

VIRGINIA: MINUTES OF THE REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING ON THE 20th DAY OF APRIL 2016 AT 7:00 P.M.

PRESENT:	DR. EVERETTE PROSISE	CHAIRMAN	DIST #1
	THOMAS TUCKER		AT-LARGE
	BUTCH CUNNINGHAM		DIST #4
	SAMUEL W. HAYES		AT-LARGE
	ALVIN BLAHA		DIST #3

ABSENT:	ANTHONY SIMMONS	VICE CHAIRMAN	DIST #5
	DEAN McCRAY		DIST #2

OTHER:	MORGAN INGRAM	ECONOMIC DEVELOPMENT DIRECTOR
	MARK BASSETT	PLANNING DIRECTOR
	TYLER SOUTHALL	COUNTY ATTORNEY

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:00 p.m.

IN RE: PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Chairman asked everyone to stand for the pledge of allegiance and a moment of silence.

IN RE: ROLL CALL

The Chairman asked for the roll to be called and Mr. Simmons and Mr. McCray were not present.

IN RE: APPROVAL OF AGENDA

The Chairman asked the members if there were any corrections to the agenda. He said if there are none he would entertain a motion to accept the agenda as presented.

Mr. Tucker made a motion that the agenda be accepted as presented. It was seconded by Mr. Cunningham and with Mr. Hayes, Mr. Blaha, Mr. Cunningham, Mr. Tucker and Dr. Prosisie voting "AYE" the agenda was accepted as presented.

IN RE: MINUTES

The Chairman said we have the minutes from the March 9, 2016 regular meeting before us. He said if there are no corrections he would entertain a motion to accept the minutes as presented.

Mr. Blaha made a motion that the minutes be accepted as presented. It was seconded by Mr. Tucker and with Mr. Hayes, Mr. Tucker, Mr. Cunningham, Mr. Blaha, and Dr. Prosisie voting "AYE" the minutes were accepted as presented.

RE: CITIZEN COMMENTS

The Chairman opened the citizen comment portion of the meeting and asked if anyone had signed up or was present who wanted to speak. He said since there is no one signed up to speak he was closing the citizen comments portion of the meeting.

RE: PUBLIC HEARING

Planning Commission Staff Report

File #: P-15-3
Applicant: Buffa Enterprises, LLC and agent, Michael P. Lafayette, Esq.
Rezoning Request: Residential, Limited, R-1 to Business, General, B-2
Property Location: 25715 and 25717 Cox Rd. (Rt. 226)
Tax Map Parcel #'s: 9-37 and 9-38
Property Size: 3.51 acres
Magisterial District: Rohoic District
Planning Commission Mtg.: December 9, 2015, Amended Application April 20, 2016

CASE OVERVIEW

At the December 9, 2015 Public Hearing the rezoning request was deferred by the applicant, Buffa Enterprises, LLC, and its agent, Michael P. Lafayette, Esq., in order to allow for time for the applicant and agent to work with the adjoining property's owner and their attorney to discuss access easement issues related to the rezoning of the original rezoning request for Tax Map Parcel # 9-37. Since the December meeting, the applicant and agent have amended the original rezoning request to include the subject adjoining property, Tax Map Parcel # 9-38 to rezone with proffers property containing approximately 3.51 acres from R-1, Residential Limited to B-2, Business General. The B-2, Business General, zoning classification allows for certain commercial uses pursuant to the Zoning Ordinance allowed density.

ATTACHMENTS

- Attachment A – Amended Rezoning Application
- Attachment B – Statement of Proffers
- Attachment C – Property Location Map
- Attachment D – Temporary Power of Attorney

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding the subject property, Tax Map Parcel Nos. 9-37 and 9-38, which is currently utilized residentially, include commercial land uses to the east (Brothers restaurant, the insurance agency and additional office space), single-family residential to the south and west, and commercial land uses to the north across Cox Road. The commercial property to the north, the Cedarheart Market convenience store and restaurant, is zoned B-2, Business, General. The property to the east is also zoned B-2, Business, General R-1, Residential, Limited. The property to the south which fronts on Franklin Street is zoned R-1, Residential, Limited, and the property to the west on Cox Road is also zoned R-1, Residential, Limited.

