

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
April 4, 2007

The work session of the Stafford County Planning Commission of Wednesday, April 4, 2007, was called to order at 5:30 p.m. by Chairman William Cook in the Board of Supervisors Chambers of the County Administrative Center.

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

Members Absent: None

Staff Present: Harvey, Judy, Stepowany, Baker, Hornung and Gregori

Declarations of Disqualification

ORDINANCE COMMITTEE

Item 1 Changeable copy/internal illuminated signs

Mr. Stepowany stated he spoke with Allan Griffith of the Virginia Department of Transportation (VDOT) about non-conforming signs. He stated non-conforming signs could only be upgraded to fifty-percent of the cost. He stated if a sign was deemed non-conforming then it needed to be on VDOT's list of non-conforming signs. He stated he was going to meet with Jim Barrett, VDOT's State Program Manager for Outdoor Advertising Signs.

Mr. Di Peppe stated he thought all the billboards in Stafford County were non-conforming.

Mr. Stepowany stated the majority of the billboards were non-conforming. He stated if the billboards were under 20 feet and less than 40 square feet than they were still conforming.

Mr. Di Peppe stated he thought if the Planning Commission deemed a billboard to be non-conforming than VDOT would determine it to be non-conforming as well.

Mr. Stepowany quoted from Section 24 VAC 30-120-20-A of the State Code.

Mr. Di Peppe stated it would be easier to have a list of conforming billboards.

Mr. Stepowany stated every single sign along the highway was a billboard, including historical markers and Welcome to Stafford signs.

Mr. Cook asked why Code Administration did not have a list of non-conforming signs.

Mr. Stepowany stated while he could not speak on behalf of Code Administration, they received a list but were not aware that if the sign was non-conforming with the County, than it needed to be marked non-conforming with VDOT.

Mrs. Kirby asked if Code even knew the signs were non-conforming.

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Mr. Di Peppe asked if it would be possible for Rachel Hudson to attend an Ordinance Committee meeting.

Mr. Cook stated Ms. Hudson should be at the meeting because it was an Ordinance Committee meeting.

Mr. Stepowany stated Ms. Hudson was not available to attend tonight's meeting.

Mr. Di Peppe asked if Ms. Hudson could explain the fifty-percent cost of upgrades.

Mr. Judy stated non-conforming signs could only be upgraded to fifty-percent of the cost to rebuild the sign new. He stated Stafford County never officially submitted lists of non-conforming signs to VDOT.

Mrs. Carlone stated she thought someone was supposed to clarify the fifty-percent upgrade issue.

Mr. Judy stated the fifty-percent upgrades were not the issue, but the non-conformity needed more clarification.

Mr. Stepowany stated VDOT probably did not deem the signs to be non-conforming.

Mrs. Kirby asked Mr. Stepowany to provide a list of non-conforming signs, and why no one from the Board of Zoning Appeals was present.

Mr. Stepowany stated the Building Official, not the Zoning Administrator, determined if there was a discrepancy in the costs of upgrades.

Mrs. Kirby stated on Route 610, one day it was a regular billboard, the next day it was an electronic billboard. She stated, in her opinion, that was not a repair, it was a whole new sign.

Mr. Stepowany stated no one knew the sign was non-conforming.

Mr. Cook stated, in his opinion, it was unclear how a permit could be issued for a sign when Code Administration did not have a list of non-conforming signs.

Mr. Di Peppe asked if signs would be grandfathered in.

Mr. Stepowany stated on the list of signs there were some marked (NC) for non-conforming and others marked with a (G) for grandfathered.

Mr. Pitzel asked if the size of a sign was measured in square feet.

Mr. Harvey stated yes.

Mr. Pitzel asked what SDT was.

Mr. Judy stated Site Distance to Top of Sign.

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Mr. Stepowany asked the Planning Commission for input as to how Stafford County should regulate “television signs”.

Mrs. Kirby stated, in her opinion, she did not want to drive down the highway looking at televisions.

Mr. Stepowany stated billboards were general advertisement signs. He stated a commercial use could put up a sign along the street on the property and a billboard. He stated flashing or intermittent lights have always been prohibited in the Code.

Mr. Di Peppe stated electronic signs should only allow time and/or temperature.

