

At a regular meeting of the Caroline County Planning Commission, held Wednesday, September 16, 2009, in the Community Services Center, located at 17202 Richmond Turnpike, Milford, Virginia, at the hour of 7:00 p.m.

Present

Pete Davis, Chairman
Milton Bush, Vice-Chairman
Joseph Brown
Ray Piland
Leon Smith

Also Present

Michael A. Finchum, Director of Planning & Community Development
George Wieber - Community Development Administrator
Lisa Zech - Planning & Zoning Technician
Angeline Pitts - Planner
Ann Neil Cosby - County Attorney

1. CALL REGULAR MEETING TO ORDER

Chairman Davis called the regular meeting to order at 7:00 p.m. Chairman Davis said that he would like to propose that RZ-06-2009, Brookwood, L.L.C. precede the 2030 Comprehensive Plan on the Agenda.

Mr. Piland moved and Dr. Bush seconded to amend the Agenda and have RZ-06-2009, Brookwood, L.L.C. precede discussion of the 2030 Comprehensive Plan.

Voting yea: Brown, Bush, Davis, Piland, Smith.

2. APPROVAL OF MINUTES (JULY 27, 2009 AND AUGUST 19, 2009)

Mr. Smith moved and Mr. Brown seconded to approve the minutes of July 27, 2009 and August 19, 2009, as presented.

Voting yea: Brown, Bush, Davis, Piland, Smith.

PUBLIC HEARINGS

3. RZ-06-2009 – Brookwood, LLC, Owner/Applicant: Request a Rezoning from R-1, Residential (with a density of one to four dwelling units per acre) to B-1, Business (with no specified density) on tax map #56-A-145 and on a portion of tax map #56-A-140 consisting of 2.108 acres, more or less. This property is located on the west side of Route 301 (Richmond Turnpike.), and along the west side of Route 695 (Edwards Road), Mattaponi Voting District. **Proposed Use:** Business. The 2006 – 2026 Comprehensive Plan identifies this area as being located within the Bowling Green/Milford Community Plan designated as Planned Commercial and Planned Development.

Angeline Pitts presented the following staff report:

Discussion

The applicant is requesting to rezone two acres of property adjacent to the existing Brookwood residential development from R-1, residential to B-1, business. The applicant would like to

develop the property for various small businesses. Due to the connection to public water and sewer, the business development may decrease the final number of residential connections available.

The applicant is proffering substantial conformance with the GDP, as revised, to exclude certain businesses that are allowed in the B-1 zone, and a landscaped buffer along the property lines that abut residential properties. At the time of this staff report, architectural standards have not been proffered, but have been submitted. Without the design standards being proffered, the overall look of the development could be altered at the time of development and, therefore, inconsistent with the Planned Development designation of the Comprehensive Plan.

Including a business component in the residential development is in keeping with the concept of a walkable community and a planned residential designation and is in conformance with the Comprehensive Plan. However, it is important to ensure that this parcel does not compete with the commercial center of Bowling Green. The Town of Bowling Green is designated in the Comprehensive Plan as the commercial center for the area and while business on this parcel is allowed, large scale businesses should be avoided as a means of remaining consistent with the overall plan for the area.

Recommendation

Staff believes the application to be consistent with the Comprehensive Plan.

Mr. Jay Jarrell, Applicant Representative, stated that he did not have a presentation to make to the Planning Commission, but he was present to answer any questions or concerns that the Commission members may have regarding the project.

Chairman Davis declared the public hearing open.

◆ Betty W. Brown, Bowling Green, said she would like to know what type of business was being proposed for this parcel. She said it was zoned before for houses and something happened and no houses were built and now it is going to be rezoned for business.

Chairman Davis asked staff to describe the type of business that is allowed on this parcel.

Ms. Zech said the types of businesses that would be permitted on this parcel would be banks, restaurants, drug stores, neighborhood businesses such as beauty salons and nail salons, retail stores, dry cleaners, medical offices, florists, churches, antique shops, shoe repair, those types of businesses would be permitted by right.