As the subject property and surrounding property to the west, north and east fronts on the Route 226 corridor where commercial development is located, this general area is appropriate for future commercial development. As identified in the Comprehensive Land Use Plan the subject property is located within the Urban Area, which recommends commercial and service development for this general area.

The Business, General, B-2 zoning district is intended for areas within the community that are appropriately located for the conduct of general business to which the public requires direct and frequent access. Given the location of the subject property fronting on Route 226 and adjacent to the new roundabout at Cox road and Ferndale Road as well as not being far from the Route 1 and Cox Road interchange, and also being located adjacent to other existing commercial businesses and B-2 zoned property, the subject property is well suited for certain proffered general business uses.

As additional information, the original Deed to the subject property as recorded in November 1958 indicates “that said property shall be used for residential purposes only”. The County of Dinwiddie cannot enforce any Deed restrictions or covenants. Now that the applicant controls both properties, the subject property, the applicant and its agent will handle the Deed restrictions and any restrictive covenants as it pertains to utilization of the subject property.

OVERVIEW OF IMPACTS

Land Use, Public Utilities, School System, & Public Safety Impacts

The impacts related to the rezoning of the subject property are minimal given that a portion the surrounding area has already been developed commercially. There is a 50-foot landscaped buffer required by the Zoning Ordinance to buffer the residentially zoned property to the west/northwest and the Route 226 (Cox Rd.) right-of-way from the proposed parking areas and any proposed commercial building(s).

Currently, there is no impact to the public utility system and future impacts will be minimal as a proposed use will be connecting to the existing sanitary sewer and public water system.

There is no impact on the public school system with the proposed rezoning. As the Namozine Fire and EMS Station is just east of the subject property, the location of the property is well suited if there is a need to respond to public safety related calls.

Transportation Impacts

The subject property has direct and shared access to Route 226 (Cox Road). At this point with the proposed development of the subject property, VDOT has indicated that the Cox Road entrance is to be a right-in and right-out only entrance. Any additional transportation related improvements within the Route 226 right-of-way will be based on future development and will have to be designed and planned by the property owner and reviewed and approved by VDOT during the site plan review and approval process.

PROFFER STATEMENT

The applicant did submit the following proffer conditions as part of the rezoning request (please see Attachment B for the complete Proffer Statement).

Building Materials:

The exterior of any building(s) shall be constructed with a brick, vinyl, or wood front façade with the two sides being brick, stucco, vinyl or wood and the rear of the building having block, brick, metal, stucco, vinyl or wood siding. The exterior of any accessory building or structure shall be compatible in architectural style, material and color with the principal building(s).

Lighting:

Nay security, loading and parking area, signage and site lighting installed on the Property shall be directed downward and inward to the site to avoid casting lighting on the adjacent properties and into the night sky.

B-2 Use Restrictions:

The uses on the Property will be limited to Retail stores and shop, Bakeries, Restaurants, Wearing apparel stores, Drugstores, Barbershops and beauty shops, Office buildings, Churches, Libraries, Dry cleaners, Off-street parking as required by this chapter, Business signs, General advertising signs, and Location signs, Governmental offices, Veterinary hospital with a conditional use permit, Wholesale business and storage warehouse with conditional use permit, Financial institutions, Computer software development firms to exclude the manufacturing of such software, screened from view and 200 feet from the state road right of way, Day care center and Family Day care large.

Staff Recommendation:

The Planning staff has reviewed the rezoning request and is satisfied that the applicant has addressed the impacts of rezoning the subject property.

Staff recommends APPROVAL WITH PROFFERS of the request to rezone the subject property given that:

1. The zoning classification requested, B-2, Business, General with proffers is compatible with the surrounding zoning pattern and surrounding land uses;
2. The requested zoning classification with proffers conforms to those uses recommended in the Urban Area in the Comprehensive Land Use Plan for this general area.

PLANNING COMMISSION RECOMMENDATION

Since this is a zoning matter, the standard statement regarding the Planning Commission’s recommendation on this zoning matter must be read. In order to assist, staff prepared the following motion statement:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning, P-15-3 as amended, be recommended for (approval, approval with proffers, OR disapproval) as presented to the Board of Supervisors.

The Chairman asked the members if they had any questions for Mr. Bassett. He said if there are none the applicant or his agent may come forward at this time.

