

STAFFORD COUNTY PLANNING COMMISSION
September 9, 2020

The meeting of the Stafford County Planning Commission of Wednesday, September 9, 2020, was called to order at 4:30 PM 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: I will call today's Planning Commission meeting to order. I am participating in today's meeting electronically from a remote location in Stafford and would ask for the permission for myself to participate electronically. And if there is a motion to that effect, I would greatly appreciate it.

Mr. McPherson: So moved.

Mr. Bain: So moved.

Mr. Randall: Second.

Mr. Apicella: Thank you, I am just going to take a quick roll call vote. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Aye.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Thank you all. Just two more quick points, tonight when we vote on an item it will be like this, by roll call. Additionally, if we have any technical issues, Mr. English will take over as Chairman.

MEMBERS PRESENT: Steven Apicella (remotely), Darrell English, Barton Randall, Albert Bain, Dexter Cummings, Fillmore McPherson

MEMBERS ABSENT: Kristen Barnes

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Kathy Baker, Brian Geouge, Denise Knighting

DECLARATIONS OF DISQUALIFICATION

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Mr. Apicella: Are there any declarations of disqualification on any agenda item?

Mr. Bain: One declaration, I did have an opportunity to speak to the representative for item number 1, the 7-Eleven at Deacon Road by phone, that's all.

Mr. Apicella: Thank you Mr. Bain. Anybody else? Okay, seeing nobody else, are there any changes to tonight's agenda? Okay, seeing none, I will move on to the public presentations portion of our meeting. The public may have up to 3 minutes to comment on any matter except the two public hearing items on today's agenda. There will be a separate comment period for each of these public hearing items. Please state your name and address before starting your comments. When the clock is green, that is when you can start; yellow means there's 1 minute left; and when the lights turn red you please need to wrap up your comments. If anyone in the chambers would like to come forward, please do so now. Okay, I don't see anybody. Mr. Harvey, were there any comments submitted by email or in writing?

Mr. Harvey: No sir.

Mr. Apicella: Okay, thank you. I believe before we get on to our regular order of business, we have an Economic Development update by Mr. Holden

PUBLIC PRESENTATIONS

Economic Development Update – John Holden, Director of Economic Development

Mr. Holden: Hi, my name is John Holden. I am the Director of Economic Development and Tourism, and I appreciate the chance to... I don't know this as much an update or a presentation. I will be brief and you have two videos we're gonna try to show. Mainly to show some of the efforts around economic development and messaging that we try to deliver for Stafford to be a great place to live, work and do business, which is really one of the primary focus... focus of our department. I've been here 27 months and clearly still getting a lot to know, many people in the community and businesses. But I do appreciate the opportunity to update you and share some thoughts and we'll take it from there. Next the slide, and I don't know if that video will work. I have two short videos. They're both one minute to two minutes each. This is a video we did as part of... when COVID struck, we wanted to be sure that people knew that Stafford was open for business. *Video presentation with music*. Thank you. That was part of the tourism effort for marketing Stafford. What I really want to talk a lot about just briefly is, is messaging for Economic Development and Tourism and Economic Development in general. As you know, there's a lot of messages delivered, including... there is, of course, the comprehensive plan. Back to this. Can you advance it? In 2015, there was an economic development strategy, another plan. A couple of years ago, the Board, of course, enacted their strategic plan. So, when I got here, I said, well, there's a lot of plans. Let's figure out how we're going to do all this. And so, we developed what we call the "I" plan or the Implementation Plan. Trying to put all those together in a simple, clear way to demonstrate how we're going to do Economic Development. And there's a lot of aspects to it. And I don't want to oversimplify it, but I want to offer the following focus of Economic Development. First off, expand existing businesses. Second, attract investment. That's both new business and tourism dollars. And while we're doing that, we're enhancing the tools to do economic development. And I got to speak about some of those we've done the last couple of years. Those include ways to produce more financing for business incentives, having sites ready. That's another important part of our message is... the primary thing that new businesses look for, is they can get into a site as soon as possible. And the big message is delivering our message. And the message

is, quite frankly, the important part of what we do in Economic Development. And it's a message that we all send across Stafford and all the work we do. So, expanding existing business, of course, COVID has been a big change. And so, we've been focused on that a lot. But before COVID, we established a new loan program through our Economic Development Authority. We also started to get more sites into the Economic Development Authority and then transferring them to businesses. We've had to in the process now that we're... frankly county owned sites that were not generating tax revenue. And now they are. Another key focus, which will be the last video, if it works, is on entrepreneur development, helping businesses grow and expand into new ventures, helping startups. And also, that helps attract new investment as well, because businesses often look for partners in new technologies. And at the end of the day, Economic Development is about customer service. So, we are the sales arm, if you will, for Stafford County. We're also the customer service arm for local businesses. To attract investment, we have to have sites ready, and that means everything from the good work that the Planning Commission does, to have sites ready. But there's been plans, as you know, and I'm going to talk about them briefly for other... for areas of the county that we're targeted for, for distribution, particularly around Centre Port. We'll talk about that and how if we can move some of those sites to make them more ready, from both a Planning and Zoning perspective, but also from the infrastructure perspective, it will help. The number one thing that businesses look for, new businesses coming to a community is workforce. The second thing is having a site ready in a short timeframe. Now, short is relative to the type of business that can be anywhere between 6 and 18 months. That's the number one reason... the second reason businesses look for across the country when they're looking for new sites. So, our message is to encourage those new investments, both for from a business perspective and also incentives. We just want Stafford to be known as the next best place to do business. So, we have a number of tools we've put together the last couple of years that includes the new sites, I mentioned that the Economic Development Authority is working on. They're going to look at a couple others that are county owned that we'd like to transfer into the private market, also getting sites ready and that includes infrastructure and zoning, as I was referring to. Financing, EDA has established pre-COVID, a new loan program called Gap Financing as well as Micro-loans for small businesses. During COVID, they establish their own immediate grant program and of course, have now been allocated some CARES ACT funds from the County to do the same. We also... we've continued to look at the incentives that we do have here in the County. We have a tech zone incentive. We're looking at ways to refocus that into targeted areas per the comprehensive plan and targeted sectors, that makes sense for Stafford County. At the end of deal, we want to do projects. We have some that have been percolating and are very close for some announcements in the coming months. Again, today, the message is critical. The message that Stafford is welcoming to investment and to business. And that's our job, that's everyone's job, quite frankly, we want to be the brand for people, for places to live, to work, and to recreate. And more recently also, to grow an entrepreneurial ecosystem. And that's for some of the beauty I've had of coming here to Stafford. And in this position, we're doing both Economic Development and Tourism because they are really hand in hand. And that's a unique advantage this county has. Not all counties are doing it that way. Quite frankly, I think that's the way it should be done and that's why I'm here. I'll get in to some specifics here a little bit. Of course, this is the urban service area, you're well aware of that, and that's where we try to focus targeted new business and economic development activity. We have what we call the economic corridor, which is basically the urban service area. And I'll just highlight, in the northern part of the County, we have a number of projects, a number of focus around corporate offices. Meric Properties is investing, putting in 170,000 square feet of new building in Quantico Corporate Center. There are other projects along the 610 corridor that are in the works that, quite frankly, are still under wraps. But we have significant investment in new office environments in the northern part of the county.

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Mr. English: Mr. Holden is... with the COVID going on everything, with people work from home. And I do see that maybe the future, a lot of people can be working from home, I think, from here. Is that going to affect the Corporate Center? How is that impact? I guess, you don't have a crystal ball, you don't know.

Mr. Holden: I don't have a crystal ball. There's going to be some impact in that way, more working from home. But I also I'm a firm believer that the end day it will adjust, the market will adjust. It won't be as significant as some people have projected.

Mr. English: Okay.

Mr. Holden: I think it'll be a marginal impact of people working at home. I think at the end of the day, innovation and creativity around business work, when people are working together in a safe environment, of course. Tentatively, in this area in the north, there's probably 250 jobs pending in certain projects with corporate offices. In the Courthouse Development Area, which is kind of the center part, of course, that's the area we've talked about Downtown Stafford, in this area alone, obviously, Publix is in this region, if you will, in the development of Fountain Park, among other things. It's probably 200 to 400 jobs in the works or being talked about in this area right now. Further down on Centre Port, which is one of the primary areas that has been targeted in the comp plan for primarily distribution. Also, I would add what I call technology manufacturing, which is a lot of what distribution is these days. It's very high tech, but also probably some production could happen there. We don't have that workforce in Stafford, but we do have it in the region. So, we could attract some companies in that sector. Right now, there, as you are probably well aware of, there's 487,000 square feet being built right there for a distribution center. There have now been plans submitted for two other projects in that area, distribution likely of 600,000 square feet. If the anticipated clients of those developers come through, that could be close to 700 jobs in Stafford. And again, the Warrenton in South Stafford Corridor is an area that is, of course, well-developed. There are projects down there in the works. We have some kind of recreation tourism projects also in the works. I guess one of things I want to go back to is just those major projects at the corporate center, our entrepreneur effort around tech, which I hope this video will show you in a minute. We are still focused on data centers in specific sites around the county. That's a unique market as well, that we have an opportunity. We have talked to a number of datacenter projects. Just stay tuned and we'll bring those forward if we need zone changes and other comprehensive plan changes as well. In Centre Port, as I mentioned, there are literally hundreds of thousands of square feet plans submitted. Now, 487,000 being built right now. And as I mentioned, potentially hundreds of jobs being generated there. And one of the things I would say is that, as we talk about, "Downtown Stafford," which is not just the 28 county owned acres, not just the six fountain park areas that were just talked about recently, it's just general area of a new urban mixed-use environment in the center part of the County, which will be important, quite frankly. We have, I don't know how many hundreds of jobs, I suggested, that may be coming to Stafford. I'm hoping we can find good quality places for these people to live and recreated as well in our community. With that, I'll just I'll certainly take questions. But I think the last video I was hoping to show you was our effort around entrepreneur development. Inaudible, that one is on another screen now. *Video presentation with music.* So, again, I just want to give you a very big summary of Economic Development. Certainly, would take any questions and try to answer anything. But really, it's about a message that we're trying to deliver to our business community and to others to come and invest in Stafford and Stafford for Tourism. Thank you.

Mr. Apicella: Thanks Mr. Holden. Questions?

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Mr. Bain: Yes, I have a couple of comments or questions. One of the things that we've recently been struggling with under COVID has been wide band and internet capabilities for schools. And I think it also pertains to business expansion, particularly with work at home. How much is the County putting in to expanding that? Obviously, the companies that supply those services are interested in doing it. But just how active is the County in getting that done? Financially?

Mr. Holden: So, the County has secured a grant from the Commonwealth last year with support from the Economic Development Authority. The EDA put in \$50,000 as matched to that grant. That's expanding broadband in the Aquia/Widewater District, primarily as a result of the CARES Act where the County is allocated to the EDA, \$250,000 to further expand that broadband expansion as well as broadband in the Hartwood and Rockhill district. Those are projects underway. And then finally, there is going forward to the Board request to initiate what's called a telecommunications plan, which will part of the Comprehensive Plan, but within that will be how we further expand broadband. I would just say it's a significant effort of the County, but also of the Economic Development Authority to expand broadband.

Mr. Bain: Okay, great. Another issue, at least in my mind, with COVID, we've had a lot of small businesses close and probably will never reopen. They hired people that were working in a variety of fields, but those people have no jobs, are going to be looking for jobs. Is the County doing any sort of training initiative or has it increased the training initiative? I know Germanna has a training program, but is the County in any way trying to increase the effort there?

Mr. Holden: We don't specifically have any training programs. However, outside of the entrepreneur development? However, the EDA is supporting the expansion of Germanna to the tune of \$750,000 over five years, including their online teaching. And we work closely with them, as well as other organizations such as the Cyber Bite's Foundation and North Stafford and of course, UMW. We've partnered with UMW on a certification training program for helping to market that for individuals, that they can get the what's called a CISSP certification, which is really all cyber employment. So, yes, it's a very significant part of what we're doing. We don't do it as much directly as we support the training and education institutions that do it.

Mr. Bain: Okay. And this last question. I know you must have some sort of schedule and some type of metrics that you're using to evaluate the performance or the success of the program. What kind of progress have you made in terms of your overall goals? How long term are you looking? I saw the one thing was at 2040. Is that your well horizon right now?

