

STAFFORD COUNTY PLANNING COMMISSION
June 10, 2020

The meeting of the Stafford County Planning Commission of Wednesday, June 10, 2020, was called to order at 4:33 p.m. by Chairman Steven Apicella, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center and at remote locations throughout the County.

Mr. Apicella: Before we get started, I'd like to read a statement. Pursuant to the Ordinance O20-22 for the Continuity of Government in Stafford County due to COVID-19 today's Planning Commission meeting will be held solely through electronic means. The Commission is using a video web conferencing service. The nature of the local declared emergency makes it unsafe or impractical for a quorum of the Planning Commission to meet in a single location. It is necessary for the Planning Commission to continue to handle essential government functions required for the continuity of government during this local emergency. The public has been provided notice of this wholly electronic meeting and can access this meeting. The public also has physical access to this meeting in the Board Chambers pursuant to the Governor's Executive Order #65 and subject to the guidelines contained therein. The Clerk will state the status of this meeting in the minutes. Again, I call this meeting to order. I'd ask for everybody's patience and indulgence as we work through our first ever virtual meeting.

MEMBERS PRESENT: Steven Apicella, Darrell English, Barton Randall, Albert Bain, Kristen Barnes, Dexter Cummings, Fillmore McPherson

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Kathy Baker, LeAnn Ennis, Denise Knighting, Michael Cannon

Adoption of Electronic Participation Policy

Mr. Apicella: Okay, the first item of business is the adoption of the proposed Electronic Participation Policy. Mr. Harvey, is there anything that you or Ms. Lucian would like to say about that?

Mr. Harvey: Mr. Chairman, this policy will help facilitate the electronic participation of the Planning Commission during its meetings.

Mr. Apicella: Thank you, Mr. Harvey. Okay, everyone I hope has had a chance to read it. Are there any proposed changes, modifications, deletions, or is there a motion to accept as is?

Mr. English: I make a motion to accept.

Mr. Bain: Motion to accept as is.

Ms. Barnes: I'll second.

Mr. Apicella: Okay, that's Mr. Bain.

Mr. Bain: Yes.

Mr. Apicella: And that's Ms. Barnes seconding?

Ms. Barnes: Correct.

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Mr. Apicella: Okay. So, there has been a motion and a second to adopt the Electronic Participation Policy as is. Any further comment Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: No.

Mr. Apicella: Anyone else? Okay, I'm going to work my way through the roll alphabetically. Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall.

Mr. Randall: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Okay, so the motion carries unanimously. Okay, are there any Declarations of Disqualification on any agenda item?

DECLARATIONS OF DISQUALIFICATION

Mr. McPherson: Mr. Chairman, I do not have a disqualification, but I just would like to state that for item number 4, the Waiver of Private Access Easements, I did meet with the applicant several months ago before the COVID lockdown. So, I did meet with the applicant in person. That's all.

PUBLIC PRESENTATIONS

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Mr. Apicella: Thank you, Mr. McPherson. Anybody else? Okay. I don't believe there are any changes to the agenda, so I'm gonna move onto the Public Presentations portion of the meeting. We will start with anyone in the Board Chambers who wishes to speak and then County staff will read any other comments that were submitted to the Planning Commission. Members of the public may address any matter they wish to comment on except the four items scheduled for public hearing tonight, today. There will be a separate opportunity to comment on each public hearing item as they come up. Speakers have up to 3 minutes for their comments. Please state your name and address before you start. The clock starts when the green light appears. Yellow means there's 1 minute left. Red means you need to wrap up your comments. So, if anyone would like to speak, please come forward. I'm going to need a little help from the staff because, again, I cannot see what's going on in the Board Chambers.

Mr. English: Did everybody hear him clearly? Nobody wants to speak? Okay. Nobody wants to speak, Mr. Chairman.

Mr. Apicella: Okay, there's nobody in the chambers that wants to speak. Mr. Harvey, were there any comments submitted?

Mr. Harvey: Yes, Mr. Chairman, we received one speaker card via email. It was from Ms. Dana Brown. She is writing in subject to today's agenda item number 7, the Winding Creek Subdivision. The subject of her email says please consider designating a temporary alternate route for construction traffic. Dear Board members, as construction has now commenced on the Winding Creek Subdivision, it's made an already...

Mr. Bain: If Mr. Harvey is speaking, I can't hear anything he's saying. Can anybody else?

Mr. McPherson: Yes, I can hear him.

Mr. Apicella: I can barely hear you, Mr. Harvey.

Mr. Cummings: I can barely hear him.

Ms. Barnes: I barely hear anything.

Mr. Harvey: So, Mr. Chairman, I'll start from the beginning. Again, this was a message we received from Ms. Dana Brown regarding today's agenda item number 7, Winding Creek Subdivision. The subject is please consider designating a temporary alternate route for construction traffic. "Dear Board members, as construction has now commenced on the Winding Creek Subdivision, it's made an already hazardous situation even more dangerous. I'm referring to the hairpin curve with no shoulder and a huge rock on Winding Creek Road near the development. I was out there and almost had a head-on collision with a construction truck that was too wide of a vehicle to stay in its own lane on this curve. Had I not been driving a small car, I believe the Sheriff's Department would have been out attending an accident scene and issuing a ticket to the construction truck driver. I believe this curve is scheduled to be widened by the developer at some later point during the buildout. Until that day is reached, is it possible to restrict construction traffic to an alternate route? I hesitate to think what would have happened had I been driving a school bus. There might be a considerable liability on the part of the developer who hires the construction truck drivers. For their protection and ours, please consider designating an alternate route for construction traffic until that section has been widened. I

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want to provide a picture but it's too dangerous to try to get a shot. Dana Brown, Rock Hill District.” And that's the only speaker card we received Mr. Chairman.

Mr. Apicella: So, I just want to help my colleagues for the folks who are online. I can hear what's going on in the Board Chambers with my earphones. If you have earphones, that might help solve the problem for those of you who can't hear. Alright, Mr. Harvey.

Mr. Harvey: Mr. Chairman, the public hearings pertain to items 1, 2, 3, and 4. We will start the public hearings with items 1, 2, and 3 with a combined presentation. They're all related to the same subject matter with regard to telecommunications facilities in the Brooke area of the County. And Ms. Kathy Baker will be making the presentation for staff.

PUBLIC HEARINGS

1. COM20153288; Comprehensive Plan Compliance Review - Telecommunications Facility, Mongeon Property - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Section 15.2-2232, for the placement of a 140-foot tall telecommunications tower, including ancillary equipment, on Tax Map Parcel No. 41-14, located on the east side of Brooke Road, approximately 2,800 feet north of Marlborough Point Road, within the Aquia Election District. Stafford County Board of Supervisors and KGI Communications, LLC, are the applicants. **(Time Limit: August 9, 2020)**
2. CUP20153290; Conditional Use Permit - Telecommunications Facility, Mongeon Property - A request for a conditional use permit (CUP) to allow a 140-foot tall telecommunications tower, including ancillary equipment, on Tax Map Parcel No. 41-14, zoned A-1, Agricultural Zoning District. The property consists of 22.42 acres, located on the east side of Brooke Road, approximately 2,800 feet north of Marlborough Point Road, within the Aquia Election District. Stafford County Board of Supervisors and KGI Communications, LLC, are the applicants. **(Time Limit: September 18, 2020)**
3. COM20153291; Comprehensive Plan Compliance Review - Telecommunications Facility, Aquia Landing - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Section 15.2-2232, for the placement of a 49-foot tall telecommunications pole, including ancillary equipment, on Tax Map Parcel No. 41-6, located at the end of Brooke Road, approximately 2,600 feet north of Thorny Point Road, within the Aquia Election District. Stafford County Board of Supervisors and KGI Communications, LLC, are the applicants. **(Time Limit: August 9, 2020)**

Mr. Apicella: Whenever you're ready, Ms. Baker.

Ms. Baker: Okay. Give me just one moment; she's going to pull up the presentation for the public to view as I go through this. But this item, as Jeff mentioned, two telecommunications facilities. One is referred to as the Mongeon Telecommunications Tower. The second one is the Aquia Landing Telecommunications pole. So, I'll be giving some background on the general telecommunications facilities jointly with some background on where we got to these two items, and then I'll be talking about each one separately. And if you all would like to wait until the end for questions, then that would probably be easier. Alright, sorry about that. So, this... we have three requests altogether; two Comprehensive Plan Compliance Reviews, one for each of these, and that's to determine the compliance with the telecommunications element of the Comprehensive Plan. The second is a

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Conditional Use Permit for the Mongeon tower site to allow the telecommunications facility in the A-1, Agricultural zoning district. There's no Conditional Use Permit need for the Aquia Landing pole because it is 49 feet, which is less than the 50 feet cutoff for requiring a CUP. The Mongeon property is 22 acres with the Conditional Use Permit area being a quarter acre. The Aquia Landing site is 32 acres with a 315 square-foot lease area. These properties are both in the Aquia District. The Stafford County Board of Supervisors, along with KGI Communications, which I'll refer to as KGI, are the joint applicant/agents for this project... for both projects. And the owners are Andrew and Carolina Mongeon for the Mongeon tower site and Stafford County for the Aquia Landing property. For some background on the joint project, KGI partnered with Stafford County to obtain a Virginia Department of Housing and Community Development Grant for these telecommunication initiatives. I'll refer to that as the VATI Grant. The overall network is going to include two miles of fiber which will utilize an existing telecommunications tower, 146 existing utility poles, and then one new tower and one new pole which are subject of this public hearing. The Mongeon site will have a 140-foot tall tower, with the Aquia Landing site having a 49-foot pole; it'd be a wooden pole similar to a utility pole. The project will provide broadband services to areas of Widewater, Marlborough Point and vicinity, as well as the northern part of King George County. KGI is serving as the project manager; they will be constructing the facilities upon approval. I'll note that there's a grant deadline for the project of April 30, 2021, so that means every plan has to be approved and all the permits obtained and the actual facilities constructed by that time in order to meet the grant requirements. I just wanted to show the overall coverage area. You'll see highlighted in the kinda purple hashed area, the top northern portion of King George County and then Marlborough Point and up to the Widewater Peninsula. And that would include Widewater State Park as well; that was the intent as well with part of this project. You see the Aquia Landing site, this area, and then the Mongeon site very close by. And the location of the two, the Aquia Landing Park is a rather long narrow parcel, and it's actually split into two physical pieces. The Mongeon site is one parcel. They're both along Brooke Road. This is near the intersection of Thorny Point Road, Brooke Road, and Canterbury Drive. With regard to the Mongeon tower, the zoning is A-1, Agricultural, as are all the surrounding properties, abutting properties. There are some Rural Residential A-1 properties to the south near Marlborough Point Road. You'll see the existing conditions. The entrance to the property is on Brooke Road. There's an existing entrance and driveway that extends up to an existing house that's occupied by the Mongeon's. The tower will be in that vicinity. You can see that the property is heavily wooded. It is very steep and the location where the tower is going is about 140 feet elevation, so that's why this property was chosen for its elevation. And this is the existing access drive to the house and to the tower site. It's currently an existing... it's primarily paved for the most part. It's about 8 to 10 feet wide. It will be widened with gravel shoulders in a few places where it does not quite meet the 12-foot required width for fire and rescue purposes. There will also be clearing of any vegetation for any potential for fire and rescue trucks to go into the site. You'll see to the right the heavily wooded vegetation that is across the whole property. As you see on the site layout plan to the left, again the driveway access up to the tower site, which is primarily about halfway between the two southern... I guess those are southwest/northeast property lines. And then to the right you'll see the tower location within the 20 by 20 pad site. The new access road would be constructed from the driveway. It's only about 400 feet long I believe. And this is just a view of what the tower looks like. I just wanted to note the tower's setbacks; it's 236 feet to the nearest property line, it's about 225 feet to the existing residence onsite, and about 400 feet to the nearest adjacent resident which you can see in the one arrow, the top arrow. And then, as you can see, the other 3-acre parcels that are generally surrounding some of this area. And this is just an example of another tower that's in more of a rural setting. We have several CUP conditions and I'll go through those that limits it to one self-supporting tower with a maximum height of 140 feet. The location will conform with the site plan with the clearing areas limited to the areas designated. The existing site entrance would be maintained to ensure sufficient fire and rescue access to the site and