Mr. Michael Lafayette, 10160 Staples Mill Road, Suite 105, Glen Allen VA, who is the agent for Mr. Buffa said since the last meeting all the issues with the deed and adjoining property concerning our case before you have been resolved. We are ready to move forward and will answer any questions the Commissioners would have.

The Chairman asked the members if they had any questions for the applicant or his agent.

Mr. Cunningham asked if there are any plans for buffering his parking lot addition from the surrounding residential area.

Mr. Lafayette said yes there is, but they were going to handle that concern when they turn in their site plan paperwork.

Mr. Bassett said that the Zoning Ordinance required landscaping/buffering standards require a 25-foot buffer between the property line and any proposed development.

The Chairman opened the public hearing portion of the meeting and asked if there was anyone signed up to speak. He said since there is no one he was closing the public hearing. He said if there are no more questions from the Commissioners he would entertain a motion.

Mr. Cunningham made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning, P-15-3 as amended, be recommended for approval with proffers as presented to the Board of Supervisors. It was seconded by Mr. Blaha and with Mr. Blaha, Mr. Cunningham, Mr. Tucker, Mr. Hayes and Mr. Prosisie voting "AYE" P-15-3 was approved.

RE: PUBLIC HEARING

Planning Commission Staff Report

File: AP-16-1
Applicant/Owner: Mr. Patrick Casale
Request: Remove proffer conditions eleven (11) and twelve (12), which require a per lot contribution of \$5,629.00 adjusted annually on each January 1 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84=100) prepared by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor; amend proffer condition two (2) to reduce the pavement radius in the cul-de-sac of the main road from 45 feet to 35 feet; and by amend condition four (4) reducing the minimum number of square feet for a residence from 2,000 square feet to 1,600 square feet for a two-story residence and to 1,200 square feet for a one-story residence.
Property Address: Archangel Place, Dewitt, VA; Queen of Angels Estates
Tax Map & Parcel #: 54-30
Property Size: 54.5 acres
Existing Zoning: Residential, Rural, RR-1
Magisterial District: Darvills
Previous Cases: P-98-3 (BOS Approved Rezoning to RR-1 May 6, 1998 Queen of Angels Estates Sec. 1, Nine (9) lots); P-05-11 (BOS Approved Rezoning to RR-1 Queen of Angels March 21, 2006 Estates Sec. 2, Fifteen (15) lots)
Planning Commission Mtg.: April 20, 2016

CASE OVERVIEW

The applicant, Mr. Patrick W. Casale, is requesting to amend the original zoning proffers approved on March 21, 2006 by the Board of Supervisors as part of rezoning case P-05-11 for the development of Sec. 2 as part of Queen of Angels Estates subdivision by removing proffer conditions eleven (11) and twelve (12), which require a per lot contribution of \$5,629.00 adjusted annually on each January 1 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84=100) prepared by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor; by amending condition two (2) to reduce the pavement radius in the cul-de-sac of the main road from 45 feet to 35 feet; and by amending condition four (4) reducing the minimum number of square feet for a residence from 2,000 square feet to 1,600 square feet for a two-story residence and to 1,200 square feet for a one-story residence. Case P-05-11 rezoned with proffers approximately 54.5 acres located on the north side of Scotts Road at the terminus of Archangel Place. The original proffers allowed for 15 lots as part on said land. The property is zoned RR-1, and is further defined as Tax Map parcel 54-30. The County Comprehensive Land Use Plan places the property with the Rural Conservation Area which allows for limited residential development for this general area of the County.

INFORMATION INCLUDED

The following information is included for your review:

- Proffer Amendment Application
- Attachment A – Location Map
- Attachment B – Tentative Plan, Queen of Angels Estates Sec. 2
- Attachment C – Original Proffers, Adopted March 21, 2006
- Attachment D – Amended Proffers

