

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
May 3, 2006

The Work Session of the Stafford County Planning Commission of May 3, 2006 was called to order by Chairman William Cook at 5:30 p.m. in Board of Supervisors Chamber of the Stafford County Administration Center.

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

Members Absent: Kirby

Staff Present: Harvey, Zuraf, Stepowany, Roberts, Knighting, Merryman and DeBord

DECLARATIONS AND DISQUALIFICATION:

None

PRESENTATION:

None

UNFINISHED BUSINESS:

1. RC2501263; Reclassification – Westlake - A proposed amendment to proffered conditions of Assessor's Parcels 35-20, 20A, 21, 23, 24, 27(portion), 27A, 27B, 28, 28B, 30A, 31, 32A and 43-55 (portion), 59, 59A, 59B, 59C, 59D and 59E, zoned R-2, Urban Residential-Medium Density, R-1, Suburban Residential, M-1, Light Industrial, A-1, Agricultural and B-2, Urban Commercial Zoning Districts, consisting of 1,116.52 acres located on the south side of Warrenton Road, west of Holly Corner Road and along Cedar Grove Road within the Hartwood Election District. The Comprehensive Plan recommends the property for Light Industrial, Suburban Residential, Urban Commercial, Agricultural and Institutional uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. The Suburban Residential designation would allow residential development at a maximum density of three dwelling units per acre. The Agricultural designation would allow development at a density of one dwelling unit per three acres. The Institutional designation would allow hospitals, schools and public buildings. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Deferred to May 3, 2006 Work Session) (Time Limit: July 4, 2006)**

Clark Leming, representing the applicant, explained the proffer regarding moving the school site, stating the new site was larger and in his opinion would improve the access to the school. He stated the road would be four lanes in order to minimize conflict between the quarry and the school. He stated the applicant would dedicate a site for a water tank to be located at the school site, which was shown on the GDP.

Mr. Harvey stated that design features to consider would be storage capacity in the turn lanes to accommodate the buses and passenger vehicles that would be going to the school during the peak hours.

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Mr. Leming stated he would have the engineers review the turn lanes and the capacity. He stated the applicant would develop the parcel in conformance with the current Chesapeake Bay regulations.

Mr. Harvey stated staff would like the applicant to proffer the access shown.

Mr. Cook stated he would like to hear from the School Board concerning the transfer of property.

Scott Horan, representing the School Board, stated the back parcel has limits as to what could be done at the site based on the environmental issues, possibly an elementary school could be built there. He stated the proposed site would give more area to build on, which would allow more flexibility of possibly a middle school or high school. He stated the traffic issue was a concern.

Mr. Cook stated his concerns with child safety and the school being located close to Warrenton Road, in an industrial area.

Mrs. Carlone stated her concerns with the quarry traffic and trucks in the residential and school zones and losing the park site. She stated at this time she did not see any resolution to the quarry traffic.

Mr. Leming stated if the Commission wanted to go forward, and change the school site, he would make changes to the proffers and bring them back to the Commission. He stated if the changes were not made to the school site there would be no proffers changes

After a brief discussion by the Commission and Mr. Leming, Mr. Cook stated based on the time constraints, the Commission had to move forward to the next item, therefore, they would retain this item and continue at the May 17, 2006 work session.

2. RC2501275; Reclassification – Staffordshire - A proposed amendment to proffered conditions of portions of Assessor's Parcels 36-66 and 37-5, 6, 9 and 10, zoned R-1, Suburban Residential, consisting of 260 acres located on Hulls Chapel Road approximately 1,200 feet north of Lakebreeze Way within the Hartwood Election District. The Comprehensive Plan recommends the property for Rural Residential use. Rural Residential use permits single family residential development at a density of one dwelling unit per three acres. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Deferred to May 3, 2006 Work Session) (Time Limit: July 4, 2006)**

Clark Leming, representing the applicant, stated this was a proffer amendment concerning the golf course. He stated the subdivision was vested and there was a preliminary subdivision plan that was ready to go to record. He stated he would like to address the items that he received in an email Monday and read the items to the Commission. He stated he was willing to meet with staff and Mrs. Carlone concerning the access issues and would work with the applicant concerning the possibility of a larger school site. He stated the applicant would proffer the recreation amenities on the GDP and would increase the open space.

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Mr. Di Peppe stated he understands that it was not a requirement, but he would like to see a much stronger commitment to meeting the Chesapeake Bay Overlay Regulations

After a discussion by the Commission and Mr. Leming, Mr. Cook stated that this item would be held and discussed further at the May 17, 2006 work session.

