

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**

**September 27, 2017**

The meeting of the Stafford County Planning Commission of Wednesday, September 27, 2017, was called to order at 6:30 p.m. by Chairman Tom Coen in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Tom Coen, Crystal Vanuch, Sherry Bailey, Steven Apicella, Roy Boswell, Darrell English, Mike Rhodes

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Susan Blackburn, Chris Rapp

DECLARATIONS OF DISQUALIFICATION

Mr. Coen: At this point in time, we normally ask if there's any disqualifications for any items on the agenda.

Mr. Boswell: Mr. Chairman, I'll be recusing myself from item 1 on the agenda.

Mr. Coen: Alright, thank you Mr. Boswell. And anyone else? Seeing none, we now go to a presentation by the Honorable Chris Rapp about our transportation. Good evening sir.

PUBLIC PRESENTATIONS

County Transportation Construction Project Quarterly Update by Chris Rapp, Director of Public Works

Mr. Rapp: Good evening Mr. Chairman, members of the Planning Commission. Christopher Rapp, Director of Public Works. I am pleased to provide the following road project update. The first project is the Poplar Road/Mountain View Road Intersection Improvement. This has been divided into two phases and NOVEC is relocating at this time. Verizon should start their relocations in mid-October. We're working on bid documents to advertise and we should put those documents out in November for construction firms to bid on them.

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes, Mr. Rhodes.

Mr. Rhodes: Mr. Rapp, the phase 2, is there an estimation of the cost of that?

Mr. Rapp: Not at this time, no sir.

Mr. Rhodes: Okay, thank you. Thank you Mr. Chairman.

Mr. Rapp: The first phase is going to address the sharp turn south of the intersection. The next project is the Brooke Road Safety Improvement project. The right-of-way acquisition is complete. Utilities have been relocated. We did put this out for construction bid. The bids came in higher than the engineer's estimate so we're going to re-advertise that. We have gotten approval from VDOT to lengthen the work hours. They were from 9 to 3 in the afternoon, and we're going to increase that. The

*Planning Commission Minutes  
September 27, 2017*

contractors said that that was a big factor in increasing their costs, so that should bring the cost down. So we're going to rebid this project in December.

Mr. Coen: Chris? Just for understanding, this is basically down towards the swamp area and then up towards the big hill? Or is this...

Mr. Rapp: Correct.

Mr. Coen: ... closer up? Okay.

Mr. Rapp: Correct.

Mr. Coen: Thank you.

Mr. Rapp: You're welcome. The next project is ongoing; the Garrisonville Road widening. I'm sure you've seen this project. The right-of-way acquisition is complete. Utilities have been relocated, substantially relocated and just this week we switched over from the... the new eastbound lanes were paved and we switched over to the new eastbound lanes, so now we can start working on the median and the westbound lanes. On the eastbound lanes, you know, we added new curb and gutter, we graded the new lanes and we paved them. So that was an exciting milestone. That project is due to be completed October 2018. The intersection improvements at Route 1 and Courthouse -- this actually also includes the Hope Road intersection, basically the Route 1 corridor. Right now we're addressing VDOT comments on our construction plans and hope to go to right-of-way acquisition in the near future. Just some timelines: we're hoping to do right-of-way... start right-of-way in November of this year and utility relocations in October of 2018. And then start construction on this project in March of 2020, which is just slightly before the interchange project will be finishing up.

Mr. Coen: And just, because I keep getting questions, (a) people keep asking me about the horrible backups there with the lights in rush hour, both a.m. and p.m.

Mr. Rapp: Right.

Mr. Coen: And then, because over the years there have been so many different discussions about what they're doing there, is there... that's why I asked Mr. Harvey to check with you about is there some way people can actually see what we're doing? Or do we have to wait till VDOT comes back and then we'll be able to see?

Mr. Rapp: No, we have graphics and I've asked staff to put that on our website. And we can certainly share those with the Planning Commission, because we've had a public hearing and we generated graphics. So, we'll be happy to share that. But just in general, some of the improvements are including turn lanes on Route 1 and then some turn lanes on Courthouse Road and Hope Road, so that we'll then be able to retime the signals so you won't have the signal pattern you have now which will make it much more efficient. We're also going to put in a median so you'll eliminate some people turning left and holding up traffic and it'll make it safer. We're also going to have some streetscape features such as sidewalk and landscaping.

Mr. Coen: Thank you.

Mr. Rapp: You're welcome. The next project is Juggins Road. This is to improve Juggins Road for the new Moncure Elementary School project, but it's also to pave the remainder of the road down to the end

*Planning Commission Minutes  
September 27, 2017*

of the public right-of-way. Our plans have been designed; VDOT's authorized proceeding with the right-of-way phase; utility relocations are being designed; and they're doing some geotechnical work. The sidewalk project along Mine Road, that construction went really quickly. I think this is the first and last time I'll be providing an update on this. But we're proud of this project at 1,700 linear feet of sidewalk along Mine Road. It's heavily used by pedestrians; it helped close a gap between two existing sidewalks. And the wayfinding signs, we had another phase of the signs. There were 16 signs this time. They were for areas where VDOT was finishing up road projects and those were fabricated, installed. A lot of the work was done getting approvals. The actual fabrication installation lasted several months and this project is finished. And hopefully you've seen the new wayfinding signs. We've had several phases of the signs. Those are all locally administered projects. Some VDOT projects -- the I-95 HOT Lanes, southern terminus. This is ongoing. It's currently ahead of schedule. You can see the dates in front of you. I do know it's ahead of schedule, but these are the official dates VDOT has given us for completion.

Mr. English: But they could be earlier, correct?

Mr. Rapp: Yes sir.

Mr. English: Do you have an estimate for a completion date?

Mr. Rapp: I've kind of heard off the record but I don't really want to speculate. And then the Rappahannock River crossing, southbound I-95 -- this was approved for funding under Smart Scale. A citizen information meeting was held earlier this summer. There's a design build contract that will be awarded in early 2018, construction starting later that year, and then finishing up 2022. They did come out with a revised concept that they presented in June. And then the HOT Lane extension, there was a public hearing held Monday at Stafford High School and, basically, this would extend down to Route 17 and then tie into the Rappahannock River crossing southbound. And this project will complete about the same time as the other project. Courthouse Road, the widening and the interchange project, Shirley Construction/Dewberry was awarded this. It's a design build. There's a temporary signal at Colonial Forge High School; reduced speed limit. They should start clearing within the median on I-95 in a couple weeks. And I had a question about this project. It's farther south, but I provided some slides for you. If you drive down 95 towards Richmond, between Ashland and Richmond, there's quite a bit of construction. There doing a bridge replacement on Lewistown Road. And then farther south they're improving... they're trying to reduce the weaving and improve the merge lane as you, you know, the left turn lanes where you try to get onto... you get onto 295 if you're heading south, there's a lot of merging and it backs up so they're trying to improve that, and also the merging going northbound as well. That concludes my presentation. Are there any questions?

Mr. Coen: Yes, Mr. English.

Mr. English: Do you have... is anything in the works for Telegraph Road? Do you know anything about that? Are there any plans for that?

Mr. Rapp: Are you referring to the signal?

Mr. English: Yeah, they're putting a temporary signal. Is that all they're going to do right now that you know of?

Mr. Rapp: There was a Smart Scale project that was awarded to Stafford County and there's an alternate design that we're working through with VDOT to get that approved. And once they approve

*Planning Commission Minutes  
September 27, 2017*

that, we hope to move forward with that project. It would be improvements on Telegraph and Woodstock Roads and Route 1.

Mr. English: The light is going to go near the crucifix? Is that correct?

Mr. Rapp: The temporary... right now, the temporary light's proposed to go at Telegraph Road. If the alternate design is approved, it would go in a new road where a new parcel is being developed.

Mr. English: Telegraph and Woodstock, is that where the light's going to be?

Mr. Rapp: Telegraph and Route 1.

Mr. English: Oh, Telegraph and Route 1. So, it'd be near the crucifix, is that correct?

Mr. Rapp: Yeah, it's still being evaluated by VDOT, but that's the plan.

Mr. English: Okay, thank you.

Mr. Rapp: I spoke with VDOT today and they're doing a warrant study that'll take up to two weeks, but we're actively engaged with VDOT on that temporary signal.

Mr. English: Okay, thank you.

Mr. Coen: Okay, any other questions for Mr. Rapp? Okay, I guess that ends it. Thank you sir.

Mr. Rapp: Thank you.

Mr. Coen: Appreciate it. Alright, at this point in time we'll go to our public comment section. If you're here to speak about any topic that is not the public hearing, which would be item number is the public hearing, so if you would like to speak about any other topic other than that, we invite you to come down to the podium. You have 3 minutes to speak. When you come up, we ask you to give us your name and your address and then the light will go on, the green light will go on for you to start talking. When you hit 1 minute the yellow light will go on, and then at the red light we ask that you wrap up your comments. And hello Ms. Callander.

Ms. Callander: Oh, I'm sorry, I jumped the gun, didn't I?

Mr. Coen: No, you're perfect! That's time management, we like that.

Ms. Callander: Okay. I'm Alane Callander. I note that on your agenda, under Committee Reports, it mentions Sign Ordinance Committee. I wasn't clear if you're actually giving a report on the Sign Ordinance tonight or not or just listing the next meeting date. But I hope that you will comment on the Sign Ordinance because the other day I saw something in the paper that the Board of Supervisors is talking about enforcing the new Sign Ordinance. The timing on this is I believe politically motivated because it's just several weeks before the election and you know that people put signs out along the highways and roadways of Stafford in promotion of their candidates. So, I think the public needs to have a really clear understanding of their liability in putting a sign out. It could be in their front yard that may happen to be in the highway right-of-way. So this needs to be explained. And I do believe, and I want to state very clearly, I worked on signs and sign ordinance topics 25 years ago when I worked here at the County. And it has taken all these years to suddenly get people interested in cleaning up the

***Planning Commission Minutes  
September 27, 2017***

sides of the roads. So, the timing of this is really, really interesting and I hope it doesn't turn into a voter suppression issue where people don't even know there's an election because there are no campaign signs out. Thank you very much.

Mr. Coen: Thank you Ms. Callander. Just so you know, we went through I think it was an 8-month process where we went through the Sign Ordinance; we passed it and sent it to the Supervisors and they graciously sent it back to us and our subcommittee has been working for what, I think about 5, 6 months on this. So, it's not a new thing. And so every meeting they come back, they tell us if there's an update, same way that the parking lot and greenspace landscaping one comes back and tells updates. Alright, any other public members like to speak on anything other than the public hearing? Seeing none, we will close the public comment section for the evening. We have had a request by some members to go to Closed Session on an item or two, and so I ask Mrs. Vanuch.

Mrs. Vanuch: Sure. Thank you Mr. Chairman. I would like to motion, pursuant to Virginia Code § 2.2-3711(A)(7), the Commission desires to hold a Closed Meeting for consultation with legal counsel regarding two specific legal matters which require the provision of legal advice.

Mr. Coen: Okay, so Mrs. Vanuch has made the motion; is there a second?

Mr. English: I second it.

Mr. Coen: Mr. English seconds; any comments? Alright, seeing none we'll put it to a vote. And it passes unanimously (7-0). We will return as soon as possible.

*Closed Meeting: 6:47 p.m. - 7:42 p.m.*

Mr. Coen: Okay, welcome back to our Planning Commission meeting on 9/27. Mrs. Vanuch, could you read something for us?

Mrs. Vanuch: Sure. I would like to motion that the Stafford County Planning Commission, on this the 27<sup>th</sup> day of September, 2017, that it be and hereby does certify that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Commission.

Mr. Coen: Thank you Mrs. Vanuch. Is there a second?

Mr. Rhodes: Second.

Mr. Coen: Second by Mr. Rhodes. Any comment? Alright, we have to take a vote. The wonders of process. Alright, and it passes unanimously (6-0); Mr. Boswell has as we said earlier, was going to recuse himself from this topic so that's why he's not with us this moment. It brings us to our public hearing section. Mr. Harvey.

**PUBLIC HEARINGS**

1. Revocation of a Special Use Permit - A request to consider revoking Special Use Permit SUP 80-11 for a used automobile sales and service facility on Tax Map Parcel No. 21-44 in the B-2, Urban Commercial Zoning District, located at 24 Derrick Lane, within the Aquia Election

*Planning Commission Minutes  
September 27, 2017*

District.

Mr. Harvey: Mr. Chairman, for item number 1, please recognize Susan Blackburn for the presentation.

Mr. Coen: Good evening Mrs. Blackburn.

