

STAFFORD COUNTY PLANNING COMMISSION MINUTES FEBRUARY 1, 2006

The regular meeting of the Stafford County Planning Commission of Wednesday, February 1, 2006, was called to order at 7:30 p.m. by Chairman William Cook in the Board of Supervisors Chamber of the Stafford County Administration Center.

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

Members Absent: None

Staff Present: Harvey, Roberts, Stepowany, Kaminsky, Gregor, Zuraf and Knighting

Declarations and Disqualification: None

Public Presentations: None

PUBLIC HEARINGS:

1. Comprehensive Plan Compliance Review – Pergola Drive - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for Nextel Communication to co-locate telecommunication antennas onto an existing Dominion Virginia Power Transmission Tower on Assessor's Parcels 30G-1-5, located on Greenridge Drive, approximately 500 feet north of Olde Concord Road in the Aquia Election District.

Mr. Stepowany presented the staff report. He stated the antennas would be located on an existing Dominion Virginia Power transmission tower. He showed maps of the service area and the difference in the service area with the antennas. He stated staff recommends approval of the request.

Stephanie Freeman, representing the applicant, stated she felt the application is in compliance because they are using an existing tower and the area chosen is screened by trees. She stated the area directly at the tower will be enclosed by a white vinyl fence to screen the equipment on the ground.

Mr. Pitzel asked if the signal would interfere with residents, since it is close to residential areas.

Ms. Freeman stated the equipment must comply with FCC or be removed.

Mrs. Kirby asked if the applicant had met with any of the residents of the area.

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Ms. Freeman stated yes, there are approximately 15 residents in the area, and out of the ones they have met with only 1 person had problems.

After a brief discussion between the Commission and Ms. Freeman concerning coverage area the Public Hearing was opened.

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

Mr. Mitchell made a motion to send to Committee to do further research. Mrs. Kirby seconded for the purpose of discussion.

After a discussion by the Commission concerning the location of the antennas and the fact that the applicant will be co-locating on a Virginia Power transmission tower the Commission voted 1-6 to send to Committee (Mr. Pitzel, Mrs. Carlone, Mrs. Kirby, Mr. Rhodes, Mr. Di Peppe and Mr. Cook voted no)

Mrs. Carlone made a substitute motion recommending approval. Mr. Pitzel seconded. The motion to approve passed 6-1 (Mr. Mitchell voted no)

2. Comprehensive Plan Compliance Review – Onville Estates - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of public sewer outside the designated Urban Service Area to Assessor's Parcel 20-49J.

Mr. Zuraf presented the staff report. He stated the applicant, Garrett Development, was requesting the extension of public sewer outside the designated Urban Service Area. He gave a power point presentation which showed the location of the property and stated the property is currently undeveloped. He stated an existing pump station would have to be moved in order to allow the site to be served by public sewer and showed the new location of the pump station on the map. He stated Bald Eagle Hills subdivision had failing sewer system which explained the reason for the low pressure sewer lines. He stated the applicant has submitted an application for rezoning for the property, to allow 60 single family lots. He stated the Utilities Department is in favor of the sewer extension based on the fact that the Smith Lake Reservoir is to the east of the site and would upgrade and relocate a pump station. He stated staff recommends approval of the application.

Mr. Di Peppe asked why this application came in before the rezoning.

Mr. Zuraf stated the applicant request this item come before the Commission before the rezoning. He stated approving the sewer line does not approve the rezoning.

Mr. Mitchell asked if anyone from Utilities was available.

Mr. Zuraf stated no.

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Mr. Mitchell stated his concern is dumping an additional 18,000 gallons of sewer into an existing line.

The Commission had a discussion concerning failing drainfields in the area and polluting the water supply based on the location of Smith Lake.

Marne Sherman, Garrett Development, stated they submitted the comp plan first to introduce the project. She stated the project could not be developed as R-1 with out the extension of the sewer. She stated in upgrading the pump station the capacity would increase and would be an advantage for Bale Eagle Hills.

Mr. Mitchell asked where the line would tie in.

Mrs. Sherman stated on Onville Road.

Mrs. Kirby asked about the existing cemetery on the property.

Mrs. Sherman stated there is no evidence of a cemetery on this property, but they are working with an archeologist.

