

STAFFORD COUNTY PLANNING COMMISSION
January 8, 2020

The meeting of the Stafford County Planning Commission of Wednesday, January 8, 2020, was called to order at 6:30 p.m. by the Director of Planning and Zoning, Jeff Harvey, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Steven Apicella, Albert Bain, Kristen Barnes, Darrell English, Fillmore McPherson, Barton Randall

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, LeAnn Ennis
Rebecca Chung - YES Student

ELECTION OF OFFICERS

Mr. Harvey: Before I get started with the Election of Officers, I would like to recognize our new Planning Commissioner, Kristen Barnes, from the Rock Hill District. I would also like to reintroduce Rebecca Chung, who is our YES Student, Youth Engaged in Stafford. Welcome. So the next item on the agenda is Election of Officers. There will be an election for the Chairman; upon election of the Chairman, the Chairman will take over the meeting and preside over the rest of the elections, the Vice Chairman and Secretary. At this point in time, I will take nominations for Chairman, and I will accept them in the order in which they are presented. If there is more than one person nominated for Chairman, then we'll have a vote on each nominee as they come in order. Do I hear any nominations for Chairman?

A. Election of Chairman

Mr. Randall: Mr. Harvey, I would like to nominate Steven Apicella to be the Chair.

Mr. Harvey: Thank you. Hearing no other nominations, I will ask if there is concurrence from the Commission on this.

Mr. English: I concur.

Mr. Harvey: Okay, thank you. So congratulations Mr. Chairman. It's now your meeting.

Mr. Apicella: Thank you Mr. Harvey. And I thank all my colleagues for supporting me for Chairman. I will proceed forward with the agenda and ask for nominations for election of Vice Chairman. Any nominations?

B. Election of Vice-Chairman

Mr. Bain: Mr. Chairman, I would like to nominate Ron Held for Vice Chairman... I mean... now I have gone blank.

Mr. English: Darrell.

Mr. Bain: Darrell, Darrell.

Mr. Apicella: Okay, there is nomination for Vice Chairman...

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Mr. Bain: Roy is gone, Darrell English, Darrell English for Chairman... Vice Chairman.

Mr. Apicella: Are there any other nominations?

Mr. Bain: I apologize.

Mr. Apicella: Seeing no other nominations, I will just ask if there is a consensus for Mr. English to be Vice Chairman.

Mr. McPherson: Concur.

Mr. Apicella: Great. Congratulations Mr. English.

Mr. English: Thank you.

Mr. Apicella: Moving on, Election of Secretary. Are there any nominations for Secretary?

C. Election of Secretary

Mr. McPherson: Yes Mr. Chairman, I would like to nominate Barton Randall as Secretary.

Mr. Apicella: Okay, Mr. Randall has been nominated for Secretary. Any other nominations? Okay seeing none, again I will ask if there is consensus for Mr. Randall to be Secretary.

Mr. English: So moved.

Mr. Apicella: It looks like that's the case; congratulations Mr. Randall. I would also like to welcome aboard our new Planning Commissioner, Ms. Barnes.

Ms. Barnes: Thank you.

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: You will see that we have an awesome staff and a great Commission. Are there any Declarations of Disqualifications? Okay, seeing none I will open up the Public Presentations portion of the meeting. This is an opportunity for members of the public to address any matter, except items scheduled for public hearing. Speakers have up to 3 minutes, when you come up to the podium please state your name and address. The green light starts the clock, the yellow light means you have 1 minute remaining, red means you need to wrap up. If anyone would like to come forward, as probably folks on the television, the thousands watching right now can see, there is nobody in the audience, except for staff. So, I am going to close the Public Presentations portion of the meeting and move on to agenda item 1, a public hearing. Mr. Harvey.

PUBLIC PRESENTATIONS

None

PUBLIC HEARINGS

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1. Amendment to the Subdivision and Zoning Ordinances - Proposed Ordinance O20-07, formerly O19-41, would amend the Subdivision Ordinance, Stafford County Code Sec. 22-4, "Definitions;" Sec. 22-143, "Shape and elongations;" and Sec. 22-146, "Side lot lines;" and the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms," to amend definitions and requirements relating to lot lines and lot shape configuration. **(Time Limit: February 9, 2020)**

Mr. Harvey: Thank you, Mr. Chairman. Please recognize LeAnn Ennis for the presentation.

Mr. Apicella: Thank you, Ms. Ennis. Do we need the computer? Computer please.

Ms. Ennis: Mr. Chairman and Commission members, item number 1 is for proposed Ordinance O20-07. It's for shape, lot lines, and definition within the Subdivision and Zoning Ordinance. Hello, sorry. Item number 1 is for shape, lot lines, definitions within the Subdivision Ordinance and Zoning Ordinance.

Mr. Apicella: I think we may be having some technical difficulties.

Ms. Ennis: Sorry. The request is to consider amending the Subdivision Ordinance 22-4, Definitions, 22-143, Shape and elongation, Section 22-146, Side lot lines, and Section 28-25, Definitions of the Zoning Ordinance. In 2009 the Subdivision Ordinance was modified to prohibit irregular shaped lots. Staff and professional engineers continuously require interpretations of what is acceptable on shape and side lot lines, because of the vagueness of the ordinance, and what staff has been directed as acceptable. The Ordinance change was initiated by staff and we consulted with the professional engineers and FABA. Section 22-142 of the Subdivision Ordinance, the definition of shape is the depth, it's not a definition, it's how we interpret shape. The depth of the lot shall not exceed five times its width, the horizontal distance between the side lot lines measured at the front building line. If the front building line is curvilinear, the lot width is to be measured on the chord of the arc parallel to the front lot line. The depth of the lot is calculated by adding the length of all of the side lot lines and dividing the total by two. Elongation are lots shall not contain peculiarly shaped, elongated, or numerous side lot lines which are primarily incorporated on the lot for purposes of establishing minimum lot area, buildable area, or to incorporate a non-contiguous site for a primary and/or reserve drainfield. Section 22-146 of the Subdivision Ordinance on side lot lines. Side lot lines shall be approximately at right angles to or radial to curves of the front lot line, except at cul-de-sac terminal points. Section 22-4 of the Subdivision Ordinance are several definitions on lot lines, that staff interprets. Lot line, for the purpose of this chapter, is any boundary line of a lot as defined herein. A lot line front is a street line which forms the boundary of a lot or, where a lot does not abut a street other than by ingress/egress easement or private access easement or has double frontage, that lot line which faces the principal entrance of the main building. On a corner lot, the shorter street line shall be deemed to be the front lot line regardless of the location of the principal entrance or approach to the main building. Lot line, rear is a singular lot line that is most distant from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten-foot line parallel to the front lot line, lying wholly within the lot for the purpose of establishing the required minimum rear yard. Lot line side is any side line is neither a front nor side line. So all other lines are considered site. Per definition of shape, staff currently adds up all sides... side lot lines and then ensures that the length is not 5 times the width provided on the proposed lot. Staff is unable to determine the definition of peculiarly shaped as this is all subjective, judgmental and based on interpretation of who is reviewing the plat or the plan. The definition also prohibits numerous side lot lines. The professional engineers have challenged staff

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that these lines were not created for the reason of establishing lot area, building area or for a drainfields. Currently there is not a definition of primary side lot line or a parent lot line. In having these definitions would establish clear segments of the property lines as either a front, side, or rear lot line. The definition of side lot line has been a challenge to staff from professional engineers as to the definition included approximately and radial. Staff has had several issues with the front, side and rear lots lines over the years, over several years. Issues would be what was considered the front lot line and what was considered to be the rear lot line. Currently as the definition reads, staff as we have been instructed, that you can only have one rear lot line, as it states in the definition. You were not permitted to create a rear lot line that followed the contours of a creek or an elevation. So if they... they couldn't follow the natural contours of a... of Mother Nature. The definition of the side lot line has been a challenge to staff from professional engineers as the definition included approximately and radial. Approximately was too vague and subjective based on interpretation of who is looking at the subdivision. Based on definition of radial, staff was directed it was the line perpendicular to the road. This has been our practices how we did what radial was. The side lot line was not permitted to turn in any direction or bend as it would no longer be radial, thus requiring waivers from the Planning Commission. Okay, I was trying to give a clearer defi... diagnoses of what I was trying to do, so this is... this is not engineered. This is all me. So this is a... this is actually a lot that was recorded in Stafford. And they shape, by current definition, this is how we currently do plans, how we currently review and how the ordinance is currently done. So shape by current definition, we add up all the sides to get the length of the lot and divide it by two. So all the sides on this lot 7 are pink, or it looks kinda purple. And the front is orange on the cul-de-sac, that whole line is considered the front.

