

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**December 9, 2015**

The meeting of the Stafford County Planning Commission of Wednesday, December 9, 2015, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Rhodes, Apicella, Coen, Bailey, English, Boswell, and Gibbons

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Knighting, Baker, Zuraf, Blackburn, and Ehly

DECLARATIONS OF DISQUALIFICATION

PUBLIC PRESENTATIONS

Mr. Rhodes: Are there any Declarations of Disqualification on any item on the agenda this evening? Hearing none, we will move onto Public Presentations. This is an opportunity for a member of the public to speak on any item except for those that are Public Hearing items. So, you can speak on any topic that comes to mind other than the items 1 through 6, because there will be an opportunity for public comment with those particularly built into the agenda. So, if you'd like to speak on any other item or topic, you may come forward and do so at this time. When you do, we would ask that you state your name. Once you do, a green light will come on indicating 3 minutes are available to you as you speak; a yellow light will come on when there's 1 minute remaining; and then when the red light starts to blink, we would ask that you work to conclude your comments. Is there anyone who would like to come forward at this time? Okay, seeing no one come forward for the Public Presentations, I will ask the indulgence of the Planning Commission before we get to the first Public Hearing item for a couple minutes. I'd like to make a separate presentation. We are... this will be... typically as we've had the parting Planning Commission members, we've always had them come back for a small memento for their service, but we've got I think a significant event tonight. This will be the last session for Mr. Gibbons. Mr. Gibbons, if you could come forward please. Mr. Gibbons has served this County, quite honestly, for decades. While he's still a young man, he has been serving for decades and it merited a little different recognition. We usually have a single memento that we provide to our Planning Commissioners, but we've modified that and we also have a second thing that we'd like to present. So, if you'd allow me to go to the second item, this is from your fellow Commissioners. They couldn't see this opportunity leave without doing something a little different. And I'll read a letter that is co-signed by all your Planning Commissioners. To Mr. Robert Gibbons. Reference the Thank You for Your Committed and Dedicated Service, December 9, 2015. Thank you for your service to Stafford County as Planning Commissioner from January 1982 to December 1990, serving as Chairman in 1986, 1987, and 1990, and specifically with us as the Rock Hill Planning Commissioner from March 2012 to December 2015. Thank you for your service to Stafford County on the Board of Supervisors from January 1992 to December 2007; serving as Chairman in 1994, 1995, 2002, and 2006; and serving as Vice Chairman in 2000, 2001, and 2003. Thank you for your service to Stafford County on the multiple other Boards, Commissions, Councils, and Committees you've led and served on to benefit our County and its citizenry, including the Board of Zoning Appeals, the Utilities Commission, PRTC, and VRE. And we could have gone on forever on those. Thank you for always being focused on the welfare of Stafford's citizens, and the best interests of the County. Thank you for the respectful and professional manner in which you've always conducted yourself. What you've done has been important and impactful, but just as significant is how you've done it – regardless of the issue, always a gentleman. Thank you for your friendship, most of all. And we've modified the memento just a little. Given your tenure of service, given your services of Chairman so many

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times in so many areas, we had to actually give you a gavel plaque. And it says, The Stafford County Planning Commission proudly honors Robert Gibbons for 13 years of dedication and service to the citizens of Stafford County while serving on the Stafford County Planning Commission, January 1982 through December 1990, and March 2012 through December 2015. Okay, now back to the agenda as posted. We're onto Public Hearing items. We're going to do I believe items 1 and 2 together Mr. Harvey?

PUBLIC HEARINGS

1. RC15150963; Reclassification - Mabudian Minor Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel No. 20-99, zoned B-2, Urban Commercial, to allow for the outdoor display of vehicles. The property consists of 1.07 acres and is located on the north side of Garrisonville Road, approximately 275 feet east of its intersection with Center Street, within the Griffis-Widewater Election District. **(Time Limit: March 8, 2016)**
2. CUP15150816; Conditional Use Permit - Mabudian Minor Conditional Use Permit Amendment - A request to amend Conditional Use Permit conditions, pursuant to Resolution R03-382, dated October 7, 2003, on Tax Map Parcel No. 20-99, zoned B-2, Urban Commercial, to allow for the outdoor display of vehicles for sale. The property consists of 1.07 acres and is located on the north side of Garrisonville Road, approximately 275 feet east of its intersection with Center Street, within the Griffis-Widewater Election District. **(Time Limit: March 8, 2016)**

Mr. Harvey: That's correct Mr. Chairman.

Mr. Rhodes: Great. So, we'll do the reclassification and the Conditional Use Permit, items number 1 and 2 on the agenda, and who will be presenting for this one?

Mr. Harvey: Mr. Chairman, Kathy Baker will be making the presentation.

Mr. Rhodes: Very good, thank you!

Ms. Baker: Good evening Mr. Chairman, members of the Commission. Items 1 and 2 are a reclassification and a Conditional Use Permit, minor modifications to the Mabudian property. This application is to amend proffered conditions, as well as conditional use permit conditions, to allow for outdoor display of vehicles. This property is located on the north side of Garrisonville Road, just east of Center Street. The property Tax Map Number is 20-99, which is 1.07 acres in size. The property is zoned B-2, Urban Commercial, and lies within the Highway Corridor Overlay District. This is an aerial view of the property highlighted in red. You'll see Garrisonville Road to the south and Center Street runs to the left of the screen. The property has a single-family residence onsite with a driveway access from Garrisonville Road. To the left of the property is an office building. To the rear of the property at the top of your screen is a medical office building. And to the right is an auto parts retail store and a strip center. On the south side is a residential property. And just to the east, or to the right of that, is the property that recently was rezoned for the Stafford Village Center. This is just a street view looking from Garrisonville Road to the existing residence. You'll see the office buildings and retail surrounding, and then at the bottom is the street view looking west along Garrisonville Road. And Garrisonville Road, in this area, is a 4-lane undivided highway which the center lane is what we like to call the chicken lane. There was an originally rezoning and Conditional Use Permit that was approved in 2003 for a proposed vehicle sales. The rezoning also allowed medium intensity retail use. The proffers and conditions limited the display of vehicles to within a proposed building that would be constructed onsite in place of the existing residence. It was proposed as a 2-story building with the vehicles being displayed on the first floor inside the building. The new proposal includes a possible

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reduction in the building size and allowing those vehicles to now be displayed outside of the building. So that is what's requiring this amendment to the proffers and the conditions.

Mr. Rhodes: Ms. Baker, I'm sorry, I'm trying to scroll to find it, I apologize. The proffers that are in the staff package... where the heck are they... those are the original proffers?

Ms. Baker: We have the original, as well as the proposed proffers in the package. The underline/overstrike version is what...

Mr. Rhodes: Ah, okay, there we go. And the... I'm just trying... the original proffer did have terminology associated with what type of vehicles? Oh, there we are. So, they are limited to specialty and collectors vehicles, and that stays the same in both versions?

Ms. Baker: That's correct.

Mr. Rhodes: Okay, thank you.

Ms. Baker: This is the Generalized Development Plan that was approved with the original rezoning and Conditional Use Permit. You see the 2-story building, approximately 12,800 square feet in size, with one access point from Garrisonville Road and your parking on both the rear and the front of the building. There is also a 15-foot right-of-way dedication strip along the front, as well as the standard landscape buffer that would have been required. This GDP does show potential for inter-parcel connection to the west, as well as the east of the property. However, on the east side there is a stormwater facility that has been constructed basically along that entire boundary, so there wouldn't be a possibility to connect there. To the west, or the left side, that office building has been constructed. That property does sit higher than this property, and does include curbing, as well as a landscape strip along that property line.

Mr. Rhodes: Would we expect them, given that the medical office building behind has been built subsequent, would we expect them to connect to that inter-parcel connector since they've developed one out?

Ms. Baker: We would encourage that if it could be worked out with the property owner. They would have to have inter-parcel access easements agreed upon by that property owner. So, the current proffers, as I mentioned, limit use to medium intensity commercial and motor vehicle sales. And within that proffer it requires the display of vehicle inside the building. As you stated, it also limits the vehicle sales to specialty or custom vehicles. It does prohibit any auto service or detailing onsite, except for cleaning and minor repairs, and then, also, again limited the second story to office space. It did proffer to establish inter-parcel access to the west if that was feasible. Again, the dedication of 15 feet of right-of-way was proffered, and then utilization of brick, stone, or split-face block for the building façade that faces Garrisonville Road. And basically the only proffer change that was submitted was to amend the proffer that allows... to allow for outdoor display of vehicles and then it was clarified that vehicles would be located within specified parking places within that proffer. As far as the current conditions, under the Conditional Use Permit, it did limit to motor vehicle sales; there would be no repair or service of vehicles on the site; no carnival style banners, lights, or balloons; again, no outdoor display of vehicles; and no outdoor display or storage of auto parts. Continuing, the storage and disposal of petroleum products and antifreeze would be in accordance with our fire prevention code. Buildings would be equipped with sprinklers, and no test cars would be driven... test-driven through the residential neighborhoods. Initially, when the application came in, it was... the applicant was just proposing to remove that condition prohibiting the outdoor display. After staff reviewed the application,

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we did have some subsequent recommendations to add to the conditions. But the second condition, condition number 2, allowing minor... the applicant did request to clarify that one to add that minor servicing... service detailing and vacuuming could occur inside the building, and this is to mirror the proffer for the same allowance. The staff had recommended adding the condition that the outdoor display of vehicles be located within the designated parking spaces. Also, the applicant, after we were working with them to have these additional conditions, they actually wanted to modify the condition about the sprinklers being required within the building. We did speak with the Fire Marshal and the Fire Marshal was satisfied; if they reduce it to a 1-story building or it's 6,000 square feet or less that it does not need to be sprinkled. So, that is what the applicant would like to do.

Mr. English: Ms. Baker, there's going to be vehicles inside this building?

Ms. Baker: No. They want to remove the vehicles from inside the building and have them displayed outside. So the building is really just going to be for office and...

Mr. English: You don't have a rendering of what the building's going to look like, do you?

Ms. Baker: We do not have that at this time, no. Again, they've not determined the actual size that it would be, but their idea is that it's going to be reduced in size and then have it just for office with the vehicles outside. So, if that's the case, they aren't going to propose sprinklers.

Mr. Rhodes: Mr. Coen.

Mr. Coen: But they will have vehicles inside the building at different times to do the detailing and vacuuming and whatnot. So there will be an area set aside for that... with that type of equipment...

Ms. Baker: That's my understanding; I'll let the applicant address that in greater detail.

Mr. Coen: Thank you.

Mr. Rhodes: Okay, thank you.

Ms. Baker: Lastly, staff had recommended a condition that loading and unloading of any vehicles would be within designated loading areas and that there would be appropriate drive isles and turning radii for any transport vehicles. The applicant has indicated there wouldn't be a car carrier per se, one of your larger vehicles, but primarily it could be tow trucks or smaller vehicles that would bring a single vehicle in. But either way, they will accommodate for what would be proposed onsite at the site plan stage. I wanted to mention, the Garrisonville Road widening project is a County road construction project that is in the process right now. It's proposal is to widen from four lanes to six lanes and it would be divided along the 1-mile stretch where it's proposed. Currently, the County is proposing acquisition of land and easements for that construction. They're negotiating with property owners along the entire strip. The consultant that's working on this has actually contacted this property owner as well and is looking to compensate for 237 square feet of right-of-way and an additional area for easements that they will need for the road construction project.

Mr. Rhodes: So, this is beyond the 15 feet that was in the proffer?

Ms. Baker: It's a little bit different. The easements are beyond where the right-of-way... and I'll show you a map in just a moment.

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Mr. Rhodes: Okay, thank you.

Ms. Baker: I wanted to note that there was a public hearing held on this process on November 17<sup>th</sup> and it was deferred until December 15<sup>th</sup>. So, the Board will be taking this up again at that meeting. And this is just showing the proposal that was presented at the design public hearing. The property you see in red, primarily the additional pavement and lanes is going to be on the south side of Garrisonville Road, so there would be three lanes in this vicinity on the north side of the median. One would serve as basically a thru turn lane. And this is the area; this shows the actual right-of-way and easements that would be required for the construction. The light blue that you see down in the left-hand corner is the only area that is needed for right-of-way. The others are actual easements; some of these are temporary easements, some of them are permanent easements. The pink that you see is actually... that's going to be the easement that's going to go back the furthest and that is for a permanent Dominion Virginia Power easement as well as VDOT utility easement. The yellow and the green are... excuse me. The yellow and the orange are temporary easements, and then the remainder are going to be permanent easements. And the Planning Commission did ask if we could overlay what this might look like on the GDP. So I've got two renderings here; the first one shows the red line is the proffered 15-foot right-of-way. The little blue triangle is the actual right-of-way needed, but you see the green line is the area where all the easements combined would extend from the frontage of the property. And this just is a little bit different. This shows the same thing; the proffered right-of-way, the proposed right-of-way, your original building setback in the gold, and then in the blue, the darker blue would be the new setback line from that proposed right-of-way line. So, the Comprehensive Plan has this designated as a Commercial Corridor within the Suburban Land Use which does allow for residential use as well as retail business activities. There's also a separate section of the Comprehensive Plan that recommends location of vehicle sales along Route 1 near Ramoth Church Road, as well as near the intersection of Garrisonville Road. While this component of the Comprehensive Plan, the proposal is not entirely consistent with that, the actual use in this location was previously approved as we noted back in 2003. Staff is recommending approval of both applications. It is consistent with the future land use designation in the Comp Plan. It is consistent with the development patterns in the area. It was previously designed to accommodate the use that is proposed. And although it's not consistent with the location of vehicle sales, as I said since the use had been previously approved and the additional conditions would set some additional restrictions for the outdoor display. So, with that, I'll be happy to answer any questions.

Mr. Rhodes: Questions for staff?

Mrs. Bailey: Mr. Chair?

Mr. Rhodes: Yes Mrs. Bailey.

Mrs. Bailey: Ms. Baker, in 2003 when the reclassification was originally done, do you know why the restriction was placed for the display of vehicles inside the building rather than allowing outside the building?

Ms. Baker: I think, looking back in the minutes, one of the primary reasons was the applicant proposed that, but I think because it was within the Highway Corridor Overlay, which your intent is to reduce... one of the intents is to reduce visual, I don't want to say clutter, but...

Mr. Rhodes: Distraction.

Ms. Baker: ... distraction, thank you, along the Corridor Highway.

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Mrs. Bailey: Will the applicant need to do a new GDP? Will this have the development for the site? Have there been changes in the standards for development of that site that would require a new GDP to be done? And if so, how is that going to affect the number of spaces that would be allowed?

Ms. Baker: Because this was a minor amendment, we did not require them to resubmit the GDP. This is something that everything would be shown on an actual site development plan when that's submitted. Everything is going to be based upon what their ultimate square footage of the building is, for one, and that's going to determine your requirements for your customer and employee parking, and then as well as your number of display vehicles, which they will have to establish that designated area for that number of vehicles and have sufficient parking to support all three really.

Mrs. Bailey: So, when we say that the sale of used vehicles will be limited to specialty collector vehicles, or custom vehicles, what does that mean?

