

***STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
November 1, 2006***

The work session of the Stafford County Planning Commission of Wednesday, November 1, 2006, 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:

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

Declarations of Disqualification

None

UNFINISHED BUSINESS:

1. Amendment to Zoning Ordinance – Amendment to Section 28-25, Definitions of Specific Terms; Section 28-38, Table of Uses and Standards; Table 3.1, District Uses and Standards; and, Section 28-39, Special Regulations of the Zoning Ordinance, pursuant to O06-73. The amendment defines adult business, adult entertainment, adult merchandise, adult model studio, adult motel, adult movie theater, adult nightclub, and adult store. The amendment shall require the issuance of a conditional use permit for an adult business to be conducted in the following zoning districts: B-1, Convenience Commercial; B-2, Urban Commercial; RC, Rural Commercial; SC Suburban Commercial; M-1, Industrial Light; and, M-2, Industrial Heavy. The amendment shall limit adult business to the certain regulations.

Mrs. Kirby stated in her opinion requiring a Conditional Use Permit (CUP) may be too restrictive.

Mr. Judy stated if people's rights were delayed in the process, they could bring a Constitutional claim against Stafford County. He stated it could take several months or more before a decision was made on a CUP. He stated most localities which have established a permitting process use ninety days as the guideline. He stated there would need to be specific standards to decide whether the permit should be granted. He stated another concern was the buffer requirement.

Mr. Stepowany stated based on the current buffer requirement there were eighty-seven industrial sites and thirty-five commercial sites available for adult businesses to locate.

Mr. Judy suggested reducing the buffer requirement from certain facilities, reducing it in all cases, or reducing the list of facilities which an adult business could locate next to.

Mrs. Kirby stated in her opinion five hundred feet was a reasonable buffer requirement.

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Mr. Judy stated by applying the buffer to all the facilities listed in the Ordinance there was a relatively small number of areas adult businesses could locate.

Mr. Cook stated he did not understand why adult businesses were restricted from locating next to an adult daycare, motel, hotel, boarding house, nursing home, or county building.

Mr. Rhodes suggested creating three maps showing multiple buffer requirements to see what the implications would be by reducing or raising the buffer requirement.

Mr. Harvey stated as the county grows and prospers more schools and churches would be located in the county. He stated the Planning Commission did not want to eliminate all locations where an adult business could locate.

Mr. Cook suggested the Planning Commission should revise the list of facilities an adult business could not locate next to.

Mr. Rhodes suggested a revised map showing the implications of removing some of the facilities listed in the Ordinance from the buffer requirement.

Mr. Di Peppe stated he agreed with Mr. Cook about removing adult day care centers and nursing homes from the list of facilities an adult business could not locate next to. He stated if Stafford County writes an Ordinance so strict that a citizen could not obtain the permit, the County would be open to lawsuits.

Mr. Cook stated in his opinion once a business was in place it was automatically grandfathered even if a school was located next to it.

Mrs. Kirby stated Boswell's Corner and the Courthouse area were going through a revisioning so she would be apprehensive about removing the Courthouse from the list of businesses an adult business could not locate next to.

Mr. Cook stated in his opinion nursing homes, adult day care centers and hotels or motels should be removed from the list.

Mr. Stepowany stated the Ordinance would have to be readvertised with the new language before there could be another public hearing.

Mr. Harvey stated the new maps would have to be created.

Mr. Judy stated as long as the Ordinance remained the same or was made less restrictive there would be no need to readvertise for a public hearing.

Mrs. Carlone stated she was still concerned about the hours of operation being 9 a.m. to 12 a.m. She stated in her opinion the hours should be shortened on Sunday evenings.

Mr. Judy asked what the legal basis was for changing the hours an adult business could operate.

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Mr. Harvey stated the hours could be restricted through the conditions of the CUP or through proffers negotiated with the applicant.

Mrs. Kirby stated the Ordinance could be sent to the Board of Supervisors with Mrs. Carlone's recommendation that the hours be restricted on Sunday.

Mr. Di Peppe asked what the rationale was for restricting the hours on Sunday.

Mrs. Carlone stated most businesses close early on Sundays. She asked what conditions were used to restrict the hours of a used car lot.

Mr. Judy stated he did not know if the reason for restricting the hours was sufficient.