Mr. Apicella: Mr. English.

Mr. English: LeAnn, let me ask you a question. How do you determine what is front or back?

Ms. Ennis: Well by definition. So the front is what's on the road, so along the road. You have to have frontage along the road by definition.

Mr. English: Okay, so...

Ms. Ennis: And then the rear is opposite of the front.

Mr. English: So, with your little diagram that you have here and you've got that orange right there, that's all road frontage, correct?

Ms. Ennis: Yes. That's all frontage.

Mr. English: Now suppose...

Ms. Ennis: That's all frontage.

Mr. English: Okay, now suppose that road went all the way down to the pink line, where the pink and green meet, would that be considered all...

Ms. Ennis: All that would be frontage...

Mr. English: That would be frontage...

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Ms. Ennis: There was no cul-de-sac there, that whole entire line would be frontage.

Mr. English: I like that, thank you.

Ms. Ennis: Yeah.

Mr. English: Alright, good.

Ms. Ennis: Um... did I go back... no, I went too fast. So, um... the chord... so in the definition it also talks about the chord of the arch and that's for the frontage on a curve... on curve segments or cul-de-sacs. Lots are to obtain the lot... this is to gather the lot width, the lot width is a zoning requirement and most issues are within... most of the issues that we have are within the A-1 properties and A-2 properties of the Ordinance. R-1 zonings don't really have the prob... the issues with lot shape and... because they are all little lots that they are creating a whole new subdivision. These are too, but the lots are more like 10,000 square feet. Um, A-1 zoning requires 200 feet of lot width on a road, so we measure the required set back from the required zoning, which is 50 feet. So they have a building restriction line and a setback from the road is 50 feet. And to obtain the required 200 feet lot width, we measure from the BRL, the Building Restriction Line and measure straight across from that. The lot frontage must be at least 80 per cent of the designated lot width, which for A-1 it would be like 160 feet. Um, if it's on a curve segment of the right-of-way or the road, the cul-de-sac the minimum front is 50 feet. So if it's at the entrance... at the end of a cul-de-sac it could be only... you only need 50 feet on the road if it's a cul-de-sac.

Mr. English: I've got another question.

Ms. Ennis: Yes sir.

Mr. English: Why... the orange that you have, and it stops at the... when you are going to the, I guess it's to my right. You are going to the right towards Steven, it stops at that purple line and then you've got that black space. How come that didn't go always to the re... considered road frontage. Is that because it's two different lots?

Ms. Ennis: The line...

Mr. English: The orange line stops...

Mr. Bain: The orange line stops....

Mr. English: Okay, but you don't...

Ms. Ennis: Are you talking about... I was trying to... are you talking about this line? Why does it keep changing?

Mr. English: The one that has no markings on it at all, to the right of you. Go down... see where it's

Mr. Harvey: The pen is messing it up.

Mr. English: See where you have the 50 feet.

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Mr. Harvey: The pen it not working and it's messing you up.

Ms. Ennis: Am I doing something wrong?

Mr. Randall: No, the pen is not working... *inaudible, microphone not on.*

Ms. Ennis: Okay, so you're marking for me?

Mr. Harvey: I can't mark it, but I will use the curser.

Ms. Ennis: Okay?

Mr. Randall: C24 and C25.

Mr. English: There you go, there you go.

Mr. Harvey: This area here is frontage...

Ms. Ennis: That's for lot 6.

Mr. Harvey: ... for lot 6.

Ms. Ennis: So that's a different lot.

Mr. English: Okay, so your just...

Ms. Ennis: That's a whole time... I didn't mark that because that was for lot 6.

Mr. English: Well...

Ms. Ennis: I'm not talking about lot 6 in the next slide.

Mr. English: Oh, okay, because you've got the... alright. It was confusing because you had that... the pink line and the green...

Ms. Ennis: I was actually only talking about lot 7.

Mr. English: Okay...

Ms. Ennis: Really...

Mr. English: ... I'm sorry.

Ms. Ennis: ... right now.

Mr. English: Okay, I am sorry. Okay.

Ms. Ennis: Because I wanted you all to see what how we currently measure it. So the orange would be considered the front.

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Mr. English: Okay.

Ms. Ennis: And all the purple is the side. And the green in the back is the rear because it's opposite the front.

Mr. English: I got you now.

Ms. Ennis: So you only have one rear. And that's what the ordinance... what we're proposing is to change that to my next slide.

Mr. English: Okay.

Ms. Ennis: Which this is the proposed ordinance. So you see, again, same lot, orange... the orange is all the front lot line. And then the purp... the purple on... to the left across Lot 8. That would be called, we gave, we wrote a definition of primary side and then and we got rid of radial and we created primary side. And that's where on lot 7 where the drainfield is between 7 and 6, that would be that... that would be lot 7's primary side. And then by modifying the definition of rear, where we can have multiple lines, because it is the opposite of the... of the front, we took all of the green... all the green area and we made that the rear. Now on lot 6, because when we do this, we have to look at the next slide. It's a domino effect. So even though Lot 7's rear is green. You see the rear? It's also the side of lot 6. And with the ordinance change, you see how it comes... the primary side, the short side down there by the road in the drainfield, that's the primary side. And then the lot turns. Currently, we don't allow any of those turns. We would have made them straighten up the... would make them straight... go straight back, just like the arrow is. We would have made them take it out and do that. But with the, the ordinance changes where we are adding the degrees in the 45 degrees. so that primary segment that that's there, we won't allow lines to change 45 degrees from that that primary segment. So they can... they can't, they can't change any more than 45 degrees. So we won't have 90 degree lines or turns or anything like that. Which is what I kind of gave you in the package. Those are those are lots that we have within the package where we have flag shaped lots, we don't allow those anymore because of the side lot lines and stuff like that.

Mr. McPherson: LeAnn, I have a question, if I may.

Ms. Ennis: Yes.

Mr. McPherson: Previously talked about the rear light line not following Mother Nature. What happens when the rear light line is on a curve on the Rappahannock against a reservoir or a lake? Obviously, there's going to be... lot lines are not going to go out in the water.

Ms. Ennis: Currently, we um... If that lot line is already created to follow the Rappahannock like we have some of those subdivisions. We can get away with it because those long lines are already in establishment. They're not creating them. But if they were to have a creek and it goes through the middle and they made a lot on the other side of the creek and they want to put the long line between the creek, we wouldn't allow it now. Because... because of the multiple lot lines... multiple rears and stuff. So we would call those all sides and that lot would meet five to one lot shape ratio.

Mr. McPherson: So you just call it a sideline, not the rear lot line.

Ms. Ennis: Yeah, because you're only allowed to have one, currently

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Mr. McPherson: A creek is different from a river or reservoir though, so there will already be curves.