3. SUB2501228; Ruby Glen, Preliminary Subdivision Plan - A preliminary subdivision plan for 19 single family residential lots, zoned A-1, consisting of 64.79 acres, located on the east side of Sandy Ridge Road approximately 500 feet north of Sandy Ridge Court on Assessor's Parcels 56-90, 56-91B and a portion of 56-95B, within the George Washington Election District. **(Deferred to May 3, 2006 Work Session at Applicant's request) (Time Limit: April 24, 2006)**

Rob Gollahon, applicant, stated the cemetery issue had been addressed. He stated he hired DCS to delineate the cemetery. He stated 16 unmarked grave sites were found inside the fence that was constructed. He stated a bronze sign has been ordered for the cemetery.

Mrs. Kirby asked if any field stones had been found.

The representative from DCS stated that none were found. The reason probably being with cemetery vandals, over the years they have probably been taken from the site.

Mr. Pitzel asked what measures were in place to assure that this would be taken care of in the future.

Mr. Gollahon stated he would like to make the fence and this location as part of the record plat and note upkeep would be either by the HOA, the lot owner or the Fennal family. He stated he did not want to pick one right now. He stated he would have the designated individual written on the preliminary plat between now and the 7/30 meeting. He stated it was too early to tell.

Mr. Pitzel asked about special erosion measures.

Mr. Gollahon stated that diversion dikes and sediment traps would be put in place as needed.

Mr. Pitzel made a motion to move forward to the regular meeting with a recommendation for approval. Mr. Di Peppe seconded. The motion passed 6-0 (Mrs. Kirby absent).

ADJOURNMENT

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

William Cook
Chairman

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The regular meeting of the Stafford County Planning Commission of Wednesday, May 3, 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, Pitzel, Carlone, Di Peppe, Rhodes and Mitchell

MEMBERS ABSENT: Kirby

STAFF PRESENT: Harvey, Gregor, Stepowany, Zuraf, Roberts, Merryman
Knighting and DeBord

DECLARATIONS AND DISQUALIFICATION:

Mr. Di Peppe stated he had previously been in litigation with the applicant for item 7 and excused himself for any discussion relating to DVD's on the Run.

PUBLIC PRESENTATIONS

None

PUBLIC HEARINGS:

1. Amendment to Zoning Ordinance- Proposed amendments to Section 28-25, Definition of specific terms; and, Section 28-39, Special regulations, of the Stafford County Zoning Ordinance, pursuant to O06-39. The amendment to Section 28-25, Definitions, establishes definitions for Cemetery, Interment, and Sign, cemetery identification. The amendment to Section 28-39, Special regulations, establishes requirements for cemeteries within all plans of development.

Mr. Stepowany presented the staff report. He stated that staff recommends approval of the proposed Ordinance. He stated staff believes that it would help preserve, protect and maintain cemeteries in accordance with the Comprehensive Plan.

Mr. Pitzel asked if the 50 foot wide buffer shall be established around the perimeter of the cemetery. He asked how much space was required between a grave site and the perimeter.

Mr. Harvey stated that Section L (1) states that the limits of burial shall be used to establish the boundary of the cemetery.

Mr. Pitzel asked if the perimeter was the actual edge of the grave site. He asked if that was the area where the 50 foot measurement starts.

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Mr. Harvey stated yes.

Mr. Cook noted a change on page 3, due to spelling of manner (not manor).

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

The Public Hearing was opened.

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

Mr. Di Peppe made a motion to approve Ordinance 06-39. Mr. Mitchell seconded. The motion passed 6-0 (Mrs. Kirby absent).

2. Amendment to Subdivision Ordinance – Proposed amendment to Section 22-63, Decision, of the Subdivision Ordinance, pursuant to O06-40. The amendment revises the Planning Commission procedures on making a decision on a preliminary subdivision plan and subsequent action by the subdivider. The procedure is in compliance with Section 15.2-2260 of the Code of Virginia, 1950 as amended.

Mr. Stepowany presented the staff report. He stated that staff recommends approval of the proposed Ordinance. He stated the changes would bring Section 22-63 in compliance with State Code.

The Public Hearing was opened.

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

Mr. Di Peppe made motion to approve Ordinance with 06-40. Mrs. Carlone seconded. This motion passed 6-0 (Mrs. Kirby absent).

3. Amendment to Subdivision Ordinance – Proposed amendment to Section 22-58, Content, of the Subdivision Ordinance, pursuant to O06-41. If the preliminary subdivision plan is multiple sheets, the amendment shall require all preliminary subdivision plans to include two separate documents; a match-line key plan and an overall plan. The overall plan shall show the preliminary plan in its entirety on one (1) sheet, with an information legend. The match-line key plan shall be a separate document and not combined with the overall plan.

Mr. Stepowany presented the staff report. He stated that staff recommends approval of the proposed Ordinance.

The Public Hearing was opened.

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

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Mr. Di Peppe made motion to approve Ordinance 06-41. Mr. Mitchell seconded. The motion passed 6-0 (Mrs. Kirby absent).