Mr. Holden: Well, 2040 is the Board's strategic plan...

Mr. Bain: Okay.

Mr. Holden: ... Stafford 2040. We do a quarterly summary of activity, which includes metrics on a number of existing businesses we outreach to. It's really about, again, being that customer service arm. So, we don't know if people need assistance and they don't know the programs that may or may not be out there. So, we have an annual target of number of businesses... existing businesses we reach out to. We have annual target of number of what we call leads of new business interests that come both from the state or regional partners and generated by our own activities. Then we've also, since I've gotten here, generated metrics around messaging to be sure that our message is being heard in terms of social media and that kind of thing. So, yeah. I'll be glad... we do a quarterly summary report. There's no

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reason why you can't share it with Jeff, and the Planning Commission can see that as well as those metrics.

Mr. Bain: I was just wondering if one of those metrics, especially recently, was number of businesses that have closed.

Mr. Holden: Well, that's not a metric I'd like to keep, but...

Mr. Bain: Yeah, I know.

Mr. Holden: ... One of them is actually business we've had some significant, more significant work helping to expand or do business. And again, look, there are a lot of businesses struggling. We do have, well, we just closed the most recent CARES grant round. The EDA meets Friday and we'll reconsider extending that program. There's a lot of limits on that CARES Act grant money.

Mr. Bain: Sure.

Mr. Holden: But look for that coming up in the next week or so.

Mr. Bain: Okay, great. Thank you.

Mr. Holden: Thank you very much.

Mr. Bain: Good luck.

Mr. English: John, could you tell them what CARES is in case they don't know what it is?

Mr. Holden: That is the Federal, I don't know what the acronym is anymore...

Mr. English: It's part of COVID, correct?

Mr. Holden: Yeah, it was it was the Federal trillion dollars that filtered down to the states, filtered down to counties, etcetera.

Mr. English: How many businesses collected off that in Stafford? Do you know?

Mr. Holden: I literally was just looking at the numbers. I'd hate to misquote, but we actually quite frankly will probably reissue... extend the deadline because there weren't as many as we thought.

Mr. English: Good.

Mr. Holden: So, we have three programs, one targeted to help businesses secure PPE equipment.

Mr. English: Right.

Mr. Holden: One targeted to help them just get through their mortgage and leases and pay portions of that. And then a third for specifically for lodging establishments.

Mr. English: Do business have to pay that back or not?

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Mr. Holden: Those are grant.

Mr. English: Grants.

Mr. Holden: They do not pay that back.

Mr. Randall: Mr. Holden, I have a couple of questions. So, this is a lively discussion on social media sometimes about County and Stafford and businesses and things to do in those types of things. We hear a lot about rooftops, the term rooftops. How does that play into what you do and how you talk to... I mean, you talked about ready sites and workforce that how rooftops play in to a decision of the business to come to Stafford. And how do you play into that?

Mr. Holden: So, again workforce is the number one issue new businesses look for. And there's a lot of definitions around workforce, of course, in terms of types of workforce and skills and that. At the end of the day you have to have labor to do the business, and then they... furthermore look at how far to those labor... *inaudible*... and how they travel. So, there is an aspect of density regarding new business seeking labor.

Mr. Randall: Okay,

Mr. Holden: So, within a proximity, let's just say that. Now in the commercial retail environment, that's all been changing a lot over the last five years and then accelerated around March. In terms of how retail work, the other day, well, we like to think of things what I call not so much rooftops, but more about population density.

Mr. Randall: Okay.

Mr. Holden: That's more important than just number of rooftops, if you will, particularly when you get into the commercial mixed-use arena. It's more about having walkable work, of all places that people want to commute to and live in. As far as mixed-use development. But from a business standpoint, labor is the number one reason. And they're looking for, you know, quite frankly, we've got a few... the possibility of generating some new businesses that could have hundreds of jobs in Stafford. I'm hoping that some of those employees will work and live and recreate in Stafford. And to do that, of course, the rooftop of some kind, whether it be an apartment or a condo or a house.

Mr. Randall: Okay. My last question is, how active are you and your staff in contacting businesses that you think would be beneficial to the area? Do you get involved in the actual communication with them? Or do you just kind of do what you've outlined and then sit back and wait for them to take the bait, so to speak?

Mr. Holden: So, there's a... we put the conditions in place...

Mr. Randall: Sure.

Mr. Holden: ... so working with a Board and Planning Commission, etcetera. But we also participate actively in, "business recruitment." We do that by participating, the State, the Commonwealth does that. It's one of the most active of all 50 states. Then those filter down to regions and localities. We have a regional partnership with the Fredericksburg Regional Alliance that also does its own marketing and complement with the State.

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Mr. Randall: Okay,

Mr. Holden: And then we complement the tier that they're not attacking. So, for example, today I was on a phone with a company from Milan, Italy, looking to expand their corporate headquarters. Not a startup, but a, you know, an expansion company that happened just through connections and networks we've made over years. And so, yes, we have an aggressive... our own aggressive marketing program that complements the States and Regional program. That's all changed in the last seven months.

Mr. Randall: Sure.

Mr. Holden: But we'll get back to it for sure.

Mr. Randall: This included retails... retail businesses as well, correct?

Mr. Holden: It does include retail.

Mr. Randall: Okay, thank you.

Mr. Apicella: Mr. Holden, this is Steven Apicella, I have got a couple of questions for you myself. So, if you recall, we met as a body with the EDA, I would say roughly a year ago. I don't have the notes in front of me, but when you have a chance, can you take a look at those notes and or discuss with the EDA Chair and see if there's anything that we still need to collectively follow up on?

Mr. Holden: Sure, absolutely. Will do that, sir. And Mr. McPherson's been participating in EDA meetings, I think, since that meeting. And I know the Chairman of the EDA is very interested in pursuing that continued dialog.

Mr. Apicella: Great. And we and we greatly appreciate the EDA is allowing Mr. McPherson to participate. I think that's very helpful for both of our bodies. My second question, and I'm going to tell you something you already know Stafford is in what I call a sweet spot. We are roughly 50 miles from DC and 50 miles from Richmond. We have land that's much cheaper than property would be if you were to go further north. And we still have a lot of vacant land. We also have what I would call a treasure right in the middle of that sweet spot. And that's the airport. And so, my question to you is, are you all working with the Airport Authority? And do you have or are you working towards either a business plan and or a strategic plan on how we can maximize and optimize that specific resource and develop that entire... it's part of the Central Stafford Business District. That entire area, so that we're not sub optimizing how development plays out. And the reason I ask that is because it seems to me for the moment we've had some good things happening. I'm not sure if they're happening in part by their own inertia. And I don't mean that to be a criticism of you all. I'm saying that there may be some other things that happen that may not necessarily be as advantageous, but we don't know what could be more advantageous because we really haven't done the work or the specific marketing associated with that specific area. Do you understand what I am trying to say?

Mr. Holden: Yes. So, first off, on the airport, we work... we've met.... We meet regularly with Ed and not necessarily the Authority, but advise them on... I know they had a strategic plan recently and we've been working with them. We actually helped facilitate the expansion of our small business at the airport that does aircraft... high end aircraft repairs and that kind of thing. So, we work closely with them. Absolutely. And in terms of the Centre Port area, of course, it's been targeted for warehouse and distribution and as I said, manufacturing. When I got here two years ago with the

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Board's leadership, we passed a different tax classification that really helped open that up. The changing retail market pre-COVID further opened that up, as you indicated. Our location is significant for that. As the retail markets and delivery of products has changed. And now post-COVID, that's even expedited that change. So, we're in a very prime position for that kind of market in Centre Port. And that has been one and that is continue to be one of our focus areas in terms of marketing. And yes, we want to work with the airport to help them on their expansion, particularly in the probably in the corporate air environment. That could be a big revenue source for them. And I know that would involve some investments as well as probably future T hangars and that kind of thing. I haven't met lately with that. So, it's something on the list.

Mr. Apicella: I hear you and I'm just thinking bigger picture, that these things are again, happening maybe piecemeal. Again, not as a criticism. I think great things are happening. I just think that we have a treasure here and a great location. And it might be a significant return on investment to work...each authority working together to try to come up with a business plan as to how we might optimize that area, because once it's eaten up by specific uses, then there's nothing else that can be done in the short term. So, I just think that it would be helpful if we took a closer look, again, at the bigger picture of the forest and try to come up with strategies, additional incentive. Be they monetary and or processed types of incentives, like fast tracking approvals that we can work together on. Both the County and the EDA. I know it's an independent entity and we can do even more and better things in that central business district. Just my thought, and kind of...

Mr. Holden: Absolutely. I think we've talked about some of those things with Jeff in terms of some of the fast tracking or moving some zoning of forward. If we do indeed want that to be targeted for certain sectors, we could look at ways of getting that zoning change in advance so that, again, speeds up the timeline for those kinds of companies. But I'll make a note to check in with Ed and see what the airport is doing as well and integrate that into our strategy. So, thank you, sir.

Mr. Apicella: Great. Thank you. Any other questions for Mr. Holden?

Mr. Cummings: I have a couple.

Mr. Apicella: Okay, thanks. Dexter?

Mr. Cummings: We've had an opportunity to speak briefly and Community Development and Economic Development is a sort of a bailiwick of mine, or at least I like to think so. And the cross section of the impact that technology can have is critical, I think, in moving forward for a number different number of different reasons. I know that Stafford has been tabbed as a smart city testbed. And I was just wondering how that interplays with the entrepreneurship piece and also in connection with attracting businesses to come here.

Mr. Holden: So, what we're kind of generally calling it is Smart Stafford, because we want to be basically county wide opportunity, which it is. But yes, we will... we are the... we will be and we are the home of what's going to be called the Virginia Smart City Testbed, which will be right next door here. It will be a living laboratory of technology around smart city technology, sensors, drones, other technologies. And we will then, we are folding that into what you saw there with our partnership with a group called Riot. So that testbed can also serve as a place where companies can come meet and talk about their technology and learn about programs, perhaps even be a test... submit to be a to put in a test in the testbed. So, there's a process, of course, for inaudible.

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Mr. Cummings: And is that being... is that opportunity being promoted far and wide?

Mr. Holden: It will be, it's early in the planning stages at this point. So, we probably will start seeing more about it as we get to the final stage of opening the testbed physically and launching some of those programs.

Mr. Cummings: Okay. And with respect to the testbed and related issues in terms of Economic Development, for me, public private partnerships have always been amazing and great opportunities to not only leverage technology that comes out of the federal government. That's where most of it germinates and is funded. And so, is there any public private partnerships, for example, with the military bases and some of the other government agencies that are in Stafford on the horizon?

Mr. Holden: We've talked to some groups about formal partnerships. I would say there's much more informal partnerships, you know, just as a result of some of the activity around the Smart City Initiative in this testbed, we've had literally two or three companies approached us about wanting to be in Stafford because of the technology that they want to bring and they want to develop. So, the informal partnership is, well, how do we get them here now before we have, you know, a place like Fountain Park to put them? So, we reach out to colleagues at Germanna, for example, and set up what I would call those informal partnerships to see how that evolves. So, yes.

Mr. Cummings: And now I was going to say the Universities are a great opportunity to get companies initiated into the into the fabric of the community and also to be able to do research that will ultimately turn into those kinds of innovations that we're looking for. And for me, the last one is really about the types of technology that Stafford is ready to embrace and how we position ourselves with COVID and experience of COVID, and it being in our future and other viruses being our future. And I come from a healthcare background. But at the end of day, it is about resiliency and the broad base of tools that the community has and that are on horizon, whether it's renewable energy and some of the other technologies that are going to be available to us. How is Stafford positioned to receive companies that want to do renewable energy and other types of resilient technology?

Mr. Holden: I'd say on the technology side, we're being more and more positioned to be a good location for that. Obviously, you all know about the fiber, at least in the core of the county, but also, again, the leveraging of the initiative of our partnership with C.I.T. in the Smart City initiative. And that cuts across all sectors, whether be health or basic data analytics, we've had a company talk to us about. On the renewable energy side, frankly, I've got, you know, we've got to look at more of those opportunities. And I don't have any specific suggestions right now, but we've talked about it and I'd like to explore that.

Mr. Cummings: Thank you.