Ms. Ennis: It's all the... well, because the reservoir... because I did have all those up on the reservoir and stuff. But those... those were before 2009. They were created before the ordinance created all that. So yeah, they actually were created before so I didn't have to do it against the reservoir. But in existing Creek, Potomac Creek or something like that, if the lines of... Aquia Creek, if it's already there and stuff, then those lines are established. They are parent parcels, they're establish and we just call it a wash. We don't... we just look the other way on those. But if... but if the lot... they are wanting to subdivide their lot and it's on one portion of Aquia Creek and on and on the other side of Aquia Creek, like a lot of the lots are in Aquia Creek and we wouldn't allow them to create a new lot line that goes along with the jag at the creek.

Mr. McPherson: Okay, I just want to clarify....

Ms. Ennis: That's okay.

Mr. McPherson: ... *inaudible*... the original.

Mr. Apicella: So what were the limitations on rear lot lines as...

Ms. Ennis: The limitation right now currently is we're allowed to have one segment, so only one line as it currently reads by definition, it is you only can have one rear, one rear lot line and it is opposite of the front. And that... that has been a problem kind of... for us because we're having to call them side, side lot lines. So even though it looks like a rear and it's opposite of the front, we are... because you're only allowed to have one rear lot line and we take the longest, we always try to work with the longest line that we can get to make that lot work as to meeting five to one and frontage and lot width. So those are key components that we are looking at, not just the shape, but we're trying to make sure that it's... that it has a lot width, it has the proper lot width for the zoning, the frontage and all that.

Mr. Apicella: You know, again, I am trying to wrap my head around this. Part of it makes sense to me that it would be the rear, I guess the part that it.... so you've got an angle that goes like this and then like this, and then this, and then this. So, almost like a V with an with an angle. The other parts, I'm having a hard time seeing those as rear lines...

Ms. Ennis: The two on the side...

Mr. Apicella: It seems to me it should be a side lot line. But it doesn't seem like it should be a rear lot line, just because it's the longest...just because the dots connect, I don't necessarily see them just visually...

Ms. Ennis: Okay.

Mr. Apicella: ... as a rear lot line.

Ms. Ennis: Under the, the um... so that's the left rear. So we would measure it from where it says left to rear corner. You can't have a 90 degree turn. So that couldn't be counted as a side because you couldn't turn that way. If that was a parent line, it was already established, then we would say okay. But if they're creating that lot line to look like that, they couldn't have a 90 degree turn. So that's why we're calling it a rear.

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Mr. Bain: LeAnn.

Ms. Ennis: Yes.

Mr. Bain: Looking at your diagram, I cannot understand what you would be measuring to get the width now. Is it just the pink line that goes from the... towards the left, from the orange to the green?

Ms. Ennis: So if we were measuring for five to one lot shape ratio...

Mr. Bain: Yes.

Ms. Ennis: ... is what you're asking?

Mr. Bain: Yes.

Ms. Ennis: I would only use the pink.

Mr. Bain: That's on the left of the orange line.

Ms. Ennis: Yeah, I would use that short segment because by definition the proposed side lot line and the other side which is the primary side. So those both would be my side and those can't be five times the width that I have. So my... so this lot would work for us.

Mr. Bain: Okay, and your width is your front line length.

Ms. Ennis: Yes.

Mr. Bain: And it's orange. Now, following up on that, would you, because those are curves, would you have to draw cords?

Ms. Ennis: Yes.

Mr. Bain: For those two curved segments?

Ms. Ennis: We measure a straight line.

Mr. Bain: And that would be the sum of those two cords or would it be one straight line from the left point to the right point.

Ms. Ennis: One straight line. We measure the cord from the point that the 50... of the BRL straight across. And that's our measurement on the cord. Is a straight, it's a straight line across the cul-de-sac.

Mr. Bain: Okay, okay.

Mr. Apicella: Mr. Randall.

Mr. Bain: Thank you.

Mr. Randall: Alright, So, I guess I'm...

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Ms. Ennis: I will have more to the PowerPoint if y'all...

Mr. Randall: I understand, I'm in the same boat. So I'm on the proposed ordinance, on this one right here. And I again have a question, according to the def... according to the new definition that we have, one or more rear lot lines are permitted as long as they are opposite the front lot line, right? So, if we look at that left rear corner, you just mentioned that it's a... it's a rear lot line because it comes at a 90 degree angle off the primary side, not because it's opposite the front lot line. Because in this case it wouldn't be opposite, correct?

Ms. Ennis: Well, it's kind of opposite, and again...

Mr. Randall: Not by definition.

Ms. Ennis: ... this is. But this, yeah. But this is where we're having problems with being with, you know, judgment calls and stuff like that.

Mr. Randall: Sure.

Ms. Ennis: I'm not going to have clear, square lots and stuff like.

Mr. Randall: No, I understand.

Ms. Ennis: So this is, you know, I knew it couldn't be a side lot line because it's a 90 degree turn. And are they going to put the house? They're not going to put it in front of the drainfield, they're probably going to put it right behind where it says Lot 7 up in that area. So that would still if you faced your house toward the road, you have... we just have to take all these scenarios in when we're looking at these lots. So we're going to say that that's there where they're going to probably put the house and they're going to face it toward the thing, so it could be a side or it could be a rear. But we're going to call it a rear to make it work. That's what we're, that's what we do every day, is we try to manipulate things on these lots to make them work for the homeowners.

Mr. Randall: Right, what's... so the purpose of the 45 degree from this primary side, you cannot have a secondary side, I guess, that's anything off... anything, anything greater than 45 degrees off of the primary side. What's the reason for that?

Ms. Ennis: So I didn't have crooked lines that just kept going and cutting out looking like it was for drainfields. So that was the reason, we didn't want, we didn't want big turns. We wanted to make the lines as straight as we could...

Mr. Randall: Sure.

Ms. Ennis: ... still with in coordination with how we do it today, because even though we have to discuss it a lot, you know, if they knew that they had a leeway with 45 degrees, I think the discussion of staff, among staff and Jeff and the engineers like, you know, I think it would be, uhm, it would be it would be a difference. It's just like the one that Mr. English has, how many times we've met with this over lot.... and it's over lot lines.

Mr. Randall: Sure.

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Ms. Ennis: It's, it's moving a lot like trying to get...

Mr. Randall: Right.

Ms. Ennis: ... it to work.

Mr. Randall: No, I'm just concerned that, that as much issue as we have with the current ordinance, that when we say, you know, a rear lot line because anything that comes out the primary side is automatically by definition a rear line, unless it's less than 45 degrees off the primary line, is maybe a better definition than it has to be opposite the front line. Because in this case, looking at this, that one surely is an opposite. Does meet the... it does the greater than 45 degree requirement, but it surely doesn't meet the opposite the front lot line as per the definition that we have in here already. So maybe there's... we can add to it or maybe there's... we take away, you know. I'm not sure, I just am concerned that when we say opposite that we're going to get just as much pushback from the engineers who are going to go by the definition of opposite and say that's on the side. That's not opposite anything.

Ms. Ennis: Oh, this would benefit them. They're not going to argue that at all. They're not going to argue that that... because you got to remember what 5 to 1 is, it's long... it's long lines. It's long, narrow lots. So the less sides you have and the less side you have and your frontage, you're going to meet five to one.

Mr. Apicella: I am going to ask in a different way. My understanding is, again, we are trying to avoid, I will use the terms that are currently in our definitions and/or in other localities definitions, trying to avoid peculiarly shaped lots or... and/or elongated lots. And so with what is being proposed here, how are we avoiding one or both of those scenarios from happening?

Ms. Ennis: By adding then the definitions of what we have, that's how staff has determined... has thought that the umm... that by adding in the definition of... of... umm...

Mr. Harvey: The primary side lot line

Ms. Ennis: Sorry. Yeah. Modifying the definitions of primary side lot lines and the parent line and modifying the rear, that we will not... and adding the 45 degrees into the shape, didn't need the requirement of elongation, of what those... because those definitions will fix that.

Mr. Apicella: So I'm going to...

Ms. Ennis: We just don't have the word peculiar.

