

STAFFORD COUNTY BOARD OF ZONING APPEALS
September 28, 2021

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) of Wednesday, September 28, 2021, was called to order with the determination of a quorum at 7:00 PM by Chairman Dean Larson in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Dean Larson, Steven Apicella, Kecia Evans, Dana Brown, Robert Gibbons (*Alternate*), John Harris, Jon Ireland

MEMBERS ABSENT: Jeffrey Spinnanger, Robert Grimes (*Alternate*)

STAFF PRESENT: Douglas Morgan, Melody Musante, James Staranowicz, Stacie Stinnette, Vicki Sowers

DECLARATIONS OF DISQUALIFICATION

Dr. Larson: Good evening ladies and gentlemen. Can you hear it? Can you hear me now? Okay. Good evening ladies and gentlemen and welcome to the September 28, 2021, meeting of the Stafford County Board of Zoning Appeals. Before we go on with the preamble, I have a slight deviation. Melody Musante, please come up. Melody is retiring imminently. Okay, this is a Resolution to recognize Melody M. Musante for her service to the Stafford County Board of Zoning Appeals and the citizens of Stafford County. Whereas on October 24, 2007, Melody M. Musante began her service to the Stafford County Board of Zoning Appeals. And whereas due to her outstanding work for and service to the Stafford County Board of Zoning Appeals, Melody M. Musante worked her way up through the ranks of the Stafford County Department of Planning and Zoning to attain her current position, the position of Deputy Zoning Administrator. And whereas Melody M. Musante has provided 14 years of service to the Stafford County Board of Zoning Appeals. And whereas Melody M. Musante has been an essential member of the staff serving the Stafford County Board of Zoning Appeals. And whereas the Stafford County Board of Zoning Appeals wishes to express its profound appreciation and gratitude for her years of service and dedication to the Stafford County Board of Zoning Appeals. Now therefore be it resolved by the Stafford County Board of Zoning Appeals on this 28th day of September, 2021, that Melody M. Musante be and is hereby commended for her years of dedication to the citizens of Stafford County and to the Stafford County Board of Zoning Appeals. Be it further resolved that the Stafford County Board of Zoning Appeals does hereby offer its heartfelt appreciation and extends its best wishes to Melody M. Musante in all her future endeavors. And be it finally resolved that this Resolution be placed within the minutes of the Stafford County Board of Zoning Appeals In official recognition of Melody M. Musante's service to the Stafford County Board of Zoning Appeals. [Applause]

Mr. Apicella: Mr. Chairman, to make it official, I move for approval of the Resolution.

Ms. Brown: I'll second.

Dr. Larson: Those in favor say aye.

All Members: Aye.

Dr. Larson: Any opposed? Okay, let the record show it's unanimous. Thank you. Stand by one. Proceeding with the preamble. The BZA is a quasi-judicial body whose members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA is to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator. Hearing of appeals may be conducted in two parts. The first will be a review of the BZA jurisdiction and appellate

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standing. And the second will be a hearing on the merits of the case if required after review of jurisdiction is standing. The BZA also hears and decides upon requests for variance from the Zoning Ordinance when a literal enforcement of the Ordinance would result in unnecessary hardship to the owners of the property. And the BZA can hear and decide on request for special exceptions where the Zoning Ordinance allows for special exceptions. The board consists of seven regular members and two alternates. An alternate may be called upon to participate when a regular member is unable to hear a case. Would staff... oh. Alright. So we do have seven members present and voting; myself, Mr. Steven Apicella, Ms. Kecia Evans, Mr. John Harris, Ms. Dana Brown, Mr. Robert Gibbons, and Mr. Jon Ireland. County staff is represented tonight by Mr. Douglas Morgan, the Zoning Administrator, and Ms. Stacie Stinnette, Senior Administrative Associate. Okay. BZA hearings will be conducted in the following order. The chair will ask the staff for the completeness of the application. The chair will then ask the staff to read the case and the members of the board may ask questions of the staff. If applicable, the chair will ask the board if there are any issues with the BZA jurisdiction or appellate standing of the case presented. The chair shall then ask the applicant or their representative to come forward and state their name and address and present their case to the board. The presentation shall not exceed 10 minutes unless additional time is granted by the board. Board members may ask the applicant questions to clarify or better understand the case. The chair will then open the public hearing. The chair will then ask for any member of the public who wishes to speak in support of the application to come forward and speak. There shall be a three minute time limit for each individual speaker and a five minute time limit for a speaker who represents a group. After hearing from those in favor of the application, the chair will ask for any member of the public who wishes to speak in opposition to the application to come forward and speak. After all public comments have been received, the applicant shall have three minutes to respond and provide closing remarks. We ask that each speaker present their views directly to the board and not to the applicant or other members of the public. We require the applicants, speakers, and presenters and the audience to act with a level of decorum that... and respect appropriate for a courtroom setting. After the applicant's final response, the chair shall close the public hearing. After the public hearing has been closed, there shall be no further public comments. The board shall review the evidence presented and the chair shall seek a motion. After discussion of the motion, the chair shall call for a vote. In order for any motion to be approved, four members of the board must be present for approval. To allow... in order to allow the board time for appropriate review, the applicant or the applicant's representative is required to submit material relevant to... relevant material to the Department of Zoning and Planning 10 days prior to this hearing to be included in the staff report. The board may accept additional material relevant to the case from the applicant or the applicant's representative during the hearing. However, large amounts of additional material may require deferral at the board's option on behalf of the applicant to allow the board time to consider the additional material. Members of the public and/or staff may also submit relevant material during the hearing. The applicant may withdraw his or her application at any time prior to vote to approve or deny the application provided the applicant has not withdrawn a substantially similar application within the previous 12 months. Any person or persons who do not agree with the decision of this board shall have 30 days to petition the Stafford County Circuit Court to review our decision. Also be aware that the board will not hear any denied application for a variance or special exception that is substantially the same request for at least one year from the date of our decision. I now ask that anyone who has a cell phone or other electronic device to please silence it. Thank you. The board requires that any person who wishes to speak before this board shall be administered an oath. Therefore, I ask anyone who wishes to speak tonight to stand and raise your right hand. Please stand if you're going to speak. Okay and raise your right hand please. Do you hereby swear or affirm that all testimony before this board shall be nothing but the truth? Everybody? Thank you. Be seated please. The board asks that when you come down to the podium to speak please give your name and address clearly into the microphone so you are... so our recording Secretary can have an accurate record of the

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speakers. Also please sign the form on the table in the rear of the room. Thank you. Are there any changes or additions to the advertised agenda?

Mr. Morgan: No Mr. Chairman, there are not.

Dr. Larson: Before we hear the first case, does any board member wish to make any declaration or statement concerning any of the cases to be heard by the board tonight?

Ms. Brown: Yes, Mr. Chairman.

Dr. Larson: Go ahead, Dana.

Ms. Brown: I just wanted to state that I did visit the property on Saturday the 25th. And I spoke with Mr. Jackson. He gave me a very comprehensive tour of the property which I'll go into later. Thank you.

Dr. Larson: Anybody else? Now I'll ask the Secretary to read the first case summary.

PUBLIC HEARINGS

1. SE21-03/21154076 – Julius A. Jackson - Request a Special Exception per Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," A-1, Agricultural, to allow an Event Venue on lots greater than 20 acres. The proposal is for small events up to 50 people. The 68.118-acre parcel is located on Tax Map Parcel No. 36-58; 550 Mount Olive Road; Zoned A-1, Agricultural.

Ms. Evans: Public hearing SE21-03/21154076. Julius A. Jackson - Request a special exception per Stafford County Code, Section 28-35, Table 3.1, "District uses and standards," A-1, Agricultural, to allow an event venue on lots greater than 20 acres. The proposal... the proposal is for small events up to 50 people. The 68.118-acre parcel is located on Tax Map Parcel Number 36-58, 550 Mount Olive Road, zoned A-1, Agricultural. Attachments include application, application affidavit, plat, diagram of area used for the venue, construction plans of pool house, email from building official regarding portals, copy of O19-21, copy of tax payment, and copy of adjacent property owner notification. Issue. The Board of Zoning Appeals is to consider a request for a special exception for an event venue on lots greater than 20 acres on Tax Map Parcel Number 36-58. The property is zoned A-1, Agricultural, located at 550 Mount Olive Road. Applicable background. The applicant is requesting a Special Exception to operate an event venue on lots greater than twenty (20) acres. The proposed plan is to hold small events and weddings on the property. The property is 68.188 acres. The property is currently within the Stafford County land use program. The current single-family dwelling is 5,640 square feet. No part of the existing dwelling will be utilized for the weddings or events. The pool house is 1,425 square feet and will be the only structure utilized for events. The pool and deck area are enclosed by fencing and will be utilized for events. The applicant is requesting a maximum of 50 attendees. The parking areas are comprised of two separate paved areas housing parking spaces that are 9x18 to accommodate 30 vehicles, with an additional paved area by the detached garage for additional parking, drop off, or loading area. All areas are located centrally within the 68.118-acre parcel and completely screened from view of adjacent properties. No overnight services and no other use of the facilities or structure on the property will be utilized for the small events. The applicant has requested the days and hours of operation to be seven days per week, May through August, 7 o'clock AM to 10 o'clock PM; and September through April, Friday, Saturday, and Sunday, 7:00 AM to 10:00 PM with no weekday hours. VDOT has preliminarily reviewed the request. VDOT permit will be obtained. The existing sewage disposal system was approved in 2009 and will not be utilized for events. Lavatory services will be offered by portable

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executive latrines (portalets) for events. Zoning History. The single-family dwelling was constructed in 2009. A 70x50 barn, a 48x30 detached garage, a 56.5x47.25 pool house and in-ground pool exist on the property. The current owners purchased the property in November 2020. The Board of Supervisors changed the code to allow for event venues of 20 acres or more in October 2019. Existing Conditions. The subject property is located on the west side of Mount Olive Road. The perimeter of the site is wooded. There are no wetlands, floodplain, or Critical Resource Protection Areas (CRPA) that would limit such use of the property. Aerial overview of the driveway, main parking, VIP parking and venue location.

Dr. Larson: Are there any questions for staff? Dana?

Ms. Brown: Hi, just, just two. In the staff report, it mentioned that there was no CRPAs or RPA that would limit the property being used like this. I just want to point out there is RPAs on there. But it doesn't look like they're going to be impacting what's going to happen that he's trying to do now. And I want to know, will the county building official be, you know, looking at this to make sure everything is complied with, like handicap parking, and to make sure the pool meets county code and all that?

Mr. Morgan: We always do ask the building official's office to do an inspection once we approve a special event venue, they would go out to the site.

Ms. Brown: Okay.

Mr. Morgan: The RPA, as you did mention, is down towards the front part of the property. That's why the staff report mentions that it's not in this area, or part of this application.

Ms. Brown: Actually it goes in an X across the property.

Mr. Morgan: It goes right down across the middle where the swale is. And it's outside the area. I mean...

Ms. Brown: Yeah, the map that I got had an X like this going across the property as an RPA. But yeah, his proposed stuff is not in there. I just wanted to be clear on the minutes that there is RPAs on the property, just not where he's proposing to do the business. That's all I had.

Dr. Larson: Any others?

Mr. Apicella: Yes, Mr. Chairman. I know each case is fact specific and reviewed based on its own merits. Is there an approved events venue close to the subject parcel? And if so, where is it?

Mr. Morgan: Yes, there's an events venue that was approved last August 2020, at the adjacent property on Mount Olive Road.

Mr. Apicella: So, we've got a couple of visuals. Can you... I'm looking at the one that said Attachment 4, Page 3 of 5. Can you... is it one of those?

Mr. Morgan: Attachment?

Mr. Apicella: I'm looking at the staff report; Attachment 4, Page 3 of 5. Or, actually, any of the aerials will do, I just want to know where it is in relationship to this subject property.

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Mr. Morgan: It would be the house at the top portion of the property to the north. That's 270 yards away. If you see to the right of the property, that's the entrance. You can see the driveway entering the property from the eastern most portion; the top portion to the north is the event venue located on the adjacent property.

Mr. Apicella: So that's, on this attachment, that's house one?

Mr. Morgan: Correct.

Mr. Apicella: Okay. Mr. Chairman, I've got several more questions, but I can hold off if others want to chime in.

Dr. Larson: Are there others with questions for staff?

Mr. Apicella: Alright. Do we have any wedding and events venues with special exceptions with a 7 AM start time?

Mr. Morgan: We looked back through for the past several years and the earliest one we have is 9 AM.

Mr. Apicella: Okay. Is it generally held that someone would have a wedding as early as 7 AM?

Mr. Morgan: I'm certainly not an event planner for a wedding, but I do know that sometimes corporate events, if they're having morning brunch, morning breakfasts, different events sometimes do happen in the morning. I'm not familiar with specific wedding venues starting at seven. I have seen some at sunrise, but that's just personally, not professionally.

Mr. Apicella: Okay, so what are the county's noise provisions or requirements between 7 AM and 10 PM?

Mr. Morgan: The county's noise ordinance is Section 16.6 of the County Code. Section 16.6 of the County Code is enforced by the Sheriff's Office. This would be classified, even though it's A-1, zoned Agriculture, the principal use of this property is residential. The residential decibels are measured during daylight hours. Those daylight hours are 60 decibel units and nighttime hours are 55.

Mr. Apicella: And do we have any sense of how that might work if the other parcel that has an approved special exception is having an event at the same time as this event venue?

Mr. Morgan: Yes, sir. A complaint would come into the Sheriff's Office and the Sheriff's Office would go out as any complaint. They would possibly give an address that they feel is the address that's making the noise or creating the violation. And they would visit that site to determine which property is the one that's in violation.

Mr. Apicella: Looking at the, again, aerial, what's at the bottom lower portion of the parcel?

Mr. Morgan: The bottom lower corner of the parcel is a horse barn. There's a riding paddock. And I believe there's a pasture there. When I was on site, there were two horses there.

Mr. Apicella: And kind of going back and forth on different issues, but what's the distance from the house or the pool to the nearest house?

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Mr. Morgan: That is 270 yards; that's going to be on your west side. If you see, that's the closest one; 270 yards, of course, that's going to be 690 feet. And the other ones are much farther.

Mr. Apicella: And the one you just mentioned, that's the other house with a special exception.

Mr. Morgan: No, that is not the house with a special exception. The house with a special exception is 270 yards and that's to the north. The property to the west is 230 yards. It's the closest.

Mr. Apicella: Okay, gotcha. With regard to the application, I noticed that... is there... let me ask this question. So we've got the house where it sits and as I understand it, the applicant wants to use primarily the swimming pool for the events. But is there anything in the, in the conditions that would preclude the applicant from holding events elsewhere on the property? So we know it's a certain distance based on the swimming pool, but it's a 68 acre parcel. If they decided to clear some area, would they be precluded from having an event elsewhere on the parcel and thereby get closer to other homes?