4. Amendment to Zoning Ordinance – Proposed amendments to Section 28-205, Notice, and Section 28-185, Conditional use permits, of the Zoning Ordinance, pursuant to O06-42. The amendment to Section 28-205, Notice, shall require a sign or signs furnished by the Planning Director or his designee, for all zoning reclassifications, erected on the property of the proposed zoning change, at least fifteen (15) days prior to a public hearing for a map amendment before the Board of Supervisors. The sign or signs shall indicate the change proposed, and the date, time, and place of the hearing. The amendment to Section 28-185, Conditional use permit, revises the reference to Section 15.1-431 of the Code of Virginia to Section 15.2-2204 of the Code of Virginia. In addition, the amendment shall require a sign or signs furnished by the Planning Director or his designee, for all Conditional Use Permits, erected on the property proposed for a Conditional Use Permit at least fifteen (15) days prior to a public hearing for a Conditional Use Permit before the Planning Commission and Board of Supervisors. The sign or signs shall indicate the proposed use, and the date, time and place of the hearing.

Mr. Stepowany presented the staff report. He stated that staff recommends approval of the proposed Ordinance. He stated the proposed Ordinance would clarify the sign posting requirements for public hearing and bring the regulations into compliance with county policies and State Code.

The Public Hearing was opened.

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

Mr. Di Peppe made motion to approve Ordinance 06-42. Mr. Pitzel seconded. The motion passed 6-0 (Mrs. Kirby absent).

5. CUP2600132; Conditional Use Permit; 7-11 at Coachmen Circle - A request for a Conditional Use Permit to allow vehicle fuel sales in the B-2, Urban Commercial Zoning District on Assessor's Parcel 21-51A, consisting of approximately 0.87 acres located on the east side of Jefferson Davis Highway, approximately 800 feet north of Washington Drive, to be located on the proposed street, Coachman Circle, within the Aquia Election District. **(Time Limit: July 31, 2006)**

Mrs. Gregor presented the staff report. She gave a power point presentation showing the location of the property and the proposed renderings. She stated that staff recommends approval with the staff recommended conditions.

Mr. Pitzel asked about the status of Coachman Drive.

Mrs. Gregor stated that it would be completed before the 7-11 opens.

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Mr. Mitchell commented on the rear elevation and stated his concerns in relationship to the safety of the clerk. He stated, in his opinion, he believes that glass across the rear elevation was also important.

Maynard Sipe, 7-11 Corporation, stated that the applicant would comply with the landscape requirements. He stated the staff report states this application and stated that it was consistent with the Comprehensive Plan, meets the conditions for a CUP, is in harmony with surrounding uses, and there are not adverse impacts. He noted that the rear elevation was where the refrigerator units are placed in the store and the see through design is not possible. He stated that the hotel will come in with an entrance facing the canopy area as well. The hotel will be a 24 hour use.

The Public Hearing was opened.

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

Mr. Mitchell made a motion to move item 5 into committee. Mr. Di Peppe seconded. The motion passed 6-1 (Mr. Rhodes no, Mrs. Kirby absent).

6. CUP2501638; Conditional Use Permit; Sydney Hastings Commons 7-11 - A request for a Conditional Use Permit to allow fuel sales within the B-2 Urban Commercial Zoning District and a Convenience Store vehicle storage within the Highway Corridor Overlay District on Assessor's parcel 45-92C, consisting of 42 acres, located on the north side of Warrenton Road at the intersection with Merchers Drive within the Falmouth Election District.

7. CUP2600227; Conditional Use Permit; Falls Run DVDs on the Run - A request for a Conditional Use Permit to allow a drive-through facility within the Highway Corridor Overlay Zoning District on Assessor's Parcels 44-120H (portion), consisting of 0.71 acres, located on the north side of Warrenton Road approximately 1,000 feet west of Falls Run Drive within the Falmouth Election District. **(Time Limit: July 31, 2006)**

Mr. Zuraf presented the staff report. He stated that the staff believes the request meets the standards for issuance pursuant to Section 28-185(d) of the County Code and recommends approval of the application with the noted conditions.

Mr. Richard Nehrboss, owner, stated we are here at the request of your citizens asking us to please bring this to Stafford. He stated he currently has a facility in Spotsylvania County and it would have 24-hour access.

Mr. Pitzel asked about the payment method, would it be cash or credit card.

Mr. Nehrboss stated that there was no cash on site, all transactions are strictly credit card.

The Public Hearing was opened.

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

Mrs. Carlone made a motion for approval. Mr. Pitzel seconded. The motion passed 5-0 (Mr. Di Peppe abstained, Mrs. Kirby absent).