Mr. Apicella: Okay, thanks again, Mr. Holden. Anybody else have any last-minute questions? Okay, thanks. Mr. Harvey, on to item number 1, a public hearing on 7-Eleven at Deacon Road.

PUBLIC HEARINGS

1. CUP19153008; Conditional Use Permit - 7-Eleven at Deacon Road - A request for a conditional use permit to allow vehicle fuel sales in the B-2, Urban Commercial Zoning District on Tax Map Parcel Nos. 54-126B, 54-126C, and 54-126D (Property). The Property

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consists of 1.74 acres, and is located on the northeast corner of the intersection of Deacon Road and Leeland Road, within the Falmouth Election District. **(Time Limit: December 4, 2020)**

Mr. Harvey: Mr. Chairman, for this item please recognize Kathy Baker. She'll be making the presentation from the ABC conference room.

Mr. Apicella: Thank you, Ms. Baker.

Mr. Randall: We are having... we can't hear you Kathy.

Mr. Apicella: Jeff, do we have a technical issue?

Mr. Randall: Yeah, we're having a quick technical issue. They are running up to ABC Conference Room to get that fixed.

Mr. Apicella: Okay.

Mr. Randall: It'll be a brief second.

Mr. Apicella: Do we want to just take a ten minute pause and wait for this to get corrected?

Mr. English: I mean, you can... go ahead. She's coming down here.

Mr. Apicella: Okay.

Ms. Baker: Alright. Can you hear me now?

Mr. Randall: We can hear you now.

Ms. Baker: Excuse our technical difficulties. Alright. Good evening Mr. Chair and members of the Commission, Kathy Baker, Department of Planning and Zoning. And I'll be presenting 7-Eleven Deacon Road conditional use permit on behalf of Mike Zuraf. So, this request is a conditional use permit to allow vehicle fuel sales in the B-2 to Urban Commercial Zoning District. There are three tax map parcel numbers totaling 1.74 acres in the Falmouth Election District. The applicant is John Near and the agent is Robert Beamon, who is with us this evening to answer questions. This is the location of the site at the intersection of Deacon Road and Leeland Road. Leeland runs to the left of the property that you see highlighted in blue, and Deacon is to the bottom or to the south. This is the property highlighted in blue. You will see, the aerial view shows the three parcels. The existing 7-Eleven convenience store and vehicle fuel sales located to the left. This eastern... western most portion of the property. This has two existing entrances, one off of Deacon Road to the south and Leeland Road to the west. And you'll see the two additional parcels under ownership that the new site would be expanded onto. These parcels or are relatively level. They're undeveloped and don't have any environmental resources. You'll see the different uses surrounding the property to the west as a place of worship and also, a small office building. To the north is a small retail strip center and to the north and east you'll see a mini warehouse facility. And to the south across Deacon Road, are residential uses in the Grafton Village neighborhood. These are existing conditions from the street level. You'll see the store, the front of the store as you're looking from the entrance on Deacon Road. If you look at the zoning of the parcel B-2, as well as parcels to the east that are B... excuse me to the west and north that are B-2. And then the yellow is R-1 Residential. To the... *inaudible*... you'll see basically

surrounding the rest of the property. The property's been zoned since about 1978 or earlier. There was no requirement for a conditional use permit at that time. This is the site layout showing the proposed rebuild of the 7-Eleven. This would be a new approximately 3,400 square foot convenience store. And you'll see that to the right of the picture. And then the new twelve fueling positions would be located centrally on the property. This would be under a single canopy. And then you'll see the customer parking areas wrapping around the building as well as to the left of the fuel canopies. There's an enclosed dumpster located along the northern property line. And then the current site entrances would actually be reconstructed and relocated further away from each... from the intersection. The full-service entrance road is propose... excuse me, entrance is proposed on Deacon Road, which would align with Jett Street, the residential street to the south. And then a right-in/right-out is proposed on Leeland Road. Right-of-way is proposed to be dedicated to accommodate future sidewalk. And also, there's a planned VDOT project to construct 10-foot wide sidewalk along Leeland Road, that would go... run north all the way to Primmer House Road. There's a condition that recommends the construction of a 10-foot wide trail along Deacon Road. There are transitional buffers proposed along the north and east property lines, and that would include a 6-foot tall, opaque fence along the north property line. And then there's a street buffer that would help to minimize visual impacts to the residences across Deacon Road. The proposed conditions require that the site would be developed in general conformance with this plan and require that the development include no more than 12 fueling positions. With regard to transportation impacts, the impact analysis was provided to evaluate the overall impacts. It showed that little over 27 vehicle trips per day. That would be 150 AM peak hour vehicle trips and 182 PM peak hour vehicle trips. The intersections were evaluated, Deacon Road, Leeland Road intersection, the side entrance on Deacon and Jett Street at Jett Street, and then the site entrance on Leeland Road. The development maintains acceptable levels of service, of A and B at all the intersections, which is in conformance with the comprehensive plan, which recommends at least a level of service C. The access management exception were requested through VDOT and approved for both of the entrances. And this is for the proximity to that intersection. We'll note that they are being constructed further away, but still don't quite meet the current standards. With regard to the comprehensive plan the future land use identifies this with a... within a commercial node within the suburban land use designation. The plan states that commercial uses adjacent to residential uses should be designed such that the uses integrated into the community design criteria for commercial development along major roadways include shared site entrances, inter-parcel connections, sidewalks and adequate lighting. And staff believes that the proposed uses are consistent with the comp plan recommendations. This is an appropriate location for this type of development. Also, the transportation plan identifies a section of Deacon Road as a 4-lane undivided facility. In this location, it currently transitions from a 4-lane to a 2-lane as you're heading east. It doesn't appear that additional lane widening is needed at this location. The Comprehensive Plan also identifies a section of Leeland Road as a future 4-lane divided facility. It's currently a 2-lane undivided facility with turn lanes, and the current turn lanes may serve as future three lanes when that road is ultimately widened. We'll note that the Bicycle and Pedestrians Facility Plan recommends a 10-foot wide shared use path along both Deacon and Leeland Road. There's a VDOT project to construct a 10-foot wide sidewalk along Leeland, as we noted. And then the applicant would be dedicating adequate right-of-way and constructing the site entrance to accommodate the sidewalk, which would later be completed by VDOT as part of the overall project. Again, along Deacon Road, a condition recommends right-of-way dedication and construction of the 10-foot trail across the site frontage. This is the what the building will look like. The proposed CUP conditions require that the building would be constructed in general, conformance with styles of materials depicted on these renderings. The proposed design... building design does conform with many of our architectural guidelines in the Neighborhood Development Standards Plan, and that includes things such as the varied roof line and parapet walls. The stone and brick materials they're projecting features in a well defined customer entrance. You'll

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see the front of the building with the entrance is down in the lower right hand corner. That's the entrance that would be actually facing Leeland Road. With regard to the conditions, we would require development to be in conformance with the GDP; limiting the access to one entrance off Leeland and one off of Deacon Road; require a right-of-way dedication on both roads to accommodate the 10-foot wide shared use paths and would also require construction of the shared use path along Deacon; would permit the maximum of 12 fueling positions; and require the building design consistent with the architectural renderings. And would prohibit the fuel canopy fascia from being internally illuminated except for the actual signage. And staff does find, as far as the evaluation, the positives include the consistency with the land use recommendations in the Comprehensive Plan; the use permit would allow for a modern upgrade to a business serving the surrounding residents but maintain an acceptable level of service for transportation; the conditions would help minimize the potential impacts on adjacent properties; the proposed sidewalks be consistent with the Bike and Pedestrian Facilities Plan; and the building design is consistent with the Neighborhood Design Standards Plan. And we don't find any negative aspects at this point. So, we're recommending approval of the application with the conditions that you'll find in the resolution R20- 94. I'll be happy to answer questions and, as I mentioned, the applicant is here to address you and to answer questions as well.

Mr. Apicella: Ms. Baker, I'm going to jump in since this is on the Falmouth District. So, there's already a 7-Eleven and there's already a smaller fueling station or stations at the site. Now, a CUP is being required because of the expansion and the additional fueling stations. Is that correct?

Ms. Baker: Yes. When they came in with this proposal, it was noted that there was not an existing conditional use permit. So, it would be required with this new reconstruction.

Mr. Apicella: And do we know what the differences are in terms of the size of the buildings and the area devoted to the stations?

Ms. Baker: With this... with the fuel pump stations, you mean?

Mr. Apicella: Yes.

Ms. Baker: I don't know that off the top of my head without looking, but I'm sure the applicant can tell us the existing store size. I know there's only two fuel pumps and there's no canopy over those existing pumps. It is a smaller store and... can we have the applicant address the size of the current building? Is that okay?

Mr. Apicella: Yeah, when the time comes. Do the changes impact the TIA traffic counts? And if so, by how much? Again, going back to the notion there's already a 7-Eleven there, there's already a couple of fueling stations. When you go through the process of generating the numbers or when the applicant went through the process of generating numbers, does it change because of the change in sizes?

Ms. Baker: I have..

Mr. Apicella: Or is just...

Ms. Baker: I haven't specific ... Oh, sorry.

Mr. Apicella: Sorry.

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Ms. Baker: I'm not as familiar with the TIA as Mike Zuraf is the one who prepared the information and reviewed the information. But we can get that answer to you.

Mr. Apicella: Okay. To the extent that VDOT identified any issues or concerns, how was... how were those concerns addressed?

Ms. Baker: Again, I'm going to have to defer on that one. We can either see if the applicant can address these or while he is talking with you all, I can look up this information for you.

Mr. Apicella: Just a couple more questions Ms. Baker. Are the proposed ingress/egress points from the county perspective better than the current state?

Ms. Baker: Are they better than at the current stage?

Mr. Apicella: Yes, state.

Ms. Baker: Yes. They are going to be farther away, the, from... right now they are fairly close to the intersection. When they Deacon Road reconstruction occurred, these entrances were the entrance on Deacon was reconfigured to an extent, moving it farther to the east, now you will have an alignment with Jett Street, which there's actually a median break at Jett Street. So, it would definitely improve that one in particular, the entrance on Leeland Road is actually going to be a right and right out. So, you would only be able to make those movements and that would help with cars trying to turn in coming southbound from Leeland Road.

Mr. Apicella: Okay, were the neighbors who were notified of the CUP? Did they raise issues or concerns?

Ms. Baker: I don't believe we have heard from anyone. Jeff, were you aware? Did we receive anything today? I have not heard any comments or questions at this point.

Mr. Apicella: Just two more quick questions. Are there any concerns about construction traffic as they demolish the existing building, put in the new building and put in additional pumps or change the location, the pumps?

Ms. Baker: Typically, they're going to have to work with VDOT for a construction management plan for their entrance onto the properties. I don't believe staff would have any concerns based on they're going to have to follow those guidelines from the VDOT perspective. The applicant can probably explain better to you how they're going to handle the construction, whether they're keeping the existing store open or, you know, are they doing the construction. But we can let them address that for you.

Mr. Apicella: Okay, last question. Are there any CUP conditions that we normally have for convenience stores/fueling stations that were not included but should have been? For example, were there any environmental conditions that we didn't include?

Ms. Baker: Again, off the top of my head, I'm not certain, but I can certainly look into that for you.

Mr. Apicella: Okay, that's it for me. Any other questions for staff?

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Mr. Bain: I don't have a question, but on the construction issue. I would certainly hope that they would shut down the existing store and essentially clear the site and then rebuild completely and not try and keep that store in operation during construction. It would be, I think, very dangerous.

Mr. Apicella: Thanks Mr. Bain. Anybody else? Okay, seeing nobody else, would the applicant to come forward? Thanks, Ms. Baker.

Mr. Beamon: Mr. Chairman, Mr. Vice Chairman, members of the Commission, for the record, my name is Rob Beamon. I'm a land use attorney with the law firm Troutman Pepper, here on behalf of the applicant, 7-Eleven Inc. First, I would like to thank Mike Zuraf and Kathy and the rest of Planning Department for all their work on this application and for the recommendation of approval. Also wanted to thank Kathy for the very good and very detailed presentation she just gave regarding this application. I wanted to see if I could address a couple of the chairman's questions, if you guys don't mind. And joining me tonight, actually, we have Gary Franks from Blakeway Corporation, who is our project civil engineer, who I'm going to ask to help me answer a couple of these questions. My understanding and Gary, correct me if I'm wrong, my understanding is that 7-Eleven does plan to close and demolish the store during the construction phase and not try to keep the store open and construct at the same time. Gary, is that your understanding as well? I'm sorry, he was participating electronically on Zoom, I believe. Well, I'll hold that for him, but that is my understanding. In terms of the VDOT comments on the staff report, my understanding is VDOT did have to approve the location of our new access points. They are closer to the intersection than is typically permitted. But in this case, that's as far as we have to go within the limits of the site. And currently, the access points are a lot closer to the intersection. So, I believe VDOT sees that as an upgrade. So, they have approved that...