◆ Ms. Brown said the reason she was at the meeting was to find out what was going to be built on this property, because it is adjoining her property.

◆ Anthony S. Adams, President and Owner of C. W. Edwards Funeral Home, which is located in front of the property that is being proposed for businesses. He said the property was his family's property at one time and then it was sold. He asked if this parcel was down on the corner of Route 695. He said his other question is with regard to the homes that would be built there, how this business would impact those homes. He said in addition, if it is going to be on that corner of Route 695, then it could create a traffic situation.

◆ Mr. Adams stated that when that last lot was sold, it was sold with the intention of that being the entrance way into where the homes were going to be built. He said if that was the case, then it has now changed from what the discussion was.

◆ Mr. John Holmes, New Baltimore Road, said he would like to ask what happened to the plans for the subdivision instead of what they have here now.

Chairman Davis said he would take all questions with regard to this rezoning request and address them in discussions with the Applicant at the end of the Public Hearing.

◆ Ms. Mariah Bailey stated that she lives on Chestnut Lane and her property adjoins the property that is being proposed for the rezoning. She said she would like to know specifically what businesses were going to be built.

Chairman Davis said they did not have specific names of businesses, just the types of businesses that could be built on the property.

Chairman Davis declared the public hearing closed.

Chairman Davis asked the Applicant to come forward and make any closing statements and in addition, address the questions posed during the Public Hearing.

Mr. Jarrell said he would do his best to address some of the questions. He said first, unfortunately he could not give a list of names or businesses. He said this is a general development plan and they do not have any businesses or tenants in place, because they want to get their plans in order first so that when the economy turns around they can go after the businesses to go in those spots. He said basically it is a complex of 16 small units and some stores may take two or three units. He said it was not going to be a big development and will only take up two acres, so the residential subdivision will not be changed at all. He said the plan for the residential subdivision will continue just as it has always been planned. He said this project will be located there to serve the community and the new subdivision. He said really they just want to get plans in place so that when potential businesses approach them they can go ahead and tell them they have a good spot for them and they are ready to go, however, as of today, there are no plans in place.

Mr. Jarrell said one other issue that was raised in the Public Hearing was about the architectural standards. He said they did submit some architectural standards to the Planning staff and the original proffer proposed that they would agree upon architectural standards with Planning staff before they begin construction. He said he understands now that the County would prefer that the architectural standards be proffered before the rezoning is approved and they would be willing to go ahead before the Board votes on it, to have fixed architectural standards proffered that the Planning staff has approved. He said the ones that have been submitted and generally what they want to do, but he would not want to commit to them tonight without reviewing them in detail. He said they were submitted just to give the County an idea of what they are trying to do, but they will be very similar to what they have submitted.

Dr. Bush stated that there was a public comment regarding traffic concerns and asked the Applicant to address that concern.

Mr. Jarrell said the entrance that they are building to this commercial project and to the residential project, has taken into account all of the traffic that will be generated by the commercial development. He said the road is being built to accommodate those additional vehicles generated by the commercial development.

Mr. Smith said it seems like every time developments come in, they do not talk to the people around the proposed development. He said there are people here tonight that want to know what is going to be built and how it is going to be built.

Mr. Jarrell said that he would have to agree with Mr. Smith and that was certainly a lapse on their part this time. He said he blamed that on himself, but one of the reasons was when they went through with Brookwood Subdivision, in his mind he thought they had been through this. He said he now realizes that this is totally different, it's a commercial rezoning. He said to be honest, it did not click with him until tonight. He apologized to the neighbors for not talking to them, because he should have done that.

Dr. Bush said he feels the same way as Mr. Smith does, because all of the people who spoke had a lot of questions. He said it seems as though the Applicant has not given these people enough information and all of these people have property adjoining this proposed project. He said these people need to know and see what is going to happen in their neighborhood and how it is going to impact their property and community. He said not one of the people that spoke did not speak for or against the proposed rezoning and that was because they do not know what is going to happen.