Mr. Morgan: The answer to that is yes. This application states specifically of what their intent is, and that's what they're requesting or an approval for. In the event that they would want to change the location or utilize the house, they would have to come back before the Board of Zoning Appeals for another approval for a special exception.

Mr. Apicella: So help me understand, what about the special exception would preclude them from doing that, aside from the conditions?

Mr. Morgan: The conditions, nothing aside from the conditions.

Mr. Apicella: Right, so there is no condition that says that they can't hold events elsewhere on the property? It doesn't say anything in the conditions about holding events only at the swimming pool?

Mr. Morgan: That's correct. And the Board of Zoning Appeals has the ability to imply other conditions as they feel or deem necessary.

Mr. Apicella: Right. But I just wanted to clarify that it's not, at the present time based on the conditions that have been proposed, there's nothing that, again, precludes them from moving or having an event elsewhere on their parcel.

Mr. Morgan: Correct.

Mr. Apicella: The conditions prohibit outdoor concerts. So what, aside from that prohibition, what are the range of activities that could occur on this subject property under the events definition?

Mr. Morgan: Under the events definition, it gives a list but not limited to, outside... let me read it for you verbatim. "Events venue is a facility located on a minimum of 20 acres of land that is operated by the owner of the property who resides on the property. The events may include but are not limited to weddings, birthdays, anniversaries, concerts, reunions, festivals, etc. In addition, the facility may contain kitchen and conduct catering for the onsite events only."

Mr. Apicella: So again, based on the conditions, the only thing that's been excluded thus far is the outdoor concert from that list.

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Mr. Morgan: Correct.

Mr. Ireland: Can I clarify something real quick?

Mr. Apicella: Yeah, please.

Mr. Ireland: For me, maybe for you as well. The conditions you're speaking of, are those the ones that have been recommended by staff that are in our packet?

Mr. Apicella: Yes.

Mr. Ireland: Those are not the end conditions that we agree on, correct?

Mr. Apicella: No, I'm just trying to understand what the scope of the requirements would be or the parameters based on what's in the staff report.

Mr. Ireland: Okay.

Mr. Apicella: I noticed a trend in the last couple of years of people renting out their pool. That's not the same thing as an Airbnb in my mind or a hotel in someone's backyard or on their property. So could the applicant rent out their pool for spring and summer activities?

Mr. Morgan: As part of an events venue? Yes, they could.

Mr. Apicella: Okay. I saw from the application that the applicant was indicating that they were putting a cap on the number of guests. But the way that the condition is written, it says 50 vehicles... I'm sorry, 50 guests or 50 vehicles. So which, which would prevail because, if you have 50 vehicles, you could have 100, 200, and depending on the vehicle, you could have somebody with a bus carrying 50 people on it. So what's... how do we clarify that if we decided to clarify it?

Mr. Morgan: If you're looking at transportation issues...

Mr. Apicella: I'm looking at the number of guests that could go on the property. So it says 50, it doesn't say 50 guests with up to 50 cars, it says 50 guests or 50 vehicles. So how would that be administered based on the language that's in the condition?

Mr. Morgan: It would be based on a complaint basis only. So if we get a call and somebody comes up and... or somebody comes to us and tells us that there are 60, they have 60 people out there, we would have an inspector go out and actually physically count the people to see if they were in violation of their conditions.

Mr. Apicella: So even though it says or, the 50 guests is the cap?

Mr. Morgan: Or, yes, 50 vehicles. If they had 57 vehicles, they would be in violation.

Mr. Apicella: Yeah, that's... I guess maybe I'm not being clear.

Mr. Morgan: Or maybe it should read either/or, if you wanted to cap one of those to just be the extent possible.

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Ms. Brown: That was confusing. That was confusing, and I...

Dr. Larson: We could make it two conditions; no more than 50 people, no more than 30 vehicles.

Mr. Apicella: Right. I just, again, I'm just trying to work my way through the conditions and see if we need to make some clarifications.

Mr. Morgan: And maybe it's better, like staff, I believe, presented these conditions as a kind of a guiding tool for you guys to choose and see how you wanted to enforce these. This is not something... that staff did this as a guide to assist. It may be better if staff does not put conditions in.

Mr. Apicella: No, I think it's great when staff have conditions. I'm just trying to get clarification on whether or not we need to take a harder look and tweak the conditions and/or add additional conditions. So I'm just trying to understand, again, in the context of how staff would police the special exception based on the conditions, you know, what, you know, what my view of what 50 vehicles are versus 50 guests might be different than your view as the person responsible for making sure that they're in compliance. I just want to get out on the table whether or not we're in alignment, or if there's some discontinuity, whether we need to further clarify that specific condition. So again, I'm not, I'm not suggesting that the conditions are necessarily unhelpful, I think they're a good starting point. So please don't take it as...

Mr. Morgan: Okay, no worries.

Mr. Apicella: ... me suggesting that otherwise. So, again, I think this was taken from a previous event/wedding venue. We have the word ceremony, and I just do, again, this is kind of just a thought, do we want to clarify, do we mean wedding ceremony? Because ceremony is not really clarified in, in the condition itself. So, I'm looking back at the condition...

Mr. Morgan: It may be best if we just take that word out of there altogether.

Mr. Apicella: Okay.

Mr. Morgan: I mean, the word ceremony could mean an array of things. We just had a ceremony for Ms. Musante's retirement.

Mr. Apicella: Where there were 50,000 people in attendance.

Mr. Morgan: In the event that, you know, you start to decipher a ceremony, you may get into other layers of...

Ms. Brown: Well, it could be a retirement ceremony.

Mr. Morgan: Correct. It could be many other...

Ms. Brown: I'm okay leaving it in. But maybe we could talk about it more when we get to that point. I don't know. But I do agree, Steven, that it was a little confusing on the 50 people in the cars, but that can be tweaked when we get there.

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Mr. Apicella: So just one last question. Having gone through the minutes of the last meeting and the circumstances that several people had complaints about with regard to that application, and the notice of violation that the applicant had received, is there, is there any other issues or concerns you have that we may not have necessarily, or that have not necessarily been addressed in this specific application that would be similar to or could cause similar circumstances to the ones that we heard at the last meeting?

Mr. Morgan: I don't believe that this packet that was presented to us runs parallel with the other one. The other one was a quite extensive venue for 150 people. This one is smaller in nature, and in a larger area of land with a larger separation of trees and vegetated areas. That's the only thing that I can decipher as the two differences that make that, make them not one in the same. Even though they're both event venues, they both hold their different characteristics.

Mr. Apicella: I apologize, Mr. Morgan, I probably should have clarified. So I'm talking about the meeting we had in May, where several neighbors came and complained about the applicant having people walking through their yard and doing obnoxious things.

Dr. Larson: That was not an event.

Mr. Apicella: It's not an events venue, I agree. I'm just saying...

Mr. Morgan: Yeah, it was a bed and breakfast.

Mr. Apicella: I'm just... you've got a swimming pool, you can potentially have a lot of people coming to a swimming pool. And I'm just, I'm just thinking out loud that you could potentially have a bunch of young people essentially doing the same thing that happened at that person... I'm not saying it would happen. I'm just saying it did happen in that case, it happened more than once. And I'm wondering if it's, again, something we need to think about in the context of this event venue. They're not the same, same set of circumstances might not happen, I'm just trying to...

Mr. Morgan: Sure, fully vet that.

Mr. Apicella: ... in my mind, think about whether or not...

Mr. Morgan: The comparison of them, they both were on A-1 zoned property. Both of those properties were, well, one property was much smaller, I believe a little over five acres. This parcel is 60, over 60 acres. And the other difference in comparison with that, that property was inside of a neighborhood. It was inside of a residential development that was A-1, three acres and larger. This is on Mount Olive Road on a larger tract of land. So I don't know that it has, as you can see from the aerials, the adjacent properties as close in proximity as that residence did. But, with that being said, anytime you have a home with a pool, you sometimes invite... it's inviting. So it's hard to really sit and discuss the what ifs until those things pose themselves. But in the event, that would be up to the applicant to make sure that he took recourse if somebody's trespassing on his property to make sure that didn't happen.

Mr. Apicella: Thank you, Mr. Morgan. Thank you, Mr. Chairman.

Dr. Larson: Thank you for getting a jump on the clarifications of the conditions and thank you Zoning Administrator for your cogent answers, prompt and cogent. Just for the audience, just for a little clarification before we proceed, the way the BZA looks at special exemptions is, is we talk about conditions that will be attached to the special exception and we'll debate those and get a list of those.

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And then when it comes... that still doesn't say the special exception's approved. What it does is it tells us what we are approving before we vote. So we'll discuss, as we go, conditions for the special exception and it still may, may or may not be approved at the end. Okay. Is the application for this case complete?

Mr. Morgan: It was deemed complete on acceptance, yes, sir.

Dr. Larson: Thank you. Oh, does any other member have questions for staff? Okay. Okay, I will now open the public hearing. Will the applicant or his or her representative please come forward to present their case.

Mr. Jackson: Board, Honorable Chair, my name is Julius A. Jackson. Here this evening for the hearing requesting an exception to open Oasis Weddings and Events Venue. The intent is to have a world class luxury style wedding an events venue for people to come out and be able to enjoy, whether it's a wedding, cotillions, different events that they may have. First and foremost in our mind is, is being good neighbors and managing and taking care of our property. I know that there were some questions concerning number of people, vehicles, etc. And I'm happy to address any and all questions you may have when we get to that point. We have a 68-acre property. The closest neighbor is well over 2... is 230 yards away. We are surrounded, the area that we intend to use is the pool and the pool house exclusively. And that will be enforced on my end through contractual obligations with any client that wishes to use the venue. They will be given the limitations of where their event or ceremony may be. In the event that it's a wedding ceremony, if they have guests that leave that designated area, that guest will be asked to leave. And if they fail to comply, then the event may be terminated under contract. You know, so we're putting some measures in place to help manage that. There is no intent to have concerts. We're going to adhere to all the County noise ordinances. The times, I think, is also another thing that there are some questions about. I'll get to those. You know, of the other 68 acres, that is the only place we'll use. There'll be nothing down at the, at the stables or that area. We're straying away from that location, you know. That's also due to liability and insurance requirements on our end. As we're looking at this, conducting the research on the possibilities of our responsibilities, all of those things were, you know, as much as we could think of was taken into consideration and addressed prior to application. The parking for the VIPs, if we have that type of an event, there is VIP parking near the pool house by the detached garage. We also have room if we need to accommodate special needs or handicapped individuals, we can accommodate a couple of spaces in that area for them. And that will still allow us to maintain an open driveway for any emergency vehicles may need to come on-site for whatever reason. Because the main parking for guests is going to be located near the shop down at the end, there's a one way access in and the way we'll control that is a barricade across the road, if you would, that directs traffic to that. Once the VIPs would arrive, then that road would be closed with a barricade and remain free. So pedestrian traffic only would be allowed on that road. So it still would be clear for any emergency service vehicles that would need to come on-site for whatever reason. If that happens. I saw that in there 50 people or 50 vehicles. I would like to throw, put this out there as a consideration. When you talk specifically about vehicles and limiting the numbers, you have to consider the types of transportation that attendees may use. If you're talking, for example, a Honda Goldwing, you can certainly fit more than 30. The parking that I saved for 30 vehicles is based on a 9x18 average size parking spot that you would find at the mall or out here in the parking lot. However, you can fit, if you know what a slingshot is, it's a three-wheel vehicle, motorcycles, those types of transportation; that parking area could accommodate more. When we're looking at the parking situation, again, we want to maintain our property, you know, so it is all going to be limited to hardpack. And as we're working with clients, and coordinating whatever event that they're wanting to come out for, it will be made very clear. And we will talk the transportation piece in addition to everything else. The hours and days that I'm requesting, I don't know if anybody has worked weddings, events, anything like that, in your past. There's a prime season and offseason. The

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hours are to provide maximum flexibility to clients. We do not anticipate a sunrise ceremony or event with the exception of possibly a corporate brunch, for example. But it's to give flexibility to get vendors and prior to a ceremony or event happening. So the executive portlets all of those things you want to have in prior to. So if the ceremony is set to start at 12 o'clock, you have to have time to get everything set up for those, for that ceremony or for that event. And that's the purpose of requesting 7 AM to 10 PM. And that is within the quiet hours for the County, abiding by the noise ordinance. The months and the number of days out of the week. Again, that's looking at prime season for weddings and events. Seven days a week allows flexibility during, primarily during non-school session to allow for birthdays or cotillions or debutante balls as examples of events that the clients may want to come out to during the week while their kids are out of school. During the remainder of the season, it's limited to three days, being a Friday, Saturday, and Sunday. Primarily that's when we anticipate the clients would request the use of the, of the facility for their event. So there was some thought behind that and it coincides with, you know, some previous experience with events and weddings. I do not anticipate there being a large uptick in traffic. The events venue that is next to us, I'll address it now and I'll answer any specific questions on it. Their market share is different than the market share that we're looking at. It's not duplicitous to have two events and wedding venues side beside in this instance. While Jason and Aubrey have a lovely place, and it is, and they have events – I don't know if any of the neighbors... I did have a neighbor to call and ask them questions, and they did not know that they even had events, you know. So I don't think that the noise is quite the concern, the real concern that may be expressed, you know. The traffic from their events has not been noticeable by neighbors thus far, at least based on that conversation. The traffic issues that we have on Mount Olive are with some speeders. And the fact that the Sheriff doesn't have a public space out there to park vehicles to set, to set speed traps. I called the Sheriff and offered my two driveways for them to be able to set cruisers on, you know. So safety and being a good neighbor while providing a great service for clients, those are all important to us as we set this up to run it. And then your questions.

Dr. Larson: I have one. Somewhere in the packet, they mentioned, the staff mentioned that your current parking availability was 30 parking spots. And in your application, you requested 30 parking spots in two places. Is there any objection to go into 30 cars, maximum of 30 cars, on your end?

Mr. Jackson: The only thing that I would have as consideration again, sir, is vehicle type. We can limit it certainly to 30 spaces. And if it's recommended or deemed that I need to mark those spaces on the property, I mean, I can do that and mark those spaces. But if you have, again, the consideration being perhaps motorcycles or three wheelers, you know, you may have 35, you may have 40 if people come on that type of, come via that type of transportation. Just a consideration if your recommendation and constraint is 30 spaces or 30 vehicles, then certainly we can live with that.

Dr. Larson: Well, there's always the other limitation on people, 50 people.