Mr. Rhodes asked if this applied to indoor and outdoor signs.

Mr. Stepowany stated it would apply to all signs.

Mr. Rhodes asked if this would apply to signs inside of a business looking out.

Mr. Stepowany stated window signs would be controlled.

Mr. Rhodes stated this would apply to anything which could be seen from outside of the building.

Mr. Stepowany stated yes.

Mr. Rhodes asked if the Ordinance would apply to businesses where cars do not drive by.

Mr. Stepowany stated yes.

Mr. Pitzel asked if this would affect the Virginia Railway Express (VRE) signs. He asked if the phrase “visible from the roadway” could be added to the Ordinance.

Mr. Rhodes stated they did not want to preclude every small business. He stated small signs were used in store windows to attract pedestrians on the sidewalk.

Mrs. Carlone stated she was concerned about trucks with signs on them parking in neighborhoods or along the roads.

Mr. Stepowany stated that was addressed in the Zoning Ordinance. He stated staff was reviewing the Zoning Ordinance and he was reviewing the section on signs.

Mrs. Carlone stated she was concerned about the neon signs.

Mr. Harvey stated a sign that was less than two feet was not technically a sign.

Mr. Di Peppe stated perhaps there could be a regulation on the size of the letters on the sign.

Mr. Harvey stated anything smaller than two square feet was not a sign in the Zoning Ordinance.

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Mr. Di Peppe stated that would allow the electric CVS signs.

Mr. Stepowany stated the CVS signs were larger than 2 feet.

Mr. Pitzel asked if there was a definition for glare.

Mr. Stepowany stated glare was changed to foot candles.

Mr. Rhodes asked if a parking lot or a travel way in a shopping center was a street.

Mr. Stepowany stated no.

Mr. Judy stated instead of using the term street, use the term public right of way.

Mr. Rhodes asked for a definition of public right of way.

Mr. Judy stated public right of way was dedicated to public use.

Mr. Stepowany asked the Planning Commission what the Ordinance should read for television signs. He asked about the language LCD and multi-sided signs.

Mr. Cook asked that prohibiting multi-cylinder signs be enforced through the Ordinance.

Mr. Rhodes stated he was concerned that an 18 inch square monitor in the window of a small business would be precluded by the Ordinance.

Mr. Cook stated on Route 630 near the Rappahannock Regional Jail, there was a business with a flashing light in the window. He stated it was almost like an emergency vehicle.

Mr. Stepowany stated that would be addressed in the section on illumination. He stated signs could not be internally lit or in the public right of way.

Mr. Pitzel stated some stores downtown have a lap top in the window and in the Traditional Neighborhood Development (TND) the public right of ways were very narrow.

Mrs. Kirby stated electronic signs were dangerous because of the changing lights.

Mr. Stepowany stated he would review the Ordinance and bring it back to the Ordinance Committee on April 18, 2007.

Item 2 Zoning Administrator

Mr. Stepowany stated Item 2 was to repeal Section 28-295 of the Zoning Ordinance.

Mr. Cook made a motion to send Item 2 to the full commission. Mr. Rhodes seconded. The motion passed 7-0.

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Item 3 Industrial Schools

Mr. Stepowany stated Item 3 would require a Conditional Use Permit (CUP) for an industrial school in the M-2 Zoning District.

Mrs. Kirby made a motion to send Item 3 to the full commission. Mrs. Carlone seconded. The motion passed 7-0.

Item 4 Commercial apartments

Mr. Stepowany stated Item 4 would require a CUP for commercial apartments in the B-2 Urban Commercial Zoning District.

Mrs. Kirby made a motion to send Item 4 to the full commission. Mr. Cook seconded. The motion passed 7-0.

ADJOURNMENT

With no further business to discuss the meeting was adjourned at 6:50 p.m.

William Cook, Chairman

STAFFORD COUNTY PLANNING COMMISSION MINUTES

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The regular meeting of the Stafford County Planning Commission of Wednesday, April 4, 2007, was called to order at 7:30 p.m. by Chairman William Cook in the Board of Supervisors Chambers of the Stafford County Administration Center.

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

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATIONS:

Mr. Mitchell stated he was a member of Mt. Ararat Baptist Church. He stated, in his opinion, he could deliver a fair, equitable, and balanced decision based on his service on the Planning Commission.