Dr. Bush said he thinks the Applicant should go back and explain to these people exactly what is going to happen and what it is going to look like, because a picture is worth a thousand words. He said this request is incomplete because the Applicant owes these people an explanation.

Chairman Davis said one other question was asked about the revisions to the plan. He said as far as he understands, it is in compliance with the Comprehensive Plan which followed behind the approval of the area plan, and both of those have been through the Public Hearing process. He said he did not believe there was a surprise on this or a change on this.

Dr. Bush said he would like to make a comment to the people who spoke during the Public Hearing. He said he did not know what type of businesses will be built in that area, however, the subdivision is still planned. He said due to the recession, the subdivision has not been built. He said the way this was going to look is the businesses are going to be tied in with the subdivision. He said what is not going to be there based on the information that the Commission has, is there will not be any funeral homes there, no new car sales or service, service stations, hotels and motels, libraries, clubs or lodges.

Mr. Piland said he would suggest at this time, not to do anything until they have the information on how this is going to look and be done.

Chairman Davis said he believes the architectural standards should be tied down first before a decision is made.

Mr. Piland moved and Dr. Bush seconded to send RZ-06-2009, Brookwood, L.L.C. back to staff pending a review at the worksession.

Voting yea: Brown, Bush, Davis, Piland, Smith.

4. The 2030 Comprehensive Plan – The 2030 Comprehensive Plan contains ten chapters, which together with other documents will guide growth and development in the County over the next twenty years. The plan encourages managed development that creates an attractive living environment for residents and a business friendly community, all while retaining the unique features of the County. In general, the plan evaluates the existing conditions and proposes actions to be taken over the next twenty years. Specific components of the plan include: Life in Caroline County; Planning History; Housing; Natural Resources; Cultural and Historic Resources; Economic Development; Community Facilities; Land Use; Transportation and implementation strategies. The major changes to the plan include, reformatting the plan for consistency, updating the background information used in support of the plan, adding two new chapters on housing and economic development, and updating the Land use chapter by

adjusting the boundary of the Ladysmith Area east of Interstate 95 and north of Ladysmith Road to South River, and updating the transportation chapter to include cost estimates for planned road/transportation improvements.

Michael Finchum, Director of Planning & Community Development, presented the following staff report on the draft 2030 Comprehensive Plan for Caroline County:

Pursuant to Sec. 15.2-2233 of the Code of Virginia, all localities in the Commonwealth of Virginia are required to adopt a Comprehensive Plan which serves as the guide for land use decisions in the community. The Comprehensive Plan is perhaps the single most important document available to local government in its land use decision making.

State law requires that the Comprehensive Plan must be reviewed and if necessary, adjusted every five (5) years. Caroline County has actually reviewed its plan on a more frequent basis, through its sub-area planning processes, of which five (5) sub-area plans have been adopted and one, Ladysmith, has been revised and adopted two times. However, the entire plan has not been substantially reviewed and updated since it was adopted in 1994, which is the basis of this update.

Much of the background data presented in the 1994 Plan and subsequent Plans was based on the 1990 census, and has not been updated since that plan was adopted. An important aspect of this update is to ensure that data is as current as possible. This draft has also been reformatted and substantially rewritten for consistency throughout the document. The area plans have been prepared by different committees and reflect different writing styles. This update has focused on imposing the plan, to ensure consistency throughout the document.

While this update generally does not identify any significant changes in the planning philosophy of the county, several changes to the plan are noteworthy:

1. Two (2) new chapters have been created, Economic Development and Housing, to reflect the importance of those elements.
2. The Transportation chapter has been significantly rewritten to meet the statutory requirements to identify major transportation improvements, their costs and timing.
3. The land use plan chapter has been modified to reflect several changes, including a recommendation to eliminate the Cedon and Chilesburg growth areas and to modify the northeast boundary of the Ladysmith area. The creation or recommendation creation of the Sparta Agricultural Preserve Area is also an important of Staff's recommended updates to the Land Use Plan.