Mrs. Blackburn: Good evening Mr. Chairman, Planning Commission members. This is... you are to consider the revocation of Special Use Permit SUP80-11. And the terminology for a special use permit was changed in 1994 for conditional use permit. So, that has been clarified. And the Board of Supervisors approved this special use permit on January 20, 1981, pursuant to Resolution R81-68. And the special use permit was for a used auto sales and service facility located at 24 Derrick Lane, on Tax Map Parcel 21-44. And I have a picture of... and 21-44 is the property outlined in red. The property is zoned B-2, hence the red outline, which is Urban Commercial Zoning District, and it requires a CUP for motor vehicle sales facility. And the property has been owned by Mr. David Attai since 2003. The property was leased and the tenant had been operating a motor vehicle sales business known as Premier Auto. In December of 2015 and September 2016, March '17, and May 2017, staff received complaints about vehicle storage and employee parking associated with Premier Auto on 25 Derrick Lane, which is the property outlined in yellow, which is Parcel No. 30-1 and is across the street from this property. Each time the violations were verified by site inspection, a notice was issued and with each notice 30 days were given to abate the violation. And on or before the 30<sup>th</sup> day the vehicles would be removed from 30-1, the property across the street, and the motor vehicles then would return within the next several days. Violations starting in March were validated by taking pictures of the motor vehicles on the property and matching the vehicle identification numbers to the vehicles for sale on the Premier Auto website. We had listed various dates of inspections which are in your packet, and it was the status of the inspections and the dates the notes were issued. We did not include the VIN numbers in this document. And over the past months, Premier has repeatedly violated the special use permit and County Code by storing motor vehicles and parking employee vehicles across the road on the property that does not allow for such a use. And the most current photographs showed a violation as recently as June 20<sup>th</sup>. On September 9<sup>th</sup>, Mr. David Attai requested to schedule a site visit to discuss the violation and the corrective action. He had received a notice or the letter concerning the Board hearing. And staff met with Mr. Attai and his attorney onsite on September 14<sup>th</sup> and staff observed that no cars were located on 25 Derrick Lane. Mr. Attai stated he had terminated the lease with the current auto dealer and that the business would be operated by himself. And staff recommendation on this is with the assurance that the current auto dealer will be leaving the premises. Staff is optimistic that Mr. Attai will operate a business that complies with all the conditions of the special use permit, and will not park automobiles for sale on the property that is not zoned for such a use. Therefore, since the violation has been corrected as of September 14<sup>th</sup>, staff recommends that the Planning Commission not recommend that the SUP be revoked. And if the violations of Special Use Permit 80-11 conditions are cited in the future, enforcement action will be taken by the County. And do you have any questions?

Mr. Coen: Okay, any questions for Mrs. Blackburn? Mrs. Bailey.

Mrs. Bailey: I do have just a couple of questions Mrs. Blackburn. Who is the owner of the 24 Derrick Lane, I believe that's parcel 30-1?

Mrs. Blackburn: The owner, according to the Commission of Records, is SNPD Stafford, Incorporated, and the address is 10104 Hackberry Court, Fredericksburg, Virginia.

Mrs. Bailey: Okay. Do we know whether or not the operators of the Eastern View... no, Premier Auto, I'm sorry, Premier Auto... if they have permission to park those automobiles over there?

*Planning Commission Minutes  
September 27, 2017*

Mrs. Blackburn: Not to my knowledge, no.

Mrs. Bailey: Okay. Do we know who the owners are of the... did you say SP... what did you say that was again?

Mr. Coen: SNPD.

Mrs. Bailey: SNPD. Do we know who those owners are?

Mrs. Blackburn: No, but I could find that information out through the state records.

Mrs. Bailey: Okay. And the numerous violations that apparently occurred, based on the information that you've provided, and you send out letters -- who did you send the letters out to? The letters of the violation?

Mrs. Blackburn: The Notice of Violations were sent to the property owner of 30-1 where the violation was occurring, and to the Premier Auto who was the tenant on the property.

Mrs. Bailey: Okay. Is there... how do we know whether or not the tenant relays that information to the owner of the property?

Mrs. Blackburn: That we do not know.

Mrs. Bailey: Okay. Did you send letters to the owner of the property, Mr. Attai?

Mrs. Blackburn: We did send a notice for the Board of Supervisors hearing when this was first coming up. We sent a notice of this hearing, public hearing. We also drafted... well, we didn't draft, we actually created a notice prior to in March that was addressed to his property.

Mrs. Bailey: Okay. I have no other questions. Thank you.

Mr. Coen: Mr. English.

Mr. English: Mrs. Blackburn, you said you ran VIN numbers for the vehicles that were parked at 30-1, correct?

Mrs. Blackburn: Yes sir.

Mr. English: And who did those vehicles, when you ran the VIN numbers, who did they come back to?

Mrs. Blackburn: They came back to Premier Auto.

Mr. English: So, and how many vehicles were there at the time. Do you remember how many vehicles you ran as far as the VIN numbers are concerned?

Mrs. Blackburn: No.

Mr. English: A guesstimate.

Mrs. Blackburn: Oh, 20.

*Planning Commission Minutes  
September 27, 2017*

Mr. English: Okay, thank you.

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes, Mr. Rhodes.

Mr. Rhodes: Just to confirm, on the original, when it was an SUP, on the original conditions that applied, is condition number 7 still pertinent to the property carried forward throughout which is that they can be revoked for violation of these conditions or for a violation of County Code?

Mrs. Blackburn: Yes sir, to the best of my knowledge.

Mr. Rhodes: And when it says County Code, is there any limitation to that or any County code?

Mrs. Blackburn: I would have to ask legal. I would think there would be no limitation.

Mr. Rhodes: I mean, that's the way I read it. I'm just wanting to confirm my understanding what that...

Mr. Coen: Ms. McClendon?

Ms. McClendon: Commissioner Rhodes, based on the reading of the SUP, it seems to be pretty broad as to any County Code violation.

Mr. Rhodes: Any? Okay, thank you. That's all I have. Thank you Mr. Chairman.

Mr. Coen: Alright, anyone else? Mr. Apicella.

Mr. Apicella: Mr. Chairman, so tax map parcel 21-44, that's owned by Mr. David Attai?

Mrs. Blackburn: Yes sir, according to the Commission of Records.

Mr. Apicella: Who was the proprietor at Premier Auto?

Mrs. Blackburn: It was also a Mr. Attai.

Mr. Apicella: So, same last name.

Mrs. Blackburn: Same last name.

Mr. Apicella: Is that a coincidence or is there a family relationship?

Mrs. Blackburn: To the best of my knowledge, and I'm sure the applicant can verify this, that it was his nephew.

Mr. Apicella: Okay, thank you.

Mr. Coen: Just a couple of questions. Since we're dealing with coincidences, you were addressing the parcel where the cars were being stored that staff rather ingeniously figured out was part of Premier through VINs. Did you check VINs on more than one occasion?



*Planning Commission Minutes  
September 27, 2017*

Mrs. Blackburn: Yes.

Mr. Coen: Okay. And every occasion that there were cars sitting on a residential lot and cars that were being used for a business purpose, it was to Premier Auto?

Mrs. Blackburn: Yes.

Mr. Coen: Okay. And just out of curiosity, has anyone who is affiliated with 21-44 ever had any ownership, parentalship to 30-1 across the street?

Mrs. Blackburn: Not to my knowledge.

Mr. Coen: Okay. Mr. Harvey?

Mrs. Blackburn: Oh, you mean ever?

Mr. Coen: Ever, yeah. Not right now but ever in the history of the universe of the world has anyone... has the same person owned 21-44 and 30-1 he asked because he already knows the answer.

Mrs. Blackburn: Yes sir.

Mr. Coen: Thank you. Okay, thank you.

Mr. Apicella: Can you tell us who that is?

Mr. Coen: Or was? Is and was?

Mrs. Blackburn: We had it listed as Attai Enterprises.

Mr. Coen: Okay.

Mrs. Blackburn: According to the Commissioner's record.

Mr. Apicella: And do we know the person by name? Who owned that parcel? Or both, at the same time?

Mr. Harvey: Mr. Chairman and Mr. Apicella, I don't recall but I think there was some maybe similarity in addresses of where that business was located compared to the owner of 21-44.

Mr. Coen: Okay.

Mr. Apicella: So, just to clarify, at some point in time somebody at a specific address associated with the name Attai owned both the site that Premier Auto sits on and the residential property where this house is located.

Mrs. Blackburn: Yes, according to the Commissioner's records.

Mr. Apicella: And just again, to get it in public record, you're not allowed to park automobiles on residential property in the way that was occurring at that residential site.

*Planning Commission Minutes  
September 27, 2017*

Mrs. Blackburn: Yes sir, the Zoning Ordinance does not permit that use.

Mr. Apicella: Thank you.

Mr. Coen: One quick question. You said you were in contact with the Commissioner of Revue. Was the property at 30-1 being taxed as residential or business? When it was being used as a business.

Mrs. Blackburn: We did not get confirmation from that but I do not know why they would be taxing them as a business. All their records show that it's residential.

Mr. Coen: Okay, thank you. Mrs. Vanuch?

Mrs. Vanuch: I have one quick question. You had mentioned that you had sent several notices to the owner of 21-44 regarding public hearings, etcetera, correct?

Mrs. Blackburn: We had sent them, yes, for the Board of Supervisors hearing and for this hearing.

Mrs. Vanuch: Okay. And what address did you send those to, and I'm assuming they were addressed to Mr. Attai?

Mrs. Blackburn: They were addressed to Mr. David Attai at 25494 Hopton House Terrace, Chantilly, Virginia, which is the address in the Commissioner's records.

Mrs. Bailey: So, just for clarification Mrs. Blackburn, the Notices of Violation which is different than the two that you just mentioned, were those notices sent to the owner Mr. Attai?

Mrs. Blackburn: No. They were sent to the property owner of 30-1 and the Premier tenant of 21-44.

Mrs. Bailey: Is there any particular reason why you did not send notices to Mr. Attai?

Mrs. Blackburn: In the beginning of doing the investigation, there was no proof that the cars were owned by Premier. We were citing the property owner of 30-1 for having cars parked on the property without appropriate zoning approval.

Mrs. Bailey: Okay. So, when Mr. Attai did receive the notice regarding the Board of Supervisors meeting, and you said that he responded promptly?

Mrs. Blackburn: Yes.

Mrs. Bailey: Okay, thank you.

Mr. Apicella: Mr. Chairman?

Mr. Coen: Yes, Mr. Apicella.

Mr. Apicella: I have a follow-up question -- a piece of new information. So, you got the address for Mr. David Attai from the Commission of Revenue's office?

Mrs. Blackburn: Yes.

*Planning Commission Minutes  
September 27, 2017*

Mr. Apicella: So, Mr. Attai obviously has to pay taxes on that parcel; how is the Commissioner collection taxes, property taxes, if they don't have the right address? Presumably, if that's the address of record for Mr. Attai who owns this parcel, how are we collecting taxes... how are we sending a notice out to Mr. Attai to get his taxes if this is the incorrect address? When you get your property tax bill...

Mrs. Blackburn: Yes, yes, I understand.

Mr. Apicella: ... it's sent to you. I'm trying to understand how are they paying their taxes? You get a notice every year of what your tax bill is.

Mrs. Blackburn: Yes, yes.

Mr. Apicella: Am I losing you?

Mrs. Blackburn: Yes.

Mr. Coen: And probably that would be one for the applicant and his...

Mr. Apicella: I'm just trying to understand how the Commissioner of Revenue could have the wrong address and how the taxes are getting paid if there's some disconnect between the address that they have in their records and Mr. Attai's actual address?

Mr. Harvey: Mr. Coen... or excuse me, Mr. Chairman and Mr. Apicella, I think the issue is getting a little bit confused in that the property owner has their address in the Commissioner of Revenue's records but notice was sent to the operator of the site on the parcel 21-44 at the address of, I believe, 24 Derrick Lane.

Mrs. Blackburn: Yes.

Mr. Harvey: So the notices went to 24 Derrick Lane rather than going to Chantilly.

Mr. Apicella: Right, but I see... I see at least one Notice of Violation dated March 9<sup>th</sup> to David Mohammad Attai at 25494 Hopton House Terrace, Chantilly, Virginia, 20152-5817. So, at least one notice was sent to that address and you're telling me that that address is what the Commissioner of Revenue has in their system, and I'm just trying to understand how they pay their taxes if they're not getting a tax bill. I'll just leave it out there and we'll follow-up with the applicant. Thanks.

Mr. Coen: Alright, no other questions for Mrs. Blackburn? Thank you. Mr. Leming, I believe you're representing the property owner?

Mr. Leming: Good evening Mr. Chairman and members of the Commission, I'm Clark Leming; I'm here on behalf of the owner. The owner is Mr. David Attai. He's owned the parcel where Premier has been located since 2003. In 2014, he entered into a lease with Premier Auto and it is owned, to my best knowledge, it is owned by his nephew, who is another Mr. Attai. Now, Mr., the nephew Mr. Attai, owned Premier Auto and rented the premises for approximately 4 years. His lease has been terminated. Now, back to the notice issues. The Commissioner or Revenue...