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adequate drainage. The driveway would be a minimum 12-foot travel width with either the pavement or gravel, and a minimum 13.5-foot overhead clearance for fire and rescue access. There will be no lights on the tower unless required by FAA. There are no required lights at this time, but that would allow for anything in the future. No signs on the tower other than required by FCC or other federal or state agencies. There's a security fence required around the base of the tower. There's a sign required identifying the tower owner and the phone number in the event of an emergency. There would be required evergreen vegetation to screen the base of the tower from any adjacent properties. Actually, it would be all around the property I believe... or, excuse me, the base of the tower. The tower will be painted green above the existing tree line; that's just to help minimize visual impact. Once the tower is no longer in use, the applicant or successor would be responsible for removing those facilities. The tower is designed to accommodate at least 3 telecommunications providers. Prior to the issuance of the final zoning permit, the applicant would provide an as-built survey for the tower. And then any frequencies or signals emitted by the equipment would not interfere with our emergency system or with Stafford Regional Airport. So now, moving onto the Aquia Landing pole. Again, the zoning of the property is A-1, Agricultural, as are all the surrounding properties. You see the existing conditions. The photo on the right is more of the zoomed out view. You can see the peninsula of Aquia Landing Park which is surrounded by Aquia Creek on all sides... on 3 sides, with the pole site being at the very northern point on the water, basically on the water. There's a gated entrance at the entrance to the park site which is manned by our Parks and Rec staff. To the left you can see a close-up view of the area. This is a passive recreation park with shelters and just basic... there's a beach area and waterfront activities. And this is the view to the left of the access road as you're looking back towards Brooke Road. And then the shelter and facility which is adjacent to where the pole will be located. You can see the other wooden poles that are in a utility line that follows the entrance road, and this will look very similar to those poles. This is the site layout where you can see the pole location, and then a close-up view to the right. Basically, it's just a pole and then a utility...

Mr. Apicella: Kathy?

Ms. Baker: Yes.

Mr. Apicella: We're having a hard time hearing you.

Ms. Baker: Okay, I can try and talk louder. Does that help?

Mr. Apicella: Thanks, Kathy.

Mr. McPherson: That's much better, thank you.

Ms. Baker: So, you can see the pole site with the 10-foot radius around that for the lease area, and then there would also be a... just a utility stand within that area. This is the elevation of the pole. Again, 49 feet above ground level. Just to note the setbacks, again it's 80 feet to the closest property line and then it's about 2,400 feet to the nearest residence which is down on Canterbury Drive. So, moving on to the Comprehensive Plan Compliance Review, both of the applications were evaluated for the compliance with criteria that specified in the Telecommunications Plan which is an element of the Comprehensive Plan. And the goal of the Comprehensive Plan and the Telecommunications Plan is to recognize the need to develop an effective and efficient telecommunications infrastructure which will support and promote public safety and economic development, as well as the quality of life of its citizens. With regard to the siting criteria, there are five priority criteria for location which starting with the collocation on existing buildings or structures. There were no suitable sites for collation

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within this vicinity so that's why the new structures are going to be required. They should be located on publicly owned lands that are occupied or planned for public buildings or parks. As we noted, Aquia Landing pole is on county-owned park property. The next criteria would be locating in overhead power line corridors. I'll note that both of these sites are adjacent to existing Dominion power line easements. The fourth one doesn't come into play, but agriculturally zoned properties, both of these sites are zoned A-1, Agriculture. With regard to the design standards, they're required to minimize impacts through appropriate setbacks, screening, and design, and limit lighting. And both facilities do meet the setback guidelines. The tower itself would be screened at the base and be within a wooded parcel to help limit any visual impacts. The pole would look similar to utility poles and have minimal visual impact. And neither facility will contain lighting. The next design standard to accommodate the minimum of three providers, the tower will be designed to accommodate three providers. The pole is at a shorter height and is only going to be providing the one... accommodation for the one provider. The last one, providing the security fencing; the security fencing will be provided around the tower. I'll note that the pole will be within the gated county-owned property. And then the last part of the Comprehensive Plan and the Telecommunications Plan, with regard to broadband service and that special consideration should be given to towers located in underserved broadband areas as a potential benefit to citizens. It extends beyond their cell coverage. So, that's the overarching...

Mr. McPherson: Kathy, I can't hear you.

Mr. Bain: I can't either. I lost all...

Mr. McPherson: I lost all sound from the BOS Chamber.

Ms. Baker: Can you hear me? You can't hear me now?

Mr. Bain: Ah, now yes.

Mr. McPherson: Now I can, yes. Thank you.

Ms. Baker: Do I need to repeat that last about the broadband coverage? This is the special consideration being given to towers located in the underserved broadband areas which this... both of these parcels are contributing to that. Just to note, the land use designation, the properties are within Resource Protection Area and Agricultural/Rural for the land use. And just to note, staff's evaluation under the Comp Plan Compliance Review, both are consistent with the priority locations and design standards of the Telecommunications Plan and this will be part of an overall network that results in enhanced broadband coverage. And we don't find any apparent negative impacts. With regard to the Conditional Use Permit for the Mongeon tower, staff does find that the proposed facility meets the standards of issuance for a Conditional Use Permit. Approval of the request will result in enhanced coverage of wireless broadband to an underserved area, and conditions would offset any negative impacts. I just wanted to note, there were additional property owners notified for the tower site Conditional Use Permit. You'll see the yellow star, which is the property; the blue star properties are the adjacent properties that we're required to send notification; and we went out beyond that and the red star properties you see are who we sent notices to about this public hearing. So I'll note staff recommends that the Planning Commission find the proposal's in compliance with the Comprehensive Plan and also recommend approval of the CUP application with the conditions. I will note that the CUP is subject to determination of the compliance with the Comprehensive Plan. So, I'll be happy to

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answer any questions. I'll also note that the representatives of KGI are here to answer any specific technical questions that you might have.

Mr. Bain: Kathy, I have one question if I may. The Mongeon property, are there any restrictions that would be encumbered on the remaining property as to what they could do? Right now it appears to all be forested. But could they cut timber or ultimately use that for other agricultural purposes?

Ms. Baker: They're only going to be... there's a lease area and an access area and that's going to be the only restricted area on the property. They can still use the remainder of the property as it complies with any A-1 zoning uses.

Mr. Bain: Alright. I don't know if anybody else got the echo, but I had a terrible echo generated on that so, John, if you're listening and can look into that, it would be nice to avoid it. And that was the only question I had, thank you.

Mr. English: I've got a couple questions. The first one is, are there going to be trespassing signs and stuff around those areas where the towers are gonna be?

Ms. Baker: Yes, there will be.

Mr. English: And another question is, is that going to be able to handle 5G if it need be?

Ms. Baker: As far as I know, but the applicant...

Mr. English: Would have to answer that question.

Ms. Baker: ... would be able to further...

Mr. English: And another question, Kathy, is what about if for future, if the Sheriff's Office or Public Safety needed to add for another tower... I mean for their use for an antenna for their radios, is that capable of doing that?

Ms. Baker: The tower itself would be designed for that, but the Sheriff's Office did look at this site... the Public Safety looked at this site and the tower itself would not be tall enough at 140 feet for their purposes.

Mr. English: Okay.

Ms. Baker: There is the possibility in the future that there could be an extension on the tower in height which would have to come back through the process for anything that went over the current proposed height, if there was to be additional colocation.

Mr. English: Okay. And another question, if, whenever these towers are no longer in use, who's responsible for taking those down if need be?

Ms. Baker: KGI would be responsible for removing those. Those are written into the lease agreements.

Mr. English: Okay, thank you Kathy.

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Mr. Randall: Kathy, I have a quick question. Could you go back to the picture of the pole please? At the Aquia Landing? The actual picture of the Landing, where it's going to be; right there.

Ms. Baker: Okay.

Mr. Randall: So, tell me in relation to... it looks to me like it's going to literally be right in the middle of that open space between... between the camera and the shed. Is that fairly...?

Ms. Baker: More or less, yes. It's not a very large area there.

Mr. Randall: It's not, that's why I was asking whether or not others areas kinda more out of the way had been looked at and why we particularly want to put it right in the middle of the only open space that's there.

Ms. Baker: Well, I mean, there's really no use on this particular area other than the grill that's adjacent to that. But the... if you look at the overhead where that's going, it's kind of tucked away right as you come into the entrance but it's in the vicinity of the other poles. Most of the activity occurs either along the beach or along the front of the property.

Mr. Randall: Okay, thank you.

Mr. English: Mr. Apicella, can you hear us? Okay, I think... we had questions; I don't know if anybody else had any questions or not for that.

Mr. Apicella: Any other questions? I'm not seeing any. Fillmore, did you ask all your questions?

Mr. McPherson: I didn't have any questions, but I do have some comments. But I'll let people ask questions first.

Mr. Apicella: Okay, one more time. Are there any other questions? Alright, hearing none, there is no applicant other than the County so I believe it's time to open the public hearing. Is that correct, Mr. Harvey?

Mr. Harvey: That's correct, Mr. Chairman. With the public hearing open, we actually have the co-applicants here, Mr. Chairman, if they want to add anything else to the presentation.

Mr. Apicella: Everybody who's in the Board Chambers is gonna have to speak louder, because I can't hear.

Ms. Barnes: I can't hear anything either.

Mr. Harvey: Well, Mr. Chairman, I understand staff and the co-applicant has precluded its presentation, so now it's time to open the hearing to the public. If anybody is interested in coming to speak to the Planning Commission regarding any one of these three public hearing items, you can please come down to the podium.

Mr. Silla: Good evening, my name is Mustapha Silla. I live directly behind where the telecommunication tower will be at. I apologize, I came in late. There was an accident on Andrew Chapel Road. I was trying to make it on time so I missed the first half of the brief. I have two

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questions: the first question is gonna be specifically, what type of... I believe I missed it but I'm gonna ask anyway... specifically, what type of communication devices will be placed on this tower, and where would it be pointing as far as line of sight, whether there's gonna be cables ran, or those type of things? And the second question is, in addition to that, are there going to be any requirement for any other adjacent land to clear any path so that telecommunication tower can have clear line of sights or those types of things? Those are my only two questions, thank you.

Mr. English: Okay, thank you. Anyone else? On my left? On my right? Okay. Okay, Mr. Apicella, that was the only comment from the audience who wanted to make a presentation.