BACKGROUND INFORMATION

The subject property was rezoned to Rural, Residential, RR-1, with proffers in March 2006 (please see the attached Original Proffers adopted March 21, 2006) as an extension of the existing subdivision, Queen of Angels Estates, to add fifteen (15) lots to the existing nine (9) lots that are part of Sec. 1, and it is connected to the State maintained road, Scotts Road (Route 645), by the existing subdivision road, Archangel Place. As part of the development of the subdivision, the owner/developer requested the following special exceptions related to the road pavement width: the existing pavement width for Scotts Road is eighteen (18) feet and the pavement width for Archangel Place is eighteen (18) feet. In June of 1998, the applicant requested a four (4) foot reduction in the minimum pavement width reducing the pavement width from twenty-two (22) feet to eighteen (18) feet, and the Planning Commission denied that request. The applicant appealed the decision to the Board of Supervisors and the Board did approve the applicant's request for a special exception at their July 1, 1998 Board meeting. Again in November 2006, the applicant requested a reduction in the pavement width from twenty-two (22) feet to eighteen (18) feet for the extension of Archangel Place as part of the development of Sec. 2 of the subdivision, and it was approved by the Planning Commission. At this time, Queen of Angels Estates Sec. 1 is developed and built out while Sec. 2 is in the planning phase/construction plan phase and under review by the Land Development Committee (LDC).

AMENDED PROFFERS

Cash Proffer Amendment:

The applicant has submitted Amended Proffers to amend (remove) original proffer condition eleven (11) to reduce the cash proffer from \$5,629.00 as adjusted each year for inflation to \$0.00 per lot/unit and to amend (remove) original proffer condition twelve (12) which calls for the cash proffer amount to be adjusted annually based on the previous year's Consumer Price Index (CPI). As background, in 2004, with the County's "Growth Committee" recommending amending the Zoning Ordinance to include provisions to allow for voluntary proffer conditions to include cash proffers, the Planning Commission did recommend to the Board of Supervisors that the Zoning Ordinance be amended to include the aforementioned provisions for voluntary proffer conditions. As such, in 2005, after a cash proffer study was completed by the County's consultant, Robinson, Farmer, Cox Associates, the Planning Commission recommended a cash proffer policy with a cash proffer of \$5,629.00 per residential lot/unit, and the Board of Supervisors did adopt this recommended cash proffer policy that same year. In 2008, the Board of Supervisors updated the cash proffer policy again utilizing the County's consultant, Robinson, Farmer, Cox Associates, increasing the cash proffer amount to \$9,688.00. The cash proffer policy in place at the time of the original zoning approval (BOS approved P-05-11 w/proffers on March 21, 2006) included the capital impacts on schools, government facilities and equipment, public works, public safety equipment and facilities, and parks and recreation with the recommended \$5629.00 cash proffer amount to cover the impact that a household would have on the aforementioned capital items.

The intent of the cash proffer component of the voluntary proffer conditions is intended to help with the impact of proposed residential developments on public facilities and the need for capital improvements. When the subject residential rezoning was originally considered by the Planning Commission, in addition to the non-cash proffer conditions, the cash proffer conditions were voluntarily proffered by the applicants to help to ameliorate the impacts on related public facilities and services by aiding in the funding of necessary capital improvements in the County. The subject request to remove the voluntary cash proffer amount does have an impact on the effectiveness of the proffer conditions on diminishing the overall impact of the residential development on public facilities and services. As was previously done in 2005 and 2008, the impact of residential development on public facilities and services was re-examined in the spring of 2014 utilizing the County's consultant, Robinson, Farmer, Cox Associates, to re-examine the cash proffer computations to update the Board on the recommended cash proffer amount. The "cash proffer computations" study included an updated residential cash proffer amount of \$1,953.00 per residential lot/unit.

Reduction in number of square feet for a dwelling/residence:

In addition to the request to remove the cash proffer, the proffer amendment request includes amending proffer condition four (4) reducing the minimum number of square feet for a residence from 2,000 square feet to 1,600 square feet for a two-story dwelling/residence and to 1,200 square feet for a one-story dwelling/residence.

Reducing the pavement radius in the cul-de-sac from 45 feet to 35 feet:

The other requested proffer amendment involves amending original proffer condition two (2) to reduce the pavement radius in the cul-de-sac for Archangel Place from 45 feet to 35 feet.

Planning Staff Recommendation:

The Planning staff has reviewed the requested proffer amendments (Please see Attachment D - Amended Proffers) and with the subject residential development, there are impacts and the Planning Commission ultimately must weigh those impacts against the benefits of the development. To note: at this time, Queen of Angels Estates Sec. 1 is developed and built out while Sec. 2 is in the planning phase/construction plan phase and under review by the Land Development Committee (LDC).