Mr. Apicella: Before you move on...

Mr. Beamon: Yes sir.

Mr. Apicella: Were there any issues that VDOT raised that you did not address to their satisfaction?

Mr. Beamon: I am not aware of any. I do know that the City... I am sorry, the County staff also addressed the access point on Leeland Drive as a comment to our traffic study. as a result of that, we did change that to a right-in/right-out access only from a full. So, we did address that comment too. So, I'm not aware of any comments that VDOT has that we have not addressed. No, sir.

Mr. Apicella: Okay, thank you.

Mr. Beamon: Yes, sir. In terms...

Mr. Cummings: Can I ask another question, I'm sorry.

Mr. Beamon: Yes sir.

Mr. Cummings: Are there... and I know VDOT and I read the VDOT attachment. Because I live not too far from that location in Leeland Station.

Mr. Beamon: Yes sir.

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Mr. Cummings: And so, I know that road, on Leeland Road and it's tight. And I know I understand that there's going to be an expansion. Do we know when the expansion is going to take place to a four lane, number one? And number two, is with it being so close to the corner, those entry and exit points, is there another accommodation that you could... you could do in an extra to what VDOT has suggested?

Mr. Beamon: Yes, sir. In terms of the expansion, I'm not aware of the date of the expansion, that may depend on the County CIP process. I do know that with respect to Leeland, there are two lanes currently at the intersection. One on each side is a turn lane, and of course, we're dedicating to right-of-way that the County has requested along both of the rights-of-way along Leeland and then on Deacon as well. And in terms of additional accommodations, I believe the accommodation I think we've made over and above what we originally proposed was the right-in/right-out on Leeland. You know, given the proximity of that entrance to the intersection, even after it's relocated, you know, I believe the County thought a left turn in would be problematic. And that's why we've accommodated that with a right-in/right-out, which are kind of eliminating those concerns, with being so close to the intersection.

Mr. Cummings: There might be some other alternatives that you guys considered that might... *inaudible*.

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

Mr. Cummings: Oh, sorry. That was my... that was me. I pressed a button. Yeah. So, I was just looking for maybe an additional entrance or some other way to relieve some of that traffic, particularly in the morning where you come down Leeland Road, you're making that right turn. It's always congested. And also, that Deacon Road coming down, I guess, from the other, I don't know whether north or south, we're heading towards the YMCA. Alright. Is away from the that intersection is... there's a lot of traffic there in the morning. And I can imagine that because there's a lot of homes being built in that area.

Mr. Beamon: Two things I just want to note real quick on that point. On Deacon Road, right now, there's a little bit of an awkward alignment where the entrance point is not a full access and it also doesn't align with the access directly across the street, Jett Street, I believe. We are moving that access to where it aligns directly with Jett Street and also so where it will be a full movement access, which I believe will relieve a little bit of the pressure off of Leeland. And we'll also make Deacon functional a bit better. So, I think this is going to be a positive improvement for that corridor altogether.

Mr. Cummings: Thank you.

Mr. Randall: Mr. Chairman, I...

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

Mr. Randall: In relation to the new site plan, where are the current fuel tanks located? Are those fuel tanks going to need to be moved or will you be able to use the old fuel tanks that you've currently got there now? Do you know?

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Mr. Beamon: I don't know the answer to that. I believe we're installing new fuel tanks. I'd want Gary to confirm that for me. Unfortunately, I don't know that he's able to participate, but I can certainly take that question and...

Mr. Randall: Okay...

Mr. Beamon: ... provide you an answer.

Mr. Randall: Okay, but you're pretty confident that the old ones are getting removed and they're putting in new ones.

Mr. Beamon: I'm pretty confident we're going to have increased capacity with additional pumps. I believe we are doing brand new tanks, yes sir.

Mr. Randall: Okay, thank you.

Mr. Apicella: Mr. Randall, Mr. Randall, if I could chime in. The way I see the GDP, the fuel tanks are being moved from that corner that's right between Leeland and Deacon Road to the center of the site. So, it doesn't seem to me that you're going to be using those two at all. Ms. Baker can correct me if I'm wrong.

Mr. Beamon: I'm sorry, just to add. I do believe, as Ms. Baker suggested, the location of those tanks are conditioned. So, they will be there in that location.

Mr. Apicella: Please go ahead sir.

Mr. Beamon: Other couple of questions, in terms of the increase in traffic, there certainly will be an increase in traffic based upon the larger store and the additional fuel pumps. The traffic study itself did not take into account, it didn't compare the existing to the proposed in terms of the traffic generated by this site. But what it did is take the total proposed generated by the new building with the new pumps and still found that even that will not decrease levels of service at all. And this corridor still stays within an A and a B, which as Ms. Baker noted, is above the C that's required in the Comprehensive Plan standard. And then finally, I do not know the size of the existing store. We do have a survey, unfortunately, it does not include the size of the existing store building on that, the new store will be larger than the existing store, though.

Mr. Cummings: The size of the new store, again?

Mr. Beamon: It's a little over 3,000 square feet I believe.

Mr. Cummings: Thirty-two hundred or something like that?

Mr. Beamon: Yeah.

Mr. Cummings: Okay.

Mr. Beamon: Yes sir.

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Mr. Apicella: So just back to the issue of the construction plan, again, my concern would be, as Mr. Cummings indicated, there's a lot of traffic there, both in the morning and also even worse in the evening when it's backed up along Leeland Road. So, again, my concern would be construction traffic trying to get in and out, competing with other traffic that would normally be there. Either trying to get to say the VRE station or up along Deacon Road. So, do you have a sense of what... what's going to happen during the construction phase with the construction traffic?

Mr. Beamon: I do not know the location of the proposed construction entrances, Mr. Apicella. I can take that question to Gary when he's able to participate or after the hearing and get that information to you.

Mr. Apicella: Okay, thank you.

Mr. Beamon: Sure.

Mr. Apicella: Any further questions for the applicant? Okay, thank you, sir.

Mr. Beamon: Thank you very much.

Mr. Apicella: I'm going to open the public hearing on this item. This is an opportunity for the public to comment. Before starting your comments, please state your name and address. The green light starts the clock. Yellow means there's 1 minute left. Red means please conclude your comments. If anyone is in the chambers, who would like to comment on this item, please come forward. Okay, I don't see anybody. Ms. Baker or Mr. Harvey, did we get any written comments?

Mr. Harvey: Mr. Chairman, we've not received any comments by e-mail. I will note from the discussion there was a question asked about the intersection and overall operation of that intersection, plus other offsite road improvements. With regard to a conditional use permit, that's something where the Planning Commission or Board cannot require offsite road improvements as a condition of approval. Only onsite improvements are permitted with the conditional use permit.

Mr. Apicella: Okay, thank you, Mr. Harvey.

Mr. Cummings: Mr. Chairman, this is....

Mr. Apicella: Yes, Mr. Cummings.

Mr. Cummings: I have another question? In terms of...

Mr. Apicella: For the applicant or for staff?

Mr. Cummings: For staff. I'd like to have an understanding of... because I live in that area and I had no idea that this was planned. And so, I was wondering, it would make me feel comfortable if we had more outreach or if there was another opportunity for the community to chime in on this. So, what kind of outreach was done to find... to determine how the community felt about this?

Ms. Baker: The all the adjoining property owners are notified. There were signs posted on the property, which is standard for our conditional use permits.

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Mr. Cummings: Okay, thank you.

Mr. Apicella: Mr. Cummings, I had not yet closed the public hearing. I don't think I did. Are you suggesting that we keep it open and do... and the applicant do further outreach? And if so, what are you looking for them to do?

Mr. Cummings: I think so. I think that's what I would prefer. I think that the community, all the homes that are there, my community wasn't notified. And so, I think that the community needs to be heard on this because it's going to be a major improvement. And I'm a fan of that construction happening. I just think that the community needs to be... needs to weigh in.

Mr. Apicella: So, would a community meeting satisfy your concerns with some notice to the surrounding subdivision and or neighbors? Would that suffice?

Mr. Cummings: Yeah, I think notice to the subdivisions around, a meeting or doesn't have to be as formal, but just an opportunity for them to be notified directly.

Mr. Apicella: Okay

Mr. Cummings: No, please.

Mr. Beamon: I'm sorry. If I may, Mr. Chairman, I did want to add that we did call all of the adjacent property owners on the east side and the south side and actually spoke with Ms. Falconer, who's been there since the 60s, she noted, and she was in favor of this project. And we left much messages with several others and do not receive any sort of feedback. We did reach out to the folks who are in proximity in most affected by the development.

Mr. Cummings: And I appreciate that.

Mr. Apicella: So, sir, before you before you go. Just hypothetically speaking, would you... I'm supportive of this as well. But I hear Mr. Cummings concerns. If we took a pause for a month, just to allow you the opportunity to do some additional outreach, working with staff on the best way to accomplish that. Is that going to significantly impact the 7-Eleven's plans for this area to be otherwise problematic? And I think we also talked about some things that you were gonna try to get back anyhow and talking to your, I can't remember if it's your engineer, another person, a colleague of yours.

Mr. Beamon: Sure.

Mr. Apicella: So that would at least be a two week pause.

Mr. Beamon: Yeah, I am not aware of any significant issue, myself. And Gary's is not available to chime in. I'm not aware of any significant issue that would cause.

Mr. Bain: A question I would raise on this, though. How many communities are we going to involve in this? I mean, those are the people that are immediately across Deacon Road, but there's Leeland Station and Grafton Village. And I mean, how... where do you draw the line on something like this? And this is a relatively small development. Suppose it was a larger development surrounded by 30,000

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people? I think this is sort of going a little bit out of out of scope for an applicant to have to do this. And I would I would be reluctant to support that because it just can grow and grow and grow.

Mr. English: It also could cost the applicant a lot of money. That's the reason they put the signs out and let people know that you're doing this CUP there. So, I would concur with you, Mr. Bain. I think it's asking a little too much, because you got... it's... I think it's a great project, that in an area that I work. And I think the improvements that you could be doing at Leeland and Deacon is going to be superb. I think it's going to be a great, great, great impact on that area.

Mr. Cummings: Yeah, and mine is not just not personal because like I said, I'm in favor of this application. I think that the community, though, does need to know about it. And whether you pick Leeland or Grafton and or, you know, a couple, I think just reaching out to those homeowner's associations would be a good thing, too.

Mr. Randall: And I guess to that point, is this a new standard that we want to set? Is this the standard of anybody within a mile radius needs to be notified? You know, we have a set policy in the County to do exactly what he's done. Again, I'm hesitant to the point of holding anything up. We want these things to happen. We want these things to go on. You know, it's in the paper. This public notice is public hearing was in the paper. They had notice to see that, they have to get the paper. Yes, I'd have to go look at it. Yes. You know, I'm not sure that, you know, this isn't even controversial you know, we want to tell the community so the community can come pat somebody on the back and say it is a good thing, go do it. I don't... I'm not sure we need the community to do that. You know, we they're going to get signs up that says construction's happening, plan accordingly. You know, I'm for the... move forward. Let's get this done. I don't know why the community would need to need to weigh in more than what we've been required to do and what they've already done. Enough.

Mr. Cummings: I could come up with several reasons, but I won't. I think for me it's about notice and being and in the quality of that community. They have an opportunity to be heard. And I don't think that they get an opportunity be heard when it's put in the paper and such a significant change is going to happen in that corridor.

Mr. Randall: So how would we change the county's process of doing that for situations, not this one?

Mr. Cummings: Well, I think ...

Mr. Randall: You're talking about now a whole process change.