Mrs. Kirby asked if a cemetery was found if a 50 foot easement around the site with a wrought iron fence around the cemetery area could be noted.

Mrs. Sherman stated yes.

The Public Hearing was opened.

Tony Degenero stated he owns adjoining property and asked the Commission to deny the request. He stated the wetlands and creek would be destroyed as well as wildlife. He stated when Hurricane Isabelle hit and the power was out, no one in Bald Eagle Hills could flush their toilets for several days because the pump station did not work. He stated port-a-johns were set up in the subdivision and stated adding an additional 60 homes would not be a good idea.

Patricia Kurpiel asked how you weigh the benefits of putting this subdivision on sewer against approving the application when the project is outside of the growth area.

Rafe Deckard stated he owns lot 51 which is located on Onville Road. He stated he supports the plan and would like to see the pump station upgraded and relocated. He did ask if backup generators could be provided in case of power loss.

Nan Rollison stated in her opinion the plan has a lot of merit and is good for the environment. She stated in her opinion, the open space area is a consideration by applicant concerning the topography and the creek. She stated she would like the developer turn the open space area over as a conservation easement.

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

Mrs. Sherman stated many of the issues brought up tonight would be considered in the rezoning. She stated the location of the pump stated has been agreed upon with the Utilities department.

After a brief discussion by the Commission and the applicant, concerning the rezoning of the proposed property and the possible effect of the drinking water supply, Mrs. Kirby made a motion to approve. Mrs. Carlone seconded.

Mr. Mitchell stated in his opinion the area would be better if developed commercial and not residential.

Mr. Di Peppe stated he is against sewer service outside the growth area, but with the possible contamination of the drinking water, he will support the application.

Mr. Pitzel stated the reason he would support this application and he normally would not was based on the fact there is not much areas where development can go in this direction, based on the fact this property backs up to Quantico.

The motion to approve application request to extend sewer outside the growth area passed 6-1 (Mr. Mitchell voted no).

UNFINISHED BUSINESS:

3. RC2500919; Reclassification – Central Stafford Commerce Center – A proposed reclassification from A-1, Agricultural to M-1, Light Industrial Zoning District on Assessor's Parcels 38-102, 38-102A, 38-102B, 38-102C, 38-102D and 38-104 consisting of 80.70 acres, located on the east side of Big Springs Lane approximately 1,000 feet from the intersection with Eskimo Hill Road within the Aquia Election District. The Comprehensive Plan recommends the property for Light Industrial and Rural Residential uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. Rural Residential use allows single family residential development at a density of one (1) dwelling unit per three (3) acres. **(Time Limit: December 6, 2005) (Deferred to February 22, 2006 Work Session at applicants request)**

Mr. Cook stated item 3 was deferred to February 22, 2006.

4. RC230334; Reclassification; Brentsmill, LLC – Proposed reclassification of Assessor's Parcels 21-145, 22-20A, 20B, 21 and 22 from R-2, Urban Residential-Medium Density and A-1, Agricultural, to PD-1, Planned Development-1, Zoning District, consisting of 425.34 acres, located on the east side of Telegraph Road, approximately 500 feet south of Denrich Road and on the south side of Flippo Road at its western terminus, within the

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Griffis-Widewater Election District. The Comprehensive Plan recommends Suburban Residential and Rural Residential uses, which would allow up to three single family detached or duplex dwellings per acre and one dwelling per three acres respectively. This request would allow various dwelling types at a maximum density of seven dwelling units per acre and low and medium intensity commercial retail and office uses. **(Deferred to February 22, 2006 Work Session)**

Mr. Cook stated item 4 was deferred to February 22, 2006.

5. SUB220851; St. Andrews on the Potomac, Preliminary Subdivision Plan - A preliminary subdivision plan for 124 single family residential lots, zoned A-1, consisting of 267.65 acres, located on the north side of Widewater Road at the end of Johnathan Way, on Assessor's Parcels 23-1 and 23-4 within the Griffis-Widewater Election District. (formerly known as HAMLETS OF WIDEWATER SEC 2/changed 1/14/05) **(Time Limit: February 5, 2006) (Deferred to February 1, 2006)**

Mr. Harvey stated this item was presented at the last meeting and Mr. Stepowany would present a update.