PUBLIC PRESENTATIONS:

None

PUBLIC HEARINGS:

1. Amendment to Zoning Ordinance - Amendment to Section 28-35, Table of Uses and Standards; Table 3.1, District Uses and Standards; and Section 28-57, Flood Hazard Overlay District (FH), of the Zoning Ordinance, pursuant to O07-31. The amendment authorizes the Board of Supervisors to grant a Conditional Use Permit to allow the following uses and activities in the Flood Hazard Overlay District (FH):

- Public works, Utilities and public facilities and improvements, such as railroads, streets, bridges, transmission lines, water and sewage treatment plants, stormwater management structures, and other or similar related uses.
- Water-dependent uses and activities, such as marinas, docks, wharves, piers, or shoreline protection measures, where no administrative exception has been granted by the agent.

The amendment modifies Table 3.1 for the FH Flood Hazard district by deleting special exception as an option and requires a Conditional Use Permit for all uses previously listed as a special exception and adds Public works to the list.

(Time Limit: April 4, 2007)

Mr. Stepowany presented the staff report. He stated the amendment to the Ordinance would allow the Board of Supervisors to require a Conditional Use Permit (CUP) and delete the requirement for a Special Exception from the Board of Zoning Appeals (BZA). He stated a CUP would be required for railroads, streets, bridges, transmission lines, water and sewage treatment plants, stormwater management structures, and related uses. He stated a CUP would also be required for marinas, docks, wharves, piers, and shoreline protection measures. He stated the County would not allow any encroachments, including fill, new construction, substantial improvements, or other development, within the floodway unless it has been demonstrated, that the proposed encroachment would not

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result in an increase in the 100-year flood elevation. He stated if the proposed encroachment would increase the 100-year flood elevation, the County may allow such increase in the 100-year flood elevation, provided the County first applies for a conditional Flood Insurance Rate Map (FIRM) and floodway revision, and receives approval from Federal Emergency Management Agency (FEMA) prior to construction of the proposed encroachment. He stated FEMA ultimately determines whether a proposed encroachment in a floodway would constitute a flood hazard. He stated abutting property owners were notified when a site plan or preliminary subdivision plan was submitted to the County and a property owner can contact FEMA and express their concerns about potential flood hazards. He stated staff recommends approval.

Mrs. Carlone asked if the BZA would be removed from the process.

Mr. Stepowany stated yes.

Mrs. Carlone asked why the BZA was removed from the process.

Mr. Stepowany stated she would have to ask the Board.

Mrs. Carlone stated the amendment makes a political decision.

Mr. Judy stated the Court appoints the BZA members.

Mr. Pitzel asked if there would have to be a burden of proof or just a special exception.

Mr. Harvey stated the BZA had six criteria for which they base their decisions.

Mrs. Kirby stated the process was going from the BZA to the Planning Commission and Board of Supervisors.

Mr. Stepowany stated yes. He stated there would be a public hearing with the Planning Commission and with the Board of Supervisors.

Mrs. Carlone asked where the breaking point was between special exceptions and administrative decisions.

Mrs. Kirby asked if the amendment discussed down stream flooding.

Mr. Harvey stated they were dealing with docks and piers. He stated sometimes the whole river basin was floodway.

Mrs. Kirby asked about the citizens who live down stream.

Mr. Mitchell asked if schools were included in public facilities.

Mr. Stepowany stated schools were public works.

Mr. Mitchell stated he was surprised a school could be built in the floodway.

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Mr. Di Peppe stated, in his opinion, the Board was in a hurry and frustrated they could not get the vote they wanted from the BZA and now they want to change the process. He stated he objected to having one night to make a decision.

Mrs. Carlone stated she had a real problem with changing the legislative process.

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

Mr. Rhodes asked for clarification of the public notice policy.

Mr. Harvey stated the abutting property owners were notified by letter and a notice was posted in the newspaper two weeks before the public hearing.

Mr. Di Peppe stated he would like to know the exact history behind the amendment. He stated he was skeptical about short circuiting the process and he would like some honest answers on why all of the sudden this decision has to be made tonight. He made a motion for denial.

Mr. Pitzel seconded.

Mr. Rhodes stated a denial was as quick as an action as being asked to approve it tonight. He made a substitute motion to put Item 1 in committee. Mr. Mitchell seconded.