Mr. Coen: (Inaudible - microphone not on) terminated, so when I drove by today and I saw cars on the lot, he still has the cars on the lot.

*Planning Commission Minutes*  
*September 27, 2017*

Mr. Leming: He has until September 30<sup>th</sup> to remove all of his inventory from the property.

Mr. Coen: (Inaudible - microphone not on) nephew still can operate even though the lease has been terminated.

Mr. Leming: He cannot sell a car.

Mr. Coen: So he just can store them there (microphone not on).

Mr. Leming: Yeah, he's got till the end of the month to move them out. I think you have my letter to him attached to the material that you have, so he's gone.

Mr. Coen: Okay, thank you.

Mr. Leming: Now, with regard to the addresses, the Commissioner of Revenue, I think what Mr. Harvey was telling you, they have the correct address for Mr. David Attai. That's the Chantilly address. The notices, all of the notices, there was a 2015 Notice of Violation, there was a 2016 Notice of Violation, they went to Premier Auto. There was no effort to send those Notices of Violation to Mr. David Attai, the owner of the property notwithstanding his being the owner as shown on the Stafford County tax records, no effort to send those Notices of Violations. In 2017, there was a Notice of Violation prepared that bears Mr. Attai's address. If you'll notice on that letter it has the same certified mail number that the letter that went to Premier Auto has. Now, Mr. Attai did not receive at his address in Chantilly any Notice of Violation ever. We tracked that, and we've provided this information to Mrs. Blackburn, we tracked that through postal tracking. The... that particular letter with that certified number was delivered to the Stafford address. It never even reached the Northern Virginia Distribution Center. So, I don't know what the explanation is. Did they put two letters in one envelope? I don't know. But, the postal service indicates that it never made it to Chantilly. Now, Mr. David Attai's first notice of any of this -- and yes, this is his nephew; the nephew lives in Prince William County near another member of the family. Mr. Attai, Mr. David Attai lives in Chantilly with his family. He's not been to Stafford since the lease has been in place. He's had no indication that there was a problem here on the premises. He does not own or have any interest in property across the street. The only parcel that he owns in Stafford County is the parcel where Premier Auto has been operating. Now, he received... he did receive by regular mail Mr. Harvey's letter notifying him that the Board of Supervisors was going to consider a resolution sending this back for your consideration and then back to the Board of Supervisors' consideration being revocation of the SUP, which belongs to the owner. Now, your ordinance requires that the County notify the owner of the property of a Notice of Violation. That didn't happen here. It has been my position, it's still my position, that the County had no authority to do anything here because the Notice of Violation was never sent to the owner of the property. And not through any fault of the owner of the property. But that's where that stands. Now, that's Mr. Attai's legal position. When he did receive notice of what the Board of Supervisors was going to consider, he got right in touch with Mrs. Blackburn. She alerted him what was going on, he came to see me, we started investigating it, we set a meeting up, I went over and looked at the property, we set a meeting up with Mrs. Blackburn I believe on the 14<sup>th</sup> of September. We set the meeting up on September the 9<sup>th</sup>, the Board acted on September the 5<sup>th</sup>, he received the letter from Mr. Harvey on September the 1<sup>st</sup>. So, on September the 14<sup>th</sup>, the violations had been rectified. The violations being the cars parked across the street on the R-1 property and a fence that had been erected. Those were the violations that the notices were sent out to. Now, the lease was terminated on September the 12<sup>th</sup> and the younger Mr. Attai, the nephew, was given until September 30<sup>th</sup> to completely relocate all of his inventory. He relocated all of his inventory across the... that was across the street by September the 14<sup>th</sup>. So, that's what Mr. David Attai did when he learned of what was going on. Now, we don't contest, we don't quibble one bit with

*Planning Commission Minutes  
September 27, 2017*

what the nephew was doing. It's pretty reprehensible. And if the owner had known about it in 2015 or 2016, it would have been corrected at that time. If he had known about it in 2017, back in March, before any of this went to the Board of Supervisors it would have been corrected. And I think the evidence of that is what he did when he did learn of what was going on. So, no patience for what the nephew has been up to. In addition, I don't blame the neighbors for being upset about it. You know, in addition to these zoning violations, I don't think, it is my understanding, that the owners of Premier Auto have not been very good neighbors and there have been issues between some of the workers there and some of the neighbors, there have been issues of parking/unloading cars on Derrick. What Mr. David Attai has done, and Mr. David Attai could not be here this evening; he will be at the Board hearing, but this young man here, Mr. Prosser, has worked for Mr. David Attai for 6 years and he will be onsite all the time. Mr. David Attai is going to operate whatever business comes out of the... comes out of the ashes here. There will be no cars driven up and down Derrick Lane. I understand that there have been some test driving up and down Derrick Lane; that is not going to happen. There is not going to be any truck parked on Derrick Lane unloading; they'll do that on the lot. Mr. David Attai has actually been around to some of the neighbors to try and talk with them and explain what he has done and what he is going to do.

Mrs. Bailey: Mr. Leming?

Mr. Leming: Yes.

Mrs. Bailey: Could you repeat what you just said about the unloading of vehicles?

Mr. Leming: Yes. It was my understanding that on occasion trucks carrying cars, carrier trucks, would stop on Derrick Lane blocking traffic to unload their vehicles. So, you know, that's not something that can happen.

Mrs. Bailey: Right, so where would they unload because there's enough room on that site.

Mr. Leming: They would have to pull onto... they would have to back onto the property. You know, there are travelways on the property.

Mrs. Bailey: Which property?

Mr. Leming: The used car property. The one out front.

Mrs. Bailey: Okay. Because there's not a lot of room on that.

Mr. Leming: No there's not. It's a tight fit. Now keep in mind though that that's a pretty unusual circumstance because these are not... they're not delivering new cars here. Most of these cars are purchased locally, mainly at the Fredericksburg Auto Auction, and are driven actually to the premises. So, it's just I heard that that had happened from some of the neighbors, and so that's not going to happen is the point I think. There's not a lot of reason for it to happen by virtue of the business. It's not something that should be happening anyway. So, I think... and I'm a little confused as to my status here. I've been called the applicant or the representative of the applicant a couple times so that means I get to keep talking, right? I think the important -- I thought I was just going to have 3 minutes -- the important point here I think is that the owner of the property has stepped in and done what should have been done a long time ago. And the owner did not have legal notice of the Notices of Violation. There's a lot of rights that roam through that, notices, one of the most fundamental aspects of due process. There's an appeal period that runs with all of these notices. All of that is out the window

*Planning Commission Minutes  
September 27, 2017*

because the notices weren't sent to him. So, no confusion on the records of the Commissioner of Revenue. His address is there, has been there, and he does pay his tax bill because that does come to him at his address in Chantilly. And that's where the Notices of Violation should have gone. So, I'll be happy to answer any questions. That's about all I can say except to tell you that Mr. Attai would apologize to the neighbors for what's happened. I mean, he's not at all happy... this is a major family rift at this point. I mean, not only has the nephew created a problem for him, it's his special use permit, but the nephew has crossed another line, inter-family line, by causing these problems. So, a major rift within the family here. But, he's done all he can and he's sorry for what happened, and assures the neighbors and the residents of Derrick Lane, and the Commission, that this is not going to happen again.

Mr. Coen: Okay...

Mrs. Bailey: Mr. Leming?

Mr. Coen: Mrs. Bailey first and then Mr. Rhodes.

Mrs. Bailey: I'm sorry.

Mr. Coen: No, that's fine.

Mr. Leming: Yes ma'am.

Mrs. Bailey: Has Mr. Attai spoken to any of the homeowners on that street?

Mr. Leming: Did you go and visit? Who went to the neighbors?

Mr. Prosser: I did.

Mr. Coen: Okay, so not actually...

Mr. Leming: Do you know if David actually visited one or did he designate you to do so? This young man who is going to be the person onsite, who works for Mr. Attai, is the one that went to the neighbors.

Mrs. Bailey: Thank you.

Mr. Coen: Alright, Mr. Rhodes?

Mr. Rhodes: Mr. Leming, can you confirm, is Mr. Attai have any association with the LLC that owns the property across the street where the vehicles were being parked?

Mr. Leming: Not that I know of. I don't have any... he's indicated that the only property that he has an interest in here is the property where the car dealership is.

Mr. Rhodes: Thank you.

Mr. Leming: So, you know, there's more than one Attai. Now, it's interesting, the property across the street, I mean, we tracked those Notices of Violations too. We tracked the postal... using the postal tracking service and they all went somewhere in Fredericksburg. But, you know, and we actually looked up that corporate entity. We didn't come across any Attai's but that... those letters went somewhere else and whoever the property owner is, I assume the County tax records can clarify that.

*Planning Commission Minutes  
September 27, 2017*

Mr. Coen: Okay, Mrs. Vanuch, did you...?

Mrs. Vanuch: Yeah. Can you remind me, Mr. Leming, when did Premier Auto take over the lease of that property?

Mr. Leming: 2014.

Mrs. Vanuch: 2014. And to you or your client's knowledge, were there ever any employees at Premier Auto with the name of David?

Mr. Leming: Not that I know of. Do you know? It's certainly possible, but Mr. David Attai did not work there. He has a number of other businesses to tend to.

Mrs. Vanuch: And so he's never worked on the property?

Mr. Leming: No, not that I know of, no. He wouldn't have any reason to.

Mrs. Vanuch: Because I was just on Yelp reviewing and it said that there was a complaint against a Mr. David that kept texting that worked on the property that was the owner.

Mr. Coen: Mr. Leming, if you could aim a little bit more for the microphone, thank you.

Mr. Leming: I'll aim for the microphone. When was... what was the date of that? I don't know what you're referring to.

Mrs. Vanuch: It was in 2015. That there was a David, that the person was writing the Yelp review was, you know, calling the dealership about a car and that they kept getting phone calls and harassing text messages from a Mr. David at Premier Auto.

Mr. Leming: I don't have any knowledge that David Attai had anything to do with the business whatsoever, including working there in 2015. Now, Mr. David Attai did run the business, another business, not Premier Auto -- Premier Auto is what's there now. Prior to 2014, Mr. David Attai was the one that operated the business on the property.

Mrs. Vanuch: Okay. Yeah, this was...

Mr. Leming: But that changed in 2014.

Mrs. Vanuch: ... in 2015; I believe it was in April of 2015. So it would just obviously... actually, excuse me, June 1<sup>st</sup> of 2015 would contradict the fact that David had not known about violations because he was on the property and would have seen the way that it was being operated.

Mr. Leming: I don't know what you're looking at or what the source of information was. What you're saying is news to me.

Mrs. Vanuch: Okay.

Mr. Coen: Mr. Apicella.

*Planning Commission Minutes  
September 27, 2017*

Mr. Apicella: Mr. Chairman, just kind of a follow-up question. At any point in time, to your knowledge, did Mr. David Attai own both the parcel that Premier Auto sits on and also the adjacent parcel at 25 Derrick Lane, either directly or through some corporate entity?

Mr. Leming: Not that I know of, no sir.

Mr. Coen: Microphone... when you talk that way it's not going to pick up (inaudible - microphone not on).

Mr. Leming: Trying to be polite. Not that I know of.

Mr. Apicella: Thank you.

Mr. Coen: Okay. I just have a few questions, if I could. You stated that once David Attai was informed of these violations, he expediently dealt with the fence.

Mr. Leming: Mm-hmm.

Mr. Coen: Okay, how did he know who... did he take down the fence himself? I mean pay for it to be taken down?

Mr. Leming: Do we know who took down the fence?

Mr. Coen: Okay.

Mr. Leming: Don't know what the answer is except the fence is gone. He may have told his nephew to get the fence down. I don't know who actually physically removed it.

Mr. Coen: Okay. But once he was... I mean, he had the authority to make something happen across the street.

Mr. Leming: Well, I think the nephew is the one that put the fence up. So, yeah, I think he could direct the person that put the fence up to take the fence down.

Mr. Coen: Okay. Just a question, and I forget the gentleman's name in the red there. You said he's going to be taking over the day to day operation?

Mr. Leming: He'll be onsite all the time.

Mr. Coen: Did he ever work for Premier Auto in any way, shape, or form?

Mr. Leming: Did you ever work...?

Mr. Prosser: Did I?

Mr. Coen: Yes sir.

Mr. Prosser: No sir.



*Planning Commission Minutes  
September 27, 2017*

Mr. Coen: Okay. And then I'm just curious. So, when you say that the cars will be removed and then Mr. Attai is going to be bringing over the be doing his own thing, these will not be the same automobiles?

Mr. Leming: No, they don't belong to Mr. Attai; they belong to Premier Auto.

Mr. Coen: Okay.