The draft Comprehensive Plan has actually been available for public review on the County's website for the last two months. To date staff has received one public comment concerning the Plan, related to a boundary adjustment in the Carmel Church area. The Planning Commission has also had this plan and the Commission and staff have had several worksessions and discussions.

STAFF RECOMMENDATION:

At this time, Staff is not recommending the Planning Commission adopt the Plan. Staff has identified a number of technical corrections that still need to be made to the Plan and there are still some blanks that need to be filled in with some numbers. In addition, Staff still needs to make sure some of the maps are correlated correctly to the references within the Plan. Staff is doing the final cleanup in those areas and the County Attorney is also reviewing the

Comprehensive Plan and it is necessary to reflect any suggested changes that the County Attorney has before forwarding the Plan to the Board of Supervisors.

Chairman Davis asked that the pages for new development be straightened out, because they do not seem to be in any particular order and they do not match the table of contents. He asked when the technical corrections are brought back to the Commission, that staff provide a list of the revisions so they do not have to go through the entire document.

Dr. Bush asked if once the Plan was adopted, if it would mean that this Plan is going to go up to 2030 without any additional revisions being made.

Mr. Finchum responded no, as required by State Law they will have to review the Plan at least every five years. He said he could tell Dr. Bush that as of right now, there is one additional review that will occur prior to the first five year planning period. He said in theory, today is 2009, by law, they are required to review this document again some time in the 2014 time frame. He said Staff is already working on some other reviews of the Comprehensive Plan based upon additional requirements of State Law. He said for example, probably the most pressing issue is by State Law, Caroline County has to adopt what is called an Urban Development Area. He said the State Law says that certain localities classified as high growth localities with a growth rate of 10% or more have to adopt these Urban Development Areas. He said in theory those areas are consistent with the County's designated growth areas, but they actually have to go through the exercise of reviewing those guidelines and designating at least one of these "Urban Development Areas". He said that is something that they have to do over the course of the next 18 months and so they will have an update of this Plan for the Planning Commission to consider within the next 18 months.

Mr. Piland asked about the 10% growth and for what period of time.

Mr. Finchum said it would occur between the last two decennial censuses. He said they would still qualify even after 2000, if they had used that figure.

Dr. Bush said if they are going to update it every five years, does Staff have any information as to where they are going to be by 2030, with regard to transportation, technology and infrastructure.

Mr. Finchum said aside from their planning efforts, there are other planning efforts going on in the Commonwealth of Virginia as well as regionally. He said one, using transportation as an example, notwithstanding the reduction in transportation funding that the Virginia Department of Transportation is facing currently, there are still efforts to look at specifically, commuter rail and passenger rail service and the expansion of those services. He said the Commonwealth of Virginia just recently made application to the Federal Government for \$380,000,000 worth of funding for rail improvements along the I-95 Corridor. He said one of the specific requests made as part of that application, was for rail improvements in Caroline County that would support the proposed Carmel Church multi-modal transportation facility, which is included in their Transportation Plan. He said so notwithstanding the reduction in road funding, there are requests out there for other types of transportation improvements that are recognized in the Plan.

He said in terms of population, there are several scenarios in the Plan, which gives you a population range that they are planning for. He said since the adoption of the 1994 Plan, they have not targeted specific population figures rather they have looked at population ranges. He said at least through the last update of the Plan, their population estimates are in line with the average projections that were contained in the current Plan. He said they have targeted a growth rate of about 3½ % a year. He said right now they are under that, but on average they are right around a 3% growth rate.

Dr. Bush asked about the overall bus service in the County.

Mr. Finchum said with regard to bus service, there are actually several routes in the County. He said there is a route that goes from Bowling Green to Ladysmith at Carmel Church, which connects with the route to and from Fredericksburg. He said they also have a route to Port Royal one day a week and also to Dawn, one day a week. He said that service has not been extended to other areas, such as Sparta, because of a lack of population to utilize that service. He said where they have found sufficient ridership such as Dawn and Port Royal, they have extended service to those areas at least one day a week. He said it is anticipated that as the rail station at Carmel Church progresses, that this will be a true multi-modal transportation facility and that the extension of bus service to that facility will be part of that station development. He said in all likelihood, an extension of bus service to the current VRE Station in Fredericksburg would be a first step towards the creation of a station here in Caroline County.

