

**STAFFORD COUNTY PLANNING COMMISSION**  
**WORK SESSION MINUTES**  
**JUNE 7, 2006**

The Work Session of the Stafford County Planning Commission on Wednesday, June 7, 2006, was called to order at 5:30 p.m. by Chairman William Cook in the Board of Supervisors Chamber of the Stafford County Administrative Center.

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

Members Absent: None

Staff Present: Harvey, Stepowany, Gregor, DeBord, Roberts and Knighting

DECLARATIONS AND DISQUALIFICATIONS:

None

UNFINISHED BUSINESS:

None

ORDINANCE COMMITTEE:

Mr. Stepowany stated Item 1 was an Ordinance concerning utility easements in residential subdivisions. He stated all water/sewer easements to serve water and/or sewer mains between lots in a residential subdivision shall be located on lots conveyed to and maintained by a Homeowners Association (HOA) or Stafford County in the event there was not a HOA. He stated the easement shall be in accordance with Chapter 25 and Chapter 26.2 of the Stafford County Code. He stated smaller lots would be affected more by the Ordinance.

Mr. Rhodes asked how many lots would be affected.

Dale Allen, Stafford County Utilities, stated fifty percent or less of subdivisions would involve two lots that have a water line or sewer line between them. He stated the purpose of the easement was to have access for repair. He stated currently easements between two houses are obstructed by gardens or fences. He stated easements on separate parcels would provide easier access for service and repair.

Mrs. Kirby stated the public thinks if they buy a lot the easement belongs to them.

Mr. Allen stated the public was not supposed to obstruct a water or sewer line.

Mrs. Kirby stated the plats for houses do not clearly show easements.

Mr. Di Peppe stated the Ordinance would rectify the problem. He stated the property boundaries would be clearly defined and the easements would be solely for the use of the Utilities Department.

Mr. Pitzel stated the plat would not even show the easement.

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Mr. Cook stated he had concerns when two neighbors marked the middle of the easement as the boundary line for their property.

Mr. Di Peppe stated the Ordinance was for new subdivisions. He stated this would not take place between every lot, just between lot where the water and sewer mains were placed.

Mrs. Kirby stated the easement should be clearly defined on the plat.

Mr. Di Peppe stated the easement would not be shown on the plat because it was a separate piece of property.

Mr. Kirby asked who would mow the property.

Mr. Di Peppe stated the Home Owner's Association would be responsible for mowing or Stafford County were there was a not a Home Owner's Association.

Mr. Allen stated Stafford County would maintain the easements to a certain extent.

Mrs. Kirby asked what the maximum width would be.

Mr. Allen stated the minimum width would be twenty-five feet. He stated the width increases two feet for every foot in depth over ten feet.

Mrs. Kirby made a motion to send Item 1 to full Commission to schedule for Public Hearing. Mrs. Carlone seconded. The motion passed 7-0.

Mr. Stepowany stated item 2 was the Ordinance to require an access road to a Stormwater Management facility be located on an open space parcel.

Mr. Rhodes asked if this would take place only where there was a HOA.

Mr. Stepowany stated the Ordinance would apply to both residential and non-residential property.

Mr. Di Peppe stated open space parcels and Stormwater Management facilities would be exempt from the provisions of Section 22-144.

Mr. Harvey stated the open space parcels would be exempt from the lot shape requirements.

Mr. Pitzel stated he was concerned about the phrase "Dedication of Public Use".

Mrs. Roberts stated the public use would be for purposes involving the Stormwater Management Facilities.

Mr. Pitzel made a motion to send to the Commission for a Public Hearing. Mrs. Kirby seconded. The motion passed 7-0.

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Mr. Stepowany stated item 3 was concerning adult businesses. He stated adult businesses would be subjected to restrictions, setbacks, and zoning regulations. He referenced the regulations placed on adult businesses in Prince William County, Henrico County and Chesterfield County. He stated Chesterfield County required Conditional Use Permits (CUP) for all adult businesses. He stated Henrico County had a Nuisance Law which was established as part of the Criminal Code; therefore the Sheriff's Department in such county was responsible with enforcing all the regulations and violations pertaining to adult businesses.

Mr. Cook asked if adult businesses could be subject to a CUP no matter which zone the business was in.

Mr. Stepowany stated it was a discriminatory action to make an adult business require a CUP, where other businesses are operated by-right.