Mr. Apicella: I'm sure my colleagues have other questions and please feel free to jump in as well. So, when I looked at the other examples that were provided to us, I didn't see anything like the, I will call it schema that's being proposed here. So where did this come from and how do we know it's the right and best solution for Stafford in the absence of not seeing anybody else who has it?

Ms. Ennis: These... you know, the ordinance wouldn't... alright, so... so the ordinance, as it's... the ordinance wouldn't allow this on lot 90 to come up the 518 foot line and then turn right. We wouldn't allow that flags... that flag lot because that's a 90 degree turn. That's a side lot line that would be considered, both of those, the 206 and the 26... 218 line are side lot lines to this lot. But you can't turn

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90 degrees. So they would have to make softer turns. They would... could be no more than 45 degrees. So we won't have these, these lots that look like this.

Mr. McPherson: Why is it an issue? I'm kind of curious since...

Ms. Ennis: Why...

Mr. McPherson: ... we are not the landowners. Why is it a problem to have a lot shaped like that?

Ms. Ennis: Why is that a problem?

Mr. McPherson: Why are we trying to avoid it? I guess my question. We as the County?

Mr. Harvey: Mr. Chairman and Commissioner McPherson, one of the issues over time we've seen, especially with these large lots, and if they have multiple turns in the property is that one person's drainfield could appear to be in the other person's backyard. And talking with the Health Department, it's an imperative that people maintain their drainfields, and that run into problems occasionally wear out of sight, out of mind. If someone can't see their drainfield from their house, then they're less likely to maintain it. They've run into those kind of situations where someone's drainfield appears to be in somebody else's yard, even though it may not be.

Mr. Apicella: So...

Ms. Ennis: What he said. I was exactly thinking that, so thank you. I just wasn't coming out yet.

Mr. Apicella: So I'm going to go back to the other examples. Surely we're not the only jurisdiction who has this concern and has tried to deal with it in some way. What... I mean, we can't find some additional language or alternative approaches that they've implemented that would help us address the issues that we're seeing here in Stafford.

Ms. Ennis: From my conversations with them, they don't look at it the same way we do. So they don't look at the word radial and they don't... they don't, you know, decipher approximately. And those are the key words that were hit with all the time is what... what radial is and stuff. And the other one is, you know, it's you know, they don't do that judgment. They're just looking, and it's pretty much they, umm... they, they don't look at it as stringent as we do because we decipher to every word within it. We go within every word of the definition. And that's how we've been doing it since 2009.

Mr. Apicella: So, again, I'm just going to use the examples that we have. There may be other examples. Spotsylvania uses the word radial, Prince William uses the word radial. Fauquier County uses the word radial, King George uses of the term radial. I just... I'm not saying this is the wrong answer, I'm just... I'm having a hard time following it. It's very... it's language that is difficult to follow if you're not somebody who is in this sort of business in terms of deciding...

Ms. Ennis: You know, we all borrow from each other's counties when we write ordinances. And I think that's kind of a domino effect. Several are... I mean, I know there was a locality that called us and I sent them what we do and explained it how. So they adopted it. But they don't, you know, every county has their interpretation of how they're directed, how they direct staff to do certain things. And I just didn't, you know, this is just gone on for so long that I didn't find any clear solution or staff did not find any clear solution on how to look at it differently.

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Mr. Apicella: So, so what's our risk proposition? If we decided to... I will call a two-step scenario, decided not to necessarily recommend this as it exists to go forward and spend some more time taking a more in-depth look at it?

Ms. Ennis: I will let them answer that.

Mr. Harvey: Mr. Chairman, the Commission has until February 9th to take action on this. But if the Commission decides that it doesn't like the ordinance, it certainly can make that recommendation to the Board. It can recommend that the Board not adopt the ordinance and send the issue back to the Commission to work on in more detail. You've done that in the past with other ordinances.

Mr. Apicella: What's the... how much... so I'm just gonna propose another alternative, maybe we don't have enough time. Our next meeting and the last meeting we would have to make a recommendation is February 9th. When does the Board meet again?

Mr. Harvey: The board meets on the 21st of January.

Mr. Apicella: And in terms of our ability to make changes, I know there are certain things we can do and certain things we can't do, especially in terms of language that's more restrictive. So if we were to take a path forward, would it make more sense... again, this I'm just speaking for myself. Others may have a different suggestion to go forward on this. But if we were to either ask for more time as one option, option one, or to recommend denial and ask the Board to give us the ability to take another shot at this, which, which would be the better path that would provide us enough flexibility to deal this little bit longer and come up with alternative language that meets the ad requirements?

Mr. Harvey: Mr. Chairman, I believe that would be asking the Board for additional time. The State Code says the Commission has 60 days for a subdivision amendment. So this partly covers a subdivision amendment. That's why it's has a compressed time frame. And then if the Board was to grant additional time, the Commission would also ask for latitude to modify it as necessary. And that's currently in the resolution today. So we'd have to modify it then advertise. So that's one of the issues you may run into if you modify it at this meeting or your next meeting, is making sure that there's modifications still fit within the scope of the advertisement. In other words, they cover the same code sections and don't drastically change the intent of the amendment.

Mr. Apicella: I just said again, personally, I think it's sort of complicated, maybe just for me. I'm wondering if we ask for more time and then put it to a subcommittee if that might be one way to kind of know listen a little bit longer and maybe get a solution that works for everybody.

Mr. English: I've got a question for LeAnn. LeAnn, how often does this problem come up? Does it... is it a daily problem with this?

Ms. Ennis: Three or four times a day.

Mr. English: Three or four times a day, this is an issue. And you have met with the Builders Association and they're kind of in agreement with you that this is probably a good way....

Ms. Ennis: Yeah, we had like a four hour meeting with FABA.

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Mr. English: So what they're saying is, what about Spotsylvania and the rest of the counties? That ordinance fits them, that fits them because that's what they deal with, right?

Ms. Ennis: Because they don't do it the same way we do.

Mr. English: Well, I guess...

Ms. Ennis: So they...

Mr. English: ... that's not...

Ms. Ennis: They are not pushing back about. They push, yeah, they push differently than we do and where we're taking everything verbatim.

Mr. English: Are we being more stringent on this?

Ms. Ennis: We are being more strict.

Mr. English: More strict on it. So my guess my question is, what about a regular... say I come in there again, is it... it would be the strain on me, too, as far as that would... if we went with this ordinance, I mean, as far... would this help me as a regular citizen to do it your way now? I mean, you do it with the new way that you're asking? Or is it better for the citizens the old way? Does that make sense, what I am trying to say?

Ms. Ennis: The new way would be better for everybody.

Mr. English: For the citizen?

Ms. Ennis: It would help out the person that you've been having...

Mr. English: Right. So in other words, this would, for the regular general homeowner or the land owner, this is gonna be probably a less burden money for them as far as that would be concerned?

Ms. Ennis: It would... yeah. Because I, you know, I have... I just recorded two... just to give you a little scenario, I just recorded two plants for an engineer and I met with him in his... the engineer and his surveyor twelve times to get the lot to work. Twelve different times he submitted it in and I had to meet with them separately to go... to try to get this lot to work and to work out lines and stuff to, to, to make the lots work.

Mr. English: And if you're not there and they get a different planner are they going to get a different answer, correct? Let's say you...

Ms. Ennis: No, I think our staff is pretty good. We're pretty good at giving the exact same answer.

Mr. English: Okay.

Ms. Ennis: We're onboard.

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Mr. English: But this would keep you on point, though, as far as I'm concerned. I mean, in other words, if you were off tomorrow and I come in and got a planner and I said something different, no this is what the code said, you can't...

Ms. Ennis: And that is...

Mr. English: ... deviate.

Ms. Ennis: ... that is the kind of the problem is I, you know, like the one lot line, you know, when I originally did it, you know, that could have been a side. It could've been a side lot line.

Mr. English: Right.