Ms. Baker: I think I'll let the applicant explain to you exactly what their proposal is for those types of vehicles.

Mrs. Bailey: Okay.

Ms. Baker: But typically it's classic cars, antique cars, I mean, that's some of the types of vehicles.

Mrs. Bailey: Well, I do have a concern that specialty or custom could be almost anything else, so I just raised the question.

Ms. Baker: Mr. Harvey, do you have any additional input on what those items might be?

Mr. Harvey: Mr. Chairman, Mrs. Bailey, I don't believe it's defined in the Zoning Ordinance so it would be something that we would have to look at if we ever got a complaint to see that, as Ms. Baker said, they are some sort of vehicle that's not normally seen in other car sale lots.

Mrs. Bailey: Alrighty, thank you.

Mr. Rhodes: Other questions? Mr. Apicella.

Mr. Apicella: Mr. Chairman, Ms. Baker, can you go back a couple slides?

Mr. Rhodes: Computer please.

Mr. Apicella: I think it's the one that was showing the road extension on Garrisonville. One more. Can you give us a sense of what's happening in that corridor, especially across the street from the proposed car lot?

Ms. Baker: As far as development or the road improvements?

Mr. Apicella: Development.

Ms. Baker: Let me get my bearings. As I stated here, in this area is the area of the rezoning for the Stafford Village Center. So that's a P-TND zoning that was just completed. So that would be a mixed use development with commercial and residential uses. This property right now is just residential and

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zoned R-1. We don't have any plans in for that particular property at this time. Drawing a blank as what's to the west of that on the south side of the road. Jeff, can you help me out with this area?

Mr. Harvey: Ms. Baker, it's office park.

Mr. Rhodes: Yeah, Lupi Orthodontics.

Ms. Baker: That's right, Lupi.

Mr. Apicella: Okay. I drive down 17 every day and we have several car lots. I would say that they are less than attractive; maybe they were attractive when they were built many years ago. Do we have sufficient measures in place in the proposed package or are there other measures that we could consider that would ensure that it does not become something similar to what's on 17 or conflict with what's happening in that area?

Ms. Baker: Right now, what I mentioned in the proffers are what we have to ensure that, which is basically the construction of the building materials and the other conditions that I specified, not having the balloons and other attention-getting devices that you see at some used vehicle lots.

Mr. Apicella: Is there anything else you would recommend? Any design standards?

Ms. Baker: Well, perhaps I'll pose that question to you. What would you like to see?

Mr. Apicella: I don't know. But I would not like it to turn out to be what we see on 17, especially with a fairly significant project across the street.

Ms. Baker: In some rezonings and conditional use permits we have either architectural elevations that have been submitted. I know the applicant has not prepared any at this time. We could also consider Neighborhood Design Standards which are a component of the Comprehensive Plan which deals with different types of development, commercial development, and how that development might look.

Mr. Apicella: So we could impose that as a condition?

Ms. Baker: A condition or a proffer, if the applicant is willing to consider a proffer.

Mr. Harvey: Mr. Chairman, Mr. Apicella, the Highway Corridor Overlay zoning category currently requires that any new development must comply with the Neighborhood Design Standards.

Ms. Baker: Oh, you're right, thank you.

Mr. Harvey: So, a proffer and a condition would not be necessary.

Mr. Rhodes: Mr. Boswell?

Mr. Boswell: A lot of what you're talking about on 17, I understand what you're saying. But a lot of those car lots are converted businesses that were converted into car lots, not a new construction. So, I mean, like she's saying, we're going to have some restrictions on a new building. But a lot of what you see up there are old gas stations and old shops that have turned into... that they're using for used car lots.

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Mr. Rhodes: Mr. Apicella, do you have more? Anyone else?

Mrs. Bailey: Mr. Chairman?

Mr. Rhodes: Yes Mrs. Bailey.

Mrs. Bailey: Just one more follow-up question. Would you want to go first?

Mr. English: The only thing I just wondered, I guess this is for the applicant, is there another business that they have like this that you know of? Maybe I should save it for the applicant.

Ms. Baker: I'll let you ask the applicant.

Mr. English: Okay.

Mr. Rhodes: Okay, thank you. Mrs. Bailey.

Mrs. Bailey: Along the same lines, Ms. Baker, in Stafford County, do we have any other car lots that have that same restriction attached to it, for specialty cars or collector cars?

Ms. Baker: Help me here Jeff. I don't know if we...

Mr. Harvey: Not that I'm aware of.

Mrs. Bailey: Okay, and so how do we monitor that would be my question.

Ms. Baker: Monitor that that's what they have?

Mrs. Bailey: Mm hmm. Or enforce it might be a better word.

Ms. Baker: Typically we react on complaint basis. If somebody notices that there's not... if they're not doing something along the lines of the conditions, our office, the Zoning Inspectors, would go out and take a look at that and we would look to ensure that they are complying with that Conditional Use Permit. But typically it's on a complaint basis, or somebody notifying us that they may not be following those conditions.

Mrs. Bailey: Thank you.

Mr. Rhodes: Certainly I think it would be a reasonable interpretation that custom and specialty would be something that is not traditionally found on a branded car lot. But that's a great point. Just one last question, Ms. Baker, and then we'll go to the applicant. Do you... is there anything in our ordinances -- I thought I saw something but I haven't found it flipping -- that bounds the number of cars they can have for sale on the lot in any way?

Ms. Baker: Not in the ordinance.

Mr. Rhodes: Okay.

Ms. Baker: They do have to go through the Department of Motor Vehicles for (inaudible).

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Mr. Rhodes: I know there's something there in the calculation of how many spaces they have to have for employees and customers. I wasn't sure if they can just get as many as they can fit other than that?

Mr. Harvey: Mr. Chairman, the DMV requires a minimum of 10 parking spaces for display. Also, our ordinance requires that for office use you have at least 3 spaces per thousand square feet of building area. So those are some of the limitations but, as the GDP had shown, there was more parking than the minimum required.

Mr. Rhodes: Right, yeah. Okay, alright, thank you. Please, Mr. Coen.

Mr. Coen: So, Mr. Harvey, we have a minimum but there's no, I think that's what the Chair was asking was there's no maximum? I mean, they have to give, if it goes for a 6,000 square foot property they're supposed to have 3 spaces per, and then anything else they can just put as many? I mean, there's no cap?

Mr. Harvey: Correct, there is no cap. Some of the other things that balance out with developing a site plan is that our ordinance requires that 25% of the property be in green space. That'll have some factor and bearing on it. Also, the physical layout of the property and how they interconnect with the adjacent properties will have a bearing on how the parking lot is laid out and the location of the building, etcetera.

Ms. Baker: And the ordinance does call for a specific parking space size for displayed vehicles, as well as your aisle widths have to be the standard aisle widths for travelway to allow vehicles to pass through.

Mr. Rhodes: Okay, very good. Wonderful! With no further questions, I'll ask the applicant to come forward.

Ms. Karnes: Good evening Mr. Chairman, members of the Planning Commission, my name is Debrarae Karnes and I'm here to present both the rezoning and Conditional Use Permit that Ms. Baker ably described. But, if you'd bear with me, I'd like to express my thanks to Commissioner Gibbons not only for his service, but for his active effort in trying to negotiate consensus between opposing parties, which... throughout his career... which I think is the hallmark of government service. So thank you. This, as you heard, is a very simple application for... to change one key component of an approved car lot. The applicant wishes to exhibit for sale vehicles outdoors. I don't remember why the restriction was placed originally. I assume it had to do with the fact that in 2003 there were issues regarding the emphasis of commercial office development along 610 and they were trying to protect the appearance in that way. But I may be wrong. This area now is more... developing more so in a commercial pattern. And as staff indicated, this would be compatible with the surrounding development. Okay. So, details. First of all, we are proposing a proffer amendment that allows outdoor exhibition of cars for sale. As Mrs. Bailey asked about, the definition of the cars allowed to be displayed is specialty or custom auto, and that could include classic cars, as Ms. Baker said, or it could include custom cars, something very unique, something not commonly found on the car lots of Stafford County or anywhere in the region. Mr. Chairman, I do have revised proffers to submit to you tonight. Unusually, these revised proffers come at the express request of staff. Basically, page 2 is changed to address the right-of-way issue. Ms. Baker contacted me today and indicated that because further information had been provided concerning the extent of the take associated with the Garrisonville Road improvements, County staff preferred to the proffer. Instead of having the applicant proffer 15 feet of right-of-way, the County preferred the applicant to proffer up to 15 feet of right-of-way. The County indicates that the entire 15 feet strip may not be needed and they do not want an instance where the applicant is compelled at site plan to dedicate more right-of-way than is needed, giving VDOT more land to maintain. We agreed to submit this

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modification and we ask that you move before the end of the public hearing to accept the revised proffers. Mrs. Bailey also asked a question about the GDP. There is no GDP submitted here. There will be required a site plan that provides more detail. One of the reasons that a new GDP wasn't submitted is the applicant has not fully determined the use that will be made. This original application was submitted in 2003 at which time the applicant planned to build at least partially a car lot on the site. As you know, by 2006, the economy was indicating potential problems and he held back and waited to see when the economy would support a very specialized use of, you know, specialty custom autos. He thinks the timing is now but the final use has not been determined. He is entitled under the approval to build a maximum of 12,800 square foot in his building. He may or may not build that entire building at that size. He will have to determine his use before he submits his site plan. The site plan will show the configuration of, among other things, the location of the display vehicles and the number and size of parking spaces. Mr. Coen asked, we knew or we could determine the minimum number of parking spaces, at least once we know the use, but how would we know the maximum number of parking spaces? We will know... the maximum number of parking spaces will be limited by several things. I think staff talked about the need for open space, the need for a minimum travel size, and the requirements for the minimum parking space size. Now, there's one parking space size required for customer parking. There's a bigger size required for display spaces. In addition, they have to have a clear opportunity to pull out into the drive spaces. So, the Zoning Ordinance prohibits a massive accumulation of cars like I've seen in maybe some shops outside of Stafford County. I think you're going to get the protection I think that you're looking for through the site planning process. Other questions have been raised I think by Mr. Apicella and I know also by the Chairman about architectural standards. First of all, the proffers currently provide you some protection, specifying materials that quite frankly pretty much mimic what's in the design standards of the Comprehensive Plan. And the applicant thinks you've got adequate protection that way, but if you have specific concerns about certain features, he would gladly entertain another change to the proffers which you've got in front of you so it's going to be pretty easy to do if that's your inclination. He's told me that he wants a good looking building, he wants a very neutral appearing building, he doesn't want to draw attention away from his cars, and he doesn't want to give the impression that there's anything but quality desirable cars being presented on his lot. I could either stop here and answer questions, or go on to the conditions in the Conditional Use Permit.

Mr. Rhodes: Questions from the proffer side?

Mr. English: Yeah, not on the proffer side, just about the building. Ms. Karnes, does he have a business like this already or is this just his first one?

Ms. Karnes: I believe this is his first one in Stafford County, but he is... he does have a background in automobile sales.

Mr. English: Okay. And you don't have a rendering of what the building will look like?

Ms. Karnes: I do not. It's too early in the process particularly because a use hasn't been achieved. If you care to ask architectural questions, a family member who is an architect... a family member of the applicant who's an architect is in the audience and would be willing to answer whatever questions he has knowing that there is no renderings prepared today.

Mr. Rhodes: Okay, thank you. Please proceed.

Ms. Karnes: As to the Conditional Use Permit, the conditions are pretty straightforward. When we received the conditions from the County, we noticed that it did require fire suppression systems for the

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building. And this condition was imposed in 2003. We requested that the County consider elimination of this condition in the event only one floor is built. That would be consistent with the other actions taken recently by the Fire Marshal. And as Ms. Baker advised you, apparently the Fire Marshal is in support of that change; or at least would not, you know, oppose it.

Mr. Gibbons: Can I ask one question? I thought it had to be 6,000 feet or less for the suppression?

Ms. Karnes: I think he said... I think the staff report says either 1 floor or 6,000 square feet. Yes, or more than 6,000 square feet.

Mr. Gibbons: Okay, thank you.

Ms. Karnes: This is a use that is already approved, making minor changes. As staff indicated to you, it is consistent with the pattern of development in the area. We ask for your approval and we invite questions on anything, even suggestions on the design standards.

Mr. Rhodes: Great. Questions for the applicant? Yes, Mr. Coen.

Mr. Coen: You used the phrase twice and it just perked my little ears up. You said the use hasn't been achieved yet. So, is it that it theoretically could go from the car sales we're looking at to something else that's under B-2? That they're still exploring that? Or what is it that you meant by that?

Ms. Karnes: Okay, first of all, there's no use on the site right now for these proposals. The question is whether the applicant constructs the combination specialty auto sales plus office, only office, or only auto sales. He has not achieved a final user. I will note that if auto sales are implemented on this site, that may well be an interim use. And the building could be converted to the commercial use as Stafford County grows and matures.

Mr. Rhodes: Alright. Other questions for the applicant? Okay. Very good, thank you very much. We will now open these items to public comment. If there's any member of the public that would like to speak on items number 1 or 2, you may come forward and do so at this time. When you do, again, we'd ask you to state your name and your address. Once you do so, the green light will light up indicating 3 minutes available, and then the yellow light comes on at 1 minute, and when the red light comes on we would ask that you work to conclude your comments. Would anyone like to speak? Seeing no one frantically moving forward I will close the public comment portion of the public hearing for these items and bring it back to the Planning Commission. Yes, Mr. Gibbons.

Mr. Gibbons: Mr. Chairman, could I ask the staff one question?

Mr. Rhodes: Please, absolutely.

Mr. Gibbons: But I thought I understood the fire suppression.

Ms. Baker: Initially, the proffers stated that, regardless of the size of the building, it would be sprinkled. So, the revision is for either if it is more than one story then it would be sprinkled, or if it was over 6,000 square feet it would be sprinkled. That's how the proffers have been modified and the Fire Marshal is acceptable.

Mr. Gibbons: Okay, if it goes beyond 6,000 feet then the sprinkler must be placed?

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Ms. Baker: Correct.

Mr. Gibbons: It's not an or.

Ms. Baker: Six thousand or a second story. If it's 1-story and 5,999 no, it doesn't have to.

Mr. Gibbons: Thank you ma'am.

Mr. Rhodes: Okay, thank you very much. Anyone else? Mr. Boswell.

Mr. Boswell: I make a motion to approve the revised proffers.

Mr. Rhodes: So, it's a motion recommending approval of the Minor Proffer Amendment. Is there a second?

Mr. English: I'll second.

Mr. Rhodes: Second by Mr. English. Further comment Mr. Boswell?

Ms. McClendon: Mr. Chairman...

Mr. Rhodes: Oh, we've got to accept the new information received tonight. Thank you very much. I knew that! So, I'd ask that we set that aside. I forgot; we did receive new information tonight and we do have to vote to accept the new information that was received this evening.

Mr. Boswell: That's exactly what I meant to say.

Mr. Rhodes: So there's a motion to accept the new proffers that were received this evening. Is there a second? Mr. English; that's what you were meaning to second. Gotcha; thank you very much. Further comment Mr. Boswell?

Mr. Boswell: No.