Mr. Stepowany stated Henrico and Prince William counties required a permit from the Sheriff's Office as well as the Ordinance. He stated Henrico and Prince William counties did not require a CUP.

Mrs. Kirby stated by removing the CUP the Ordinance would be less restrictive. She stated if the CUP was removed then more sites would have to be available for adult businesses to locate.

Mrs. Carlone asked if the Planning Commission removed the CUP, would they still have the power to impose certain conditions. She stated once the Ordinance was accepted by the Planning Commission and the Board of Supervisors then it could not be changed. She asked if the Planning Commission could make a recommendation to the Board of Supervisors.

Mr. Cook stated the Planning Commission could pass the Ordinance and send a recommendation to the Board of Supervisors. He stated if the Board sees fit they could accept the recommendation to reduce the hours of operation but they would have to advertise the Ordinance with the revised hours of operation.

Mr. Di Peppe stated in his opinion with all the limitations placed in the Ordinance he did not know who would object to the hours of operation.

Mr. Pitzel stated in his opinion the hours would not make any difference. He stated in response to Mrs. Carlone's question about restrictions on car lots, the hours were restricted because car lots make noise, bright lights, and loud speakers.

Mr. Judy stated the secondary effects needed to be considered; one of things brought up frequently was what occurs in and around these businesses.

Mr. Cook stated he would entertain a motion to remove nursing homes, assisted living facilities, adult day care center, hotel, motel, and boarding house from the list.

Mr. Rhodes asked if there would be an opportunity to view a map with these facilities removed from the Ordinance.

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Mr. Stepowany stated he would retrieve the map used to depict where adult businesses could locate.

Mr. Cook stated while the Planning Commission was waiting for Mr. Stepowany to return with the map, he would like to discuss a letter he received concerning Staffordshire Preliminary Subdivision Plan. He stated one of the proffers stated Hulls Chapel Road would be realigned to lessen the curvature of the road and the developer would pay to bring it up to Virginia Department of Transportation standards. He stated the Board objected to granting the special exception because they did not give consent. He stated the Zoning Administrator felt the Board of Zoning Appeals did not have authority to act. He stated they would make the improvements but without the Board it would remain in its present condition and the second entrance would be off of Wateredge or Fire Trail Lane. He stated the Planning Commission should write a letter to the Board of Supervisors recommending they accept the proffers as the Planning Commission approved them.

Mr. Di Peppe asked why the Board of Supervisors did accept the proffers.

Mr. Cook stated the Board of Supervisors did not give their consent. He stated the property which would have to be crossed to realign Hulls Chapel Road was owned by the County. He stated the Ward Company went to the Board of Zoning Appeals (BZA) for approval but a member of the BZA went to the Board of Supervisors and complained that the Ward Company did not have the permission of the Board to ask for a variance or exception.

Mrs. Kirby asked Mr. Judy if someone was asked to be a liaison member to another Board or Commission could they speak and vote.

Mr. Judy stated it would depend on what the responsibility of the meeting was.

Mr. Pitzel stated Mr. Milde was appointed liaison by the Board of Supervisors to the Comprehensive Plan Steering Committee. He stated the position has no definition. He stated Mr. Milde sits at the table and speaks but has no voting power.

Mr. Di Peppe stated it was his understanding that Mr. Milde asked to be appointed liaison to the Comprehensive Plan Steering Committee.

Mr. Judy stated a liaison was a go between.

Mr. Cook stated Mr. Stepowany had returned with the map.

Mr. Stepowany stated the majority of nursing homes and adult day care centers were located in the A-1 zoning district. He stated the green dots with the dark green circles in the middle on the map were hotels and motels. He stated by removing hotels and motels only a marginal amount of space would be opened up for adult businesses to locate.

Mr. Cook stated there were places in Aquia Town Center which would be over five hundred feet from the residences surrounding it.

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Mr. Judy stated the five hundred foot buffer was measured from the border of the property which includes a residence.

Mrs. Carlone asked if there were county offices at Chatham.

Mr. Stepowany stated currently there were county offices in Chatham.

Mr. Pitzel asked if the five hundred foot buffer worked backwards. He asked if there was an existing establishment and there was a rezoning would a resident be allowed to move in.

