asked if a pamphlet on Low Impact Development (LID) could be provided to the home owners.

Mr. Harvey stated the developer may pass on information to the homeowners regarding maintenance of LID's.

Robert Gollahon, Hour Development, stated he was putting in 700 feet of sidewalk. He stated he understands the Commissions concern about more driveways on Truslow Road but he attempted to put in a shared driveway but it did not work out. He stated the builder buys the lot and puts in a sub-standard driveway and the County gives the Occupancy Permit. He stated he agreed to build and bond all the driveways.

Mrs. Kirby stated she would like Mr. Gollahon to provide information to the home owners regarding LID's.

Mr. Gollahon stated he would do whatever the County asked.

Mr. Di Peppe asked if the County could make up an LID manual. He made a motion for approval. Mrs. Kirby seconded. The motion passed 6-0 (Mr. Rhodes was absent).

10. SUB2600889; Forbes Landing Preliminary Subdivision Plan - A preliminary subdivision plan for 105 single family residential lots, zoned R-1, Suburban Residential consisting of 51.37 acres located on the east side of Forbes Street approximately 1,000 feet east of

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Jefferson Davis Highway on Assessor's Parcels 46-21, 24, 25, 26, 27 and 29A within the Falmouth Election District. (**Time Limit: August 9, 2007**)

Mr. Schultis presented the staff report. He stated the preliminary subdivision plan was reviewed at the January 9, 2007 Technical Review Committee (TRC) meeting. He stated the applicant was proposing to preserve wetland areas within the open space as well as cultural resources. He stated all lots contained within the subdivision would have state road frontage and access to the site from two entrances off of Forbes Street. He stated the applicant has proffered improvements to Forbes Street from Layhill Road to Elizabeth Drive which equates to approximately 3,000 feet of improvements and including pavement transitions, lane transitions, an 8 foot shoulder, a re-graded existing shoulder and a 12 foot left turn lane. He stated the wetlands would be preserved within the open space. He stated staff recommends approval of this preliminary subdivision plan.

Mr. Di Peppe stated he spoke with the developer about putting a note on the plan regarding three historic signs and a monument and if the property was sold the note on the plan would still be enforced.

Ray Freeland, CT Park, stated he was available to answer any questions.

Mrs. Kirby stated she would appreciate if Mr. Freeland would speak to Wendy Wheatcraft, Historical Preservationist Planner, concerning the signage and asked if the monument could be an obelisk style. She stated she would like to thank Mr. Freeland for all his hard work.

Mr. Freeland stated it was great working with all the parties involved.

Mr. Di Peppe stated Mr. Freeland bent over backwards to work with the County.

Mr. Freeland asked when the note should be put on the plan.

Mrs. Kirby stated she trusted Mr. Freeland to put the note on the plan.

Mr. Mitchell stated this was one specific opportunity when the developer and the conservationist worked together. He stated he would like to thank Mr. Freeland for all his hard work.

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

MINUTES

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated, in his opinion, the Commission should discuss the Living Hope Lutheran Church Comprehensive Plan Compliance at the June 20, 2007 Work Session. He stated in initial review of room availability it appeared that the only day the Board Chambers were available was on Friday, June 29, 2007.

Mr. Cook stated he had a previous commitment on June 29, 2007.

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Mr. Harvey stated the first run of the Board advertisement would be on July 3, 2007.

The Planning Commission discussed possible dates for the Public Hearing.

Mr. Harvey stated the Board of Supervisors approved the Conditional Use Permit (CUP) for the Rocky Pen Run Reservoir. He stated it was one of two CUP's for the project. He stated the street naming for Auction Drive was postponed because Mr. Schwartz wanted to meet with some abutting property owners. He stated the Board referred Water Resources Overlay to the Planning Commission to be included in the Comprehensive Plan. He stated an appeal was filed on behalf of Smith Lake Point Comprehensive Plan Compliance and would be heard at the Board's June 19, 2007 meeting.

Ms. Woolfenden stated the Rowser Building was available on Tuesday, June 26, 2007.