Ms. Ennis: Or because of the definition, it's a rear because it's opposite. But how I've done it, you know, and I... because, you know, I've been doing these since 2000. So and the ...

Mr. English: I just want...

Ms. Ennis: ... ordinance has changed a little bit, you know, on how... because we used to do it this way where you had several long lines. But when the ordinance changed, because we had a... we had a couple different subdivisions that had really weird shaped lights and stuff. And that's why we passed... we did an ordinance because it was an interpretation that came back to us and we were challenged on.

Mr. English: I want this to... I want this better for the citizen because I don't want them to come back, keep coming back in. If this works for them and Jeff, if this would work for them, then I'm for it. If you think this is going to be beneficial for the citizen, then comes in here. Because I hate to see somebody and I don't know if any of you had the problem, but they have to keep coming back and forth, back and forth. If this is gonna help solve the problem, then I'm for it.

Ms. Ennis: Most of the waivers that you've seen in the last couple of years have been more of homeowners, they're not builders. They're not for subdivisions. They're existing homeowners wanting to subdivide. You know, a lot or two.

Mr. Apicella: Mr. Randall.

Mr. Randall: I noticed all the ones that you've given us, all the other examples, they pretty much state, you know, no elongated, no... what's the term? Sorry. No peculiarly shaped elongations, shall not contain peculiarly... So based on what you're saying, the engineers, you think, give them the same hassle that they give you when they don't, when these other counties aren't as, I mean, we're trying to define peculiarly and we're trying to put it in a statement that says, here's our definition of peculiarly, not we.... I'm not going, that's the problem. Right.

Ms. Ennis: Just say weird, weird shaped lots.

Ms. Randall: Instead of saying you know what, we're the boss you are not, this is peculiar to me, go away and come back with something that's not, because obviously it seems like that's was the other counties do the other ones that you gave us because they're no more... they have no more clarity to it than don't be peculiarly shaped when you come to see us.

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Ms. Ennis: I can't speak for the other counties. I just can't. I don't know what they actually do. If they got a lot that looked like lot seventy four. We wouldn't because we have a side lot line ordinance that wouldn't even prohibit... wouldn't even allow that today, because that wouldn't, you know we just wouldn't. They would have to get a waiver for the side lot line.

Mr. Randall: Alright, so...

Ms. Ennis: So, and with the degrees, we, you know, if we have the degrees they would have... we would have softer lines that would at least allow them to, to move the lot lines, you know, some.

Mr. Randall: Sure, so one more add on question, then I'm done for a little bit. When you, when you say you have a builder come in, they have to go back 12 times. Is that because they're trying to get as many... is that because of the natural contours of the lots? Or is that because they're trying to fit as many lots in a particular location and they're trying to figure out how they're going to get 20 lots when maybe 17 or 18 would make a lot lines a lot better, a lot easier?

Ms. Ennis: Yes.

Mr. Randall: Okay. Alright. So by doing this, you you're making it easier for them to put more lights into an area.

Ms. Ennis: But it's not, I'm not really talking about the developers. I'm talking about the homeowners who own 22 acres, and they want to subdivide one to pay off this. And they want to give one lot to the grandchild and stuff, and they can't do it. I've had this 21 acres for forever, you know, and I can't, I can't give one and live off the rest of what you know, I have. And that's because of these lot lines. And that's why I had to work with the engineers, because they're the surveyors and stuff, because they're doing it for these people, so.

Mr. Apicella: But, but to Mr. Randall's point, you can't distinguish between the two. You can't distinguish between that family lot owner, the single lot owner and developers who have 20 or 50 lots and still has the same net effect of potentially broadening the potential for additional, I don't want to say additional yield, but that's really the case. That's what you're asking, right?

Mr. Randall: Yes, and maybe that's one of the answers. Maybe we do treat them differently. Maybe we say when you have a certain amount of land and you're a homeowner and you want to subdivide it for a family member, maybe where, maybe we're less restrictive in that case than we would be for a developer that has one hundred acres. And he's trying to get, you know, as many lots as possible versus making... doing what makes sense. You know, I would hate to think that we would... we would treat everybody the same if there's, if one is a very small portion of all of the one... all of the examples that we see.

Mr. English: I don't think you could do that because you go down a rabbit hole by doing that.

Mr. Apicella: Yeah, I'm not sure either. Ms. Barnes.

Ms. Barnes: Can we go back to the one who had lot 90? That one that you brought up as the example there, as the flag lot. Explain to me so I can understand this visually, you said that is a lot that is not... that would not be allowed that flag shaped lot. How would that lot be improved or changed in order to get to what you're talking about? Is there...

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Ms. Ennis: If I had a pen I could show you. I... we would...

Ms. Barnes: Because I could really see it if you could say this is bad and now let's change this on lot 99

Ms. Ennis: I think Jeff can...

Ms. Barnes: ... and now this is good.

Ms. Ennis: If you can follow... if you follow his arrow, he could show you how...

Ms. Barnes: Okay.

Ms. Ennis: ... we could make it a little bit better. So, yeah, if you go up the line and kind of go around the drainfield and, you know, soften the line there.

Ms. Barnes: Okay.

Ms. Ennis: So take out that whole triangle, of the corner. And that's where we're manipulating and trying to say, okay, that doesn't work. And we're going back to the engineer saying, you know, this is for the sole purpose of a drainfield. This one is solely for the purpose of the drainfield.

Ms. Barnes: And so you take those to 90 degree angles out of there and basically just kind of shoot across to make it just one.

Ms. Ennis: Right.

Ms. Barnes: And how, and how would that make it better for the homeowner? Just...

Mr. Bain: *Inaudible, microphone not on...* in terms of the drainfield.

Ms. Barnes: Because the drainfields, they are already.

Mr. Bain: The drainfield not going to change...

Ms. Ennis: It's probably wasn't the best example to give you guys, you know. But, you know, these are lots that I just recorded from 2007 that I just recorded last month. And because the preliminary plan was approved, this is... these are the way it was. I was kind of trying to show you different lot lines. The purpose of these was to show you all the different angles, of lot lines that we get, like on 69 there, the 296 line, that whole line, we would have made them straighten it out to meet the 78 line down in the corner. The 200 line, we wouldn't have allowed that bump out in today's ordinance.

Mr. Apicella: Is there...

Ms. Ennis: ... because we want the lines to be as straight as possible.

Mr. Apicella: Is there an alternative way of dealing with drainfield proximity issues rather than necessarily trying to deal with it in terms of how the lot lines or spread out?

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Ms. Ennis: The drainfields are kind of set in stone where they're they can go... locate. And uhmm I... we don't really mess with the drainfields, we just make them deal with the lines. If, if the drainfield is in the way, you know, we make them say, then you need a waiver or you need a variance or whatever you need. So, you know, there's lots of meetings on these to get the lot lines to work.

Mr. Apicella: Mr. McPherson.

Mr. McPherson: LeAnn, I have a question. Are triangular lots forbidden since to wouldn't have a real long line.

Ms. Ennis: No, I read it in the definition, what we do is we come down 10 feet and measure straight across and that's your rear.

Mr. McPherson: Okay.

Mr. Harvey: Yes, Mr. Chairman, as Ms. Ennis was saying earlier in the discussion, the ordinance, from my interpretation and working with the Planning Commission over the last 17 years is that we want to create lots that are usable for the homeowner. The ordinance kind of wants everything to be squares, rectangles or triangles, but especially in the A-1 zoning category with 3 acre lot sizes. It's difficult sometimes to make that work when you take in the contours of land, the location of drainfields as Ms. Ennis said. That's a big driver as to whether someone has a lot or not. And there's Health Department setbacks for the drainfield, from the property line. So sometimes it can be adjusted a little bit, but is kind of pretty much set in stone. But we also ran into issues in the 1990s where there were spaghetti string lots, flag lots and were clearly not meeting the intent of good orderly subdivision practice. So, that's why the ordinance has evolved over time and trying to continue to build good communities and making sure that the property owners, what they're left with is something that's manageable and readily recognizable as their property.