Mr. Stepowany stated at the last meeting it was brought to the applicant's attention that the vicinity map would need to be brought up to Code. He stated the applicant presented revised vicinity maps prior to 8 o'clock Thursday morning.

Mrs. Cook stated Mrs. Kirby asked for a Phase 1 and the applicant has declined stating they would do it at a later date. He asked Mrs. Roberts if the Commission could require a Phase 1 before any site development is begun.

Mrs. Roberts stated the Subdivision Ordinance does not require a Phase 1.

Mrs. Kirby asked about the RPA and wetlands.

Mr. Stepowany stated Mrs. Blackwell met multiple times with CBLAD concerning this project which was Hamlets of Widewater. He stated the environmental review was done over a year ago and Mrs. Blackwell reviewed it again with this application and gave approval.

Mrs. Kirby stated she is appalled that the applicant has refused a Phase 1 at this time.

Mr. Stepowany stated he spoke with DCR and Army Corp of Engineers, and those agencies will be more involved.

Mr. Cook asked if the plan meets all the requirements.

Mr. Stepowany stated that is correct.

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Mrs. Kirby stated she could not make a motion.

Mr. Cook asked if anyone would like to make a motion. With no one coming forward, he passed the gavel over to Mrs. Kirby.

Mrs. Kirby asked for a motion.

Mr. Cook made a motion for approval. Mr. Rhodes seconded.

Mr. Di Peppe – No

Mr. Mitchell – No

Mr. Rhodes – yes

Mr. Cook – Yes

Mrs. Kirby – No

Mr. Pitzel – Yes

Mrs. Carlone – No

Mr. Cook stated the motion for approval was denied by a 4-3 vote.

Mr. Cook asked for explanation of the no votes.

Mrs. Roberts stated by law the Commission member has to state the section by which the application was denied and what the applicant can do to modify the plan in order to obtain approval.

Mr. Mitchell stated he is concerned with the density and the increased road trips per day. He stated he can not quote a code, but density and traffic are the issues and believes this application is not good for Stafford County.

Mr. Di Peppe stated in the beginning of the handbook, it states the Commission is charged with safety.

Mrs. Kirby stated she understands that Mr. Cook is asking for Ordinance numbers to quote, but as a Planning Commission she feels a moral obligation. She stated she is supposed to be looking for well being, safety, and environmental. She stated in her opinion this is not a good plan for Stafford County.

Mr. Harvey read Section 22-1 Purpose of the Subdivision Ordinance. He stated “The purpose of this chapter is to establish subdivision standards and procedures for Stafford County. This chapter is to guide and facilitate the orderly and beneficial growth of the community by assuring the orderly subdivision of land and its development and to promote that public health, safety, convenience, comfort, prosperity and general welfare”. He stated if that is the concern, there needs to be a means to identify what the applicant can do to modify the plan so it is approvable. He stated there is also a similar provision in the Zoning Ordinance.

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Mr. Di Peppe stated in his opinion this was not beneficial growth. He stated a Phase 1 should be done to assure beneficial growth.

Mr. Di Peppe made a motion to deny. Mrs. Kirby seconded.

Mr. Di Peppe - Yes
Mr. Mitchell - Yes
Mr. Rhoads - No
Mr. Cook - No
Mrs. Kirby - Yes
Mr. Pitzel - No
Mrs. Carlone - Yes

The motion to deny was approved 4-3.

6. SUB2500983; Berea Knolls Preliminary Subdivision Plan - A preliminary subdivision plan for 31 single family residential lots, zoned R-1, consisting of 34.28 acres, located on the west side of Berea Church Road approximately 500 feet north of Warrenton Road on Assessor's Parcel 44-108, within the Hartwood Election District. **(Deferred to February 22, 2006 Work Session) (Time Limit: February 24, 2006)**

Mr. Cook stated item 6 was deferred to the February 22, 2006.

7. SUB2500977; Amber Oaks Preliminary Subdivision Plan - A preliminary subdivision plan (previously Richland Forest Section 4) for 28 single family residential lots, zoned A-1 consisting of 98.45 acres, located approximately 2,500 feet south of Warrenton Road east of Marsh Run Estates on Richwood Cove extended on Assessor's Parcels 34-50, within the Hartwood Election District. **(Time Limit: February 24, 2006) (Deferred to February 1, 2006)**

Mr. Harvey stated this item was also carried over from a previous meeting and Mr. Stepowany would give an update.