As with previous cash proffer amendment requests, the Planning Commission retains the ability to recommend to the Board of Supervisors to maintain the original cash proffer amount, \$5,629.00, or it may choose to recommend to the Board of Supervisors the request to remove; thus, recommending eliminating the voluntary cash proffer. An additional option includes the Planning Commission recommending that the cash proffer be reduced to \$1,953.00, which is the “2014 study” cash proffer amount.

Concerning the request for a reduction in the minimum allowable size for a dwelling/residence, in general, the residences constructed in Section One on the nine (9) lots meet or exceed 2,000 square feet minimum. The subject request to reduce the proffered minimum square footage for each dwelling/residence does change the overall character of the existing subdivision. In 2006, the rezoning of the subject property was based on the original proffers and with the minimum 2,000 square footage condition, and the square footage reduction is a substantial change.

The reduction in the pavement radius for the cul-de-sac of Archangel Place is also a substantial change in the original proffered conditions. The LDC agencies, namely VDOT and Dinwiddie County Public Safety recommend a 45-foot pavement radius for the subject cul-de-sac as part of the extension of Archangel Place to serve Section Two. Fire Code indicates a 96-foot pavement width for the subject cul-de-sac and VDOT standards indicate a 45-foot paved radius for the cul-de-sac. Given that the ultimate number of lots in the subdivision is 24 lots and given the length of the fully developed subdivision road, the original proffered 45-foot pavement radius for the cul-de-sac is appropriate for public safety and school bus access and other service delivery vehicles to the subdivision.

PLANNING COMMISSION RECOMMENDATION

Since this is a zoning proffer amendment request, the standard statement regarding the Planning Commission’s recommendation on this matter must be read. In order to assist, a motion statement is attached and reads as follows:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice the Amended Proffers as part of proffer amendment request, AP-16-1, as amended from those certain proffers made as part of rezoning request, P-05-11, approved on March 21, 2006, which proffers were recorded on September 6, 2006 and duly recorded as instrument number 060004358 at the Clerk’s Office of the Circuit Court of Dinwiddie County, Virginia, are recommended for (approval or disapproval) to the Board of Supervisors which will consider the case pursuant to Section 15.2-2302 of the Code of Virginia, 1950, as amended.

The Chairman asked the members if they had any questions for Mr. Bassett.

Mr. Tucker asked if the area was in the Route 1 overlay district.

Mr. Bassett said it is not.

Mr. Prosis asked for the results of the last four Amendment to Proffers cases. He also asked how many units or lots still remain in the Queen of Angels subdivision where homes can be built on them.

Mr. Bassett said the proffer amendments for Fort Dushane, Cedar Ridge and Turkey Run were approved and the proffer amendment for Chesdin Point was denied and there are fifteen building lots remaining if Queen of Angels Section 2 was developed.

The Chairman said if there are no more questions for Mr. Bassett, the applicant could come forward and add anything if he so chooses.

Patrick Casale – 19862 Archangel Place, Dewitt VA came forward and gave a history on what was said and shared with him by Guy Scheid (former Planning Director) and Debbie Williams (former VDOT Land Use Engineer for Dinwiddie) before Mr. Bassett became the new Planning Director. For the pavement radius of the cul-de-sac he noted that with the total number of homes that are planned in the subdivision a 35-foot paved radius cul-de-sac is appropriate and acceptable. He also added that there is statistical data to support his request for a 1,200 square foot single story residence and 1,600 square feet two-story residence. According to information provided to him by Timmons Group, the average incomes in Dinwiddie County support houses in the square footage range that he is proposing.

The Chairman asked the members if they had any questions for the applicant.

Mr. Blaha asked Mr. Bassett how many houses have been built in this subdivision that required a cash proffer.

Mr. Bassett said none. The cash proffer only applies to the fifteen lots proposed as part of Section 2 of the subdivision which has not been constructed.

Mr. Cunningham said he is in agreement with having no cash proffer as part of the development of Section 2. He said he is not in agreement with a reduction in the cul-de-sac pavement radius because VDOT and Public Safety both say the 45-foot pavement radius is best. He also added that the size of the homes needs to remain at the original 2,000 square feet for both two story and single story homes.

