

STAFFORD COUNTY PLANNING COMMISSION
Special Meeting
March 2, 2010

The Joint Public Hearing of the Stafford County Board of Supervisors and Planning Commission of Tuesday, March 2, 2010, was called to order at 7:22 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Rhodes, Hazard, Mitchell, Kirkman and Hirons

MEMBERS ABSENT: Fields

STAFF PRESENT: Harvey and Hess

DECLARATIONS OF DISQUALIFICATION

None

JOINT PUBLIC HEARING WITH THE BOARD OF SUPERVISORS:

16. Amendment to Zoning Ordinance regarding Section 28-25, Definitions of Specific Terms; and Section 28-35, Table of Uses and Standards, Table 3.1, District Uses (Former Hartwood Airport)

Mr. Dudenhefer: The first public hearing this evening is an amendment to the zoning ordinance regarding Section 28-25, Definitions of Specific Terms and Section 28-35, Table of Uses and Standards, Table 3.1, District Uses. Mr. Harvey.

Mr. Harvey: Thank you Mr. Chairman. Good evening Board members and Planning Commissioners. The Chairman highlighted the sections of the zoning ordinance that are being amended with the zoning text amendment. This amendment was forwarded for consideration and public hearing by the Board of Supervisors. It is outlined in Ordinance O10-12. The proposed ordinance would specifically define what a test lane facility is and also allow test lane facilities as a conditional use within an A-1, Agricultural use, zoning district. Specifically, a test lane facility would be defined as "a road track facility for the testing of current and developing technologies that are utilized in the automated processes at land border ports. Technologies may include, but are not limited to license plate readers, radio frequency identification, radiation portal monitors (passive), microchip readers and similar equipment". Staff will note your Comprehensive Plan recommends that for agricultural areas that you have uses that generally support agriculture. It may be agricultural specific as in farming, as in forestry, or it could be support services. Also, it allows for residential uses. I will note in the Zoning Ordinance there are a number of agricultural and agricultural support uses that are currently listed in the Zoning Ordinance; however, there are some other community related uses allowed that are not necessarily agricultural in nature. Given the narrowness of this definition and limited applicability as how it can apply in the County, staff feels that it is not adverse to the recommendations in the Comprehensive Plan. Therefore, staff is recommending the Planning Commission and Board consider adoption of the Ordinance.

Mr. Dudenhefer: We will now entertain questions of Mr. Harvey. I would ask, just to avoid confusion, that the people try and be recognized so that we don't have people talking all over each other. So, are there any questions? We'll start on this end. Down on this end? Ms. Kirkman? No? Okay, thank you Mr. Harvey.

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Mr. Gordon: We will now go to the Planning Commission members to see if there are any questions of the Planning Commission... I think Mr. Dudenhefer, you just did that. Is that what you just did, for the whole dais? Okay. So, at this point, we will open up the Planning Commission meeting to the public comments on the information that Mr. Harvey just reviewed. Is that right?

Mr. Dudenhefer: And the Board of Supervisors will also open its public hearing which will be held simultaneously, as you can tell. And if it sounds like we are a little scripted, there are some requirements that are required by the law that we make sure we hit all the hurdles. So, please bear with us as we move our way through this thing. We will now hear from members of the public who wish to comment on this. Are there any in the chambers? Okay, there being none I close... I'm sorry. No, I'm sorry ma'am, but that's not part of this forum for questions from the public. And I apologize for any confusion. Ms. Kirkman?

Ms. Kirkman: Mr. Chair, at least on the Planning Commission we have used the public comment period to hear questions from the public and not to interact with them but afterwards to have staff address whatever concerns may have been raised.

Mr. Dudenhefer: Okay. Ma'am, you can get up and you can express your questions. And there's a possibility, but not a requirement, that the answer will be given in the follow-up session.

Ms. Maxson: My name is Kristen Maxson. We had a long history of parachuters coming down on our property, missing the airport target. We support the airport and my question is, is this testing procedure... if it will involve more aircraft and what type of aircraft? And also if it is open to the community for emergency concerns or demands or immediate emergency requests. And would like to find out more about what's going on. Thank you so much.

Mr. Howard: At this time, seeing no other individuals coming forward for the public hearing, the Planning Commission will close its portion of the public hearing.

Mr. Dudenhefer: Likewise, the Board of Supervisors will close their public hearing. Are there any comments, Mr. Harvey?