Mr. Stepowany stated the application was not complete last week and the engineer revised the vicinity map. He stated the information was delivered to the planning office after 8:00 am last Thursday, which does not meet the 5 day requirement per section 22-59. He stated the applicant has also submitted a waiver of section 22-59 and staff recommends approval of the waiver.

Mr. Cook asked if everything was okay except the vicinity map at the January 25, 2006 meeting.

Mr. Stepowany stated yes, it was brought to the applicant's attention at the January 25th meeting.

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Mr. Cook stated the corrections were made, but was submitted approximately 1 hour late in submission.

Mr. Stepowany stated correct, but submitted a waiver regarding the 5 day.

Mr. Rhodes asked Mrs. Roberts for legal a legal opinion.

Mrs. Roberts stated the Subdivision Ordinance allows waivers.

Clark Leming, representing the applicant, gave justification of the waiver. He stated the Subdivision Ordinance has two criteria regarding waivers. He stated one has to do with the impact of future residents of the subdivision and the other was adjacent property owners. He stated in his opinion the waiver regarding the vicinity map does not have impact on adjacent property owners or future residents of the subdivision. He stated the applicant was only 1 hour short of meeting the requirements and has contractual obligations with builders and needs to move those processes along. He stated this was why the waiver was requested.

Mr. Pitzel asked if anyone requested to see the plan the hour they were not available.

Mr. Stepowany stated no.

Mrs. Carlone made a motion to approve the waiver. Mr. Pitzel seconded. The motion to approve the waiver passed 7-0.

Mrs. Carlone made a motion to approve application SUB2500977. Mr. Pitzel seconded. The motion for approval passed 7-0.

8. CUP2501633 – Terans’ Bed and Biscuit – Conditional Use Permit - A request for a Conditional Use Permit to allow a commercial kennel in an A-1, Agricultural Zoning District on Assessor's Parcel 44-151J consisting of 5.23 acres, located on the west side of England Run Lane approximately 300 feet south of Sanford Drive within the Hartwood Election District. **(Time Limit: April 25, 2006) (Deferred to February 22, 2006 Work Session)**

Mr. Harvey stated item 8 was deferred to the February 22, 2006 work session.

9. SUB2501032; First Tube Subdivision, Preliminary Subdivision Plan - A preliminary subdivision plan for 4 single family residential lots, zoned A-1, consisting of 14.04 acres, located on the southeast corner of Kellogg Mill Road and Creek Lane on Assessor's Parcel 36-49, within the Hartwood Election District. **(Time Limit: March 26, 2006) (Deferred to February 1, 2006)**

Ms. Kaminsky presented the staff report. She stated the applicant was Richard Ward of South Able Investments, LLC. She stated the application was for a 4 lot single family

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subdivision. She gave a power point presentation showing the location of the property. She stated stormwater management would be addressed by LID methods using on lot bio-retention facilities. She stated one lot would be served by Kellogg Mill Road and the other 3 would be served by the existing Creek Lane. She stated currently Creek Lane was an ingress/egress easement which serves 5 lots. She stated the portion of the easement that was in the proposed right-of-way would be vacated at final plat. She stated the existing lots would continue to use Creek Lane. She stated there was an existing 1930's dwelling on proposed Lot 2 and an Architectural Survey was completed by the Stafford County Historical Commission on June 2, 2005. She stated the house meets the 50 year rule in A-1 zoning and was being considered for preservation. She stated staff recommends approval of the application.

Mr. Mitchell asked about the road.

Mrs. Carlone stated it was a dirt/gravel road.

Mr. Harvey stated the applicant would be constructing a public road. He explained that according to the Subdivision Ordinance requires any subdivision that proposes public improvements such as a public road or water and sewer line requires a preliminary subdivision plan. He stated normally the Commission would not see a 4 lot subdivision, but since the applicant was building a public street the applicant was required to come before the Commission. He stated VDOT requires all public streets have to end in a turn around even though the private street continues on.

Rich Ward, the applicant, stated he would be happy to answer any questions the Commission may have.

Mrs. Carlone asked if the gas line would be marked and stated her concern for the site distance. She also asked if the old tree could be saved.