Mr. Leming: So, those cars will all be removed. They'll go wherever else young Mr. Attai takes them.

Mr. Coen: Okay.

Mr. Leming: So, any new... anything that Mr. David Attai does would involve completely new inventory.

Mr. Coen: With new VIN numbers.

Mr. Leming: Yes.

Mrs. Vanuch: Mr. Leming, can you just repeat his name? Oh, sorry. Can you just repeat his name? I don't think we remember.

Mr. Leming: Who's name?

Mrs. Vanuch: The gentleman in the red.

Mr. Leming: It is Ryan Prosser.

Mrs. Vanuch: Okay.

Mr. Coen: Okay. For some reason I was thinking Preston. Did you want to ask...?

Mr. English: Mr. Leming, you said Ryan... he said he went to all the neighbors on Derrick Lane? Did you and how many did you go to?

Mr. Coen: If you'll come up and talk please.

Mr. Leming: I told him he wouldn't have to do this.

Mr. Coen: See, you shouldn't make promises.

Mr. Prosser: Hello. So, I made an effort to go...

Mr. Leming: Introduce yourself. Say what your name is.

Mr. Prosser: I'm sorry. My name is Ryan Prosser.

Mr. Leming: Where do you live?

*Planning Commission Minutes  
September 27, 2017*

Mr. Prosser: I live in Stafford, Virginia. So, I did make an effort to go to all the neighbors on Derrick Lane just to offer our position with what's going on and offer also a solution to the problems that we've been alerted are going on.

Mr. English: Did you... how many did you speak to, physical speak to?

Mr. Prosser: I spoke to a Miss Darlene that lives on Derrick Lane, and she introduced me to another lady that visited her home when I was there one day.

Mr. English: Alright, and when was this?

Mr. Prosser: That was yesterday.

Mr. English: So, you only visited two; you only made contact with two.

Mr. Prosser: I made contact with Darlene on Sunday, as well as yesterday.

Mr. English: Okay, so you've only talked to two and I don't know how many people live on that lane. Okay.

Mr. Prosser: Correct.

Mr. English: You didn't leave some sort of calling card, nothing like that?

Mr. Prosser: Actually yesterday I left a letter in every mailbox on Derrick Lane explaining... a general explanation as to what we're looking to do moving forward.

Mr. English: Okay. Thank you.

Mr. Coen: And I'm sure Mr. Leming will make you aware of the fact that you can't put it in the mailbox in the future.

Mr. Leming: I didn't know what he was doing.

Mr. Coen: Yeah, I know, really.

Mr. Leming: Don't do that.

Mr. Prosser: Okay.

Mr. Leming: One question though. You indicated to me that you worked for Mr. David Attai for 6 years.

Mr. Prosser: Correct.

Mr. Leming: Could you tell me where that was?

Mr. Prosser: Yes. I run a dealership for Mr. Attai in Prince William County, just a day to day operation of that dealership. So, we will be hopefully operating out of Derrick Lane as well. So there will be different vehicles, different employees, different everything.

*Planning Commission Minutes  
September 27, 2017*

Mr. Leming: And you heard what they said about the VIN number; they don't want to see any of the VIN numbers that are there now.

Mr. Prosser: Correct. So we have our own vehicles, we have our own means to buy vehicles, and we have no connection to Premier or their inventory or their employees going forward.

Mr. Leming: What's the name of Mr. David Attai's operation?

Mr. Coen: Again, Mr. Leming, if you'll move a little bit closer to the mic for our fans.

Mr. Leming: What's the name of Mr. David Attai's operation in Prince William?

Mr. Prosser: Lease Return Center.

Mr. Coen: Could you... a little louder?

Mr. Prosser: Lease Return Center.

Mr. Coen: What's that mean to somebody who doesn't sell cars? Does that mean I didn't pay my lease on the car and they take it away from me? What's that mean?

Mr. Prosser: No sir. If you were to lease a vehicle, after turning that vehicle in to the manufacturer we would then purchase from the manufacturer and resell it.

Mr. Coen: Okay, thank you.

Mr. Prosser: Yes sir.

Mr. Apicella: Sir?

Mr. Coen: Go ahead Mr. Apicella.

Mr. Apicella: So, you're going to be onsite on a day to day basis?

Mr. Prosser: Correct.

Mr. Apicella: So, if neighbors have any issues or concerns, you're the person they should come and see?

Mr. Prosser: Absolutely. I live right down the street so I'll be there all week, every day.

Mr. Apicella: Okay, thanks.

Mr. Prosser: Yes sir.

Mr. Coen: Okay. Mr. Rhodes.

Mr. Rhodes: Mr. Leming, just to confirm, did you say that Mr. Attai was operating there before he leased the property to his nephew?

*Planning Commission Minutes  
September 27, 2017*

Mr. Leming: Yes, uh-huh.

Mr. Rhodes: So, the Eastern Autos or whatever you referred that is, was his operation?

Mr. Leming: Do you know... Eastern Auto, was that Mr. David Attai's... the name he called it or was that even between?

Mr. Prosser: That was prior to.

Mr. Leming: Prior to, okay.

Mr. Rhodes: So it was one in between.

Mr. Leming: Right; 2003 is when he purchased the property. What I don't know is whether he continued to lease it to the operator of Eastern...

Mr. Rhodes: Okay, that's fair.

Mr. Leming: ... and then took over it and operated it (inaudible).

Mr. Rhodes: I was only generally curious. I noticed from one of the neighbors, one of their letters they referenced good relationships when Eastern was there and then bad relationships with Premier. So thank you.

Mr. Leming: I think one of the letters did indicate that it's been over the past 3 years that there have really been the problems and Mr. David Attai would have been responsible prior to that point in time.

Mr. Coen: I just have one last question. Does Mr. Attai have other car dealerships or spots where he leases to other people to do this type of activity? Or was this just a one-time, you know, thing?

Mr. Leming: Hmm... do you know that? Does he have other dealerships that he leases to anybody else?

Mr. Coen: Or spots? I wouldn't... I'm not saying dealership because...

Mr. Leming: Or locations?

Mr. Prosser: No sir.

Mr. Coen: ... unless it was his dealership.

Mr. Leming: Not anything up north? Okay.

Mr. Coen: Okay. Alright, thank you. Alright, we now... there are no more questions for Mr. Leming so thank you very much and thank you Mr. Prosser. We now open up the public hearing segment of our meeting. At this point, people who wish to speak on this topic are encouraged to come down and come up to the microphone. You have 3 minutes to speak. When the green light comes on, please state your name and your address for the record, then you have 3 minutes to speak. When you see the yellow light, that means you have 1 minute left, and when the green light... when the red light hits, it's time for you to wrap up your comments. So, welcome down.

*Planning Commission Minutes  
September 27, 2017*

Ms. Pack: Hello. My name is Darlene Pack. I am here to support the revocation of the Special Use Permit 80-11. Over the past 3 years, Derrick Lane has had different dealerships on this lot. Previous dealerships have made adjustments to minimize impact to the neighborhood, with the exception of this last one, Premier Auto. By ignoring the inspectors and issues that Derrick Lane residents have had, this dealership blatantly ignored the codes and regulations of operating auto sales business in Stafford; use of residential lot across the street for parking, fixing, detail, and selling cars time and time again having ignored the Notice of Violations. And, of course, I've provided all these attachments to my speech. Also, let's see, at various times the truck carriers have been in the middle of Route 1, the right-hand side southbound, the right-hand side northbound, and on Derrick Lane. There is no room for any delivery of unloading cars on that lot; it is too small. Its customers have used the... Premier Auto has used Derrick Lane as an extension of their lot, parking in the middle of the street, leaving their car doors open, not even moving when we have mentioned that that is not a place of business, you're in a street, and they still stay there. And Premier Auto's response was that we have no control over what our customers do. Over the years I have been the recipient of obscene gestures; I've attached those. And on August 31<sup>st</sup> there was a fence being constructed. We called to inform the County. The inspector came out, told them to stop; as soon as they left they went ahead and finished the fence and that's another blatant disregard for the codes and regulations. I do not believe this is the type of business that Stafford County needs. The County, allowing this to go on as long as it did, did not protect the residents nor does it reflect well on Stafford County. And I do not agree with Harvey's decision recommendation, and I am sorry but after 3 years of all this happening, Mr. Attai being a businessman, not knowing what was going on in that whole 3 years. Thank you.

Mr. Coen: Thank you. Thank you Ms. Pack. Anyone else wish to speak? Good evening.

Ms. Litalien: Good evening. My name's Raeann Litalien. I live right next door to the property that has been abused. My husband wrote a letter; he's out of town tonight, so you each have the letter. I don't really need to tell you any more than what the letter already says and what's been discussed tonight. But just that, you know, we want y'all to know that we're not happy with the way things have gone. Alright? Thank you.

Mr. Coen: Thank you Ms. Litalien. Alright.

Ms. Pendleton: Good evening. My name is Sylvie Pendleton. Basically, I don't need to repeat everything that the lawyer has said and my neighbors and whatnot when it comes to the problems that we've had. But I guess my question would be, for what's going on now, is that what kind of assurance do we have from you guys that, whatever decision you guys make, whether you take away their permit or keep it with the new gentleman here running it, that things are going to be okay? Or are we going to start at zero again, you know, six months from now with them parking and doing whatever? Everybody keeps saying there's no relation? But they put up a fence on the property; they could have come to my house and put up a fence and you know. I mean, the bottom line is I find that hard to believe that there was no correlation between the two properties somehow relation or friends or whatever the case may be or arrangements. So, what I bring to you all is what kind of assurance as homeowners and residents of Stafford County do we have that we're not going to have any problems with this gentleman here, complaining and then, you know, being like Ms. Darlene Pack mentioned, hand gestures and intimidation when we pull in and out of our street. I have young drivers in my family. I don't want them to feel like they can't come home from work because of, you know, new drivers and those kinds of things. So, you know, I would like to at least know what will happen at that point if something else was to, you know, start up again. Do we have to start all over or what the case may be? We've been there... I've been there the longest; I've been there 22 years on Derrick Lane. I'm the longest resident other than the Elkins which are not here this evening, but never had these problems until the last 4 years. And

*Planning Commission Minutes  
September 27, 2017*

very rude and very... I can't even express how difficult it's been with the way that they've treated us and disrespect and everything else. And I don't think anybody in our neighborhood ever did anything to be disrespectful for them, even despite the fact that they were disrespectful for us. So, again, you're already aware of all the situations and the problems and the parking and the blocking of the roads so hopefully you guys will vote accordingly. Thank you.

Mr. Coen: Thank you Ms. Pendleton. Anyone else?

Ms. McPherson: Hi, good evening. I'm Sharon McPherson so good evening Chairman and thank you gentleman and ladies for listening to us tonight. I think our issue is that we are not anti-business. We are good neighbor people. And we've been in a situation where we've had people that are taking advantage of our good will and the good will of the County, taking advantage of the loopholes and of the lack of communication or the possible, mmm, let's put it politely, the possible misunderstanding of who the actual owner of a property is because of maybe shared last names. What we're looking for is a resolution for our situation where we'd like a good business there. We want a good relationship. We understand they're going to be there. However, we have people that have been taking advantage of the loopholes and the good will of the County by violating ordinances. And that puts other businesses that are in the County that are operating in good faith and following the ordinances that the County has in place for fair play; not only zoning to protect the residents and the safety of the residents, but zoning to protect the business interests and how businesses have a level playing field when they are out there. We are dealing with a business, for whatever reason, a business that has not been playing on a level playing field and has been taking advantage not only of us, but of you. Some of the things that have not been mentioned and I'd like to bring it a little bit more into the record, our street, when you are coming north on Route 1 and you turn onto Derrick Lane, it's like 125 degree angle, so if you have anyone that has a car from the dealership sticking out into the street, if you have a car being unloaded from a truck carrier, if you have a car from a customer parked even half a car length, two car lengths from the intersection of Derrick Lane and Route 1, then you have a safety issue. And, again, we have young children, we have young drivers on that street and that puts all of us at risk. I have to admit, you know, I've lived there for years now and I'm nervous. Every time I'm coming north, I'm slowing down really, really slowly, you know, and I've got people behind me honking their horns because I want to make sure that when I'm taking that right turn there's not going to be someone sitting there parked in my right-of-way driving on a public street to be safe. And I have to admit, there were a couple times I've had very... I'm coming very close to people running into the back of me. So it is a safety issue as well. We appreciate your time. We hope that you'll make the right decision and understand our concerns.

Mr. Coen: Thank you Ms. McPherson. Anyone else?