Mr. Cummings: I think the County has an obligation. Notice is notice. And so, you know, we can do a perfunctory or we can do it meaningfully. And so, for me, it's about making that happen. And it wouldn't make no difference if I wasn't... if I if I didn't look less than two ticks down the road. But I happen to know that corridor very, very well. And so, the issues with traffic, the issue with the transition as Chairman Apicella noted, the construction. It's going to be an issue. And so, with those things in mind, I think it behooves us as a Commission to say that we represent the community and that they have a say in saying exactly how the community gets developed and they need to be heard. And so, once that happens, we can perform our ministerial duty and our lawful duty. But I think the opportunity part of that is also making sure that the community gets heard.

Mr. Apicella: All right. So, again, this this is in the Falmouth District. I'm going to play Solomon here, I'm going to pass the baton over to Mr. English. And I'm going make... I'm going to, one, keep

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the public hearing open and I'm going to make a motion to defer this item for two weeks, asking the applicant if he would make an effort to do some additional community outreach, potentially reaching out to the nearby HOAs, not necessarily all the homeowners, but the HOAs for... I am trying to remember, what is it, Strafford Place and Leeland Station and any other....

Mr. English: (Inaudible, microphone not on).

Mr. Randall: Well, we need to get them all. We need to make sure we get them all. So, if someone has a list...

Mr. Apicella: I am not suggesting...

Mr. Cummings: I'm not only ask me for reasonable effort to notify the neighborhood and I'm... again, it's my motion. You can vote against Mr. Randall. So again, just some reasonable additional effort to do some community outreach. I'm just throwing out what that might be. They can work with staff and they can let us know when they come back in two weeks what that what that encompassed. I... and the other reason I'm suggesting, I guess I'm going into my discussion. So, let me let me hold off on my discussion and I'm going to see if I can just get a motion to defer it for two weeks.

Mr. Cummings: I second it.

Mr. English: So, that's your motion, Mr. Apicella, is to make a deferral for CUP19153008. And second by Mr. Cummins. Correct?

Mr. Apicella: And the deferral is for two weeks.

Mr. English: And the deferral is for two weeks. That would be... would that take it into our next meeting in September?

Mr. Apicella: Yes.

Mr. English: That would be September 23rd. Okay. Do you want to take the roll call on this?

Mr. Apicella: I'm sorry. I need to get my comments, Mr. English.

Mr. English: Okay, go ahead.

Mr. Apicella: So again, what I, what I heard was that the representative couldn't answer a couple of the questions that we had, one of which was how they're going to deal with construction and minimize the impacts on the nearby Deacon and Leeland Road areas. I think there was also a question about the entrances and exits. I cannot remember what the question was. Differences in size of the building and how that might or might not affect the throughput, although I appreciate that it doesn't change the levels of service. But also, I'm holding it up for two weeks because I really would like staff to take another look at the conditions and make sure we didn't miss anything, especially as it relates to any environmental issues that we would normally put or a partial gas station. So those... those are my reasons. I heard the applicant say that a minimal delay isn't going to jeopardize their plans. So, they weren't objecting to it. And I appreciate Mr. Cummings concerns, as well as those raised by others, that we're not trying to set a new precedent on how much effort an applicant estimate beyond what they're normally required to do.

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Mr. English: Okay.

Mr. Apicella: Those are my comments, Mr. Chairman.

Mr. English: Okay, Mr. Cummings, you have any comments?

Mr. Cummings: No.

Mr. English: Okay. I will call for the roll for the... Anybody have any other comments? I'll start with the roll. Mr. Bain?

Mr. Bain: Aye.

Mr. English: Mr. Randall?

Mr. Randall: Nay.

Mr. English: Mr. McPherson?

Mr. McPherson: Yes.

Mr. English: Mr. Cummings?

Mr. Cummings: Yes.

Mr. English: Mr. Apicella?

Mr. Apicella: Yes.

Mr. English: And myself, I say no. So, you get a vote of 4 to 2.

Mr. Apicella: Okay, I will take the baton back. Thank you, Mr. English.

Mr. English: Okay.

Mr. Apicella: Mr. Harvey, moving on to item number 2.

2. Amendment to the Zoning Ordinance - Proposed Ordinance O20-31 would amend the Zoning Ordinance, Stafford County Code Sec. 28-351, "Grant and revocation of special exceptions" to specify the process for revocation of a special exception. **(Time Limit: October 30, 2020)**

Mr. Harvey: Mr. Chairman, for item number 2, Doug Morgan will be making the presentation. We'll try again up in the ABC Conference Room.

Mr. Morgan: Good evening, Mr. Chairman, members of the Commission. Can anybody hear me?

Mr. Randall: Yep.

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Mr. Morgan: Very good. The item before you guys this evening, the Planning Commission, is to consider amendment to the Stafford County Code, Zoning Ordinance, Section 28-351, which is the granting of special exceptions. This is going to provide a process for the revocation of special exceptions as defined by the Code of Virginia. The Board of Zoning Appeals right now, as authorized by the Virginia Code, 15.2-2309 and the local Zoning Ordinance 28-351 to grant special exceptions for certain land uses. The current provisions in Section 28-351 does not provide language of how to do a revocation. However, Section 15.2-2309(7) spells out the process of revocation, special exceptions in the Code of Virginia. The BZA must conduct public hearings and written notice to the property owner as well as owners of the abutting properties. The BZA is to determine that the use is ... is not in compliance with terms and conditions of the permit in order to revoke the permit. And that would all occur after the owner had had received notices of violations from the zoning office and had not remediated the violation. Since the local ordinance just lacks the description of how to revoke a special exception, a property owner who is in violation of the terms of the permit may form the mistaken impression that a special exception cannot be revoked, even though the local ordinance does not identify that a special exception can be revoke or identify the process of a revocation. The BZA still can revoke the special exception under the Code of Virginia. The language and ordinance contained in your packet O20-31 outlines the exact language as depicted from the Code of Virginia. Staff recommends approval of the proposed ordinance O20-31 to amend Section 28-351 of the Zoning Ordinance, which is the granting of special exception. Title of the Zoning Ordinance to allow and provide that language for the revocation. Staff believes that the adoption of the amendment is supportive of the Board of Supervisors 2040 Strategic Plan to prioritize the priority 5.2, which is to update our ordinance, streamline our process and improve the coordination with other regulatory agencies to be more supportive of our business community and promote business expansions and new investments and opportunities.

Mr. Apicella: Thank you, Mr. Morgan. Are there any questions for staff?

Mr. McPherson: I have just one question. I was reviewing the special exception application and I saw that the two checkboxes where you check whether it's either a rural home business or a regular home business. Do the special exceptions only apply to those two options?

Mr. Morgan: No, for granting of a special exception. There special... there's noncommercial kennels that speak specifically to the other uses as defined, which in the Zoning Ordinance classification for special exceptions. So, it's not just those two. I mean, they're included as well. But it would be for all special exceptions.

Mr. McPherson: Okay, thank you.

Mr. Apicella: Okay. Mr. Morgan, just to clarify. A locality does not have to have its BZA do a special exception. It could get through the Board of Supervisors. Stafford County has chosen to give that authority to the BZA. Is that correct?

Mr. Morgan: For special exceptions, yes, sir. As defined by the Code of Virginia, the governing body has the authority to either do conditional use permit or special use permits that go to the Board. In some instances, you have many localities that do not go to the Board of Zoning Appeals for special exceptions that all of those type of special use permits or conditional use permits go directly to the Board of Supervisors. In this instance, the BZA is allowed under the definitions of our Zoning Ordinance to approve those certain special exceptions. And this language here just mirrors the Code of Virginia and spells out in the event that somebody and... if they were under the impression that you

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could not revoke it because it was not in our Zoning Ordinance, it's still defined in the Code of Virginia.

Mr. Apicella: So, just to clarify, I serve on the Board of Zoning Appeals. And the reason why I asked us to have this push for it is because not necessarily because I didn't think a special exception in Stafford could be revoked. But just to clarify that it's the BZA and not the Board of Supervisors that revokes a special exception because, that's what's not... in my opinion, and that's what's not particularly clear in the way our ordinance is set up, because it doesn't really speak to it. So, this would help, again, to clarify that it's fully within the BZA's authority to revoke a special exception. The Board of Supervisors really has no role. And in fact, if an applicant wants to appeal a special exception decision by the BZA, including a revocation that doesn't go to the Board of Supervisors, in this case, it would go to the circuit court. Is that, correct?

Mr. Morgan: That's correct.

Mr. Apicella: Okay. So that's it. I don't I don't have any more questions. Does anybody else have any questions for staff? Okay, seeing none, I'm going to open the public hearing on this item. Again, as before it's an opportunity for the public to comment on this particular public hearing item. Before starting your comments, please state your name and address. The green light starts the clock. Yellow means there's 1 minute left. Red means please conclude. If there's anyone in the chambers who would like to speak on this matter, please come forward. Okay, I don't see anyone rushing to the to the podium. Mr. Harvey, Mr. Morgan, were there any written comments on this item?

Mr. Morgan: I have received none.

Mr. Harvey: Neither have I, Mr. Chairman.

Mr. Apicella: Okay, thank you gentlemen. I'm going to close the public hearing on this item, and I'm going to ask if anyone would like to make a motion on this one.

Mr. McPherson: Mr. Chairman, I'd like to make a motion. I would like to make a motion, I have not made it yet. I make a motion approve a proposed Ordinance O20-31 or Resolution R20-216.

Mr. Cummings: Second it.

Mr. Apicella: Okay, thank you, Mr. McPherson. Thank you, Mr. Cummings. Any further comments, Mr. McPherson?

Mr. McPherson: I think it's a great idea. It's more information and communication to our community. It's a good idea.

Mr. Apicella: Thank you. Mr. Cummings?

Mr. Cummings: Oh no, no comment.

Mr. Apicella: Okay, anybody else? Okay, again, I'll just kind of rephrase what I said before. I think as Mr. McPherson said, this just clarifies for anyone who's unsure about the process and who ultimately is responsible for revoking a special exception in Stafford. This would make it clear that it's the BZA, not

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the Board of Supervisors. With that, I will call for a roll call vote. Mr. Apicella votes aye on the motion to approve. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Aye.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Okay, motion carries 6 to 0 with one absent. Thank you all. Thank you, Mr. Morgan. Mr. Harvey, moving on to the next item on our agenda.

UNFINISHED BUSINESS

3. SUB19153040; Joshua Landing Preliminary Plan - A Preliminary Subdivision Plan to create 10 single-family lots on Tax Map Parcel No. 19-9, zoned A-1, Agricultural, on 35.58 acres located on the north side of Joshua Road at Saint Georges Drive, within the Rock Hill Election District. **(Time Limit: November 18, 2020) (History: Deferred on August 26, 2020 to September 9, 2020)**

Mr. Harvey: Mr. Chairman, the next item on the agenda is the continuation of discussion for the preliminary subdivision plan for the new Joshua Landing neighborhood. Mr. Geouge is upstairs in the ABC Conference Room to give an update. The applicant and his representative are here in chambers. And we also did receive a letter with regard to this request, which I can read into the record whenever you deem it appropriate.

Mr. Apicella: Okay, thank you, Mr. Harvey. So, let's start with that. Mr. Geouge?

Mr. Geouge: Good evening Mr. Chairman and members of the Commission. I'm Brian Geouge, Planning and Zoning Department. If I could have the presentation please. I'll be presenting a preliminary plan for Joshua Landing, item number 3 on the agenda. Next slide, please. This preliminary plans for 10 lots on Assessor's Parcel 9-9, consisting of 35.58 acres. The zoning district is A-1, Agricultural. The applicant is Michael Stonehill, Jr., with Brookstone Development. This is in the Rock Hill Election District, and as noted, this was a continuation. This was first considered by the Planning Commission on August 26th. The property is located on the north side of Joshua Road across from Saint Georges Drive and shown here highlighted in red. The preliminary plan is proposing 10 single-family detached units on lots ranging from 3 to 3½ acres. The development is to be served

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through a single access on Joshua Road and all lots front on a single proposed state maintained route. The parcel is located outside of the Urban Services Area and therefore lots are to be served by private well and septic systems. Staff notes that the applicant has added 3 open space parcels to plan to accommodate stormwater management facilities. This change was made after the last Planning Commission meeting. So, you'll see here that some side lot lines and the shape of lots in general have been modified as a result of that. You can see that certain lots of bends in the side lot lines now which are allowed, if certain criteria are met pursuant to the ordinance amendment that was approved by the Board last month, regarding what shape requirements. Just to point out, those new open space areas, they're located between lots 4 and 5, lots 6 and 7, and lots 8 and 9. The applicant has also added a note to the plan stating that the existing pond will be maintained by the HOA that will be established. And the HOA will also maintain the open space areas that are identified on the plan. The reasoning for the HOA maintaining the pond is that there was a concern expressed at the last meeting about the pond and its need to be kept up to standard because the applicant proposes to install a dry hydrant at that pond to facilitate fire response to the neighborhood. Next slide, please. Staff is recommending approval of this preliminary plan, and we believe it complies with all applicable ordinance requirements. As noted previously on August 26th, the Planning Commission deferred this item with a request that the applicant reach out to adjacent owners and try to answer their questions and resolve some of the issues that were brought up. As Mr. Harvey noted, the applicant and his engineer are in attendance tonight, so they are available to help answer any technical questions and provide some more updates on the contacts with the adjacent owners to try to resolve issues. And that concludes my presentation.