Mr. Harvey: Mr. Chairman, there are three messages that we've received regarding these public hearing items. And at your please I'll read them. The first correspondence we received was from Laura B. Gschwandtner. The message's subject is KGI Tower and Connectivity on Aquia Creek Road. "Hi Jeff. I'm reaching out today to let you and the Planning Commission and Board know that we who live on Aquia Creek Road, and those further out on Courthouse Road, too, all want to see the KGI plan proceed with as much speed as possible. We are suffering out here with a Verizon internet that doesn't care about us and doesn't support us. My download speeds are so slow, an Xfinity test can't even record them. And now so many of us are working and schooling from home that we need to be lively connected even more. So, please share this with the Commission and everyone with a vote say yes to the tower and let's get going. Thank you." The next message was from Cynthia A. Lewis. Her topic is Aquia Creek Road, KGI Tower. "This message is for you and the Planning Commission and Board. I live on Aquia Creek Road and want to see the KGI plan proceed as quickly as possible. For years I have had terribly slow and highly unreliable DSL internet with Verizon. I tried boosters, satellite, and Wi-Fi, and they're all too slow and/or unreliable. I used to work in the District of Columbia two days per week and from home the rest of the week to attend local physical therapy sessions because of a disability. My office's COVID-19 protocols request that I work from home most of the time for the remainder of the year. I desperately need a much higher speed internet connection to fully participate in online meetings and Web-Ex presentations. Currently, I buffer and/or the presentation is so delayed that I cannot follow in real time. My home's value is also depressed because we cannot livestream, and my neighbors feel the same. We have been living a nightmare made only worst due to COVID-19 stay-at-home orders. Thank you for your consideration." And the final message we received was from John Nagoski, and his subject is advance comments on KGI internet improvement for Stafford County. "Dear Mr. Harvey, I'm not able to come to the June 10th meeting, but I would appreciate you forwarding my request for support for the much needed internet improvement for Aquia Creek area at the June 10 meeting. Our internet speed, as you probably know, is less than a megabyte download. With the COVID-19 situation, my wife and I are watching three of our grandchildren during most weekdays to allow their parents to be able to work. Accessing their school internet system has been very difficult and, at times, impossible. It causes them to miss school lessons and assignments and, in one case, made promotion to the next grade a concern. I am not sure what will happen in the fall, but I expect that the grandchildren may be here again. Please support the effort to improve the internet access for the Aquia Creek Road area. Thank you." And, Mr. Chairman, that concludes the presubmitted remarks.

Mr. Apicella: Thank you, Mr. Harvey. Okay, with no further public comments, I'm going to bring the items back to the board for consideration. Are there any comments?

Mr. English: Mr. Apicella?

Mr. Apicella: Yes.

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Mr. English: The KGB, do they have a representative to come answer that gentleman's questions? KGI, I'm sorry. Are they here? Could you come back and answer the gentleman's questions?

Mr. Apicella: Does anyone have any questions for KGI?

Mr. Cummings: I do. If they could talk a little bit about the... inaudible... if they could talk a little bit more about the coverage... inaudible... accomplish with this particular install? There's particular interest with... inaudible... issues. Thank you.

Mr. English: He's gonna have to repeat that again, he wasn't very clear. Can you repeat that again, Mr. Cummings?

Mr. Randall: Make sure a little louder please.

Mr. Cummings: If they could talk a little bit more about the coverage that's going to be accomplished by this particular installation, particularly with interest... with particular interest to the Griffis-Widewater area.

Mr. English: Did you get that? Did y'all get that question? Okay, they're gonna answer it for you, Mr. Cummings.

Mr. Marte: Okay, I'm gonna take his question first.

Mr. English: Sure.

Mr. Marte: So, in the tower we have a combination of three frequency... so, in the tower we have a combination of three frequency; 900, 3.5, and 5G. So, the frequency 900 and 3.5 is no line of sight frequency and it's gonna be a cover of 360 degrees. Does that answer your question? Okay.

Ms. Wido: And now the coverage... the gentleman would like to know the coverage.

Mr. Marte: Oh, the coverage is in the map that she presented in there, and is also right here.

Ms. Wido: All the blue?

Mr. Marte: All the blue.

Mr. English: Can you see that, Mr. Cummings?

Mr. Randall: So, Mr. Cummings, in our staff report on page 3 of 8, it lists the map coverage and they're just reshowing us that same map that covers where that area will be that will be impacted by the tower.

Mr. Harvey: And, Mr. Cummings, Kathy Baker is here and she has a slide in the presentation that covered that. She will be pulling that slide up to further give you some graphic image of where that coverage is.

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Mr. Randall: Kathy, before you... there's two other questions that the gentleman asked that I need to get answered from KGI if I could. He asked about cables; will there be any cables that will be affecting other properties around this tower?

Ms. Wido: No, no fiber line.

Mr. Randall: Okay, and then the other thing was any other required impact to properties? Will there be any other impact to properties that will be surrounding that tower?

Mr. Marte: No.

Mr. Randall: Okay, alright.

Mr. Marte: Also, I want to answer his question. You asked the question about the 5G. When the government released the roll for 5G, it's gonna be software update in every place...

Ms. Wido: Software.

Mr. Marte: ... software update.

Mr. English: Okay, thank you.

Mr. Randall: Okay. Gentlemen, did you get all your questions answered? Okay, thank you.

Mr. English: I think that... wait a minute.

Mr. McPherson: I have two questions.

Mr. Cannon: You had also asked the question about Public Safety...

Mr. English: Yes.

Mr. Cannon: ... and collocating. And yeah, they are aware of it. I've contacted Captain Ray Davis and he has a consultant that's been looking at various sites to perhaps ultimately replace the Thorny Point tower over there that's used for Public Safety. But I believe there's an elevation issue that it's not a high enough tower for them to be interested at this point.

Mr. English: Okay, thank you.

Mr. Cannon: But the option is open.

Mr. English: Okay, thank you.

Mr. Randall: If I could get the two of you to state your name for the record for us please.

Mr. Marte: My name is Juan Marte.

Ms. Wido: Michele Wido, KGI.

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Mr. Randall: Okay, thank you.

Mr. English: I think that's it, Mr. Apicella.

Mr. McPherson: Mr. Chairman, I have a question.

Mr. Apicella: Go ahead, Mr. McPherson.

Mr. McPherson: Okay, so this question's for KGI. I have two questions. If you had any communications from any cellular providers, why isn't AT&T, T-Mobile, whoever, or to let them know that you're building a tower with three collocation sites? Because that will be another benefit if we had additional cellular coverage in addition to the high speed broadband.

Ms. Wido: I think I know what he's saying. He's wanting to know if cell phone people can go on it, on the tower.

Mr. English: Is that what your question is, Mr. McPherson?

Mr. Randall: It's tough to hear the question, Fillmore. Could you go a little louder please?

Mr. McPherson: Sorry. Have there been any discussions with other cellular providers, such as Verizon, AT&T, or T-Mobile, to let them know they have a tower available for collocation?

Mr. Cannon: This is Mike Canon, Chief Technology Officer for Stafford County and, yeah, we do have regular communications with providers including Verizon and AT&T. Not sure we've had a specific discussion about this tower yet. But the option is open for collocation from what I understand with the way the tower is configured.

Mr. McPherson: Okay.

Mr. English: Did you get that?

Mr. McPherson: And then my second question is more information for the public. As having worked in the telecom industry before, we know that 5G, although it's very fast, also is not very long-range and it does not penetrate very well. So, the question for KGI is how far, how many properties will be 5G covered versus maybe just LTE and high speed broadband?

Mr. Marte: So, it's going to be the same thing that you have on the propagation map, the same core area.

Mr. English: It's going to be the same coverage?

Mr. Marte: Yeah.

Mr. English: Did you hear that? It's going to be the same coverage. Mr. McPherson?

Mr. Bain: I can hear you, Mr. McPherson; I cannot hear anybody in the Board room.

Mr. McPherson: Ditto. I did not hear an answer.

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Mr. English: We're not talking.

Mr. Randall: We're taking a quick break right now. They're having a discussion amongst themselves.

Mr. Cannon: This is Mike Cannon again. From what I understand, they are not using 4G or LTE or 5G for this deployment. So that question really wouldn't apply for their work. And yes, 5G has... inaudible... it's about 2,000 feet range for, depending on the type of flavor of 5G since every carrier has their own. But, you know, Verizon's, for example, is about 2,000 feet and others are limited in length as well. So, yes, you are right. Range is limited but this is a different project that is not utilizing cell service.

Mr. English: Okay. Did you get that, Mr. McPherson?

Mr. Bain: I got it.

Mr. McPherson: I heard that, thank you.

Mr. English: He said their 5G and 4G is not in part of this program.

Mr. McPherson: I heard them, thank you.

Mr. Apicella: Okay. I apologize. It sounds like we're having problems hearing each other. I just would ask everybody to talk slow and loud. So, are there any other questions?

Mr. Cummings: Yes, I have another.

Mr. Apicella: Okay, Mr. Cummings.

Mr. Cummings: I'm trying to understand you. So, with the... inaudible... of what... inaudible... you are on, and maybe I didn't hear the other gentleman's response to the question about what... inaudible... is going to be attached to the pole, is it 2G that we're looking at for the... inaudible?

Ms. Wido: He's thinking of cell.

Mr. English: He's what?

Ms. Wido: He's thinking of cellphone.

Mr. English: This is not a cellphone tower, Mr. Cummings. Is that what you're thinking?

Mr. Cummings: Well, no, no, no. What device is going to be on that pole or going to... inaudible... part of that tower and the pole?

Mr. Cannon: This is fixed wireless broadband. It's not cell service. So, it will be in-home, there will be on-premises equipment that would go in each home that would pick up the signal for broadband service only. And that would also include... well, there are various speed options they provide as well, that you might have seen in the report.

Mr. English: Mike, don't leave. Did you hear that, Mr. Cummings?

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Mr. Cummings: I did, thank you.

Mr. English: Okay. Alright, Mr. Apicella.

Mr. Apicella: Okay, last call for questions. Hearing none, again, I'm going to bring it back to the Commission for further deliberation. I'm going to deal with each item individually. Mr. McPherson, these are all in your district.

Mr. McPherson: Mr. Chairman, I'd like to make a motion to recommend approval of item number 1, COM20153288, Comp Plan Review for the KGI Telecom Tower Mongeon Property.

Mr. Apicella: Is there a second?

Mr. Bain: Second.

Mr. Apicella: Okay, so I've got a first and a second to approve the Comp Plan Compliance Review. Any further comments, Mr. McPherson?

Mr. McPherson: Yes, just very briefly. I'd like to point out that we do have grants, Housing and Community Development and the VATI, we do have time limitation of April 30, 2021, and the quality of life for citizens as people work from home and students learn from home, both high school and college, this is critical for the public down there.

Mr. Apicella: Thank you. Mr. Bain, do you have any comments?

Mr. Bain: No I don't.

Mr. Apicella: Anyone else?

Ms. Barnes: I do have a comment. One thing that struck me particularly is one of the letters. Somebody said something about it affecting their property values. And that really struck home with me when people are looking for a place to live, they're looking for a home and there's a question of the broadband service. That is a real disadvantage. So I think that is a real important perspective that is a property value issue as well.

Mr. Apicella: Thank you, Ms. Barnes. Last call for comments? Okay, so I'm going to do a roll call. Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes? Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Thank you. Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

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Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall.

Mr. Randall: Yes.

Mr. Apicella: Okay, motion carries unanimously. Moving onto the next item; Mr. McPherson, again, this is in your district.

Mr. McPherson: Item number 2. I move that we approve Conditional Use Permit CUP20153290 for the KGI Telecom Tower Mongeon Property.

Mr. Apicella: Thank you. Is there a second?

Ms. Barnes: Second.

Mr. Randall: I'll second that.

Mr. Apicella: Okay. I think Ms. Barnes beat you to the punch, Mr. Randall. Any further comments, Mr. McPherson?

Mr. McPherson: Nope.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: No.

Mr. Apicella: Anyone else? Okay, I'm going to do a roll call vote on the motion to approve the Conditional Use Permit for the KGI Telecommunications Tower Mongeon Property. Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

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Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall.

Mr. Randall: Yes.

Mr. Apicella: Okay, the motion carries unanimously. Onto the next item.

Mr. McPherson: Okay, item number 3. I recommend approval of COM20153291, Comp Plan Review for the Aquia Landing KGI Telecom Tower.

Mr. Apicella: Thank you, Mr. McPherson. Is there a second?

Mr. Cummings: I'll second it.

Mr. Apicella: Thank you, Mr. Cummings. Okay, there's a motion and a second. Mr. McPherson, would you like to provide any more comments?

Mr. McPherson: No additional comments.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: No additional comment.

Mr. Apicella: Okay, anyone else? Okay, I'm gonna go through the roll. Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall.