Mr. Harvey: Yes, Mr. Chairman. Currently the former Hartwood Airport is not in use as an airport and there exists currently structures in the old runway area and also will in the future. And we will get to more details on the specific proposal for the Conditional Use Permit at the next public hearing that follows your vote.

Mr. Dudenhefer: Okay, thank you.

Mr. Howard: At this time, I will open it back up to the Planning Commission for discussion by members of the Planning Commission, and I will start to my left. Mrs. Hazard?

Mrs. Hazard: Thank you. I just wanted to again say to staff to compliment them for responding to our concerns as a Planning Commission about the test lane facility and the refined definition. So I just wanted to say to staff I appreciate your work on that and for listening to our concerns.

Mr. Howard: Thank you Mrs. Hazard. Mr. Mitchell?

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Mr. Mitchell: Mr. Chairman, I have no questions. We've read a lot of information so well be looking at it tonight.

Mr. Howard: Thank you Mr. Mitchell. Mr. Hirons? No comments. Ms. Kirkman?

Ms. Kirkman: Only to thank the Board for reconsidering the specific language of the text amendment in order to protect the interests of the citizens.

Mr. Howard: Thank you Ms. Kirkman. Mr. Rhodes? I will also echo those sentiments and comments and also thank my fellow Planning Commissioners for attending this evening's three public hearings, recognizing we also have our normal meeting scheduled tomorrow night. But I also want to thank the Board for considering our revisions that we advanced, and also staff for working diligently to produce those changes and definition which will certainly benefit the County at a future date. I will now close the Planning Commission comments and turn it back to Mr. Dudenhefer. Oh, I'm sorry... the Chairman is correcting me. So at this time, as per our normal meeting, what we would do is call for any motions concerning the item in front of us. So, does anyone have any motions on the public hearing that we just advanced?

Mrs. Hazard: I would like to move that the Planning Commission adopt the ordinance as proposed, I believe it would be O10-12 proposed as stated concerning the revised definition and the addition of test lane facility as a text amendment.

Mr. Howard: Thank you Mrs. Hazard.

Mr. Rhodes: I second that we amend that forward.

Mr. Howard: Second by Mr. Rhodes. Any discussion? So, for clarification, Mr. Rhodes, would you repeat your second.

Mr. Rhodes: I was seconding what I interpreted to be a recommendation for the ordinance forwarded to the Board of Supervisors.

Mr. Howard: Okay, so we have a second. Is there any discussion from the Planning Commission? Hearing none, I will call for a vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed signify by saying nay. The ayes have it; it's a 6-0 vote.

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Mr. Dudenhefer: Thank you Mr. Howard. Having received the Planning Commissions' recommendation for approval, I will bring it back to the Board for discussion. This is in the Hartwood District. I will turn this over to Mr. Snellings.

Mr. Snellings: Thank you Mr. Chairman. I would like to move that we adopt O10-12.

Mr. Dudenhefer: We have a motion; do we have a second?

Mr. Milde: Second.

Mr. Dudenhefer: Second by Mr. Milde. Is there any discussion on the motion that's been made? There being none, cast your vote. Tally the vote. Motion carries 7 to 0. Thank you very much. Next item is item number 17, Planning and Zoning, Consider a Conditional Use Permit at 40 Dophie Road (former Hartwood Airport).

17. Consider a Conditional Use Permit at 40 Dophie Road (Former Hartwood Airport)

Mr. Harvey: May I have the computer please.

Mr. Dudenhefer: Did I pronounce that name right?