Ms. Goodchild: Good evening members of the Stafford County Planning Commission. My name is Sharon Goodchild. After 3 years of complaints filed followed with violation warnings and citations by Stafford County zoning enforcement, Premier Auto and Mr. David Attai stopped disregarding the County and came into full compliance. This was only after the Board of Supervisors unanimously voted on September 5, 2017, to consider revoking his SUP. Mr. Attai did not terminate the lease for his bad tenant, Premier Auto, until September 12, 2017. Instead, the violations escalated through 2016 as Premier Auto's operation bled onto the adjacent lot until September 14, 2017. This and other activities were documented by our community in the form of calls, time date stamped photos, and attached to emails sent to Mr. Harvey and Mr. Milde. Reports were made to the Stafford Police Department regarding harassment, the unloading of the tractor-trailer carriers on US Route 1. This is a violation of Municipal Code Section 28-104 which forbids any loading or unloading on any public right-of-way. To my mind, this is an egregious disregard for safety combined with multiple temporary compliances indicates an absentee owner hoping the community would stop pressing the issue rather than terminating

*Planning Commission Minutes  
September 27, 2017*

Premier Auto's lease months ago. Mr. Ryan Prosser, who I met -- I am the other party -- assured he will operate only on parcel 21-44 in accordance with County ordinances. Mr. Harvey and his staff may be optimistic that Mr. Attai will continue to comply. Our community's experience with this owner does not leave me feeling such optimism. I ask that the Planning Commission consider revoking an SUP issued for a tiny pie shaped lot when Derrick Lane was a dirt and gravel road with four homes and significantly less traffic congestion on US Route 1 and forward this action to the Board of Supervisors for public hearing and final consideration. Thank you so much for your time.

Mr. Coen: Thank you Ms. Goodchild. Yes sir?

Mr. Goodchild: Good evening, I'm Bob Goodchild. There's only one thing I want to bring to your attention or call to your attention tonight. It was initially brought up earlier in the conversation about SUP80-11. That SUP was requested by Calvin R. Brooks who submitted it and it was approved by the Board of Supervisors at that time with conditions. The number one condition is that the permit is for Calvin H. Brooks and is not transferrable. So I believe this SUP should already be dead. And I'm not against the business, but they need to go to the Supervisors and they need to request a CUP to use the facility under the current modern rules and regulations. Thank you.

Mr. Coen: Thank you Mr. Goodchild. Alright, anyone else wishing to speak? Seeing none I will close the public hearing. Normally, when there's an applicant, they're allowed a chance to rebut. Since Mr. Leming pointed out that he's not really an applicant, Mr. Harvey, is there any protocol at this point?

Mr. Harvey: Mr. Chairman, I guess it would be up to your pleasure whether you want to call people forward for additional discussion or testimony.

Mr. Coen: Alright, Mr. Leming do you have anything you wish to comment upon?

Mr. Leming: Thank you for your courtesy, since there's a little ambiguity as to what I am tonight. If I were... if I lived on Derrick Lane and had been through something like this, it wouldn't have gone on for 3 years. So I don't blame these people for being upset. I do want to clarify a couple of things. Number one, the last comment, you all may be aware, most of the original SUPs contained that language about there being assigned to a particular owner. As a matter of law, SUPs run with the land like a zoning does. So, that has long since been settled law. And I also would like to point out somebody said Mr. Attai waited until September 12<sup>th</sup> to terminate the lease. Well, number one, he only found out about the whole thing on September the 1<sup>st</sup>. The other is that he had to wait for his attorney to write a letter, so I can take some credit for a couple of days later. But he moved very quickly I think the point is. You know, something occurred to me and you sort of put a hole in it Mr. Coen, but if I were the applicant and if we were here in that status, and this is a special use permit, I think we all would agree that there would not be conditions like these running with a conditional use permit today. Now that's not technically what we're here about. But, Mr. Prosser just indicated to me that they've already made arrangements so there will be no trucks coming to the property period. That they will be unloaded, if they come at all, at another location. Otherwise, cars are driven there individually. Now, if I were an applicant and I were before you on an SUP or a CUP, you would have the ability to impose conditions. Now, I don't think... I think that's probably beyond the scope of what the Board of Supervisors has passed along to you to do. That's pretty specific and I know you are generally very careful about adhering to the specific resolution that comes with the referral to the Planning Commission. But, if there were a way to put something like that into the SUP, I don't think the owner would have any problem at all with a condition about trucks. The intersection is a terrible intersection. Some of you may recall that I did the zonings for both of the hotels that are there, and at one point we actually did look at coming to a T between a couple of those properties and cutting off Derrick Lane altogether so

*Planning Commission Minutes  
September 27, 2017*

that there would be a nice clean intersection there. Couldn't get all of the right-of-way that was necessary for that, but obviously that would be an ideal situation and if may be that at some point in the future there would be an interest in that. Mr. Attai and his property would be very instrumental in trying to get something like that worked out. But it is a terrible intersection. So I sympathize with the neighbors and the only thing that Mr... I can tell you here on Mr. David Attai's behalf, I repeat to you his assurances to me that if he had known about this it wouldn't have happened and that it's not going to happen again. Now, the County can very easily monitor that and be sure that that doesn't happen again and I'm sure that the residents of Derrick Lane will let you know and let Ms. Blackburn know if it does happen again. And if it does, if anything like this does happen again, you know, I'm sure that the County next time around will get the notices right.

Mr. Coen: Okay. Did you want to ask a question? Okay. Since there are no questions, thank you Mr. Leming.

Mr. Leming: Yes sir.

Mr. Coen: Mr. Harvey and Ms. McClendon, just for the sake of the people who raised issues, one issue was about whether or not the SUP is transferrable; and if somebody could address that from our side of the dais.

Ms. McClendon: Chairman Coen, I am in agreement with what Mr. Leming stated. That is a correct statement of the law.

Mr. Coen: Okay. And then one of the ladies who spoke raised a good question of what's the process if there's a violation in the future. So, I'm not sure if that's Mrs. Blackburn, Mr. Harvey, or Ms. McClendon wants to sort of educate what the process would be going forward.

Mr. Harvey: Well, Mr. Chairman, right now this has been requested for a public hearing by the Board of Supervisors. So, after the Planning Commission conducts its public hearing and makes a recommendation, the Board will consider the option of whether or not to revoke the permit based on the public hearing. If the permit's not revoked, there could be a condition approved by the Board that there be a time limit for reconsideration of revocation. Elsewise, we would be back again with a situation where if there's a violation, we could take it to the Planning Commission and Board for further hearings.

Mr. Coen: Okay. So, if I understood you correctly that if there were a certain time set, then if there was any violation it would not start this whole long process over again, it would be an expedited process.

Mr. Harvey: It could possibly be, yes.

Mr. Coen: Okay.

Mr. Rhodes: Mr. Chairman, just to reinforce and clarify though, the SUP and violations of the SUP, the SUP belongs to the... it goes with the property and therefore it stays with the property owner. It's a matter of fact, it's a matter of record, it's been identified, and now, whether there was an error earlier, the fact is it's now been identified of the concern and the issue to the property owner so there's no way to dispute that fact. And that property owner carries that forward from that point. So the allowance or the ability, whether they keep solid awareness, whether they're operating themselves, any other subsequent violations is still to that property owner who has now been alerted to the fact of these past violations of the SUP. It's not like they're all erased or the fact goes away in any way.



*Planning Commission Minutes  
September 27, 2017*

Mr. Coen: Alright. Okay, so Mrs. Bailey, this is in your district. Do you have anything you wish to do?

Mrs. Bailey: Yeah, Mr. Coen, I just want to make sure that I... what are my thoughts on this. It's a pretty tricky situation here and I feel really bad for all the parties involved. But if I understand correctly, I believe that one of the options that I would have to make recommendation for would be for this to go back to the Board of Supervisors for a period of time as unfinished business. Is that correct?

Mr. Coen: I believe that is true, right Mr. Harvey?

Mrs. Bailey: Is that an option?

Mr. Harvey: Mr. Chairman and Mrs. Bailey, your recommendation could be that the Board of Supervisors delay a decision for a period of time to show good faith compliance. It'd be up to the Board whether they'd want to, after they hold the hearing, hold something in abeyance as unfinished business or how they want to posture it.

Mrs. Bailey: So, rather than having to vote tonight, then we could delay and send it back?

Mr. Harvey: Well, the Commission... you have generally a hundred days on zoning matters once they come before you to make a decision. If the Commission doesn't make a decision within that time period, then the state law says that it's a recommendation of approval.

Mr. Rhodes: But if we want anything to leave here it's going to have to be voted on.

Mr. Coen: Right.

Mr. Rhodes: So if we voted on whatever (inaudible) recommendation.

Mr. Coen: Right. Mrs. Bailey, so the options would be that we could make a recommendation to the Supervisors that they sort of leave this open to see if there is good faith on the part of the landowner. And I'm sure, if I understand this correctly, that if there is any violation during that time period, then it automatically moves forward; it does not need to go through the whole process again, right Mr. Harvey?

Mr. Harvey: Yes, Mr. Chairman. There was a similar situation with a car dealership on Route 17 where the Board had their public hearing to potentially revoke the permit, and they deferred action with the caveat that it be revisited within a certain period of time. If there were no violations within that period of time then the Board would move on. If there were violations, then it would come back up for potential revocation as unfinished business.

Mr. Coen: Okay. So one option would be to do that. One option is to go for revocation. And then the other could be to defer it and we address it again another time. I believe I closed the public hearing but Mr. Apicella is telling me I don't talk loud enough, so now I talk loud enough and say the public hearing has ended. So now Mrs. Bailey?

Mrs. Bailey: Okay. Yes, I'm going to make a motion in regards to the revocation of this special use permit for SUP -- and I better put my glasses on for this -- SUP80-11. I'd like to leave this open as unfinished business for a period of 6 months.

Mr. Coen: Okay, so your recommendation is for the Board of Supervisors to...

*Planning Commission Minutes  
September 27, 2017*

Mr. Rhodes: I think it would be forwarding it to the Board of Supervisors...

Mrs. Bailey: Yes.

Mr. Rhodes: ... with the recommendation that they leave it open.

Mrs. Bailey: Yes.

Mr. Apicella: As unfinished business.

Mrs. Bailey: As unfinished business. Thank you.

Mr. Apicella: To provide sufficient time to determine whether the applicant is in good faith adhering to the County's requirements.

Mr. Coen: Okay, do you agree with that Mrs. Bailey?

Mrs. Bailey: Yes, absolutely.

Mr. Coen: Okay, so I'm assuming, Mr. Apicella, you're seconding her motion?

Mr. Apicella: Sure.

Mr. Coen: Okay. Everybody understand what she's saying? Do we need to have her repeat it? Stacie, are you okay? Repeat it? Alright, go ahead.

Mrs. Bailey: Okay. So, I'm going to recommend that this be held open for a period of 6 months, it be sent back to the Board of Supervisors so it can be monitored and, you know, look at it at that time.

Mr. Apicella: I think it's your recommendation is to the Board of Supervisors to hold this matter open for 6 months to determine and make sure that the applicant is acting in good faith to adhere to County requirements. And if not, if there is a violation, that the County take appropriate action at that point in time.

Mrs. Bailey: Yes, absolutely. I thought I said that, but that's okay.

Mr. Coen: Okay. Alright, Mrs. Bailey, do you want to say anything else?

Mrs. Bailey: No, I just think that it's... I completely understand the residents on Derrick Lane and their frustrations over this period of time. But it also comes to me that Mr. Attai has owned the property since 2001, and it hasn't been until about the last... I believe 2001, that may not be the right date...

Mr. Rhodes: Three.

Mrs. Bailey: ... but it hasn't been until the last 17 months that you've had real issues with the current tenant. Now, speculative, I don't know what Mr. Attai knew or what he knows or what he doesn't know; I can't prove one way or the other. But he has... once he did find out about the issue he did come forward and he has taken action on that. So, I do hope that this gives the owner of the property an opportunity to make amends with the property owners on Derrick Lane and to operate the business the

*Planning Commission Minutes  
September 27, 2017*

way that it's supposed to be operated so that they can both live there together, you know, happily. Thank you.

Mr. Coen: Alright, Mr. Apicella?

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Mr. Rhodes.

Mr. Rhodes: I would just share that... Mr. Chairman, thank you for the opportunity. I would just share that as this goes forward to the Board of Supervisors and if and as Mr. Attai were there, if I were he, similar to the commitment that was made by the representative tonight about no trailers or anything on the property, if I were he I would be making any and all commitments there for the public record to the Board of Supervisors whether he wants to... again, I don't think we can offer up... open up the SUP or the conditions there, but I'd be making them as formally as I could to those commitments to the issues that are with the neighbors. I want to believe that everything that's been represented here about Mr. Attai is absolutely true and he is committed to doing this in a good manner. It appears that he has operated there before in a period of time when there weren't issues. But I think I would strongly suggest that if he's here, if it were me I'd be making those commitments, I'd be making commitments to always have a couple of parking space for customers on the lot so he could commit to not having any customer ever parking off the lot, even in any other form. I know it's a small awkward lot but I'd just be making those types of commitments to the records of the major issues that were represented here today, and I'd strongly suggest that. Thank you Mr. Chairman.