Mr. Jackson: And that is a hard limitation on our end, you know. Our septic system is what it is; it's 600 gallons per day. It is not going to be used in any way for the events or weddings. That's the point of having the pool and executive portalets or latrines. So, we are cognizant of how many people that we can have on-site safely while maintaining the property in top order. And looking at the property, that is 50; that's a hard cap on our end.

Dr. Larson: Any other questions for the applicant? Dana?

Ms. Brown: I had a couple I forgot to ask you the other day. Since we're talking about parking, did you have any lighting planned for the outdoor parking? Because I know you were going to use... some of

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the spaces we're going to be along the access road to that. And your property is way out in the country and it didn't look like there's any streetlights out there. Will there be any kind of lighting?

Mr. Jackson: There is actually lighting under the overhang of that, of the barn where I showed you, that overhang area. There is lighting there, as well as the driveway is approximately 400 yards long and there are streetlights the entire length of the driveway.

Ms. Brown: Is there? Okay, I didn't see those.

Mr. Jackson: Yes, ma'am.

Ms. Brown: So I apologize for that. Portalets, you said you're going to be using the executive portalets for the port-a-potties. Are those going to be removed after each event? Or how often does that get changed out?

Mr. Jackson: Those would not remain on-site, ma'am; those would be pulled in for the event and pulled back out.

Ms. Brown: Like the day before and the day after or the day of?

Mr. Jackson: I'll have to work with the vendor. I do not want portalets sitting on-site for 2, 3, 4, or 5 days.

Ms. Brown: Got it. Okay, and then, and I might have missed this, I'm sorry. Just what kind of events were you thinking of? You mentioned the cotillions, the pool party, weddings.

Mr. Jackson: Birthday parties, family reunions. You know, it's... to go into an exhaustive list of exactly what the events would be...

Ms. Brown: Okay. Okay, that's, that's all I had. Thank you.

Dr. Larson: Okay, I'll go. I see Bob, but I keep forgetting I have a left side. So go ahead, Kecia.

Ms. Evans: I just have one question. How are you sir? For the pool, will there be lifeguards?

Mr. Jackson: So if the clients want to utilize the pool for swimming itself, then they will be required to provide the lifeguard. We will have a preferred list of vendors that they can reach out to, but that's going to be an independent contract with them. But yes, we will require that if they want to use the pool, there must be a lifeguard.

Ms. Evans; And so my next question is, if that's the case, you as the owner, how would you make sure that the lifeguard like is up to date on licensing, like CPR, so forth? How would you...? Or would you... are you saying that that would be up to the person that is renting out the pool?

Mr. Jackson: They can't pull just anybody in as a lifeguard. There are certifications for knowing CPR and such things, right?

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Ms. Evans: Right, that's what I'm saying. So I want to make sure like, how are you as the owner going to make sure, because let's say if I rent your pool, and I say, hey, I want to use this lifeguard, and you don't check. Like, how are you going to make sure...?

Mr. Jackson: We'll establish a process to check that they have worked previously as a lifeguard and that they are CPR certified. I can look at the county standards for the lifeguards for the public pools, and ensure that whomever they have that contract with provides the credentials that they would provide to a public pool in Stafford County.

Ms. Evans: Okay, and how big is your pool again? I think I did see...

Mr. Jackson: It is 60,000 gallons.

Ms. Evans: So square feet. So is that what like 16 by? Like how big is... yeah, how big is it?

Ms. Brown: It's pretty big.

Mr. Jackson: It's an L shape.

Ms. Evans: It's L-shaped?

Mr. Jackson: It's an L shape, so it's at least 20 feet wide. And the two long runs would overlap. And those are 40, 40-ish feet.

Ms. Evans: Okay. Alright. And because the pool is so large, would you recommend one or two lifeguards? Do they have to have one or... just one or two?

Mr. Jackson: I would recommend one. Over half of the pool is shallow enough to stand up and it goes from a walk in at one end, where you walk in and it's approximately 30 inches deep. At the far end of that run it is, based on my child's height, 40 to 42 inches, then the deep end drops down to 12 feet. But that's not the largest area, the largest area of the pool is 42 inches or less.

Ms. Evans: Okay.

Dr. Larson: Bob?

Mr. Gibbons: *Inaudible.*

Dr. Larson: Sorry?

Mr. Gibbons: I'm just going to wait now... *inaudible.*

Ms. Brown: That was about the cars.

Dr. Larson: Oh, we'll talk about that after we get through the public hearing.

Mr. Apicella: Mr. Ireland has some questions.

Dr. Larson: Sorry; oh, go ahead?

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Mr. Ireland: Hi, Mr. Jackson.

Mr. Jackson: Good evening, sir.

Mr. Ireland: So a couple questions. When you were doing this business plan in your head, I assume you had a certain number of people, certain number of events per month, that you kind of based your decision on. To help us come up with limitations, conditions, can you tell us what your thoughts were on that?

Mr. Jackson: So for number of people, again, the number of people is based on the available size of the facility that I have of being able to comfortably safely fit them into that space without overburdening the facilities that we have, and while remaining safe for our guests. The second parts are...

Mr. Ireland: Just do you have a ballpark number that you... if it goes below 30, goes below 50, forget it, I can't stay in business. Do you have something like that in mind?

Mr. Jackson: Fifty is, I think the appropriate number. If you start to get too... *inaudible*... below that number, without having that flexibility, that's not to say that every event or ceremony would be up to 50 people. Certainly we don't anticipate that. But for weddings, we would expect up to 50. If you drop below that, you're really limiting the market share that is going to be interested in that type of facility.

Mr. Ireland: Right. We don't want to put you out of business before you start. The other thing is one of the suggested conditions, and again, the conditions that were talked about are only suggested. We as a board can decide which ones we want to impose. But one of the conditions talked about, four events per month, which to me sounds like not very many – one per week. That probably is... you're thinking about doing more I would assume?

Mr. Jackson: When I put the packet together, I don't believe that I put the number in there, Doug. I think we had verbally talked about that. I would not anticipate more than four weddings a month during peak season. In fact, I would not accept more than four weddings a month during peak season. Because again, I live on the property; I want to be able to enjoy my property as well.

Mr. Ireland: So in between the weddings, you have birthday parties and things like that?

Mr. Jackson: Yes, sir. And I would like to address that. So during the peak season when school is out, yes, I would, I would like to request that the conditions allow at least one event during the week, you know, so that would be a total of up to, up to 12. But those... anything during the week, I would anticipate again, most weddings are on the weekend. So weekday events during the summer, when school is not in session, those would most likely be smaller events for children, whether it's, you know, debutante balls, birthday parties, those types of things.

Mr. Ireland: So when you have an event, do you anticipate someone from your household to be on-site to supervise or is it basically I'm going to sign a contract with someone who, like a B&B or something where... maybe that's not a good example... sign a contract, they're responsible for XYZ, they sign it, we come back after the fact and we check to make sure they complied or is there someone going to be supervising on-site while the event's taking place?

Mr. Jackson: I will be on-site.

Mr. Ireland: Okay.

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Mr. Jackson: If not myself, my wife. My intent is that I will be on-site. Additional mitigation, security measures that we're looking at are our cameras covering the venue space, you know. So that's, that's an additional deterrence for poor behavior on the behalf of guests potentially. But in the event that anything happens, that's also, you know, a way to see exactly what may have happened.

Mr. Ireland: So the last thing from me, and this is really not for you, it's for the board, I think. We talked about the other venue that's next to your property that does weddings. And we had... you had mentioned August of last year was when they got their exempt... exception. The conditions that were placed on that I think, should be so sort of equal to what we're expecting to put on here; no more, no less, I would think, to be fair. So it'd be helpful to find... for me to know what the other venue has for conditions.

Mr. Jackson: I, we moved in after Aubrey and Jason had submitted. So I don't know what thought they had put behind their request for days/times. You know, we put that thought behind it, taking into consideration that summer break and understanding of peak season, for weddings and other events, you know. We lived through... all of us have lived through COVID and we had, you know, the huge summer shutdown where there was nothing that was available, you know. So during that you would anticipate that clients may want to have an area that they could go to, not necessarily, you know, walk and forming to whatever is in place. But it's, that's our calculus is maximizing flexibility for clients. I feel that if we limit it, then that's why I had requested the months, the days, the times that I had to give us the most flexibility to meet client's needs during that, essentially the summertime. I know that May is included in there. Some schools in different districts get out early or some start later. Some start earlier. We started earlier, I don't know the exact end date for Stafford County this year. But it's not into June, I do not believe. So it just gives the flexibility.

Ms. Brown: Mr. Ireland, I had requested the conditions from the last wedding one next door, and I think Ms. Musante sent it out to all of us.

Mr. Ireland: Okay, thank you.

Ms. Evans: Mr. Chairman, I have one question.

Mr. Morgan: And justified follow up on that, and staff did mirror these conditions. When Ms. Brown did request that, staff made sure that we were consistent with the previously approved.

Dr. Larson: Thank you. Kecia?

Ms. Evans: Yeah, I just have one question. I was looking at here, and I see when it comes to outside food and beverage, that basically it's up to the clients to do that and the food must be prepared. Is there anything in your contracts about alcohol? Will you allow? Are you asking for, like, will you allow them to have alcohol and if so, do they have to have the licenses? Can you talk about that?

Mr. Jackson: So, with any vendors, it really comes down to we are providing a space for weddings or events. Any vendor support, which is typical with a lot of weddings, is an independent contract between that client and that vendor. The pool house has a full kitchen, but it's not going to be utilized. So outside food vendors must prepare food off-site that would come in. Beverages, like most venues, do allow alcohol. We would allow alcohol. We are not going to provide the alcohol or beverages to include the use of the well, of our well water in support of that. That would be a burden, I think, on the aquifer system to, you know, have events where there's potentially 30 to 50 people four times a month out there, that's an additional water use that we don't want to pull from it. And I believe that there's having talked

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with the health department, there would be additional requirements that we would have to meet for commercial or public well. So no, those contracts would all be with independent vendors. Once they do those contracts, the vendors also have to work with us to adhere to the standards that are in the contract.

Ms. Evans: Okay, thank you.

Dr. Larson: Any other questions?

Mr. Apicella: Mr. Chairman, I have a copy of the letter that was sent out to Mr. and Mrs. Blaze, I'm sorry, if I'm not pronouncing the name right. And the first condition of that special exception is days and hours of operation; Friday and Saturday 10am to 10pm, with one-hour cleanup allowed for vendors, and Sunday 9am to 9pm, with one-hour cleanup allowed for vendors, no more than two weekends a month with no more than four weddings/events per calendar month, all scheduled events and customers by appointment only. And the reason that I raise this, obviously, you want a successful business. I definitely appreciate that; anybody would. The concern that I have when I look at this application is the amount of flexibility that you're asking for versus the worst case scenario that could happen on this parcel without any limitations. You've asked for four straight months, May through August, that's 120 days, 7am to 10pm; that's 13 hours a day. So for four months, 120 days, 13 hours of potential operation. And I'm not saying that's going to happen, probably never gonna happen. But it could happen. Then you ask for the rest of the year, eight months, Friday, Saturday, and Sunday, 7am to 10pm with one-hour cleanup for vendors. I just, again, my concern would be the volume that can happen on this parcel and its potential impact on neighbors. Especially with the early morning start times. I know that you want to provide services based on what customers need. I'm just... that's part of what's concerning to me is the hours of operation and its potential impact on neighbors. I live on a rural property; my nearest neighbor is 300 feet away. That's 100 yards, not as far as your nearest neighbor, but I can hear my neighbors very clearly talking, playing music, loud music, it's very distracting. I can hear it inside my house. I know that we have a provision here that says no amplified music. I'm not quite sure what that means. I just think that we need to strike the right balance between what you're asking for and its potential impacts on neighbors. I think I heard Ms. Evans talking about one condition, and it didn't sound like you had a problem. Something along the lines of certified lifeguards would be required for events where swimming occurs. Another condition that wasn't included, but you did mention it in your application, was no oversight... no overnight services will be offered or allowed. I presume that's still something that you agree with and wouldn't have a problem if we added that as a condition.

Mr. Jackson: Absolutely no overnights.

Mr. Apicella: You also indicated that the events, the weddings and events, would occur by the pool and clubhouse area only. Would you have a problem with a condition that specified the limitations of where?

Mr. Jackson: That's the intended area to be used.

Mr. Apicella: Okay. And again, you indicated you're okay with a maximum of 50 guests, whatever number of vehicles we end up with. Is that still the same cap that you're willing to agree to?

Mr. Jackson: You can say 100, I'm still gonna cap it 50 in my contract.

Mr. Apicella: Okay.

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Mr. Jackson: So I'm good with 50.

Mr. Apicella: Do you have any thoughts about the early start time? I mean, I can see that you might need to set up and that's a kind of a different activity, just like when we talk about cleanup for vendors, but an activity at 7am in the morning, even on the, even on the summer seems a bit early. When I say an event, I mean an activity that's actually occurring, not set up, but something that has music associated with it and has potential impact on your neighbors.

Mr. Jackson: Again, the intent of the 7am is to provide that time for vendors to come in to set up whatever they're going to set up.

Mr. Apicella: So if we, if we tweak that a little bit and talked about 7am to whatever seems reasonable for setup, you'd be okay with that.

Mr. Jackson: Seven to nine for setup.

Mr. Apicella: Okay.

Mr. Jackson: Seven to nine for setup I think would be, it'd be reasonable. And, you know, one thing with noise considerations, again, when you look at the overhead shot of the property, the closest neighbor 230 yards away, a portion of – Ms. Brown had mentioned the RPA – a portion of that RPA runs that side I affectionately call what my house is surrounded by the green wall. It's thick forest and undergrowth, and there is well over 100 feet, or at least 100 feet of trees and dense vegetation between that closest house and us. In addition to that, you have the structure itself, which is between where the activity or event would take place and that corner of the yard. If you'd like to look at it we can go to the one overhead view. And maybe I can walk in, so you kind of get the visual of that and maybe understand that a little better.

Mr. Apicella: Again, I live on a rural property, and I have neighbors that are pretty noisy, and just their voices carry, and I hear it in my house. So that's just speaking level. So I just can imagine what it's like when there's music associated with an activity on somebody's personal, even though it's 270... 230 yards, I think is the closest house... 230 yards away. That on top of the potential that there's two events going on in the same general vicinity, something going on on your parcel and something going on on the adjacent parcel. I didn't realize they were adjacent. I wonder how that's gonna play out for people who are, who are neighbors. So you've got two events, competing events, both with noise. I do have a concern about that.

Ms. Evans: Chairman, I have a question.

Dr. Larson: Go ahead.

Ms. Evans: When you talking about the time, and it says here, you, you want one hour clean up, right, allowed for vendors? That's what you're asking?

Ms. Brown: I think he said two.

Ms. Evans: Because, I'd like to say, when Mr., when Steven was saying he wants you to have 7am to 9am, that's two hours. There's a difference.