Mr. Bain: I guess so... does that mean that flag lots are not going to be allowed at all?

Ms. Ennis: They still wouldn't be permitted.

Mr. Bain: Okay.

Ms. Ennis: Because we wouldn't allow the... because of the degree.

Mr. Bain: Okay. And what do you do when you have a corner lot, that's two different roads? Do you pick one to be the front?

Ms. Ennis: Yeah, I read...yes, I read the definition. And the shorter street facing side is the front.

Mr. Bain: Okay.

Ms. Ennis: It's not where the house sits or where the door opens up at. It's the shorter... we determined it by zoning, by the definition, the shortest street facing side.

Mr. Apicella: Other questions. Okay, seeing none, I'm gonna open the public hearing. As before, it's an opportunity for the public to comment on this item, if anyone wishes to come forward, please state your name and address. The green light starts the clock. Yellow means you have one minute

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remaining. Red means you need to wrap up. If anyone would like to come forward, I see one person in the audience not rushing the podium. So I'm gonna close the public hearing and bring it back to the Commission for further discussion.

Mr. Bain: Mr. Chairman.

Mr. Apicella: Mr. Bain

Mr. Bain: I have a couple, two editorial comments. But if we're not going to pass the ordinance tonight, then those could be worked out in a committee or should I raise them?

Mr. Apicella: Well, anybody else have any thoughts about asking for much... more time and putting this to a committee?

Mr. McPherson: Yes, I was gonna bring it up. I'd like to make a motion that we request to the Board of Supervisors that we extend the time and so that we can form a subcommittee.

Mr. Apicella: Okay, there's a motion to ask the Board for more time so we can establish a subcommittee. And also ask for some additional flexibility on the ordinance?

Mr. McPherson: Yes.

Mr. Apicella: Is there a second?

Mr. Bain: I will second.

Mr. Apicella: Okay, any further discussion Mr. McPherson?

Mr. McPherson: No thanks.

Mr. Apicella: Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Anyone else? Okay, I'll just kind of springboard off of that. Again I... this may be the right answer. I just don't know at this point in time. I'm having a hard time working my way through it. I just think it makes sense if we could get some more time to potentially put it to a subcommittee and maybe get some more input information and maybe come up with an ordinance that makes sense based on what the Board wants and what we think will work going forward downstream. Mr. English do you have any comments?

Mr. English: Yeah, I'm going to vote no because I feel like they go through this daily, like she said, two or three times a day. And I feel like they're working for something that I think it works for them. And of course, there is some different issues that you guys have. But I'm gonna vote no because I think, again, she deals with it daily, Jeff deals with the daily, they were doing. And I they're more of an expert than I am on it. So that's the reason I'm on a vote no.

Mr. Apicella: Okay. Mr. Harvey, the motion has been made. Do you need any further clarification or you think you understand what we're asking for?

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Mr. Harvey: Mr. Chairman, I understand what the Commission is asking for. The only question I would have is or duration in which you would like the Board to grant your extension.

Mr. Apicella: Mr. McPherson, do you have a thought mind, three months, six months.

Mr. McPherson: I think three months would be ample.

Mr. Apicella: Okay. Others, three months?

Mr. Randall: I guess my only discussion point to that is can we wait that long? Obviously, this has been brought before us for a reason. Is there is there something that says, you know, maybe by the end of February, we need to have something... meet a couple of times to figure what it is? You know, I'm, I'm, I'm right on the fence with whether we... where we should go with this. I'm very much thinking to the same extent that you did that we... I don't really understand what I'm looking at, and maybe there's some more explanations that we should have. And then again, I think that the experts have told us what they want to do, you know, maybe they'll come back and say, you know, what we proposed last year, that's really caused some problems and we want to change it again. So at this point in time, I'm ...

Mr. Apicella: Can I just offer that...

Mr. Randall: Sure.

Mr. Apicella: Nothing precludes us using the full three months. If it can get done in 30 days, so be it. That's when it come comes back to the Commission and we move forward if the subcommittee is ready to recommend something. So, I would just say three months is kind of the outside window from my vantage point. And again, if that committee can get it done sooner, great. So three months? Will you be okay with that Mr. Randall? Alright, cast your vote. Okay, the motion carries 1, 2, 3, 4, 5, to 1. Alright, moving on in the agenda, I think we need to first get the Board to approve the extension of time and we would know before the next meeting. If not, then we've had to take some action at that next meeting. Okay, so items 2 through 6 are deferred until the next meeting.

2. COM17151763; Amendment to the Stafford County Comprehensive Plan - Westlake - A proposal to amend the "Stafford County, Virginia, Comprehensive Plan 2016-2036," adopted on August 16, 2016, regarding future land use designations that would support higher density residential development on a portion of the proposed Westlake development. The proposed amendment would modify Chapter 3, "The Land Use Plan," to amend the maps entitled Figure 3.1, "Urban Services Areas" and Figure 3.6, "Future Land Use" (collectively, the "Maps"). The proposed changes would amend the Maps by changing the future land use designation on Tax Map Parcel No. 35-22 (Property) from Agricultural/Rural to Suburban and amending the Urban Services Area limits to incorporate the Property into the Urban Services Area. The Property consists of 87.6 acres, located at the terminus of Jack Ellington Road, approximately 1,000 feet east of Richards Ferry Road, within the Hartwood Election District. **(Time Limit: January 31, 2020) (History: October 23, 2019 Public Hearing Continued to December 11, 2019) (Public Hearing Continued to Second Meeting in January, 2020)**
3. RC17151895; Reclassification - Westlake Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel Nos. 35-20, 35-20A, 35-21, 35K-1A-1, 35K-1A-2, 35K-1A-3, 35K-1A-4, 35K-1A-5, 35K-1A-6, 35K-1A-7, 35K-1A-8 , 35K-1A-9, 35K-1A-10, 35K-1A-11,

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35K-1A-12, 35K-1A-13, 35K-1A-14, 35K-1A-15, 35K-1A-16, 35K-1A-17, 35K-1A-18, 35K-1A-19, 35K-1A-20, 35K-1A-21, 35K-1A-22, 35K-1A-23, 35K-1A-24 , 35K-1A-25, 35K-1A-26, 35K-1A-A, 35K-1A-A1, and 35K-1A-B, 35K-1A-CC, 35K-1A-JJ, and 35K-1A-KK (Property), zoned R-1, Suburban Residential Zoning District and R-2, Urban Residential – Medium Density Zoning District, to remove site dedication and improvement requirements and update the terms for the development of the project. The Property consists of approximately 482.01 acres and is located at the southern terminus of Cedar Grove Road, along planned Brigade Boulevard, approximately 3,200 feet west of Warrenton Road, and along the west side of Horsepen Run, within the Hartwood Election District. **(Time Limit: January 31, 2020) (History: October 23, 2019 Public Hearing Continued to December 11, 2019) (Public Hearing Continued to Second Meeting in January, 2020)**

4. RC17151764; Reclassification - Westlake - A proposed zoning reclassification, with proffers, from the M-1, Light Industrial Zoning District and B-2, Urban Commercial Zoning District to the R-3, Urban Residential – High Density Zoning District, on a portion of Tax Map Parcel No. 35-31 (Westlake Parcel) consisting of 65.0 acres, to allow for the development of 280 townhouse dwelling units; and from the M-1, Light Industrial Zoning District to the R-1, Suburban Residential Zoning District on Tax Map Parcel No. 35-22 (Crucible Parcel) consisting of 87.6 acres, to allow for the development of 120 single-family dwelling units. The Westlake Parcel and the Crucible Parcel are hereinafter collectively referred to as “the Property.” The Westlake Parcel is located at the southern terminus of Cedar Grove Road, approximately 1,500 feet south of Warrenton Road. The Crucible Parcel is located at the terminus of Jack Ellington Road, approximately 1,000 feet east of Richards Ferry Road. The Property is located within the Hartwood Election District. **(Time Limit: January 31, 2020) (History: October 23, 2019 Public Hearing Continued to December 11, 2019) (Public Hearing Continued to Second Meeting in January, 2020)**

Mr. English: Mr. Chairman, I just want to also put on record again that we are having a public meeting on that on January 13th, that Hartwood Elementary School in reference to Westlake.