Mr. Rhodes: Mr. English? Any other member? Very good. All those in favor of the motion to accept the new proffers received tonight signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? That passes 7-0.

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Mr. Boswell: Alright, I'd like to make a motion to approve RC15150963.

Mr. Rhodes: A motion recommending approval of the Minor Proffer Amendment. Is there a second?

Mr. English: I'll second.

Mr. Rhodes: Second by Mr. English. Further comment Mr. Boswell?

Mr. Boswell: No.

Mr. Rhodes: Mr. English? Any other member? Very good. All those in favor of the motion which is to recommend approval of the Minor Proffer Amendment, RC15150963, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Are there any opposed?

Mrs. Bailey: Opposed.

Mr. Rhodes: One opposed, so 6-1 it passes. We are not at the Conditional Use Permit.

Mr. Boswell: Motion to approve CUP15150816.

Mr. Rhodes: Motion recommending approval of the Conditional Use Permit Amendment. Is there a second?

Mr. English: I'll second.

Mr. Rhodes: Second by Mr. English. Further comment Mr. Boswell?

Mr. Boswell: No sir.

Mr. Rhodes: Mr. English?

Mr. English: No.

Mr. Rhodes: Any other member? All those in favor of the motion which is to recommend approval of the Conditional Use Permit Amendment for CUP15150816 signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

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Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed?

Mrs. Bailey: Opposed.

Mr. Rhodes: It passes 6-1; good luck. With that we will move forward and we will move onto item number 3. Actually, 3 and 4 together Mr. Harvey please?

3. COM15150829; Comprehensive Plan Compliance Review - Telecom Tower Verizon Wireless at Smokehouse - A request for review to determine compliance with the Comprehensive Plan in accordance with Virginia Code Section 15.2-2232, for the construction of a 170-foot tall monopole style telecommunications facility on Tax Map Parcel No. 25-37V, zoned A-1, Agricultural Zoning District. The property consists of 10.042 acres located at 84 Alcotti Way, approximately 2,000 feet northwest of the intersection of Hartwood Road and Spotted Tavern Road, within the Hartwood Election District. **(Time Limit: January 13, 2016)**
4. CUP15150828; Conditional Use Permit - Telecom Tower Verizon Wireless at Smokehouse - A request for a Conditional Use Permit (CUP) to permit a 170-foot tall monopole style telecommunications facility on Tax Map Parcel No. 25-37V, zoned A-1, Agricultural Zoning District. The property consists of 10.042 acres located at 84 Alcotti Way, approximately 2,000 feet northwest of the intersection of Hartwood Road and Spotted Tavern Road, within the Hartwood Election District. **(Time Limit: January 13, 2016)**

Mr. Harvey: Yes Mr. Chairman, thank you. If you'd please recognize Erica Ehly for the presentation.

Mr. Rhodes: Thank you very much.

Ms. Ehly: Good evening Mr. Chairman and members of the Planning Commission. These items are... item 3 and 4 are requests for determination that a proposed telecommunication facility is in accordance with the Comprehensive Plan and a Conditional Use Permit to allow a telecommunications facility in the A-1 Zoning District. The applicant, Verizon, is represented by Mr. Charlie Payne and they're requesting the determination of compliance and the conditional use permit. The proposed site is located at 84 Alcotti Way approximately 2,000 feet northwest of the intersection of Hartwood Road and Spotted Tavern Road, on less than 1 acre portion of Tax Map Parcel No. 25-37V which totals approximately 10 acres and is located within the Hartwood Election District. The surrounding properties consist of undeveloped land, large lot residential development, and a powerline... and powerlines within an easement. The subject property and surrounding properties are designated within the Agricultural Rural area of the Comprehensive Plan and area zoned A-1, Agricultural. The applicant has determined that the wireless network in this area has deficient coverage. The proposed facility will help enhance the coverage within the Verizon network. The orange circle identifies the area of enhanced coverage, whereas this slide illustrates existing coverage within the network.

Mr. Apicella: Ms. Ehly?

Ms. Ehly: Yes, sir.

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Mr. Apicella: Going back to the previous slide, either you or the applicant, can they explain what the different color codes mean?

Mr. Rhodes: If you can please identify yourself.

Mr. Dugan: Sure. My name is Paul Dugan. I am consulting engineer for Verizon Wireless. The different colors represent different signal level thresholds. The red is a minimum signal level threshold that Verizon targets to their license and service area. The green and blue are simply a little bit stronger signal level that can provide a better level of in-building penetration. So, the red is an absolute minimum target signal level, and the green and blue represent a better signal level that can provide better in-building penetration.

Mr. Apicella: So, presumably, what's in white is getting almost no coverage?

Mr. Dugan: That's correct. And that doesn't imply that there's absolutely no service in all white areas, but all the white areas are varying levels of unreliability. And the proposed location for this proposed structure is well situated between the two sites to the north; the Skyline Drive site which is a... it's a lattice tower right along the utility right-of-way to the north, and to the south there's a site identified as Stork... it's right along Stork Road. That's also a lattice tower, both with multiple co-locators. So this site sits well positioned between those two sites to provide coverage to the area that's centered in between those two sites.

Mr. Rhodes: Okay, thanks.

Ms. Ehly: Access to the proposed site is provided via Alcott Way at a point approximately 1,000 feet south of Spotted Tavern Road. The application was evaluated for compliance with the criteria identified in the Telecommunications Plan, which is an element of the Comprehensive Plan. The Plan provides guidance regarding siting criteria and facility design standards for new telecommunications facilities in Stafford County. The proposal is generally consistent with the relative siting and design criteria as described in the staff report. The proposed telecommunications facility would consist of a 170-foot tall monopole tower and a 2,500-square foot compound located in the northeastern quadrant of the property. The yellow circle identifies the setback requirement from the property line which is not met on the northern and eastern sides. To mitigate the impact of the setback distance to neighboring parcels, the monopole is engineered in such a manner that in the unlikely event of a structural failure, the tower will collapse onto itself without impacting any structures located in the vicinity. The applicant stated that the tower is sited in the proposed location with due consideration having been made... having been given to the property's topography, extensive screening provided by existing tree cover, and the desire to clear as little existing tree cover as possible. This slide shows an aerial of the proposed location looking to the south. The nearest structures are well outside of the setback. The location of the Verizon antenna will be at a height of 167 feet with provisions for two additional carriers. The associated ancillary equipment will be contained within a 2,500-square foot compound enclosed by security fencing consisting of 6-foot high chain link fence with barbed wire on the top. The photo simulations that were submitted with the application identified that the proposed tower will not be visible from most locations because of the substantial tree cover in the area, although staff does note that this may vary with seasonal changes. The following slides show the extent that the proposed tower will be visible. And this is from Alcott Way and Spotted Tavern Road, a view from the north. And this is a view from the northeast from Spotted Tavern Road. And from Stonehouse Road, a view from the south. Oops, sorry... there's Stonehouse Road. And those were basically the only areas from which the tower was visible from the surrounding area. The application was also reviewed in accordance with the criteria identified in Section 28-185 of the Zoning Ordinance related to Conditional Use Permits. The proposal is in accordance with these

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criteria as identified in the staff report and the resolution included the... mostly... well, pretty much all the standard conditions the County imposes on telecommunications towers. We can go through them but I'm sure you've read them as part of the staff report. But I have them here. And staff is recommending approval of the... both applications, the Comprehensive Plan Compliance Review pursuant to Planning Commission Resolution PCR15-13, as this request is substantially in accordance with the Comprehensive Plan and specifically with the Telecommunications Plan recommendations regarding siting criteria, overall coverage, objectives, and design standards. Staff is also recommending approval of the Conditional Use Permit, with the conditions that are included within Resolution R15-411 and subject to the approval of the concurrent Comprehensive Plan Compliance Review. The proposed facility meets the standards of issuance for review of the Conditional Use Permit. And also, these items 3 and 4 on the agenda and also 5 and 6 are all telecommunications facility applications. These have different deadlines than our usual compliance reviews for the Comprehensive Plan Compliance Review and Conditional Use Permit with regard to the timeline. The total timeline from the determination of completion of the application is 150 days to the time that the Board would make a decision regarding the applications rather than the usual 60 days for the Planning Commission to make a decision for a Comprehensive Plan Compliance Review and then a year for the Board; and then for Conditional Use Permits, the Planning Commission usually has 90 days and then a year for the Board. So, you may have noticed that the timeline for the decision on these is a little shorter. So the deadline for this application at the Planning Commission would be the January 13<sup>th</sup> meeting to make the Board, the February 2<sup>nd</sup> Board meeting in order to maintain that timeline.

Mr. Rhodes: Very good. Questions for staff? Mr. English.

Mr. English: Ms. Ehly, was all the residents notified about this? Were they supposed to be notified by mail or anything like that that you know of where they were notified?

Ms. Ehly: Mr. Chairman, Mr. English, yes, the same notification process for any public hearing was followed with signs and letters.

Mr. English: And also, this tower does not need a light on it for aviation or anything like that? It's not required because it's not high enough, is that correct?

Ms. Ehly: Yes sir. If they're under 200 feet, they're not required to be lit by the FAA.

Mr. English: Okay. And also, another question and maybe this is for the applicant, but if the emergency services in the County had a need to add an extra antenna on there, would they be able to do that?

Ms. Ehly: Mr. English, I believe they have reserved space for the County, any County needs on the tower.

Mr. English: Okay, thank you.

Mr. Rhodes: Thank you. Other questions for staff? Mr. Apicella.

Mr. Apicella: Mr. Chairman, this is a matter of comparison. I believe this one has, I'll call it tabs, or provides for up to three carriers or a minimum of three carriers as compared to the other one that has... would allow for up to five carriers. And by my math there's more than three major carriers that I can think of. Do we know why it's just three in this case?

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Ms. Ehly: Mr. Chairman, Mr. Apicella, the applicant did provide an explanation of that and they are also here to clarify that. The reason why... let's see here... well, three carriers are the minimum requirement for a Comprehensive Plan Compliance, that you have to have at least space for three carriers. The height of this tower would not allow for a total of five carriers because the lowest rad location, antenna location would be too low for a strong enough signal. I think it would be at 130 feet which the applicant determined to be not sufficient height. So, but they can certainly explain it more clearly.

Mr. Apicella: But in my mind, the benefit of more carriers is it means fewer towers, right. So, what I see is a lack of coverage in that area and if only three carriers are provided for, I don't know who those three might be but the other major carriers might also need to put up a tower just to ensure fair and equitable coverage. So, I'm just throwing it out there that there's, I don't want to call it a disparity but in a perfect world, if this were to be approved, it might be beneficial to have more carrier coverage. And I'm not quite sure if it went into detail, but there are also some FCC requirements or parameters that kind of govern this process. Is that true or not true? Or maybe the applicant's agent can kind of speak to that.

Ms. Ehly: Well, Mr. Chairman, Mr. Apicella, all carriers on the towers are regulated by the FCC.

Mr. Apicella: I'm just talking about in terms of siting towers; there's some FCC requirements.

Ms. Ehly: Yes. They have to do environmental studies and other siting requirements through NEPA and all sorts of regulations. I'm sure they can explain it more clearly.

Mr. Apicella: Okay. And just kind of one more question kind of bifurcating the two pieces of this project, the Comp Plan Compliance Review versus the CUP. In terms of the Compliance Review, our role here is really kind of a yes or no; it either does or does not fulfill the requirements of the Comp Plan in terms of the Telecommunications Plan of that, right? That's kind of what we're focusing that on.

Ms. Ehly: Yes.

Mr. Apicella: At least in terms of number 3.

Ms. Ehly: Yes.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Very good. Other questions for... yes, Mr. Gibbons, please.

Mr. Gibbons: A follow-up on Steven's question. If this tower was at 190, would it accommodate more than three? The next one has a 190 limit. I was just wondering.

Ms. Ehly: Mr. Chairman, Mr. Gibbons, I believe that the monopole cannot hold as many carriers as the lattice design. But also the applicant can explain that more clearly too. It's not only a matter of height, but also of the strength.

Mr. Gibbons: Thank you.

Mr. Rhodes: Other questions for the applicant, I mean for the staff before the applicant comes forward? Okay, very good; thank you ma'am. Applicant please.

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Mr. Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. Of course, we have the agent here as well. I believe the property owner is here, and we also have our expert which you heard from earlier today, Mr. Paul Dugan. I want to thank staff for their report and going through our application. And I will be as brief as possible, but I will address both the Comprehensive Plan Compliance issue and also the CUP. But before I get there, I just want to also take the time to thank Mr. Gibbons for his public service to Stafford County. He will be missed. His institutional knowledge will be missed. And I'm sure one of our old very good friends is looking down very proud of you, and that would be Alvin Bandy. And I wanted you to know that I appreciate your service to Stafford County. I also want to wish you all Happy Holidays and Merry Christmas, and thank *you* for your service to Stafford County. As... what I will do, Mr. Chairman, if you'll allow me, is I'll go through the Comp Plan Compliance component first and then I'll go into the CUP. I'll try not to repeat myself. We believe that this project is in compliance with the County's Transportation... I'm sorry, the County's Telecommunications Plan. The general goals are satisfied located in areas compatible with adjacent uses, promote public health, welfare, and safety by improving 9-1-1 coverage in this particular area, and also very importantly expanding broadband access to all citizens in Stafford County. Continuing the consistencies with the County Telecommunications Plan, the County's plan... land use plan classifies this property as agricultural which is where these type of towers are encouraged, one of the areas this is encouraged in. The properties are in an area where they're either wooded or partially wooded or developed with single-family dwellings. The location is near, as you probably saw in the photos, a significant powerline easement so it's nearby this location at Spotted Tavern Road in the northeast of the site. The Telecommunications Plan notes that special consideration would be provided to towers located in underserved broadband areas which we showed on our propagation analysis is the case here. There is a gap that needs to be filled in regards to the north and south location. This will offer residents in this area, as I stated, improved broadband communication services. The communication facility will not adversely impact water, sewer, transportation, or other Stafford County public facilities and services, while also at the same time improving wireless telecommunications in this area. The proposed communication facility is designed to accommodate three service providers. In discussing this with my client, based on Mr. Apicella's question, we are willing to allow for five. We typically would ask for three given obviously the location and where we believe the service providers are, but we certainly don't have an issue going to five. Again, the proposed communication facility is sited within existing tree cover to blend into the surrounding areas which again Mr. Gibbons asked a question about why not going to 190. There'd be a greater visibility issue if we did that, so staying at 170 allows us to blend more into the surrounding area. The facility again, this again is going to the structural construction requirements under the Comp Plan. The proposed communications is surrounded by a 6-foot high chain link fence for both buffering and securing the facility. The applicant is willing to again provide space on the tower and ground lease area to the County, if needed, as Mr. English had requested. The applicant has further... will construct the facility to ensure minimum setbacks requirements under your Telecommunications Plan. Again, and also as asked by Mr. Apicella, the applicant is licensed by several governmental agencies, including the FCC, the FAA, they also have to comply with NEPA and obviously with the local government requirements. Getting into the... unless you had any questions about the Comprehensive Plan... yes sir, Mr. Gibbons.