Mr. Ward stated those things would be looked at during the construction phase.

Mrs. Kirby asked if the name of the subdivision could be changed.

Mr. Ward stated the subdivision was named after his Grandfather. He stated "First Tube" was his Grandfather's nickname on the submarine. He stated the name would be changed for marketing purposes. He stated the tree is over 200 years old and he would try to save the tree.

Mrs. Carlone asked about the width of the road.

Bruce Surface, ATCS Engineering, stated the current road was thirteen feet but the proposed road would have a right-of-way that would be 50 feet with 25 feet of pavement. He stated the site distance would be improved.

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Mrs. Carlone made a motion for approval of application SUB2501032. Mrs. Kirby seconded. The motion passed 7-0.

NEW BUSINESS:

10. SUB2500834; Carrington Heights; Preliminary Subdivision Plan – A preliminary subdivision plan for 8 single family residential lots, zoned A-1, consisting of 34.45 acres, located on the north side of Kings Highway approximately 6,000 feet west of Caisson Road on Assessor's Parcels 60-34A and 60-35, within the George Washington Election District. **(Time Limit: March 24, 2006)**

Ms. Kaminsky presented the staff report. She stated the applicants were H. Conway Cosner and Hugh C. Cosner. She stated the application was for 8 single family lots located on Kings Highway. She gave a power point presentation showing the location of the proposed subdivision. She stated the lots would have private well and septic systems. Quality control of stormwater management was being provided by 8 bio-retention areas along Carrington Avenue. She stated the existing house on proposed Lot 1 would remain and would not have access to Kings Highway. She stated the Stafford County Historical Commission recommended a Phase 1 survey be performed due to the proximity to a documented Civil War Encampment. The applicant has agreed to have the Phase 1 survey completed prior to construction plan approval. She stated staff recommends approval of the application.

Mr. Pitzel stated the acceleration lane for the right out on the Route 3 is very short when compared to the deceleration lane into the subdivision.

Mrs. Kirby asked if the acceleration lane could be lengthened.

Mr. Harvey stated the plan has been reviewed by VDOT.

Mrs. Kirby stated she has received several phone calls asked about a Phase 1 survey.

David Beal, Webb and Associates Engineering, stated the applicant has agreed to provide a Phase 1 prior to the construction plan submission.

Mr. Di Peppe stated he has received phone calls regarding the Phase 1 also.

Conway Cosner, applicant, stated it was his understanding that the Phase 1 survey was voluntary. He stated he was willing to do the Phase 1 immediately and would redesign the subdivision if necessary and would make a note stating so.

Mr. Pitzel made a motion to approve application SUB2500834 with the condition of a Phase 1 study being put in writing. Mr. Mitchell seconded. The motion for approval passed 7-0.

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11. SUB2501332; The Glens; Preliminary Subdivision Plan – A subdivision preliminary plan to increase the original lots of 173 to 197 single family residential lots, zoned A-1 consisting of 93 acres located on the west side of Mountain View Road and approximately 2,200 feet south of Stefaniga Road on Assessor's Parcels 27-24 and 25 and 28-24 within the Rock Hill Election District.
(Time Limit: April 1, 2006)

Mr. Stepowany presented the staff report. He stated the applicant was Augustine Land and Development. He gave a power point presentation showing the location of the proposed subdivision and the surrounding area. He stated the subdivision was sometimes referred to the revision of The Glens subdivision. He stated the application was for 53 single family residential lots with the minimum lot size being 3 acres. He stated the lots would be served by public water and on site sewage disposal systems with the primary access on Stefaniga Road and 2 additional access points on Twin Leaf Drive. He stated the stormwater management would be covered by bio-retention basins and noted the RPA and wetlands were still under review at the time the report was prepared. He stated the applicant has requested two waivers with the application. He stated one waiver was from Section 22-214, Street Signs. He stated the street sign the applicant was providing meets VDOT requirements but would be painted black with decorative brackets. He stated the signs would be maintained by the HOA. He stated staff recommends approval of the waiver, because the applicant would provide the holes drilled to allow break-away signs, and has provided these signs in previous developments. He stated a second waiver has been requested concerning the vicinity map. He stated the applicant has tried to address the issues with the vicinity map and the environmental issues. Because of that, the corrected plan was not available 5 days prior to the Planning Commission meeting and the applicant has requested a waiver of Section 22-59, which was the 5 day requirement. He stated staff recommends approval of that waiver. He stated the environmental office went out into the field to address the environmental concerns. He stated there was a small segment of the stream that was not identified as perennial which requires RPA boundaries. He stated because of that issue, staff has to recommend denial of the application.