Mr. Judy stated the store could continue operating as a non-conforming use.

Mr. Di Peppe asked how many industrial parks were in the county. He asked if it was possible to only locate in industrial parks. He stated in his opinion industrial parks are usually away from residential properties and schools.

Mr. Cook asked if the Planning Commission was going to remove the CUP.

Mrs. Kirby suggested the motion should strike the CUP, adult day care, assisted living, nursing homes, hotels and motels from the Ordinance.

Mr. Di Peppe stated removing those facilities from the Ordinance would not really free up any more space for an adult business to locate.

Mr. Cook stated they could locate within the county five hundred feet way from child day care, residents, schools, parks, libraries, churches, historic district, cultural center, government agency and another adult business.

Mr. Pitzel asked if the CUP was removed would there still be performance standards

Mr. Cook stated yes.

Mrs. Kirby made a motion to amend Section 28-25, striking the words CUP, adult day care centers, nursing homes, assisted living facilities, and hotels, motels, and boarding houses from the Ordinance.

Mr. Cook stated Mrs. Kirby's motion was to delete the words CUP, nursing home, assisted living, similar institutions, adult day car, and hotels, motels, and boarding houses.

There was no second to the motion.

Mr. Stepowany stated if the County requires a CUP there had to be a decision in ninety (90) days. He asked if the Ordinance would have to stipulate ninety (90) days.

Mr. Judy stated there would have to be specific language that defines a time.

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Mr. Cook suggested that someone make the following motion which states the Commission desires adult businesses require the issuance of a CUP with additional restrictions. He stated the CUP must be acted upon within ninety (90) days of being accepted by the Planning Department. He stated Section 28-39 should be amended to delete items B, C, and J.

Mrs. Kirby stated she would make that motion to include the changes. Mr. Di Peppe seconded.

Mr. Cook suggested adding (L) under Section 28-39 stating the CUP for adult businesses must be acted on within ninety (90) days after acceptance at the Planning Department. He stated the previous (L) would become (M).

Mrs. Kirby amended her motion. Mr. Di Peppe seconded. The motion passed 6-1 (Mr. Pitzel was opposed).

ORDINANCE COMMITTEE

Mr. Stepowany stated the proposed Ordinance was dealing with activities and structures within a Flood Hazard Overlay District. He stated there were some uses which were permitted and some which required a special exception such as utilities and public facilities and improvements, such as railroads, streets, bridges, transmission lines, water and sewage treatment plants, stormwater management structures, and similar related uses. He stated a special exception was also required for 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. He stated the following section discusses activities which can be granted by an administrative exception. He stated the county was trying to get approval from Utilities for the Rocky Pen Reservoir Dam which would require a structure and rechanneling of the stream in the floodway. He stated it would need a special exception. He stated the Utilities Department needs to get proper funding by the Board of Supervisors and before they can do that they need all the proper permits in line. It has been requested to look at this section and review if it is logical to require a special exception. He stated the original intent was to exempt structures such as dams or other facilities to establish drinking water from requiring a special exception. He stated this would be more reasonable for roads and other types of uses to have administrative approval. He stated the Zoning Administrator would grant approval not the BZA.

Mr. Cook stated this would eliminate approval from the BZA instead the department head would grant approval.

Mr. Di Peppe stated he had serious reservations about Item 1.

Mr. Cook made a motion to retain Item 1 in committee. Mrs. Kirby seconded. The motion passed 7-0.

ADJOURNMENT

With no further business to discuss the meeting was adjourned at 6:58. _____
William Cook, Chairman

STAFFORD COUNTY PLANNING COMMISSION MINUTES

November 1, 2006

The regular meeting of the Stafford County Planning Commission of Wednesday, November 1, 2006, 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, Baker, Judy, Stepowany, and Gregori

PUBLIC PRESENTATIONS: None

PUBLIC HEARINGS:

1. RC2501249; Reclassification – Onville Estates - A proposed reclassification from A-2, Rural Residential Zoning District to R-1, Suburban Residential Zoning District on Assessor's Parcel 20-49J consisting of 59.13 acres, located on the west side of Onville Road approximately 300 feet north of Ebenezer Church Road within the Griffis-Widewater Election District. The Comprehensive Plan recommends the property for Rural Residential use. The Rural Residential designation would allow residential development at a maximum density of one dwelling unit per three acres. This request would allow single family detached or duplex dwellings at a maximum density of three dwelling units per acre. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the R-1 zoning district. **(Time Limit: January 31, 2007)**