Mr. Gibbons: I've got one technical question. Closest to the powerlines; there's no interference coming from the powerline on transmission?

Mr. Dugan: No, there will not be any interference.

Mr. Rhodes: If you could come to the microphone sir. We have a thriving audience that watches.

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Mr. Dugan: No, the powerlines are for the transmission of electric power and these are radio frequency antennas that will provide service to the immediate area. There will be no interference to each other's operation.

Mr. Gibbons: Thank you very much.

Mr. Payne: Thank you Mr. Dugan. In getting into the CUP issues, as staff has noted, this property is zoned A-1 and which allows communications facilities with a Conditional Use Permit. The request is, as stated by staff, 170-foot monopole in height with a 50 x 50 square foot, 2,500 square feet if you will, area, equipment area, compound, on about 0.6 acres so it's a very small footprint. The surrounding area of the communication facility is located in a sparsely populated area as encouragement of the Comp Plan consisting of single-family homes on large partially wooded lots. The base tower is screened by view from Spotted Tavern Road by the existing tree canopy as you saw in the photos. The benefits of this CUP: the facility would improve wireless communication systems in this area which is always very positive for our citizens. A lot of folks so small businesses working from home can also take advantage of this, whether they're subcontractors or otherwise. And of course, very importantly, it improves 9-1-1 coverage. Coverage gaps, as noted in our propagation study and as presented by staff, there is a significant gap in this particular location and this use will improve that gap. We did look at co-locations, both to the north and south, which do permit co-location. But again, locating on those sites would not address the coverage gap that we have discussed earlier tonight. Other locations, we did look at the powerlines to the east; however, the current facilities located there that are owned by Dominion Power were not structurally sound enough to handle our antennas, so that's why we're not there. Again, visual impacts, as staff has noted, the site is significantly set back from adjoining properties. The closest home is about 450 feet on the adjoining parcel. The minimum, as you probably know, is 170-foot setback, basically the size of the tower. It is self-collapsing if it does collapse in the very unfortunate and unlikely incident that it would. Again, it is significantly buffered and screened by the tree line that's in that particular area. It will include a 6-foot link chain fence -- I'm having a hard time talking, forgive me -- installed around the perimeter of the facility. Again, we've talked about self-collapsing as required under your ordinance. The County benefit is again that we would allow the County to locate on the tower, as well as provide equipment on the ground. Environmentally, the clearing will be limited. Again, this is a 2,500 square foot-plus access area, plus the access area will be limited and erosion sediment controls will be used. We'll disturb again less than 2,500 square feet and will not necessitate any stormwater quality or quality management plan. And the conditions, as presented by staff, are acceptable to us. And with that I'm happy to answer any questions you may have.

Mr. Rhodes: Questions for the applicant? Yes, Mrs. Bailey.

Mrs. Bailey: Mr. Payne, the location of the tower for that particular corner, was it not better suited to go further into the interior? And if not, why?

Mr. Payne: Stephanie Petway with MBNC will answer that.

Mrs. Bailey: Okay.

Ms. Petway: The further we get back into this site would require that we'd have to extend the road. We'd have to do much more impact as far as creating a road, possibly taking down some more trees. So, the further we go back in, we felt environmentally that it would impact the area. This would allow us to be in the area; it's still wooded but we are able to use the existing access road into the site.

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Mrs. Bailey: So, one follow-up question to that. It looks like on one of the corner... the corner of the access road there's about 110 feet from the corner of that road? If I'm reading that correctly; I've got the small version now, I don't have the large one. But heaven forbid the tower were to topple over, you say that it's going to fall down. How far will the materials spread out even though it would fall down? Is there the chance that it would impede the access road?

Ms. Petway: No. Not the way it would be designed. It would actually collapse onto itself. So, and what we can do is we can engineer it so it collapses at a certain point so that it's either 30-40-50 feet onto the pole itself.

Mrs. Bailey: Okay, so we wouldn't be worried about any debris falling from it?

Ms. Petway: No, no.

Mrs. Bailey: Okay, thank you.

Mr. Rhodes: Thank you. Other questions for the applicant?

Mr. Payne: Just to add, Mrs. Bailey, the side is closer towards the powerline easement and the more heavier wooded area.

Mr. Rhodes: Okay, very good. Thank you very much.

Mr. Payne: Thank you Mr. Chairman.

Mr. Rhodes: At this point, I'll open up this public hearing items... these public hearing items to public comment. Any member of the public that would like to speak on either one of these items, or both, may come forward and do so at this time. This is on the Comp Plan Compliance Review and on the Conditional Use Permit. When you do, again, I would ask that you state your name and your address. Once you do so, a green light will come on indicating 3 minutes are available; a yellow light will come on when there is a minute remaining; and when the red light starts blinking we just ask that you work to conclude your comments. Thank you sir.

Mr. Henry: Thank you. My name is William Henry. My home is the one that's 450 feet from the proposed antenna. The pictures that were shown show from the roadside all the way back to Spotted Tavern Road. But from my backyard it's a much different view that I'll see which is the entire 60-plus feet above the tree line and I'm at an elevated level and the tree line is down below. So, I'll see this. So I take a little bit of issue with that, but it's really not that much of an issue for me, to be honest with you. My bigger concern is that the broadband access that was spoken about is a very expensive broadband access that's limited to 30 GB max for the year. And with this additional antenna being put out, I'm worried that we are not going to get a landline broadband access and cable access out to that area because, at this point in time, I believe that Verizon just asked for a change to the Telecommunication Franchise Agreement to allow for 30 homes per linear mile vice the 22 that has been the norm that we just reached I believe. So, does this affect that at all? Would this tower affect our ability to strive to get broadband brought out to our area at a more (inaudible) fashion? And that's really all I have to ask.

Mr. Rhodes: Okay sir, thank you very much. Is there anyone else who would like to speak?

Mr. Kruckenberg: Hello, my name's David Kruckenberg. I am the last house on the road so I will have to go by the tower. I really don't have any problems with the tower. The only problem I do have is

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that's a private road. I built it and ain't nobody helps pay for it. I think they ought to chip in to help pay for the road. Any damage they do while construction, the whole nine yards, you know. I try to keep the road nice. So, that's the only concerns I have.

Mr. Rhodes: Very good, thank you sir. Anyone else like to speak on this item?

Mr. Toomey: My name's Mr. Toomey. I'm the one that owns the property that the cell phone tower will be constructed on. And the question about the road -- Verizon indicated to me that they would take a picture of the road prior to the building of the construction of it, and they would put down heavily graveled to take up the weight of the heavy equipment that would be coming in. And then they said that at the end of the construction of the tower, that they would contact me and I would be the one that would finalize the approving of the condition of the road. And that was the only question of the people in the area that said the same thing to me and I told them what Verizon had indicated to me; that they would finalize the road and make sure it was approved by me and I would be the one that would have the final say of the condition of the road. Thank you.

Mr. Rhodes: Thank you sir. Anyone else?

Mr. Smith: Good evening, my name's Ted Smith. I'm the first house on Alcotti as you come off of Spotted Tavern. Just basically I have no real opposition to the tower. But I do kind of echo my neighbors' sentiments about the road, as well as the ability to get broadband in our area. I just went this time last year in front of the Telecommunications Committee to get the 20 homes per linear mile basically certified by the committee. And we cannot even get... we can't get Comcast to come out. They stop at Alcotti Run which is a creek not more than a thousand feet from our area. So, what I'm... I guess my question to Verizon would be, with the tower would they be able to provide fiber from the tower to the homes that are currently in that area? Because we do meet the current homes per linear mile requirement according to the franchise agreement. So that's my question. Thank you.

Mr. Rhodes: Very good, thank you. Thank you sir. Anyone would like to speak on this item? Okay, I will close the public comment portion of the public hearing and hand it back over to the applicant for response.

Mr. Payne: Mr. Chairman, again, Charlie Payne with the law firm Hirschler Fleischer; we represent the applicant. I actually get out of these questions; they're very technical so I'm going to allow my client to answer these questions. Stephanie Petway is going to address the issues that came up from the community.

Mr. Rhodes: Please, thank you.

Ms. Petway: Okay, I'll try as best as I can to address the issue concerning the broadband issue. Verizon Wireless... there's a company called Verizon that Verizon Wireless is one of the companies that we own. There is a service that Verizon provides called FiOS, which is generally the cable and now internet kind of service. The service that we're talking about is providing, as far as broadband, is really associated with the wireless part of the service. It's more of Verizon Wireless, it's not Verizon landline. So, one doesn't necessarily affect the other. There is a landline service called Verizon and then there's a wireless service called Verizon Wireless. So, they're two completely different companies doing two different things, so I do not expect that the... whatever the broadband service that FiOS may be bringing into that area, and I am not sure what their plans are for that particular area, would not be affected by the service that we'd be providing for the wireless portion.

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Mr. Rhodes: So, you're telecom tower would just be doing telecommunications (inaudible).

Ms. Petway: Exactly, as far as wireless services. Concerning the road -- I would be more than happy to give the two gentlemen my business card, have them contact me as soon as we start construction. I can have our construction manager also be in contact with them at various points of construction. And, at the point when construction is ending, we can all do an inspection of the site to make sure that the road is back to the same condition that we found it when we started it. We've done this quite a bit. We've had this issue in other sites and we have no problem working with the property owners and the people that own the road, to comply with that. And I assume that probably under your site plan condition there's going to probably be some inspections that will also be associated with that as well.

Mr. Gibbons: But their question is, how do you maintain it in the future? You know, you've got storms and (inaudible).

Ms. Petway: Sure.

Mr. Gibbons: Are you going to come in and bring it back up?

Ms. Petway: Well, it's considered an unmanned service. So essentially, after the construction, we may visit that site maybe four times a year. And what will happen is that we will bring probably something that's akin to a SUV, small van, one technician that comes and he come and walk the site. A lot of that... these sites are really monitored remotely and what we can switches...

Mr. Gibbons: No, but the question is, are you willing to help maintain that road in the future?

Ms. Petway: I have to look... I have to be honest with you, I haven't seen the lease agreement so I can't speak as to what was agreed upon. The property owner...

Mr. Gibbons: And my last question is -- they ask a very good question -- can you connect fiber to the tower?

Ms. Petway: We will have fiber coming from our tower I believe, but no, not to connect for what I believe they're asking for is concerning like FiOS service; no.

Mr. English: You can't answer that question but somebody can, somebody else from Verizon can answer that question?

Ms. Petway: The road question?

Mr. English: No, the other, the FiOS question.

Ms. Petway: I would have to, yeah, I'd have to ask our construction manager in reference to that.

Mr. English: Okay.

Ms. Petway: That's... unfortunately it's a little more... it's more of a construction related question than it is a zoning question for me.

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Mr. English: In reference, going back to the road, Mr. Gibbons' question on the roads, is it something that you can write in writing for those to let them know it's in writing that you guys will maintain or fix the road if it's damaged during construction? (Inaudible).

Ms. Petway: Yes. That I can assure that if it is damaged during construction, it will be fixed. As far as maintaining it...

Mr. English: Well, if you're just... I don't see where you need to be required to maintain it because what you're saying, four site visits in an SUV I don't think it makes a difference. But Mr. Kruckenberg, I guess he's the owner of the road? Are you the owner of the road?

(Inaudible from audience).

Mr. English: Okay, so you're the owner of the road. Okay, so Mr. Toomey would be the one.

Mr. Toomey: Verizon, in my contract, that was one of our questions about the road. Verizon said that prior to starting of the construction of the tower, they would take pictures and present it to the people on that road. At the starting of it they would put heavy gravel down to prepare to keep the road at its solid base, so when the heavy equipment starts coming in it will not destroy the road.

Mr. English: That's in writing Mr. Toomey?

Mr. Toomey: Yes sir. It's in my contract. Because that was one of the questions that I brought to Verizon. And each one of us maintains the road. And so, then after the construction of the tower is finished, they will get with me and they will... I can accept it at the condition that it is at that time or I can make them improve it. And so it's up to me. I'm going to be the one that'll be... it's my property.

Mr. English: It's your road, right, but you have evidently several residents that use that road.

Mr. Toomey: Two people.

Mr. English: Two others. Would you meet with them, too, and (inaudible)?

Mr. Toomey: Well, like they say, Verizon said they were going to take pictures and...

Mr. English: Right, but what I'm saying, would you meet with them after it's over with to make sure all the conditions are met?

Mr. Toomey: Oh, I'm going to see it's going to be well taken care of. I mean, that's our main concern. Because it's gravel and it's privately owned.

Mr. English: I understand, but I would like to make sure that all the other residents are satisfied with whatever...

Mr. Toomey: Well, I've got it in writing so I'll see it's taken care of.

Mr. Apicella: Mr. Chairman, I wonder if it could be a CUP condition, that the road will be put back into at least the same state, if not a better state, then it was post-construction?

Mr. Toomey: Better state. In the contract, it says better.

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Mr. English: With a CUP?

Mr. Apicella: That's fine. I'm just saying for the purposes of the other folks who might be interested, just an additional condition that kind of speaks to that.

Mr. Toomey: Then after... excuse me... after it's constructed, it'll be just like a panel truck will be coming out with a gentleman who will check it and inspect it and he will call me in advance time. The gate will be locked.

Mr. Rhodes: Thank you. Mr. Harvey, as far as the permitting on the site for the work and the bonding, is that a portion of it typically?

Mr. Harvey: Mr. Chairman, typically that is not part of the bonding, the existing access.

Mr. Rhodes: Gotcha, alright.

Mrs. Bailey: Mr. Chairman, could I?

Mr. Rhodes: Mrs. Bailey, please?

Mrs. Bailey: Are you finished?

Mr. Rhodes: Oh yeah, please.

Mrs. Bailey: I'm sorry. I just have a question for clarification purposes on the road. So, this is a private road with an ingress/egress easement?

Mr. Toomey: Yes ma'am.

Mrs. Bailey: And it's used by three individuals?

Mr. Toomey: Yes ma'am.

Mrs. Bailey: Is there a road maintenance agreement between the three individuals or is it just something that you maintain but the others pitch in?

Mr. Toomey: No. Years ago we were going to form an association and then we didn't approve of it. So each person would maintain it at their... the beginning of the road, they maintain it. And further back as we go it's up to the other individuals.

Mrs. Bailey: Okay, and so you have a written agreement to that?

Mr. Toomey: No, it was just verbal.

Mrs. Bailey: Just a verbal agreement.

Mr. Toomey: And it's, like you say, Mr. Kruckenberg has maintained a lot of it because he has heavy equipment coming in. And he's pretty well... how should I say it... experienced at doing that type of work. But Verizon, I mean, I told them that we were not going to accept it until after the construction is finished and everybody will approve that the road will be better than what it was when they started.

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Mr. Rhodes: Thank you sir.

Mrs. Bailey: Thank you.

Mr. Rhodes: Mr. Payne?

Mr. Payne: I'm just going to say I'm not privy to the agreement between the applicant and the property owner, but as a condition we would certainly agree to the fact that the road would be maintained in its current condition as today at a minimum, and then whatever the agreement is between the parties, if it is to be improved or whatever the case may be, that will be fulfilled as well, obviously contractually. But from a CUP perspective, we can maintain its current condition.