Mr. Di Peppe stated he was concerned that requiring a CUP would be cause for a law suit.

After discussion between the Planning Commission concerning the Ordinance, Mrs. Kirby made a motion to hold Item 3 in Committee. Mr. Pitzel seconded. The motion passed 7-0.

Mr. Harvey stated a Consent Agenda could be used for administrative changes to the County Code.

Mr. Cook stated staff would be directed to add a Consent Agenda to the Planning Commission Agenda.

**UNFINISHED BUSINESS:**

Mr. Leming asked if Staffordshire could be discussed prior to Westlake.

2. RC2501275; Reclassification – Staffordshire - A proposed amendment to proffered conditions of portions of Assessor's Parcels 36-66 and 37-5, 6, 9 and 10, zoned R-1, Suburban Residential, consisting of 260 acres located on Hulls Chapel Road approximately 1,200 feet north of Lakebreeze Way within the Hartwood Election District. The Comprehensive Plan recommends the property for Rural Residential use. Rural Residential use permits single family residential development at a density of one dwelling unit per three acres. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses.

Mr. Harvey stated revised proffers and a General Development Plan were provided to the Planning Commission.

Clark Leming, representing the applicant, stated the revised proffers included an extended right of way proffer. He stated proffer 2-D was replaced after the Public Hearing during which citizens expressed concerns about the entrance through Water Edge Estates. He stated the primary access route would be at Hulls Chapel Road. He stated there was an agreement to improve Moorwood Drive and widen Hulls Chapel Road. He stated the applicant agrees to build one hundred homes until additional access was available to the development. He stated Fire Trail could be used as an emergency access route.

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Mrs. Kirby asked what the possibility was of providing access from Truslow Road to the development.

Mrs. Carlone asked if the residents along Fire Trail had been contacted concerning its use for emergency access.

Mr. Leming stated the need for a Waiver Request from the Planning Commission to avoid tying into Water Edge Estates.

Mr. Cook stated the land was owned by the developer up to Truslow Road and the land would be dedicated and in his opinion why would Truslow Road not be used to access the development.

Mr. Leming stated cost was prohibiting the development from connecting to Truslow Road.

Mrs. Carlone made a motion to keep Staffordshire in Work Session. Mr. Di Peppe seconded. The motion passed 6-1 (Mrs. Kirby voted no).

1. RC2501263; Reclassification – Westlake - A proposed amendment to proffered conditions of Assessor's Parcels 35-20, 20A, 21, 23, 24, 27(portion), 27A, 27B, 28, 28B, 30A, 31, 32A and 43-55 (portion), 59, 59A, 59B, 59C, 59D and 59E, zoned R-2, Urban Residential-Medium Density, R-1, Suburban Residential, M-1, Light Industrial, A-1, Agricultural and B-2, Urban Commercial Zoning Districts, consisting of 1,116.52 acres located on the south side of Warrenton Road, west of Holly Corner Road and along Cedar Grove Road within the Hartwood Election District. The Comprehensive Plan recommends the property for Light Industrial, Suburban Residential, Urban Commercial, Agricultural and Institutional uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. The Suburban Residential designation would allow residential development at a maximum density of three dwelling units per acre. The Agricultural designation would allow development at a density of one dwelling unit per three acres. The Institutional designation would allow hospitals, schools and public buildings. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses.

Mr. Harvey stated revised proffers were submitted and provided to the Planning Commission.

Mr. Leming, representing the applicant, stated the primary objective was to change school sites. He stated he understood the Planning Commissions concern for a school site surrounded by industrial and commercial zoning. He stated agricultural land surrounded four-fifths of the parcel and there was less industrial and commercial property adjacent to the new site.

Mr. Cook asked if the proffers pertained to the new site or the old site.

Mr. Leming stated the proffers pertained to the whole development. He stated Proffer A-9 would provide an additional Resource Protection Area (RPA) buffer behind the school site of one hundred feet. He stated if waivers could be obtained from the Planning Commission the development would not need to provide access from Jack Ellington Drive. He stated a water tank site was requested to

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be co-located with the new school site. He stated the developer would convey within sixty days of identifying the location.

Mrs. Carlone stated her concern about Cedar Grove Lane being used by school buses, parents, and industrial vehicles.

Mr. Leming stated the traffic would be mixed and there was no way to avoid it.