Mr. Di Peppe stated he would not withdraw his motion for denial.

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

Mr. Rhodes made a motion to put Item 1 in committee. Mr. Mitchell seconded. The motion passed 7-0.

2. CUP2600868; Conditional Use Permit – Mt. Ararat Baptist Church Addition - A request for a Conditional Use Permit to allow an exception to height regulations up to 72 feet for a place of worship in the A-1, Agricultural Zoning District, on Assessor's Parcel 19-63 consisting of 23.38 acres, located on the west side of Toluca Road approximately 400 feet north of Garrisonville Road within the Rock Hill Election District.
(Time Limit: July 2, 2007)

Mr. Stepowany presented the staff report. He stated the applicant was proposing an addition to the existing place of worship with a maximum height of seventy two (72) feet. He stated currently a cemetery, one (1) story sanctuary, two (2) story administrative building, parking and a single family residence exist on the west side of Toluca Road. He stated the General Development Plan (GDP) proposes a two (2) story sanctuary and a two (2) story educational building on the west side of Toluca Road with parking lots on the east side of Toluca Road. He stated the elevations of the proposed additions indicate a 27 foot cross to be placed on top of the sanctuary and bell tower. He stated the bell tower would be 110 feet and the improvements to Toluca Road were planned as part of the project and would be addressed with future site plans. He stated staff recommends approval of the application.

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Mr. Di Peppe stated if the 27 feet would be on top of the 72 feet, the height would be 99 feet.

Mr. Stepowany stated yes.

Mr. Rhodes asked where the 72 feet was measured from since the church was on the rolling property.

Mr. Stepowany stated it would be measure by the median grade.

Mrs. Carlone stated a 27 foot cross on a 110 foot bell tower would be 137 feet tall. She stated she was concerned about traffic from church events would affect the neighbors.

Mr. Stepowany stated they were not required to submit a traffic study with the CUP.

Mr. Pitzel stated the church had bought most of the neighboring properties.

Mr. Mitchell asked the height of the Adelphia telecommunications tower down the street.

Mr. Stepowany stated communications towers were as low as 85 feet and as high as 199 feet.

Clark Leming, Leming and Healy, stated the bell tower was by-right and the issue before the Planning Commission was the height of the two sanctuaries.

Reverend Todd Gaston stated Mt. Ararat Church was founded 100 years ago. He stated purchasing property and building additions was a part of growing in Stafford County. He stated currently there were 2,200 members and expanding the church would be a great opportunity to impact the community and meet the needs of residents in Stafford County.

Mr. Leming stated this was a three phase program with the funding for Phase 1 in place. He stated the church was lower than the Route 610 grade.

Mrs. Carlone asked how many actual residences were in the neighborhood.

Mr. Leming stated there were some sparse residents to the east of Toluca Road. He stated Eastern View subdivision was not visible from the church.

Mr. Pitzel asked if the sanctuary would be two stories.

Mr. Leming stated it would be a single floor sanctuary.

Mrs. Kirby asked when the project would be completely finished since the building permit had to be obtained within five years.

Mr. Leming stated the applicant would like the building permit time period lengthened.

Mr. Stepowany stated a building permit could be issued for a portion of the site within five years.

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Mrs. Kirby asked when the road improvements would be completed.

Mr. Leming stated the road improvements would take place once the parking lots were completed.

Mrs. Kirby stated the applicant was supposed to have scheduled a meeting with Mr. Gibbons and her.

Mr. Leming stated to the back of the property there were playing fields, which the neighbors wanted to make sure there would be buffering along the playing field and the adjacent property.

Mr. Rhodes stated the total height of the sanctuary would be 137 feet.

Mr. Leming stated yes.

Mr. Rhodes asked if the three phases could be explained.

Steve Thompson, Mount Ararat Building Committee, stated Phase I would include the sanctuary and the children's building which would take about 12 to 14 months to complete.

Mrs. Carlone asked where the construction traffic would come in.

Mr. Leming stated the construction traffic would come in at the traffic light.

Mr. Thompson stated Phase 2 would be the future expansion of the pre-school and children's center.

Mr. Rhodes asked if any additional parking would accompany Phase 2.