Mr. Apicella: Thank you, Mr. Geouge. Are there any questions for staff? Okay, seeing none, would the applicant like to offer any additional comments?

Mr. Foroughi: Members of the Commission, good evening. Ryan Foroughi, Engineer of record, Bagby, Foroughi and Goodpasture. Stafford County resident. Brian, thank you for the presentation. Just wanted to provide a little further detail pertaining to the concerns that were brought up at the last Planning Commission hearing. Mr. Bain, I believe had indicated he had expressed concern about the maintenance of the dry hydrant facility. We reached out to Andrew Milliken. He expressed that the actual hydrant, the line, the screening and the intake valve, or the intake screen will all be maintained by the fire department. The actual embankment of the facility, you know, mowing or anything like that would be the responsibility of the HOA. As Brian indicated, that note has been added to the plan. The plan was also updated, as Brian indicated, with the open space... with the open space parcels. After the plane was approved, County staff indicated that... I guess it was approved erroneously. There was a, you know, they had a concern about the open... the stormwater facilities being within the... being on the lot and one of them in open space. So, I spoke with the applicant and we decided to go ahead and make that change and willingly did so. So, last Friday, I spent a lot of time with Brian going over the new side plotline resolution. We really wore that out. So, those meet all the all the guidelines. And then lastly, pertaining to the neighbors, I think Ms. Barnes, who is not here, had indicated she want us to reach out to the neighbors. I believe all the Planning Commission members were copied on the exchanges. There were several with the neighbors. I'll gladly go over if there's any more concerns. But I think that, you know, we satisfied the request. So, if there's any other questions for me, I'll be glad to answer them.

Mr. Apicella: Thank you, Mr. Foroughi. Are there any questions for the applicant?

Mr. Bain: Just one...

Mr. Foroughi: Yes, sir.

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Mr. Bain: ... that came to mind. The open spaces, do you have right-of-way access for the HOA to maintain those? Because it looked to me like some of them were closed off from the roadway. And if the owner of the property suddenly finds the HOA wanting to bring a tractor in to maintain that the BMP, there could be some issues.

Mr. Foroughi: Could you have the slide please? The site plan slide. So, Mr. Bain, if you're looking at open space, for example, open space B, which is in between lots 8 and 9.

Mr. Bain: Yeah, one didn't bother me.

Mr. Foroughi: That one abuts the right-of-way. The same with 6 and 7, that also abuts the right-of-way towards the end of the cul-de-sac.

Mr. Bain: Oh, wait a minute. Which... Oh I...Okay. I thought the area immediately above the word open...

Mr. Foroughi: No, no, no, that's the open space.

Mr. Bain: Okay, okay.

Mr. Foroughi: That's the open space there.

Mr. Bain: Okay, it's way up there.

Mr. Foroughi: That is open space D.

Mr. Bain: That's fine.

Mr. Foroughi: That is also adjacent to the right-of-way.

Mr. Bain: Yes, yes, okay.

Mr. Foroughi: So, it shouldn't be any issues with access.

Mr. Bain: That space C, I thought was off...

Mr. Foroughi: I can understand the confusion.

Mr. Bain: Okay, thank you.

Mr. Foroughi: No problem.

Mr. Apicella: Any other questions for the applicant? Okay, thank you sir.

Mr. Foroughi: You're welcome.

Mr. Apicella: Mr. Harvey, you indicated that you had received some correspondence on this item.

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Mr. Harvey: Yes, Mr. Chairman, we received the message today dated September 9th. It reads “To whom it may concern. I'm requesting immediate approval of the sale of 92 Joshua Road, Stafford, Virginia, 22556 to Mr. Stonehill. I have a physical disability due to a terrible car accident 19 years ago. And as I'm getting older, my disability makes it impossible to tend and care for the amount of land on my property. As you know, I have 36 acres of land and I don't have the physical capability at this point to harvest the pine trees, keep the fields bush hogged, and tended to repairs as needed. I'm not able to even walk the land anymore, much less care for it anyway. Over the past few years, the cost of property tax has risen considerably and it is becoming more and more difficult to pay these taxes due to my limited income. This is why I need to be able to complete the sale, as noted in the contract between myself and Mike Stonehill as soon as possible. Thank you for your time. Claudette Loving.”

Mr. Apicella: Thank you, Mr. Harvey. Okay, I think everyone received an email from Ms. Barnes. She's unfortunately unable to attend today's Planning Commission meeting. She did indicate that she was supportive of moving forward on this this item. So, would anyone like to make a motion in her stead?

Mr. Randall: Yeah, I'd like to make a motion to approve SUB19153040, Joshua Landing preliminary plan.

Mr. McPherson: Second.

Mr. Apicella: And that's the plan as revised?

Mr. Randall: Yes.

Mr. Apicella: Right? The one we got what we have today?

Mr. Randall: Yeah, the one we have today. The one we're looking at... that was briefed today.

Mr. Apicella: Thank you, Mr. Randall. I didn't catch who the seconder was. Was that Mr. McPherson?

Mr. McPherson: Yes, sir, second.

Mr. Apicella: Okay, any further comments, Mr. Randall?

Mr. Randall: No, thank you.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No.

Mr. Apicella: Anyone else? Okay, seeing no other comments, I'm going to call for a vote and do it by roll call. Mr. Apicella votes yes on the motion. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Mr. Cummings?

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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: Okay, motion carries 6-0 zero with one absent. Thank you, everybody. Mr. Harvey, next item on the agenda.

4. SUB19152950; The Hills at Big Spring Preliminary Plan - A Preliminary Subdivision Plan to create 58 single-family lots on Tax Map Parcel Nos. 38-98, 38-101, and 38-103A, zoned A-1, Agricultural, on 26.88 acres located on the east side of Jefferson Davis Highway north of Big Spring Lane, within the Aquia Election District. **(Time Limit: November 18, 2020)**
(History: Deferred on August 26, 2020 to September 23, 2020)

Mr. Harvey: Mr. Chairman, Brian Geouge will give the update on the preliminary plan for Hill's Big Spring. Again, from ABC Conference Room... Oh, I'm sorry, Mr. Chairman, I read the agenda incorrectly. It was deferred to September 23rd meeting. So, your next meeting. Thank you, Ms. Stinnette, for keeping me straight. So, item 5 on the agenda is dealing with a proposed ordinance amendment for flagpoles and monuments. And Doug Morgan will lead the discussion on that item.

NEW BUSINESS

5. Amendment to the Zoning Ordinance - Proposed Ordinance O20-30 would amend the Zoning Ordinance, Stafford County Code Sec. 28-24, "Measurements" to remove flag poles and monuments from the list of structures exempt from height limitations contained the zoning ordinance. **(Time Limit: October 17, 2020)**

Mr. Morgan: Good afternoon again, Mr. Chairman and members of the Commission. The item for you is... the Planning Commission is to consider an amendment to the current code, Section 28-24, under "measurements" to remove language of monuments and flagpoles in order to classify such a structure as defined by the Zoning Ordinance. As a background, staff was asked to review... do a revision for the Zoning Ordinance regarding the height of flagpoles and monuments. Because they are currently now exempt in Section 28-24. Flagpoles and monuments are exempt from the height restrictions. In order to regulate height of flagpoles and monuments, it would be necessary to remove references to monuments and flag poles in this exemption section of the height regulations. This would allow the construction of flag poles and monuments under the current definition of structure in Section 28-25, and to regulate structure height within each designated zoning district. And any request to do a proposed taller flagpole or monument than the maximum allowable height in each zoning district would require conditional use permit, to be approved at public hearings through the Planning Commission and the Board of Supervisors. Doing some research, looking through to see what other

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surrounding localities, current surrounding localities do restrict some heights. It's not specifically spoken in their ordinance like ours is not. And even if we were to change it and remove that language from the heights section, it would not be... it would not speak specifically to those flagpole heights. Currently surrounding localities fluctuate between 25, 50, 100 feet in maximum height, and those are in different residential and commercial zones. And you'll see in your packet there's three different proposals for the ordinance. When it was directed from the Board, the board was just giving some direction for the Planning Commission to make suggested changes to see if we could capture language in here that met the intent of regulating flagpoles. And after further discussion with members of the Commission and digging deeper into it, there's an ordinance provision in there, number 3, that was proposed and sent to you guys. And in that language there, it offers an alternative. It does remove flagpoles and monuments from the height of structure exemption in Section 28-24. And it further apply... provides height limitations that can be altered if they request a special exception, if they don't exceed 10 feet in height, and they would request a conditional use permit if they were exceeding 11 feet or higher. So, the proposed changes in an ordinance that you have, you will see those, the one was just updated to remove the flagpole and monuments from the height exemption. The second one was a little bit too broad and it did kind of open it up to actually capture all structures, they would be accessory structures. And I believe it was the Board's direction to make sure it was just specifically for monuments and flagpoles. So, the third option there tightens that up to give a clearer definition and how that can be addressed and established. In doing some research just in the locality whereabouts, I know that there were some concerns about nonconformity and how nonconforming structures were nonconforming flagpoles that are currently existing would be able to remain. And doing an assessment of those, staff is found 4 that would be considered nonconforming for different locations. They do have proper permits. They are B-2 zone, R-1 zones and they would be able to remain and they would not be affected by this ordinance. This is for anything new that would be coming in and those flags would be considered nonconforming. The staff also did an inventory. A couple of the inspectors were out on different site visits and made some assessments to the surrounding areas and identified quite a conglomerate of flagpoles that are located in the county and identified them to be of about 100 of them 15 to 25 foot in height that were identified. So, with that being said, I believe the Board's intent is to try to vet this out and have this move forward to a public hearing as quickly as possible.

Mr. Apicella: Mr. Morgan, I've got a couple of questions I want to start off with. Can you explain, when we talk about nonconforming uses and grandfathering flags or monuments that would exceed whatever the new standards are, can you explain the legal reasoning or requirement that the County has to do to grandfather those in or otherwise it's called vesting?

Mr. Morgan: Well, it's called nonconforming use. I know that people use the term grandfathering, but in the Code of Virginia, if something is constructed, created, established building, use and the ordinance changes, those things are considered legal nonconformities. Meaning that they were legal at the time and they are now not legal because the code has changed. Items that are considered nonconforming uses are allowed to remain. They're not allowed to be expanded or enlarged. They can remain as long as they aren't deceased activity or removed or use eliminated for two consecutive years. At two consecutive year time frame would then nullify a nonconforming use, a nonconforming structure to where it would now need to meet the current provisions of the ordinance.

Mr. Apicella: Right, and help me if I'm wrong or Miss Lucian can help me out with, if I'm wrong. But the government had a certain set of standards or a lack of certain standards. Somebody asked for the ability to construct a structure that met the requirements at the time that they asked for it. The government made a decision to allow that activity to happen. The applicant expended time, energy and money to construct that structure. That's what I understand to be the construct of vesting. Am I

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incorrect in the way that I've described it? And there is a connection between investing and legal nonconforming usage.

Ms. Lucian: I would take Mr. Morgan's silence to mean that I should answer the question. I would say that they are very similar concepts. But I think your description...

Mr. Morgan: Was I not on?

Ms. Lucian: ... is accurate Mr. Apicella. That it's really a policy decision of the legislature. If somebody has expended resources to construction something and it's already in existence, if there's a Zoning Ordinance change that would later make that illegal. They are allowed to continue the use as long as they continue for the period that's required. Like Doug said, if they discontinue the use for more than two years, then they lose that status.