Mr. Coen: Okay, anyone else? Mrs. Vanuch?

Mrs. Vanuch: I'd like to make a couple of comments. I am very strongly inclined to actually vote to revoke the permit. I think that you guys have shown blatant disregard and abuse to the property and to the neighbors, and I feel for them very, very strongly. And it's really, really unfortunate that because of a technicality on the owner of the land and how the notices went out, you know, kind of gives you guys a loophole. And I... and because of that, I can't vote to revoke it because I don't think I have the foundation to be able to do that at this very moment. However, with this open process that the Board is going to hopefully keep this open for the next 6 months, please be a good neighbor. Talk to them. Find out what is their major concerns. Don't block the road. Be a good neighbor. Let them be on your side. I've said this in many, many public hearings; having good neighbors and being a good neighbor can come back to your benefit more times than often, than not. So, I can't stress that enough. And again, I wish I could vote to revoke it because if this is a case that I've ever seen it, this would certainly substantiate it. And I'm very, very sorry and it's very unfortunate that the notices were messed up.

Mr. Coen: Anything? Okay. It was said earlier this evening that this is, I think it was, I don't think they used the word repugnant but it was revulsive the way that the residents have been treated with this. There has been a pattern, and I know this has been an absentee landlord or an absentee owner, and I quite honestly don't know that this will change. The open endedness is nice because it seems to be a pattern of do something wrong, get caught, move the cars for a couple days, move them back. So I'm not even sure that they moved everything supposedly on September 14<sup>th</sup>; that's not even 30 days from the last time they put cars there. So, I really don't feel comfortable with that because they had a pattern of moving cars back and forth. I asked about the fence because I just thought it was ironic that supposedly they didn't have any wherewithal about this other property and then all of a sudden this fence pops up and as soon as the County does inform them, it miraculously gets taken down, which (inaudible) logic would say they would have to have known how it got up there in the first place. And

*Planning Commission Minutes*  
*September 27, 2017*

so, again, I don't feel very comfortable about that. I don't know that there's necessarily any guarantee that they're not going to, after September 30<sup>th</sup>, change and get a new lease for somebody else. Hopefully, this 30 day... this 6 months will address that, but there's no guarantee that they're not going to do that with this. I would say to the neighbors that if this goes to the Supervisors with the 6-month guarantee, have your cameras ready, date stamp them. Because of your vigilance, and I was brought into this a year ago and started getting emails on this, it's your work that helped move this. And I understand how with the item on 17 the attitude was let's give them time to adjust and fix it, but now that is meant that you've suffered with over 17 months or more of really egregious behavior. I also, just from a logical standpoint, if the owner is in Northern Virginia and all his other dealerships are in Northern Virginia, and he's going to be bringing cars down to Stafford, likely they're going to have to be riding on some type of vehicle or they're going to be riding adding 50 miles of mileage to these lease cars which will diminish their value so therefore it will be worth less. So logic would mean that they'd have to put it on some type of trailer and unload it somewhere so they could drive it individually. So I do hope that staff will do a great job in fixing and tightening the process so that perhaps whenever there is any type of violation, it goes to the landowner, the tenant, and their second cousin on their mother's side of it, because I just think this is just egregious for these poor people who live on the street, I think it's 14 homes, that have had to suffer with this. So, I'm going to vote no because I think... I understand all the reasons why we can't revoke, but I think Mr. Attai needs to know that people in Stafford are not pleased with it. I gave a long... I think Mr. English said I lecture and I think Mr. Boswell said I was acting like a teacher two weeks ago to somebody who came forward with something that there was an issue about being a good neighbor too. So, I'm being consistent. It's on you to demonstrate that you're going to make these people happy. And showing up the Sunday before our public hearing, or the day before the public hearing, to talk to a couple people, that, since you knew September 14<sup>th</sup>, I would have thought somebody would have been there September 15<sup>th</sup>, 16<sup>th</sup> or something as a sign of good faith. So, I will respectfully not agree with this but only because I don't think the evidence... I think the evidence really shows a pattern of behavior. And I know this is sort of that example of that elephant where five people are touching it and one person feels the rope and one person feels this, but if you look at the elephant in the room it's a pattern of violations. Alright, we'll not take a motion... we have the motion to vote for sending this up to the Board. Come on... there we go. Alright, and this passes by 4 to 2 with Mr. Boswell recusing himself (Mr. English and Mr. Coen opposed). And so now it goes back up to the Board of Supervisors. Thank you for everyone for coming out this evening. Alright, Mr. Harvey, we now go to New Business and we welcome back Mr. Boswell.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

2. Amendment to the Zoning Ordinance - Proposed Ordinance O17-30 would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms" to create a definition for e-commerce. The proposed amendment would also amend the definition of home business to include e-commerce with the exception of a firearm transfer only business license and retail sales and amend the definition of rural home business to include e-commerce with no exceptions.

Mr. Harvey: Thank you Mr. Chairman. Mrs. Blackburn will lead the discussion regarding the issue of e-commerce.

*Planning Commission Minutes  
September 27, 2017*

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, this is to make recommendations for proposed Ordinance O17-30 and this is an Ordinance that will create a definition for e-commerce and clarify its use in the Zoning Ordinance. Currently, the Zoning Ordinance defines three different types of occupations and/or businesses that can be operated out of a residential dwelling including the definition of retail sale, which is at the end of these other definitions. And we have... they are as follows: a home occupation -- and I will paraphrase it because it gets a little long -- is an occupation, profession, business or trade, with the exception of retail sales, carried on by the occupant of a dwelling unit as a secondary use. And it goes on to state that it cannot generate increased vehicle trips. You have a total percentage of the square-footage of your house that you can use for such a use; there'll be no outdoor storage of goods or merchandise; there will be no employees other than family members; and there will be no substantial increase in vehicular trips, of course, for the home occupation. Then we have a home business and that is an occupation, profession, business, or trade, with the exception of retail sales, and it goes on to say carried on by the occupant as a secondary use. This one allows you to have no more than one employee outside of the family; you can actually have customer visits to your home; it must provide off-street parking for employee and customers; and you also have a percentage of square-footage that you're allowed to use out of your house. In both instances, it's 25%. Then we have a home business, rural, and this is a nonagricultural business intended for general office, professional office, personal service, contracting and construction. And that has a whole list of outdoor storage is permitted; you can have a sign; you have to have a minimum of 3-acres of land; the area within the dwelling cannot exceed again 25%, but you can actually have up to 4,000 square feet of structure that you can use for your business. And then we have the retail sale. And this is to sell in small quantities directly to customers for their own use. Well, requests for businesses out of a dwelling have increased over the years and have become more involved. And particularly the request to sell and/or conduct firearm transfers from a residence has created questions. And to obtain a Federal Firearms Transfer from the United States Bureau of Alcohol, Tobacco, and Firearms, the ATF, one must have a physical location for the business that is open for inspection 24-hours a day. And the transfer of the firearm must be an in-person transfer. It has been a practice that the home business, which allows for customers to come to their home, is the appropriate classification for such a business except for the exclusion of retail sales. And this is where the internet plays a role. The internet allows for the electronic sale of the item, the exchange of monies to occur which is not a direct exchange with a customer. This practice removes the sale directly to a customer and does not constitute a retail sale according to the definition. And this has been a discussion to some great extent amongst the Board of Zoning Appeals members. If the property is zoned A-2, Rural Residential, R-1, Suburban Residential, R-2, Urban Residential - Medium Density, the home business requires approval of a Special Exception by the Board of Zoning Appeals. And the Board of Zoning Appeals has seen many Special Exceptions for firearm transfers. And the staff has researched the past Ordinances for any discussion of what is considered a retail sale, the actual exchange of money, the type of merchandise being exchanged, and whether the exchange of money was secondary, and we have not been able to find any information discussing this topic. They do talk about retail shops and that really had nothing to do so much with the retail sales in a home. The square-footage for such... oh, well, excuse me. Staff has research neighboring jurisdictions to learn how home occupations are regulated and found the majority of the County allows for customer traffic to the home for such uses as professional offices, which we do, including physicians, attorneys, engineers, realtors, and similar uses with the stipulations that all customers are by appointment only. The square-footage for such usage is limited and whether an employee outside of the family is permitted or not varies. And all of that information is in your packet. As far as retail sales is addressed, Fauquier County provides for sales of firearms from the home with standard conditions. It is a by-right use. Chesterfield allows for up to two clients on the premises at a time and does include firearm sales from the residence. Hanover County allows retail sales only by Special Exception. Henrico County and James City County are silent on retail sales, therefore they are not permitted. And King George County provides for an art studio is how they allow people to come to

***Planning Commission Minutes  
September 27, 2017***

their home. And each county addresses the subject differently with regulations reflective of the practices and needs of the citizens of their jurisdiction. And this exemplifies how unique this subject has become. And proposed Ordinance O17-30 provides for a definition of e-commerce as follows: activities that relate to the buying and selling of goods, merchandise, and services over the internet using the electronic transfer of money. Goods and merchandise may be shipped from the seller to the purchaser or transferred in person. And the Ordinance further specifies that e-commerce be permitted in a home business except for the transfer of firearms. This would be no restriction on e-commerce uses in the rural home business, which is what we allow people to come and go all the time. And this Ordinance was reviewed by the Community and Economic Development Committee on July 5 of 2017 and forwarded to the full Board for consideration. And Resolution R17-210 referred this proposed Ordinance to the Planning Commission and was approved by the Board on August 15<sup>th</sup>. And the Planning Commission can make necessary changes to the Ordinance in advance of scheduling a public hearing. And the deadline for action is November 23<sup>rd</sup>. And I have put at your spot some questions and a chart that was requested and this is showing, in particular, the different zoning districts and where home occupations are allowed and where home businesses are allowed and where rural home businesses are allowed. And the question started out that it appears to me that the primary purpose for regulating home businesses is to determine compatibility with the surrounding neighborhood and identify and address impacts of specific businesses. And yes, this is true. And it states a home business use requires a Special Exception. And because it has been determined that such a use in residential zoning districts needs to be reviewed for its compatibility to the surrounding neighborhoods and the impacts of the business. So that is something and the BZA has been given that authority by the Board of Supervisors. And these questions were given to me by Mr. Apicella and would he like to continue on?

Mr. Apicella: I have some concerns. I think this was driven in part because we were... the BZA had... has had several FFL transfer requests in front of us. And so the volume of... and what usually happens when you have several repeated requests going in front of the BZA, you start to wonder whether you need to make an ordinance change. There's a little kind of a complication; I'm not sure if folks understand what an FFL transfer is. But basically, and help me if I'm not capturing this the right way, you have a person who's licensed by the ATF to conduct a transfer. Essentially they get a gun for a customer and they transfer that gun to the person who basically buys the gun. And they usually do that transaction online. However, the ATF rules require that a person who is a transferer have a location that can be inspected at any point during a 24-hour period, which brings into play typically a person's house; because even a business doesn't normally operate 24 hours a day. So that's what kind of pushes this into the home business or rural home business ordinance issues because the customer typically has to meet at the, I'll call them a vendor's house or the transferer's house. Even if they don't pick up the gun there, they still have to, you know, do that transaction at the house...

Mrs. Vanuch: Just a point of clarification. I'm pretty sure they have to pick up the gun at the location that the transfer is done.

Mr. Apicella: No, they don't. They can actually... well, they can go offsite, I think they can mail the gun, but the actual transfer, and I'm not sure if it involves a piece of paper...

Mrs. Vanuch: Yeah, because you have to call the State Police to do the background check.

Mr. Apicella: Yeah, they do the background check. That's part of the process that the transferer has to do. Regardless, I don't want to get too much into details how that process works. All I'm trying to say is it brings a transferer's home into play because of ATF's requirements. And we were trying to find a way to basically have fewer requests going to the BZA when there's just a service being provided and it's required by the ATF that the home have to be utilized. So that's kind of a quirk. I think the

***Planning Commission Minutes  
September 27, 2017***

transferer would probably prefer not to have to do these transactions outside of their house. Again, normally what happens is the money gets exchanged online; it's an online transaction which kind of brings into play the e-commerce piece of this. I guess in trying to resolve the FFL issue... and what also complicates it is when we have someone who wants to do a transfer but also wants to sell merchandise, which then brings into potentially a retail sale if they're actually exchanging money at the door. However, if they exchange money online, the customer can still pick up the product at the person's house and it's not necessarily considered a retail transaction based on our ordinances. So that's a complicating factor. Bottom line, you can't do retail sales outside of your house in any zoning category, residential zoning category, in Stafford, Virginia. And I agree, that makes sense. The problem in my view in creating this e-commerce definition and how it applies in each one of these other categories, home occupation, home business, and rural home business, is it could capture a lot of people who aren't actually doing something at their house other than conducting a transaction on their computer. If they don't have somebody visiting their house and they don't have storage of product at their house and they don't have people visiting their house, why do we... and regardless of what house they're in because part of the definition I think about home business is it can only be done in a single-family detached home.