Mrs. Baker presented the staff report. She stated the minimum lot size would be eight thousand square feet. She stated access would be from Onville Road and a connection to Beverly Forest subdivision. She stated there would be twenty-four acres of open space and the amenities would include a tot lot, one picnic pavilion, and a one acre park. She stated the Phase I Study found four isolated archeological sites which were not eligible for the national register. She stated there were two prehistoric resource sites and one was eligible for the national register. She stated there was a possible cemetery site. She stated there was Resource Protection Area along Aquia Creek with a potential habitat for two endangered species. She stated the applicant would provide an endangered species study prior to the preliminary plan submission. She stated the intersection of Onville Road, Barrett Heights, and Garrison Woods Drive was currently a Level of Service C in the morning and Level of Service D in the evening. She stated there was a proposed Level of Service B subject to signal installation by others. She stated a Comprehensive Compliance Review for public sewer extension outside of the Urban Services Area was approved in February of 2006. She stated there was an existing pump station located on the east side of Onville Road across from the site. She stated the cash contribution was \$20, 399 for twenty lots. She stated the Land Use Plan recommends Rural Residential designation. She stated the application was inconsistent with the Land Use Plan. She stated staff did not recommend approval of the application. She stated the application was inconsistent with the Comprehensive Plan and did not comply with the cash proffer guidelines.

Mr. Rhodes asked about the location of the stop light.

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Mrs. Baker stated the stop light would be at the intersection of Onville Road, Barrett Heights Road, and Garrison Woods Drive. She stated a previous application which was approved two or three years ago with a proffer related to the installation of a traffic light.

Mr. Rhodes asked if anything further has happened concerning the light.

Mrs. Baker stated she did not have that information.

Mr. Rhodes asked which portion of the site was open space.

Mrs. Baker stated the applicant was proffering thirty percent.

Mr. Rhodes stated the GDP stated there would be fifty percent open space.

Mrs. Kirby stated the GDP in the Planning Commission packages do not match the GDP in the presentation.

Mrs. Baker stated there was a revision; the GDP in the packages was the revised GDP.

Mrs. Kirby asked who was in Sixty- Two Limited Partnership.

Mrs. Baker stated that information was included in the Planning Commission packages.

Mrs. Carlone asked if there was a time limit for the installation for the traffic signal.

Mrs. Baker stated there was no time line.

Mrs. Carlone stated the setback from a cemetery was fifty feet.

Mrs. Baker stated the applicant would take a look at the site once it was identified.

Mrs. Kirby stated she wanted to know if the cemetery was a family cemetery or slave cemetery. She stated the Historic Commission would ask for a four foot wrought iron fence to protect the cemetery.

Mr. Di Peppe stated he was concerned about the condition of the pump station.

Mrs. Baker stated the pump station was one of the Utilities Departments high priority projects.

Mrs. Kirby asked why the Utilities Department did not inform the Planning Commission the pump station was failing.

Marne Sherman, representing Garret Development, stated a shovel test was conducted on the site, and the Civil War relics were within the open space. She stated a cemetery delineation verified that there was no cemetery on the site. She stated she learned after the fact that the pump station was failing.

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Mr. Pitzel asked what the rationale was behind the lesser cash proffers.

Mrs. Sherman stated the project was submitted before the proffer guidelines changed.

Mrs. Kirby asked if the applicant planned to build a cluster subdivision.

Mrs. Sherman stated she could look at proffering a cluster plan.

Mrs. Kirby stated the borough area was very steep, and asked if it would remain undisturbed.

Mrs. Sherman stated it was the developer's intention to use it as fill but it would be reseeded.

Mr. Rhodes asked if there was a time frame on the rezoning case which would implement the construction the traffic light.

Mrs. Sherman stated the rezoning project would begin in approximately one year.

Mr. Rhodes asked why only thirty percent open space was proffered.

Mrs. Sherman stated it was the number that was agreed on.

Mr. Rhodes asked if a new pump station would be provided.

Mrs. Baker stated the pump station would come in during the rezoning.