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Mr. Randall: Yes.

Mr. Apicella: Okay, the motion carries unanimously. Congratulations and thanks for everything you all are doing to help with our broadband issues in Stafford County and particularly the Aquia District.

Mr. McPherson: Agreed. Thank you all.

Ms. Barnes: Thank you.

Mr. Apicella: Okay, moving onto the next item, Mr. Harvey, item number 4.

4. Amendment to the Subdivision and Zoning Ordinances - Proposed Ordinance O20-07, formerly O19-41, would amend the Subdivision Ordinance, Stafford County Code Sec. 22-4, "Definitions;" Sec. 22-143, "Shape and elongations;" and Sec. 22-146, "Side lot lines;" and the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms," to amend requirements relating to lot lines and lot shape configuration by amending requirements, creating new definitions, and amending certain existing definitions. **(Time Limit: 90 days after expiration of Emergency Declaration)**

Mr. Harvey: Thank you, Mr. Chairman. Item number 4 is a proposed amendment to the Subdivision and Zoning Ordinances for the County. And this application, LeAnn Ennis will be making the presentation for staff.

Ms. Ennis: Mr. Chairman, members of the Board, item number 3 is a presentation for the side lot line and for the Subdivision and Zoning Ordinance for definitions of side lot lines, elongations, and... I lost my thing... in the Zoning Ordinance and Subdivision Ordinance.

Mr. Apicella: Ms. Ennis, I'm just gonna ask, as I mentioned before, if you could please speak loudly and slowly.

Ms. Ennis: The background is this item is to request to consider amending the Subdivision Ordinance, Section 22-4, Definitions; 22-143, Shape and elongation; Section 22-146, Side lot lines; and Section 28-25, Definitions, within the Zoning Ordinance. In 2009, the Subdivision Ordinance was modified to prohibit irregular shaped lots. Staff and professional engineers continuously since that time have required interpretations of what is acceptable on shape and side lot lines because of the vagueness of the Ordinance. A committee was formed at the request of the Planning Commission and met on February 6, February 20th, and March 10th to make modifications to the proposed ordinance. Section 22-4 of the Subdivision Ordinance, we provided lot lines for the purpose of this chapter, any boundary line of a lot as defined herein. And then we defined lot line front, a street line which forms the boundary of a lot or where a lot does not abut a street other than an ingress/egress easement or a private access easement, which is a PAE, or as double frontage that a lot which faces the principal interest of the main building. On a corner lot, the shortest street facing side... street line shall be deemed to be front... the front lot line regardless of the location of the principal interest or the approach to the main building. The lot line in the rear is the singular lot line that is the most distance from and is the most nearly parallel with the front lot line. If a rear lot line is less than 10 feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be 10-foot line parallel to the front lot line, lying wholly within the lot for the purpose of establishing the required minimum rear yard. Lot line side is any lot line which is neither a front lot line nor a rear lot line. Staff has issues with decided which lines would be considered the front, side, and rear lots over the years on several

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lots. Currently, as the definition reads, you can only have one rear lot line. Creating a rear lot line that follows a stream or a natural feature is not permitted. We used to do it that way and then it was changed and we could only have one lot line. Side lot lines must be approximately at right angles and radial to the front line, and is not permitted to turn in any direction or bend, or it would no longer be radial. This is at the front of the road. This has led to many waivers for lots that are irregularly... generally irregular in shape. This is the current process. This is a lot that we would hear. The orange line is the front lot line. The purple lines are considered the side. And the green lines are what we would consider the rear. So, shape, by current definition, is to add all the sides to get the length of the lot and divide by 2 to arrive at an average. The length of the lot cannot exceed 5 times the width, the lot width. The cord and the arc is the frontage of the curved segments of a lot or cul-de-sac lots, and is obtained for the lot width. We have lots of problems with lot width. It's a zoning requirement and most issues that we have are in A-1 properties, which require a minimum of 200 feet of lot width on a road. It is required that you measure from the required setback, which is 50 feet, which is also a zoning thing in A-1... a zoning setback... to obtain the required 200-foot of lot width. Lot frontage, which is different than lot width, is 80% of the designated lot width. If it's on a curved segment of a right-of-way or cul-de-sac, the minimum front setback again is only 50 feet on A-1 zoning. This is how we currently do lot shape ratios and configurations. The amendments that we're proposing is the proposed amendment would define parent lot lines and primary side lot lines. The amendment would allow some angle in the primary side lot line up to 15% of the perpendicular from the front lot line and would allow bends in sides lot lines so long as they do not deviate more than 45 degrees from the primary lot line. The amendment would allow new lot lines to follow existing topographic features such as streams and valleys. It was agreed by staff and engineers that these changes would allow some flexibility in lot lines, but would still ensure that oddly shaped or elongated lots would not be created. The amendment creates clear criteria for the design of lots and streamlines the process. The lot shape requirements would not apply to parent lot lines in existence, which are to remain. This means that the lot consolidations would not be subject to shape and elongation regulations. These are some examples of lots that we... current requirements on lot 90. The bend in the lot is 90 degrees so this would not be acceptable. Proposed requirements... it's still unacceptable because of it deviates 45 degrees from the parent primary line. So, we're talking about this line here. This is the parent line and this is more than 45 degrees. The lot 69, the current regulations -- this is unacceptable because of this bend here, and then this bend here in the side lot lines. Currently we would also probably consider that line. Under the proposed requirements, the side lot... this would be considered... lot 69 would be acceptable under the current standards because the side lot lines, these lot lines do not deviate more than 45 degrees from this parent lot line. So they do not go further than 45 degrees. Staff recommends approval of the proposed Ordinance O20-07 amending the Subdivision and Zoning Ordinance. Staff believes that adoption of the amendment is supportive to the Board of Supervisors 2040 Strategic Plan Priority 5.2, which is to update our Ordinances, streamline our permitting process, and improve coordination with other regulatory agencies to be more supportive of our business community and to promote business, expansions, and new investment opportunities.

Mr. Apicella: Ms. Ennis, thank you very much for your presentation. I thought the examples were very helpful.

Ms. Ennis: Oh, thank you.

Mr. Apicella: Questions for staff? Anyone have questions? Okay, I guess not. So, I'm gonna open the public hearing. Okay, this is an opportunity for the public to comment on this item. Same ground rules as before. Before starting your comments, please state your name and address. The green light starts the clock. Yellow means there's 1 minute remaining. Red means you need to wrap up. So, if

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anyone in the Chambers would like to come forward and speak, please do so now. Mr. English, will you let me know if there's anybody there.

Mr. English: There's nobody there, Mr. Apicella.

Mr. Apicella: Okay. Mr. Harvey, did anybody submit comments?

Mr. Harvey: Mr. Chairman, we did not receive any written comments in advance.

Mr. Apicella: Okay, with no one providing comments, I'm going to bring the matter back to the Commission for further consideration. Is there a motion that anyone would like to make?

Mr. McPherson: Mr. Chairman, I move that we... I move that we approve the amendment to the Subdivision and Zoning Ordinance, O20-07, formerly O19-41.

Mr. Apicella: Thank you, Mr. McPherson.

Mr. Bain: Second.

Mr. Apicella: Mr. Bain, was that you?

Mr. Bain: Yes it was.

Mr. Apicella: Okay, thank you. Mr. McPherson, are there any comments?

Mr. McPherson: No thank you.

Mr. Apicella: Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Anyone else? Okay, there's a motion to approve. I'm gonna go through the roll. Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

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Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall.

Mr. Randall: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Okay, great. Motion carries unanimously. I just want to thank Ms. Ennis, the rest of County staff, and the subcommittee that worked on these changes. I think it's a very great job that you all did. Thank you. Moving on to item 5, Mr. Harvey.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

5. WAI20153207; Hidden Springs and Hawthorne Manor PAE Waiver - A waiver request from Stafford County Code, Sec. 22-176, Private Access Easements, to serve two additional lots for two proposed subdivisions on Tax Map Parcel Nos. 31-20X and 31-20W, zoned A-2, Rural Residential District, on approximately 9.7508 acres, located at the intersection of Hope Road and Hidden Springs Lane, within the Aquia Election District. **(Time Limit: August 9, 2020)**

Mr. Harvey: Mr. Chairman, Ms. Ennis has drawn the short straw tonight, so she'll be presenting items 5, 6, and 7 tonight. Item 5 is a request for a Subdivision Ordinance waiver for two subdivisions known as Hidden Springs and also Hawthorne Manor.

Ms. Ennis: Item number 5 is a waiver for parcels 31-20 and 31-20W. So, Mr. Chairman and members of the Commission, I'm presenting this for Eva Campbell, the project manager in our office. It's located as I said on Assessor's Parcels 31-20 and 20W, with a combined acreage of 9.75 acres. It's currently zoned A-2, Rural Residential. It lies within the Aquia Election District. And it's located at the intersection of Hope Road and Hidden Springs Lane. This is the tax map, location map of where it is. It's subject to minor subdivision proposals as shown here in red. So, there's two minor subdivisions that are... that have been submitted to the staff, and this is the location of where they are. The applicant is proposing two separate minor subdivision plats on Tax Maps 20X and 20W. The subject projects are Hawthorne Manor and Hidden Springs. Both projects are pending the approval of this waiver from the Subdivision Ordinance 22-176, Private access easement, to allow a PAE to serve more than two lots. This next aerial is an overall showing the existing conditions. It's a vacant piece of property. The layout for both minor subdivisions is reliant on the approval of the boundary line adjustment submitted concurrently with the minor subdivision plats. Once the BLA is approved and recorded, existing parcels 20W and 20X will reflect the acreage and shape depicted in Exhibits 1 and 2, which are to follow. The boundary line consists of four parcels, all labeled 20F, before the Commissioner of Revenue relabeled them 20F, 20V, 20W, and 20X. A pre-boundary line adjustment area for 20X and 20W consisted of 0.219 acres and 0.73 acres, respectively, which are non-conforming acreage under A-2 zoning, which requires a minimum lot size of one lot... of one acre. The post-boundary line adjustment parcels are 6.2 acres and 3.4 acres, and both are above the A-2 zoning

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minimum acreage requirement. Section 22(b)(9) of the Subdivision Ordinance specifies that a minor subdivision can have no more than one private access easement, and the applicant has filed two separate minor subdivision plats in order to comply with this Ordinance. They provided... they submitted two minor subdivisions and this requirement... if the waiver's not granted, then they'll have to have two separate PAEs. Hawthorne Manor has proposed a two lot minor subdivision on 20W and a proposed 20-foot wide PAE to serve both lots off of Hidden Springs Lane. Hidden Springs is a proposed two lot minor subdivision on neighboring 31-20X with a 50-foot wide private access easement that serves both proposed lots off of Hidden Springs Lane. You'll find in Attachment 2 here, or Exhibit 1, sorry, both original proposals met the requirements of the Subdivision Ordinance. So here they have proposed a PAE to go in this way and a PAE to come in this way. This is all RPA. The originally proposed PAE for the minor subdivision on 20X would travel through RPA. This would require an exception to be granted of the Ches Bay Ordinance by the Ches Bay Board. Attachment 2 would extend the PAE in Hawthorne Manor to serve all 4 lots. This necessitates the need for a waiver to be granted by the Planning Commission for the number of lots served by a PAE to avoid damaging the RPA. The proposed PAE for Hawthorne Manor follows the existing logging road. There's an existing logging road. The original PAE... proposed PAE for Hidden Springs would not be in a desirable location as it crosses the environmentally sensitive features and the steep slopes and RPA. The approval of this single shared PAE would also reduce the number of entrances off of Hidden Springs Lane. Approval of this waiver request would not permit the creation of any additional lots or the building of additional homes. This is what they're proposing to do with the waiver request if it's granted, is to create this one PAE, and then that-a-way they would avoid this RPA. And it would eliminate this entrance as well.