8. Index of Official Road Names – Amend the Addressing Ordinance as follows:

<u>Location</u>	<u>Current Road name</u>	<u>New Road Name</u>
Opposite of Kings Hill Road	Portion of Cranes Corner Road	Yellow Finch Way

Mr. Zuraf presented the staff report. He stated staff recommends approval of this road naming for emergency purposes.

The Public Hearing was opened.

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

Mr. Di Peppe made motion to approve. Mr. Mitchell seconded. The motion passed 6-0 (Mrs. Kirby absent).

9. Comprehensive Plan Compliance Review - Leeland Station, Sections 5 & 7 - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232, of the Code of Virginia (1950), as amended, for the extension of public sewer service outside of the County's designated Urban Service Area, to Assessor's Parcels 46-92B and 46-93, zoned PD-1, consisting of 119 acres located on the east side of Leeland Road, 1,000 feet north of Walnut Drive within the Falmouth Election District.

Mr. Zuraf presented the staff report. He stated that item 9 was a request for Comp Plan Compliance Review for Sections 5 and 7 of the Leeland station subdivision. The applicant is Clark Leming for Leeland Station LLC, and Leeland Station LLC is the owner. He stated this parcel is 46-92B and 93 and the overall site is 119.41 acres. He stated the request is of Comp Plan Compliance Review for the extension of public sewer outside of the designated Urban Service Area. He stated the site is currently undeveloped. He gave a power point presentation showing the location of the property, noting Section 5 and 7 is located on the west side of Leeland Road and to thee south of the CSX railroad tracks. He stated the land use plan recommends this portion of Leeland Station as Suburban Residential. He stated the property to the east is planned for agricultural use. He stated the overall development proposal of Leeland Station, there are 203 lots zoned PD1 served by public water and sewer. The sewer lines would be running to a master plan pump station to the upper corner of the property. He stated through the engineering of this it was determined that for the sewer lines to run by gravity flow they would need to flow off of the area of section 5 and 7 into section 8, which is outside of growth area.

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He stated the Utilities department provided some comments on this, they have no objection to proposal, they felt that there was no alternative alignment that they would be able to easily maintain, any alternative alignment that stayed within the growth area would require easement across a lot of proposed lots, and the easements through these lots would create maintenance issues with the Utilities department. He stated looking at the land use plan, the land use plan recommends public sewer not to be extended outside the urban service area, there are specific growth management policies that only recommends the extension of sewer if there are existing problems and documented risks to public health and the current pump and haul policy would be financially excessive. He stated looking at the positive and negative features, the positive feature is that a trunk line and force main would follow the natural contour of property and allow for gravity flow sewer. The negative aspect would be extending sewer lines outside of the urban service area and this request is not in compliance with growth management strategies. The staff believes the request is not within the compliance of the Comprehensive Plan and he would be happy to answer any questions.

Mr. Pitzel asked since we denied the sewer extension, for Section 8, even though the proposal here is to go outside the Urban Services Area, right now there would be no connections outside the Urban Services Area.

Mr. Zuraf stated if the line went outside the Urban Services Area, the effect of that would be that there would be a sewer line where future lots would be and there would be potential connection to that sewer line.

Mr. Cook stated there would have to be 10 lots that would have to connect.

Mr. Zuraf stated there would be 10 lots as shown on the current plan that would be able to connect to that line in Section 8.

Mr. Harvey stated the reason that is permitted that the Utilities Code specifies that if you are within 300 feet of a utility line you are required to connect. So a lot of that will also depend on the physical location of the future home. He stated in talking to the Utilities department, if the line actually goes through the property on an easement and they are within 300 feet they will have to connect those houses with a private lateral.

Mr. Di Peppe asked if there is any way they draw it so they get more than 10 on it or is that the maximum.

Mr. Zuraf stated that is just based on the current Section 8 plan.

Mr. Di Peppe asked if they could draw is so there could be more.

Mr. Zuraf stated maybe.

Mr. Cook asked if the Section 8 plan has been approved.

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Mr. Harvey stated the Section 8 preliminary plan has been approved by the Planning Commission with lots being served by public water and private septic system.

Mr. Cook stated yes, private septic on 3 acre lots. In other words to change the lot alignment they would have to resubmit.

Mr. Zuraf stated correct.