Mr. Mitchell stated the GDP showed the net area for development was 48.8 acres. He stated the entire parcel size was 59 acres. He stated the two numbers do not equate. He stated the GDP noted there would be fifty percent open space yet only thirty percent was proffered. He stated he did not understand how there could be fifty percent open space but develop 48.8 acres out of 59 acres.

Mrs. Sherman stated they were not developing 48.8 acres. She stated they were only developing fifty percent of the site.

Mr. Mitchell asked if the property would be better served as a commercial property.

Mrs. Sherman stated the applicant had not been approached to build a commercial site.

Mr. Di Peppe stated in his opinion the applicant was asking the Planning Commission to make the land more valuable. He stated if the applicant was going to build forty homes, then they needed to show forty lots on the GDP not sixty. He stated he was concerned about the steep slopes and erodible soils on the site. He stated in his opinion the Planning Commission had hoped this would be a commercial or office use.

Mrs. Sherman stated there would be a new pump station, improvements to Onville Road, and a left turn lane and a right turn lane.

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Mr. Di Peppe stated full proffers would be more than six hundred thousand dollars.

Mr. Cook stated a commercial plan was not the ultimate goal of the applicant.

Mrs. Sherman stated the subdivision was a fall back plan.

Mrs. Kirby stated to go through the borough area one would have to go through the Resource Protection Area. She asked if the applicant had received a letter from the Army Corps of Engineers.

Mrs. Sherman stated a letter would be received after the rezoning was approved.

Mr. Cook opened the public hearing.

Jason Pilt stated he was concerned that Oak Road would become a through road. He stated he was concerned about the proffer levels. He stated he was opposed to the rezoning.

Deborah Deckard stated the property would be best served as a commercial site.

Kathy Velez stated the property should remain A-2. She stated she would not want a commercial site. She stated the area was a neighborhood and it should be left rural.

Roman Karas stated the property should be developed within the current context. He stated a commercial site was not a good idea either. He stated the traffic level was terrible. He stated he was not against new neighbors, but he just did not want so many.

Russel Freis he stated he was concerned about the clearing of trees to make room for new homes. He stated a silt fence would not protect the creek.

Rafe Deckard asked where the pump station would go. He stated the property would be better served as open space. He stated Stafford County needed more jobs. He stated in his opinion the property should be zoned B-3. He stated B-3 zoning would help support BRAC.

Paul Mille stated he hopes the Planning Commission recommends denial. He stated the Comprehensive Plan and the Land Use Plan recommends the property remain rural. He stated there should be one home per one acre. He stated the proffers were not enough. He stated six hundred thousand dollars was the price of one home.

Jim Hebner stated he fought for a light at Kelly Way. He stated putting in a traffic light would cause a back up on Onville Road. He stated there was a blind spot on Onville Road. He stated the wildlife would be negatively impacted. He stated it was a rural setting. He stated he was opposed to the rezoning, but not opposed to building forty homes.

Tom Vitale stated the applicant paid one hundred seventy-five thousand dollars for the property and wanted to make a five million dollar profit. He stated no one has mentioned townhouses or duplexes yet. He stated the schools, the law, the creek, the roads, and the wetlands can not handle the development. He stated the proffers did not make any sense.

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Nancy Vitale stated she was opposed to the rezoning. She stated when she purchased the lot she reviewed the Comprehensive Plan and bought her property because it was in a rural area. She stated she was concerned about the possibility of building townhouses. She stated the schools in the area were already overcrowded.

Brad Orton stated he was concerned about the foot traffic on Onville Road. He stated there were no sidewalks and the edges were very bad.

Jim Mattila stated he enjoys a rural residential lifestyle. He stated there were trees and houses in a neighborhood. He stated there were pedestrian hazards. He stated Onville Road was horrible. He stated the impact on the creek would harm the well water.

John Young stated the traffic was very congested. He stated BRAC would bring five thousand jobs which would increase traffic. He stated he was not against homes, but he was against rezoning.

Kevin Schram stated there was a drainage problem on Rocky Stone Drive. He stated he was concerned about how much fill was going to be used on the site.

With no one else coming forward Mr. Cook closed the public hearing.