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Mr. Apicella: He said two hours for set up. And the way that... so if we were to tweak it, I mean, that's one potential tweak. And then it says an hour cleanup. So that's... so the cleanup is say from 9 to 10; it's not from 10 to 11.

Ms. Evans: Right. That's what I was... yeah.

Mr. Apicella: Is that's what was proposed, Mr. Morgan, or the way it's...?

Mr. Morgan: That is correct. That's how it reads. The function would run at 10, an hour for cleanup. So the cleanup would be an hour.

Mr. Apicella: Is that the event? So the way I read it, it's 7am to 10pm, with one hour cleanup allowed for vendors. So I think we need to clarify what that really means. So does it mean that some activity could occur up until 11pm.

Ms. Evans: Right, that, that was my whole point.

Mr. Apicella: Or is it that one hour is inclusive of the 7am to 10pm zone of time something can happen?

Dr. Larson: Go ahead.

Mr. Ireland: I feel like we're negotiating conditions before we've heard the other parties that want to say something. If we've got questions for Mr. Jackson, I think we ask Mr. Jackson the question. But it seems like we're already negotiating amongst ourselves.

Dr. Larson: That's a good point. Let's try to stick to questions and answers.

Mr. Ireland: So if we could move on and then come back to it.

Mr. Apicella: That's fair. I mean, we've done it before both ways. We have the applicant in front of us, so...

Dr. Larson: Let's try to keep our discussion of conditions to the end game. We can always call the applicant back if we need to. Do have another question, Dana?

Ms. Brown: Just a brief one. I believe when I spoke with you when we were out at the property, you said it was not your intention to use the pool house except for possibly the overhang to set food up. Is that correct?

Mr. Jackson: The only possibility for any use inside of the, of that building to be used is for the bride to get dressed inside because you can't have your bride getting dressed outside and it's not going to be conducive to a beautiful ceremony if she rides in a vehicle however far they may ride while in their gown. That's it; is not for general use. That would be a dressing function inside and that would be it.

Ms. Brown: Okay, that's fine. Thank you.

Dr. Larson: Other questions for the applicant? Okay, thank you, sir.

Mr. Jackson: Thank you.

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Dr. Larson: If any member of the public wishes to speak in support of the application, please come forward. Support.

Mr. Witmer: First of all, sorry for what I'm wearing; I was a soccer practice and it got cancelled due to the lightning, so. I just ran over, I had time. Adam Witmer. I'm the 15 acres right behind you. Only here concerned about the worst case scenario. I think y'all beat it up quite a bit. Just what if, you know, both venues are going on, you got maximum people on this side, maximum people on next door neighbor. You know, we run the road, the kids use the road, when we go for walks, stuff like that, just having a lot of people traveling through there early afternoon, evening, after partaking, partying, whatever, worst case scenario. Sounds like he's gonna run a tight ship, I mean, he takes care of his property, it looks great. I bet he takes care of the events as they happen. It sounds like he's got some pretty hard set rules in there, which is good to hear. I had a lot more concerns before everyone started asking him questions and him kind of explaining the plan. The considerations, I know there's a lot more on the last venue. And I think that's... there's some decimals in there and not understanding of, you know, what, what is okay, and what is not. You know, like you said, there's been, I think, quite a bit of venue events happening, and I think one or a few of them in the tree stand. You know, sometimes in the evening, I'll hear something because I'm closer and it's quiet. But nothing overly obnoxious. I think if it's well managed, it's a good business, and it's, you know, something you can easily have in that area with that much property. That was the biggest thing. I think the last venue had a whole lot more opposition. I think the neighbor said, hey, if that one passed, you know, why go and speak your piece, because this one's going to go. Like I said, not against it, not for it. Just there's some concerns with the roads, they're already bad. You know, it's not the residents or the property owners, it's the guests that come. You know, it's only as good as the people who are kind of real, and then the guests. Guests come to have a good time to, you know, have a pool party or whatever, they're gonna want to do their thing, be loud, but just got to reel them in and kind of keep it manageable. And it sounds like should be doable. That's all I have. Appreciate it, thanks.

Dr. Larson: Okay. Standby just a second. Any questions for this witness? Dana?

Ms. Brown: It's more of a just to let you know, I did ask Ms. Musante to check with the Sheriff's Department because there was quite a bit of concern last time on the wedding venue before about the extra traffic on the road. And she spoke with First Lieutenant Jacobs at Stafford County Sheriff's. And they informed us that there have not been any calls for any accidents on the road on Mount Olive since last August when we instituted the other wedding venue. So I just want to let everybody know that we haven't had a problem so far.

Mr. Witmer: Yeah, it's just not the best road, obviously. I mean, we know it's the 90 degree turn of Stafford.

Ms. Brown: Well, the venues are closer to Kellogg Mill Road, so.

Mr. Witmer: If you don't get lost, you can come in that way.

Ms. Brown: Yeah, I think they come in off of 17 or down Kellogg Mill it looked like. But I just wanted to assure everybody that we did check with the Sheriff's and there hasn't been any, any accidents or anything. So thank you.

Dr. Larson: Any other questions for this witness? Thank you, sir.

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Mr. Witmer: Appreciate it.

Dr. Larson: Would anybody else like to come and speak in support of the applicant? Please state your name and address.

Mrs. Carlone: Ruth Carlone. Oh, yeah, that's... we couldn't hear the gentleman at all back there. Anyway, Ruth Carlone. I'm here because everybody has something to do and they didn't realize the magnitude of this and didn't have this information that's here. We invited our Supervisor. He couldn't make it. I had a small meeting at the church. No one has mentioned Mount Olive Church has about 200, about 200, 250 members. They have events there. We're trying to work up a little parade with costumes for the kids. Now, this is so... I almost said something else... blessed disgusting the way this is set up. We have our road width, in some places, is nothing more than 16 feet. That's for two, the trucks and the cars coming and going. We have people going 50 miles an hour on that road. Now between the church events, the initial wedding venue, and this, you're doing our neighborhood in. You don't know what we're doing. We're getting cross traffic from Kellogg Mill Road. A tremendous amount with all the new construction going on. Now... okay, this says home business. A little bit misleading here. You need to have a meeting scheduled out there for those people. We have about 200 houses on the area plus – can you hear me? – 200 people on Mount Olive homes, plus the church and their 200 with their events. Now, we have tried since 2014 to see about doing something about our traffic. Now I better stay off that traffic because this really angers us. Now, you know why people are here again? They have children, they go to work, you know, they, they haven't seen... three minutes is nothing to bring to you what they have to say. Now this is an outrage. It, it says again, what is Julius Jackson to the Oasis Wedding? This is not, this is not a home business. This isn't painting pictures or doing income tax. I have a lot of things to say here, but 2 million for pay for a wedding location. I'm sorry, there must be something else. Something's not jiving here. But you need... please, I will ask you now, or we'll certainly push the issue as much as we can to have a meeting, have you all schedule a meeting for people and explain that there was a lot that was brought up that isn't in here. Okay, now, oh, my time's up already. Okay, good seeing some of you again, haven't seen you for a while. Thanks.

Dr. Larson: Any questions for this witness? Thank you, ma'am. Would anybody else like to speak in support of the application? Seeing none. Would any member of the public wish to speak in opposition to the application?

Member of the audience: *Inaudible, not at microphone.*

Dr. Larson: I think I interpreted this. Anybody else like to speak in opposition? Okay, seeing none, does the applicant wish to respond to the public comments or provide additional information?

Mr. Jackson: Again, this was the sense that I got. The traffic, increased potential traffic on the road is – can everybody hear me? Is that loud enough? – seem to be the major concern. Yes, Mount Olive Church has a number of members, I wasn't aware of how many members. That house is approximately 2,110 feet from, from the concerned party's home, straight line, so is our place. You know, if traffic is a consideration, has there been mitigation measures for the church? You know, those types of institutions can't take primacy over businesses, you know. So if there's a traffic concern, then it should be addressed. I know that we have all on that road been concerned. We ride bicycles or walk from our home up to our stables, which is just a little less than a quarter of a mile along that road, you know. So we also are concerned about traffic; we live there, you know. Again, I don't, I don't see that this is going to be such an increase in traffic. If the neighborhood has not raised to the Sheriff's Department the increased volume of traffic due to the venue that Aubrey and Jason set up, I would say that most neighbors, again, are not

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aware of a lot of those events taking place. We live next door and rarely do we hear anything. We know that they have an event because we see people, not because of noise or because of traffic, you know. So, again, that's... just wanted to get that out there. I understand that traffic can be a concern, but I don't think it's going to be the problem that's being thought of.

Dr. Larson: Any further questions of the applicant? Sir.

Mr. Harris: Thank you. My question is acceleration and deceleration lanes in and out of the property. Obviously, you'll have to work with Virginia Department of Transportation in coordinating that. Can you briefly describe how you anticipate if any modification you will make to access to and from your property by the attendees? And we've had much discussion tonight with regard to the number of attendees and the vehicles. Now, of course, there's attendees and then there is support staff and vehicles. Do you anticipate those numbers being one or two separate in our discussion? That's what causes my question on the access control.

Mr. Jackson: So for total number, the number would be 50 guests. When you look at the number of vendors, the portalets, for example, they come, they set those in place, they leave. And typically that is the day before they will haul those in, set them in place, and then take them out the day after the event. If you're looking at food and beverage catering for a 50-person event, you may have a two-person or even one-person beverage trailer that would be brought in, set in place. And again, those are all out of the way for emergency vehicles. For food, that would be catered. Depending upon the business, they may have two or three people that would come and bring the food and set that in place. And Ms. Brown saw the space and I pointed out where beverages and food could be set out of the way. And then the vehicle, the catering vehicle moved out of that space so that, again, emergency service vehicles have complete access unfettered. Nobody has to move anything... *inaudible*... all the way up to, to the venue area where that would be.

Mr. Harris: Are there acceleration and deceleration lanes into your property? Can you discuss that?

Mr. Jackson: When I looked at the Virginia Department of Transportation requirements for a limited commercial entrance, which is based on the volume of traffic 50 or less, there is not a requirement based on that for an acceleration or deceleration lane to get in because the line of sight visibility based on the grade of the hill, if you were at our driveway, look to the right down Mount Olive Road. There's a slight grade going uphill. There is still ample distance by VDOT standards to not require that turn-in acceleration or deceleration lane. Just it's meeting the same conditions that Jason and Aubrey met.

Mr. Harris: Thank you.

Dr. Larson: Any other questions for the applicant? Thank you, sir.

Mr. Jackson: Thank you.

Ms. Brown: I've got one more.

Dr. Larson: Oh, one more.

Ms. Brown: If we were to approve this, would you be requesting a sign out on the road or anything? I noticed that Jason and Aubrey had something hanging there when I was out there last. Something so they know where you are. So they don't overshoot you and have to turn around at the church.

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Mr. Jackson: No, they can recognize it by the two big brick columns. And before we have an event, you know, I'm not going to have an event for anyone sight unseen. So the guests would come out to the facility. Most people are going to want to come and see where they would want to have a wedding or event. So they'll clearly know the turn-in point, the driveway.

Ms. Brown: Well, I meant for the for the guests, so the guests could find you. No? Okay.

Dr. Larson: Any other questions? Thank you. I'm going to close the public hearing, and bring it back to the board for discussion and motions. I think now we can flesh out the special exceptions a little more. Bob, I think you had one pending question I suppose on the exceptions earlier. Was it the cars, number of cars?

Mr. Morgan: Mr. Chairman, if I may, I do have an email that was received at 4:29pm. And it's an email in opposition. And I wanted to read that in front of the board, if I might do that now. "To the Board of Zoning Appeals and to whomever it may concern. Good evening, and I hope to attend tonight's meeting hearing and hoping to speak in opposition of the Jackson Oasis Wedding application, but we have an ill child at home. My name is Tonia Carter, my husband, son and I reside in Saratoga Woods, lot 5, off Mount Olive Road. We just learned from a neighbor a couple of days ago of yet another wedding/event venue seeking an exception on that end of Mount Olive Road. Safety, particularly road safety, remains a concern with more venues on an already hard to maintain and strained country road such as Mount Olive. This business plans on being open Fridays during the school year as well as proposed daily operation the school month of May. School bus routes, drop off and pick ups already pose a problem without adding more traffic into the situation. Also, this application mentioned nothing of monitoring decibel levels lighting, and who all would be on site. I'm not advocating for this exception, but it but if it is to pass I ask that you keep Oasis within the same constraints at its neighboring venues (Highland as example) in regards to its management weekend operations, decibel, lighting, and occupancy. We hope that you please take our concerns as Stafford citizens in consideration before granting another exception. Just like with some builders getting by with less than 3 acres a homesite leading to strain on Staffords infrastructure, so will everyone with 20+ acres asking for venue exceptions. I hope my email reaches the board and is read at the hearing. I used the email I was given prior. Thank you for your consideration! The Carters."

Dr. Larson: Okay, thank you. I would point out to the board that this person was not sworn in and is not available for questions. Any other discussion?

Ms. Brown: A question for staff.

Dr. Larson: Go ahead.

Ms. Brown: To address something that one of the audience members said. Just for my own clarification, this is a wedding... this is an events venue, not a home business. Is that correct?

Mr. Morgan: That is correct. I know there is some confusion there. And most times when people do present an application, and it is going to be in their home, they do reside there. So to use that correlation sometimes gets misconstrued when you say it is a home business. Unfortunately, the code has changed. And this is actually in an event venue. So there's two different definitions clearly defined those.

Ms. Brown: Yeah, because I didn't see home business in my packet. So I just wanted to clarify that. Thank you.

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Dr. Larson: Good? Okay. Discussion of, of conditions. Yeah, let me, let me just lead it off, okay, just the automobile discussion. I'm not sure we need to say anything about the number of vehicles. They're saying 50 people, it could be a bus with 50 people or it could be 50 motorcycles, but I'm not sure we need to actually say a limit. I mean, what I see here is 50 vehicles. Well, clearly there can't be more than 50 vehicles if you're limiting to 50 people. So I'm not sure we need to limit the number of vehicles. Ideas.

Ms. Brown: I think you're right.

Mr. Morgan: And to mirror that, Mr. Chairman, I did look up the ITE Standards, the International Transportation Engineers Guidelines for Trip Generations. For low volume commercial entrances, just as Mr. Jackson did state, for land uses that generate 50 or fewer vehicular trips per day. That's a low volume commercial style entrance that wouldn't generate any additional requirements. And that's on the ITE Trip Generations Manual, page 6 of VDOT Access Management.

Ms. Brown: Mr. Larsen, I agree with you. And I had already been thinking that we would just cap that to no more than 50 guests and put a period and delete the rest. That was my thinking.

Dr. Larson: Any other discussion on that point?