Mr. Gibbons: That's a good one.

Mr. Rhodes: So, that would be adding a 14<sup>th</sup> condition that at the point of construction, the road will be at least as good as it was prior to construction?

Mr. Gibbons: No, he's even went further saying that they will maintain to be the current.

Mr. Payne: They would leave it, after construction, in today's current condition. So, notwithstanding what the requirements may be with the property owner, either improve it or whatever the case may be, but it won't be in any worse condition than it is today is the point.

Mr. English: And you're going to add that into the conditions?

Mr. Payne: They can add that as a condition.

Mr. Harvey: Mr. Chairman, just to make the condition aware, with a Conditional Use Permit you can only impose conditions on the property that the permit's applying to. So it would not be the full extent of the road (inaudible) Mr. Toomey's property.

Mr. Rhodes: So the lease is going to have to control it. Okay, so the lease is going to have to control it. Okay, got it. Thank you for that reminder. That makes perfect sense.

Mr. Payne: But it's in our benefit to make sure that road is accessible obviously.

Mr. Rhodes: Okay, so we can't do things on the road; that makes sense actually. Okay, other further comments?

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes.

Mr. Apicella: Just for the Commission's sake, I think on item number 8, if this should pass, the applicant's agent indicated that they would be willing to change it from at least three to five carriers.

Mr. Rhodes: Okay, yep, absolutely; perfect. So actually, please go ahead. The public comment period technically has ended and closed but (inaudible).

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Mr. Kruckenberg: Well, I'd just like to add I do a lot of work for Stafford County and I've seen this in the past. You know, when they get the road all... I'm not, you know, saying that they're not going to leave the road in good shape when they're gone, but you put five carriers on there and then Stafford County puts all their emergency stuff on there, now you've got a bunch of vehicles in there. And you're not going to be able to get ahold of them when the road's screwed up and we're going to call Stafford County, and Stafford County's going to end up paying for it is what happens. I've seen it done a hundred times because I do most of their roads. You know, that's the one thing you've got to think about.

Mr. Rhodes: Yes sir, thank you.

Mr. Kruckenberg: And you won't be able to get ahold of them but Stafford County will end up having to pay for the road.

Mr. Rhodes: Thank you sir.

Mr. Payne: Mr. Chairman, I just want to add that the agreement does, my client just confirmed this, requires us to repair any damages we cause to the road. So that would be contractually enforced by the property owner.

Mr. Rhodes: Is that only during the point of construction?

Mr. Payne: Anytime.

Mr. Rhodes: Anytime; okay.

Mr. Gibbons: That's what I'm saying, Mr. Chairman, that's a good compromise.

Mr. Rhodes: Yep, that's in the agreement. Okay, good. Other comments? Questions?

Mr. English: I just have one more comment.

Mr. Rhodes: Please Mr. English.

Mr. English: The broadband question can't be answered by you tonight, correct? In reference to the broadband question? That can't be answered by you guys, right?

Ms. Petway: I'm sorry. Just so I can get clarification in reference to whether or not it would affect bringing broadband into...

Mr. English: Yes.

Ms. Petway: Yes, that is something that I'm not prepared... we can certainly have it prepared for the Board of Supervisors meeting by then, to answer the question.

Mr. English: Okay, thank you.

Mr. Rhodes: Yes please, Mr. Coen.

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Mr. Coen: If I could ask, when you get that information for the Board of Supervisors, for you to just let those, because it's only a handful of neighbors, let them know at the same time, that would be (inaudible).

Ms. Petway: Oh, certainly. What we'll do is we'll send something to staff and then we'll send it out.

Mr. English: Thank you.

Mr. Rhodes: Only three homes. Okay. This is... yep, it's yours.

Mr. English: I make a motion, Mr. Chairman, to approve COM15150829.

Mr. Rhodes: One of the few things we can approve... or disapprove. Motion to approve the Comp Plan Compliance Review, seconded by Mr. Boswell. Further comment Mr. English?

Mr. English: No sir.

Mr. Rhodes: Okay, further comment Mr. Boswell?

Mr. Boswell: No sir.

Mr. Rhodes: Any other member? All those in favor of the motion to approve the Comp Plan Compliance Review for the Telecom Towers at Smokehouse Road, COM15150829 signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? So the Comp Plan portion passes 7-0. That takes us to the Conditional Use Permit which there was some discussion of the minor modification. Just to confirm that when we are talking about this, as I understand it and as Mr. Apicella confirmed, item number 8, there was an agreement there that that would be the towers shall be designed to accommodate at least five carriers versus at least three carriers, is what I heard. Okay.

Mr. English: Does he have to make the change?

Mr. Rhodes: It's ours, so we're just imposing it, right? We don't have to vote on that? Yep, okay. But just for the record, I wanted to read that into the record that that is what item 8 would state. And this one's Hartwood as well.

Mr. English: Mr. Chairman, I make a motion to approve CUP15150828.

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Mr. Rhodes: A motion recommending approval of the Conditional Use Permit...

Mr. Gibbons: As amended?

Mr. Rhodes: ... as amended and as stated and read into the record for item number 8 by Mr. English; seconded by Mr. Boswell. Further comment Mr. English?

Mr. English: No sir.

Mr. Rhodes: Further comment Mr. Boswell?

Mr. Boswell: No.

Mr. Rhodes: Any other member?

Mr. Apicella: Mr. Chairman, I would just point out that, you know, again, the public was notified, they're aware of it, they showed up, and they, from what I heard, there wasn't significant concern about the tower itself. There's some ancillary issues but the tower itself is not objected to.

Mr. Rhodes: And I did think, and we've got it on the record here, the identification that the agreement does not just... work to make sure no damage to the road in the construction but also to maintain any damages if there should be damage subsequently happening was in the agreement. Okay, all those in favor of the motion which is recommending approval of the CUP for the Telecom Tower Smokehouse Road CUP15150828... because I scribbled on it and I can't see it - I think that's the number, right?... signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? It passes 7-0. Thank you all very much. With that, we're moving on to items 5 and 6 we'll present in one presentation. This is the Telecom Tower at Stafford County Landfill. Mr. Harvey?

5. COM15150890; Comprehensive Plan Compliance Review - Telecom Tower Milestone at Stafford County Landfill - A request for review to determine compliance with the Comprehensive Plan in accordance with Virginia Code Section 15.2-2232, for the construction of a 190-foot tall telecommunications lattice tower and related 50 by 65-foot equipment compound at the base, which would be designed to accommodate a total of five telecommunications providers, on Tax Map Parcel No. 39-26B. The property is zoned A-1, Agricultural Zoning District and consists of 71.34 acres, located at the Rappahanock Regional

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Landfill, north of the intersection of Eskimo Hill Road and Montague Loop, within the Aquia Election District. **(Time Limit: January 27, 2016)**

6. CUP15150891; Conditional Use Permit - Telecom Tower Milestone at Stafford County Landfill  
- A request for a Conditional Use Permit (CUP) to permit a 190-foot tall telecommunications lattice tower and related 50 by 65-foot equipment compound at the base, which would be designed to accommodate a total of five telecommunications providers, on Tax Map Parcel No. 39-26B. The property is zoned A-1, Agricultural Zoning District and consists of 71.34 acres, located at the Rappahannock Regional Landfill, north of the intersection of Eskimo Hill Road and Montague Loop, within the Aquia Election District. **(Time Limit: January 27, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Again recognize Erica Ehly.

Ms. Ehly: Good evening again Mr. Chair and members of the Commission. The applicant, Milestone Communications, represented by Donohue and Stearns, is requesting a determination of compliance with the Comprehensive Plan for a proposed telecommunications facility. Concurrently, an application for a Conditional Use Permit has been filed as required for the facility to be located in the A-1 Zoning District. The proposed site is located at 489 Eskimo Hill Road, approximately 600 feet east of the intersection of Potomac Run Road and Eskimo Hill Road, on less than an acre portion of Tax Map Parcel Number 39-26B which totals approximately 71 acres and is located within the Aquia Election District. The surrounding properties to the north and west contain portions of the County landfill compound. Other adjacent properties to the east and south are existing residential dwellings and undeveloped land. The subject property and surrounding properties are designated with the agricultural rural area of the Comprehensive Plan and are zoned A-1, Agricultural. The applicant has determined that the wireless network in this area is deficient coverage, the proposed facility will help enhance coverage within the network, and provide service to or enhance service to commuters utilizing the nearby rail line which is depicted by the black dotted line on the slide, as well as enhanced coverage to surrounding residents. The orange circle identifies the area of enhanced coverage, whereas this slide illustrates the existing coverage within the network. Access to the proposed site is provided via an internal road within the County landfill compound depicted by the red dotted line. The application was evaluated for compliance with the criteria identified in the Telecommunications Plan, which is an element of the Comprehensive Plan. The Plan provides guidance regarding siting criteria and facility design standards for new telecommunications facilities in Stafford County. The proposal is generally consistent with the relative siting and design criteria as described in the staff report. However, the tower does not meet the setback requirements from the property line but would be located away from nearby residential uses to the east and south, and toward the landfill property to the north. The proposed telecommunications facility would consist of a 190-foot tall lattice tower and associated ancillary equipment within a 2,750-square foot compound enclosed by an 8-foot tall chain link security fence with barbed wire on top. The tower will have the provision for four additional carriers with the Verizon antenna located at the top. The applicant has provided photo simulations of how the proposed tower would appear from surrounding properties. This view is south from the Civil War Park. And this slide shows east from the center of the landfill. And a view north from residential uses on Montague Loop. The application was reviewed in accordance with the criteria identified in Section 28-185 of the Zoning Ordinance related to Conditional Use Permits. The proposal is in accordance with these criteria as identified in the staff report. The resolution included... includes standard conditions the County imposes on telecommunications towers. Additionally, the Stafford Regional Airport Authority commented that in the interest of safety and due to the number of helicopters that operate in the area, both approaching Stafford Airport as well as Quantico, the tower should be both illuminated and painted in accordance with FAA standard guidance for towers over 200 feet, although the tower would only be

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190 feet. Staff notes that if the tower is to be lighted, a white strobe type light is utilized rather than the blinking red light because of the close proximity to bird concentrations at the landfill. The red lights have been determined to be bird attractants. A condition has been included that the tower is painted in accordance with FAA standard guidance for towers over 200 feet in height and can be revised to include lighting. The applicant has stated that they're amenable to lighting the tower. Also, staff just would like to note that the conditions in the staff report did identify the tower as a monopole design; it's actually a lattice tower and the correction has been made in the resolution. So, I do have the conditions here if you'd like to discuss any specifically. And staff is recommending approval of the applications. The Comprehensive Plan Compliance Review, pursuant to Planning Commission Resolution PCR15-17 as a request to substantially and in accordance with the Comprehensive Plan specifically with the Telecommunications Plan recommendations regarding siting criteria, overall coverage objectives, and design standards. Staff also recommends approval of the Conditional Use Permit with the conditions included within Resolution R15-413 and subject to the approval of the concurrent Comprehensive Plan Compliance Review. The proposed facility meets the standards of issuance for review of a Conditional Use Permit. And, again, we have the same deadlines that the Board needs to act on these applications by the March 1<sup>st</sup> meeting, so the deadline for action by the Planning Commission for these is January 27, 2016.

Mr. Rhodes: Questions for staff? Mrs. Bailey.

Mrs. Bailey: Erica, with the concerns that the airport has, did we get any recommendation from the FAA or any type of feedback from them?

Ms. Ehly: Mr. Chairman, Mrs. Bailey, the FAA determined this tower to be a non-hazard and did not require it to be lit or have any other markings. So it would not be... and also it's less than 200 feet too. But the airport is requesting that it be lit and painted even so.

Mrs. Bailey: Thank you.

Mr. Rhodes: Thank you. Mr. Apicella?

Mr. Apicella: Mr. Chairman, I thought this was the one that I read that they were going to provide for up to at least five carriers. So when I look at the conditions, it says three.

Ms. Ehly: That must be a typo, Mr. Apicella.

Mr. Apicella: That would be number 9. I would ask, Mr. Chairman, if we could hear as an extension of the staff report from anyone with the Regional Airport to help us understand their reasoning behind requesting lighting.

Mr. Rhodes: Okay.

Ms. Ehly: Actually, Mr. Chairman, Mr. Apicella, that's not a typo. The conditions state that it must provide for at least three and the reason why that's in there is because that's the requirement from the Comprehensive Plan that you have a minimum of three carriers. So we can revise that to state we'll make provisions for up to five carriers. Okay.

Mr. Rhodes: Okay. Is there anyone that can talk further to the airport issue?

Ms. Ehly: Yes there is. We have Mr. Lindy Kirkland.

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Mr. Rhodes: Thank you.

Mr. Kirkland: Thank you Mr. Chairman. Lindy Kirkland and I'm here as the Vice-Chairman of the Stafford Regional Airport Authority and very much appreciate the opportunity to speak. If I could have the diagram up.

Mr. Rhodes: Computer please.

Mr. Kirkland: Okay, what you see before you is an aeronautical chart called a sectional chart. And I just want to point out a couple of areas. First off all, the Stafford Regional Airport is located here, in the vicinity there... and hope I'm drawing this so you can see it. You have the Quantico Marine Corps Air Station up to the north, and then the Shannon Municipal Airport just down to the south. So you have essentially, at the confluence of the three airports here is where this tower is proposed to be sited. At Stafford, we have at least 10 based helicopters, mostly military type helicopters, that conduct about 80 to 100 operations there per month, with the bulk of those being night operations under night vision goggles. At the Marine Corps Air Station Quantico you have at least 30 based helicopters there, again with probably about 30% of their operations at night; and typically, in that vicinity, 500 feet and below. And then at the Shannon Municipal Airport you have one emergency medical services helicopter that operates in and out of there. And I would just point out that I've also noted the location of the Stafford Hospital, and the Stafford Hospital has a lighted helicopter pad on the southeast corner of the property and you can see it's in very, very close vicinity to the proposed location. So, tonight we just come and as Ms. Ehly pointed out, the FAA probably did not consider the volume of helicopter traffic that we have in this particular area and the unique siting between the three entities there. And so we just respectfully request that the airport... or that the tower, as a part of the Conditional Use Permit, be required to be lighted in accordance with the FAA standards for that class of towers. And the issue of whether it's a white light or red light, I don't know of a particular study that speaks to bird attractants and all like that. Typically for this class of tower it would be a single red light that operates only during night hours. So, whatever the FAA requires for those particular class of towers would be acceptable. Are there any questions for me?

Mr. Apicella: Would have an objection if it was a white light?

Mr. Kirkland: I don't think we would object. White lights in strobe formation typically, you know, impact residents more than they would impact... it would certainly be very visible to aircraft flying at night. But with the high volume of night vision goggle work that we have doing in this area, a red light is just as effective for pilots flying in the area.

Mr. Apicella: Not quite sure how to resolve, Mr. Chairman, the difference between a red or a white light. Maybe staff could reiterate their concern.

Mr. Rhodes: I didn't hear any concern with either one.