Mr. Randall: I have a quick question for you. Go back to that last picture. Would it end at the property line or would it go into that fourth property?

Ms. Ennis: It'll just... it'll end at that fourth property line. It doesn't need to be extended.

Mr. Randall: Into that property at all?

Ms. Ennis: Yeah, no. It just... their access would come into that; most of them they just end in that way.

Mr. Randall: Okay, thank you.

Ms. Ennis: Section 22-176, Private access easement, of the Subdivision, allows a private access easement to serve two or fewer properties. The applicant is requesting a waiver of this section to allow additional lots to be served by the private access easement. The applicant formally requests that the staff or Planning Commission consider Waiver, Section 22-176. Section 22-241 of the Subdivision Ordinance specifies that the criteria must be met in order for a waiver to be granted by the Planning commission. The applicant must prove that the application of the Ordinance requirements would impose an unreasonable burden on the owner and the waiver would not have any substantial adverse effect on future residents of the subdivision or adjoining property owners. staff recommends that the Planning Commission make findings relative to this criteria for granting waivers.

Mr. Apicella: Thank you, Ms. Ennis. Questions for staff?

Mr. Bain: I have two questions. First, and it's just a curiosity issue, the PAE that was proposed for one lot was 20 feet and the one for the other lot was 50 feet. What's the reason for that difference?

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Ms. Ennis: They're only required a 20-foot... Mr. Bain, they're only... anything over... below 5 acres is only required to have a 20-foot easement. The 50-foot... so, anything over 5 acres requires to have a 50-foot easement. They had proposed the 50-foot easement because of the RPA, because it's very steep through that area and that's why they had just proposed to do that. But it's not a requirement.

Mr. Bain: Okay, alright. The other item I wanted to get a little clarification on, in your description that we were provided, there was discussion about the water line on Hidden Springs Lane. Would all four of these lots be served off of that water line? Or would some of the homes have county water and others private wells?

Ms. Ennis: All four lots would be served by water.

Mr. Bain: Okay, and that would be the developer's responsibility to install that extension, I presume.

Ms. Ennis: Yes, it is their responsibility.

Mr. Bain: Okay, great. Thank you.

Mr. Apicella: Thank you, Mr. Bain. Any other comments or questions? Okay, is the applicant here, Mr. Harvey?

Ms. Ennis: Yes. The applicant and their engineer.

Mr. Apicella: Okay. Would they like to come forward?

Mr. McAllister: Alex McAllister.

Mr. Apicella: Can't hear anything on this end.

Mr. English: Speak up louder, Alex.

Mr. McAllister: Good evening, this is Alex McAllister. Good evening Chairman Apicella, members of the Planning Commission. I'd first like to thank Jeff Harvey and his staff for all of their assistance regarding this request. We, in some of the sentiments there with LeAnn, we feel as though for the citizens that live up and down Hidden Springs, this was the best situation because we eliminate... because we own two tracts of land side by side, we were able to do this because we eliminate the one, you know, we eliminate an access and also we would eliminate going through that environmentally sensitive area with the wide RPA and the wetland that was in the bottom. And I guess just to touch on... and just to touch on just what LeAnn covered, that difference I guess of Mr. Bain's question of 50 feet versus the 20, because of those steep slopes, you know, we were allowing some extra width because to build through that bottom and through the wetland we would have needed some extra area. But in actuality, 20 feet would be plenty for us to build, you know, a 20-foot wide road is plenty enough for two cars to pass. Even state roads, the pavement sections typically aren't more than 20 feet. So, in any event, that sums it up. I've got my engineer here if there were any questions you may have of him. Thank you.

Mr. Apicella: Any further questions for the applicant or their engineer? Mr. McPherson, are you on the line? Okay, I'm gonna... thank you, Mr. McAllister. Okay, I'm gonna bring it back to the Commission for further discussion and consideration.

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Ms. Barnes: We can't hear you Fillmore.

Mr. McPherson: Can anybody hear me now?

Mr. English: Now we can.

Mr. Apicella: Fillmore, did you have questions that you wanted to ask, or are you good to go?

Mr. McPherson: I had one comment. LeAnn, could you please show Exhibit 1?

Ms. Ennis: Okay.

Mr. McPherson: I think that's 2, but that's fine.

Ms. Ennis: That says Exhibit 1.

Mr. McPherson: After having met with the applicant, if you... there's two existing homes, I believe it's two existing homes right in that middle section there, and I think by that one home, and I'm not sure which lot it is on the right-hand side, by not having that driveway next to them... I'm sorry, not driveway, access easement next to them, but having just one access even going behind both of those existing... inaudible... better for both homes that are already there and families already live there. So, I think this is better not only for the road, but for the people who already live in those properties to have one public access easement versus two. That's all I have, thank you, for comments.

Mr. Apicella: Thank you, Mr. McPherson. So, would anybody like to put forward a motion on this item?

Ms. Barnes: Can I ask a question real quick before we do that? You just mentioned the two homeowners that are already there. Are they required to be notified or have we heard from them at all?

Ms. Ennis: No, that's right here, Ms. Barnes. These are the... these are the existing parcels that he's talking about that this subdivision goes around.

Ms. Barnes: Okay, got it.

Mr. Apicella: Mr. McPherson, this is in your district; what would you like to do?

Mr. McPherson: Mr. Chairman, I move that we approve the waiver application WAI20153207, Hidden Springs and Hawthorne Manor PAE Waiver.

Mr. Apicella: Thank you, Mr. McPherson. Is there a second?

Mr. English: I'll second it.

Mr. Apicella: Thank you, Mr. English. Any further comments, Mr. McPherson?

Mr. McPherson: No thank you.

Mr. Apicella: Mr. English?

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Mr. English: No sir.

Mr. Apicella: Anyone else? Okay, so there's a motion to approve. I'm gonna go through the roll.
Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall.

Mr. Randall: Yes.

Mr. Apicella: Motion carries unanimously. Thank you everybody. Moving onto the next item, Mr. Harvey?

6. SUB19152993; Cherryview Landing Preliminary Plan - A Preliminary Subdivision Plan to create 71 townhouse lots on Tax Map Parcel Nos. 45-35C, 45-35D, 45-35E, and 53-1D, zoned R-3, Urban Residential—High Density with proffers, on 10.27 acres, located at the southeast corner of the intersection of Musselman Road and Krieger Lane, within the George Washington Election District. **(Time Limit: September 2, 2020)**

Mr. Harvey: Again, Mr. Chairman, Ms. Ennis will be making the presentation. This case is for a Preliminary Subdivision Plan for the Cherryview Landing neighborhood. And please bear with us as we change over presentations.

Ms. Ennis: Mr. Chairman and members of the Commission, the presentation for item number 6 I'm presenting for Natalie Doolittle, the project manager. This is a Preliminary Plan for Cherryview Landing. The proposed subdivision is on Assessor's Parcels 45-35C, 35D, 35E, and 53-1D. It totals 10.27 acres. It's zoned R-3, Urban Residential for High Density, within the George Washington Election District. The parcel is located on the southeast corner of the intersection of Musselman Road and Krieger Lane. The plan proposes 71 single-family attached residential lots.

Mr. Apicella: Is there anything else, Ms. Ennis?

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Ms. Ennis: I'm trying to move my screen, sorry.

Mr. Apicella: No, that's alright. We can't see what's going on in the chambers.

Ms. Ennis: Sorry. The parcel to be subdivided are shown here in red. Interstate 95 is to the west and Rappahannock Landing is to the east. This is an aerial photograph of the existing conditions. The site is outlined in yellow. The preliminary plan is proposing 71 townhouse units with all the lots to be served by public water and sewer. The post development stormwater runoff from the site will be treated by appropriate water quality best management practices, including the use of an existing pond converted to a level 1 retention pond. There is a wetland area located near the southern portion of the property which will be located within the open space and remain undisturbed. There are no known Critical Resource Protection Areas located on this site. There will be two access points from the state maintained Musselman Road, and two access points from Krieger Lane. These are located here, if you can't tell. So, these are the access points on Musselman and the access points on Krieger. Pavement widening for Krieger Lane is to be completed as part of the development of Rappahannock Landing Section 4, which is already... which already has approved construction plans and plats. Cherryview Drive will be state maintained. The remaining streets will be ingress/egress easements and privately maintained. The site was rezoned in 2019 from R-1, Suburban Residential to R-3, Urban Residential-High Density with proffers. The proffers included a tot lot, a pocket park and open space playing field, picnic tables, grill stands, pickleball court, community garden, a bike rack was all to be provided by the 37th OP. The proffer also included a 4-foot chain link fence around the pond and construction of sidewalk along Musselman Road to tie in with the existing sidewalks in Rappahannock Landing subdivision. Staff recommends approval of this Preliminary Subdivision Plan. Staff believes it complies with all applicable ordinances requirements, as well as the proffers associated with the rezoning. This concludes the presentation of Cherryview. Any questions?

Mr. Apicella: Thank you, Ms. Ennis.

Ms. Ennis: Thank you.

Mr. Apicella: Questions for staff?

Mr. Bain: I have one or two, if you don't mind.

Mr. Apicella: Please, Mr. Bain.

Mr. Bain: On Krieger Lane, that's currently a gravel road that was extended beyond the existing homes on down into the Rappahannock Landing subdivision development. Who is going to pave that? Will Rappahannock Landing be responsible for paving that? Or will a portion of it be the responsibility of this Cherryview Landing developer?

Ms. Ennis: The current developer is paying for that... oh, the Rappahannock Landing, I'm sorry. Rappahannock Landing is paying for the improvements for Krieger Lane.

Mr. Bain: Okay, that's what I thought was happening. I know they also went in and paved... or widened the shoulders of Musselman Road to provide a wider and consistent drive lane width, because Musselman Road was an old road that had fallen into some disrepair. I'm very pleased that they did that because one of the real concerns we had was the addition of all this traffic on Musselman Road and then going out to Thomas Road where it intersects with Route 17. There was a proposal for

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VDOT to relocate the stoplight at the intersection of Thomas and 17. Have you heard anything further about a timing on that relocation, Ms. Ennis?

Ms. Ennis: I have not heard anything to that, and Mr. Harvey is stating that there is no... I lost my words. No, that they have not.

Mr. Bain: No further information?

Ms. Ennis: Sorry, yeah, I lost my words.

Mr. Bain: That's really something that I think is critical to get accomplished before this development is fully built out, or else there's gonna be a lot of traffic coming from Rappahannock Landing using Krieger Lane and Musselman to try and get onto 17 and turn left to go to the 95 interchange and I don't think that would be a good situation. So, if there's any way to encourage VDOT to implement that signal relocation, I think we should do it. That's all the comment I have, thank you.

Mr. Apicella: Thank you, Mr. Bain. Any other comments or questions for staff?

Mr. Randall: Mr. Chairman, I have one question.

Mr. Apicella: Please.

Mr. Randall: Do we know that once Krieger lane is fully developed, cleaned, paved, the whole nine yards, is it going to be turned over to VDOT?

Ms. Ennis: Yeah, it's Krieger Lane I think Natalie said...

Mr. Harvey: Mr. Randall...?

Ms. Ennis: ... that it was a state maintained road. The interior roads were going to be private.

Mr. Harvey: Mr. Randall, just for clarification, Krieger Lane currently is a private road. It's a gravel road; it will be paved and widened but still will remain private.

Mr. Randall: Okay.

Mr. Harvey: As Ms. Ennis said, there are internal streets within the Cherryview Landing neighborhood which will be public.

Mr. Randall: Right. No, my question was about Krieger Lane and whether that's gonna go to VDOT or whether that will remain private. So, the people that live on that road will still be responsible for maintaining that road then, correct, once it's been paved and everything?

Member from the audience: Inaudible, not at microphone.

Mr. Randall: Sorry.