Mr. Harvey stated based on the field inspection additional RPA area needs to be added to the plan. He stated the environmental planner stated the wetlands shown on the plan do not match the approved federal wetlands delineation. He stated staff would ask the Commission to hear the reasons for the request for the waivers.

Clark Leming, representing the applicant, stated the environmental comments were due December 6, 2005, and did not come in until 6 weeks later. He stated the applicant has done everything possible to move the application along, but has contractual obligations and no more time is left. He stated one of the waivers is for street signs. He stated the developer has the signs in other communities and meet the code requirements. He asked the Commission approve the request. He stated the second waiver concerns the issue of the vicinity maps. He stated the applicant did not get the information regarding the vicinity maps as early as some of the other applicants and there was a delay in getting the revised vicinity maps to the planning office until Monday. Therefore the applicant was

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requesting a waiver concerning the 5 day requirement. He stated there was a hardship meeting the requirements of the contract and asked the Commission to approve the waivers.

Mike Proctor, Greenhorn and O'Mara, stated there was a discrepancy between the wetlands map and the plans. He stated staff never provided a specific clarification as to what that was. He stated Augustine has required additional land which will reduce the impact to RPA area and wetlands.

Mrs. Kirby stated she would like to hear from Mr. Zuraf.

Mr. Zuraf stated the plan you have before you is not correct and does not show the additional RPA area and perennial stream based on the site inspection done today. The addition land acquired RPA area is within a road right-of way, which would require the minimization of impact.

Mrs. Kirby asked about the review being due December 6, 2005 and asked for an explanation.

Mr. Zuraf stated that must have been the review due date, due to the workload and the weather, scheduling can be delayed.

Mrs. Kirby stated her concern and stated staff needs to respond with in a timely manner. She suggested additional staff.

Mr. Kaufman, applicant, stated he was in an uncomfortable position asking the Commission to not listen to staff's recommendation. He stated he did not get the comments to respond, and stated he would not build in the RPA. He stated anytime he has been asked to do anything, he has done it. He stated he would assure that the RPA will not be destroyed. He stated he met Mrs. Blackwell on site today and understands the area of discussion. He stated he was asking the Commission to approve so he can move forward with the plan.

Mr. Leming stated the changes could have been made if the applicant was notified earlier. He stated Mr. Proctor can have the changes to staff tomorrow.

Mr. Rhodes asked Mrs. Roberts about the lack of meeting the 5 day notice and the environmental issues that were documented.

Mrs. Roberts stated the Commission can grant a waiver, however, you can not waive the Zoning Ordinance.

Mr. Di Peppe stated he did not understand the problem. The information to make a decision was not in front of the Commission, therefore he could not approve the application.

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Mr. Harvey stated the Commission can entertain a conditional approval and stipulate the conditions requiring the applicant to submit a new plan that addresses the requirements by a certain date.

Mr. Proctor stated he could have a revised plan showing the additional RPA area tomorrow without any problems, but the additional issues with the wetlands are something else. He would have to know where those concerns are before he could address them.

Mr. Harvey stated staff would have to meet with the applicant to identify those areas, based on staff comments.

After a discussion between the Commission and staff concerning the requirements and the options for the application, Mrs. Kirby made a motion to deny the application request. Mr. Di Peppe seconded. The motion to deny passed 6-1 (Mr. Rhoads voted no).

Mr. Harvey stated for the benefit of the applicant, could the Code Sections be listed that apply as well as a method to fix the plan and make it approvable.

Mrs. Kirby stated correct the environmental.

Mr. Harvey asked if she was referring to Section 28-62(b)1 regarding Critical Resource Protection Area and also Section 28-62(h)2 Dealing with wetlands delineation.

Mrs. Kirby stated yes, and 28-59 requiring the 5 days.

Mrs. Roberts stated the Commission listed the Code Sections, but needs to advise the applicant how to correct the application.