Mr. Apicella: Thank you, Ms. Lucian. Mr. Morgan, just going back to...

Mr. English: Mr. Apicella, I've got a...

Mr. Apicella: Yeah, can I just ask one more question real quick?

Mr. English: Sure, sure.

Mr. Apicella: Okay. So, for these types of structures, monuments and flagpoles and of course, with respect to all the other ones, items that are exempted under the term structure, since there is no parameter in theory, someone could build a flagpole or a monument of any size in any Zoning District in the absence of having some other criteria or requirement. Is that correct?

Mr. Morgan: For the most part, yes. So, it would certainly need to meet setbacks, depending on what Zoning District it's in, what the use is, so on and so forth. But yes, currently right now, they are exempt from the height regulations. Yes, sir.

Mr. Apicella: Okay, thanks. Mr. English, you had a question or questions?

Mr. English: Yeah, I guess it's for the attorney. What if you had... there's a flagpole or a monument on your property and you sold it. Does that... would that fall differently or would it still be kind of grandfathered or not?

Ms. Lucian: I think it depends on whether the use continues. It doesn't matter who owns it. So, as long it means unaltered, it still remains a nonconforming use.

Mr. English: So, if it's on the property and you sell it... okay, that's what I want.

Ms. Lucian: That is correct.

Mr. English: Thank you.

Ms. Lucian: Yeah, Doug can correct me if I'm wrong, but...

Mr. Morgan: That is correct.

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Mr. McPherson: Okay, Mr. Chairman, I have a question. Mr. Morgan, so I'm a little bit concerned. I'm looking for staff's thoughts. Say I have a house on a hilltop and it's 35 feet tall. And I want to put up a flagpole, but I want to put it maybe behind my house or off to the side. And I want the top of the flag to be where the top of my house is. If I have a limitation that's based on the height of the flagpole versus the height of the... the tallest structure existing on the property already. I think having a 35 or even a 45-foot limit on the flag pole would be detrimental. So, are there any rules in the state or government that all already apply to that? Or what are your thoughts on allowing a flag pole to be maybe 50 feet tall without having to put in a conditional use permit as long as it doesn't exceed the height of the existing structure?

Mr. Apicella: Mr. McPherson, can I just springboard off your question and maybe ask it a different way? How is the... how would the height of the flagpole be measured in the circumstance that Mr. McPherson mentioned?

Mr. Morgan: The height would be measured from the ground of construction to the top of the flagpole itself. Currently in R-1, A-1 and A-2, R-2, those districts maximum height for structures is 35 feet and the B-1 is 40 feet. B-2 is 65, B-3 is 65. You get into RBC zones, where you have nonresidential, you can go up to 120 feet. Then you have PD-2, M-1, M-2, a lot of those are 65 feet. PD-1, PD-2 is 45 feet. So, the way it reads right now by the directions of the Board that was sent down to the Planning Commission, is to eliminate those... eliminate the language from the flagpole and monuments from the height regulations. So, that in no event could those flagpoles be higher than any building that's currently constructed on the site or higher than a proposed structure. And again, flagpoles and monuments are accessory structures. They are accessory to a principal use.

Mr. Bain: Suppose you wanted to put the flagpole on the roof of the structure. How would the criteria that we're talking about apply?

Mr. Morgan: If they're exceeding... depends on which ordinance you're looking at. If you're looking at just taking it out of the language. They could not exceed the height in that zoning district with any structure attached or not attached. That would be a part of the principal structure. It still could not exceed that height. If you're looking at the alternative and they're going 10 feet above the height description, that's an alternative 3, then they would require a special exception if it was 11 feet or more. It would require a conditional use permit.

Mr. Bain: But is that is that 10 feet above the height measured from the ground or from the base of the flagpole on the roof.

Mr. Morgan: Base ground elevation for height, all measurements are from base ground elevation.

Mr. Bain: Okay. Thanks.

Mr. Apicella: Mr. McPherson, I just want to be clear that he answered your question.

Mr. McPherson: Mostly, yes.

Mr. Apicella: Okay. So, so where we are, Mr. Morgan, is the Board gave us a version. It's based on the table of uses and standards. But they didn't give us the ability to make changes and potentially offer alternatives. And so, you and I have discussed this, the pros and cons of the version the Board provided to us and their referral. The version that I've proposed is at least somewhat similar in terms

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of residential units for the vast majority of residential uses, and that it caps the size of the of the flagpole and monument at 35 feet. Again, which is consistent with those residential zoning uses. It also changes to the cap on commercial from either 40 or 65 feet to 45 feet. If you wanted to go above the 35 feet and residential use area, it would, it would need a special exception. If you wanted to go above the 45 feet to 55 feet, you would need a special exception. If you wanted to go anything above that you would need a CUP. The difference being that for a special exception, the cost and the process is very different. A special exception cost about a \$1,000. It goes to the BZA, it does have scrutiny, it does get vetted both by County staff and by a public body, that being the BZA. And one of my concerns with what the Board proffered was, it doesn't... it doesn't make a distinction even if you wanted to go a small amount over the height limit in the table of uses and standards. So, if you wanted to go from 35 feet to 36 feet, you'd have to do a special... you'd have to do a conditional use permit. Again, which costs \$10,000. So, I personally was trying to find an approach that was, what I would call graduated, and it provided different levels of approval based on the height over, and above the cap. So, there's kind of two... there's the base level., okay, 35 or 45 feet. And then once you go above that, the next level is 10 feet more. You'd have to go through a special exception, if you wanted to go more than 10 feet. Then you'd have to do the conditional use permit. So, what we see is there's no one size fits all approach. When we look at other jurisdictions, they do have caps on flagpoles and monuments. They take different approaches. So, again, I was looking for what I would call a balanced approach, a happy medium, that could work for four or all parties depending on their specific district. Do you have any further thoughts about, you know, the differences between the version that the Board provided and the version that that you and I discussed, Mr. Morgan.?

Mr. Morgan: I'm sitting here talking with members of the Board, kind of raise another question, you know, maybe an approach and I'm not certain which member I can't quite see. I apologize, I brought it up. But just making the comment about flagpole being on top of the structure and how that would be measured, which made me think of it a little bit differently if... if we just put language in there that said, even if you wanted to suggest language that said flagpoles and monuments cannot exceed the principal structure height.

Mr. Apicella: Well, I can't... can we do it a little bit differently because I hear what Mr. McPherson was saying. I thought I thought you said as measured from the base level of the ground.

Mr. Morgan: Correct. If it's attached to the principle structure, it would be part of the principal structure. But it also made me think that if there's a, you know, a 20-foot high Rambler, on a big hill, like he was saying, does he, you know, do you want a 35-foot flagpole that's more obtrusive? I don't know what the intent here is, is to regulate flagpole height so that they're not innocuous uses or they're not. Or they are not visibly obstructive, so on and so forth. I think the option 3, personally is the one that captures an alternative. Again, I don't know if that's the direction of the Board, but it does give an alternative for up to 10 feet of an extension and then it kicks into the conditional use permit, which the conditional use from a requirement is already part of the ordinance. If you want to go up any height and extend any higher in our current code, you have to get a conditional use permit.

Mr. Apicella: So, can I... can I offer again... I'm hoping that my colleagues will consider the alternative that's here tonight. If we added something to the effect of after, I'm looking at page 2 of version 3, any monument or flagpole as measured from the base level of the ground, it shall not exceed. And I think that pretty much precludes somebody from doing what Mr. Bain was talking about, because that would be a way to sort of get over... that would be a way to circumvent the height limitation, would it not?

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Mr. Morgan: No, it would not be a way. You could not do that. You would still...

Mr. Apicella: That is what I am saying...

Mr. Morgan: You will still have to meet the height requirements.

Mr. Apicella: If we had... if we added this language, it would preclude somebody from circumventing the height limitation, right?

Mr. Morgan: I don't understand how you would circumvent the height limitation if it's attached to the principle structure. That's part of the principle structure. So, they sill... even in the language in there that couldn't exceed that height. So, you know, base measurements are... that's in a different section of the code. That's an a totally different section how you take your measurements for height on the floor elevation, ground elevation, to the structure, that's in a different section. So, in this section we're looking at flagpoles only and monuments only. And what you've done is kind of captured that here. So, even if it is attached to the building, you still can't exceed the height that's for that Zoning District.

Mr. Apicella: So, so, again, where would you put that and how would you state it one more time?

Mr. Morgan: Like it's stated in the third option.

Mr. Apicella: So, you don't think that any additional language is necessary?

Mr. Morgan: No, sir.

Mr. McPherson: Is the third option Attachment 3? I just want to clarify. Okay.

Mr. Morgan: Yes, sir.

Mr. Apicella: Okay, and just, just so everybody knows, Mr. Morgan and staff provided some additional information, one was just a document capturing the different maximum height levels in each district. And it varies quite a bit from one Zoning District to another. And also, just a document that shows what size flag you could get based on the height of the flagpole. So, I'm just going to open up to the floor for comments and further questions.

Mr. Randall: Mr. Chairman, I have a couple of questions for Mr. Morgan.

Mr. Apicella: Sure.

Mr. Randall: So, Mr. Morgan, you mentioned at the beginning of your presentation that there were 4 nonconforming flag poles. What was that...what was the height differential? How much nonconforming were they? Were they 5 feet? Were they 100 feet? Do you have an idea of how nonconforming they were?

Mr. Morgan: Yes, sir. I do know that, one is in the B-2 district that's 50 foot tall. So that would exceed what the ordinance provision is for option 3. Option 1, it would be conforming. The second one is B-2, it would be considered nonconforming, an either option because it's 80 foot tall. And I have two of them that are in the R-1 Zoning District, both of which are 80 feet tall, both of which would be nonconforming no matter which option you chose.

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Mr. Randall: Okay, and just so I'm clear. They could take that, they could take that flagpole down tomorrow, put up a brand new flag pole next week, the same height, everything the same, and still be grandfathered in to the old... semi-grandfathered, is that correct?

Mr. Morgan: Yes, sir, that's correct. In the event that it's blown down by wind or taken down by themselves. If it's taken down and not put back for 2 consecutive years, then that's when they would lose their nonconformity. They would have to conform to the current provisions.

Mr. Randall: Okay, thank you.

Mr. Apicella: Any other questions? Okay. So, we've been asked to put this forward to a public hearing. I think, you know, as soon as possible, is there is there a motion?

Mr. McPherson: I'd like to make a motion to open this for public hearing at our September 23rd Planning Commission meeting.

Mr. Apicella: Okay. We wouldn't have enough time by September 23rd. We need about a month. So, it would be at the October 14th meeting.

Mr. McPherson: Okay, I'd like to modify the motion to whatever our time limit is. Would it be October 14th?

Mr. Morgan: The October 14th meeting looks like it's pretty full. I know we have to have two consecutive weeks advertising. We have an October 17th time limit, so, we'll have to schedule for October 14th, is what I'm thinking.

Mr. English: That's what we said, October 14th.

Mr. Apicella: Right, that's what I thought I said. So, Mr. Mr. McPherson, you're recommending, I hope, version 3?

Mr. English: Version 3, right?

Mr. McPherson: Yeah, version 3, public hearing.

Mr. Apicella: Okay. So, there's a motion to put forward a public hearing version 3 of the proposed Ordinance changes. Is there... at the October 14th Planning Commission meeting. Is there a second?

Mr. English: Second.

Mr. Bain: Second.

Mr. Apicella: Okay, I think I think Mr. English got there first.

Mr. Randall: He did, he got it.

Mr. Apicella: Any further comments, Mr. McPherson?

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Mr. McPherson: I just have one question. Technically, is it version3 or option 3? I want to make sure that we're wording it correctly. It says version 2, I thought it was option 3. I just want to make sure that we're properly wording it for the public hearing.

Ms. Lucian: The attachment at the dais say version 3.

Mr. McPherson: Okay. Thank you. No further comments.

Mr. Apicella: Thank you, Mr. McPherson. Mr. English?

Mr. English: No.

Mr. Apicella: Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Anybody else? Okay, I'm going to call for a roll call vote, to move forward with Mr. McPherson's motion. That version 3 be put forward to a public hearing at the October 14th Planning Commission meeting. Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: 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: Okay, motion carries 6-0 with one absent. Thank you, everybody. Thank you, Mr. Morgan. Thank you, Mr. Harvey. Moving on to the next agenda item, Mr. Harvey.