After a discussion between the applicant and the Planning Commission, Mrs. Carlone made a motion to hold the application for the Work Session scheduled June 21, 2006. Mr. Rhodes seconded the motion and requested that a school board member be present. The motion passed 6-1 (Mr. Pitzel voted no).

Mrs. Kirby made a substitute motion for denial, with no second the motion died.

**ADJOURNMENT**

The meeting was adjourned at 6:53 p.m.

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William Cook  
Chairman

# ***STAFFORD COUNTY PLANNING COMMISSION MINUTES***

## ***JUNE 7, 2006***

The regular meeting of the Stafford County Planning Commission on Wednesday, June 7, 2006, was called to order at 7:30 p.m. by Chairman William Cook in the Board of Supervisors Chamber of the Stafford County Administration Center.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Harvey, Gregor, Roberts, Stepowany, DeBord, Forestier, and Knighting.

**PUBLIC PRESENTATIONS:**

None

**PUBLIC HEARINGS:**

1. Amendment to Zoning Ordinance. Amendment to Section 28-38, Performance Regulations, of the Zoning Ordinance, pursuant to O06-51. The amendment shall require a setback of thirty five (35) feet for the building containing the principle use from the outermost point of the building to the nearest point of any Critical Resource Protection Area (CRPA) buffer line.

Mr. Stepowany gave a presentation stating the localities with regulations for setbacks for the Critical Resource Protection Area (CRPA) Buffer in their Zoning Ordinance were Chesterfield, Henrico, and York; this was verified by the Virginia Department of Conservation and Recreation (DCR). He stated DCR supported regulations that required setbacks from the CRPA for all 84 counties defined as Tidewater area. He stated the amendment would affect newly subdivided lots on or after the amendment was approved by the Board of Supervisors, excluding lots within a subdivision that has been vested. He stated the mass mail-out was required to notify individual lots that may be affected by the proposed amendment. He stated the purpose of the amendment was to ensure a “usable” yard and require restricted disturbance within the buffer, other than for utilities and roads. He stated the staff recommends approval.

Mr. Di Peppe stated there was confusion among citizens between the Wetlands Overlay Resource and the Amendment to Zoning Ordinance. He stated the amendment was to protect the citizens of Stafford County.

The Public Hearing was opened.

George Sword stated in his opinion A2 and A3 zoning would be affected. He stated rural sites which had a drain field on the property would be adversely affected and the lots would not be buildable. He stated in his opinion the Ordinance was over restrictive. He stated every other county in the State of Virginia had a fifty-foot buffer. He stated farming was the problem with the water quality of the Chesapeake Bay.

Tom Sperlazza stated he was in support of the amendment to the Zoning Ordinance.

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Frederick Miller stated in his opinion there was no advantage to adding a thirty-five foot buffer. He stated the buffer would penalizing him if he sold his property because there was a stream on his property that currently runs through a trailer park and Brentsmill subdivision before reaching Aquia Creek.

Thomas Segun stated he owns seventy-four acres on Route 17 in Stafford with four streams on the property. He stated he did not understand the need for an additional thirty-five foot buffer on each side of the streams.

Alma Summerhower stated protecting the water was a good idea, and in her opinion, the citizens affected by the Amendment to the Zoning Ordinance should receive a tax break.

Robert Burner stated the intent of the amendment was not to create a buffer but to avoid disturbing the CRPA. He stated there was no need for an Ordinance and suggested a text amendment stating front side and building restriction lines could not encroach into the CRPA.

Jo Knight stated in her opinion a one-hundred foot buffer was good enough. She stated it would be nice to build a deck that was close to the CRPA. She stated the condition of the waterways was better today then it was in the past.

With no one else to speak, the Public Hearing was closed.

Mr. Pitzel stated the home-owner would have full use of the thirty-five additional feet on the property.

Mrs. Kirby stated when a developer brings a plan to the Technical Review Committee (TRC), one of the first things looked at was if a home-owner could use the backyard. She stated when the home was built too close to the CRPA, the home-owner could not plant trees, flowers, or build a deck. She stated the home-owner would have to prove hardship to the Board of Zoning Appeals (BZA) in order to receive a permit to build a deck.

Mr. Di Peppe stated the Ordinance would create a buffer. He stated developers were attempting to get maximum lot usage and placed the back of the house almost touching the CRPA. He stated forty percent of the Chesapeake Bay was dead space. He stated in his opinion this was a very good Ordinance for the people.