John Peters, engineer, stated they have not identified what additional parking would be required with the uses. He stated there would be uses which do not occur at the same time, but utilizing the same parking.

Mr. Rhodes stated Phase 3 of the project would be the larger sanctuary, playing fields, and parking.

Mr. Leming stated yes.

Mr. Mitchell stated Mount Ararat has held annual 4th of July celebrations and an outdoor Christmas pageant, during which the traffic has always flowed well even without the road being improved due to volunteers directing traffic. He stated the maximum height being proposed was much lower than most telecommunications towers in the County.

Mr. Di Peppe stated the 58 feet sanctuary would not have a cross, just the 72 feet sanctuary.

Mr. Leming stated yes.

Mr. Cook opened the Public Hearing.

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Ed Langston stated he has lived in Stafford County for 21 years. He stated Mt. Ararat benefited the community through AA meetings, Boy Scout meetings, and other community events. He stated he supports the CUP.

Skip Clausen stated Mt. Ararat was a good neighbor and he did not have any problems with the expansion. He stated there were no traffic issues with church activities and he was pro-growth for Stafford County.

Elaine Prockus stated she did not have a problem with the steeple and Mt. Ararat does contribute to the Stafford community. She stated there were 12 houses, plus an additional 15 proposed on Toluca Road. She stated traffic backs up on Toluca Road and pedestrian traffic was also an issue. She stated animals at church events in her opinion, were a hazard to the health of horses kept on her property. She stated the growth of the congregation was a concern but other citizens' needs should be considered as well.

Keith Johnson, CT Park, stated he supported the CUP.

Heidi Simpson stated she was for the expansion of Mt. Ararat because of its mental health programs.

Clay Huber stated his children had grown up in the church and he was a youth worker. He stated there was a lack of space and the 3 worship services were over crowded. He stated Mt. Ararat was a positive place for the kids of Stafford County.

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

Mr. Leming stated if a homeowner addressed their concerns to the applicant, the applicant was generally willing to work with the homeowner. He stated improvements to Toluca Road were part of the expansion.

Mrs. Carlone asked Mr. Leming to make sure that the proposed new homes on Toluca Road were made aware of the expansion.

Mr. Leming stated he would.

Mrs. Kirby made a motion to put Item 2 in committee. Mr. Di Peppe seconded.

The motion failed 2-5 (Mrs. Carlone, Mr. Cook, Mr. Mitchell, Mr. Rhodes, and Mr. Pitzel were opposed).

Mr. Cook stated Mr. Gibbons would have a chance to meet with Mr. Leming prior to the Board of Supervisors Public Hearing. He asked what Mrs. Kirby's concerns were.

Mrs. Kirby stated she was concerned about Toluca Road, the animals, and the playing fields.

Mr. Mitchell stated the people who attended the public hearing expected a decision. He stated he could not support the motion.

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Mr. Rhodes stated he appreciated the citizens attending the public hearing but, in his opinion, that did not warrant a decision.

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

UNFINISHED BUSINESS:

3. RC2600453; Reclassification – Stafford Business Park – A proposed reclassification from A-1, Agricultural to B-2, Urban Commercial Zoning District to allow commercial development of Assessor's Parcel 44-61 consisting of 3.0 acres, located on the north side of Warrenton Road across from Village Parkway within the Hartwood Election District. The Comprehensive Plan recommends the property for Light Industrial and Urban Commercial uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. The Urban Commercial designation would allow development of commercial, retail and office uses. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: June 19, 2007)(Deferred to the April 18, 2007 Work Session)**

Mr. Cook stated Item 3 was deferred to the April 18, 2007 work session.

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

Mr. Cook stated Item 4 was deferred to the April 18, 2007 work session.

NEW BUSINESS:

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

Mr. Cook stated Item 5 was deferred to the May 2, 2007 regular meeting.

MINUTES

None

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PLANNING DIRECTOR'S REPORT

Mr. Harvey stated the Board of Supervisors continued the Public Hearing concerning Fairfield Inn and Suites CUP and reclassification. He stated the Board referred an ordinance to the Planning Commission about dams which may affect Home Owners Associations. He stated there was a RCUZ pamphlet from Quantico Marine Base concerning the noise impact. He stated staff would like to work with the Planning Commission on adjusting the Zoning Ordinance.