Mr. Smith asked about the ridership from Caroline on VRE.

Mr. Finchum said it depends on the system user. He said initially, until the infrastructure is in place to support the rail station, a first step would be bus service from Carmel Church to Fredericksburg to connect to VRE service there. He said currently, there are approximately 90 riders per day from Caroline that utilize VRE on average. He said they expect that as development occurs in the County's growth areas, that ridership will continue to increase. He said as the County's population grows, as the rail improvements are made, and the funding is obtained for the construction of the rail station, then the rail station would be constructed. He said in all likelihood, it will initially be served by Amtrak and not VRE.

Dr. Bush asked what happened to the housing development, Haymount that was talked about in Port Royal a long time ago.

Mr. Finchum said Haymount was sold to a real estate investment company about a year ago. He said the original owner and developer of Haymount is no longer involved in that project. He said John Clarke, who was the face of Haymount, is still involved with this real estate holding company as a representative for them. He said whether he remains a part of that project in the future, is unclear. He said he would suggest that the issues that have held Haymount back to date are still there. He explained that Haymount is a very expensive project to construct because of the upfront infrastructure and you are basically building a new town from the ground up and the upfront investment for public utilities, are not costs that other developers typically have. He said if you build in Carmel Church or Ladysmith, they already have a water and wastewater system and if there are improvements required to that system, you at least have something that is already in place. He said with Haymount, this is not the case, because they have having to build all of those facilities from the ground up before they can get a CO for the first house. He said he would suggest that, that the upfront infrastructure cost has been the major impediment to the development of Haymount.

Dr. Bush asked if there was something in the Plan to create jobs after the recession is over and after the recession was over, would people from Caroline still be going out of the County to work.

Mr. Finchum said he thinks the Economic Development Chapter points out a number of issues that they have to be competitive in their economic development efforts. He said that chapter does a good job of trying to match our strengths to our weaknesses. He said for example, they don't have the necessary infrastructure to support a manufacturing industry that, for example, needs a large quantity of water. He said they do not have the infrastructure to do that, so their economic development efforts have to be tailored towards industries that perhaps need large amounts of land but don't necessary need significant water or sewer infrastructure. He said

perhaps they target an industry that needs highway access, such as distribution centers, where they are strategically located between Richmond and Washington or they are strategically located along the Eastern Seaboard where they can easily distribute their product to their stores throughout the region. He said so that Plan identifies both the weaknesses in our program and tries to match the strengths within the County to those weaknesses. He said most of the industries that they have talked to will tell us that we end up being eliminated from the equation principally for two reasons. He said number one is the lack of rooftops; they need a certain population within a five or ten mile radius of where they are located from which to draw a stable base of employees. He said secondly, are a lack of economic incentives, not so much from Caroline County, but from the Commonwealth of Virginia. He said they are simply not competitive with out states when it comes to attracting large investment or large industries. He said, therefore, they don't necessarily target all those large industries, they target smaller industries which is really where you expand your economic base and is where their efforts have been focused.

Chairman Davis asked if Mr. Finchum could talk a little bit about the high speed rail versus the local rail.