Mr. Cook stated the continuation of the Traditional Neighborhood Development (TND) Public Hearing would be on June 26, 2007 at 7:00 p.m. in the Rowser Building.

COUNTY ATTORNEY'S REPORT

No report

SECRETARY/TREASURER REPORT

No report

STANDING COMMITTEE REPORTS

Mr. Pitzel stated the next meeting would be on June 11, 2007 at the Rowser Building.

Mr. Di Peppe asked what needed to be done as far as public notice for the TND sub-committee.

Mr. Judy stated the sub-committee was not a Public Hearing.

Mr. Harvey stated the Ordinance had to be finalized prior to the first run of the ad.

Mr. Judy stated the Planning Commission had a proposed Ordinance and could hear comments from the public which may lead the Commission to make recommendations to the Board of Supervisors.

Mrs. Kirby stated if there were changes to be made, than someone my feel they were significant changes.

Mr. Cook stated the Public Hearing could be held on June 20, 2007 and any changes could be recommended to the Board.

Mr. Di Peppe stated he was concerned at the notion that the Planning Commission does things behind closed doors.

Mr. Judy stated the Planning Commission already held a Public Hearing on the TND Ordinance and several people spoke to the Commission at several work sessions. He stated the only reason the Board sent the Ordinance back to the Commission was because of a procedural issue.

Mr. Di Peppe stated, in his opinion, there was some concern that some of the details of the Ordinance would keep the entire Ordinance from being passed.

Mr. Judy stated he understood Mr. Di Peppe's concern, but those concerns would have been voiced to the Board of Supervisors on June 5, 2007 if they had the Public Hearing on the TND Ordinance.

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Mr. Di Peppe stated, in his opinion, there was a feeling that the TND Ordinance would not pass the Board of Supervisors in its present form. He stated he was disappointed that the Planning Commission only had a 30 day window to discuss the Ordinance.

Mr. Cook stated the Planning Commission could hold the Public Hearing, send it forward either recommending approval, disapproval, or recommend approval with the changes.

Mr. Judy stated the Public Hearing on June 20, 2007 could be continued to the June 26, 2007 Public Hearing.

Mr. Di Peppe stated there would be a sub-committee on Tuesday, June 12, 2007 at 7:00 p.m. with the room to be determined.

Mr. Cook stated it would be a sub-committee of the whole.

Mr. Di Peppe made a motion to approve a Public Hearing with the Planning Commission for Ordinance O07-41 to amend Section 28-35 of the Zoning Ordinance. He stated the amendment will require a CUP for Industrial Schools in the M-2 Zoning District. He stated the Planning Commission finds that public necessity, convenience, general welfare, or good zoning practice requires the governing body to consider an Ordinance to amend the regulations. Mr. Mitchell seconded. The motion passed 6-0 (Mr. Rhodes was absent).

Mr. Di Peppe made a motion to approve a Public Hearing with the Planning Commission for Ordinance O07-42 to amend Sections 28-35 of the Zoning Ordinance. He stated the amendment will require a CUP for Commercial Apartments. He stated the Planning Commission finds that public necessity, convenience, general welfare, or good zoning practice requires the governing body to consider an Ordinance to amend the regulations. Mr. Mitchell seconded. The motion passed 6-0 (Mr. Rhodes was absent).

Mr. Di Peppe made a motion to approve a Public Hearing with the Planning Commission for Ordinance O07-43 to amend Sections 28-295 of the Zoning Ordinance. He stated the amendment corrects the omission from the Zoning Ordinance the powers and duties of the Zoning Administrator. He stated the Planning Commission finds that public necessity, convenience, general welfare, or good zoning practice requires the governing body to consider an Ordinance to amend the regulations. Mr. Mitchell seconded. The motion passed 6-0 (Mr. Rhodes was absent).

CONSENT AGENDA

None

SPECIAL COMMITTEE REPORTS

No report

CHAIRMAN'S REPORT

No report

ADJOURNMENT

Mrs. Kirby made a motion for adjournment. Mrs. Carlone seconded. The meeting was adjourned at 9:30 p.m.

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William Cook, Chairman