Mr. Morgan: I just want to make sure that I'm writing them down correctly.

Ms. Brown: Well, I might want to renumber these later. But right now, number four, I was thinking just say no more than 50 guests period.

Dr. Larson: I agree.

Ms. Brown: But I don't know what about the rest of the board.

Dr. Larson: Any other discussion on that point? Okay, other conditions?

Ms. Evans: Yes. Can I ask, can we go back to what we were talking about before about the timeframes?

Dr. Larson: Yes, go ahead.

Ms. Evans: So, again, we are saying, he's saying from 7am to 9am is going to be setup time. Correct? And that leaves with him saying after 10pm we're going to give him an hour for cleanup? So meaning that everything will end at 11? Or are we saying that everything needs to be ended at 10 to where it's the timeframe stops at 9? Meaning he only has 9am to 8pm for the venue for the activity.

Dr. Larson: Okay, you lost me on the nighttime hours. Did you want to have one or two hours cleanup time?

Ms. Evans: So here it says one hour cleanup time.

Dr. Larson: Right.

Ms. Evans: But that's what I'm asking. Are you asking... well, is the applicant asking for two hours versus one hour.

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Dr. Larson: Would you like to address that sir?

Mr. Jackson: I would ask for the one hour after 10pm. When you're looking at activities and noise levels of any sort of cleanup that's going to go on, the vendors are going to have any food that they would be serving out of the way prior to that, that timeframe and already be packing up. If you're specifically talking about weddings, that reception portion is going to wrap up before then, you know, so any other noise and it's going to be there, the guests are going to be departed by 10. So it's strictly be any vendor cleanup or trash cleanup, which is not going to increase or have a noise signature that would be significant enough to be, to be heard.

Dr. Larson: So you what you're saying is you're, you're happy with a cleanup period ending at 11pm?

Mr. Jackson: Yes, sir.

Dr. Larson: Is that what your question is?

Ms. Evans: Right, yeah. I want to make sure that your operating hours would basically be from 9am, to 10pm. But from 7am to 9am, that's setup, and then from 10pm to 11, that's clean up.

Mr. Jackson: And that would be very, very specific wording. And I would wholeheartedly agree with that. From seven to nine would be a setup period. And I don't anticipate that it's going to always be that early by any stretch, and then a cleanup period from 10 to nine with the core operating hours for guests to be on site from 9am to 10pm.

Ms. Evans: Okay.

Dr. Larson: Any other discussion on that point?

Mr. Ireland: So I'm sort of a minimalist, I don't think we should hold you to a specific time for a specific thing that you're doing, because no one's going to be there to watch over you. So I feel like seven to 10, because of the noise ordinance really is what that time really applies to. If you clean up for three hours after 10, as long as you guys don't make noise and irritate your neighbors, you have to go to bed, you're going to be on-site, you probably don't want people there all night. So we as a board, I think are going above, too far above and beyond by specifying what you do when you do it, as opposed to seven to 10. That's your operating time. You make your noise, you stay within the noise ordinance. After that, take three hours to clean up if you want to stay up that late, just don't make any noise. So I think if we make it too restrictive, we're causing more problems than we're solving, and we're not going to be there to make sure that he's complying anyway. So unless someone calls the Sheriff and says, hey, these guys, it's 11 o'clock, they're making too much noise, the cleanup crew is just, you know, party time, they're jumping in the pool drinking and, you know, doing more than just clean up, then we deal with it then. But I'm against putting too many conditions in there on that particular one.

Dr. Larson: Any other discussion?

Mr. Apicella: Yeah. I'm going to respectfully, I appreciate where you're coming from, and I disagree again, because I have a noise issue next to my house. And I will tell you that seven o'clock in the morning is very early in the morning, even on the weekend. I think there's a difference between cleanup noise between seven and 9am and between, and I'm not sure I agree with the 10 to 11 at this point in time, but the level of noise for an event or activity and again, the full range of activities that could occur on this

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site are pretty expansive. I would, you know, earlier, Mr. Ireland, you talked about consistency. So for the, again, the previous applicant that we had in August, it was 9am to 9pm with one hour cleanup. So we didn't... in that case, we didn't even have seven through 8am setup, it was you start at nine whatever that... and I can live with that. If that means that everything starts at nine, including the setup, I could live with that. But if we want to give this applicant some flexibility, I would prefer to specify between seven and nine that that's that setup time and I would prefer from nine to 10 would be the time for whatever it's called – cleanup. Again because people go to sleep at 10 o'clock. I know I try to get to sleep at 10 o'clock sometimes. So the noise level from an event at 10 o'clock, between 10 and 11, could be pretty, pretty significant. If we just gave that long range that you were talking about.

Dr. Larson: Any other discussion on hours? Dana?

Ms. Brown: I'm fine with the seven to nine setup. I'm also fine with the event wrapping up at 10 o'clock and an hour for cleanup. There is a noise ordinance so you know anything going after that I don't, I don't think we should say it can go on till 2, 3 in the morning because, you know, then we could have, you know, cleanup vendors trickling in every one hour or two hours. That's just my thoughts. I'd like to keep it kind of as written, but I'm fine with the 7 to 9 setup. And as far as noise in the morning, Mr. Apicella, I remember from the last hearing, one of the residents in Saratoga Woods had complained about this. And our applicant had mentioned trash trucks that now the Saratoga Woods is in there there's trash trucks coming in early in the morning that are very loud. So I mean, I just don't, I think the most he's going to have is maybe somebody dropping off the portalets, and I don't know if that's going to be louder than a trash truck. So again, I'm fine with seven to nine setup. I don't want to go till whenever you want for cleanup. Mr. Ireland, I'm sorry, I'm going to respectfully disagree on that. That's where I'm at.

Dr. Larson: Response?

Mr. Ireland: No, I'm not suggesting that we put a timeline cleanup that goes to three, I'm leaving it up to the person who runs a business to shut it down. Because they don't want the police out there. I mean, I understand what you're saying and I respect what you're saying. And I'll just leave it at that. Thanks.

Mr. Apicella: I'm just going to add one more thing. Because again, I've had to deal with the noise issue close to my house, having to call up the Sheriff's Office to get people out to come, and it's not an easy process, they come out many times. And of course, the time it takes for them to get the call and to show up might be the difference between when the activity starts and when it stops. So actually getting some relief from the issue is much more insurmountable than you might otherwise realize unless and until you have to deal with it on a personal level. So it's a different experience when you have to go through it yourself as compared to hearing other people complaining about it and hearing about their own experiences. I give all kinds of kudos to our Sheriff's Office for all that they do. But just trying to resolve a noise issue is not as easy as one might think; it's not just a couple of calls, a couple of Fridays, and it gets nipped in the bud. Based on my experience.

Mr. Morgan: Here's what I have. Days and hours of operations, May through August, seven days a week 9am to 10pm. September through April, Friday, Saturday, and Sunday 9am to 10pm with two hour setup, and one hour cleanup allowed for vendors. No more than four events per calendar month. All scheduled events and customers are by appointment only.

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Dr. Larson: And two hour setup before the event starts. I mean, it's not... I know what you're saying. I just... and I don't think we need to put the hours in I guess, but just so it's clear that the setup time is 7am to 9am.

Ms. Brown: I'm in agreement with that.

Dr. Larson: Yeah, I am too. Seven am is early and people sometimes sleep later than especially on the weekend. After 10pm, it's getting pretty late. So I understand the hours and the purpose. But I think that I support constraints on what's going on between seven and nine.

Mr. Morgan: It's just, like Mr. Apicella said, it's very difficult to enforce, whether you put these conditions on here, these conditions still have to be adhered to the County Code, Article 16, for the noise ordinance. So whether they're cleaning up or not, and they're making noise, that would be in violation of the County ordinance. So when we're trying to make conditions to make rules to make people follow rules, sometimes it gets to be very difficult to enforce those rules. And it gets to be difficult to come out there like Mr. Apicella said, when you call and a deputy is coming out there for noise and he might be dispatched for an emergency or a car accident or something else that's non-life threatening, or that is life threatening. So then there's delays out there. So with that comes layers. With different kinds of restrictions come layers and that enforcement does become difficult sometimes.

Dr. Larson: But I think there's something to be said for intent. The board's intent as well and I think from this discussion in that condition, the intent's pretty clear. There shouldn't be any question on the intent. Okay?

Mr. Ireland: So can we tackle the last two sentences that he just read off? That is no more than four events per calendar month and all scheduled events and customers by appointment only? The last sentence I think we can strike because he's going to have a contract with folks anyway. So they're going to be by fault... by default appointment only. So he's going to cover that with his contracts. The other one, no more than four events per month. I asked him that question. He said up to 12, which might be excessive, but I think it has to be a number between four and 12. It can't be four because he's not even going to be able to keep the business afloat, I don't think.

Dr. Larson: Yeah, I think the four was weddings, wedding events. I think.

Mr. Ireland: Well...

Ms. Evans: Well it says here no more than four events.

Mr. Apicella: Yeah, it does say four events. And again, it's consistent with what happened in August with the previous wedding and events venue. I wouldn't be able to support 12. No way.

Ms. Evans: But are we talking about, so for the other one that was approved in August, we're talking about wedding events. Four wedding, correct?

Mr. Apicella: It doesn't say...

Ms. Evans: Or just four events period?

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Mr. Apicella: ... it says no more than two weekends a month with no more than four weddings/events per calendar month. All schedule of events and customers by appointment only.

Dr. Larson: Mr. Jackson, could you step to the podium and clarify the discussion we're having?

Mr. Jackson: Yes, sir, Mr. Apicella. Twelve may be excessive; I think eight would be a good number that allows four weekends and then one per week during that peak season. You know, that allows us to draw in enough clients to maintain that business model, you know.

Ms. Evans: And so these are... I'm trying to understand... wedding events, not like pool parties, or family reunions like what you talked about? Because then that means there's going to be additional events.

Mr. Jackson: If you want to specify four weddings, and four additional or other events in the language. Maybe that would be the language that works for the board, to be that specific. You know, again, I mean, I can tell you my intent, and you want to... you can write it how you want to so it's enforceable. I don't intend to have more than four weddings in a month. Because again, I mean, I do want to enjoy my property, too. So if I've got, you know, two weddings, if I backup weddings, two in a weekend from Friday to Sunday, then I'm not enjoying my property during that time, you know, but so no more than four weddings a month, intent weekend, and then one additional event. And that would be a total of eight however you would like to write that language for the allowance of up to eight activities/events that would include four weddings and four other.

Ms. Evans: Okay.

Dr. Larson: Questions for the applicant while he's here?

Mr. Apicella: No, it's more of a comment. So for the... it may not be as big a deal for May through August, since it's seven days a week. But when you're talking about the other eight months, and restriction... restricting the activity between Friday through Sunday, that essentially means two events every weekend, with no break, again, going back to what are the impacts on the on the neighborhood? So for me, again, even eight seems significant, especially in comparison to what we've previously approved.

Ms. Brown: Mr. Apicella, would you be agreeable to maybe since he hasn't done a seasonal, having the eight events done through I think it's May to September, the peak season when he might be having these pool parties during the week when the children are out of school, and then limiting it to four during the offseason when the children are in school, when he probably wouldn't be having pool parties during the week. Would that help?

Mr. Apicella: I mean, that's certainly better than every weekend. Sure.

Ms. Brown: I want to keep it in there that it'll be by appointment only. I think that's important. I'd like to keep that stipulation in.

Dr. Larson: Does anybody have any other questions for the applicant while he's at the podium? Thank you, sir. Okay, so we're talking events. I think the latest proposal was four events during the prime time, over the summertime season?

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Ms. Brown: Eight and then four in non-prime time.

Dr. Larson: I'm sorry, eight, eight, yes. And then four in the other eight months of the year.

Ms. Brown: By appointment only.

Dr. Larson: Okay.

Mr. Morgan: I got it.

Dr. Larson: Are there any other... well, is there any other discussion on the suggested, staff suggested... *inaudible*?

Ms. Brown: On the current number seven, I'd like to add between and and will, all events. So it would read in the end, no outdoor concert shall be permitted. Amplified music shall only be allowed during the ceremony. And then I'd like to insert all events will comply with the local noise ordinance. So I just want to add two words, all events will comply. If that's agreeable.

Dr. Larson: I like that wording.

Mr. Ireland: I don't know, is there a definition of amplified music? Because if you have a, you know, digital music player, is that amplified music? And do we go back to the default of decibels measurements? Or because you know, if you say, amplified music shall only be allowed during the ceremony, you're implying that that means the wedding ceremony, I guess. Are there going to be receptions there after the wedding ceremony? If a reception, typically there's music? I mean, are we saying you can have a ceremony but you can't have a reception. You can have a pool party, but you can't have music. I think that's... we might want to be a little bit more specific, because I don't think that's even reasonable.

Dr. Larson: I like the wording of no concerts.

Mr. Ireland: You what? Like the word concert?

Dr. Larson: I like the wording of no concerts.

Mr. Ireland: So if he had three people that came and wanted to play guitar, you know, and played it lower than even amplified music, would that be a concert?

Dr. Larson: Is that what you call a concert?

Mr. Ireland: It could be I guess. I mean, I, I'm not trying to be, you know, it's 8:41. We've already been into this almost two hours. I'm not trying to be difficult. I just don't want us to be difficult for a person who wants to run a business without us being in his business to the degree that we're sort of placing ourself, that's all.

Ms. Brown: I think the applicant said he wasn't going to be doing concerts, correct?

Dr. Larson: Go ahead.

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Mr. Jackson: Correct. There's no... Aerosmith is not going to come out and play, you know.

Mr. Apicella: I would come to that.

Mr. Jackson: So if I can get them I'll put in a special permit request.

Mr. Apicella: I can't reply to that but I would come to it.

Mr. Jackson: But, you know, there is a point for like a string quartet, or, you know, a trio, would that be considered a concert? I mean, I think that what most people believe is a concert is the big stack of marshall amps and a huge drum set and lots of noise. So it depends on what the legal definition is that you want to use for concert, because by some definitions, a string quartet could be considered a concert, concert in the park, come out and hear you know, two cellos play, that could be considered a concert. When I say no concerts I'm not going to have a music only event. Absolutely not interested in a music only event for somebody coming out. You know, and I agree that no loud amplified, when you're saying amplified again, we get into legal definitions of what is amplified. Your iPhone or whatever phone you use typically has some type of a device in it that helps boost the sound which is amplification. So if I'm adhering to the County noise standards and the decibel level is already laid out in the County Code, does that really need to be addressed?

Dr. Larson: Mr. Ireland, do you have a proposed alternative wording for Ms. Brown's suggestion?

Mr. Ireland: So number seven, I think the last part of it will comply with local noise ordinance is sufficient.

Ms. Brown: Oh, I had all events will comply. You don't want to do that?