Clark Leming, representing the applicant, stated I have been doing this in Stafford County for over 20 years now and I don't think I have ever heard such a contorted interpretation of growth management strategies as have been suggested here. I think the staff has turned what ought to be a simple infrastructure implementation issue into a policy question. There is no intent to provide sewer services outside of the growth area. The intent is to provide sewer services to the growth area. The County has an Ordinance that Jeff was referring to and he has not quite given the full story on the Ordinance. He stated the County has a mandatory Ordinance, number one, it is not something we have come up with. Last December the County deleted one such mandatory connection requirement that stated if the off sight cost for extending sewer was above or below a certain amount, you had to hook up. Well, they did not delete this one, for whatever reason, and that is what is driving these 10 homes or whatever it turns out to be. Also, the Ordinance specifically says not that any home within 300 feet has to hook up, that is not what the Ordinance says. The Ordinance indicates that if a home is within 300 feet of a street, alley, or right-of-way that contains a sewer line or a potential future sewer line, that the connection is mandatory. There is no question what a street or alley means, this is not in a street or an alley. As I read that litany in this context, right-of-way refers to a vehicular right-of-way we do not call right-of-ways for sewer right-of-ways, we call them easements. So, number one, it is a County Ordinance that is driving this, it is not us. Number two, it is not even clear that the Ordinance would have any applicability. Now, rather than the blurbs that Mike has put up, I would invite you to read verbatim the memorandum from Utilities. I cannot tell what an absurd position the applicant finds himself in when the Utilities department is saying any other alignment is ridiculous, which is what this memo says. Juxtapose between that and the Planning staff trying to enforce some sort of abstract notion of growth management policy, simple does not make any sense here. The memo of the Utilities department says, points out that this follows natural drainage through Section 8 of Leeland Station, this is where you find most sewer trunk lines, it follows natural drainage, that is how you get gravity flow. Look at other major trunk lines in the county; wherever there is natural drainage flow available that is where the sewer trunk line is because that is where ought to go, that is sound engineering practice. The Utilities department goes on and says there is no alternative alignment, no alternative alignment, this was not in Mike's blurb, there is no alternative alignment, none, that could be designed in accordance with good engineering practice so as to be maintained by the Utilities department, and it goes on to say and of minimal impact of future homeowners, no alternative alignment that could be designed in accordance with good engineering practices so as to be maintained by the Utilities department. So what staff is saying, don't put these sewer lines out there in the growth area for fear of maybe the possibilities that these 10 homes are going to have to hook up by county Ordinance,

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not by anything we are doing. Instead, come up with some other plan that is not consistent with sound engineering and force them to go that way, and put the sewer line 50 feet down in the ground where we can't maintain it through people's yards. That's what this comes down to, that is why this is so absurd recommendation. Now Leeland Station has been zoned for over a decade now, it is a vested subdivision. The Proffers includes one for a pump station that these lines are going to go to and from, the pump station is on the master plan. If you read my letter asking for the Comp Plan review, we even questioned whether a Comp Plan review was necessary here. Through out the course of Leeland Station no one has suggested anything along those lines until March of this year. We have been discussing Sections 5 and 7 with staff, both Utilities and Planning for 2 years now, and in March the first indication that the sewer lines to and from the Comp Plan pump station that is proffered together with maintenance fees require a Comp Plan review. What I would suggest to you is this is simply bureaucracy, anti-growth sentiment run muck and that you have an established subdivision that is half way built out, and that the staff has made a recommendation that is so far out there beyond the realm of reasonableness that it does not even deserve your consideration. Now, Leeland Station has a number of Proffers, for instance the Proffer to construct the realignment of Morton Road, that was the big selling point with Leeland Station, rebuild Morton Road, cross the CSX tracks, cut out the windy portion of Morton Road. That Proffer is triggered by unit number 495. Guess where unit 495 is, it is in Section 7. There is also a proffer to build a community/recreational center for the entire development, they are about ready to open that, but guess where the proffer requires that to be implemented. That is unit 500 that is in unit 5 and 7. What is the point of this exercise, the Comprehensive Plan Compliance review device is intended to help the county avoid significant pieces of infrastructure from popping up outside of the area that they were intended to pop up. This is not such a case. The pump station is there it is proffered, it is on the master plan, all we are talking about are the sewer lines to and from the pump station that are designed to go down a natural draw. The utilities staff is telling you it would be absurd, ridiculous to put them anywhere else, that there is no alternative alignment. I would ask that you look at this issue extremely carefully if you are inclined to agree with staff and preferably go ahead and approve the Comprehensive Plan Compliance Review if one is actually necessary here for the sewer lines that have been on paper plan for any number of years at this point. I will be happy to answer any questions but I cannot tell you how far astray I think this is for any reasonable county policy for an established development that is half way built out and where the main thing anyone is talking about is on the master plan and is proffered and is a done deal. I will be happy to answer any questions.

Mr. Rhodes stated just to clarify, I did not feel misled by Mr. Harvey's comments. I felt comfortable that it reflected quite frankly what you just articulated to a certain degree, but in a concise manner. I really did not feel like anything was contorted in the staff's presentation or in their recommendation. We have given them a charge to carefully and strongly and strictly interpret based on the Ordinances and I think they gave us a recommendation based on their best interpretation of that. I look at the staff recommendation under the positives; it says that the trunk line and force main will follow the natural contour of the property and enable the sewer to obtain a gravity flow with the

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least number of maintained issues. I think that is exactly what you just said. I do not see the distortion. I think that while you may question many things and disagree with them, we question many things that you have stated before in front of us and disagree with those as well. So that is a professional opportunity to do that, I do not think we have ever necessarily characterized statements as running a muck and not deserving consideration. I think they all do. I am probably inclined not to go with the staff recommendation here. I think the extreme representation was probably inappropriate.