Mrs. Sherman stated there would be no townhouses or apartments. She stated the site would be consistent with the county lighting standards. She stated the project would preserve the historic site. She stated the project would help preserve and buffer the creek. She stated they would comply with all state and county guidelines regarding drainage. She stated they could not impede drainage. She stated this project would propose homes be on public water and sewer and not put septic fields next to Aquia Creek. She stated not every acre of the site would or could be developed. She stated steep slopes could be overcome with engineering but they were trying to cluster to one side.

Mr. Di Peppe asked why the applicant did not bring the first choice to the Planning Commission.

Mrs. Sherman stated in order to purchase the property the applicant needed to know the property could be rezoned.

Mr. Rhodes asked what could be done to fix the curbing and sidewalks along Onville Road.

Mrs. Sherman stated the road improvements would be built to Virginia Department of Transportation Standards.

Mrs. Kirby made a motion to retain Item 1 in committee. Mr. Rhodes seconded. The motion to retain Item 1 in committee passed 7-0.

Mr. Cook stated Onville Estates would be discussed at the January 3, 2007 Planning Commission Work Session.

UNFINISHED BUSINESS:

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2. RC2600390; Reclassification – Bird/Cooke Property - A proposed reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District for an office and retail shopping center on Assessor's Parcel 44-62 consisting of 26.12 acres, located on the north side of Warrenton Road approximately 800 feet north of Cardinal Forest Drive across from Village Parkway within the Hartwood Election District. The Comprehensive Plan recommends the property for Urban Commercial uses which would allow development of commercial retail and office uses. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Time Limit: January 15, 2007)(Deferred to November 15, 2006 Work Session)**

Mr. Cook stated Item 2 was deferred.

3. Amendment to Zoning Ordinance – Amendment to Section 28-25, Definitions of Specific Terms; Section 28-38, Table of Uses and Standards; Table 3.1, District Uses and Standards; and, Section 28-39, Special Regulations of the Zoning Ordinance, pursuant to O06-73. The amendment defines adult business, adult entertainment, adult merchandise, adult model studio, adult motel, adult movie theater, adult nightclub, and adult store. The amendment shall require the issuance of a conditional use permit for an adult business to be conducted in the following zoning districts: B-1, Convenience Commercial; B-2, Urban Commercial; RC, Rural Commercial; SC Suburban Commercial; M-1, Industrial Light; and, M-2, Industrial Heavy. The amendment shall limit adult business to the certain regulations. **(Deferred to November 1, 2005 Work Session)**

Mr. Cook stated Item 3 was discussed at the Work Session and was forwarded to the full commission recommending approval with modifications.

Mrs. Kirby made a motion to send Item 3 to the Board of Supervisors. Mr. Mitchell seconded. The motion passed 6-1. (Mr. Pitzel was opposed)

Mr. Cook asked the Commission, based on Mrs. Carlone's request, to send a letter to the Board of Supervisors concerning modification of hours of operation for adult businesses to show hands if they agreed.

Mr. Rhodes stated he did not agree with the suggestion of a letter.

Mr. Cook asked for a show of hands. Mrs. Kirby and Mrs. Carlone were in favor of the letter. Mr. Rhodes, Mr. Cook, Mr. Mitchell, Mr. Di Peppe, and Mr. Pitzel were opposed to sending the letter.

4. 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 December 6, 2006 at applicant's request)**

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Mr. Cook stated the Planning Commission received a copy of the letter Mr. Harvey sent to CT Park regarding Ellison Estates. He stated the letter requested Ellison Estates come forward at the December 6, 2006 Planning Commission meeting.

5. Amendment to Subdivision Ordinance - Amendment to Section 22-153, Lots for Water and Sewer Mains, of the Subdivision Ordinance, pursuant to O06-62. The proposed amendment would require all water and sewer easements, in their entirety, serving water and/or sewer mains between lots in a residential subdivision to be located on lots conveyed to and maintained by a homeowners association. The width of the easement shall be in accordance with Chapter 25 and Chapter 26.2 of the Stafford County Code. **(Deferred at Staff's Request)**

Mr. Cook stated Item 5 was deferred.