Mr. Ireland: Yeah. All events.

Ms. Brown: Okay. Yeah, I just wanted to add two words.

Mr. Ireland: They have to anyways.

Ms. Brown: Yeah, I just wanted to add all events, that's it.

Mr. Ireland: They have no choice. But yeah, if you want to put that word, yeah.

Mr. Morgan: So am I removing everything else, and then number seven will read, all events will comply with the local noise ordinance.

Mr. Apicella: So I'm just going to reiterate that the County Code uses the terminology outdoor concert. So clearly, there are some belief by the county that they've got some kind of parameters around what is an outdoor concert versus what is a person playing a violin, or a couple of people playing, you know, orchestra music versus an outdoor concert. I'm okay with precluding outdoor concerts. I think in my mind, a common sense person can tell the difference between the two. I would prefer to leave that in. I think there's a big... that would be a big concern to me, even though I would love to see Aerosmith on somebody's lawn.

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Ms. Brown: I agree with Steven, and it shouldn't be an issue as the applicant has said, he's not going to be doing it so. But I do agree with Steven.

Mr. Morgan: Alright.

Dr. Larson: I also agree with Steven.

Mr. Morgan: So I'll have it read, no outdoor concerts shall be permitted. All events will comply with the local noise ordinance.

Dr. Larson: Perfect.

Mr. Morgan: Good.

Dr. Larson: Okay. Anybody else have anything to say about the suggested, the staff suggestions for conditions?

Mr. Ireland: So I think, didn't we cover number three with the discussion about acceleration/deceleration lanes? I'm not sure that we're expecting him to do any construction at the entrance, right, so can we strike three?

Dr. Larson: I agree; I thought that was covered?

Mr. Apicella: Well, it's... I mean, again, that's a standard...

Mr. Morgan: Whether it's in there or not, he has to comply.

Mr. Apicella: ... condition. Yeah, but it's a standard condition we normally include, again, just to put the applicant on notice that he's got to comply with VDOT standards.

Dr. Larson: Okay. Which he will, based on what he already has apparently.

Ms. Brown: I'm fine... *inaudible*.

Dr. Larson: Okay. Did we settle the question of number of events? And can we...

Ms. Brown: I thought we did?

Mr. Morgan: I have it listed as eight during the prime time and four events during the offseason time.

Dr. Larson: That's what I... the last one I heard.

Doug Morgan 1:46:19

Mr. Morgan: Okay, that's what I have down.

Dr. Larson: Okay. Is everybody okay with that?

Ms. Brown: I am.

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Mr. Morgan: So am I.

Dr. Larson: Any other comments on conditions?

Ms. Brown: I had ones to add but not any more comments on the ones that were already...

Dr. Larson: No, go ahead with your additional.

Ms. Brown: I wanted to add... I wanted to kind of change the order maybe renumber them, but I think as a priority, number two should be owner will be on-site during all events. I want to put that in there that the owner will be there. Another one that we talked about during the discussion was no other areas of the property are approved for events other than what's in the application.

Mr. Apicella: Yeah, I think we need to be more specific, so I just said events will be limited to the pool and the clubhouse area only, which is what I mentioned to the applicant and he was okay with that.

Ms. Brown: Well he's going to have parking... the way the property is set up, the parking is way far away.

Mr. Apicella: Right, but that's not an event, that's parking. I'm just saying...

Ms. Brown: Right, but he's going to be using that, yeah.

Mr. Apicella: To say in a condition, I'll refer back to the application, you've got to be more specific than that. You've got to put it in the actual condition itself. If you want to say inclusive of parking, I'm okay with that. But you can't just say what... I'm just going back to what you said, the specific wording that you said, which is see the application. You can't say that. You've got to put it in the condition itself. The application is separate from the special exception. Does that make sense?

Ms. Brown: Yes. But, he is going to be using more areas than just the pool house. He's going to be... the parking...

Mr. Apicella: He said the pool house and the clubhouse area. We've never...

Ms. Brown: Okay, he's got stables that he's not going to be using. He's got all kinds of areas on the property, so I would be specific what he can use. He can use... I'm not sure what you would call it, it's not a barn but where he's got equipment and where the main parking is going to be, that's going to be part of the events area.

Mr. Apicella: No, he said specifically the only places where events, again I'm saying events themselves. Events will be limited to the pool and the clubhouse area only. The event itself, the festival, the reunion, the wedding, is occurring on at the pool or the clubhouse.

Ms. Brown: I understand, I understand but the parking is part of the event. And this is one of the reasons I say this, I noticed that he had tax exempt status and so I called the Commissioner of Revenue's Office because I wanted to see if we changed the use of his property by allowing this events venue would that affect his taxes and status. And they... what they told me was it would only affect the areas that we approved for the events venue. So we are going to be approving parking, the main area the parking. So I'm, I'm just... that's why I'm saying that.

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Mr. Apicella: But then you're saying that he can actually have an event in the parking lot. That's kind of what you're suggesting.

Ms. Brown: No, but I want it to know that he can be having parking down there. I don't want a neighbor to call up and say they're parking 30 cars down there at this... again, I don't know what it's called. That little shelter that you have...

Unknown speaker: Equipment shed.

Ms. Brown: ... yeah, equipment... it's, it's very big. And there's, you know, gatherings down there. And you know, I just... I... the Commissioner of Revenues Office said they would be taking out whatever we approved as part of his taxes and status. So if we don't... I think it needs to be in there.

Dr. Larson: Well, can't we just put...

Mr. Morgan: I got it.

Dr. Larson: ... the events will be limited to those two places, the pool and wherever he's parking the cars?

Mr. Apicella: It's the pool, the clubhouse, and again what you're saying by including that is that he can actually hold an event in his parking area.

Dr. Larson: Why would he do that?

Mr. Apicella: Why not. It's a big flat area; why wouldn't you hold it? I don't know where the parking area is off top my head, but...

Ms. Brown: Way far away. So how about we just say and include the parking area; the two events and then an include the parking area, main parking area.

Mr. Morgan: Here's what I have – events will be limited to the pool house, pool area, and all parking areas will be located on the paved parking areas.

Ms. Brown: I'm good with that.

Mr. Apicella: So I have two conditions, unless you want to talk about the lifeguards.

Ms. Evans: Yeah, I was just gonna say lifeguards, but...

Mr. Apicella: Again, this doesn't have to be the exact sentence, but certified lifeguards will be required for events where swimming occurs. Or a certified lifeguard, you said one, so I guess that's fine. And then again, back to what was in the application, no overnight services will be offered or allowed.

Dr. Larson: Any others? I just have one additional one; the sale of merchandise on the premises was... is prohibited. No retail sales. It's my standard. I know he has no intention to do it.

Mr. Morgan: I know. You might as well... I mean, then you should put no automobile sales.

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Mr. Apicella: If he has is...

Mr. Morgan: He should put no...

Mr. Apicella: ... if he has that Aerosmith concert, he might sell t-shirts.

Mr. Morgan: ... inaudible. I mean, to put no retail sales is, is your standard one. But...

Dr. Larson: There's history to this.

Mr. Morgan: Okay.

Ms. Brown: Will all food and drink at the event be free? That's, that's a question. So will they be selling drinks or selling food? I don't know. Is this a fundraiser for the football team? I, you know, I don't know.

Mr. Morgan: Not with 50 people.

Ms. Evans: Can we also add about the alcohol, like making sure because it says here on number 10, no food preparation shall be permitted on-site. But we have some things, some type of language in there just making sure that the clients understand that they are required to get the ABC license.

Mr. Morgan: I, being the Zoning Administrator, I do not get involved in ATF. They require their own law; I do not cross over that line. That's... you can certainly put that in as a condition that they have to receive, they have to get outside approval from their vendors.

Ms. Evans: Right. That's what I wanted.

Mr. Morgan: I mean, something like that we could do.

Ms. Evans: Okay. Does anybody object to that?

Ms. Brown: *Inaudible, microphone not on...* normally put something like that in, they'll have to be approved by the Health Department. Isn't that in here this time?

Mr. Harris: Well, that issue itself... *inaudible*... addressed by the State Code, ABC, for remote licensing for any event, whether it be a special event, large event. Either the owner or the vendor supplying that bears that responsibility criminally and administratively to the ABC Board. So it's already addressed.

Mr. Morgan: Thank you.

Ms. Evans: Alright.

Dr. Larson: Anything else? Mr. Jackson, you've heard what we've discussed for... well, first, Mr. Zoning Administrator, could you read what you have for conditions on the special exception.

Mr. Morgan: If the BZA approves the special exception, the recommended approvals contain the following condition: Days and hours of operation, May through August, seven days a week, 9am to 10pm, September through April, Friday, Saturday, and Sunday, 9am to 10pm, with two hour setup, and

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one hour cleanup for vendors. No more than eight prime time events, and no more than four off-prime calendar events per month. All scheduled events and customers are by appointment only. The applicant shall accommodate an adequate number of parking spaces consistent with the County Code and all vehicles shall conform to the following standards: All vehicles shall be parked in designated parking areas and no vehicle shall be parked along Mount Olive Road, and all travel lanes shall remain unobstructed. Applicants shall construct entrance and compliance with VDOT standards to ensure safety and comply with sight distance. No more than 50 vehicles. Outside vendors and sanitary facilities must be approved by the Health Department.

Ms. Brown: I thought we said no more than 50 guests?

Mr. Morgan: Fifty guests?

Ms. Brown: Yes.

Dr. Larson: Yes, 50 guests.

Ms. Brown: Nothing about vehicles. No more than 50 guests...

Mr. Morgan: I thought when we talked about low commercial vehicle entrances was 50 or fewer vehicles, and that's where I come up with the 50. That's why I thought we...

Dr. Larson: No, it was guests because there's no way you can have more than 50 vehicles if you limit it to 50 guests.

Ms. Brown: And back to that first one on the hours; I thought we were going to be putting seven to nine for setup and 10 to 11 for cleanup as Ms. Evans said?

Mr. Morgan: We did two hour setup and one hour cleanup.

Ms. Brown: But it's not clear that that could be from 9 to 11.

Dr. Larson: I was gonna make the same comment. If you could say two additional hours for setup and one additional hour for cleanup, I think it would be clearer.

Mr. Morgan: Two additional hours for set up, 7am to 9am, with one hour cleanup.

Dr. Larson: Right, well then I don't think you actually need to put the time in but...

Mr. Morgan: Okay.

Dr. Larson: The way it was worded before you could, you could interpret it as being the setup was from 9am on, you see what I'm saying?

Mr. Morgan: Yeah, gotcha.

Dr. Larson: Okay.

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Mr. Morgan: Gotcha. No more than 50 guests. Outside vendors and sanitary facilities must be approved by the Health Department. No fireworks will be permitted. No outdoor concerts shall be permitted. All events will comply with the local noise ordinance. Appropriate disposal of waste will be required for all vendors. No food preparation shall be permitted on-site. Must comply with all state and local codes. Approval of this special exception shall expire with this applicant, when this applicant vacates the property and is non-transferable. This approval may be revoked for willful non-compliance by the conditions proposed by the Board of Zoning Appeals. The owner will be on-site for all events. Events will be limited to the pool house, pool area, and all parking areas will be located on the paved parking areas. Certified lifeguard on duty... certified lifeguard shall be on duty for all swimming functions. No overnight services allowed. No retail sales permitted on-site.

Mr. Harris: Clarification or point of order on one. And that is the owner must be on-site. Is that really necessary? Or should we do something that suggests that the owner or their responsible party or adjutant or representative be on-site with the same responsibility? That requires... *inaudible*... to be there at all events for the full time.

Ms. Brown: I want that in there.

Dr. Larson: I agree.

Mr. Harris: Okay.

Dr. Larson: Anybody else?

Mr. Harris: Let me see, I have nothing to do.

Mr. Ireland: I'm sorry, what was the... you agreed with what he was saying?

Dr. Larson: I did.

Mr. Ireland: Either/or?

Dr. Larson: Right. Tow the owner is the designated responsible person. Anything else? Mr. Jackson, could you step forward? You've heard the list of the conditions. Do you have any objections to the conditions you've heard? Any of them?

Mr. Jackson: I don't... there was nothing that jumped out as disagreeable as any of the constraints or restrictions. I have one question, and I believe I already know the answer but just for point of clarification. None of the constraints, does there need to be any language in there that these constraints only apply to the operation of the business itself and during those business hours? Because if I'm having a private event, I'm having a private event, you know. So I don't think anything in there should be construed as a requirement or constraint on my private use of my private property. So I don't know if that needs to be in there; I'm asking.

Ms. Brown: Maybe just add that in the first one... *inaudible*... the events.

Dr. Larson: Well his, I mean, this is for his business.

Ms. Brown: I know.

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Mr. Apicella: Yeah, we've never, I mean, that's an issue with every special exception. We've never made that clarification. Again, the Zoning Administrator enforces the rule. So, I mean, if you... if there were an event and there was an issue, I'm sure the Zoning Administrator would ask whether it's a business related or private event.

Mr. Morgan: Correct. And I would probably at that time, if it's such an event, that I would probably be on-site with the inspector.

Mr. Harris: Events are contracted by or for services and services paid. That's the separation.

Dr. Larson: Don't we normally put something in about the special exception is only valid for this applicant and this...

Mr. Morgan: Yes, sir. That's in here.

Dr. Larson: It's at the bottom?

Mr. Morgan: Yeah, approval of this special exception shall expire...

Dr. Larson: Ah, number 13. Okay, I see it, okay. Okay. Well, I don't think we need the applicant anymore. Is there a motion in this case?

Ms. Brown: I'll make a motion to approve based on the conditions that the applicant and the board has agreed upon.

Ms. Evans: I'll second.

Dr. Larson: A motion is made and seconded. Discussion? We've had a lot of that already. I would just like to point out that this is the second business of this sort, of this type in close proximity. And although I think I'm going to support the special exception, in this case, because of what we've hammered on in conditions, and it's not a very big thing, but I think the board needs to remember that, even if... even though we've already approved a venue operation in a neighborhood, just because we did one doesn't mean we have to do them all. And at some point, if you get a lot of things like this in the same area, you have changed the character of the neighborhood. So I don't... these are all individual applications and one by one, and we treat them that way. But we just have to bear that in mind. I think.

Ms. Brown: I'm supporting this because it is on such a large piece of property. It is 60 acres and it is such a small operation. Had he proposed 100, I probably would not... you know, 100 guests, I probably could not have supported it. But it is a very, very small operation on a large piece of property.

Dr. Larson: Any other discussion? Okay, those in favor say aye.

All members: Aye.

Dr. Larson: Any opposed? Okay... *inaudible*.

Ms. Brown: Mr. Chairman?

Dr. Larson: Yes.

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Ms. Brown: Actually, never mind. Never mind. I'm sorry. It'll all be... Never mind.