Mr. Apicella: What time is that?

Mr. English: It's seven.

Mr. Apicella: Okay, great. Thank you.

Mr. English: Just for the record.

Mr. Apicella: And that's on items 2 through...

Mr. English: Yes, sir.

Mr. English: On the Westlake, 2 through 4.

Mr. Apicella: Four.

Mr. English: Yes sir, 2, 3 and 4.

5. RC19152631; Reclassification - Retail at Garrisonville - A proposed reclassification, with

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proffers, from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of a commercial business with a drive-through on Tax Map Parcel No. 20-35A (Property). The Property consists of 0.82 acres and is located on the north side of Garrisonville Road, approximately 230 feet east of Kingsland Drive, within the Griffis-Widewater Election District. **(Time Limit: March 20, 2020) (History: December 11, 2019 Public Hearing Continued to Second Meeting in January, 2020)**

6. CUP19152632; Conditional Use Permit - Retail at Garrisonville - A request for a conditional use permit (CUP) to allow one single-lane drive-through facility in the B-2, Urban Commercial Zoning District and HC, Highway Corridor Overlay Zoning District, on Tax Map Parcel No. 20-35A (Property). The property consists of 0.82 acres and is located on the north side of Garrisonville Road, approximately 230 feet east of Kingsland Drive, within the Griffis-Widewater Election District. **(Time Limit: March 20, 2020) (History: December 11, 2019 Public Hearing Continued to Second Meeting in January, 2020)**

Mr. Apicella: Okay, unfinished business. There's no Unfinished Business and there's no New Business. Mr. Harvey, Planning Director's Report.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

7. 2020 Meeting Schedule

Mr. Harvey: Thank you, Mr. Chairman. The first item on the report is the 2020 meeting schedule. I asked the Commission, look over the proposed meeting dates and conclude and adopt your meeting schedule for this year.

Mr. Apicella: So do we have any meetings that also come up at the same time or near the same time as the Board of Supervisors Mr. Harvey.

Mr. Harvey: Mr. Chairman, I'm not aware of any meeting dates, a conflict directly with the Board of Supervisors.

Mr. Apicella: Okay. Just to put it out there, we have a couple of meeting dates that would be the day after the Board of Supervisors meeting, of course if we were to change our meeting date, that would potentially have a domino effect. So I'm just gonna throw that out there. Let's just start with any dates, normally we take a break in the summer. And we also typically, if the meeting date is near Thanksgiving and/or Christmas, we cancel those particular meeting dates. So does anybody have any recommendations for...

Mr. Randall: Mr. Chairman, can I have a quick question?

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Mr. Apicella: Sure.

Mr. Randall: Mr. Harvey, is the... we... you have here the tentative Board of Supervisors dates. Did the Board yesterday approve their list?

Mr. Harvey: Yes, sir, they approved their calendar yesterday.

Mr. Randall: And in it is... is it any different to what we see here or was it approved as written?

Mr. Harvey: Approved as written?

Mr. Randall: Alright, thank you.

Mr. Bain: Mr. Chairman, I think the November 25th and December 23rd meetings might be eliminated,

Mr. Apicella: Okay.

Mr. Bain: Because proximity to Thanksgiving and Christmas.

Mr. McPherson: I'd like to add the July 8th meeting as well.

Mr. Apicella: Okay, anybody have any problems with those three meeting cancelations? How about a meeting in August, we usually just have one meeting in July and one meeting in August.

Mr. English: I think we should move.... drop the August 26th one.

Mr. Apicella: Would we want to do the 26th or 12th?

Mr. English: I'm sorry, the 12th. I'm sorry.

Mr. Apicella: Okay, so right now I have that we will be dropping the July 8th meeting, August 12th meeting, the November 25th meeting and the December 23rd meeting. Is everybody okay with that? Just before we before we do that, anybody have any concerns about having a Planning Commission meeting the day after a Board meeting? I personally, I think we can make it work. I know it's but it's a little bit arduous for staff. But I'm just concerned that, again, if we move a meeting in a month, we'd be banging up against another meeting, basically having two meetings one week after the other. If we were to make a change.

Mr. McPherson: I have no concerns.

Mr. English: Do we... I mean, how many meetings are like that? Do you know?

Mr. Apicella: I'm seeing the January 22nd meeting, both April meetings, and we've already eliminated that meeting on the 8th.

Mr. Randall: *Inaudible, microphone not on...* January 21st and both April meetings are the only ones that are the day after the Boards meetings.

Mr. Apicella: Staff... Mr. Harvey, do you have any concerns?

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Mr. Harvey: No, Mr. Chairman, I would note usually the first meeting in April is devoted to the budget, as far as the Board goes, so they usually don't have land use issues. The only thing I would bring to the Commission's attention is if the Board refers something to the Commission, sometimes the clock will start on the next regular meeting of the Planning Commission. So if it's the next day, I'll just be telling you that the Board sent something to you and then follow up the next meeting with the new business item. So there will be a potential time loss as far as being able to get information to the Commission, if the meetings are back to back. But that's only for items that are referred to the Commission from the Board.

Mr. Apicella: So the issue of referral, is that a statutory issue or is that practice in Stafford. So if again, let's just use the example of the Board meets on the 21st, they have a planning item that they want referred to the Planning Commission. And it's just basic information that you have. There's no staff report associated with it. Does the clock start because of a statutory trigger or because of Board practice?

Mr. Harvey: Mr. Chairman, if it's an item dealing with an ordinance change or the comprehensive plan, then it's under statutory time limit. The time clock starts for the Planning Commission at your first regular meeting after the Board referred it to you. So, that's where you could run into some issues if the Commission wanted to discuss and debate an item before scheduling a public hearing.

Mr. Randall: I have a ques... maybe a recommendation if... I don't know if we can do a thing about the 21st and the 22nd, and if April 7th is strictly a budget meeting there may be a recommendation that we would take the April 22nd meeting, which is the 4th, make it the 29th. It ends up being the 5th Wednesday. But it's that would then it would make us 3 weeks between the 8th and the 29th, and we would still have two weeks between the 29th and 13th of May. And that would then alleviate the back to back for the 21st on the 22nd of April.

Mr. Apicella: I think that's a good recommendation, anybody else have any thoughts about that?

Mr. English: That's good.

Mr. Apicella: Every good with that? Okay, so we've eliminated four meetings and we've changed the April 22nd meeting to April 29th. Any other changes?

Mr. Harvey: Mr. Chairman, as you noted on the agenda, no items referred to the second meeting in January and that date has yet to be determined. January is similar to April as far as meeting dates or potential meeting dates. The question would be, does the Commission want to meet on 22nd or the 29th?

Mr. Apicella: Thoughts?

Mr. English: Let's go for the 29th, because it gives me more time with the Westlake issues.

Mr. Apicella: Okay, so we're gonna move the January 22nd meeting to January 29th. So I see a total of six changes. Is everybody good with that or do you need me to go back over it? Alright, so again, I'll just, I'll just for the sake of making sure everybody is on the same page, we're changing the January 22nd meeting in January 29th. We're changing April 22nd meeting to April 29th, were eliminating the July 8th meeting, the August 12th meeting, the November 25th meeting and the December 23rd meeting. Okay, cast your vote. Okay, motion carries 6-0.