Mr. Kirkland: No concern with either one. We just... we are asking that it be lighted. It is very close to the 200-foot limit; it's very close to the Stafford Hospital helipad there. And talking with the folks at Petroleum Helicopters that operate out of Shannon, they had about 30 operations in and out of Stafford Hospital in the recent months. Any other questions?

Mr. Rhodes: Thank you very much; appreciate it. Other questions for staff before we go to the applicant? Okay, applicant please.

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Ms. Themak: Good evening. My name is Tracy Themak, I'm here for Donohue and Stearns and we're the agent for Milestone Communications on this particular application. We believe that staff has done a pretty comprehensive staff report on both applications. I had handed out a PowerPoint that is somewhat redundant and it includes a lot of the information that was in the staff report. I don't want to take up any more unnecessary time. I am here primarily to answer any additional questions you may have about propagation maps or structural questions. And again, Mr. Dugan from Millenium is here, as well as Stephanie Petway from Verizon. So, I just want to make ourselves available to answer questions.

Mr. Rhodes: Very good, thank you. Questions for the applicant. Mr. Apicella.

Mr. Apicella: Just to confirm, I thought I heard staff say that you do not object to putting a light on the tower?

Ms. Themak: No, we do not.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Okay, very good.

Mr. Gibbons: Do you prefer red or white?

Ms. Themak: Whatever would be most amenable that I think to the residents in the area is what we would support. I should mention, speaking of the residents, the issue of notification... in addition to the notification of the public hearings, Milestone did hold a community meeting on October 8 at the Rowser Community Center for the residents in the area, to give them an overview before this got scheduled for Planning Commission. I believe the Supervisor was in attendance, as well as someone from the airport. So the only real new information in your PowerPoint that you have before you is that all of the houses on that map were notified of the application, and as well of the community meeting and of the website that Milestone puts up to offer current information on the proposal.

Mr. Rhodes: Very good.

Mr. Apicella: I'm sorry, one more question.

Mr. Rhodes: Yes, please Mr. Apicella.

Mr. Apicella: Just to verify... again, there's a condition that speaks to the number of carriers that will be accommodated. And the application indicated five; are you okay with making that change? At least five carriers.

Ms. Themak: Absolutely, the tower has been designed for five.

Mr. Rhodes: Okay, very good. Any other questions for the applicant? Wonderful, thank you very much.

Ms. Themak: Thank you.

Mr. Rhodes: At this time we'll open to public comment. If there's any member of the public that would like to speak on items 5 or 6, you may come forward and do so at this time. Again, when you come forward we would just ask you to state your name and your address. Once you do so a green light will

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come on indicating 3 minutes; yellow light at 1 minute; red light just work to conclude comments. Thank you ma'am.

Ms. Stanfield: Hi, my name's Sherrie Stanfield; I'm representing my mother, Frances Miller. Originally, in 2013, Verizon contacted my mother, Frances Miller, proposing a cell phone tower be built on her property. They, over many months and debating back and forth the terms and conditions of the contract, we finally came to an agreement, a signed and binding contract between Verizon and my mother, Frances Miller. Then basically lack of communication. The ball was dropped; no communication for months and months and months on Verizon's part. Finally, we were the one that had to be proactive and contact Verizon back. After many times of trying to contact them back finally we found out that Milestone is proposing to build a tower at the landfill. And I'm assuming then the reason why the communications stopped with my mother based on the binding contract is that for a cost effective reason Verizon felt that it may be more cost effective to hang their antennas on another party's tower versus building their own private tower on my mom's personal... on her property. So, my question is, is that why Verizon has negate the contract with my mother to go to Milestone? Is it from a cost perspective reason? And if that's the truth and that's the case, I would like to ask Verizon tonight, if possible, if that's the case to release my mom and not tie her land up any more in the contract.

Mr. Rhodes: Okay, thank you very much ma'am.

Ms. Stanfield: Thank you.

Mr. Rhodes: Anyone else would like to speak? I will just clarify that during public comment portion, it is an opportunity to present things to the Planning Commission for consideration and discussion while we certainly can engage in separate legal contract... at least you got your point out to them which is a good thing. But we won't be able to necessarily answer that question. So with that I'll close the public comment portion of the public hearing and bring it back it. I would ask if the applicant would like to speak or respond to any of the comments that were made. Not that I want you to get into your legal discussion here.

Ms. Themak: No. Tracy Themak again. And we do have Stephanie Petway from Verizon who I believe would like to put a response on the record. So I'll let her take over.

Mr. Rhodes: Okay, thank you.

Ms. Petway: In reference to the original site that we looked at for this particular search ring, we did have a lease agreement and we were starting the process with the County to begin the Conditional Use Permit process. At that time, Milestone Communication was in negotiations with the County to locate telecommunication facilities on County-owned properties. Because this particular landfill was fairly close to the area that we were looking to put a site, staff had asked us to look at considering doing this, which we did. We were able to make it work; it's a little higher than the site that we were proposing to put at the original location and so, yes, it is cheaper for us to collocate on an existing structure. But it was also a request from the County staff that we reconsider relocating onto a County-owned property which is what we did. I will then talk to the previous applicant about the leasing issues after the meeting.

Mr. Rhodes: Thank you, that would be very kind. Thank you. That'd be nice. Okay, anything... any other questions for the applicant or staff from the Planning Commission? It's back with the Planning Commission. I do note that while it's item number 6, on our conditions, condition number 4 currently states, there shall be no lights on the telecommunications tower unless required by the FAA. Therefore,

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I would assume we would be modifying that to read, there shall be a light on the telecommunications tower unless prohibited by the Federal Aviation Administration. And then number 9, which currently states, the tower shall be designed to accommodate at least 3 carriers, would now state, the tower shall be designed to accommodate at least... or is it up to or at least?... at least 5 carriers. So, just for clarity in the discussion points. With that, it is... this is yours too, isn't it? Oh, Aquia, is it? Oh, of course it is! Everything's Mr. English's... everything is.

Mrs. Bailey: I know; he's usually the man of the hour. I'd like to recommend approval of the Comprehensive Plan Compliance Review, Telecom Tower at Landfill, COM15150890.

Mr. Rhodes: Motion to approve; is there a second?

Mr. Coen: Second.

Mr. Rhodes: Second by Mr. Coen.

Mr. Coen: No, Mr. Gibbons (inaudible).

Mr. Rhodes: No, we have to give it to Mr. Gibbons; it's his, that's right. The second is Mr. Gibbons. Mrs. Bailey, further comment?

Mrs. Bailey: No further comment.

Mr. Rhodes: Mr. Gibbons? Any other member? All those in favor of the motion to approve the Comp Plan Compliance Review for the Telecom Tower at Landfill, COM15150890, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Are there any opposed? None opposed; passes 7-0. We now move onto item number 6 which is the CUP associated with the same site.

Mrs. Bailey: Yes, I'd like to move that the Conditional Use Permit for the Telecom Tower at Landfill, CUP15150891, be approved with the two changes as mentioned for item number 4 and item number 9.

Mr. Rhodes: So a motion recommending approval; is there a second? Second by Mr. Gibbons. We're deferring them all to Mr. Gibbons now. So a motion by Mrs. Bailey; further comment Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Mr. Gibbons?

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Mr. Gibbons: No sir.

Mr. Rhodes: Any other member? Okay, all those in favor of the motion to recommend approval of the Conditional Use Permit, Telecom Tower at Landfill, CUP15150891, with the modifications as were stated on record for items number 4 and number 9, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? It passes 7-0; good luck. Thank you all very much. Good luck with the discussion. With that, we're going to move... I think item number 7 is deferred, or is a later date, so we are onto item number 8 which is the Amendment to the Zoning Ordinance which we discussed for a bit at our last meeting. Mr. Harvey.

7. RC15150923; Reclassification - Counting House - A proposed reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow an office use on Tax Map Parcel No. 53D-1-36, owned by Stafford County. The property consists of 0.41 acre, located on the west side of Gordon Street, north of King Street, within the George Washington Election District. **(Time Limit: February 16, 2016) (History: November 18, 2015 Public Hearing Continued to January 13, 2016)**

UNFINISHED BUSINESS

8. Amendment to the Zoning Ordinance - Proposed Ordinance O15-02 would amend the Zoning Ordinance, Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," and Sec. 28-39, "Special Regulations," to allow outdoor activities for uses listed in the M-1, Light Industrial Zoning District with approval of a Conditional Use Permit (CUP). It would also allow commercial kennels with outdoor runs and railroad sidings as a by-right use if the runs and railroad sidings are more than 500 feet from a residence. **(Time Limit: January 26, 2016) (History: Deferred on November 18, 2015 to December 9, 2015)**  
*(Authorize for Public Hearing by: December 9, 2015)*  
*(Potential Public Hearing Date: January 13, 2016)*

Mr. Harvey: Thank you Mr. Chairman. If you'll recognize Susan Blackburn for the discussion.

Mr. Rhodes: Absolutely.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, I'm Susan Blackburn. And tonight you are here to hopefully authorize a public hearing for the proposed amendments to the County Code, Section 28-35, Table 3.1, District uses and standards, and Section 28-39, Special Regulations, to allow outdoor uses in the M-1, Light Industrial Zoning District. And this is before you because staff had received a

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request from Mr. Charles Payne who represents the Crucible Properties II LLC. And he is requesting that there be a text amendment to allow outdoor uses within the M-1, Light Industrial Zoning District. Currently, the Zoning Ordinance does not permit such a use. And the current... well, the proposed ordinance before you would allow for the outside uses, outdoor uses to be conducted via a conditional use permit, except for two uses which was a commercial kennel and a railroad siding which, out of all the uses listed in the M-1, actually have active uses that are traditionally not within a building. And if these uses were within 500 feet of a residential use, they would require a conditional use permit. And if they were further than 500 feet, they would be a by-right use. And the 500 feet comes from the performance standards in the M-2 Zoning District, which states that any use within 500 feet of a residential use within the M-2 District must be within an enclosed building. So, after reviewing the parts of the ordinance, we just use the 500 feet because it was already there. We have received information from the Westlake Subdivision and their attorney, and you have copies of that, which does increase the distance requirements for various uses which would be adjacent to residential districts. You also have a map in your packet showing the M-1 districts within the County and also what the setbacks would do to the various uses if they were imposed. Do we have any questions?

Mr. Rhodes: Any questions for staff? I'm still trying to find my map.

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes, please Mr. Apicella.

Mr. Apicella: The maps that were provided, can you give us a sense of what those areas are? So it's attachment 6.

Mrs. Blackburn: You mean what the uses are currently there or...?

Mr. Apicella: Well, the issue is residence or other uses that may be adjacent to M-1. So, I see in the northern part of the County a wide swath of area that has M-1 uses. I'm curious, first of all, what that is.

Mrs. Blackburn: One is the airport; the long thin piece is the airport. And the uses which would be around the curved road is the industrial park around Centreport Parkway.

Mr. Apicella: Okay. And what about the other, say, three areas in the County?

Mrs. Blackburn: They are other industrial areas that do have some residential around them, and the perimeter properties potentially would be affected by the distance requirement.

Mr. Apicella: Alright, so the one to the west on 17, that's the Crucible area?

Mrs. Blackburn: Very far; west-north of 17.

Mr. Apicella: Right. And the one that's on 95 abutting sort of the City of Fredericksburg; what is that there?

Mrs. Blackburn: That is an industrial area with... I'm not sure what's...

Mr. Harvey: That's undeveloped property.

Mr. Rhodes: Say again?

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Mr. Harvey: Undeveloped property.

Mr. Rhodes: Undeveloped property? Okay.

Mr. Apicella: Is that near the Blaisdell property?

Mr. Harvey: No sir. It's on the other side of the Interstate.

Mr. Apicella: And what about the area in I guess that's the George Washington District? What is that?

Mr. Harvey: That is known as the Springfield Farm that was zoned in the 1970's.

Mr. Rhodes: That's way in the southeast corner there?

Mr. Coen: Yes.

Mr. Rhodes: Okay, thank you.

Mr. Apicella: Okay. A couple other questions. The commercial kennels. Again, I personally have a concern about dogs barking. Can you tell me what the logic is to make that by-right?

Mrs. Blackburn: Well, currently it is by-right use in the M-1.

Mr. Apicella: Right, but...

Mrs. Blackburn: Yes. In bringing forward the request to do outdoor uses, that was... we looked through the uses listed and the majority of the uses that would have not so much activity but actual outside entities would be like motor vehicle rental, the parking of tractor-trailers, and that is basically considered storage. And that is screened and that is not an active generally a constant noise making activity. And then when it came to the kennels, it was... the kennels and the railroad sidings, those were activities that were normally outside of an enclosed building and did normally always generate noise. So it was just to add that to it.

Mr. Apicella: I guess I'd make a distinction. You could have a kennel where the dogs and whatever are inside.

Mrs. Blackburn: Right, right.

Mr. Apicella: And so what we're proposing here is to have the dogs...

Mrs. Blackburn: Would be for the outdoor kennels only, right.

Mr. Apicella: ... walking around, doing what dogs do, again, potentially making a lot of noise.

Mrs. Blackburn: Because if they were all indoors, they would meet the requirements of all the activities being in an enclosed building.

Mr. Apicella: Right. And so hence my concern about making it by-right. So, it may work 95% of the time, but there may be some residences close by 5% of the time where that may not necessarily be a great thing for the people living next to a commercial kennel with dogs, walking around, barking.

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Mrs. Blackburn: If the kennel was within 500 feet, it would require a Conditional Use Permit.

Mr. Apicella: Right, but if it's less than 500 feet...

Mr. Rhodes: No, more than.

Mrs. Blackburn: No. Less than 500 feet, a Conditional Use Permit. More than 500 feet, it would be (inaudible).

Mr. Rhodes: So it has to be at least 500 feet of distance.

Mr. Apicella: I live a thousand feet from my nearest neighbor, one dog, and I can hear that dog barking. I can imagine what several dogs would sound like, again, to a neighbor a thousand feet away. So, I'm just suggesting that there may be... when we look at these things, especially when we're talking about a policy change, we have to look at the implications and potentially the unintended consequences. And when I talked about this last time, when we discussed this briefly, was that a one size fits all approach may not work.

Mrs. Blackburn: I agree.

Mr. Apicella: And so, looking at it from... and one of the reasons why we're on this Planning Commission, why we have residents who serve on the Planning Commission, is to bring our knowledge, experience that we have as residents to the table. And I can tell you, I don't have anything against dogs and we have a dog, but I can see where it can be problematic for people who live close to a commercial kennel to allow that to be an outside use by-right. So, I'll just kind of throw that out there.

Mrs. Blackburn: Okay.

Mr. Apicella: I also... we're kind of under the gun here to come up with some language to put to a public hearing. I think we've got to make that decision tonight, which I think is a little unfortunate because, again, I don't think we can fully explore all the implications here. But I'm trying to understand which proposal is better or not as good. And so we have one from the original requester and we have an alternative recommendation from an adjacent property owner or their agent. At least with respect to the alternative proposal that they provided, I'm trying to understand what's the downside of the revisions that they've offered up? Which essentially says these uses... these outdoor uses should be considered under a CUP.

Mrs. Blackburn: The...

Mr. Apicella: And there should be, I'm sorry, an overlay associated with safety and noise issues, in addition to.