Mrs. Blackburn: Correct.

Mr. Apicella: Which I think really is... so if I have an apartment, I conduct e-commerce under the way the definition has been developed. So, I think we have to think long and hard about, number one, who we're really trying to capture, what issues are we trying to deal with, and how is the best way to solve those issues. And I'm not sure we're there yet. I've got to say, when I look at the definition of a home business, the performance standard under 6, I'm not sure what it says. I'm getting lost at the tail-end of it, e-commerce with the exception of firearm transfers, only business license issued by the, you know, ATF, and retail sales are not permitted. I don't understand how that string of words fits together. I'm not quite sure whether you can or can't do e-commerce. And then when I look at the chart under each one of these zoning categories, number one, it's not a home... home occupation doesn't come into play at all under any of these residential categories, and it says e-commerce with restrictions. Well, what restrictions are we talking about?

Mr. Coen: Now, if I understand correctly, Mr. Harvey, even if we were to call for a public hearing on the language that's in front of us, even if we did it on our first meeting in October, the Supervisors will not get it until after the first of the year, correct?

Mr. Harvey: Mr. Chairman, that's correct. There's not enough time to advertise.

Mr. Coen: Okay. So, it doesn't seem as though we need to act this evening on it. If Mr. Apicella would like to work with Mrs. Blackburn and others who have certain languages... I'm sort of curious, under this definition, if I were on 30-1 property, could I sell cars off of that lot?

Mrs. Blackburn: No you could not.

Mr. Coen: Okay, I just wanted to see if that... I could sell guns though. So, I would say...

Mr. Apicella: Well, I just need to understand that folks philosophically agree or disagree with me. I think, again, the reason why we regulate businesses that occur in homes is to mitigate the impacts of those businesses. So if you're just doing a transaction that doesn't have those other things happening, visits, storage, you know, customers visiting house, why do we care? Can we create a carve-out for that

***Planning Commission Minutes  
September 27, 2017***

kind of scenario? So, I guess I need some feedback from you all to understand where you think this needs to go.

Mr. Coen: Mrs. Vanuch?

Mrs. Vanuch: I agree with you specifically around FFL licenses and transfers. Because I'm pretty sure that the transfer has to be done at the business of record that the FFL license was secured. So it would require if you're the FFL holder and I'm buying a gun from you, the gun gets shipped to your home or your place of business that's on record where you've secured the FFL license, I have to go there, pay for it either there or I would have had to give you money ahead of time, which most people pretty much take the money and hand it over at the time of sale, then they call the State Police, they make sure you're good to go, and then they transfer the weapon over to you at that time.

Mr. Boswell: Isn't that a retail sale?

(Inaudible - microphones not on.)

Mrs. Vanuch: Yeah, but I think there should be a carve-out for that...

Mr. Apicella: It's not happening at the residence.

Mr. Boswell: Okay.

Mr. Apicella: Again, the way that we've interpreted it and tried to work through this knothole is to ensure that the transaction, the monetary transaction does not occur at the house. Even when they sell...

Mrs. Vanuch: But I don't know that you can do that?

Mr. Apicella: Even when they sell merchandise, we won't let them sell merchandise, we won't let money exchange hands physically, they have to do it online.

Mr. Boswell: If I understand Mrs. Vanuch, you have to go to that residence and pick up that weapon.

Mrs. Vanuch: They do or they'll visit wherever it...

Mr. Apicella: I think they can ship it.

Mrs. Vanuch: Well, they could ship it but they have to do it to another FFL dealer because the hand-off has to be done from the dealer or a gun show. I just confirmed, 100% sure. And so, if... and most of the time it's done and they pay there. So, I mean, I am not necessarily supportive of now, you know, basically if you look at the Stafford FFL dealer license list, they're all residences that are listed there. So, then we're impacting all of these FFL dealers that can no longer transfer weapons to people. And they have it at their home because that's the easiest place to get the license. Because you also have to store the weapons there. So let's say that I get a gun... or you, you're the FFL dealer and you buy it off of some website and then you have to store it until I can pick it up. It can't just sit somewhere in a P. O. Box; like it has to be shipped to the FFL dealer, they have to sign for it, it's highly regulated. And then they have to store it until the person who's purchasing it comes and picks it up or they transfer it out to another FFL dealer.



***Planning Commission Minutes***  
***September 27, 2017***

Mr. Coen: Okay, so what I'm seeing is there needs to be more work as to what types we're dealing with, what we really want, there has to be more nuances whether we're dealing with just these type of items or it's everything. I also am curious if we've checked with Economic Development to see if there's certain trends that they're seeing that are coming up that are more... that are coming down the pike that maybe we should think ahead when we start looking at the e-commerce, because I know that's shifting even as we're sitting here.

Mrs. Blackburn: Exactly.

Mr. Coen: So, I think we need to send it back and I think we get the feel that there's apprehension about the different zonings and different wordings and we need to make it mesh between the various boards. But I don't think we're there yet.

Mrs. Vanuch: And I just have... if you'll indulge me for two seconds... I have two other questions. Like, how would this impact like the LuLaRoe businesses or the at-home e-commerce and how they're doing it because I know I've bought those leggings and I've gone to people's houses when they have their open shows. And you go and purchase it. So are we basically telling all the LuLaRoe leggings in Stafford County that they have to shut down and the fact that they can only occupy 25% of their home even though some of those homes are like...

Mrs. Blackburn: Those are the existing rules.

Mr. Rhodes: I think you may need to recuse yourself.

Mrs. Vanuch: And then my other question is, the classification of home business, how does that equate to farms? Because a farm can be a home business and so have we looked at how that would kind of play in? Like, I know where I used to board my horse in Stafford County they had a farm, they had a farm name. Would they now have to go to get a special, or a, you know, a Special Exception in order to have that boarding farm?

Mrs. Blackburn: Normally agricultural uses are something totally different.

Mrs. Vanuch: Okay.

Mr. Coen: It's a horse of a different color.

Mrs. Blackburn: And if you are a working farm, you fall under many different regulations. But this is, as I said, this is something that is changing, like the LuLaRoe leggings. And people buying and selling more things off of eBay and Pinterest and these kind of things. And I think one of... this was to open up a discussion which it appears to have done, which is wonderful, and so that we can fashion something to make it clearer as to how either these people get to operate out of their homes, they don't get to operate out of their homes, whichever, and I will touch base with Economic Development. But just in my own personal knowledge, like the LuLaRoe leggings and all of this, they're, you know, people are selling things out of their homes. And they're doing transactions over the internet. So, there's some real things to talk about though as far as storage. Do we want a garage to be full of merchandise? And then what do your business owners tell you? That they have gone through the rezoning process, they have had to put sprinklers in their building, and why are you letting them do all of this without the regulations. It is really something to discuss.

Mr. Coen: Okay.

***Planning Commission Minutes  
September 27, 2017***

Mr. Apicella: And I think the problem is, and I appreciate Susan's research, not a lot of jurisdictions have really delved into the e-commerce so there's nothing for us to kind of grapple onto and say, that makes a lot of sense or that doesn't make sense. Again, I just want to end with this. My concern is, touching a lot of people far more so than we may need to with these changes.

Mr. Coen: Right. Well, I guess then we have two options. I think the idea of any type of public hearing next time is out. So, we either have staff take the ball and we send our thoughts, ideas, questions, to her or we have a committee to do it. I think it'd be far more time efficient considering we already have so many subcommittees that we send things to her. Do you want to, say, bring it back to us October 25<sup>th</sup> or 11<sup>th</sup> or which is better for you or Mr. Harvey? We haven't heard from you in a while; didn't want you to get bored.

Mr. Harvey: Mr. Chairman, we can come back at whatever meeting the Commission would like.

Mr. Apicella: We don't have a lot of time unfortunately. I think we should kind of do this piecemeal. Let's see what she can come up with by the next meeting and then see if it continues to need to be worked, because I think we need to get it right.

Mrs. Blackburn: That's fine.

Mr. Coen: Do we... is this under a time constraint?

Mr. Harvey: Yes, Mr. Chairman. Since this is a specific ordinance amendment, there'd be a hundred days.

Mr. Coen: Okay. So... on the 11<sup>th</sup>... so, I would request that members who have any ideas, thoughts, legging, that they would send them to Mrs. Blackburn posthaste so that she can work up something and bring it back on the 11<sup>th</sup>.

Mrs. Blackburn: That would be wonderful.

Mr. Coen: Alright. Okay, Mr. Harvey, now we move on?

Mrs. Blackburn: Wait, this is the 11<sup>th</sup> of November?

Mr. Coen: Of October.

Mrs. Blackburn: Of October, okay.

Mr. Coen: Yeah. Don't push the year over yet. Mr. Harvey, now we move on to the hospital ordinance.

3. Amendment to the Zoning Ordinance - Proposed Ordinance O17-32 would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms" to amend the definitions of hospital to include all department, divisions and facilities which are required to be included in a hospital license be considered a hospital.

Mr. Harvey: Definition of a Hospital. Yes, Mr. Chairman, Mrs. Blackburn will continue to lead this discussion.

*Planning Commission Minutes  
September 27, 2017*

Mr. Coen: It's your lucky night.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, this is proposed Ordinance O17-32 and it is to modify the definition of a hospital to include all departments required to be included in the license of a hospital such as a freestanding emergency department. An application for construction of a freestanding emergency department was submitted to the County, and the specific use is not listed in the Zoning Ordinance and the applicant requested the use be considered a medical clinic. After reviewing the similar uses listed in the Zoning Ordinances and researching how the facility would operate and be licensed, a determination was made that the facility falls under the definition of hospital since the Virginia Department of Health required it to be licensed under a hospital license. If the facility were to be treated as a hospital, the Zoning Ordinance would require approval of a conditional use permit before it could be constructed. The applicant did not agree and appealed the determination to the Board of Zoning Appeals, which is the BZA, and the BZA voted to uphold the determination of the Zoning Administrator on the May 23, 2017 meeting. And the applicant has appealed that decision to the Circuit Court. So, provide more clarity in the Zoning Ordinance for such uses, staff believes the definition of a hospital should be amended to expressly include all medical facilities that are required to be licensed under the umbrella of a hospital license or any other facility required to be licensed by the Virginia Department of Health. This item was presented to the Planning Commission on September 13<sup>th</sup> in the Planning Director's Report. And since then, staff has received comments that the word *emergency* should be removed from the proposed Ordinance language. As stated in the staff report, it is the intention that any department required to be included in a hospital license be treated the same. And staff has included the proposed language and change and it is in your packet. And the referring resolution does allow the Planning Commission to recommend changes and modify the proposed Ordinance. And this was heard before the Community and Economic Development Committee on July 5<sup>th</sup> of 2017 and forwarded to the full Board. And on August 15<sup>th</sup>, the Board approved Resolution R17-212 which referred the proposed Ordinance O17-32 to the Planning Commission for a public hearing and recommendation.

Mr. Coen: Alright, any questions for Mrs. Blackburn?

Mr. Apicella: Mr. Chairman, I have a recommendation.

Mr. Coen: Mr. English has a question first.

Mr. Apicella: Sure.

Mr. English: Mrs. Blackburn, why did they say they wanted *emergency* out of it? Did they say what the reason was behind that?

Mr. Coen: Mr. Apicella may be able to add.

Mr. Apicella: Because it should be any department of a hospital that is located offsite. So, if you just include the word *emergency*, it's just what's called an FSED, a freestanding emergency department. So, what if somebody had a freestanding radiological department and it's not connected to a hospital? It's kind of the same situation that happened with the issue that came before us. You've got a hospital that's in Spotsylvania and somebody wants to put in a freestanding radiological department, but we haven't addressed it. The only thing we've excluded is an emergency department.

Mrs. Blackburn: It would be for any department that is required to be licensed under the hospital license.

*Planning Commission Minutes  
September 27, 2017*

Mr. English: Okay.

Mrs. Blackburn: And some things can be licensed separately. But this was just to do some more clarification.

Mr. English: That makes sense.

Mr. Coen: Okay. Mr. Apicella.

Mr. Apicella: Mr. Chairman, my recommendation is that we put the hospital definition as noted in Attachment 3, page 1 of 1, that that be the version advertised for a public hearing at the earliest allowable date.

Mr. English: Second.

Mr. Coen: Alright, we have a motion and seconding. Mr. Harvey, is the 11<sup>th</sup>, October 11<sup>th</sup> okay for enough... no, Ms. McClendon is shaking her head no so it would be the 25<sup>th</sup> of October would be the earliest possible.