Mr. Leming stated I appreciate you saying that, but our concern is with the staff recommendation and we stand by our concern for that.

Mr. Cook stated this is not a debate society.

Mr. Di Peppe stated the one question that I may have may be for legal, should I hold that.

Mrs. Roberts asked, hold it for what.

Mr. Di Peppe stated I have been in discussion with Mr. Leming about this because this is in my district, trying to work something out. What he said about that, is that is there any way that if this ran through Section 8 that there could be some kind of agreement that the homes outside the district would not hook up to the line.

Mrs. Roberts stated no, I do not believe such an agreement would be enforceable, particularly in light of our Ordinance that says, exactly the one he read, that they would have to hook up, at least the lots that meet that criteria.

Mr. Di Peppe stated thank you.

Mr. Pitzel stated I just want to say that yes, like Mr. Rhodes, I do think the staff has acted within the purview of their charter on making this recommendation but now as the Planning Commission we will make our decision.

Mr. Di Peppe stated, well, originally I was going to ask to put this in committee to try to work something out but based on what our attorney is telling us, she is saying we are not able to go in that direction.

Mrs. Carlone stated this is a Public Hearing.

Mr. Cook stated yes, this is a Public Hearing.

Public Hearing was opened.

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

Mr. Cook stated now we will continue discussion Mr. Di Peppe and I stand corrected.

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Mr. Di Peppe stated this is very difficult and I agree with Mr. Rhodes and Mr. Pitzel, I think staff did exactly what we asked them to do and I understand why exactly they said what they did, but I also spoke with Utilities and they bore out what Mr. Leming said and they thought it would be extremely difficult to go the other route. One of the things the Utilities did say was that they probably would have to put in two additional pump stations put in to go the other way which the county would have to maintain. They would also have to use twice as much pipe and go as much as 50 feet into the ground to make the other way work. I am kind of in a bind here, what do we do when we are trying to go outside the growth area. As much as I hate to go outside the growth area, because I do not vote for that, I do not see any other way to make it happen. They have already got public water and sewer approved for these sections, the question then becomes as a Planning Commission what is the most effective, efficient, and cost effective way to do that. I hold my breath, because I am going to be real unhappy if lot plans come back redrawn. They cannot take trunk lines off of these people across the street it is only probably 10 homes tops. He stated with that in mind I would like to move for approval.

Mr. Pitzel stated I will second that because I think the engineering considerations trump any of our policy decisions.

Mr. Rhodes asked for clarification, we are finding that it is in compliance with the Comprehensive Plan.

Mr. Cook stated yes, I would agree with Mr. Pitzel 100 percent. But I will also state that in all my years of sitting here on the Planning Commission, I have never seen the staff give us a bad report or a prejudicial report. They give us a report based on Ordinances and I appreciate that. Whether it is one that is appreciated by the applicants or not appreciated, the staff does their job. I would like to thank the staff for that.

Mr. Mitchell stated I have always felt that none of these decisions are easy; we have to look at practicality, what's best for the county, we have to look at cost efficiency. I have never been a fan of running water or sewer out of the growth area. I voted against several issues involved such as this. I do plan to support this issue but bearing in mind only for the practicality and what it will cost the county in additional pump stations, additional pipe and additional maintenance. I am dead serious, I would like to thank Jeff and Mike for a great presentation. What ever you present to us, you present it from the heart and I appreciate it from the bottom of my heart. I do think you do a super job. Then it is up to us to make the decision, you give us the information and we make the decision. I do plan to support it but I am not a fan of running it out of the growth area. But for practicality and what it will save the county I will be supporting this one.

Mrs. Carlone stated you have to waive the cost benefits on this. I will support that I am opposed to going outside the growth plan. She stated Mr. Leming, we have good staff and they work with you on many, many plans, but please be a little nicer next time.

Mr. Cook stated all that having been said, I will call the question, All in favor of finding this in compliance with the comprehensive plan please signify by saying I.

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The motion to approve passed 6-0 (Mrs. Kirby absent).

10. RC2501259; Reclassification – Widewater Heights - A proposed reclassification from R-4, Manufactured Home Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 13-37 consisting of 12.18 acres, located on the south side of Telegraph Road approximately 1,000 feet east of Jefferson Davis Highway within the Griffis-Widewater Election District. The Comprehensive Plan recommends the property for Urban Commercial and Light Industrial uses. The Urban Commercial designation would allow development of commercial retail and office uses and the Light Industrial designation would allow light industrial, light manufacturing and office uses. **(Deferred at applicant's request to May 17, 2006 Regular Meeting)**

Mr. Cook stated item 10 is deferred.