Dr. Larson: Alright, so your special exception has been approved. The County will be getting in touch with you. Okay, proceeding with the agenda, Zoning Administrator's Report.

UNFINISHED BUSINESS

NONE

ZONING ADMINISTRATOR'S REPORT

Mr. Morgan: Thank you, Mr. Chairman. Zoning Administrator's Report – I'm just trying to finalize the idea for Secretary getting minutes taken care of. I know that's going to be an ongoing question that we certainly need to talk about and, and decipher those, if we're going to continue to take verbatim minutes, if we're not going to do that, if we could save some money by not doing that, and only doing verbatim minutes when we actually go to court. Those items should definitely be discussed to see what the board's so desire is as we do have restrictions and I know that Ms. Allen's come on board and looking at the duties for the secretary. Staff support is here to serve as staff report... staff support and help any way we can and continue to do so. But with those limitations, we want to make sure we're working together as a group to make sure we satisfy the needs of the board. The other thing that, of course, you know that Melody Musante is retiring; Thursday as her last day. James has graciously volunteered to sit in and help us out in her absence. He was here at the last meeting and he will be an integral part for making the success of the next board packets come to fruition. We do not have an applicant for the October meeting. I did not... we did not receive an application, so we will not have an applicant for the next meeting. And that is all I have.

Ms. Evans: I just have one question. When said Ms. Allen, you mean Ms. Evans?

Mr. Morgan: Did I say Ms. Allen?

Ms. Evans: Yeah.

Mr. Morgan: Please forgive me, I'm sorry. Sorry.

Dr. Larson: Okay, thank you. Next item is the adoption of the May 25th minutes. Are there any comments on the May 25th minutes and before we get... oh, just two.

ADOPTION OF MINUTES

2. May 25, 2021

Ms. Brown: Small, very small.

Dr. Larson: Okay, go ahead.

Ms. Brown: I had a correction on the minutes, for page 62... I'm sorry, page 11 of 62, line 534. The end of the first sentence, I think it, it says stay, not day. We were talking about the stay, the longest stay of the guests. Not the longest day of the guests. So that was just a correction from stay to day. And then the other one was for you, Mr. Chairman. We had a split vote on that case. And the minutes only...

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we did a hand vote. And the minutes only reflected that it was four to three. It didn't specify who voted for or against. And I think when we have a split vote, we might want to do it, you know... we normally do. We normally say who voted for and who voted against.

Dr. Larson: We have that in the records. So I'm not sure...

Ms. Brown: I think we didn't, I think we didn't poll the board. I think that's what happened. We just did a silent hand count and then it was 4 to 3.

Dr. Larson: Right. But everybody at the end initials how they voted. So we have that in the records, but it didn't make it in the minutes but it did in the records.

Ms. Brown: Yeah. If we have a split vote, I'd like to see it in the minutes just, but that's me. We normally do put it in I thought. That was all I had.

Dr. Larson: Okay. Any other questions or any other corrections for the minutes? I have one. It's line 2554. And it's me, and it says, I realize this is going a little later than certainly planned, but we need to thoroughly flush this out. I never say that. I always say flesh this out. If I had realized, we had just been talking about latrines and that might have been a good pun. But I'm always up for a good pun. But I seriously don't say flush. I say flesh. So you can check that. That's all I had. Any other corrections for the minutes?

Ms. Brown: Do we want to add how the vote went? You said...

Dr. Larson: We could, I think. Zoning Administrator, can we add, in the future add if there's a... if it's not unanimous on the vote, can we add the who voted how in the minutes?

Ms. Stinnette: I did not prepare these minutes. I always put if there's any opposition, I always put their name or at least initials.

Ms. Brown: Yeah, that's what I thought. So, and I just... we might want to just add that. I remember that I voted against it, Mr. Ireland voted against it, and Mr. Spinnanger. I think everybody else voted for it. But somewhere that should probably be somewhere.

Dr. Larson: Could we append that then to these minutes? Thank you. Okay, um, is there a motion to approve the minutes?

Ms. Brown: Motion to approve with the corrections.

Dr. Larson: Second?

Ms. Evans: I second.

Dr. Larson: Those in favor say aye.

All members: Aye.

Dr. Larson: Any opposed?

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Mr. Harris: Present.

Dr. Larson: Okay. One voting present. Okay, Other Business? First item, let's try to keep this quick. Email submissions. We ran into this a while ago. This is one that I wanted to talk about. I want to get a sense of the board. I did not like the idea of the... just to remind everybody, there was a situation where a couple wanted to testify and somebody stopped me from having them testify because they hadn't been sworn in yet. And then somebody suggested that well, why don't we just swear them in now, and we did and everything was fine. But it occurred to me that people are sending us stuff in the email, and they're not sworn in. So I don't know what we're getting in the email, if it's worthwhile entering into the record or not.

OTHER BUSINESS

3. Email Submissions

Ms. Brown: I think what happened was is during COVID, when the chambers was closed to people to come in and express their comments in public comment period, we started reading the emails. And, and that was the only time. And prior to that, all we had done when we got email submissions, they just went into the record. And they weren't read aloud at the meetings. So like tonight, since there is no limitations on public comment, people can come in, I probably would not have read that into the record, I would have just included it like we used to do. But again, we only read them... we started reading them out loud when people were not allowed to access the chambers. That's what I understood.

Dr. Larson: Okay, and the other objection I had to, to the email situation was they're not available for questions. And we can question our witnesses here and get clarification if we need clarification and that can be useful. So my question is, what should we do with emails that we receive in the future for future cases?

Mr. Ireland: I have an opinion. If we don't allow it, we're discriminating against people who can't show up in person. As a new board member, I don't typically do these kinds of things. So legally, I don't know what the call is, if you guys can make that decision, but I don't want to leave anyone's voices... anyone's voice left out, especially people who can't make it here in person. And I think the cost is so low to us, but so valuable to have someone's input. Thank you.

Dr. Larson: Anybody else?

Mr. Apicella: On the testimony from witnesses, that's something that I'll call the course change, and Mr. Gibbons, you've been here for a while as well. So have you Mr. Larson. That only started maybe a couple of years ago. I'm not a... it's certainly not been past practice when somebody comes up and testifies. And I'm not even sure I call it somebody testifying. Somebody is coming and giving their public comments. I'm not even sure I consider that to be testimony. I mean, we don't consider it to be testimony at the Planning Commission, the Board of Supervisors doesn't consider it to be testimony. So this notion of having interaction with a commenter, I think there are pros and cons to it. And I think we should have a bigger conversation about whether or not that's appropriate. It's one thing for the applicant to testify. But if we had 50 people here who wanted to speak, and we wanted to have that interaction, I'm just not, I'm just not sure that's appropriate. In my opinion. They could certainly give their public comments. That's what it's for, public comments, but it's not, it's not supposed to be... it has not normally been a give and take.

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Dr. Larson: Let's...

Mr. Apicella: And it opens itself up to, I think, some other potential issues that we have not talked about.

Dr. Larson: This is a different discussion.

Mr. Apicella: It's sort of the same thing though, it's sort of...

Dr. Larson: It's related, but different. Let's, let's talk about email, how we treat email.

Mr. Apicella: I agree with what Ms. Brown said in the past. Anybody can submit comments. I think we're required, or we should be required to. If somebody wants to send us something, we can't say no. The only question is whether or not it gets read. And, again, using the Planning Commission as an example, we were reading people's comments when they couldn't attend because of COVID. And we subsequently stopped that at our last, or at one of our September meetings. So I think that's... we should go back to that policy. We can include it in the record, but it's not necessarily something that should be read into the record.

Mr. Ireland: Can I disagree?

Dr. Larson: Any other comments on that?

Mr. Ireland: I disagree, because submitting it to the record doesn't sway anybody's opinion one way or another. And that's why we have people speak their opinions. Someone could be a very good writer out there who can't make it to the board that writes something that flips me to go the other way.

Ms. Brown: Well, we share it with the board.

Mr. Apicella: Yeah, I'm not suggesting we don't receive it. And I'm not suggesting we don't look at it. I'm just... the only question is whether it gets read...

Ms. Evans: So, can I say

Mr. Apicella: ... in public during the meeting.

Ms. Evans: I must agree with him. Do you think that we should, we should read it because the applicant will not know that it came through, right?

Dr. Larson: Well, that's the other thing is if... I really don't want to get email and keep it within the board. I don't like that at all because when you have an applicant, he deserves to know all the evidence that we're considering.

Mr. Apicella: Right. And there's nothing that precludes us from providing it to the applicant. Again, I think that's been past practice. When somebody submitted comments, they weren't written... they weren't read into the record. We also gave the applicant or their agent a copy of anything and everything that was sent to us.

Dr. Larson: Okay, so I think what I'm hearing then is the suggestion... there are two sides, of course. The suggestion...

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Mr. Apicella: There's a staff side, too, so let's...

Dr. Larson: Oh, staff side. Okay, go ahead.

Mr. Morgan: I think that the one thing that we need to really consider is we're a little bit different; not we, you guys are a little bit different than the Planning Commission or the Board. The Board of Supervisors is a political body. And the Planning Commission is just a Commission that works for the Board. The Planning Commission works as a function of the Board to advise the Board. The Board of Zoning Appeals is a semi-judicial... they're a quasi-judicial board that's appointed by the Circuit Court judge. The applicants that... or the individuals that come here to speak are normally sworn in. They're always sworn in at most BZAs, that I know of. Melody and I did a polling throughout the Commonwealth to see how people were dealing with COVID reading the emails in and most of them still did not read emails, and am I correct Melody? So we read them in because the Board and the Planning Commission did that. However, somebody else can give somebody else's sworn testimony and anything in court that's not substantial because it's hearsay, it's an email. Is this your email? Did you really write this? I could get on your computer and write an email for you to get a point across. So, Mr. Larson, Dr. Larson, you do have a valid point. They're not sworn in. They're not testimony. But same with Steven Apicella, they should be part of the record. Now to get it vetted into... to get it heard at the meeting, then that is up to the responsibility of the citizens to be part of the process to be heard and their voice be heard specifically, the night of the meeting.

Dr. Larson: Yeah, I don't, I don't want to open this can of worms. But, as you point out, we are quasi-judicial, we're also quasi-legislative. This was a quasi-legislative forum. They are different. And they have different, you know, expectations. I don't want to go there because I don't think we have to. I've heard a suggestion. And I think I've heard some support from the staff for the suggestion to not read the email into the record. Receive the email. The thing is... okay. So maybe this is... I don't know where we go with this. But if we circulate the email among the board, I think, especially for the quasi-judicial things, those people need to hear what we're seeing. If we, if we have... if it influences our decision at all, they need to be able to respond to that. That's due process. We don't want to deny them that.

Ms. Brown: Can I help you, Mr. Larson, on this?

Dr. Larson: Go ahead.

Ms. Brown: Because we've had a lot of these cases. One of them that come to mind is the, the wolf dog, one we had. I got, I can't even remember how many emails, 50, 60? I have no idea. And as they came in, I would just... I would respond, thank you for your email so they would know that I got it. And then I would forward it to all of you and to Melody. And Melody would give it to the applicant, she would forward it to them. So that was how we worked. I thought that worked really well. If that was a lot of work, I don't know.

Mr. Morgan: As long as we document and very transparent, I mean, that's exactly how we should handle it.

Mr. Apicella: Yeah...

Ms. Brown: That's how we've been doing it.

Mr. Apicella: ... that's how we've done it in the past, so.

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Ms. Brown: Yeah. I would ...the only thing I would change is that we would read them into the record, if there was another state of emergency and the chamber is not accessible to the public. That's the only reason they did it.

Mr. Morgan: And the Board of Zoning Appeals directed us to do so.

Ms. Brown: Yeah. I mean, otherwise, I wouldn't want to... I might get 60 more emails, and we can't read that many at night. I mean, and again, they're not here to testify. So I would only agree with reading the emails out loud into the meeting if the chambers was close to the public.

Mr. Morgan: And that was just received by coincidence, it was 4:29 today when it was sent. So I felt obligated to, to at least let you guys know that they were trying to meet the deadline, so.

Ms. Brown: Well, and I want to see them, but I just don't know that we need to read them into the record.

Dr. Larson: Okay, can I have a motion in this regard?

Ms. Brown: Steven, I'll let you do it.

Mr. Apicella: Yeah, I would recommend with regard to emails received from the public, and not the applicant or their agent, that we receive those, we distribute those amongst board members and staff, and we provide a copy to the applicant. But we do not read those into the record during a meeting.

Mr. Harris: Will they be part of the record?

Ms. Brown: Yes.

Mr. Apicella: They would be part of the record.

Mr. Harris: Thank you.

Ms. Brown: And that's what I usually say; thank you for your email. I'm sending this to Ms. Musante. It'll be part of the official record. I mean, I try to say something to the people that they know that I'm not ignoring them. But I do say something like that.

Dr. Larson: Is there a second to the motion?

Ms. Brown: Second.

Dr. Larson: Is there any further discussion...? Well, how about this – is there any discussion on the motion?

Ms. Brown: Will staff do that? Will staff continue to forward to the applicant?

Mr. Morgan: That is our normal protocol.

Ms. Brown: Okay.

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Dr. Larson: Discussion on the motion? Okay, hearing none, I'll call for the vote. All those in favor say aye.

All members: Aye.

Dr. Larson: Any opposed? Okay, motion passes unanimously. Good.

Ms. Brown: We had that in there about the state of emergency though, right? Or, you know, if the chambers is closed, then we will read them out loud?

Mr. Morgan: I do not. This is your... this is...

Dr. Larson: Let's deal with that on a case by case basis, shall we?

Mr. Apicella: I think if and when that happens, we can take another vote and do a course change.

Ms. Brown: You don't want to just do it now?

Mr. Apicella: No, because we don't know if and when it's going to happen again.

4. By-laws

Dr. Larson: Okay, the next item is By-Laws. I know there were two items here. I think they're both going to be really easy. One was... Dana, did you want to... how about if you put into words what you think the by-laws should state when the Chairman is first elected but doesn't take the reins until the following meeting.

Ms. Brown: Yes, and I think I also have something in there about staff will facilitate the elections.

Dr. Larson: I don't know what that means.

Ms. Brown: Meaning the Chairman, because they may need to make a motion or get voted on or something. Typically in the Planning Commission meetings and in Supervisors meetings, the County Administrator or whoever is the staff person will run the election until the Chair is elected. We had a problem with Heather. She couldn't, as Chair, she couldn't make any motions or, you know, nominations or anything like that. And like I said, no other board runs that way. All the other boards run with the staff. You're running the election until the Chair is established.

Dr. Larson: I'd have to check Robert's Rules again. I think with a board this small, the Chair can actually make a motion.