Mr. Rhodes asked what the range of setbacks was for Chesterfield, Henrico, and York Counties.

Mr. Stepowany stated the setbacks for Chesterfield and Henrico Counties are twenty-five feet.

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

UNFINISHED BUSINESS:

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2. RC2501259; Reclassification – Widewater Heights - A proposed reclassification from R-4, Manufactured Home Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 13-37 consisting of 12.18 acres, located on the south side of Telegraph Road approximately 1,000 feet east of Jefferson Davis Highway within the Griffis-Widewater Election District. The Comprehensive Plan recommends the property for Urban Commercial and Light Industrial uses. The Urban Commercial designation would allow development of commercial retail and office uses and the Light Industrial designation would allow light industrial, light manufacturing and office uses. **(Deferred to June 21, 2006 Work Session at applicant's request)**

Mr. Cook stated the applicant requested the item be deferred to the July 19, 2006 meeting.

Mrs. Kirby made a motion to defer item 2. Mrs. Carlone seconded. The motion passed 7-0.

3. SUB2501328; Ellison Estates Section 2, Preliminary Subdivision Plan - A preliminary subdivision plan for 7 single family residential lots, zoned A-2, consisting of 9.97 acres, located at the north end of proposed Ellison Court and approximately 1,100 feet west of Jefferson Davis Highway and 1,300 feet north of American Legion Road on Assessor's Parcel 38-45H, within the Aquia Election District. **(Time Limit: May 24, 2006)**  
**(Deferred to June 21, 2006 Work Session at applicant's request)**

Mr. Cook stated Item 3 was deferred to the June 21, 2006 meeting.

4. RC2501489; Reclassification – Stafford Lakes, Parcel 44-56 - A request for a Reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 44-56, consisting of 0.33 acres, located on the south side of Warrenton Road approximately 200 feet east of Village Parkway in the Hartwood Election District. The Comprehensive Plan recommends the property for Urban Commercial Use. 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. **(Deferred at applicant's request) (Time Limit: July 4, 2006)**

Mr. Cook stated the applicant requested item 4 be deferred to the July 19, 2006 meeting.

Mr. Di Peppe made a motion to defer. Mrs. Carlone seconded. The motion passed 7-0.

5. RC2501263; Reclassification – Westlake - A proposed amendment to proffered conditions of Assessor's Parcels 35-20, 20A, 21, 23, 24, 27(portion), 27A, 27B, 28, 28B, 30A, 31, 32A and 43-55 (portion), 59, 59A, 59B, 59C, 59D and 59E, zoned R-2, Urban Residential-Medium Density, R-1, Suburban Residential, M-1, Light Industrial, A-1, Agricultural and B-2, Urban Commercial Zoning Districts, consisting of 1,116.52 acres located on the south side of Warrenton Road, west of Holly Corner Road and along Cedar Grove Road within the Hartwood Election District. The Comprehensive Plan recommends the property for Light Industrial, Suburban Residential, Urban Commercial, Agricultural and Institutional uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. The Suburban Residential designation would allow residential development at a maximum density of three dwelling

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units per acre. The Agricultural designation would allow development at a density of one dwelling unit per three acres. The Institutional designation would allow hospitals, schools and public buildings. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Deferred to June 7, 2006 Work Session at applicant's request) (Time Limit: July 4, 2006)**

Mr. Cook stated Item 5 was deferred to the June 21, 2006 Work Session.

6. RC2501275; Reclassification – Staffordshire - A proposed amendment to proffered conditions of portions of Assessor's Parcels 36-66 and 37-5, 6, 9 and 10, zoned R-1, Suburban Residential, consisting of 260 acres located on Hulls Chapel Road approximately 1,200 feet north of Lakebreeze Way within the Hartwood Election District. The Comprehensive Plan recommends the property for Rural Residential use. Rural Residential use permits single family residential development at a density of one dwelling unit per three acres. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Deferred to June 7, 2006 Work Session at applicant's request) (Time Limit: July 4, 2006)**

Mr. Cook stated Item 6 was deferred to the June 21, 2006 Work Session.