11. SUB2501328; Ellison Estates Section 2, Preliminary Subdivision Plan - A preliminary subdivision plan for 7 single family residential lots, zoned A-2, consisting of 9.97 acres, located at the north end of proposed Ellison Court and approximately 1,100 feet west of Jefferson Davis Highway and 1,300 feet north of American Legion Road on Assessor's Parcel 38-45H, within the Aquia Election District. **(Time Limit: May 24, 2006) (Deferred to May 17, 2006 Regular Meeting)**

Mr. Cook stated item 11 is deferred.

12. RC2501489; Reclassification – Stafford Lakes, Parcel 44-56 - A request for a Reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 44-56, consisting of 0.33 acres, located on the south side of Warrenton Road approximately 200 feet east of Village Parkway in the Hartwood Election District. The Comprehensive Plan recommends the property for Urban Commercial Use. The Urban Commercial designation would allow development of commercial, retail and office uses. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Deferred at applicant's request) (Time Limit: July 4, 2006)**

Mr. Cook stated item 12 is deferred.

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

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Suburban Residential, Urban Commercial, Agricultural and Institutional uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. The Suburban Residential designation would allow residential development at a maximum density of three dwelling units per acre. The Agricultural designation would allow development at a density of one dwelling unit per three acres. The Institutional designation would allow hospitals, schools and public buildings. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Deferred to May 3, 2006 Work Session) (Time Limit: July 4, 2006)**

Mr. Rhodes made motion to send item 13 to the May 17, 2006 work session. Mr. Di Peppe seconded. The motion passed 6-0 (Mrs. Kirby absent).

14. RC2501275; Reclassification – Staffordshire - A proposed amendment to proffered conditions of portions of Assessor's Parcels 36-66 and 37-5, 6, 9 and 10, zoned R-1, Suburban Residential, consisting of 260 acres located on Hulls Chapel Road approximately 1,200 feet north of Lakebreeze Way within the Hartwood Election District. The Comprehensive Plan recommends the property for Rural Residential use. Rural Residential use permits single family residential development at a density of one dwelling unit per three acres. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Deferred to May 3, 2006 Work Session) (Time Limit: July 4, 2006)**

Mr. Rhodes made motion to retain item 14 in Committee to the May 17, 2006 work session. Mr. Pitzel seconded. The motion passed 6-0 (Mrs. Kirby absent).

15. SUB2501228; Ruby Glen, Preliminary Subdivision Plan - A preliminary subdivision plan for 19 single family residential lots, zoned A-1, consisting of 64.79 acres, located on the east side of Sandy Ridge Road approximately 500 feet north of Sandy Ridge Court on Assessor's Parcels 56-90, 56-91B and a portion of 56-95B, within the George Washington Election District. **(Time Limit: April 24, 2006) (Deferred to May 3, 2006 Work Session at Applicant's Request)**

Mr. Harvey stated item 15 was discussed in the work session. He stated it was noted that there were some changes to the plan made that the Planning Commission had requested. He stated there were two addition changes requested in the work session and Mr. Stepowany can verify that they have been made.

Mr. Stepowany read the noted changes.

Mr. Pitzel made motion to approve item 15 since the notes have been added as requested. Mr. Mitchell seconded. The motion passed 6-0 (Mrs. Kirby absent).

16. Amendment to Zoning Ordinance- Proposed amendments to Article IV, Planned Development and Overlay District Regulations, to create Section 28-65, Water

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Resource Protection Overlay District, of the Stafford County Zoning Ordinance, pursuant to O06-15. **(Time Limit: May 24, 2006)**

Mr. Harvey stated at the special meeting, a Public Hearing was held and the item was deferred to Committee.

Mr. Cook stated that meeting is scheduled for May 8, 2006 at 5:30 pm.

NEW BUSINESS:

17. **SUB2600214; Woodstream, Preliminary Subdivision Plan Revision** - A revised preliminary plan for a planned development of 447 single family attached and semi-detached residential units on 142 acres located on the east side of Staffordboro Boulevard approximately 1,900 feet north of Garrisonville Road on Assessor's Parcels 21-8F, 21N-1 and 21N-3 within the Aquia Election District. **(Time Limit: June 23, 2006)**

Mr. Sehl presented the report. He stated the applicant is Steven Arthur for Woodstream-Brookfield LLC. He gave a power point presentation showing the location of the property. He stated the Planning Commission denied the plan previously because of the road requiring waivers for a private street at the rear of the site to serve the community center. He stated the waiver request has been removed and the street would be public state maintained roadway. He stated the project was vested to the 1978 Zoning Ordinance. He stated the project would be served by public water and sewer and all streets except those serving the townhomes would be state maintained roadways. He stated staff recommends approval of the preliminary subdivision plan with the removal of the waiver request.

