

STAFFORD COUNTY PLANNING COMMISSION

July 27, 2022

The meeting of the Stafford County Planning Commission of Wednesday, July 27, 2022, was called to order at 6:00 PM by Chairman Kristen Barnes, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Kristen Barnes, Albert Bain, Dexter Cummings, Steven Apicella, Martin Martinez, Laura Sellers, Willie Shelton, Jr.

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Amy Taylor, Mike Zuraf

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Do we have any declarations of disqualifications? Okay, hearing none, any changes to the agenda? Okay, hearing none, we will go ahead and move on to the next item on our agenda, the Public Presentations. I will now open the Public Presentations portion of today's meeting. The public may have up to three minutes to comment on any matter except for those items which appear as public hearings on today's agenda. So if you were here to speak about Black Rifle, Venture, or the kennel ordinance, please wait until that public hearing comes before the Commission. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there is one minute left, and red means your time is up. If you would like to speak, please come forward. And seeing no one, I will close the Public Presentations and we will move on to the next agenda item. And for that we will go to number one, Black Rifle Coffee Company, and we will recognize Ms. Amy Taylor.

PUBLIC PRESENTATIONS

NONE

PUBLIC HEARINGS

1. **CUP22154337; Conditional Use Permit – Black Rifle Coffee Company** - A request for a conditional use permit (CUP) to allow a drive-through facility within the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts on Tax Map Parcel Nos. 44-141 and 44-142C (Property). The Property consists of 1.46 acres, located on the south side of Warrenton Road and approximately 150 feet west of the intersection with McLane Drive, within the Hartwood Election District. **(Time Limit: November 4, 2022)**

Ms. Taylor: Good evening Madam Chair and members of the Commission. My name is Amy Taylor and I am here tonight to present item number 1 on tonight's agenda, which is a CUP, Conditional Use Permit, for Black Rifle Coffee Company. The request is for a conditional use permit to allow a drive-through facility within the B-2, Urban Commercial, and Highway Corridor Overlay Districts. This application affects Tax Map Parcel Numbers 44-141 and 44-142C. Those properties are located in the George Washington District. The applicant and the owner of the property is Victor Alpha Associates III, LLC. And Charlie Payne with Hirschler is the applicant's agent and primary contact and will be representing the applicant at this hearing. The site is located on the south side of Warrenton Road approximately 150 feet west of the intersection with McLean Drive and is shown here as outlined in blue. The property is zoned B-2, which is Urban Commercial zoning district, and is located entirely within the Highway Corridor Overlay District. And as shown, the property consists of two parcels; Tax