Mrs. Kirby asked if the citizens would have input on RCUZ.

Mr. Harvey stated pamphlets were available at the Planning Department and local libraries.

Mr. Pitzel stated noise levels were weighted averages.

COUNTY ATTORNEY'S REPORT

Mr. Judy stated he received a call from Mrs. Kirby asking if we could discuss the Transportation Bill the Governor had re-written. He stated he did not think it was a good idea for him to comment too much on it because there was a meeting today and the housing community had some serious questions. He stated there were some Code sections impacted by the changes. He stated the Legal Food Frenzy was still going on and they would be collecting food through April 13, 2007.

SECRETARY/TREASURER REPORT

No report

STANDING COMMITTEE REPORTS

Mr. Pitzel stated on March 26, 2007 and April 2, 2007 the Comprehensive Plan Steering Committee finished all ten policies and received revised build out numbers on Land Use Maps. He stated the next meeting was scheduled for April 9, 2007 in the Activities Room.

Mr. Cook asked Mr. Harvey to block the second meeting in May for the Comprehensive Plan presentation.

Mr. Di Peppe stated three Ordinances were referred to the full commission during Ordinance Committee.

Mr. Stepowany stated Item 2 was to repeal Section 28-295 of the Zoning Ordinance.

Mrs. Kirby made a motion to set Item 2 for Public Hearing. Mr. Rhodes seconded. The motion passed 7-0.

Mr. Stepowany stated Item 3 would require a Conditional Use Permit (CUP) for an industrial school in the M-2 Zoning District.

Mrs. Kirby made a motion to set Item 3 for Public Hearing. Mr. Rhodes seconded. The motion passed 7-0.

Mr. Stepowany stated Item 4 would require a CUP for commercial apartments in the B-2 Urban Commercial Zoning District.

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Mrs. Kirby made a motion to set Item 4 for Public Hearing. Mr. Rhodes seconded. The motion passed 7-0.

Mr. Cook asked Mr. Harvey to schedule the Ordinances for the May 2, 2007 Public Hearing.

CONSENT AGENDA

SPECIAL COMMITTEE REPORTS

Mr. Harvey stated there were two issues not mentioned under Planning Directors Report. He stated he would like to welcome Brenda Schulte as Principal Planner to the Development Review Team. He stated the Board of Supervisors sent the Floodway Ordinance to the Commission with a 30 day recommendation. He stated if action was not taken, the item would be deemed approved.

Mr. Judy said "No zoning ordinance should be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local Planning Commission. Failure of the Commission to report 100 days after the first meeting of the Commission after the proposed amendment or reenactment has been referred to the Commission, or such shorter period as may be prescribed by the governing body, shall be deemed approval unless the proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration date or time period".

Mr. Rhodes stated he understands the regulations, if the Planning Commission does not act by the time limit the item would be approved, but he feels the Commission did act by sending Item 1 to committee.

Mr. Cook stated by acting, the Commission would have to recommend approval or denial. He stated he would re-open the subject. He asked if one of the Commissioners who motioned to put the Ordinance in committee would reconsider.

Mrs. Kirby made a motion to reconsider the Ordinance. Mr. Rhodes seconded.

Mr. Cook stated the Ordinance was back on the table.

Mrs. Carlone made a motion for denial. Mr. Di Peppe seconded. He stated in his opinion to change the public process because you are not getting what you want was wrong. He stated anytime someone tells him to do something right now, and he does not have the whole story, it gives him pause. He stated there was a Court appointed Board of Zoning Appeals.

Mr. Rhodes stated he would submit that there was some opportunity to read the Ordinance and question it before sending it to Public Hearing.

Mr. Judy stated the Board had the authority to give the BZA the right to review it under special exception and the Board has the right to take it away from the BZA.

Mr. Cook stated the BZA had a hard time getting a quorum.

Mr. Di Peppe stated in his opinion there was more behind this.

The motion to deny passed 4-3 (Mr. Rhodes, Mr. Cook, and Mr. Mitchell were opposed).

CHAIRMAN'S REPORT

No report

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ADJOURNMENT

Mr. Mitchell made a motion for adjournment. Mr. Rhodes seconded. The meeting was adjourned at 9:30.

William Cook, Chairman