Mr. Tucker asked Mr. Casale where he got his statistical number on incomes supporting a certain size residence from, because we do not have them in our packet.

Mr. Casale said he paid for a study done by Timmons Group, and it is not included in the packet.

Mr. Prorise asked Mr. Casale if the subdivision turned out the way he envisioned it.

Mr. Casale said yes.

Mr. Hayes said he voted against this phase of the subdivision, Queen of Angels Section 2, when it was requested ten years ago, because I didn't and still don't believe the area is suited for a residential subdivision. He said that the pavement radius for the cul-de-sac should be the higher number, 45 feet radius, as it is in keeping with the surrounding areas, and to be consistent with the other developers the cash proffer amount should be \$1,953.00, which is what they proffered. As to the size of the houses, it should be equal or greater to the smallest house you already have in place in Section 1.

Mr. Prorise said \$1,953.00 should be the amended cash proffer amount. He said he is not in support of a reduction in the square footage for a two-story residence and one-story residence, and the cul-de-sac should be the higher pavement radius number.

Mr. Blaha said he is in agreement with what Dr. Prorise said.

The Chairman opened the public hearing portion of the meeting and asked if there was anyone signed up to speak. He said since there is no one he was closing the public hearing. He said if there are no more questions from the Commissioners he would entertain a motion.

Mr. Tucker made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice the Amended Proffers as part of proffer amendment request, AP-16-1, as amended from those certain proffers made as part of rezoning request, P-05-11, approved on March 21, 2006, which proffers were recorded on September 6, 2006 and duly recorded as instrument number 060004358 at the Clerk's Office of the Circuit Court of Dinwiddie County, Virginia, are recommended for disapproval to the Board of Supervisors which will consider the case pursuant to Section 15.2-2302 of the Code of Virginia, 1950, as amended. It was seconded by Mr. Cunningham and with Mr. Cunningham, Mr. Tucker, Mr. Hayes, Mr. Blaha and Dr. Prosisie voting "AYE" the Amendment to Proffers was disapproved to the Board of Supervisors.

CLOSED SESSION

Mr. Southall said there is a need to go into closed session under:

2.2-3711 (A) (3) Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body:

- Acquisition of specific land for economic development

2.2-3711 (A) (5) Discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community:

- Regarding a prospective business or industry where no previous announcement has been made

Mr. Blaha made a motion to go into closed session. It was seconded by Mr. Tucker and with Mr. Hayes, Mr. Tucker, Mr. Cunningham, Mr. Blaha, and Dr. Prosisie voting "AYE" they went into close session.

COMING OUT OF CLOSED SESSION

Mr. Southall said he needs a motion to come out of closed session and reconvene into Open Session:

Mr. Tucker made a motion to come out of closed session and reconvene into open session. It was seconded by Mr. Cunningham and with Mr. Hayes, Mr. Tucker, Mr. Cunningham, Mr. Blaha, and Dr. Prosisie voting "AYE" the Planning Commissioners reconvened.

CERTIFICATION AND MOTION TO ADOPT CERTIFICATION RESOLUTION

Mr. Southall said whereas, the industrial Development Authority convened in a closed meeting under section

2.2-3711 (A) (3) Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body:

- Acquisition of specific land for economic development

2.2-3711 (A) (5) Discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community:

- Regarding a prospective business or industry where no previous announcement has been made

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or of the matters identified in the motion discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Mr. Blaha made a motion to adopt. It was seconded by Mr. Tucker and with Mr. Blaha, Mr. Cunningham, Mr. Tucker, Mr. Hayes and Dr. Prosise voting "AYE" the certification was adopted.

IN RE: COMMISSIONERS' COMMENTS

No Commissioner had any comments.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett said Mr. Moody asked that the Planning Commission look into rezoning a portion of his district north of Namozine Road up to Sutherland Road from R-R to A-2. The Planning Commission told Mr. Bassett to move forward with initiating the rezoning process for this area.

IN RE: ADJOURNMENT

The Chairman said since there are no additional comments and no further business he would entertain a motion to adjourn the meeting. Mr. Blaha made a motion and Mr. Tucker seconded it and with all other members voting "Aye" the meeting adjourned at 8:33 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____