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Map 44-141 which is approximately one acre and 44-142C which is a little less than a half-acre. Total combined acreage for both parcels is 1.408 acres. This property is not subject to any existing proffers and both parcels have been zoned B-2 since before 1978. And the surrounding zoning districts are B-2 on all sides with some R-1, A-1, and M-1 within the vicinity. The GDP depicts the layout of the proposed restaurant with a single drive-through lane. The building will be one story with a gross floor area of 2,617 square feet, and the drive-through will be oriented perpendicular to Warrenton Road. No direct access to Warrenton Road is proposed, and access to the site will be provided via an existing shared entrance with the Sleep Inn Motel to the west, which is shown here in yellow. The site will also provide two new full access entrances from the Sleep Inn property as shown in green. And vehicles will enter the drive-through on the south side of the building and circle around the building... excuse me, circle around the building in a counterclockwise motion is shown in the... with the hatched blue line. Total stacking length from the pickup window to the beginning of the drive-through lane is approximately 270 feet, which exceeds minimum stacking requirements of 150 feet. Drive aisles and primary parking areas are located on the north and west of the building, and additional parking is located in the rear. And two-way traffic is permitted in all areas. Due to the narrow nature of the site, a drive-through bypass lane was unable to be accommodated. However, the proposed layout does provide for an emergency access lane prior to the menu board and ordering location, which will allow vehicles to exit the drive-through lane directly to the rear parking area. That emergency exit lane is shown here in orange. The loading space and dumpster enclosure are proposed near the rear of the building, both of which will be screened from view of Warrenton Road as required by Highway Corridor development standards. And sidewalk currently exists along the site frontage and the applicant will be providing a connection from the restaurant to the existing sidewalk along Warrenton Road. As required by the Zoning Ordinance, a landscape street buffer is also proposed along Warrenton Road, and parking lot perimeter landscaping is also required along the 7-space bay on the western side of the site. But the location of the required planting area is encumbered with an existing sanitary sewer easement which will impact the applicant's ability to provide the required plantings. The location of that sanitary sewer easement is shown here, including the impacted area... the impacted planting area which is shown in red. A Departure from Design Standards for Landscaping will be required from the Planning Commission in the future in order to deviate from the minimum planting requirements. And the applicant has indicated that they will pursue that departure at the time of site plan submission. Due to the location of the loading space, a truck access exhibit was provided which demonstrates access for larger delivery vehicles, as shown in red on the left portion of the screen. Delivery trucks will enter through the northern entrance and will access the loading space via a backing movement. Once deliveries are complete, trucks will exit through the southern entrance as shown here in green on the right side. As shown, the turn movements will encroach the opposing travel lanes when both entering and exiting the site. However, the applicant has indicated that the use of smaller 30-foot trucks is anticipated and the typical delivery hour is 5:00 AM, which is outside the typical peak morning business hours of 7:00 to 9:00 AM for this type of use. As concerns have been expressed regarding the adequacy of truck access during deliveries and the potential to impede customer access to the site, a proposed condition has been established to prohibit use of larger trucks and tractor-trailers for deliveries. On another note, current trip generation rates indicate that this use will generate approximately 1,398 trips per day, and uses that generate 1,000 or more are typically required to provide a formal traffic impact analysis per county code requirements. However, VDOT reviews all TIAs under their guidelines which permit the use of various trip adjustment factors such as internal capture and pass-by allowances. And to clarify, a pass-by allowance essentially accounts for the number of trips or vehicles already traveling along the adjacent roadway or highway, which may access the site, as opposed to brand new trips that are going to be generated solely by the proposed use. In this case, the applicant has estimated a 90% pass-by allowance which has reduced the new net trips for this project to approximately 140 vehicles per day. Based on this information, VDOT staff indicated that a full TIA was not necessary as the impact to the current level of service along this portion of

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Warrenton Road was imperceptible. Due to the property's location within the Highway Corridor Overlay District, the building must conform to the architectural design standards... excuse me, to the architectural standards in the Neighborhood Development Standards or the NDS Plan. Review of these standards typically occurs prior to building permit approval. This is an architectural rendering of the proposed building design. And while the architectural renderings provided do not identify specific building materials, staff feels that some of the design features of the proposed building do conform to some of the architectural guidelines of the NDS Plan, which include: a flat roof that incorporates the use of parapet walls and cornices; continuous parapet walls that vary in height for visual interest; primary entrances that include architectural features such as recesses, awnings, and outdoor patios; a façade that includes a combination of primary and accent materials; and primary colors that are low reflectance subtle with neutral or earth-tone colors. As noted previously, the property consists of two parcels, both of which are currently developed with existing structures. Tax Map Parcel 44-141 has an existing paved parking area and a commercial building, which is the location of the former Ponderosa Steakhouse restaurant. This parcel also has a paved parking area along the western property line which provides a dedicated... excuse me, which provides dedicated parking for the Sleep Inn Motel in accordance with a recorded parking agreement. Tax Map Parcel 44-142C is the smaller of the two parcels and has an existing residential structure, and unfortunately that structure is obscured with the label for the site. Site topography for both parcels is generally level and a small wooded area in the southern portion of the property. And there are no environmentally sensitive features or resources present. Tax Map Parcel 44-141 has frontage on Warrenton Road, and access to the site is provided via a shared entrance and existing access located along the Sleep Inn... excuse me, an existing access easement located on the Sleep Inn parcel to the west. There's also existing sidewalk along the site's frontage on Warrenton Road. Existing uses abutting this property include two restaurants to the north, one with a drive-through and one without, a motel to the south and west, and a restaurant with a drive-through to the east. This is a street view of the property from Warrenton Road at the location of the shared entrance with the Sleep Inn Motel. The Comprehensive Plan identifies the property as being in the Berea Targeted Development Area or TDA3. And the more detailed land use concept for the Berea Targeted Development Area designates this property for highway commercial and targeted development areas of the... excuse me, targeted development areas are areas of the County where significant amount of development or redevelopment is expected to occur. And the areas identified as highway commercial are intended to encourage highway commercial oriented uses such as gas stations, fast food restaurants, hotels, and other similar retail uses in areas closest to the I-95 interchange and along the main corridor highway. Infill development and reuse of underdeveloped existing commercial sites is encouraged in these areas. And site design criteria for commercial development along major roadways include the use of shared entrances, inter-parcel access connections, sidewalks, and street buffers. Staff notes that the proposed drive-through use is consistent with the Comp Plan recommendations for the Berea Targeted Development Area and Highway Commercial Land Use Concept, and is also consistent with the established development pattern along Warrenton Road and other highway commercial oriented uses adjacent to the site.