7. SUB 2501169; River Creek, Preliminary Subdivision Plan - A preliminary subdivision plan for 41 single family residential lots, zoned A-1, consisting of 261.91 acres, located on the south side of Kings Highway approximately 1,000 feet east of Hollywood Farm Road on Assessor's Parcels 60-90 and 60-91, within the George Washington Election District.) **(Deferred to June 21, 2006 Work Session) (Time Limit: June 30, 2006)**

Mr. Cook stated Item 7 would be heard at the June 21, 2006 meeting.

NEW BUSINESS

None

MINUTES

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated at the June 20, 2006 Board of Supervisors meeting, Mr. Rhodes gave a presentation on behalf of the Comprehensive Plan Steering Committee. He stated the Board of Supervisors considered Mid-Atlantic and DVD's on the Run, both items were deferred for additional study.

COUNTY ATTORNEY'S REPORT

No report

SECRETARY/TREASURER REPORT

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No report

**STANDING COMMITTEE REPORTS**

Mr. Pitzel stated there would be a Comprehensive Plan Steering Committee meeting on June 26, 2006 at 6 p.m. He stated there would be a Vision Session with the Planning Commission and the consultant on July 17, 2006 at 5:30 p.m. and a Comprehensive Plan Steering Committee meeting at 7:30 p.m.

Mr. Di Peppe requested additional time for Mr. Stepowany to present Ordinances.

Item 3

Mr. Stepowany asked what direction the Planning Commission would like to take concerning the establishment of adult businesses.

Mr. Cook stated he would contact Captain David Moyer with the Stafford County Sheriff's Department.

Mr. Stepowany stated Chesterfield County required a CUP for adult businesses and Henrico County regulated the business under the county nuisance law.

Mrs. Carlone asked how long Chesterfield County and Henrico County have had requirements in effect.

Mr. Stepowany stated all legal documents referencing adult businesses were dated within the past five years.

Item 4

Mr. Stepowany stated airports and any development within the boundary of an airport should be exempt from landscaping and buffer requirements.

Mrs. Kirby made a motion to send to Public Hearing. Mr. Di Peppe seconded. The motion passed 7-0.

Mr. Cook stated the Public Hearing would be scheduled for July 19, 2006.

Item 5

Mr. Stepowany stated correctional facilities and adjoining properties should be exempt from Transitional Buffer requirements.

Mrs. Carlone made a motion to send to Public Hearing. Mr. Pitzel seconded. The motion passed 7-0.

Mr. Cook stated the Public Hearing would be scheduled for July 19, 2006.

Item 6

Mr. Stepowany stated a request from the Commissioner of Revenue for final subdivision plats to have a key map. He stated a key map was a paper scaled copy used to determine the boundary lines of the subdivision would be when the plat was submitted. He stated a request from the Geographic Information Systems (GIS) Department to create a submission requirement for the applicant to submit an electronic file containing all information shown on the final plat.

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Mr. Rhodes asked how often a website changes.

Mr. Pitzel stated this was the first time a website was referenced in a legal document and websites were notorious for changing.

Mrs. Kirby made a motion to retain Item 6 in Ordinance Committee. Mr. Pitzel seconded. The motion passed 7-0.

Item 7

Mr. Stepowany stated the current requirement for site plan submittal required the applicant to notify five adjacent property owners. He stated the Ordinance would require all adjacent property owners to be notified by certified mail.

Mrs. Kirby made a motion to schedule a Public Hearing. Mrs. Carlone seconded. The motion passed 7-0.

Mr. Cook stated the Public Hearing would be scheduled for July 19, 2006.

Item 1

Mr. Stepowany stated item 1 was discussed in the Work Session.

Mrs. Kirby made a motion to schedule for Public Hearing July 19, 2006. Mr. Di Peppe seconded. The motion passed 7-0.

Item 2

Mr. Stepowany stated item 2 was discussed in the Work Session.

Mrs. Kirby made a motion to schedule for Public Hearing July 19, 2006. Mrs. Carlone seconded. The motion passed 7-0.

**SPECIAL COMMITTEE REPORTS**

Mr. Di Peppe stated he would like to schedule a meeting for a Reservoir Protection Overlay sub-committee.

Mr. Harvey stated the Utilities Commission was having a meeting to discuss the issue and he would speak with Mr. Bob Bos.

**CHAIRMAN'S REPORT**

Mr. Cook asked Mr. Harvey to place the Consent Agenda under Standing Committees for the June 21, 2006 Planning Commission meeting.

**ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 8:22 p.m.

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William Cook  
Chairman