Mr. Harvey: Yes, as far as I know. Item 17 on the agenda for tonight is a Conditional Use Permit application 2900339 for a Government Test Lane Facility at the former Hartwood Airport site which is within the Hartwood Election District. Rob Wright is the applicant on behalf of UNISYS Corporation. Staff will note that this property is partly in Stafford County, as well as partly in Fauquier County. As you can see on the slide, the parcel in Stafford County is a portion of parcel 16-20 and in Fauquier County they use what they refer to a PIN numbers to identify tax parcels. The area affected by the CUP within Stafford County is a little over eight acres in size. The request is for the test lane facility pursuant to the ordinance that was just passed momentarily. The existing use is a test lane facility; the activities that have been occurring on the property have been on the Fauquier County side of the property and have been previously permitted within Fauquier County. The location, as mentioned, is on Dophie Road which is along Cropp Road within the western part of the County. This is an aerial photograph which shows the area for Hartwood Airport. Something significant to note is that the purple line is the County boundary. The area on the top portion of the purple line is Fauquier County. The area on the bottom portion of the purple line is Stafford County. You can see there are a number of polygons that are colored in yellow; those are County tax parcels. Those are the parcels that are currently taxed in Stafford County. The areas outside of those yellow polygons are properties that are taxed in Fauquier County. As you can see, we have some overlap between the counties as far as what is assessed in one county versus another; however, for compliance with local regulations, any activity within Stafford County still has to comply with Stafford ordinances. You can also notice from the aerial photograph that most of the surrounding area is wooded so the site is somewhat secluded from the surrounding properties. This is a photograph of the property; as you are looking east you have any existing hangar and also a storage building on the property. This is looking north; this shows actual equipment with the test lane facility. This test lane facility would reflect what you would normally see at a border crossing for the United States where traffic would be coming in or out of the United States. And this is one of those facilities similar to what you would see at a toll booth. This is the view facing west and also the view facing south. The proposal is to expand the existing test lane facility. Within Stafford County they would be extending the outbound test lane facility to the south and constructing what is termed as a gantry in the outbound lane. What I understand a gantry to be is something similar to a metal structure that could hold

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a sign like you would see along the interstate. And what would be on the gantry is equipment to be able to monitor the vehicles moving past that area. In Fauquier County, they would also be expanding the outbound canopy, moving it to the north end of the test lane, and also constructing a new inbound test lane on the western side of the property. This is the concept plan submitted with the application. The areas that are shaded show the areas where you are going to see some changes on the ground. Specifically, on the south end or the bottom part of the page you will see that a runway is being extended, and that's most of the activity that is going to be occurring in Stafford. The gantry itself would be located close to the intersection of the different segments of the runway. As you can see at the top of the picture, that's where the testing lanes would be modified or moved to from the shaded part within the center part of the picture, and also the new outbound lanes would be over to the left side of the picture. There are approximately sixteen conditions that are being proposed with the use permit. I will highlight the general nature of them. It deals with the daytime and nighttime hours and limits the hours in which activities can occur on the property. Nighttime operations are limited to four times per quarter. There would be limitations on weapons firing and testing. There would be restrictions where there wouldn't be any explosives or detonations on the site. There would be no storage of gasoline on the property. Pretty much all the equipment and activities for office use or equipment storage would be all within the existing structures on site. So, essentially, what you saw in the aerial photograph and also what you saw on the concept plan is what would ultimately be out there. There are security personnel currently on the site and the conditions accommodate that. There are also provisions that the use permit would expire six months from cessation of the use of the property, specifically, the applicants would have to notify the County if the use is going to stop on the property. And that would start the six month time clock ticking. Also, the conditions specify that the applicants have to make provisions to remove the equipment, specifically the gantries, should the use cease on the property. With the evaluation criteria, we believe as staff that the proposal meets the conditions for standards of issuance for a use permit. There would be no change in character or established pattern of development in the area due to this proposed activity. Staff believes that this is actually a less intense activity than you would have seen had the airport continued operation. Keeping the A-1 zoning is consistent with the zoning of the surrounding properties. There are really no perceived impacts to adjacent properties since there are limited hours and it is very controlled. There are even conditions limiting the number of staff that can be on site at any given time; it's limited to twenty. Staff doesn't perceive of any health or safety risks to adjacent properties or detrimental impact to the public welfare. As I noted with the zoning text amendment, this doesn't clearly fit into what the Comprehensive Plan says for agricultural use; however, when you take a look at the existing facility, it's really not having any increased impacts. In fact, you can make some arguments that it's less of an impact. So, therefore, we don't feel it's adverse to the agricultural recommendations in the Comprehensive Plan. And with that, staff is recommending approval with the conditions specific in R10-46. We would note that Fauquier County recently went through a very similar proposal where they amended their zoning text and also issued a special exception on February 18th.

Mr. Dudenhefer: Okay, we will now entertain any questions for Mr. Harvey by either Planning Commission members or Board members. Start on my left. My right. Ms. Kirkman?

Ms. Kirkman: Mr. Harvey, is the airport currently in operation as an airport? And will this generate any airplane traffic?

