



PLANNING COMMISSION REGULAR MEETING

Tuesday, December 20, 2022 at 7:00 PM

MINUTES

CALL TO ORDER AND ESTABLISHMENT OF A QUORUM.

Chairwoman Susan Helander called the meeting to order at 7:00 p.m.

PRESENT

Chairwoman Susan Helander
Vice Chair James Lawrence

Mr. Ryan Stewart
Mr. Steve Ainsworth
Mr. Ali Zarabi

ABSENT

None

ADOPTION OF MINUTES.

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1. November 15, 2022 Regular Meeting Minutes

Ms. Helander motions to approve.

Mr. Ryan Stewart moved to approve the minutes and Mr. Ali Zarabi seconded. All were in favor, I name correction, vote was unanimous.

PRESENT

Chairwoman Susan Helander
Vice Chair James Lawrence

Mr. Ryan Stewart
Mr. Steve Ainsworth
Mr. Ali Zarabi

ABSENT

None

2. November 22, 2022 Regular Meeting Minutes

Chairwomen Helander motions to approve.

Mr. Ryan Steward moved to approve the minutes and Mr. Ali Zarabi seconded. All were in favor, no discussion, vote was unanimous.

PRESENT

Chairwoman Susan Helander

Vice Chair James Lawrence

Mr. Ryan Stewart

Mr. Steve Ainsworth

Mr. Ali Zarabi

ABSENT

None

HEARING OF PUBLIC HEARING ITEMS.

Chairwomen Helander opens the Public Hearings 7:04 pm

Ms. Helander explains this is to continue and reconvene November 15th, 2022, and November 22nd, 2022, Special Use Permit SUP 2022-03 Planning Commission Public Hearings.

Ms. Helander explains the Planning Commission received and reviewed all the public comments received by noon today.

Ms. Helander explains the order of the meeting.

Mr. Ali Zarabi comments on concerns regarding the order of procedure.

Mr. Zarabi explains the Planning Commission, Town Staff and Applicant should present. Then to the public once they have received all of the data.

Ms. Helander explains we agreed to wave that before we started the public hearing on this process to allow us to hear from the Applicant and Staff before the public hearing.

Mr. Zarabi asks if the request is reasonable.

Mr. Steve Ainsworth explains the Applicant gave a presentation, then the Public Hearing. The Town at the end will give their assessment. This is a continuation and I agree with Chairwomen's approach.

Vice Chair James Lawrence explains he would like to hear from the Applicant.

Ms. Denies Harris Planning Manager suggests the Planning Commission discuss this with Town Attorney Mr. Martin Crime, Esq.

Mr. Martin Crime, Esq. explains his recommendations and states the Planning Commission is in charge of its own agenda. You have opened the public hearing and that is what is on the agenda right now.

Mr. Lawrence states it is wise for the Applicant to provide information at this time and then we can continue with the Public Hearing.

Mr. Martin Crime, Esq. states to Ms. Helander, it is entirely up to the Planning Commission.

Mr. Ryan Stewart comments there is merit on the Applicant providing an update.

Mr. Zarabi explains it is about Evaluation, Clarity, and time to review the process and documents.

Mr. Lawrence states to move forward in two parts and based on their last vote, requesting more information. To then hear from the Applicant and then the Public and Town staff.

Mr. James Lawrence motions to hear from the Applicant Mr. Ali Zarabi Seconds.

3. **SUP 2022-03 Amazon Data Center** - This is a continuance of the November 15, 2022 and November 22, 2022 Planning Commission Public Hearings. The Applicant is requesting a Special Use Permit for a 220,200 square foot data center on Industrial zoned property designated in the New Town Character District on the Future Land Use Map located off Blackwell Road and Lee Highway. Previously there were two work sessions held by the Planning Commission. GPIN 6984-69-2419-000.

Ms. Jessica Pfeiffer Land Planner of Walsh, Colucci, Lubeley & Walsh presents an overview of Special Use Permit SUP 2022-03 for a 220,200 square foot Amazon Data Center.

Ms. Pfeiffer introduces Mr. John Wright, Civil Engineer with Bohler Engineering.

Ms. Pfeiffer states an Amazon Representative did travel to Virginia for this hearing and fell ill when getting off the plane.

Ms. Pfeiffer provides an update on the Public Process, Timeline and Special Use Permit.

Ms. Pfeiffer states the Land Development Application, Land Use-Application Affidavit, Noise Study, Power, Tree Removal Survey, and the Visual Elevation from Lee Highway and explains how these items have been met or addressed.

Mr. Ainsworth asks Ms. Pfeiffer why the “owner section” is blank on the Land Use Application Affidavit.

Ms. Pfeiffer explains it is filled in on the actual form submitted to the Town. I did not scan that one. The one on file does have the name.

Mr. Lawrence asks Elevation questions.

Mr. Wright, of Bohler Engineering explains the Elevations and Options.

Mr. Ryan Stewart asks if the height of the building considers the equipment on the top.

Ms. Pfeiffer explains it does not.

Mr. Stewart asks was there an effort made to meet the threshold is 37 Feet a standard design.

Ms. Pfeiffer explains we did not get pushback in the proposed height, so we have not evaluated lowering it.

Ms. Helander invites Ms. Denise Harris Planning Manager to Present.

Ms. Denise Harris presents on the Amazon Data Center Special Use Permit SUP 2022-03.

Ms. Harris presents with explanations the Amazon Data Center Zoned Industrial Proposal, Adjacent Uses, History of the Site, Zoning Ordinance, Industrial By-Right Uses, Comprehensive Plan, SUP Plan, Elevations, Transportation and Public Utilities, Waivers and Modifications, Planning Commission, Draft Conditions of Approval, Noise and lighting Employment Opportunities and Programs for Local Schools: K-12/LRCC.