Ms. Ennis: Planning Commission members, Mr. Pyle is coming up, the engineer for this site.

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Mr. Randall: Just state your name for us and your address.

Mr. Pyle: Good afternoon, Bill Pyle with Bowman Consulting. Krieger Lane is on a parcel owned by Kettler, which is part of the Rappahannock Landing subdivision. They will continue to own the road and be responsible for its maintenance.

Mr. Randall: Okay.

Mr. English: Are these gonna be townhouses or...?

Mr. Pyle: Yes.

Mr. English: That's what they're gonna be.

Mr. Pyle: Yes.

Mr. English: With garages in the back or how is that...?

Unknown member of the audience: Front load.

Mr. English: Front load garages, okay. Kind of what Rappahannock Landing is already?

Mr. Pyle: Similar, yes.

Mr. English: Similar.

Mr. Randall: Thank you.

Mr. Pyle: Sure.

Mr. Apicella: Before the gentleman leaves... looks like he's representing the applicant. Are there any other questions for the applicant? Mr. Bain, do you have any questions for the applicant?

Mr. Bain: No, I don't, thank you.

Mr. Apicella: Okay. Thank you, Ms. Ennis. Alright, bringing it back to the Commission for further comment and consideration. Mr. Bain, this is in your district; what would you like to do? Or did you have any comments?

Mr. Bain: No further comments. I would like to make a motion for approving subdivision number SUB19152993, Cherryview Landing; approve the subdivision plan.

Mr. Apicella: Okay, there's a motion to approve the Cherryview Landing Preliminary Subdivision Plan; is there a second?

Mr. Randall: I'll second it.

Mr. Apicella: If there was one, I didn't hear it. Can that person try again?

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Mr. Randall: Yeah, I will second it. This is Bart.

Mr. Apicella: Thank you, thank you Mr. Randall. Okay, any further comments, Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Mr. Randall?

Mr. Randall: No. Thank you.

Mr. Apicella: Anyone else? Okay, I'm gonna go through the roll call. Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: No. Mr. McPherson? Mr. McPherson? Okay, he's sending me a message that says he votes yes. Mr. Randall.

Mr. Randall: Yes.

Mr. Apicella: Okay, the motion carries 6-1. Congratulations. Thank you. Mr. Harvey, moving onto the next item.

7. SUB19152757; Winding Creek Preliminary Plan - A Preliminary Subdivision Plan to create 97 single-family cluster lots on Tax Map Parcel No. 29-4, zoned R-1, Suburban Residential (cluster) with proffers, on 49.97 acres, located at the northeast corner of the intersection of Winding Creek Road and Embrey Mill Road, within the Garrisonville Election District. (**Time Limit: September 2, 2020**)

Mr. Harvey: Mr. Chairman, the next item is the proposed Winding Creek Preliminary Subdivision Plan. Again, Ms. Ennis will present.

Ms. Ennis: Mr. Chairman and members of the Commission, I'm representing for Natalie Doolittle, the project manager on item number 7, Winding Creek Preliminary Subdivision. The proposed subdivision is on Assessor's Parcel 29-4. The total site acreage is 60.3 acres. The parcel is zoned R-1, Suburban Residential, with a Conditional Use Permit for 2.25 dwelling units per acre for max density. The subdivision will be a cluster subdivision. The site lies within the Garrisonville and Rock Hill

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Election Districts. It's located on the northeast corner of the intersection of Winding Creek Road and Embrey Mill road. The plan proposes 97 single-family detached lots. The parcel to be subdivided is shown here... oh, excuse me, it's not moving again. The parcel to be subdivided is shown here in red and straddles Winding Creek Road. Here's the aerial showing existing conditions. The parcel is highlighted in yellow. The preliminary plan proposes 97 single-family residential lots served by public water and sewer. Stormwater quality control will be achieved by utilizing onsite BMPs and the purchase of offsite credits. Water quality control for part of the site will be met utilizing onsite detention via stormwater management ponds, and part of the site discharge will be a sheetflow. RPA will remain undisturbed in the northern and eastern portions of the property. There are two main access points to the development from Winding Creek Road. The secondary access is shown via an inter-parcel connection in the vicinity of Wet Rock Lane to the south. An existing underground power utility easements transects the southern portion of the property. The parcel was rezoned June 2017 from A-1, Agricultural to R-1, Suburban Residential with proffers. The Conditional use Permit was also approved at the same time to allow for a cluster subdivision with a maximum density of up to 2.25 acres... dwelling units per acre in an R-1 zone. The Board of Supervisors has accepted conveyance of the portion of 29-4 labeled Open Space E in satisfaction of Proffer 5 pursuant to Resolution R19-205. Proffer 5 states, parcel E shall be preserved as open space and not developed or disturbed except for park purposes. It will be conveyed with the recordation of Section 1 plat. Without parcel E, the subdivision's total acreage is 49.97 acres. Based on that acreage, the applicant is proposing a density of 1.95 dwelling units per acre. Without the parcel E acreage, the subdivision still stands on its own from a density and open space acreage perspective. The notable proffers included are right-of-way dedication along Winding Creek Road and Embrey Mill Road; construction of right turn tapers and accelerated lanes off of Winding Creek Road into the southernmost entrance into the subdivision; road improvements along Winding Creek Road extending from the end of the northernmost entrance of the subdivision to the subdivision of Winding Creek Road and Flatford and Walpole Streets; conveyance of open space parcel E to the County as mentioned earlier; a 20-foot buffer consisting of double row of evergreen trees between lots and Winding Creek Road; and a tot lot and picnic pavilion area. The construction plan for Section 1 has been approved for a portion of the development which consists of 50 lots. Approval of Section 2 requires preliminary plan approval. An infrastructure plan for improvements to Winding Creek Road is also under review and it's close to final approval. Staff recommends approval of this Preliminary Subdivision Plan. Staff believes it complies with all the applicable ordinance requirements, as well as the proffers associated with the rezoning. This concludes our presentation. Any questions?

Mr. Apicella: Thank you, Ms. Ennis. Questions for staff?

Mr. Bain: I have one.

Mr. Apicella: Go ahead, Mr. Bain.

Mr. Bain: Looking at that plan that you have up right now, on the eastern border, which is the bottom of the sheet, there's no buffer between those lots and the adjoining properties. Should there not be some buffer space in there?

Ms. Ennis: I'm not familiar with that plan. I am going to defer that to the engineer. But typically, residential doesn't need to... you don't have to buffer against residential to residential.

Mr. Apicella: Thank you, Mr. Bain. Any other questions for Ms. Ennis?

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Ms. Ennis: The developer told me that's his Section 1, the 50 lots, so they didn't have to buffer against themselves.

Mr. Bain: Okay, very good.

Mr. Apicella: Okay, I'm hearing there's someone there for the applicant; would they like to come forward?

Mr. Randall: I'll just wait for the applicant to come up. I have a question for the applicant.

Ms. Barnes: Steven, I have a lot of questions, too, that I think Bart's there in chambers, it might be a little easier for him to start off on that.

Mr. Apicella: Yeah, these are questions to the applicant.

Mr. Randall: Yes.

Mr. Apicella: Right, okay.

Mr. Randall: Alright, so...

Applicant: Would you like me to state my name?

Mr. Apicella: Go ahead, Mr. Randall. First of all, can the applicant state their name?

Mr. Lackman: My name is Frank Lackman and I'm representing the applicant.

Mr. Apicella: Alright, go ahead Mr. Randall.

Mr. Randall: So, I need to be convinced that what those road... the road improvements are gonna improve Winding Creek to a point that it's gonna be beneficial. We heard... I've heard a couple and then we read one today from Dana Brown about that road being difficult at best, even for two small cars, and then some issues with construction trucks that are coming through there. One, what does the preliminary plan look like to fix that road; and 2, is there some consideration of taking your trucks some other way besides that road.

Mr. Lackman: Well, yes, we've discussed the construction traffic and I know there've been some emails regarding that. But I'm not sure those were our trucks on the road. But we're willing to agree that all of our construction traffic will come from Courthouse Road and Embrey Mill, and not from Walpole. It's just as easy for us to bring it in the other way.

Mr. Randall: Absolutely. I drove it this afternoon and as I was... I had just turned that corner and I saw two big construction trucks that were coming north on Winding Creek. And I didn't look back to see if they were turning into your subdivision or whether they were going around the corner. But I could definitely see where, you know, a bus by itself is enough problems, but then you get two buses or a construction truck. So, I think that would make everybody feel a little better if we were able to say that the construction trucks coming from that development are gonna go out and use Courthouse Road as a permanent solution.

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Mr. Lackman: We have no problem with that and we're definitely willing to agree to that. But I would like everybody to understand that we're not in charge of all the construction traffic. There's quite a bit of construction traffic out there, but it's... it won't be ours on that dangerous curve.

Mr. Randall: Fair enough. I can't control everybody sitting here at this moment but, if you're willing to agree that your construction trucks will go out the other way, that'd be great.

Mr. Lackman: Yes, we're willing to agree to that.

Mr. Randall: Alright, perfect. And is there some semblance of an estimate of what you're gonna do to that road, to clear that blind corner?

Mr. Lackman: Yes, there is a plan that's been reviewed by VDOT and is in the County for approval and with VDOT for approval, and it's to ease the curve I would call it and take out some of that rock that sticks out into the curve, and extend the shoulders so that it would meet the more current VDOT guidelines, which it doesn't now.

Mr. Randall: Right, of course.

Mr. Lackman: There is a deadline for doing that. We cannot go past our 21st occupancy permit without having that work completed.

Ms. Barnes: That's at... Steven, that's off of my question, if I could ask, is if there is something in this that said that there's almost or it's near approval, when is it gonna be approved and should we not have this approved by all necessary signatories before, especially VDOT, before we approve this preliminary plan? Because if we don't have an actual approved plan for fixing that road, I am very concerned that we're gonna have some problems down the road with actually getting it fixed. For me, that was the primary benefit of this subdivision was to get that road fixed. And I believe that the proffers say that it has to be done before the 21st occupancy permit, but it looks like they're already grading for the first 50 houses. I'm not sure why they were approved for 50 houses if we don't even have an approved infrastructure plan for that road before those 50 houses are built.

Ms. Lupia: If I may address that. My name is Joyce Lupia with the Engineering Groupe in Fredericksburg, Virginia. And we do have a plan that's been in the process for almost two years now. And VDOT has approved it; they have actually signed it...

Mr. Apicella: Can you speak a little bit louder please?

Ms. Lupia: We do have a plan in the process that has been approved by VDOT. It has been signed by VDOT and the signatures nowadays take a long time to get, so it is at the County right now being signed by all the members, the agents at the County. So it should be signed within several weeks. And then I have submitted the bond estimates already, so they're being approved. Once we get that through the works and get their bonds in place, they'll get their permits and they're gonna start construction.

Mr. Randall: Do you have an idea of when that construction will start?

Mr. Lackman: As soon as we can get an approved plan... inaudible, being talked over.

Mr. Randall: Okay, so you're... inaudible... as they say.

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Mr. Lackman: We'd like to get it done before this winter. We don't want to carry this through the winter.

Mr. Randall: You and everybody else that drives those roads, for sure, for sure. Will that require a complete closing of that road?

Ms. Lupia: Yes, it will. We have that in plan... a plan already approved, the construction... traffic management plan.

Mr. Randall: Sure. How long, as an estimate, do you think that road will be completely closed? I'm not holding you to anything, but do you remember what your plan was that had been...?

Mr. Lackman: I don't know off the top of my head...

Ms. Lupia: Several months, at least, I believe.

Mr. Lackman: But a couple of months, at least.

Mr. Randall: For sure. I would expect nothing less than a couple of months. Okay. Alright, do...

Ms. Barnes: I still have a question about that approved plan. You're saying it is approved, yet in the file that we got it says pending approval. So, I don't...