Ms. Brown: Well, it was a problem last year. She wasn't allowed to.

Dr. Larson: What problem?

Ms. Brown: She couldn't make any motions... or nominations. I'm sorry, nominations.

Dr. Larson: I'll check Robert's Rules on that.

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Ms. Brown: Okay. The other thing was, yeah, the other thing was just codify something that we're already doing, and that is that the Chair will not assume their duties until the meeting following the election.

Dr. Larson: And did you write draft?

Ms. Brown: I did, like, a couple months ago, and I don't have it anymore.

Dr. Larson: Okay, could you, could you circulate that to the board?

Ms. Brown: Okay. Do we have, I mean, can we just add that in?

Dr. Larson: No, I think people are gonna want to see what your wording is. But if you could, if you circulate your wording and where you want to put it.

Ms. Brown: Okay.

Dr. Larson: Then we'll take a vote on it. Any other...

Mr. Harris: *Inaudible*... discussion on that.

Dr. Larson: Sure, go ahead.

Mr. Harris: Of course, the body probably has a Chairman, a Vice Chairman, and I would assume a Secretary, is that correct?

Dr. Larson: Correct.

Mr. Harris: Would it not be tradition in most forms within the Commonwealth that the Secretary conduct the annual or bi-annual elections?

Dr. Larson: That's not part of our by-laws.

Mr. Harris: That's my question. Is that something for consideration?

Ms. Brown: It would be the same problem, though. Would that person who's conducting the meeting be able to make nominations? That's the, because it's the first one that gets out there, you know, so, that's the reasoning.

Dr. Larson: I'll check Robert's Rules. I don't want to do it now, although I... *inaudible, being talked over*.

Mr. Harris: Historically, I recall the Secretary being the one that administrates this.

Dr. Larson: Okay, and the other part of the by-laws discussion was going to be secretarial duties. Are you ready to talk about that yet?

Ms. Evans: Yeah, sure. So one of the issues is transcriptions, right? Who's going to be taking transcriptions? So we have to talk about that. What is staff recommending?

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Mr. Morgan: Staff is recommending that you do... that you don't do verbatim, and I know, Mr. Apicella, you like those.

Mr. Apicella: It's not a matter of liking them. It's a matter of utility.

Mr. Morgan: And that utility is not going away.

Mr. Apicella: And so... if we're going to have it... Well, a couple of things. And we've had this conversation before and just because we've done things in the past doesn't mean we can't change course. The issue with not having actual minutes is that, number one, we deal with similar issues over and over again. So a, so a five page facsimile of what we discussed isn't particularly helpful to me two years later when I have a similar case and trying to figure out what was said. What did people discuss over the good issues? What were the, you know, what were the cases that were brought up? What did the applicant say to in response to something that somebody raised? I find that very helpful in trying to do my job as a, as a board member. The second thing is we do get sued. And it's helpful to me as a board member to know, again, what was actually said versus, and it might be six months, a year later, when we actually have the court case, what was actually said versus somebody's interpretation of what we said. And I know the Board of Supervisors does a summary version. And I, for whatever reason, they choose to go down that path. But again, for me as somebody as an adjudicatory body, I think it's helpful to have it especially when these things often end up in court.

Dr. Larson: I think this issue is going to take longer than we're going to care to take tonight to resolve. So what I'm going to propose... when I asked for secretarial duties, I didn't know you're gonna open this can first.

Ms. Evans: I'm sorry, but I was gonna say like, can we defer?

Dr. Larson: Yes, so I would like to defer because I think this one is going to take a while to sort out. Are there any other secretarial duties that you'd like to discuss that you decided upon?

Ms. Evans: No, that's about it. Was it... that was about it that we talked about, yeah.

Dr. Larson: Okay, sir?

Mr. Ireland: Just real quick. I've only been on the board for five or six months, we've been talking about by-laws since I've been on it. And I know before that it was a long time. So if we tack this stuff on to a regular meeting, we never have time for it. Which, okay, I don't want to be here any longer either. Should we have a meeting without applicants to flush or flesh out these kinds of questions?

Dr. Larson: Flesh.

Mr. Ireland: Flesh out these questions? Or else we'll just never get there. So that's, that's my input.

Dr. Larson: I'm actually thinking we can do the next two pretty quickly. But... the next two items, but this... I think this transcription question is going to take a while to sort out. In fact, it might even take a while to get all the information. So I would like to come back to that. Now your point is valid. In fact, Dana and I had an offline email exchange about that very issue come up to this meeting. And, you know, the question was, well, what if there's no case here? What do we do about these pending issues, which have been pending for a long time? And, as you know, in the past, since we had time I get postponing.

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Okay, well, we'll get a case, we'll get a case, we'll get a case. I, but yes, we may end up in a bind sometime where we have to do administrative stuff, then we'll have to make a decision. Is it worth the time to call a meeting for it? I don't know. But what I'd like to do is address items five and six here under other business, because I think they'll be quick. And I again, I don't think we can address this other issue tonight anyway. So we'll come back to that. Training – BZA and FOIA training. Is there any update on that, that we could get? I know... I guess the new members either have or are undergoing BZA training. Is that correct?

5. Training

Mr. Morgan: That is correct.

Ms. Evans: But I say, we had the BZA training already.

Dr. Larson: Okay. All of you have had it except for Mr. Harris?

Mr. Morgan: Mr. Harris is signed up for the BZA training.

Mr. Harris: I am 50% through the examination.

Mr. Morgan: Yes, I was going to say.

Dr. Larson: Perfect! So you're going through the training?

Mr. Harris: Yes.

Dr. Larson: Perfect.

Mr. Harris: I don't recommend it, but it's...

Dr. Larson: How about FOIA? Have the new people have FOIA yet?

Mr. Ireland: I've had general government FOIA training, which may be similar, may not. I don't know.

Mr. Apicella: It is different.

Dr. Larson: Well, FOIA is FOIA. But I mean, there... how it applies to BZA is noteworthy.

Mr. Morgan: Have you, Mr. Chairman, reached out to Andrew McRoberts in regards to a FOIA training? I know that there was some discussion about that. I believe that somebody was going to reach out from the board, because that would be separate from the county and I know that Andrew McRoberts does training.

Dr. Larson: Yes, there was discussion several months ago, I think. I don't recall anybody being assigned to reach out at that time. Um, but it's, I mean, we have done it once before; we had a representative, I think, from the County...

Ms. Brown: I think we had Ms. Pandak, and we also had Mr. McRoberts.

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Dr. Larson: Okay. And then Andrew was the other part of that. I thought that was really helpful.

Ms. Brown: Yeah.

Dr. Larson: Because it focused just on the BZA and our requirements of what we have to keep and for how long and how we might do that.

Mr. Morgan: If you would like to reach out to your attorney and see if he would be willing to do that, I would be more than glad to help possibly do that for the next meeting, since we don't have an October meeting. Or if you wanted to do that sometime in November, or the meeting in November.

Dr. Larson: If there are no objections from the board, I'll reach out to Andrew and see what, what he thinks about... *inaudible, being talked over.*

Ms. Brown: I support that. And I just want to comment, it's been nice to get any training that we can, but I know that when we've asked in the past, you guys have always set us up something with the county attorney, but that's very unhelpful for us, because most of the questions that we ask, she just tells us she can't answer and we need to consult our attorney. So we really don't want to... I don't want to waste time with the county attorney doing that again. But I did find Mr. McRoberts very helpful.

Mr. Apicella: Yeah, I agree. Andrew was very helpful. I think if there's certainly going to be a cost associated with it, do we want to talk about, you know, what a couple hours of Andrew might cost to give us that kind of training?

Dr. Larson: I used to know how much the last one cost, but I'm afraid it escapes me now. Do you remember?

Mr. Morgan: I do not. But I can certainly look into it and look back through budget to see and I, I mean, I don't have a problem... *inaudible.*

Mr. Apicella: I mean, we have a budget; I don't think we've really spent very much because we haven't asked for anything from counsel.

Dr. Larson: I'm quite sure we've asked...

Mr. Morgan: Just the FOIA training, that's... I mean, just... Mmelody seems to recall that it was about \$500.

Dr. Larson: For Andrew?

Mr. Morgan: For Andrew.

Dr. Larson: Per hour?

Ms. Musante: No, his hourly rate is three and a quarter.

Okay.

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Ms. Musante: I want to say that that's the current rate. I want to say before your training he did was between five and \$600, because he had two... *inaudible, not at microphone.*

Dr. Larson: Alright. When I reach out to Andrew, he'll remember this. He may have his briefing. I'll ask him how much it might cost.

Ms. Musante: We can probably look up what we paid for the last one.

Dr. Larson: Because we paid the other attorney, too.

Ms. Musante: Correct. Okay, fair enough. Yes, I think, especially the new members would really benefit from some FOIA training. So let's, let's try to... we will, I will reach out to Andrew and maybe we can make it happen in the next few months. Okay, electronic meetings. Dana, I think this was your, that you put that in there?

6. Electronic Meetings

Ms. Brown: Yeah, Heather actually... we had talked about it at our February meeting. And Heather was going to put it on the next agenda. But we ended up not having a meeting and then she was gone. During the pandemic, we had added that we could have, unlike anything we'd ever done before, that we could participate in two electronic meetings a month during non-emergency orders. And I don't think that's necessary, because we have alternates. Unlike any other board, we have alternates to fill in when we're not here. And when we did the electronic policy, I remember we talked about we would, okay, we just rushed it through, so it was the end of the night but we would go back and revisit that. We agreed and I agree during a state of emergency yet anybody can participate electronically, period. But when we're not under a state of emergency, I don't think we need the two electronic meetings a year. We'd put our alternates out of business, so. I wanted to scrap that. We didn't use it. I don't think we need it. Heather said we'd revisit it. And that's...

Mr. Apicella: So I feel strongly to the contrary. Again, because I participated on a body that had to utilize this, even absent in emergency situation. I'll give one example; we had a Planning Commission meeting. At the last minute, I found out that I was exposed to somebody who had COVID. Outside of the emergency, I wanted to go to the meeting, I needed to go to the meeting because we have a different set of rules for the Planning Commission. So at the last minute, I had to bow out of publicly coming to the meeting and participated remotely. I'll add a couple of other points. We have not had to trigger the non-emergency provisions yet. So we don't know whether it's an issue or not, or concern or not. The current provisions provide us as a body, and both as a body and individual members with flexibility, it can only be used at a maximum two times a year. So it's very limited. The individual member who requests it must get approval. So it's not a guarantee. I think eliminating this flexibility would essentially disallow a member from participating in a matter that's within their district, although we don't always look at things from a district perspective. But being from a district we might have knowledge about the specific matter in front of us. Or it could be a problem if we were involved in a previous meeting, where we publicly attended, and for some reason we can't attend the follow on meeting, then you'd have to get an alternate to pinch-hit on a matter that they didn't previously participate in. I think it precludes the member from participating in a matter, absent being in their district, but they feel strongly that they want to participate in and they can't because they're not allowed to because we put in this restriction, although allowed by the state would not be allowed by the BZA. There may be circumstances where both alternates can't attend a particular meeting. So we'd end up with fewer than seven members. And again, the bottom line is we haven't even tried it yet. So we don't even know if it's an issue. I think we should

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give it at least another six months or a year to see if it's a problem or not. No one's trying to exclude alternates. We have an alternate sitting in today. I've been an alternate probably longer than most people have been alternates. I know what it's like to be an alternate and not being able to participate in the meeting. By the same token, I think it's important to allow members to participate, if they can, remotely in very limited set of circumstances. So I think the pros of keeping it in outweigh the cons – in my opinion.

Ms. Brown: *Inaudible, two talking at once...* the boards are different. Planning Commission does not have alternates, so you can't compare the two. We have alternates. We've never had it until COVID. And we've managed this for... I've been on the board for, I don't know, six, seven years now. And we have never not had a quorum, we've never not had, to my knowledge except once less than seven members, and we had enough to do a meeting. We have alternates. We didn't need this before. I don't think we need it now. And I think it does push out the alternates. And we are different than the Planning Commission and the Supervisors.

Dr. Larson: I'm going to disagree with you. I don't think it pushes off the alternates because, for example, me, if I can't make a meeting, I can't make the meeting. I can't make it in any way, shape, or form. If I could make it I'd be here. I can't call in because I can't make the meeting for some reason. I'm on an airplane somewhere or something.

Ms. Brown: But you know if you're going to be on an airplane.

Dr. Larson: That's true. But so, and we do use our alternates. People don't tend to call in unless they have a good reason for calling in. I don't, I don't see a compelling reason to remove the policy.

Ms. Brown: I'll tell you why. Because I've sat here during COVID while we've had electronic members. It is very difficult as a board member to understand. We've had communication difficulties. It's very hard for the audience. And sometimes it doesn't work. Sometimes you don't hear. It's not good continuity of the meeting.

Dr. Larson: Okay, fair enough. Any other discussion? No discussion. Is there a motion?

Ms. Brown: I motion to remove the two electronic meetings a year during non-emergency restrictions of the state government.

Dr. Larson: Is there a second?

Mr. Gibbons: I'll second.

Dr. Larson: Okay, we have a motion and a second. Any further discussion? Okay, those in favor say aye.

Ms. Brown: Aye.

Mr. Gibbons: Aye.

Dr. Larson: Those opposed?

Ms. Evans: Nay.

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Mr. Apicella: Nay.

Mr. Ireland: Nay.

Mr. Harris: I'm voting present because I don't have a historical perspective.

Dr. Larson: I understand. Okay, so the motion is defeated. That is the end of the agenda. Do I have a motion to adjourn?

Ms. Evans: Motion to adjourn.

Dr. Larson: Second?

Ms. Brown: Well, wait a minute, wait a minute.

Dr. Larson: What?

Ms. Brown: Behind your chair.

Dr. Larson: Ohhhhhhh, I didn't realize. Do you have a copy?

Mr. Morgan: No. I'll get one when she takes it upstairs. Melody, could you come up here please?

Ms. Musante: Again?

Dr. Larson: Again please.

Ms. Musante: *Inaudible, not at microphone.*

Dr. Larson: All the way up this time.

Mr. Morgan: This is the last time we're going to be televised.

Ms. Brown: I thought we weren't televised anymore?

Ms. Musante: We're not. He's getting ready to get it, trust me. Oh my gosh!

Dr. Larson: Just a small token of our appreciation.

Ms. Musante: Ohhhhh, how wonderful!

Dr. Larson: This is yours but I think we need to have a copy.

Ms. Musante: Absolutely. I will make a copy and just mail it to you or give it to... perfect. Thank you! Y'all didn't have to do that but I so appreciate it. Thank you.

Dr. Larson: Okay, meeting's adjourned.

ADJOURNMENT

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With no further business to discuss, the meeting was adjourned at 9:40 PM.