PLANNING DIRECTOR'S REPORT

6. Healthy Growth – *BOS Referral*

7. Warehouse in B-2 – *BOS Referral*

Mr. Harvey: Mr. Chairman, next agenda item is the Planning Director's Report. I have two items to bring to the Commission's attention. The first item deals with the Board of Supervisors Healthy

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Growth Initiative. At their meeting on September 1st, the Board requested the Planning Commission's participation and joint public hearing on a proposed amendment to the comprehensive plan, as well as Zoning Ordinance for the Board's Healthy Growth Initiative. Specifically, for the rural A-1 zoned areas of the County. The proposed amendment would change the zoning requirements in the A-1 Zoning District from 3 acre lots as the minimum for determining the number of lots that you can have on a given tract of land, to a process similar to our residential zones, where you have an allocated density determined on how many houses you can have in the future. That allocate density would take the total land area, subtract out wetlands, floodplains and slopes greater than 35%, and then you divide by 10 for a density of 1 dwelling per 10 acres. That could determine how many lots you could potentially put on a track to land for residential housing purposes. The Zoning amendment would also keep the minimum lot sizes the same, 3 acres for a conventional subdivision and 1½ acres for a cluster subdivision. Staff would seek guidance... a recommendation from the Commission to participate in joint hearing on October 29th.

Mr. Apicella: Thank you Mr. Harvey. Are there any questions or comments for Mr. Harvey?

Mr. Bain: I would like to maybe make a couple of comments. As everybody knows, we've had a subcommittee on the Healthy Growth issue. We've met a number of times on this. But the full Planning Commission has not been, I don't think, adequately briefed on the issue. I'm just wondering, Mr. Harvey, is it... would it be possible to maybe have a work session on this with the full Commission? Discuss what's been presented to the Board and allow the subcommittee to present what we've developed or discuss what some of the options are? Could we do that?

Mr. Harvey: Mr. Bain, I'd recommend, given the timing where we're at, that we put that on the agenda for the meeting on the 23rd as New Business.

Mr. English: Could... do you think... could we meet an hour prior to a meeting? Would that be okay? Does it have to be in public for this?

Mr. Harvey: Yes, so it would have to ... if you're having a work session, it would be a public meeting similar to the current situation...

Mr. English: Okay.

Mr. Harvey: ... where we are in chambers and describing what's being proposed and all the details.

Mr. Bain: Well, if that's the only opportunity, then I think we definitely need to do it. Because there, there's a number of questions that just haven't... haven't been addressed yet. One of the things I was thinking about...

Mr. Apicella: I apologize... I lost County TV. Can everybody hear me?

Mr. Harvey: Yes, sir.

Mr. English: Yeah, we got you.

Mr. Bain: We can, we can't see you.

Mr. Apicella: Hello.

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Mr. Bain: But that's not necessarily bad. Can you hear us? I think we somehow lost Mr. Apicella.

Mr. English: Go ahead and continue on then Mr. Bain.

Mr. Bain: Okay. There are some things that I'm still concerned about. We've talked about the number of parcels that are affected, the number of possible development units that could be created with different approaches. But we really haven't talked about the number of families that would be impacted with these different things, because some of these parcels, they might be several parcels owned by one family. And we haven't talked about what impact it could have on family subdivisions, for example. So, I think some of those issues need to be looked at. I just received today the of the database that had that I believe had been used for preparing or developing the numbers that were presented to the Board. I haven't really had a chance to dig in to it. And I would like to have that opportunity. So, I think that October 23rd meeting is going to be...

Mr. English: September 23rd.

Mr. Bain: I mean, excuse me, September 23rd. Yes. Is going to be important to do that. Would staff be able to make a presentation about some sort of summarizing what was presented to the Board in terms of alternatives and maybe give some guidance as to how the Board arrived at the 10 acre minimum parcel size as their approach of choice? I just... I just think we need more information.

Mr. English: Do we... how's our 23rd meeting look like Jeff? How's it look?

Mr. Harvey: From ...

Inaudible.

Mr. English: I know, yeah. Go ahead.

Mr. Harvey: If I remember right and Ms. Stinnette can correct me, I believe we only have one public hearing scheduled for that meeting. And she's shaking her head. I guess the computer's not cooperating, but... it's one of those... we're in a situation where if the Commission wants to have a work session, it's either that meeting or the 9th.

Mr. English: What's the schedule?

Mr. Harvey: Excuse me, the 14th.

Mr. English: I'm sorry.

Mr. Harvey: It would be either the 23rd or the 14th. And my understanding was there's a comment that the 14th is already rather full.

Mr. English: Go and plan on doing it on the 23rd then, just do a quick work session. We'll do that.

Mr. Randall: I have a quick question then, to that point. Is a work session going to be a continuation of the subcommittee or is a work session going to be discussion of the subcommittee report?

Mr. English: Discussion of the report, correct?

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Mr. Randall: Will you have a report? So, there will be a report ready...

Mr. Bain: Yes.

Mr. Randall: ... for the Planning Commission to discuss.

Mr. Bain: Yes.

Mr. McPherson: We have one more subcommittee meeting next week?

Mr. Randall: Yes.

Mr. McPherson: Prior to the September...

Mr. Randall: So, the other question I had regarding that. And I guess if we're for opening this up. Did you meet the deadline to give our inputs to the Board of Supervisors after our last meeting? So, on the 1st of September, they made a decision to send it... they made this decision to send it to us with this 10 acres based on input that you had already provided to them?

Mr. Bain: No, we have not provided any input to the Board because they did not set a deadline for us to submit a report to them. They did not ask us... Planning Commission for a report until...

Mr. Randall: Okay.

Mr. Bain: ... until this...

Mr. Randall: No, I understand. At our last meeting, we had a very robust discussion...

Mr. Bain: We had a preliminary report that we submitted to the Commission...

Mr. Randall: Right, we had a very robust discussion about what we talked about on a Wednesday afternoon, Wednesday evening. And the discussion was we want to be able to present something to the Board prior to their September 1st meeting. And it is then this comment was staff, can you work with us Thursday morning so we can have something prepared by Thursday noon so we can get that to the Board in preparation for their package, just like we did, just like we got our package. And so, the question I have is, was that done? Did we get that finished?

Mr. English: It was.

Mr. Randall: Did we give that to the Board?

Mr. English: Mr. Harvey, chime in, it was.

Mr. Harvey: Commissioner Randall, the report was not included... the Planning Commission, or I should say the subcommittee draft report was not included in the Board of Supervisors staff report.

Mr. Randall: Okay.

Mr. Harvey: It was sent out on by a separate e-mail by the Chairman to the Board members.

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Mr. Randall: Okay.

Mr. Harvey: So, the Board members did receive it prior to them meeting on the 1st. So, they had an opportunity to look at it and understand it. But it was not presented during the staff presentation, other than me explaining that the Committee had a preliminary report and there were three options that they were currently studying.

Mr. Randall: Okay, alright. So, they did have that information before them when they gave us this... when they gave us this resolution.

Mr. Harvey: Yes.

Mr. Randall: Okay, thank you.

Mr. English: Alright. So, we'll go ahead and plan on a work session on the 23rd. Is that good... will it be under old business, wouldn't it? Because it's a Committee report.

Mr. Harvey: Commissioner English, I'll put it under New Business because again it's probably going to be extent...

Mr. English: Okay.

Mr. Harvey: ... having discussion beyond what the Committee is working on, because as Commissioner Bain had requested, it will give more background ...

Mr. English: Okay.

Mr. Harvey: ... on what was presented to the Board and their information as far as background, as to where the Board is coming from with regards to their amendment.

Mr. English: Understood. Okay, great. Go ahead Jeff.

Mr. Harvey: And then, Mr. Chairman, we also would... staff would ask for concurrence from the Planning Commission that you are willing to participate in the joint hearing on October 29th.

Mr. English: I think everybody is in agreement with that.

Mr. Randall: Yes.

Mr. English: Okay, sir.

Mr. Harvey: Thank you.

Mr. English: Do you think a vote or anything or is that good.?

Ms. Lucian: I don't think it is necessary as long as everybody's on board.

Mr. English: Okay. Go ahead Jeff.

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Mr. Harvey: Thank you. The other item I had to report was the Board sent forward a proposed zoning text amendment to require mini storage facilities and B-2 Zoning District to be under a conditional use permit. Currently they are by-right in the B-2 Zoning District. Some issues have been noted, especially in the Rock Hill District, as far as number of new facilities have come up that are having concerns about community impacts. Currently, besides being allowed in the B-2 Zoning District, many storage warehouses are permitted in the M-1 and M-2 Zoning Districts. So, if the Commission is okay with the current proposal, as written, staff would ask you consider scheduling a public hearing date.

Mr. English: Okay, when is the deadline on?

Mr. Harvey: Since it's just come to the Commission, you'd have 100 days.

Mr. English: So, we could do in November? Would that be too long?

Mr. Harvey: I believe so, or the second meeting in October.

Mr. English: Well, it's the 14th. And you said you're already loaded, right? That's the first meeting in October. So, it would be the 28th.

Mr. Randall: The 28th.

Mr. English: Okay, so we could do it October 28th.

Mr. Harvey: Yes.

Mr. English: Okay, is the 28th okay with you guys?

Mr. Randall: That's fine.

Mr. English: Okay. Okay Jeff.

Mr. Harvey: And that concludes my report.

COUNTY ATTORNEY'S REPORT

Mr. English: Okay, County Attorney's Report.

Ms. Lucian: Good evening, Planning Commission, I do not have a report. Thank you.

COMMITTEE REPORTS

8. Land Conservation Subcommittee
Meeting – Wednesday, September 16 @ 3:00 PM, Activities Room
9. Minor Proffer Amendments Subcommittee
Meeting – Thursday, September 17 @ 3:00 PM, Activities Room
10. Healthy Growth Subcommittee

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Meeting – Friday, September 18 @ 1:00 PM, Activities Room

Mr. English: Okay. Committee Reports. Land Conservation Subcommittee. We are going to be meeting on Wednesday, September the 16th at 3 o'clock in the Activities Room. Minor Proffer Amendments meeting will be Thursday, September 17th at 3 o'clock in the Activities Room ,and the Healthy Growth Subcommittee, I guess you are meeting again on September the 18th at 1 o'clock. Correct?

Mr. Bain: Right.

CHAIRMAN'S REPORT

Mr. English: Okay. Chairman's Report, I have nothing. Mr. Apicella didn't refer to anything. Did he say anything Stacie?

Ms. Stinnette: We lost him.

Mr. English: Okay, so we don't know anything.

Ms. Stinnette: *Inaudible*.

Mr. English: Alright, that's fine. Okay. Any other business? New TRC submissions? None, right?

Mr. Randall: I have... can I make one quick question?

Mr. English: Absolutely.

Mr. Randall: The 29th is a Thursday, correct? The intent was to have it on a Thursday, correct?

Mr. Harvey: Commissioner Randall, that is correct. Due to the potential attendance at the meeting, there was concern about possibly having it at a different venue than this Board Chambers. So, we're right now looking at possibly having it at Colonial Forge High School. And due to availability of being able to have the meeting broadcast, we needed to pick a date that was other than a Tuesday or Wednesday.

Mr. Randall: Okay, alright, perfect. Thank you.

Mr. English: Okay? Alright. Does anybody have anything else before we go into the approval minute? Anybody? If not, I need a motion to approve the June 24th meeting minutes.

OTHER BUSINESS

11. New TRC Submissions - *None*

APPROVAL OF MINUTES

12. June 24, 2020

Mr. Randall: So moved.

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Mr. Cummings: Second.

Mr. English: Okay, motion made by Mr. Randall and secured by Mr. Cummings. Mr. Randall?

Mr. Randall: No comments.

Mr. English: Mr. Cummings?

Mr. Cummings: No comments.

Mr. English: Alright, I'll call for roll. Mr. Bain?

Mr. Bain: Yes.

Mr. English: Mr. Randall?

Mr. Randall: Yes.

Mr. English: Mr. McPherson?

Mr. McPherson: Yes.

Mr. English: Mr. Cummings?

Mr. Cummings: Yes.

Mr. English: And myself is yes. Meeting adjourned at 6:48.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 6:48 p.m.