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8. 2019 Annual Report

Mr. Harvey: Mr. Chairman, the next item on my report is the Planning Commission's Annual Report for 2019. I've taken the liberty of drafting a report for your consideration. I ask the Commission to please look it over, let me know if there's any adjustments that need to be made. And just as a reminder, State Code requires a Planning Commission to report its work activities to the Board of Supervisors on an annual basis.

Mr. Apicella: Okay Thank you, Mr. Harvey. So we can take that up at the now January 29th meeting? Anything else, Mr. Harvey?

9. Time Limits - *Referral from BOS*

Mr. Harvey: Yes, Mr. Chairman, there was a referral by the Board of Supervisors at their December 17th meeting for a proposed ordinance amendment for the Subdivision and Zoning Ordinances, specifically dealing with the time limits for development applications, rezoning and conditional use permits. The proposed ordinance would set a maximum 18 months for approval of those types of applications and would streamline the process for reviewing applications. And I'll be happy to go into more detail if the Commission wants. We could schedule this as new business for your next meeting and or authorize a public hearing tonight if the Commission so desires.

Mr. Apicella: Has the clock started on this one or when it started out under new business for the next meeting?

Mr. Harvey: Mr. Chairman, the clock would start tonight, since this is your first regular meeting since the Board made its referral.

Mr. Apicella: Okay, so does anyone have questions for Mr. Harvey on this?

Mr. Bain: I had I had submitted several comments on it. Mr. Harvey provided responses, as long as those are incorporated, that's appropriate. I think I'd be fine with it with it to go to public hearing.

Mr. Randall: So, Mr. Harvey, when do we...what's the time frame for this? Again, I'm sorry.

Mr. Harvey: Commissioner Randall, it would be auth... the Planning Commission would be required to act on the subdivision amendments to this proposal within 60 days.

Mr. Randall: Sixty days from today?

Mr. Harvey: Correct.

Mr. Apicella: Okay, I have some.... anybody else have any questions or comments? If you will bear with me here, I think one of my questions is probably to be taken care of by Mr. Bain's proposed change to Section 22-26, adding the word... words or disapproved. I think it would be helpful where appropriate, and I'm not sure where that is yet, but when we talk about applications being filed, that we speak to... add the word complete applications. I don't know if it's appropriate in every case. Have you had a chance to think about that, Mr. Harvey?

Mr. Harvey: No, Mr. Chairman, unfortunately, I haven't had time to focus on that.

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Mr. Apicella: Okay, and also under, I'm looking at attachment 2, page 9 of 14. Where it talks about a rezoning application being referred, can an applicant grant more time under the State Code on a rezoning?

Mr. Harvey: Mr. Chairman, under State Code, the Board of Supervisors has 12 months to approve a rezoning application once it's been filed and deemed complete. The applicant for the rezoning can request an extension beyond that 12 month time period.

Mr. Apicella: Okay, is that stated anywhere or is that... does it need to be stated?

Ms. Lucian: I don't think it's necessary to state that.

Mr. Apicella: Okay.

Mr. Bain: I think it's implied in paragraph G, it says consideration beyond 12 months, which may only be extended by a written request of the applicant.

Mr. Apicella: Right, so there's two pieces to it. There's the clock that we're under as a Planning Commission. We have 100 days and then the Board has a full twelve months. So, I guess part of my question relates back to the 100 days. So, an applicant cannot grant the Planning Commission more time.

Ms. Lucian: I think they can. I would have to look at the language of this to see if you need to add anything. But as far as I am aware right now, I don't think it's necessary.

Mr. Apicella: The reason I bring it up, because we've come pretty close to being right up against that that timeline. So, I think it might be worth exploring. Another question I have is when are changes to a proposal so significant that a new application is warranted? And how would we know? Is there some criteria? How does that get determined?

Mr. Harvey: Mr. Chairman that would be more of a legal question that we would defer to the attorneys on. Typically would be a situation where they are changing the requested zoning classification from the original application and/or there's been material changes in the application from what's initially been advertised.

Mr. Apicella: Okay, so if we were to defer this to the 29th before we make any determinations and maybe had an additional staff overlay report on top of this, we could still meet our deadline of 60 days?

Mr. Harvey: Yes, sir.

Mr. Apicella: Okay.

Mr. Randall: That would be my recommendation, is to move it to new business, get a first cut on it, get it to get a presentation and then decide at our next meeting?

Mr. Apicella: Is that a motion Mr. Randall?

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Mr. Randall: I make a motion to move this to new business for our meeting on the 29th and at that point in time, we can further discuss moving it to public hearing.

Mr. Apicella: Is there our second?

Mr. Bain: Second.

Mr. McPherson: Second.

Mr. Apicella: Okay, thank you, Mr. Randall, who's made a motion to defer until our January 29th meeting. I'm going to give this one to Mr. McPherson. Any other comments, Mr. Randall?

Mr. Randall: No.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No.

Mr. Apicella: Mr. Bain? Anybody else? Okay, cast your vote. Motion carries 6-0. I think there's one more item.

10. Yearly Expenditures (to date)

Mr. Harvey: Yes, Mr. Chairman, yearly expenditures. We provided the Commission listing of the expenditures, and right now we're midway through the fiscal year and we're still within budgetary constraints.

Mr. Apicella: Okay, so this is just for information there's nothing that we needed.

Mr. Harvey: Correct. And that concludes my report.

Mr. Apicella: Thank you, Mr. Harvey. County Attorney's report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Good evening, Planning Commission, welcome to 2020. I do have one piece of information for you. I know I usually don't say much, next week on January 15th, that's 7 o'clock in the Board Chambers, there is a COIA training. So, if any of you have questions about the forms that you might be getting about Conflicts of Interest Act, there will be a meeting at that time where you can get some information.

Ms. Barnes: *Inaudible, microphone not on.*

Ms. Lucian: Yep, January 15th at 7 p.m.

Mr. Apicella: So just as are a reminder, those forms are due to the...which office?

Ms. Lucian: That I actually don't know.

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Mr. Apicella: Okay.

Ms. Lucian: Whoever sent it out.

Mr. Harvey: Mr. Chairman, they're there due to the County Administrator's office, I believe it's February 3rd.

Ms. Lucian: That's correct. February 3rd.

Mr. Apicella: And they need the original signed version?

Ms. Lucian: I think a scanned copy is sufficient. I would check with the administration to be sure, but I think a scan signature is fine.

COMMITTEE REPORTS

Mr. Apicella: Okay. Thank you. We don't have any committees to report out tonight. I don't have a report. Other Business -- TRC, Mr. Harvey, can you explain for our new member what TRC stands for?

CHAIRMAN'S REPORT

OTHER BUSINESS

11. TRC Information - January 22, 2020

- ◆ Chatham Ind Pk Properties - George Washington Election District
- ◆ North Stafford Ctr Bus & Tech Pcl 5 - Rock Hill Election District

Mr. Harvey: Yes, Mr. Chairman. The TRC is a Technical Review Committee. By Code that Technical Review Committee is comprised of staff from various departments, including Planning and Zoning, Public Works and the Fire Marshal. Public Works handles both transportation and sewer and water utilities and stormwater management. Also, the Virginia Department Transportation is part of the Technical Review Committee and Virginia Department of Health, as well as the Planning Commission. The Planning Commission is a member of the Technical Review Committee. When an application is filed with the county, we asked staff, the applicant, any Planning Commissioners or Board of Supervisors members whether they want to have a meeting to discuss the new application that's been filed. If that is the case, then we proceed with a meeting where the Planning Commissioner for the district is invited to attend as well as the staff. And we sit down and discuss the development application with the engineer as well as the developer. At that point in time we go over all the deficiencies of the plan and what needs to be done in order to correct it, for it to be administratively approved.

Mr. Apicella: Thank you, Mr. Harvey. Okay, no minutes to approve. And with no further business before the Commission, we stand adjourned.

APPROVAL OF MINUTES

NONE

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ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:44 p.m.