6. RC2600334; Reclassification; Yusufi Property - A proposed reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District for office/retail on Assessor's Parcel 19-24 consisting of 0.62 acres, located on the south side of Garrisonville Road approximately 1,100 feet west of Shelton Shop Road within the Rock Hill Election District. The Comprehensive Plan recommends the property for Urban Commercial use, which would allow development of commercial retail and office uses. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Time Limit: December 5, 2006) (Deferred to November 15, 2006 Work Session)**

Mr. Cook stated Item 6 was deferred.

7. CUP2600130; Conditional Use Permit – Suh Gas Station - A request for a conditional use permit to allow vehicle fuel sales in a B-2 Zoning District on Assessor's Parcels 29-90A and 96 consisting of 3.2 acres, located on the north side of Courthouse Road at the intersection with Wyche Road within the Aquia Election District. **(Time Limit: December 19, 2006)(Deferred to the November 15, 2006 Work Session)**

Mr. Cook stated Item 7 was deferred.

NEW BUSINESS

8. PAE2600773: Duff Green, Private Access Easement – A private access easement to serve 2 lots on 139.45 acres located on the west side of Kings Highway at Little Falls Road on Assessor's Parcel 58C-2-6 zoned A-1, Agricultural, within the George Washington Election District. **(Time Limit: December 26, 2006)**

Mr. Stepowany presented the staff report. He stated the PAE would serve two lots. He stated the width of the PAE would be fifty feet and the length would be 2,342 feet. He stated the parcel was 540.95 acres. He stated the property was zoned A-1. He stated the parcel was lot 6 of Little Falls subdivision located on the west side of King's Highway at Little Fall's Road. He stated lot 6 was the residue of the subdivision. He stated the PAE would serve Parcel A within lot 6. He stated

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parcel A was 11.42 acres. He stated parcel A would have frontage along the Rappahannock River. He stated staff recommends approval.

Mr. Pitzel stated since the PAE would serve one lot there was no limit in length.

Mr. Stepowany stated that was correct.

Russell H. Roberts, Esquire, representing the applicant, stated Mr. Green was giving the land to the University of Mary Washington Crew Team. He stated there would be no residences, and the property would be used for classes and sporting activities.

Mr. Pitzel asked if the property would need to be rezoned.

Mr. Harvey stated no.

Mr. Pitzel made a motion for approval. Mrs. Kirby seconded. The motion passed 7-0.

The Planning Commission stated their appreciation for the generous gift.

MINUTES

October 18, 2006 Work Session

Mrs. Kirby made a motion for approval. Mr. Pitzel seconded. The motion passed 7-0.

October 18, 2006 Regular Meeting

Mr. Pitzel stated on Page 10, the second to last paragraph should read "precast concrete risers."

Mrs. Kirby made a motion for approval with the changes. Mr. Rhodes seconded. The motion passed 7-0.

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated the Planning Commission needed to vote again to approve the October 4, 2006 Planning Commission Minutes.

Mr. Rhodes made a motion to accept the amended minutes. Mrs. Kirby seconded. The motion passed 7-0

COUNTY ATTORNEY'S REPORT

No report

SECRETARY/TREASURER REPORT

No report

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STANDING COMMITTEE REPORTS

Mr. Pitzel stated the October 23, 2006 meeting was cancelled. He stated the October 30, 2006 meeting was moved to November 2, 2006. He stated at the November 2, 2006 meeting there would be a discussion regarding policies on who may speak at the Comprehensive Plan Steering Committee meetings. He stated the November 20, 2006 meeting was moved to December 4, 2006. He stated the December 4, 2006 meeting topic would be "From the Developer's Perspective" by Rob Gollahon. He stated there would be a meeting with the consultant, Peter J. Smith, on November 27, 2006.

CONSENT AGENDA

SPECIAL COMMITTEE REPORTS

Mrs. Carlone stated the canoe trip was cancelled due to inclement weather.

Mrs. Kirby asked if any of the Planning Commissioners knew an Architectural Historian.

Mr. Di Peppe asked if they needed to be a resident of Stafford County.

Mrs. Kirby stated yes.

CHAIRMAN'S REPORT

Mr. Cook stated he would like the Planning Commissioners to read the letter on Staffordshire and be ready to discuss it at the November 15, 2006 meeting.

ADJOURNMENT

With no further business to discuss, Mr. Mitchell made a motion for adjournment. Mr. Rhodes seconded the motion.

The meeting was adjourned at 9:20.

William Cook, Chairman