Mr. Harvey: The earliest, yes sir.

Mr. Coen: Okay. Thank you Ms. McClendon. Alright, so the motion is to move the new language to public hearing on October 25<sup>th</sup>. Mr. Apicella, anything?

Mr. Apicella: No sir.

Mr. Coen: Mr. English?

Mr. English: No.

Mr. Coen: Anyone else? Seeing none, we will put it to a vote. And it passes unanimously (7-0). Thank you very much. Alright, Planning Director's Report; Mr. Harvey.

PLANNING DIRECTOR'S REPORT

☆ A-1 Uses

☆ Parking for manufacturing

Mr. Harvey: Thank you Mr. Chairman. At last week's Board of Supervisors meeting, the Board sent two items down to the Planning Commission, one of which was a general request; the other which included a specific amendment. The general request came about regarding the A-1, Agricultural zoning category and the listing of uses that are permitted in that zoning category. The Board and its Community and Economic Development Committee heard testimony that the Board of Zoning Appeals, during one of its work sessions this year, had some commentary to an expert in the State who deals with other jurisdictions about zoning matters. And one of the questions and concerns was the A-1 district and the number of uses that are permitted in that zone. That zoning category expanded its number of uses that were permitted significantly during the 1990s and there was some concern that maybe the purpose of the Agricultural zone has gotten deleted a little bit. So the Board sent this to the Commission to look at the uses allowed in the A-1 classification and whether or not there should be any changes. So, once

*Planning Commission Minutes  
September 27, 2017*

the Commission makes a recommendation and sends it back to the Board, the Board of Supervisors will consider those recommendations and determine whether an ordinance amendment public hearing process is in order.

Mr. Coen: Alright, and is there a timeframe?

Mr. Harvey: No sir, since it's a general send-down.

Mr. Coen: Okay.

Mr. Harvey: The other item is dealing with...

Mr. Coen: Can we deal with one at a time? Is that acceptable?

Mr. Harvey: Yes sir, yes sir.

Mr. Coen: Alright, is there any discussion or thoughts as to what to do with this item? Mrs. Vanuch.

Mrs. Vanuch: Maybe a subcommittee? You know I like subcommittees.

Mr. Coen: Yes. Well, since there's no timeframe, we'll find out during our meeting next up when the subcommittees report, but we certainly, Mr. Harvey, is it acceptable to sort of say we like the idea of a subcommittee but it would start up after the other ones end? The sign, parking, and landscaping.

Mr. Harvey: Mr. Chairman, that's at your discretion.

Mr. Coen: Okay, what is the feeling of the body? Okay, everybody alright with that idea?

Mrs. Vanuch: Can we get staff rolling on...

Mr. Coen: Yeah, if staff could start up on the research of it, right Mr. Harvey?

Mr. Harvey: Yes sir.

Mr. Coen: Okay. And I sort of envision, Mr. English will correct me, but I think the landscaping one is almost ready to wrap up. I think from what I hear the parking and drive aisles is pretty well paved over?

Mrs. Vanuch: Yeah. (Inaudible) we're almost done.

Mr. Coen: And so, quite honestly, we're talking maybe in November we start cranking on this one, so that gives staff sort of a ballpark that we're looking in November to look at it. Is that okay with everyone? Alright.

Mr. Apicella: Just in some direction to staff, maybe they could look at, again, comparable jurisdictions, what are they including or excluding, and what are comparable Agricultural districts.

Mr. Coen: Yes. And then you said there was a feeling, so you may ask the members who sent it down, if they have any feeling or look at what they were talking about, that there were certain areas that maybe we were no longer looking at agriculture, we put too much in it.

*Planning Commission Minutes  
September 27, 2017*

Mr. Harvey: Yes, Mr. Chairman.

Mr. Coen: Okay. Alright, now Mr. Harvey; parking.

Mr. Harvey: The second item that the Board sent to the Planning Commission is a draft amendment to our parking standards; specifically for manufacturing uses. The Zoning Ordinance currently requires 2.25 parking spaces per thousand square feet for manufacturing uses. We have an existing business that's located in the County and would like to expand, and they've noted that the... that standard is extremely high compared to their actual parking usage because they operate on a shift basis. So, in talking to the Planning Commission's parking subcommittee, we presented that to them and they felt it was reasonable to consider an amendment to require parking be twice the size of the maximum shift, or twice the maximum shift size. The Board of Supervisors considered that and has referred it specifically to the Commission. So staff believes that this amendment is fairly straightforward and we'd recommend the Commission schedule a public hearing.

Mr. Coen: Alright, any thoughts or ideas?

Mr. English: Do we need a motion for that?

Mr. Coen: Well, before we go to that, so the parking people are okay with doing a parking thing before you come forward with yours?

Mrs. Vanuch: Is this on an expedited timeline because the manufacturer is wanting to come in?

Mr. Harvey: Mr. Chairman, Mrs. Vanuch, they've expressed a desire to move forward with their project this spring which they really would like to take advantage of an ordinance amendment. So, timing-wise, this could get to the Board of Supervisors in January or February which could help meet their timeline.

Mrs. Vanuch: Okay, because otherwise, if we're looking at the parking, we've got maybe another meeting or two and then we've got to do the public hearing and then... so we're maybe a month or two behind them potentially?

Mr. Harvey: It could delay it because the Commission would, under the overall parking committee, come up with a recommended change and then that would have to go to the Board of Supervisors for their concurrence and authorize hearings.

Mr. Apicella: I just think it's hard to make a decision one way or another without seeing any language.

Mr. Coen: Right.

Mr. Apicella: So, I'm lost in shifts. So, if somebody is a manufacturer and they have 10 employees, we're saying they need 20 parking spaces?

Mr. Harvey: Yes sir.

Mr. Coen: Might I suggest that, and the Parking and Drive Aisle Subcommittee members can tell me, but your next meeting is October 2<sup>nd</sup> which is prior to the 11<sup>th</sup>. We can't do a public hearing till the 25<sup>th</sup>. So that certainly, if you're amenable, you could talk about this in your subcommittee meeting, so we can go forward with the public hearing on, you know, we can advertise for the 25<sup>th</sup>. At the same time the

*Planning Commission Minutes  
September 27, 2017*

subcommittee can look at it, we can see the language, and if there really is something that needs to be changed, we can change it at the 25<sup>th</sup> as long as it's not more restrictive. Correct?

Mr. Apicella: So, what about the maximum? Let's say we brought in a big manufacturer and they have 300 employees. Are you really saying you need to have 600 parking spaces? I'm just trying to, you know, look at kinda both sides of the issue. If you're small, it might not make a big deal. But if you're big, and I don't know how that compares to what's the requirement now.

Mr. Harvey: Mr. Chairman and Mr. Apicella, the issue with shift work is that when the shift changes over, you have to have parking for everyone. So that's why it's double the size of the maximum size of the shift.

Mr. English: So that makes sense.

Mr. Apicella: No, I'm not following you, because again if you're a manufacturer, the way I'm hearing it, it's based on the number of employees that you have in a given shift. So, if you... and some manufacturers run 24/7, right? So, if we brought in a large manufacturer and they had a big operation and they had 300 employees working in 3 8-hour shifts, they'd have to have 600 spaces.

Mr. Harvey: Yes.

Mr. Coen: Right.

Mr. Apicella: And I'm not... why would they need 600 spaces?

Mr. English: Because you've got to take care of the shift that's on now (inaudible).

Mr. Apicella: Right, they're leaving and the new shift is coming in.

Mr. Coen: Yeah, but they're not leaving at the same time.

Mrs. Vanuch: They don't stop the production, they have to...

Mr. Apicella: No, I get that. But why do they need an extra 300 spaces?

Mr. English: Because the first 300 are filled up.

Mr. Apicella: Right, but those people are leaving.

Mr. Coen: Well, not yet.

Mr. Apicella: I just don't understand, and we're not hearing from the business side, we're not hearing from the Economic Development folks if this makes sense. I just think that we're kind of rushing without necessary understanding the issues.

Mrs. Vanuch: Jeff, can you talk about what's our current, I don't remember, what is our current standard?

Mr. Harvey: Again, our current standard is 2.25 spaces per 1,000 square feet. And we can give you some specifics with regard to this manufacturer and what size building they're ultimately wanting to

*Planning Commission Minutes  
September 27, 2017*

have and draw comparisons. In this particular case, the Ordinance requirement we currently have has more than double the amount of parking they believe they need for their manufacturing business.

Mr. Apicella: I just feel like here we go again, we're going to make a broad change for one individual that might have impacts on other people downstream and we don't necessarily see what those impacts might be. It may work great for this particular manufacturer. It may actually keep another manufacturer from coming to Stafford without going back and changing the rules if, again, it's too onerous.

Mr. Coen: Okay. Well, and Mr. Harvey, correct me if I'm wrong, if staff came back on the 11<sup>th</sup> with some generalized information, the earliest... we could not get at that point a public hearing on the 25<sup>th</sup> of October but we could do a public hearing in November if everyone's amenable to the language of that. Since we're looking at the Supervisors hoping to get this in January or February, that still gives time; even if we have a public hearing on the 15<sup>th</sup> and then we end up carrying it over to December 13<sup>th</sup> for it to get to the Supervisors so that they can schedule it for January or February, correct?

Mr. Harvey: I believe we can work into a November hearing date if we need to.

Mr. Coen: Okay. So I think I get the feeling from Mr. Apicella and I think a couple other people on this side of my ears, they would like to have some information brought back by staff on the 11<sup>th</sup> with the idea that we are aiming for ideally a November public hearing, but we have wiggle room for December if need be.

Mr. Rhodes: I would just also ask, Mr. Chairman, if there was anything that had been prepared for the Board on the development of that recommendation, if we could get it just in its raw form for the second for when we meet.

Mr. Coen: Yes sir, for the 11<sup>th</sup>, yep.

Mr. Rhodes: Well, we're going to actually... the subcommittee meets. I'd like to actually kinda glance at it when we're doing that too.

Mr. Coen: Oh, for the parking, yes.

Mrs. Vanuch: Yeah.

Mr. Coen: Right. And any information you can get for the Parking Subcommittee so they can give their input as well on the 11<sup>th</sup>. Okay, alright.

Mr. Harvey: And Mr. Chairman, that concludes my report.

COUNTY ATTORNEY'S REPORT

Mr. Coen: Alright. Ms. McClendon?

Ms. McClendon: I have no report at this time Mr. Chairman.

COMMITTEE REPORTS

Mr. Coen: Okay, thank you. Committee Reports; Sign Committee.



***Planning Commission Minutes  
September 27, 2017***

☆ Sign Ordinance Committee

*Next Meeting: October 25, 2017 at 3:00 p.m.*

Mr. Boswell: The next meeting is October 25<sup>th</sup>. That's all I have.

☆ Parking and Drive Aisle Standards Subcommittee

*Next Meeting: October 2, 2017 at 3:30 p.m.*

Mr. Coen: Okay. Parking and Drive Aisle?

Mrs. Vanuch: Our next meeting, which you just heard, is scheduled for October 2<sup>nd</sup> and we're really hoping to iron out our suggestions and be able to move forward in the process to engage the public comment at this period. So, stayed tuned.

☆ Landscaping Standards Subcommittee

*Next Meeting: October 25, 2017 at 4:30 p.m.*

Mr. Coen: Alright, and the Landscaping Committee, Mr. English?

Mr. English: Our next meeting is the 25<sup>th</sup> and hopefully we'll have everything sewed up and be able to bring back.

Mr. Coen: Right. If memory serves me, we were waiting for some information from the Parking and Drive Aisle Committee and so that's why we were sort of waiting on them for that. So, the dates and times are on our website, right Mr. Harvey? For anybody who's...

Mr. Harvey: Yes sir.

Mr. Coen: ... so inclined to come and watch us eat... Mr. English and I eat dinner while we have our meeting. Alright, Chairman's Report. The only thing I have to say is that I sent to... I asked Mr. Harvey to forward to all of you, I received an invitation about the public hearing for the high speed rail. The high speed rail is going to be hitting... the meeting is on October 19<sup>th</sup> which is the Wednesday between our meetings in October so we could actually go to it, at 7:00 p.m. at James Monroe High School. So, I didn't know with all this transportation talk if people wanted to hear the latest, you know, (inaudible) of that. And that is it. The TRC information, it has been cancelled.

**CHAIRMAN'S REPORT**

**OTHER BUSINESS**

4. TRC Information - October 11, 2017 - ***Cancelled***

**APPROVAL OF MINUTES**

NONE

Mr. Rhodes: Mr. Chairman, I make approval for no minutes.

Mr. Coen: Yes, okay. And we have no minutes to do. Alright, and so if there's no other new business, I will call this meeting adjourned.

*Planning Commission Minutes*  
*September 27, 2017*

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:32 p.m.