Mr. Harvey: No ma'am, there would be no airplane traffic.

Ms. Kirkman: Okay, thank you.

Mr. Dudenhefer: Okay, is the applicant present and wish to make a statement?

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Mr. Stevens: Good evening. My name is Chris Stevens and I represent the landowner and the prime contractor, DHS (Department of Homeland Security), WHTI (Western Hemisphere Travel Initiative) Contract and UNISYS Corporation. First I'd like to thank you all, ladies and gentlemen of the Board of Supervisors and the Planning Commission, for the hard work that you have done for us in moving this along. We have prepared a short video which will kind of give you an understanding of what WHTI is and how it protects our country. This is what we've actually implemented in 390 lanes on the northern and southern borders. What we are actually looking to do here is really just expand to a vehicle in motion scenario where we can actually tag a vehicle's license plates, run it through our database, do our queues while it's moving which is why we needed to expand the runway. We are going to take what we currently have and slide it over so we expand that one section. Just for clarification purposes, there are no airplanes involved; there hasn't been any. The runway is shut down per FAA specs with big X's at either end. So, I'm here for any questions if anybody has any. Thank you.

Mr. Dudenhefer: Okay, any questions from any Board or Planning Commission member? Mr. Snellings?

Mr. Snellings: Just one quick question. How long do you anticipate using this facility?

Mr. Stevens: Right now we are looking at a timeframe of three years.

Mr. Snellings: Three years from today or three years since you started?

Mr. Stevens: Three years from essentially the completion of the construction, which will be June.

Mr. Snellings: Okay. Thank you.

Mr. Dudenhefer: Okay. Any other questions? Mr. Hirons.

Mr. Hirons: With the equipment, is there any sort of flash photography? I noticed that's one thing that is not excluded or included in any information.

Mr. Stevens: Yeah, there's a strobe that will actually fire to illuminate. That's more so at nighttime. It will illuminate the area.

Mr. Hirons: So, it's for mostly nighttime activities and it is limited to four in a quarter there could be strobe light activity or flash type activity going on?

Mr. Stevens: It's a red flash; it's kind of designed not to blind seeing that it's being actually fired at a vehicle. It's nothing that you would really see. And again, we are not really into testing it so much at nighttime as its daytime effectiveness. The daytime is actually more difficult than it is at night just because of what goes into license plates and the reflectibility of the actual plates themselves. It makes it a lot easier to pick up at night so we really don't do a lot of our testing in the evening anyway.

Mr. Hirons: Okay, thank you.

Mr. Dudenhefer: Thank you very much sir.

Mr. Howard: Thank you Mr. Chairman. At this time I would like to open up the Planning Commission public hearing on the Conditional Use Permit for 40 Dophie Road.

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Mr. Dudenhefer: I would also like to open the Board of Supervisors public hearing. I was negligent in the beginning just to advise that there are three lights on the podium; green, yellow, red. Green comes on when you start, yellow with one minute, red means your time is up. So, is there anyone in the chamber who would like to speak to this Conditional Use Permit?

Ms. Maxson: My name is Kristen Maxson and I thank the Board for allowing me to come up again. One key word I just picked up is radiation monitors and I would imagine the monitors seek out radiation. And I was a little concerned about if radiation was used or how that test is proceeded. But I know that we don't have questions here so it's just a comment. Thank you sir.

Mr. Dudenhefer: Thank you ma'am. We'll get you an answer here. Is there anyone else that would like to address this? Okay, I at this time close the public hearing for the Board of Supervisors.

Mr. Howard: At this time I will close the public hearing for the Planning Commission.

Mr. Dudenhefer: Would the applicant like to address any of the comments that they heard?

Mr. Stevens: To address the concern about the radiation, yes, the equipment that is there is called a radiation portal monitor. It's a completely passive unit. There is no radiation. We don't test radiation down there. It's specifically there to serve the purpose of our RFID testing to ensure that whatever frequencies that utilizes doesn't affect ours. But there is no radiation testing; there is no radiation down there. It's a completely passive unit in and of itself. Thank you.

Mr. Dudenhefer: Thank you sir.

Mr. Howard: At this time I will open it for discussion back to the Planning Commission. Mrs. Hazard?

Mrs. Hazard: I would like to recommend that the Planning Commission forward to the Board of Supervisors R10-46 which would approve the Conditional Use Permit under the conditions set forth in that resolution.