Ms. Lupia: Right. It's in the process... it's in the process of being signed. It's been signed by VDOT already, and the plans are at the...

Ms. Barnes: We haven't gotten that yet, have we?

Mr. Randall: No. The County has the plan for approval. VDOT's already approved it. It should be nothing more than signatures at this point in time.

Ms. Barnes: Okay.

Mr. Randall: Any idea what the line of sight will be for that curve once it's completed?

Ms. Lupia: I think 150 to 200 feet.

Mr. Randall: Oh, okay, perfect.

Ms. Lupia: It's an improvement over what it is now, definitely.

Mr. Randall: Anything would be an improvement at that point... at this point in time. Okay. Alright, thank you.

Mr. Apicella: Any further questions for the applicant? Okay, thank you very much. I'm gonna bring it back to the Commission for further comment and consideration. Mr. Randall? Ms. Barnes? I think this subdivision impacts both of your districts.

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Mr. Randall: I have a question for Mr. Harvey. Now that the open area E, as in echo, has been conveyed to the County, or will soon be conveyed to the County, does this take Rock Hill out of the process? Or do we still need to get their input into it?

Mr. McPherson: Bart, I cannot hear you.

Mr. Harvey: Commissioner Randall, the open space parcel E is located within the Rock Hill District. The remainder of the project is located within the Garrisonville District. With recordation of Section 1 of the subdivision plat, that's when parcel E will be cut off as a separate individual property. And the Board of Supervisors has already approved a resolution to accept that property once it's conveyed to the County. So, with recordation of the plat for Section 1 of the subdivision, that is when parcel E will be conveyed to the County.

Mr. Randall: Thank you.

Mr. English: I've got one question. That rock that they're talking about removing in Winding Creek, that's a pretty good size piece of rock. When you take that out, is that gonna affect any of those other houses that are on the hill? You're sure about that?

Member of the audience: Well, we've had engineers...

Ms. Barnes: Have they even done a geological study yet on that particular rock?

Ms. Ennis: The engineer says that they did do a geological study.

Mr. English: Is there any cushion there in case something... You know how stats and stuff are, we know how that stuff goes. If something does go wrong, are you gonna be responsible for the houses on top of the hill if something happens?

Mr. Apicella: Can we bring the applicant back up?

Mr. Randall: Do you have an estimate on the size of that rock?

Ms. Lupia: No, not off the top of my head, I don't know. They did take borings in the area; we had a Geotech study it and, you know, they made the recommendations and we followed their recommendations. So, you know, they will be monitoring it during construction and...

Mr. English: Are they gonna like put dynamite in there and blow that out, is that how they're gonna do that? Or you don't know? Is that probably another question for you?

Mr. Lackman: I don't think we're gonna use dynamite on it. I think they're just gonna use a ram hoe to chip it out...

Mr. Randall: A jackhammer.

Mr. English: Jackhammer? Okay, alright. Okay, that's really my concern with taking that rock out. Okay, thank you. That's all I have. That's all I have Mr. Apicella.

Ms. Barnes: Darrell, we didn't hear her answer.

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Mr. Randall: The answer was that they won't... their intent is not to use dynamite, that they'll be chipping it out with a kind of a jackhammer type thing.

Ms. Ennis: Ms. Barnes, I just wanted to make sure you understand that this... Section 1 is approved for the 50 lots.

Ms. Barnes: And that is a construction plan, as opposed to a...

Ms. Ennis: That is a construction plan. And what the engineer was trying to tell you is they already have the infrastructure plan in to do the road improvements. They're in their final stages of being approved so, once they get those approvals and the grading plan permit, they will start that. That's gonna all... that plan, the infrastructure plan will be long approved before this construction plan of this preliminary plan. Long before this plan is approved for construction.

Mr. Cummings: I didn't hear the answer with respect to if something goes wrong and the responsibility for that. If someone could speak to that, I would appreciate it.

Mr. English: They didn't give one.

Ms. Barnes: LeAnn, I didn't hear your last section you said about this... the approved infrastructure upgrades for Winding Creek is gonna be approved long before this approval? I'm not understanding that.

Ms. Ennis: Okay. I just wanted you to be aware that the infrastructure plan is in and in final stages, and will be approved long before they have submitted construction plans for this section of Winding Creek.

Mr. Harvey: Section 2.

Ms. Ennis: Section 2, for these, I can't remember how many lots there are – 97 lots.

Ms. Barnes: Forty-seven I believe; Section 2 is 47 lots. And...

Ms. Ennis: Ninety-seven lots. So, the construction plans have not even been submitted because we haven't got an approved preliminary. So we have to get an approved preliminary before we can submit a construction plan. So the infrastructure plan... I just wanted you to... the construction plan for Section 1 for the 50 lots is approved. But, the infrastructure plan will be approved before this construction plan for these 97 lots.

Mr. Harvey: Section 2.

Mr. Randall: We're talking about the 47.

Ms. Barnes: Yeah.

Ms. Ennis: Alright, I might be confused.

Ms. Barnes: I don't understand... inaudible... the project has been split up into two sections, but with one under a construction plan and the second part is what we just got here.

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Conversation between Ms. Ennis and Ms. Lupia.

Mr. Randall: So, I have another question for the applicant.

Conversation between Ms. Ennis and Ms. Lupia.

Ms. Barnes: We can't hear anything.

Ms. Ennis: Okay. I didn't realize the whole story behind this subdivision. So, this preliminary plan is for both sections, Section 1 and Section 2 because they exceeded the number of lots of 50. So, it's more than 51. So that's what this preliminary plan is. They do have an approved construction plan for 50 lots for Section 1, which are already approved. They do have... they have to get this preliminary plan approved before they can get the construction plan approved for Section 2. So, they do have the infrastructure plan in, and it's in the final stages of signature. So that will be approved shortly here after today, you know, based on all that.

Ms. Barnes: Are you saying that in order to get that infrastructure plan approved is secondary to us approving it today? Is it required?

Ms. Ennis: No.

Ms. Barnes: And how does all this relate to the requirement that that road be fixed before the 21st occupancy permit?

Ms. Ennis: It's a proffer requirement to be done before the 21st permit, so it's a proffer requirement. But it doesn't mean that it... that's the 21st permit in Section 1, not this section.

Ms. Barnes: It's not this section? It's the 21st permit of the second section?

Ms. Ennis: In the first section. This is the second section, but this is for the whole subdivision so... okay. It's for the whole subdivision.

Mr. Randall: Maybe the applicant can probably answer that a little better. Yes?

Ms. Lupia: Well, they're going to start construction on the infrastructure plan shortly. So, it will be finished by winter, they hope, and that will be well before the 21st occupancy permit.

Mr. Randall: That was my question. We weren't clear on your intent to work on that road prior to winter. And so, the 21st obviously... if you get that done before winter, it will be long before the 21st; it's probably be long before maybe even the first.

Ms. Lupia: Yes.

Mr. Randall: Alright, because I went by there today and there was... you're still pulling trees. You're a long way from starting to build houses, alright. And so, although it says the 21st in the proffers, and you figure your intent is to do it before Christmas...

Ms. Lupia: Right away.

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Mr. Randall: ... you know, it will be long before that even when you begin building houses. So, Kristen, did you get that?

Ms. Barnes: No, I didn't quite get that. You said it'll be done; you mean the road will be done?

Mr. Randall: The road will be... their intent is to finish the road before Christmas.

Ms. Barnes: It is? Okay.

Mr. Randall: And that will be long before they actually build their first house.

Mr. Apicella: Okay, I heard a couple people ask a question; I think Mr. English did and Mr. Cummings, the what if scenario if something goes awry. I don't think the applicant answered it. Mr. Harvey, do you have any thoughts about that that you can chime in on?

Mr. Harvey: Well, Mr. Chairman, the applicant is here and he can answer the question.

Mr. Lackman: As with all of our construction and development, we have insurance. And if we damage someone's property in the construction or development of the property, we would be responsible for it. It hardly ever happens with this type of work with the road improvement. If we're adjacent to somebody's house and we have to move rocks, we'll have an engineer there monitoring the situation and telling us how to do it. So, this is a normal course of business for us.

Mr. English: Well, the reason I brought that question up is we did have an incident happen in Hampton Oaks or Austin Ridge several years ago where that... the back yard caved in and it fell back on the County's responsibility. So, I just wanted some sort of insurance that you guys, if something goes wrong with taking them rocks out and something happens to those houses on the hill...

Mr. Lackman: Well, Mr. Henderson is the owner of the property adjacent to the rock that we're taking out and we've had numerous conversations with him. He's a developer. He's very comfortable with the plan that we've developed and VDOT has approved. So, we're comfortable. This is what we do every day. I don't think we're gonna have a problem but we have insurance if there was some sort of issue that arose.

Mr. English: Okay.

Mr. Apicella: Okay, thank you. Mr. Randall, did you have any more questions for the applicant?

Mr. Randall: I have one more quick question, I'm sorry. In relation to the turn lanes, I guess, whatever the official term is, off of Winding Creek into the subdivision – I read in the report, and I heard that we only were gonna have that ramp for one of the entrances into the subdivision. Is that true? Are there only gonna be one or are both entrances gonna have ramps... not ramps... tapers...

Mr. Lackman: Decel lane kind of.

Mr. Randall: ... right.

Mr. Lackman: I'll be honest with you; I don't remember exactly. But I thought both of them had it.

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Ms. Lupia: No, we did the VDOT analysis, the traffic analysis, and the turn lane was only required at the first entrance as you come off of... from Embrey Mill Drive.

Mr. Randall: So, there'll be one there at the first entrance; there will not be one on the second entrance.

Ms. Lupia: Correct. A right-turn lane.

Mr. Randall: And that's the one closest to the sharp turn that we're fixing.

Ms. Barnes: Mm-hmm, yes.

Ms. Lupia: Right.

Mr. Randall: Okay, and VDOT was the one that made the assumption... made the study that was not required there?

Ms. Lupia: Right. Well, the engineer before us even who did the general development plan at the rezoning did it also, and then we did it again for the constructions plans; because most of the traffic is coming from the south and they're gonna turn at the first entrance so that's the entrance that needs the turn lane.

Mr. Randall: Okay. Alright, thank you.

Ms. Barnes: I would have to disagree that most of the traffic coming from south not necessarily because Winding Creek... Embrey Mill goes all the way through to Mine Road and there is a significant amount of increased traffic coming from the south as a cut-through to get to Mine Road via Embrey Mill. I take that all the time. I think that traffic coming from the south is going to be increased because of that... that Mine Road now goes all the up to 610. So, I would have to probably disagree with that a little bit.

Mr. Randall: Okay, thank you. I don't have any more questions.

Ms. Barnes: I have a question real quick; maybe it's for LeAnn or for Jeff, about parcel E. Do we have any idea what the County is gonna do with that?

Mr. Harvey: Commissioner Barnes, right now there are no specific plans in the County's Capital Improvements Program for that parcel. At this point in time, the County would accept the property and it would become part of our land holdings that could be used for a park in the future.

Ms. Barnes: And I do have one that may be a clerical thing. It says that there was a resolution dated on July 2, 2019, that accepted conveyance of the open parcel E. If somebody could double-check that date. I don't know that that looks right. It looks like it was actually August 20th of 2019 when that was conveyed. That just might be something that you guys want to check into to see if that's correct.

Mr. Apicella: Okay, last call for any more questions either of staff or the applicant. Okay, again, bringing it back to the Commission for consideration. Mr. Randall, Ms. Barnes, any thoughts about how you'd like to proceed?

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Ms. Barnes: Bart, you wanna go first?

Mr. Randall: Yes. I will recommend approval for New Business SUB19152757, Winding Creek Preliminary Plan.

Mr. Apicella: Thank you, Mr. Randall. Ms. Barnes? Are you gonna... were you gonna second that or are you...?