Mr. Rob Walton Director of Community Development presents the Zoning Ordinance Enforcement process for Special Use Permit SUP 2022-03 for a 220,200 square foot Amazon Data Center.

Mr. Walton explains the Applicant asked how many Correction Factors would be accounted for the use.

Mr. Walton explains staff determined there were three Correction Factors, Adjacency, Height, Operation hours and Decibel Correction factors.

Mr. Walton explains Staff did issue the Zoning Determination on the noise. Staff did use the Zoning Ordinance and ANCI standards were used.

Mr. Walton explains the applicant would need to lower the noise by 15 Decimals.

Mr. Ainsworth asks on which of two tables, readings would be taken from, was it essentially the residential table, and one was the non-residential table.

Mr. Walton explains part of the determination, would be to use the far-right column, which is Non-Residential uses.

Mr. Ainsworth asks why not the residential table.

Mr. Walton explains because this is a Non-Residential Use, but factors consider residential uses that are across the street or directly adjacent to the subject property.

Mr. Ainsworth asks will the town use a third-party to measure these volumes.

Mr. Walton explains the Town's intention is to use someone other than the Applicant's Representative.

Mr. Ainsworth asks I'm just curious why it wasn't forwarded to the planning commission until this afternoon.

Mr. Walton explains I copied Ms. Harris on the email for Ms. Harris to share as she felt necessary.

Mr. Walton explains I sent it to our Town Attorney the Applicant and then distributed it to the Planning Commission and to the local newspaper.

Mr. Zarabi asks did you all do this Evaluation and Response to the Applicant internally.

Mr. Walton explains we did not coordinate with the Applicant putting this determination together.

Ms. Susan Helander calls the Public Hearing for Special Use Permit SUP 2022-03 for a 220,200 square foot Amazon Data Center to order at 7:23 P.M.

Legal First & Last name	Opposed/In Favor	Organization Name	Resident
Melissa Wiedenfeld	Opposed	No	Yes
Charlotte Fredericks	Opposed	No	Yes
Erin O'Donnell	Opposed	No	Yes
Geoffrey Grambo	Opposed	No	Yes
Rebecca Cross	Opposed	No	Yes
Michael Cross	Opposed	No	Yes
Elizabeth Tessandori	Opposed	No	Yes
Lee Owsley	Opposed	No	Yes
Frank Micahel Kokoszka	Opposed	No Highland Commons HOA	Yes
Eric Gagnon	Opposed	No	Yes
Christina Gagnon	Opposed	No	Yes
Richard Kiester	Opposed	No	Yes
Stephen Byfield	Opposed	No	Yes
Waldo Ward	Opposed	No	Yes
Rosanne L Woodroof	Opposed	No	No
Cheryl Duwe	Opposed	No	No
Ann Vawter Kehoe	Opposed	No	No
Sandra sites	Opposed	No	No
Dale Sites	Opposed	No	No

Mary Page	Opposed	No	No
Kevin Ramundo	Opposed	No	No
Florence Keenan	Opposed	No	No
Susan Russell	Opposed	No	No
Fred M. Smith	Opposed	No	No
David Winn	Opposed	No Waterloo North HOA	No
Jared Nieters	Opposed	No	No
Jesse Straight	Opposed	No	No
Laura Hettinger	Opposed	No	No
James L. Spencer	IN FAVOR	YES UV Local 5 Plumbers	No
John Benedict	Opposed	No	No
David Winn	Opposed	No	No
Sally Lahm	Opposed	No	No
Gislayne Pincosy	Opposed	No	No
Mike Fox	Opposed	No	No
Pat Kane	Opposed	No	No
Carol Collins	Opposed	No	No
Julianne Sonnenburg	Opposed	No	No
Jennifer Doris	Opposed	No	No
J. Bert Harris	Opposed	No	No
Jean Boenish	Opposed	No	No
Ike Rose	Opposed	No	No

This Public Hearing was adjourned at 9:42 p.m.

Ms. Helander motions to a No Vote to Town Council for SUP 2022-03 for a 220,200 square foot Amazon Data Center. If you are voting in support of my motion, you would be voting Ayes if you are not in favor to a No Vote you would vote Nay.

Ms. Harris states to Ms. Helander to please re-state the motion.

Mr. Johnson explains this motion to recommend denial to the town council for SUP 2022-03 for a 220,200 square foot Amazon Data Center application, due to the lack of information around Sound, Power, Tax Justification, the town's Scenic Gateway. Its compliance with the Comprehensive Plan. Issues with the view Shared Power needs and a lack of a plan around the Decommissioning of the buildings.

Ms. Helander explains it is Three Ayes, One abstention and One Nay. We make a recommendation to council whether it is a Yes or no vote, it is still a recommendation..

Ms. Helander states I will call a Roll Call Vote, A No Vote.

Roll call vote a No Vote,

*Ayes: Ms. Susan Helander, Chair; Mr. James Lawrence, Vice Chair;
Mr. Ryan Stewart.*

Nays: Mr. Steven Ainsworth.

Absent During Vote: None

Abstention: Mr. Ali Zarabi

Ms. Helander explains it is Three Ayes, One abstention and One Nay. We make a recommendation to council whether it is a Yes or no vote, it is still a recommendation..

COMMENTS FROM THE COMMISSION.

Mr. Ainsworth thanked Ms. Helander and Mr. Zarabi for their Service.

COMMENTS FROM THE STAFF.

Ms. Harris explains in January the Planning Commission will have an organizational meeting. organization meeting to vote in a new Chair and Vice chair. The agenda has not yet been set.

ADJOURN.

Ms. Helander with no further business this meeting was adjourned at 10:19 P.M.