Mr. Howard: Is there a second?

Mr. Rhodes: Second.

Mr. Howard: Second by Mr. Rhodes. Any discussion on the motion? Hearing none, I will call for the vote. All those in favor of Resolution R10-46 signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. All those opposed signify by saying nay. The ayes have it; it's a 6-0 vote.

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Mr. Dudenhefer: Thank you Mr. Howard. I will bring it back to the Board of Supervisors. It being in the Hartwood District, I turn the discussion to start with Mr. Snellings.

Mr. Snellings: Mr. Chairman, motion to approve R10-46.

Mr. Dudenhefer: We have a motion to approve, do I have a second?

Mr. Milde: Second.

Mr. Dudenhefer: Second by Mr. Milde. Cast your vote. Tally the vote. Motion carries 7 to 0. Thank you sir and good luck on your endeavor.

Mr. Stevens: Thank you.

Mr. Dudenhefer: The last combined public hearing concerns Amend and Reordain Stafford County Code, Section 28-341, Entitled "Composition, Appointment and Terms of Members" to the Board of Zoning Appeals. Can we have our staff member please?

18. Amend and Reordain Stafford County Code, Section 28-341, Entitled "Composition, Appointment and Terms of Members" to the Board of Zoning Appeals

Mr. Harvey: Thank you Mr. Chairman. The Board and Planning Commission are to consider proposed Ordinance O10-11. This ordinance would amend Section 28-341 of the County Zoning Ordinance to allow three alternates to be seated at the Board of Zoning Appeals, if necessary. This complies with what is permitted in the State Code. Currently, we have seven members that are appointed to the Board of Zoning Appeals. The way the State Code reads for the Board of Zoning Appeals, they must, when they vote on an action, make the vote based on the majority of the whole. In that case, for the Board of Zoning Appeals, there would be four members that would have to vote in the affirmative on a specific case in order for it to be approved. If, for instance, they only four members to constitute the quorum, and one member did not agree with the other three, then that would mean that the application would essentially be denied. And that has raised some concerns in the past about if the Board of Zoning Appeals didn't have more than four members present. Also, having an alternate would allow someone to sit on the Board of Zoning Appeals if there was an abstention or an absence. An alternate member would have the same voting rights as a regular member and would also have to go through the necessary training and certification as a regular member. Staff notes that during the last two years, there have been thirteen out of nineteen meetings where the Board of Zoning Appeals, for various reasons, have not had a full complement of their seven members. We have also gone back and looked at the records with regard to whether they have ever had a meeting that was cancelled due to lack of quorum. We've checked for the last ten years and that has not been a problem. However, we have noted that in the last ten years there have been nine occasions where they have only had four members present. Should the Board and Planning Commission desire to proceed with this proposed Ordinance, staff would note that there would be a budgetary impact that has been allocated yet. There would be required training for the new alternate members. Staff is estimating it is close to \$2,300 for the certification and also hotel expenses.

Mr. Dudenhefer: Thank you Mr. Harvey. Are there any questions from Planning Commission members or Board members? Start on my left. Anyone on my right? Ms. Kirkman?

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Ms. Kirkman: Mr. Harvey, the text amendment states that terms will be the same as BZA members. The BZA member terms are staggered. Are these terms of the alternates going to be staggered? I didn't see that specified anywhere in the language.

Mr. Dudenhefer: Good question.

Mr. Harvey: I would have to defer to the County Attorney. I know there is some language to that effect in the State Code with regard to membership being staggered. I will note that the Board of Zoning Appeals members are certified for a five year term.

Mr. Joe Howard: There is nothing specifically in the State Code that I recall about staggered terms for the alternates, but that certainly does make sense and certainly the Board could make that recommendation to the Circuit Court in requesting appointment or does not need to request three at one year. They could stagger that out over a period of time depending upon what the Board wanted to do.

Ms. Kirkman: So, as of this moment, what was the plan? That three alternates would be appointed for five years? I mean, what's going to be done about terms?

Mr. Harvey: I would assume that the Board would make a recommendation to the Circuit Court as to alternate members, and it would be the Board's discretion as to how they will be making their recommendation to the Court.

Ms. Kirkman: Did the Board of Zoning Appeals request this change?

Mr. Harvey: This was initiated at the Board of Supervisors request.

Ms. Kirkman: Was any input sought out from the BZA about this change?