Mr. Cook asked if there are streams running through the houses.

Mr. Sehl stated the applicant could answer better concerning the process they have gone through with DEQ.

Ben Reese, The Engineering Groupe, stated that there are some intermittent streams that were impacted and wetlands impacted. He stated all are in the process of being permitted by the Corp of Engineers and the Department of Environmental Quality. He stated there are restoration requirements associated with any impact with the wetlands, which all are allowed with the clean water act.

Mrs. Carlone asked about a response from the Corp.

Mr. Sehl stated the Corp of Engineers is part of our review process. Regina Bronson reviews all of the plans and approves them, she had no comments on this project and approved the plan as is.

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Mr. Rhodes asked if any changes were made to the entrance/exit at Staffordboro Boulevard.

Mr. Reese stated there were no changes to the entrance/exit. He stated the changes were associated with eliminating the need for the waivers.

Mr. Rhodes asked if there was a second entrance.

Mr. Reese stated yes, on Staffordboro Boulevard.

Mr. Mitchell made motion to approve. Mr. Rhodes seconded. The motion passed 6-0 (Mrs. Kirby absent).

MINUTES:

December 7, 2005 Work Session

Mr. Pitzel made motion to approve the minutes as submitted. Mr. Di Peppe seconded. The motion passed 6-0 (Mrs. Kirby absent).

December 7, 2005 Regular Commission

Mr. Pitzel made motion to approve the minutes as submitted. Mr. Di Peppe seconded. The motion passed 6-0 (Mrs. Kirby absent).

January 4, 2006 Regular Commission

Mr. Di Peppe made motion to approve the minutes as submitted. Mr. Mitchell seconded. The motion passed 6-0 (Mrs. Kirby absent).

January 25, 2006 Work Session

Mr. Di Peppe made motion to approve the minutes as submitted. Mrs. Carlone seconded. The motion passed 6-0 (Mrs. Kirby absent).

January 25, 2006 Regular Commission

Mr. Di Peppe made motion to approve the minutes as submitted. Mr. Mitchell seconded. Motion passed 6-0 (Mrs. Kirby absent).

PLANNING DIRECTORS REPORT

Mr. Harvey stated the Board of Supervisors at the May 2, 2006 meeting approved the rezoning application for the Stone Center located on Cambridge Street. He stated the applicant modified the proffer regarding the buffer around the cemetery. He stated they felt based on the site layout they would have an impact and reduced the buffer to 25 feet

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on one side of the cemetery. He stated the Board deferred Central Stafford for two weeks and the Board also adopted their summer schedule. He stated they eliminated the July 4th and the August 15th meetings. He asked the Chair if the Planning Commission would be discussing the summer schedule.

Mr. Cook stated yes.

COUNTY ATTORNEY'S REPORT

No Report

SECRETARY/TREASURER REPORTS

No Report

STANDING COMMITTEE REPORTS

Mr. Di Peppe stated he had asked that the Friends of Stafford Civil War Sites make a presentation tonight, but their presenter is out of town and asked if they could have time at a work session in June.

Mr. Cook stated June 21, 2006.

Mr. Di Peppe asked if 6:30 pm was good.

Mr. Cook stated yes.

Mr. Di Peppe stated an Ordinance Committee meeting needs to be scheduled.

Mr. Cook stated June 7, 2006 would be Ordinance Committee meeting at 5:30 p.m.

SPECIAL COMMITTEE REPORTS

Mr. Pitzel stated the Commission members had a copy of a letter sent to Peter J. Smith from the Comp Plan Steering Committee. He stated the Comp Plan Steering Committee meeting is scheduled for May 15, 2006 at 5:30 p.m. in conference room A, B & C. He stated on the 5th of June a meeting would be with Peter J. Smith in preparation for the info meetings on June 6th and 7th.

CHAIRMAN'S REPORT

Mr. Cook stated Mrs. Carlone would like to be a part of the Comp Plan Committee.

Mr. Pitzel stated that would be fine.

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Mr. Cook stated he wants to hold both meetings in June and delete the first meeting in July and the second meeting in August. He stated based on the amount of work both meetings in August should be held.

Mr. Mitchell made a motion to delete the July 5, 2006 and August 16, 2006 meeting. Mr. Di Peppe seconded. The motion passed 6-0 (Mrs. Kirby absent).

ADJOURMENT

Mr. Mitchell made motion to adjourn. Mr. Di Peppe seconded. With no further business to discuss the meeting was adjourned at 9:30 p.m..

William Cook
Chairman