Mrs. Blackburn: The proposal submitted by Westlake also increases the distance requirements for various uses. And what essentially they have proposed is to have performance standards in addition to conditional use permits. And it's...

Mr. Apicella: And that's allowed and we have performance standards.

Mrs. Blackburn: Yes. And they are tailoring them more towards the actual situation that they are involved in. It is between the subdivision, Westlake, which is who they are, and their adjacent property

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owner, the Crucible. In proposing the ordinance as we did, we were trying to make it more uniform throughout the County that a conditional use permit for outdoor activities, except for those two that were listed, which of course can always be changed. And within applying for, or within requiring a conditional use permit you also have the Comprehensive Plan, that it must be, you know, put against to see if it complies with those requirements. And it will be not only brought before you all for recommendations but it will also be then heard by the Board of Supervisors. And it will be unique to each situation as opposed to having the more uniform... the 500 feet for everyone, the thousand feet for everyone, the various noise decibels for everyone. It will be unique to the situation and it may be at times that on one side of a property, a distance greater than that would be required and on the other side it would not be as great. And that would be the type of thing that would be reviewed through the CUP.

Mr. Apicella: But I think they've raised a good point, which is there's an absence of objective criteria for us to, or a future Planning Commission or Board of Supervisors, to evaluate those unique situations. I mean, over the last five years I've been on this Planning Commission, I think it would be helpful when we look at CUPs to have some objective criteria. And so this is, again, a policy change where we don't have... if we're looking at... if this were approved without some performance standards, it'd be hard for me to scope out some conditions that would mitigate potential problems. I think they'd at least propose something. I'm not saying it's good or bad; at least they've given us some performance standards and the conflict of us having to make a quick decision tonight about what that language should look like. So, I'm trying to balance the interest and also the unknowns. And I appreciate, again, that there's a circumstance where we have two applicants, an applicant and an alternative proposal, that are kind of divergent but they both have legitimate points in trying to balance out their interest, but also what future possibilities there might be in these other areas where there are M-1 zoned properties adjacent to residential or other uses.

Mr. Rhodes: If I could just interject a thought, Mr. Apicella. Not to stop the questioning, but there's something I think related. So two parts to this: one was, again understanding that there is a limitation to what we can change after we've advertised for public hearing. So you always want to keep the... I think I believe we are, we benefit by keeping language where we've got some flexibility should we need to make an adjustment, so being careful to be sensitive to that. I did ask counsel to confirm what our flexibility was. So, if we advertise this with a higher foot setback, so a thousand feet, we would have the ability after the public hearing should we choose and deem it appropriate to change it down to 500 feet. But if we advertise it with 500 feet in the language, we cannot increase the distance. So I just think we should keep that in mind. I don't know right now that I'm personally concerned with 500 feet, but I always like to keep our flexibility from that perspective. And as far as advertising with by-right or CUP, it doesn't matter. We can change that no matter how we advertise it with either one. So I just share that for everybody's awareness. From the second point, and that is we do still have an opportunity to get particular information from staff in presentations at the public hearing opportunity. Because I know I personally, if it were the will of the Planning Commission, I would suggest we do the higher footage and then we can always adjust it down. But at that point, at the next presentation, I'd like to see what are the implications to the M-1's with a thousand foot; how much does it apply to to a residential versus maybe 500 versus maybe 750... I don't know... some gradation just to see the implications of where the overlays go. But I just would remind we'll have the opportunity to get another presentation from staff at the public hearing. I'm sorry to interrupt; please go ahead.

Mr. Apicella: I would also ask, with the Commission's indulgence, again, since a significant portion of the area that has M-1 designated land use, if we could hear from somebody from the Airport Authority what their thoughts might be, again as an extension of the staff report.

Mr. Rhodes: Okay. Sir, would you like to come speak?

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Mr. Kirkland: Lindy Kirkland. Mr. Chairman, Mr. Apicella, thank you for the opportunity to speak to this. As you know, we spent a significant amount of time, the Planning Commission and the Airport Authority, looking at airport land use compatibility guidelines and we drafted a document that was very comprehensive in regards to that. As you aptly pointed out, a lot of the M-1 properties are currently underneath the Airport Impact Zone. And as part of that compatible land use guidelines, one of the things that we did was created a matrix showing those areas and that fall underneath the Airport Impact Area and asked for additional review for these M-1 properties underneath the Airport Impact Area. And so what I think we're asking tonight is that you take that into account in the language, because there are many activities that might impact airport operations in close to the airport, adverse lighting situations, something that generates smoke or other obscurant things like that might adversely impact airport operations. And so we were asking, in that document, that as those properties come up for review or projects come up for review in there, that they just get a cursory glance to make sure that the intended uses are compatible with airport operations. And so we would support language in the Comprehensive Plan that would ask for that additional review.

Mr. Apicella: So, are you essentially saying that you would veer towards or propose that we consider these under a CUP just to allow that additional review to happen?

Mr. Kirkland: If that's the best mechanism to ensure that additional review occurs, yes sir we would.

Mr. Apicella: Thank you.

Mr. Rhodes: Okay, thank you very much.

Mr. English: Mr. Chairman?

Mr. Rhodes: Yeah, please.

Mr. English: I know we have to set a public hearing, right Mr. Harvey, on this tonight? But is it possible that we get some more language before they do that? Can we get an extension from the Board on this or not?

Mr. Harvey: Mr. Chairman, Mr. English, thank you for bringing that point up. The staff took the Commission's request and prepared a report that's going to go to the Board of Supervisors for the meeting next Tuesday to grant the additional time. Unfortunately, with the adjustments to having only one meeting in December for both the Board and the Planning Commission, our schedules aren't lining up to where unfortunately tonight we have to authorize a hearing but possibly Tuesday the Board could give you more time. So, staff would recommend that the Commission go ahead and authorize a public hearing on some measure, and if the Board grants additional time, we could cancel the advertisement of the hearing and come back at a future date to further discuss additional changes that the Commission would see as necessary.

Mr. Apicella: Mr. Chairman, if I may propose an option. As you mentioned, we can always start with the most restrictive version and then provide a less restrictive version or changes to that version going forward as part of the public hearing process. When I look at what's in front of me, again, I'm not saying I agree with it, I'm just saying that the Westlake version seems to me to be the most restrictive. I don't necessarily agree with every word of it but at least it's a starting point and then the two parties can help us understand why they're proposal is the better proposal or what changes need to be made based on that version.

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Mr. Rhodes: I was at a point, and not necessarily in disagreement, but I was at a point of what we had in our staff package for the draft of 15-02 and attachment 4. It seemed to be less wordy. The other one seemed to be a little bit more drawn out and wordy that was brought in by the other party. But I was of the opinion that all the references to the kennel and the setbacks would be at a thousand feet and not the 500 feet. And... because that would give us flexibility later to make any adjustments we see necessary, if any. And I wasn't as worried about the by-right or the CUP given that counsel confirmed that we can go either way with it after... no? Nope.

Ms. McClendon: I'm sorry, Mr. Chairman, I need to (inaudible).

Mr. Rhodes: So we would need to go with the CUP?

Ms. McClendon: You can advertise by-right and then adopt it by CUP, but you cannot advertise it with a CUP and then adopt it by-right.

Mr. Rhodes: Okay. So the flexibility is to advertise it with by-right and to advertise it a thousand feet and we can always adjust downward on the feet and we could always add CUP.

Ms. McClendon: That's correct.

Mr. Rhodes: Okay thank you. Thank you for confirming. That's where I would be inclined to go. But I would need to look at the Westlake one again to catch my breath; that was wordy.

Mr. Apicella: Well, again the wordiness is what provides the performance standards which I think is not necessarily in place of the version that staff provided. In fact, I would even slightly modify the Westlake one because I think the point is well taken from Mrs. Blackburn that one of the provisions, I think under number 7, kind of really focuses in on the noise generated from the industrial school. I think it's really noise generated from any use that should be considered as part of the process. And then additional potential requirements associated with firing ranges and detonation of explosives.

Mr. Rhodes: I do recall, when we did one, a separate issue but related to an application... a different application on the Crucible, and there were a lot of different variations of how you do dBA's and how you do the calculations. And fundamentally, Mike, my recollection of that one is you can come up with any number at any point at any time, and so it was very problematic on it. So I think either... I don't know... I recall that drawn out discussion on that one and it became very complicated.

Mr. Apicella: Well, I thought we had County standards on noise. Can't that help inform the process?

Mr. Rhodes: But it was where you measured from, where you stood, where you're angled, what you did.

Mr. Harvey: Well, Mr. Chairman, if there's concern about what's the appropriate language, the Commission could authorize hearings on two separate amendments. And then if the Board grants additional time, come back and pick and choose between one of the two.

Mr. Rhodes: Just take both of them?

Mr. Harvey: Yes.

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Mr. Rhodes: The Westlake version, as well as... the one they submitted, as well as the one that was in the original submission? Modified as we were talking about for flexibility?

Mr. Harvey: Yes.

Mr. Rhodes: Okay, that's an interesting thought. Folks?

Mr. Apicella: I still would ask for a slight modification on the Westlake one... and I'm making it up as I go along here. So, under 7, at the bottom of...

Mr. Rhodes: Just one second, I'm sorry.

Mr. Apicella: ... attachment 2, where it says special provisions for industrial schools and M-1 and M-2 districts, I really think it should be noise generated from outdoor uses when adjacent to properties zoned A-2, R-1, R-2, R-3, or R-4 shall not exceed impulse noise levels of 50 dBA as measured from whatever. And then special provisions for industrial schools in M-1/M-2 districts.

Mr. Rhodes: So you are going second sentence on item 7, noise generated from outdoor uses, and then you go the next line down, when adjacent to properties zoned.

Mr. Apicella: Right.

Mr. Rhodes: Okay. And that's the one edit to that one?

Mr. Apicella: Right. And then there would be, where it ends at the word line, as in property line, special provisions for industrial schools in M-1 and M-2 districts. Conditions shall be imposed on the types of firearms and location of their discharge. So we'll continue to say what it says.

Mr. English: You said types of firearms?

Mr. Coen: Well that's in there.

Mr. Apicella: Yeah, I'm not... I'm just moving some words around.

Mr. Rhodes: Yeah. I mean, they're jumping to so many other items and other things in that they're piling back on other issues that they had of concern.

Mr. Apicella: I understand. But, again, that could be... that's part of the public hearing process and both sides would have an opportunity to speak to the merits of which version is better.

Mr. Rhodes: Okay.

Mr. Coen: Mr. Chair?

Mr. Rhodes: Yes, please Mr. Coen.

Mr. Coen: Well, I'm just wondering from a logistics standpoint. If we go forward with both, then I'm just wondering how confusing that's going to be. Or if we wrap up one and then, you know, we take a vote then we don't do the other public hearing or, you know...

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Mr. Rhodes: Well, you do...

Mr. Coen: Yeah, you see what I'm saying. I mean, it almost makes the second one moot if you've already said oh, yeah, we like the first one. So, I'm not sure what Mr. Apicella is saying we go with the most restrictive one and then you can pare that back to down to the other ones, and it just makes it clearer. This is what it is and then people can say they like or dislike elements of it.

Mr. Rhodes: And certainly whatever the will of the body is. My personal opinion is the other proposal is so expansive and inclusive in the things that it's identifying and listing, it would merit... at least the other one's fairly targeted and fairly structured. But I don't know; what's the will?

Mr. Coen: I just have a quick question to staff.

Mrs. Blackburn: Yes sir?

Mr. Coen: Have we heard... I saw on the nice map all those different areas... have we heard anything from any of those on anything? So this is really just, you know, do we change County ordinances for the entire County when we're really just talking about, you know, a parcel or two, correct?

Mrs. Blackburn: Mr. Coen, this has not been advertised as yet so we have not (inaudible).

Mr. Coen: Right, but I mean, in the course of human events, has anyone come in as those other parcels and ever said hey, you know, I'm out in the middle of east bumpershoot and I'm wondering about doing such and such. Nobody's ever come in with any of this before. This is just this comes from here, right?

Mrs. Blackburn: Not since I have been here.

Mr. Coen: Okay. And so, I mean, so this is all, you know, sounding fury for one parcel out in Mr. English's district?

Mrs. Blackburn: Yes sir.

Mr. Apicella: But my point is, when we develop policy that's driven by one circumstance, we've got to take into consideration that it might have impacts on other parcels and we've got to avoid what I think are the adverse impacts and unintended consequences. And that's why I think, again, starting with a more restrictive version and kind of looking at how that might apply not just in the particular case being driven by the requester, but how it might affect other parcels. Mr. Chairman, I'm going to go ahead and make a motion to put to a public hearing the version that I spoke to earlier with the modifications.

Mr. Rhodes: This is attachment 2, pages 3 and 4 of the staff report. If you wouldn't mind, would you please just read the modifications for item 7? Just read through it?

Mr. Apicella: So, item 7 would start at noise generated from an outdoor use when adjacent to properties zoned A-2, R-1, R-2, R-3, or R-4 shall not exceed impulse noise levels of 50 dBA as measured from the common property line.

Mr. Rhodes: Period.

Mr. Apicella: Period. And then it would... special provisions for industrial... maybe this needs to be a separate number; I don't know. Special provisions for industrial schools in M-1 and M-2 districts...

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Mr. English: Make it a separate number Steven.

Mr. Apicella: Yeah, make it a separate number.

Mr. Rhodes: Shall be imposed on the types of firearms and location.

Mr. Apicella: Right.

Mr. Rhodes: Okay, so that would become, say 8.

Mrs. Blackburn: Mr. Apicella, now what they did not include in that one were the A-1 districts. They only included A-2.

Mr. Apicella: Then I guess we should add A-1. Thanks for catching that.

Mrs. Blackburn: I also want to point out that there are noise levels in the chapter of the County Code under noise. And these will be much different than that.

Mr. Apicella: What are the noise levels in the County Code?

Mrs. Blackburn: They are daytime for industrial is 79 dBA and at nighttime it's 72. Now how that is measured...

Mr. Apicella: Right. And so again, as we go through the public hearing process the requester and anyone else can speak to what number they think is appropriate.

Mrs. Blackburn: Exactly.

Mr. English: Oh, yeah.

Mr. Rhodes: So, can you start your car at 50 decibels?

Mrs. Blackburn: Not mine.

Mr. English: That's going to be crazy as far as... that's a big difference decibel wise. But in reference, Steven, in reference to your motion, but if the Board of Supervisors gives them more time, we can work on this.

Mr. Apicella: If we had more time we wouldn't have to be at this point.

Mr. Rhodes: Okay, but we are where we are and now if we do this, then we can't raise the decibel level because then the member of the public might be fine with 50, but if it goes up to 70 where it ought to be or 72 or 79 where we're longstanding on our noise ordinance, we can't make those changes.

Mr. Apicella: I disagree. Seventy is less, right?

Mr. Rhodes: No, no.

Mr. English: No.

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Mr. Rhodes: Seventy... please.

Ms. McClendon: Mr. Chairman, I think this is a situation if we look at it from the M-1 property owner's usage, increasing it from 50 to 70 would be allowable because it's less restrictive on that user.