Mr. Harvey: I'm not aware of any. I have not had any discussions myself.

Ms. Kirkman: The provision in State Code for the appointment of alternates has existed for many years. Why is this coming up now?

Mr. Harvey: This is something that the Board of Supervisors felt was important to address at this time.

Ms. Kirkman: I served on the BZA until fairly recently and we had some provisions in the by-laws that allowed applicants to defer action until the next meeting or until a meeting when all the membership was there. Has there been a problem on the BZA that has led to this at this time?

Mr. Harvey: I'm not aware of any specific issues.

Ms. Kirkman: And what was so urgent... I mean, in the previous matter where we held a joint public hearing, there was some time constraints to act on that matter. What was so urgent that this matter needed a joint public hearing?

Mr. Harvey: I would have to defer to the Board of Supervisors on that answer.

Ms. Kirkman: Okay, thank you Mr. Harvey.

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Mr. Dudenhefer: Thank you. Are there any more questions for Mr. Harvey? Thank you Jeff.

Mr. Howard: At this time, the Planning Commission would like to open up the public hearing regarding the proposed Ordinance O10-11.

Mr. Dudenhefer: The Board of Supervisors would also open its public joint public hearing at this time and we will ask if there is anyone in the chambers who would like to speak to this proposed Ordinance.

Paul Waldowski: Anytime I hear \$2,300 times three people is \$6,900. Well, if it's not \$6,900, don't waive your hand at me because this is costing us something like Ms. Kirkman said in some aspect. And I'm concerned about we have a lack of revenue in this County. We've been doing just fine without three alternates; there are by-laws already set up. And yet we have money to throw away on some fictitious aspect and you can't even come up with an aspect of is it a five year term? Is it staggered? I think you need to think this through before you just all sit here and vote 6-0, 7-0 and we take this on. Revenue is very important to every citizen in this County. And, as a taxpayer, I'm tired of the waste that goes on on some of these frivolous type aspects that come on. I've spoken to you about other aspects that you totally ignore that would bring quality of life issues and here you are, you have the time and money and you have a County Attorney who's giving you those aspects. Thank you.

Mr. Dudenhefer: Thank you sir. Is there anyone else in the chamber who would like to speak on this? Okay.

Mr. Gordon: Seeing no other people coming forward, the Planning Commission would close the public hearing.

Mr. Dudenhefer: And the Board of Supervisors will do likewise.

Mr. Gordon: At this time, I will bring it back to the Planning Commission. Is there any discussion on the matter?

Ms. Kirkman: Mr. Chair, we need a motion for discussion.

Mr. Gordon: Right. Is there any motion on the table to advance this or to make a recommendation to the Board?

Mr. Mitchell: Mr. Chairman, I make a motion for approval of R10-49.

Mr. Gordon: Is there a second?

Mr. Hiron: Second.

Mr. Gordon: Motion made by Mr. Mitchell, second by Mr. Hiron. Okay, now we can go into discussion. Any discussion on the matter? Ms. Kirkman?

Ms. Kirkman: Yes, Mr. Chair. I am going to oppose the motion to recommend approval of this ordinance change. Having served on the BZA, we discussed previously adding alternates to the BZA and, at that time, the BZA did not recommend to the Board that that be done primarily because you are bringing people in on less than twenty-four hours notice to rule on very technical matters, some of which may have been presented at a public hearing in an entirely separate meeting. Secondly, by having

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alternates, you lose the geographical representation that currently exists on the BZA. Also, there has not been presented any compelling need for this change. And, in addition, I'm very concerned about the process that has been led to this being pushed through so rapidly. The normal process is to hold a separate public hearing at the Planning Commission and then a separate public hearing at the Board. And there has not been any reason put forward or compelling reason to act on this as an emergent matter. Lastly, I do want to note that, at this point in time, here is what will happen with the alternates. On the Board there is a five to two Republican majority; on the Planning Commission there is a five to two Republican majority. The Board of Zoning Appeals does not have that political structure at this point in time because of the staggered five year terms. There are four Democrat nominees and three Republican nominees, and it is a reality that when a Republican nominee misses a BZA meeting, it will be a Republican stepping in. And because of the composition of the Board of Supervisors, when a Democratic nominee misses a BZA meeting, it will be a Republican nominee that steps in. So, in the absence of any compelling reason for the change at this time, I can only assume that this is politically motivated and I won't support it.