Mr. Cook stated by meeting with the environmental planner and making the required corrections.

Mr. Harvey stated based on the Planning Commissions actions, the applicant has given him a notice to appeal to the Board of Supervisors.

Mrs. Kirby made a motion to approve the waiver request for the street signs. Mr. Mitchell seconded. The motion was passed 6-1 (Mr. Pitzel voted no).

Mr. Rhodes made a motion to deny the waiver request concerning the 5 day requirement. Mr. Di Peppe seconded. The motion to deny was approved 7-0.

12. SUB2501453; Churchill Meadows; Preliminary Subdivision Plan - A preliminary subdivision plan for 28 single family residential lots, zoned A-1, consisting of 169.64 acres, located on the north side of Joshua Road approximately 1,000 feet east of Greenleaf Terrace on Assessor's Parcels 18-43A and 18-44 within the Hartwood Election District. **(Time Limit: April 1, 2006)**

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Mr. Stepowany presented the staff report. He stated the applicant is Garrett Development. He gave a power point presentation showing the location of the property and the adjacent parcels. He stated the applicant proposes 28 single family residential lots with a minimum lot size of 3 acres. He stated stormwater management would be LID and all lots would have private water and septic. He stated the applicant has also requested a waiver concerning the 5 day notice for the vicinity map. He stated the revised vicinity map was received Monday. He stated staff recommends approval of the application and the waiver.

Mr. Cook stated for the new members he would explain the history of Churchill Meadows. He stated the Planning Commission previously approved as a cluster subdivision and was moved forward to the Board of Supervisors. The Board did not take action, so the applicant is going back to the original by-right application.

Mr. Leming, representing the applicant, stated the justification for the waiver request. He stated the granting of the waiver request does not have any impact on the adjoining property owners or future owners within the subdivision.

After a brief discussion by the Commission and staff concerning the waiver request, Mr. Pitzel made a motion to approve the waiver request concerning the 5 day requirement. Mrs. Kirby seconded. The motion to approve the waiver request passes 7-0.

Mrs. Kirby made a motion to approve application SUB2501453. Mr. Pitzel seconded. The motion passed 7-0.

13. SUB2500024; Colonial Forge Sections 4-8; Preliminary Subdivision Plan - A preliminary subdivision plan of Phase 2 for 244 single family and townhouse lots, zoned R-3 with proffers, consisting of 211 acres, located on the south side of Courthouse Road approximately 1,500 feet east of Ramoth Church Road on Assessor's Parcels 28-94, 28-94A, 28-100, 29-27, 29-31 and 29-31A within the Hartwood Election District. **(Time Limit: April 1, 2006)**

Mr. Harvey stated the applicant requested the application be deferred to the February 22, 2006 meeting.

Mrs. Kirby made a motion to defer SUB250024. Mrs. Carlone seconded. The motion to defer passed 7-0.

Mr. Mitchell made a motion to reconsider item 5. Mrs. Kirby seconded. The motion to reconsider item 5 passed 7-0.

Mr. Mitchell stated "I voted to disapprove the preliminary plan because my concerns on safety and the roads. However, upon reviewing the staff report and the Zoning and Subdivision Ordinances, I believe it does meet our minimum requirements and therefore, although I don't want to, I have no choice under state law, make a motion for approval". Mr. Rhodes seconded. The motion to approve item 5 passed 7-0.

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MINUTES:

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated the Commission has two pending presentations, one concerning Chesapeake Bay and the other by County staff concerning LID. He asked when the Commission would like to have these presentations.

Mr. Cook stated the presentation concerning Chesapeake Bay would be March 22, 2006 and the LID presentation would be March 1, 2006

COUNTY ATTORNEY'S REPORT

No Report

SECRETARY/TREASURER REPORT

No Report

STANDING COMMITTEE REPORTS

Mr. Pitzel stated there would be a Comp Plan meeting Wednesday, February 8, 2006 at 7:00 pm, in the ABC conference room

SPECIAL COMMITTEE REPORTS

There will be a special committee meeting Wednesday, February 8, 2006 at 5:30 pm.

CHAIRMAN'S REPORT

No Report

ADJOURNMENT

With no further business to discuss the meeting was adjourned at 11:10 PM

William Cook
Chairman