Ms. Barnes: I'm gonna hold on because I do have some more discussion on that.

Mr. Apicella: Okay, I still need a second.

Mr. English: I'll second for the vote.

Mr. Apicella: Okay, thanks Mr. English. Any further comments, Mr. Randall?

Mr. Randall: No, just that I'm gonna hold to the Christmas, assuming that we can get it approved quickly, and I wanna be there when they take the rock out.

Mr. Apicella: Ms. Barnes, hold on, I just need to go to Mr. English first. Any further comment, Mr. English?

Mr. English: I'll defer to Ms. Barnes.

Mr. Apicella: Okay, Ms. Barnes?

Ms. Barnes: I'm still uncomfortable with the fact that they say that there's a pending approval for the infrastructure and that it's going to be approved, and I keep hearing the word pending. And that really concerns me because I want to see what... I want to make sure that that is approved and I'd like to see exactly how they're gonna do it just to make sure that that is actually going to be done. I'm always a little worried when I see something say it's pending or we're gonna see it soon or it's just waiting signature. So, that's my only concern is I really want to see that approved infrastructure update and those signatures and everything... all the i's dotted and the t's crossed on that plan to get that road fixed. I would like to see it before we even went any farther with this personally.

Mr. Apicella: Okay. Any further comments from anybody else? Okay, seeing none, there's a motion to approve the Winding Creek Preliminary Subdivision Plan. I'm gonna do as I've done before, go through the roll. Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: No.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: I'm gonna go with Mrs. Barnes and say no.

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Mr. Apicella: Okay. Mr. English?

Mr. English: I'm voting no also, and the reason I voted the second was so we could get the vote on but I vote no.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: I vote yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Okay, by my count, the motion carries 4-3. Thank you everybody. Mr. Harvey, onto the Planning Director's Report.

PLANNING DIRECTOR'S REPORT

8. Changes to the Cemetery Ordinance

Mr. Harvey: Thank you, Mr. Chairman. One item to bring to the Planning Commission's attention was that on March 17th, the Board of Supervisors approved Resolution R20-85. That referred Ordinance O20-19 to the Planning Commission. Ordinance O20-19 is a proposed change to the Zoning Ordinance, specifically for the establishment of cemeteries. This item has been delayed in getting to the Planning Commission due to the COVID-19 pandemic emergency. This is the first meeting you've had since March 17th to hear about this ordinance amendment and consider scheduling a public hearing. In general, the current code was established in December of 2016 for the establishment of cemeteries. It stipulates a 900-foot setback from any cemetery from a public drinking water supply such as a public well or a reservoir or a perennial stream that drains to a reservoir. It also establishes that same 900-foot setback from any private well. And it exempts churchyards and family cemeteries from going through a special approval process with the Board of Supervisors; however, other cemeteries that are not churchyard cemeteries or family cemeteries must go through a process of amending the Zoning Ordinance. It's similar to a rezoning application. The proposed amendment that you'll see attached to the materials for tonight's meeting change a number of things with regard to the Zoning Ordinance. In particular, it defines what a churchyard it. It also requires that a Conditional Use Permit should be provided for any cemetery that's not a family or a churchyard cemetery. With a Conditional Use Permit, there could be conditions imposed upon the operations of the cemetery as if it affects... or how it may affect adjacent properties. Also, too, the buffer requirement from a drinking water source is reduced to 750 feet. And then it can be further reduced through a Conditional Use Permit based on hydrogeologic studies. Staff is requesting that the Planning Commission consider authorizing a public hearing on this matter. Your earliest possible public hearing date would be your July meeting.

Mr. Apicella: I didn't hear that; did you say the July 22nd meeting?

Mr. Harvey: Yes sir.

Mr. Apicella: Okay. And just for some additional context on the referral, they're just asking us to make a recommendation; we don't have the ability to make any changes.

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Mr. Harvey: That is correct.

Mr. Apicella: Okay. So, Commissioners, staff has asked us to put this up for a public hearing as soon as possible with July 22nd being the first available opportunity. Is there a motion to that effect?

Mr. Bain: I make such a motion.

Mr. Apicella: Thank you, Mr. Bain. Is there a second?

Mr. McPherson/Ms. Barnes: Second.

Mr. Cummings: Second.

Mr. Apicella: Okay, I'm going to give it to Mr. Cummings, because I don't think I've gotten him as a second yet. Okay, so there's a motion to go ahead and put this up for a public hearing at the July 22nd Planning Commission meeting. I'm gonna again go through the roll call. Mr. Apicella...

Mr. Bain: Mr. Apicella, comment please?

Mr. Apicella: I'm sorry. I should have done that. Comment Mr. Bain.

Mr. Bain: Yes. I'm just wondering, Mr. Harvey, I saw in the newspaper that the Muslim Association is instituting a lawsuit against the County regarding the Cemetery Ordinance. Is there any implication with regards to these changes that we should be aware of?

Mr. Harvey: Mr. Bain, with regard to any legal questions, I'll defer to counsel.

Ms. Lucian: Any of those can be discussed in closed session. I think there will probably be one for the next meeting.

Mr. Apicella: Ms. Lucian, we can't hear you.

Ms. Lucian: I think that there will probably be a closed session on this on the July meeting. So, if there are any questions in that regard, we can answer those at that time.

Mr. Apicella: But you don't see any reason why we can't go ahead and schedule this for a public hearing?

Ms. Lucian: No, I don't see any reason not to move forward.

Mr. Apicella: Okay, thank you. Any further comment, Mr. Bain?

Mr. Bain: Only that if we schedule it for the public hearing, are we going to end up with a thousand people showing up only because of the relationship to the lawsuit. That's a concern for me. But, that as it may, I guess we have to deal with it.

Mr. Apicella: Well, we could always have a thousand people at a meeting.

Mr. Bain: I know!

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Mr. Apicella: Let's hope not at any meeting! But, anyhow, okay, Ms. Barnes, any further comment? Anyone else? I'll work through the roll call. Mr. Apicella votes yes.

Mr. Randall: Hold on, I have a question, or a comment.

Mr. Apicella: Okay, Mr. Randall?

Mr. Randall: Is there someplace that we define a place of worship? Is it a rock? Is it a house? Does it have to be an establishment? Does it... what actually defines... I mean, we've got it in here and I'm not sure how it got in here. It's here; surrounding a place of worship, and without a definition of what that exactly means.

Mr. Harvey: Commissioner Randall, the Zoning Ordinance currently defines a place of worship. My recollection is that it speaks to either a building or structure where religious activities occur. But we can provide that information to the Commission as we prepare the staff report.

Mr. Randall: Okay. And then, the second question is if we send this to public hearing, are we saying that even through the public hearing process that we will not be able to change the Ordinance as written?

Mr. Harvey: Commissioner Randall, that is correct. The Planning Commission can make recommendations to the Board to make adjustments to the Ordinance, or recommend approval or denial of the ordinance on its face.

Mr. Randall: Okay, does that recommendation...

Mr. Apicella: Can I clarify that? Again, I think what Mr. Harvey was saying, sorry if I'm wrong, is that we take an up or down vote at the public hearing or subsequently thereafter and, if we as a Commission had further recommendations that we would want the Board to consider, that would be in addition to whatever recommendation we would put forward. Is that correct, Mr. Harvey?

Mr. Harvey: Yes sir.

Mr. Apicella: Okay. So, I'm gonna try this a third time. I'm gonna go back through the roll. Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

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Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall.

Mr. Randall: Yes.

Mr. Apicella: Okay, thank you. The vote is unanimous. Alright, I don't think we have any other agenda items that we need to take up. County Attorney's Report?

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Good evening Planning Commission, I have no report. Thank you.

Mr. Apicella: Thank you, Ms. Lucian. Committee Reports from our subcommittees? Mr. Randall, I think you've got the helm for the Senior Housing Subcommittee.

COMMITTEE REPORTS

9. Senior Housing Subcommittee

Next meeting - Thursday, June 18, 3:00 PM in the ABC Conference Room

Mr. Randall: Yes. We have not, during this difficult situation, we've had no meetings. Our next... first meeting will be scheduled next Thursday on the 18th of June.

Mr. Apicella: Okay, and as with any subcommittee, any non-voting members of that subcommittee can participate, right Mr. Randall?

Mr. Randall: Yes. We would welcome all members; just remember, you're not voting.

Mr. Apicella: So, we'll provide information on when that's scheduled and how people can participate. Mr. Bain, I think you're in charge of the... I call it the rural zoning committee, but it's listed here at the Healthy Growth Subcommittee.

10. Healthy Growth Subcommittee

Mr. Bain: Healthy Growth, yes. We also have not met during the quarantine, but we have a meeting scheduled for Wednesday the 17th, and we would welcome any Planning Commission member to attend and offer any opinions they might have certainly.

CHAIRMAN'S REPORT

Mr. Apicella: Okay, great. Same thing; we'll let everybody know how they can participate, members who are not part of that subcommittee. Alright, thank you gentlemen. Moving onto Chairman's Report – I know it hasn't been perfect... perfectly seamless and we've had a couple hic-cups, but it's only 2 weeks away and my plan is, in consultation with some of your or a majority of you to again have another at least partially virtual meeting on the 24th. And then we'll poll members subsequently after that on the preferred method for the July 22nd meeting and that reach to you all will be in late

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June. Last thing I just wanted to bring up is that pursuant to our by-laws, I'm hereby authorizing the Vice Chairman to sign any documents in my absence related to any of the agenda items that came up today. That's it from me. In terms of Other Business, I understand that TRC materials have already been distributed by staff to all the respective Planning Commissioners, so nothing else on that. The only other thing that we have to consider tonight is the approval of the minutes, and that would be the March 11, 2020 minutes. Is there a motion to approve?

OTHER BUSINESS

11. New TRC Submissions
- Ramsey Bus Pk - Aquia Election District
 - Fortline Stor - Falmouth Election District
 - Winding Creek Sec 2 - Garrisonville Election District
 - Greenbank Forest - Hartwood Election District
 - Greenspace Self Storage - Rock Hill Election District

APPROVAL OF MINUTES

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Mr. English: So moved.

Mr. Apicella: Thank you, Mr. English. Is there a second?

Mr. McPherson: Second

Mr. Randall: I'll second that.

Mr. Apicella: I didn't catch who did that; was that Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Okay, great. Any comments from either of you?

Mr. McPherson: Nope.

Mr. Apicella: Okay. So, again, just going through the roll call real quickly on the approval of the minutes, Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Thank you. Mr. Cummings?

Mr. Cummings: Yes.

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Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Great. Motion carries unanimously. Okay, I just want to thank everybody for the indulgence and their patience as we worked through tonight's meeting.

Mr. Cummings: I have one thing that I'd like to ask you.

Mr. Apicella: Sure.

Mr. Cummings: And I won't belabor the point. I want to try and see how we can figure out, as a Commission, how we can involve race and social equity into the Planning Commission. And even if it's... inaudible... making a recommendation to the Board, I'm not sure how the group may want to deal with it. If we try opening it up to the group to see how we may want to put it on an agenda item for at least our next meeting or if we'd like to create a subcommittee of some kind to come up with some ways in which the Planning Commission could take an active roll.

Mr. Apicella: Are there any thoughts of the Commissioners at this point or is this something we'd want to talk about at a future meeting?

Mr. Randall: Why don't we just have it as an agenda item for our next meeting and then we can, at that point in time, decide the best course of action?

Mr. Apicella: Okay, everybody good with that?

All Commissioners: Yes.

Mr. Apicella: Thanks, Mr. Cummings.

Mr. Cummings: Alright, thank you.

Mr. Apicella: Alright, with no further business before the Commission, I call us adjourned. Thank you everybody. Stay safe and healthy!

Mr. McPherson: Have a great night!

Mr. Apicella: You too.

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ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 6:55 p.m.