Mr. Howard: Thank you Ms. Kirkman. Mr. Rhodes?

Mr. Rhodes: Mr. Chairman, as we discussed at the Planning Commission meeting when we did discuss the purpose for holding these joint public hearings, certainly on the first couple items we had had an opportunity to discuss it and, therefore, we were comfortable with doing this in a joint public hearing. And there was a discussion about the third item because it was a new item that was brought forward, and certainly we did comment on the fact that preferably we would do these in separate sessions, preferably we would have the opportunity to have a dialogue ourselves, be able to make some recommendations like we did on the first agenda item, be able to have staff work on it and considered. But we understood what was articulated then as the intent of the Board just to take advantage of the opportunity, let us study it in the interim period of time, and be able to save some money in the process just because we are in a rather challenging time. I would submit that I am concerned that people would think that there are... believe that there are politics being played on the Planning Commission process, the Board of Zoning Appeals, those other elements. I believe, and have always felt, that all my peers on the Planning Commission were trying to do what was best for the County period. It didn't matter about political persuasions; it didn't matter about the ability or the lack of ability to count the number of Republicans or Democrats appointed. Being a registered Independent I know that the counting was done incorrectly. Nevertheless, I will be supporting this motion. Thank you Mr. Chairman.

Mr. Howard: Thank you Mr. Rhodes. Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, just one clarification. In my motion I wanted to clarify that I was approving the Ordinance for approval. I only read O10-11. But I just wanted to clarify that my motion meant to approve the Ordinance.

Mr. Howard: Thank you Mr. Mitchell. Any other comments from the Planning Commission? I will just add my own. Actually, it's a question I think for Mr. Howard. The part about staggering... if we had a friendly amendment to the motion and recommended that the Board consider staggering the terms, are we at a point where that would be okay? I mean, it's not a substantial change, I don't think.

Mr. Joe Howard: No, I think that recommendation would be in order.

Mr. Howard: Okay, thank you. So, Mr. Mitchell, you made the motion. Are you willing to accept the friendly amendment that the Board consider staggering the terms?

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Mr. Mitchell: Yes sir, I will.

Mr. Howard: Thank you. And just my final comments. I am more in alignment with Mr. Rhodes on this that I also will vote to approve this. I think in the past, while there haven't been significant numbers, there have been nine times and there have been four people present which could present a problem to applicants and certainly slow things down and cost the County additional money and also cost the applicants that are going before the BZA additional funding as well. I also want to point out that we opted to participate in the public hearing to save money for the County. Having a dual public hearing at the same meeting is significantly lowering the costs for advertising. And having us participate in this type of forum while, yes, in some cases it might restrict the number of minutes a citizen can discuss and come forward, we've seen tonight that we've been able to get a lot of work done in a short period of time, which I think is a positive. So, I will close the comments and I will...

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: I did want to say if we are going to really save money then will we be holding solely joint public hearings from now on?

Mr. Howard: You asked that at the last Planning Commission meeting Ms. Kirkman, and my response was there was no desire, from my understanding and perspective from this Board of Supervisors, that they will be tying our hands in the future moving forward. As I indicated to you at that meeting, we overspent significantly last year on one or two public hearing notifications to the tune of almost \$13,000 and this was an effort and an attempt to not use any additional funding because the fiscal calendar I think ends in just a few months for the County. And we were looking just now because we are coming to that part of the year where we are at the start of a new budget and we want to just make sure we don't overspend unnecessarily. That's my understanding and I am just repeating what I've said in the past. But I understand your concern and I appreciate it. Okay, I'll call for the vote. All those in favor of the motion made by Mr. Mitchell which is recommending to the Board of Supervisors the Ordinance O10-11 signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. All those opposed signify by saying nay.

Ms. Kirkman: Nay.

Mr. Howard: The ayes have it; it's a 5 to 1 vote. I will now turn it back to the Board of Supervisors. At this time, actually, I will adjourn the Planning Commission meeting. Thank you all for attending and participating; I really appreciate that, recognizing this is an extra day for us. So, thank you; and at this time the Planning Commission meeting is adjourned. Thank you.

Planning Commission Minutes
March 2, 2010

ADJOURNMENT

The Joint Public Hearing was adjourned at 8:09 p.m.

Gordon Howard, Chairman
Planning Commission