Mr. Finchum said there has been a lot of discussion in the newspaper about high speed rail. He said the localities in the Richmond region have all gone on record in support of high speed rail, and he thinks perhaps erroneously. He said high speed rail will have a limited number of stops. He said you will stop in Philadelphia, Baltimore, Washington, maybe Fredericksburg, Richmond, Raleigh, North Carolina, Charlotte, et cetera, so you have a relatively few number of station stops and you have your track and your train sets designed, at least in Virginia, to accommodate speeds of about 90 m.p.h. He said the high speed rail improvements along the rail corridor, will indirectly benefit Caroline County in our rail station by adding a third track along the current rail corridor in the County and upgrade the existing trackage to accommodate the high speed rail. He said at the same time, the Commonwealth of Virginia in conjunction with Amtrak, is looking to expand the current conventional passenger rail service by an additional five trains a day in each direction, between Newport News and Washington, D.C. He said that will be the direct benefit to Caroline County, at least initially. He said the existing conventional passenger trains will be able to travel at a higher rate of speed, not quite the high speed rail, but at a higher rate of speed and at the same time, they will have the additional rail station in Caroline County that can utilize that service. He said when high speed rail does get here, which is still years away, Caroline County will not have a station stop, but neither will Ashland or Staples Mill or Quantico.

Mr. Piland asked why Carmel Church and not Milford.

Mr. Finchum said it is in the middle of a growth area and you also have the other transportation, namely the I-95 Corridor. He said Milford would be closer to the middle, but it's in the flood plain and they do not have the densities planned in the Bowling Green/Milford area to support the TOD concept for the rail station, but they have done that with the Carmel Church plan. He said the densities are such around the rail station site in Carmel Church, that it would support the higher density, mixed use concept that they need to make that station a reality.

Chairman Davis said understanding that the Plan will be updated every five years, how would the different area plans be rolled into the Plan each year.

Mr. Finchum said it would be done the same way it has been done in the past, wherever they have new area plans there would be an addendum. He said the only area plan they are working on right now, is the Chilesburg/Cedon and everything in between area plan in the northwestern part of the County. He said this is a little different animal from the other area plans that the Planning Commission has reviewed and recommended approval on over the years. He said in terms of other area plans, there probably are not going to be any more

coming down the pike in the near future. He said anything they would do would be to go back and review an existing plan or some type of an amendment.

Chairman Davis said they would go ahead and hold the Public Hearing. He asked when the Comprehensive Plan would be presented for adoption.

Mr. Finchum said he believed it would be ready for adoption by the next meeting of the Planning Commission. He said they are still awaiting some maps from the George Washington Regional Commission to replace some of the maps that are in there now.

Chairman Davis declared the public hearing open. After hearing no comments, the public hearing was declared closed.

Mr. Brown moved and Mr. Smith seconded to allow staff to present the 2030 Comprehensive Plan for adoption at the October meeting of the Planning Commission subject to the County Attorney's final review and comment.

Voting yea: Brown, Bush, Davis, Piland, Smith.

ANY & ALL MATTERS

Ms. Zech gave a copy of the Communication Tower Master Plan to Commission members. She said there are several maps in the handout and includes an inventory sheet. She said she is trying to set up a meeting with the Commission and the County Tower Consultant on November 9th, which is the second Monday in November, to a worksession to discuss the tower information with the Commission. She said the Tower Consultant is also working on a map to detail for the Commission what tower serves what area and where there are overlaps and gaps.

Ms. Zech gave Commission members a Text amendment and said the Board of Supervisors has deferred this back to the Planning Commission to authorize advertisement for a Text Amendment to add a crematory as a special exception in the B-1 Zoning District. She said as the Commission is aware, several funeral homes are coming along and a crematory is not allowed in the County's Ordinance and it appears to be an accessory use and a necessary use to a funeral home. She explained that the applicant would have to come to the Planning Commission and to the Board of Supervisors to request to have a crematorium in their funeral home and it is only as an accessory use to the funeral home. She said it is not a stand alone crematorium and the cremation is only to be done in relation to services being performed by that funeral home.

Mr. Finchum said in theory, it will be allowed for any funeral home and would be a general text amendment.

Chairman Davis said if this is passed, if anyone wants to use a crematorium they would have to come back to the Commission with a special exception request.

Mr. Finchum said correct and any other funeral home currently existing in the County. He said it would not necessarily be in the same structure, but it would be as an accessory on the same parcel of land. He said so it could be physically a separate structure but it would be accessory to the principal use which was the funeral home itself.

Chairman Davis said this was simply a text amendment to allow a condition for a special use permit.