Mr. Rhodes: Okay. So, not from the public's perspective; only from the M-1's perspective.

Ms. McClendon: Because it's applied to that M-1 property.

Mr. Rhodes: Okay. That's why I kept screwing the others up.

Ms. McClendon: I will note, however, based on the language in the proposal, there is some concern that potentially approving an application with the level reading over what's in the ordinance would be considered in violation because of the shall language. Not saying it's a problem, but it is a concern.

Mr. Rhodes: Oh, the shall?

Ms. McClendon: Yes.

Mr. Rhodes: Versus should.

Ms. McClendon: Generally, with performance standards and conditional use permits there are things for the Commission and the Board to consider, and then take those into consideration as they form the conditions. So, making them requirements or having specific requirement language is not always the same as generally requirement language when it's by-right and it's (inaudible) by staff with that type of direction.

Mr. Apicella: Mr. Chairman, I'm fine with modifying any shalls to should under performance standards.

Mr. Rhodes: Okay.

Mr. Apicella: Again, if we had the luxury of another meeting, we could try to fine tune this so that we wouldn't have these.

Ms. McClendon: Mr. Chairman, may I also offer one more suggestion?

Mr. Rhodes: Please.

Ms. McClendon: I mean, I advise staff of the same. It is possible because we're only authorizing a public hearing to advise staff to advertise the public hearing only if the Board does not grant the Planning Commission the time extension it's requested.

Mr. Rhodes: What are we asking for? What kind of extension are we asking for?

Ms. McClendon: Ninety days.

Mr. Rhodes: Say again?

Ms. McClendon: Ninety days.

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Mr. Rhodes: Okay, very good. Okay. So, there is a motion to recommend for public hearing the language that is at attachment 2, pages 3 and 4 of our staff packet with the modification to what was numbered paragraph number 7 to now read, paragraph 7 stating noise generated from outdoor uses when adjacent to properties zoned A-1, A-2, R-1, R-2, R-3, or R-4 should not exceed impulse noise levels of 50 dBA as measured from the common property line. And then a new section 8, say special provisions for the industrial schools in M-1 and M-2 districts should be imposed on the types of firearms and the location of their discharge, and then it goes on as stated in that section. Correct?

Mr. Apicella: Right.

Mr. Rhodes: Okay. And this would be to advertise for a public hearing should the Board not grant us an extension. But if the Board grants us an extension, we would not advertise for public hearing. Okay, it's a motion by Mr. Apicella; is there a second?

Mr. English: I'll second.

Mr. Rhodes: Second by Mr. English. Further comment Mr. Apicella?

Mr. Apicella: No sir.

Mr. Rhodes: Mr. English?

Mr. English: No sir.

Mr. Rhodes: Any other member?

Mr. Coen: Just a point of clarification. Should the Board give us more time, then what's our fallback?

Mr. Rhodes: We take it up as Unfinished Business at the next meeting.

Mr. Coen: And then theoretically rework, retool...

Mr. Rhodes: Yeah.

Mr. Coen: Okay. I just wanted to make sure people understood that's exactly what will happen.

Mr. Rhodes: Yep. If they give us more time, it's not advertised; it will stay on the agenda as Unfinished Business. Okay, well then, all those in favor of the motion to advertise this for public hearing qualified by the fact that if the Board gives us approval an extension of time then we will not; we'll just keep it as Unfinished Business signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

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Mr. Gibbons: Aye.

Mr. Rhodes: Any opposed? No. So it passes 6-1. Other... I will get shot down but I'm going to hand the gavel over Mr. Apicella.

Mr. Apicella: Okay.

Mr. Rhodes: I'd like to make a motion to also advertise for public hearing with the same caveat should we get extended time it would not go to public hearing and we would keep it as Unfinished Business, what is handed to us as attachment 4, pages 2 and 3, which was the other version with the following modifications: under sub-paragraph a for Section 28-35, sub-paragraph a where it says uses permitted by-right, for the commercial kennel section it would be changed to a thousand feet from 500 feet; under sub-paragraph b there for the Conditional Use Permit, again where it says kennels, commercial kennels, outdoor runs located within 500 feet would be changed to a thousand feet; and then for Section 28-39, Special Regulations, sub-paragraph b, sub-paragraph 1.a., where it says currently the use shall be a minimum of 500 away from the zoning district, it would be modified to say that the use shall be a minimum of a thousand feet away from the zoning district for commercial kennels and 500 feet away from the zoning district of a residential line for other uses. With those modifications and language, I'd make a motion to advertise... similarly advertise that for public hearing with the same caveats.

Mr. Gibbons: Second.

Mr. Apicella: Okay, there's a motion and I'm just trying to understand, are you saying again that if the Board does not grant us more time (inaudible).

Mr. Rhodes: This would go to public hearing, yes, that's my motion. Yes sir.

Mr. Apicella: Alright, there's been a motion, I'm not going to read because I didn't capture it all but it's captured in the record to also advertise an alternative for a public hearing and it's been properly seconded. Any further comments Mr. Rhodes?

Mr. Rhodes: No sir, thank you.

Mr. Apicella: Any comments Mr. Gibbons? Anyone else?

Mr. Boswell: So this would be sending two motions?

Mr. Rhodes: Yes sir, we'd be sending two to public hearing for this.

Mr. Coen: Mr. Chair? Respectfully I'll vote again this. I think the first one has enough leeway that we could go to the other version if we felt, and I just think the expense of too many advertising and all that, plus the confusion of which is which. I think both applicants or both individuals could present what they think is the best under the one public hearing. So, just for clarity sake, I'm going to vote no.

Mr. Rhodes: If I could just add a point, Mr. Apicella, just to confirm, when we add the conditional use permit, we can't then go backwards and do by-right. So it does not give us the flexibilities.

Mr. Apicella: Anyone else? Okay, I'm going to...

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Mr. Coen: With that note, I did note that but I still think that it's an erroneous waste of taxpayers' dollars to advertise two public hearings for something. And if the Supervisors do give us more time, then it's a moot point.

Mr. Rhodes: Yep.

Mr. Apicella: Yes, I'm going to agree with the comments from Mr. Coen. I think it probably might be counter-productive to have two different versions for folks to consider and, by virtue of having the public hearing, we might get to either this version, the one that's already been proposed, the original version, or something in between. So, okay all those in favor of Mr. Rhodes' motion signify by saying aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: All those opposed?

Mr. Coen: Nay.

Mr. Apicella: Nay. The motion passes 5 to 2.

Mr. Rhodes: And hopefully we get more time.

Mr. English: I think we will.

Mr. Rhodes: Good, that was fun. So items number 9 and 10 are later, so it takes us to Planning Director's Report. Mr. Harvey?

9. RC15150498; Reclassification - Stafford Commons Retail Center - A request for a reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of a commercial complex including a bank, restaurant, and retail building on Tax Map Parcel No. 39-13. The property consists of 0.50 acres, located on the west side of Jefferson Davis Highway, approximately 1,100 feet south of Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: January 13, 2016) (History: Deferred on June 10, 2015 to July 22, 2015) (Deferred on July 22, 2015 to August 26, 2015) (Deferred on August 26, 2015, 2015 to November 18, 2015) (Deferred on November 18, 2015 to January 13, 2016)**

10. CUP15150499; Conditional Use Permit - Stafford Commons Retail Center - A request for a Conditional Use Permit (CUP) to permit up to three drive-through facilities within the HC, Highway Corridor Overlay Zoning District. The drive-through facilities are proposed for a bank, restaurant, and retail building. The site is on Tax Map Parcel Nos. 39-12 and 39-14, which are zoned B-2, Urban Commercial, and Tax Map Parcel No. 39-13, which is the subject of a

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concurrent rezoning request from the A-1, Agricultural to the B-2 Zoning District. The site consists of 10.45 acres, located on the west side of Jefferson Davis Highway, approximately 1,100 feet south of Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: January 13, 2016) (History: Deferred on June 10, 2015 to July 22, 2015) (Deferred on July 22, 2015 to August 26, 2015) (Deferred on August 26, 2015, 2015 to November 18, 2015) (Deferred on November 18, 2015 to January 13, 2016)**

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

❖ Planning Commission Budget Status Report

Mr. Harvey: Thank you Mr. Chairman. Included in your package I've provided an expense report. The Commission is essentially halfway through the budget cycle for this fiscal year and we're well within order as far as expenditures. Also, too, this being our last meeting of the year I want to thank the Commission for a lot of hard work that we've done together. I think it's been a very productive year and I wish you all a Happy Holiday.

Mr. Rhodes: Here, here! Very good. Thank you sir. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. McClendon: I have no report at this time Mr. Chairman, but I echo Mr. Harvey's sentiments.

Mr. Rhodes: Thank you very much Ms. McClendon. Committee Reports; sir, Mr. Coen.

COMMITTEE REPORTS

- ❖ Comprehensive Plan Update
  - Request for guidance from Board of Supervisors

Mr. Coen: Yes, sir. Since our last meeting, we had our public input session. Staff has done a great job. I'm not sure how much detail people want, so I'm not going to steal your thunder, Mike, unless you really want to have fun. We had our subcommittee meeting last Saturday to-wit we looked at the maps that were developed by the people for their input. Staff compiled them, sort of common threads. On top of that, we have now the what we affectionately call the Mr. Apicella map, which has placement in there of other items that were not on the map that the people looked at. For example, existing conservation easements and other items so that people can see them. Staff is working towards getting all them put on the internet for us. And then we'll contact the participants at the two sessions so that they can give further information. As we discussed, the idea was that people would not have to stay for presentations of everybody's map but would be able to give their input. I know the session I was able to tend to they stayed actually later than we had thought they would and what we had budgeted timewise because they were so into the process. Go ahead Mr. Zuraf if you'd like to.

Mr. Zuraf: Yeah, I was just going to confirm. All the maps that we received, we have those scanned in. They'll be posted online shortly. We'll notify the attendees and it'll be out there for public viewing, and also note that the attendees and other people will be able to provide feedback on the maps we receive.

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We also developed a kind of compilation map that kind of summarizes the general themes of what people provided to us.

Mr. Coen: Staff also is working towards a mayday list of the stakeholder groups that they would talk to. And they're working towards specific individuals. Members of the subcommittee stressed that they talk not just to staff members of various bodies, but also Commission members of different bodies to get their input into the process. So they're developing that. We have scheduled our next meeting on 1/16, which is Saturday, and the topic for that meeting will be pertaining to the airport areas and those various plans, both Mr. Hornung's plan as well as the Overlay District aspect. I've reached out to Mr. Hornung; staff has very nicely reached out to the airport people. We leaned towards that for the January meeting because that will be shortly after the whoever Ms. Maurer appoints to be on this Commission takes over. So we thought that those... most of that material is already out there so that whoever that is can see it ahead of time, whereas the larger topic of growth areas and etcetera is something that would take a little bit more time. And we didn't think that was appropriate two days into being (inaudible) it's Mr. Gibbons; you know, thrown into that specific topic. So we took that standpoint. We have not heard back from the Supervisors as to where they would like to see what percentage of growth into the growth areas. Our belief, and Mr. Harvey can certainly correct me -- he's the one that told me -- is that the Board will probably take this up at one of their work sessions most likely in January, which was another reason to sort of wait to see if they took up this topic at that point in time. So, the large major issue that we can come before the full Commission tonight is to ask for our extension. We sort of have known this as we've gone along. And I sent out to members of the Commission and to staff a draft; I sent it to the subcommittee, they gave me some great input, staff and subcommittee members, basically to ask for more time. And we had a question about, you know, do we ask for a shorter time period or acknowledge that the Supervisors have a budget cycle coming in. And then Mr. Harvey pointed out that VDOT has to have a certain time period to look at whatever plans and offer feedback. So, what we would respectfully ask from the whole Commission is approval of a memo to go to the Supervisors asking until the end of June to come forward with a specific proposals and plans, if not sooner. We have been told, and staff will let me know if I get this wrong, but even if we vote tonight it would not go before the Supervisors next Tuesday. So it's going to go to them in January anyways asking for the timeframe. So the initial timeframe, the end of January, would be rather tight to do regardless. But we really felt that to do this and do this right, to look at some of the new best practices that are being mentioned, some of the other matrixes that are being talked about, different plans that the Supervisors have indicated that they would like us to look at, that it would be appropriate to go for an end of June timeframe.

Mr. Rhodes: And with that, with the VDOT comment period, that would mean really we would need to finish kind of our work in the beginning of March timeframe?

Mr. Coen: Right.

Mr. Rhodes: Gotcha.

Mr. Coen: And that's what we're sort of looking at. I mean, there's three broad areas and that we were envisioning three main meetings and then bringing it back to this body fairly soon after that.

Mr. Rhodes: Very good. Other thoughts? Comments? So, just confirming support of the whole Planning Commission to the extension request to the end of June which really drives us back planning from VDOT commentary and other things to trying to charge this ahead to the March timeframe I think. Okay, I guess we're there.

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Mr. Coen: And unless there are any comments or suggestions on the draft that I sent out, then if staff's okay, if everybody's alright, we'll just use that as the official letter.

Mr. Gibbons: I'll second Mr. Coen's motion.

Mr. Coen: Thank you Mr. Gibbons.

Mr. Rhodes: Very good. Everyone good with that? All those in favor say aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. We've got it, we're rolling. Thank you sir. I'll jump here just a tad on the agenda and come back to Chairman's Report. TRC information? Did we have anything or are we still waiting to see if there's anything? Okay, you've got something, we've got something, we're good. I'd entertain a motion for approval of the October 28 minutes.

**CHAIRMAN'S REPORT**

*Discussed after Approval of Minutes.*

**OTHER BUSINESS**

11. TRC Information - January 13, 2016
  - ❖ TBD

**APPROVAL OF MINUTES**

*October 28, 2015*

Mr. Gibbons: So moved.

Mr. Rhodes: Moved by Mr. Gibbons. Second?

Mr. Coen: Second.

Mr. Rhodes: Second by Mr. Coen. Further comment Mr. Gibbons? Mr. Coen? Any other member? All those in favor of the motion to approve the October 28<sup>th</sup> minutes signify by saying aye.

Mr. Apicella: Aye.

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Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Anyone opposed? None; it passes 7-0. Back to Chairman's Report before we finish. As everyone has stated, I noted it is the very strong sentiments of every member, just from several conversations recently, that we sincerely appreciate the tremendous support of Mr. Harvey, Ms. McClendon, and the entire staff. What they do is hugely impressive. How they do it is hugely impressive. And knowing that we are just a small little sliver of really what their workload is, is just unbelievable. So, we thank them all and certainly I know I personally just wish them all the best for the holiday season as with every... all the fellow Planning Commissioners and all the members of the dais. I would like to suggest that whenever we are finished here that maybe we get a quick photo either in front of the dais or somewhere out there. I don't know why we haven't done this at the end of each year, but it'd just be nice to get kind of a photo of the gang. And certainly to Mr. Gibbons; I know we will be seeing him much more still -- this is not it but I want to thank him for his continued wonderful service and, as importantly as the service, how that service was conducted, just always a tremendous example. So thank you Mr. Gibbons. Is there any other comments? Folks, Happy Holidays. God bless you all. We are adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:09 p.m.