Ms. Zech said they could discuss this at the October worksession; however, they would also like the text amendment advertised for Public Hearing at the regular meeting of the Planning Commission in October.

Mr. Brown moved and Mr. Piland seconded to authorize Staff to advertise a Public Hearing on the Text Amendment for a crematory as a use permitted by special exception in the B-1 zoning district.

Voting yea: Brown, Bush, Davis, Piland, Smith.

Ms. Zech said with regard to Townfield Subdivision in Port Royal, the builder has submitted a request for a proffer amendment to eliminate their cash proffer. She handed out a copy of the plat of Townfield Subdivision to Commission members. She asked Commission members what their feelings were on that request and if the Planning Commission would allow it to be advertised for October or should they bring it to the October worksession.

She said there are 24 buildable lots and they have 8 that are under some form of construction. She said the proffers are \$5,910 a lot and so you have roughly 16 lots that would be affected should the proffers be eliminated, which would be somewhere around \$95,000. She said the issue is whether the Planning Commission wants to advertise it to go to Public Hearing and entertain it.

Mr. Finchum said every developer has the right to make an application to amend their proffers. He said that does not mean that they are obligated to accept their proposed modification. He said depending on what happens with this or some other request, could create a snowball effect with other similar requests.

Dr. Bush said that is what they would be doing, is creating a snowball effect.

Ms. Zech said the Planning Commission could deny the request and the Board of Supervisors could deny the request.

Mr. Finchum said not wanting to speak for the Commission, he believes what he is hearing is that the Commission would rather discuss this at a worksession first.

Mr. Brown said that was correct.

Chairman Davis asked if there was one for additional zoning.

Mr. Finchum said yes, however, he did not actually bring a copy of the memorandum to the Board. He said if the Commission has followed the Board actions in the newspaper, the Board directed staff to prepare some suggested modifications to the County's Development Ordinances that they could consider for a local economic development stimulus for the construction industry. He said two items that the Board has already acted on, they adopted emergency ordinances related to water and sewer availability fees, allowing those fees to be deferred until there is actually an application for service or 90 days from the issuance of the building permit, whichever occurs first. He said the formal public hearing on the permanent ordinances will be held at the next meeting of the Board of Supervisors on Tuesday, September 22nd.

He said a second area that the Board looked at was the General Assembly, over the course of the last two years, has actually loosened the conditional zoning language. He said right now, the Ordinance says that you cannot accept a proffer once the Public Hearings have been opened. He said the General Assembly has now said you can do that if you modify your ordinance to allow it. He said the General Assembly has also said, under certain conditions,

that the Board can accept proffer amendments without having to go back through the Public Hearing process. He said it is not a well written section of the State Code, but for example, if someone wanted to defer the payment of a proffer from the issuance of the building permit to when they actually set the water meter, similar to when they accept the availability fees. He said currently, they have to go back through a Public Hearing at both the Planning Commission and Board of Supervisors, to make that change. He said under this new State Code enabling legislation, the Commission and the Board could allow a modification to the proffers that does not materially affect the zoning. He said so in theory, you could allow a modification of a proffer such as that without having to go through a Public Hearing process. He said the Board has referred that text amendment back to the Planning Commission for the Commission to hold a Public Hearing and to make a recommendation back to the Board.

Chairman Davis asked if they could also discuss this at the next worksession.

Mr. Finchum said yes, they could discuss this at the next worksession.

- ***SCHEDULE WORKSESSION - OCTOBER 5, 2009 - E.O.C. - ROOM 3***

A worksession was scheduled for October 5, 2009 at 7:00 p.m.

- ***STATUS REPORT ON REZONING AND SPECIAL EXCEPTION REQUESTS***

The Planning Commission was provided the status report on rezoning and special exception requests for informational purposes only.

ADJOURNMENT

There being no further issues, Chairman Davis adjourned the meeting at 8:05 p.m.

Respectfully Submitted,

Michael A. Finchum
Director of Planning & Community Development

MAF:pfa