Ms. Sellers: Madam Chairman, I have a question.

Ms. Barnes: Go ahead.

Ms. Sellers: Can you go back to that picture? Is there... is there a reason we're not requiring a shared access with I think it's Hardee's to the, going towards the highway?

Ms. Taylor: During the review process we did encourage them to seek inter-parcel access to the Hardee's next door for greater access to the signal. The applicant did indicate during that process that they had reached out but were not getting, you know, much response from Hardee's in order to achieve another

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access there. However, the site does meet the Highway Corridor Overlay Development Standards in that they already have a shared access with the abutting parcel for the Sleep Inn next door. These are a few of the following conditions proposed which will help offset any potential negative impacts which would require the site development to be in general conformance with the GDP; prohibit any new entrances onto Warrenton Road; require a sidewalk connection from the building to Warrenton Road; require a landscape berm along Warrenton Road to screen headlight glare from the drive-through lane; require building construction to conform to the style depicted on the architectural renderings; and façade materials to comply with the Neighborhood Design Standards Plan which will specifically prohibit the use of EIFS, corrugated, or channeled metal or simulated masonry. Business hours will be limited from 5:00 AM to 9:00 PM seven days a week, and it will also prohibit the use of larger trucks or tractor-trailers for deliveries. In addition, these conditions were just modified this afternoon. So the applicant may wish to address some of those proposed changes.

Ms. Sellers: I have a question.

Ms. Barnes: Go ahead.

Ms. Sellers: Is there a reason for 5:00 AM? I mean, you got commuters, you have a lot of commuters off of the 17 corridor.

Ms. Taylor: Their application also indicated that their, their business hours were 5:00 AM to 9:00. So...

Ms. Sellers: Oh, so they're not targeting the commuters.

Ms. Taylor: I would have to defer to the applicant for that.

Ms. Sellers: I'll ask them.

Ms. Taylor: Positive features or aspects of this application are that the proposed use is generally consistent with land use recommendations in the Comp Plan. It is consistent with the established highway commercial oriented development pattern along Warrenton Road. The proposed building design incorporates some of the recommendations from the Neighborhood Design Standards Plan. The proposed use is appropriately sited to minimize impacts to Warrenton Road, which is the corridor highway in this case. And the proposed conditions will help mitigate any potential negative impacts. Additionally, staff was unable to identify any apparent negative impacts with this application. Staff recommends approval of the application CUP22154337, with conditions, pursuant to resolution R22-189. And that concludes my presentation.

Ms. Barnes: Okay, questions for staff?

Mr. Bain: Yes, please.

Ms. Barnes: Mr. Bain?

Mr. Bain: Could you go back to the GDP for me? Okay. The parking that is actually shared with the motel, the Sleep Inn. Can you sort of highlight that on your drawing? If those pens will work tonight.

Ms. Taylor: Let's see if we can get it to work today.

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Mr. Bain: I messed you up, sorry.

Ms. Taylor: Okay, let's see if we can we can manage this here. The shared parking with the Sleep Inn Motel is located in this general area.

Mr. Bain: Right, yeah. When I visited the site, I observed that that pavement was not falling apart, but in generally unsatisfactory condition. That's why I recommended adding a condition to repave it. But also, I saw that there was debris accumulated along the curb line, if you will, which is adjacent to the where the coffee shop will be. I'm wondering who is responsible for maintaining that area, for cleaning it and things. I don't know if it's going to be Black Rifle, or if it's going to be the hotel, but I think we need to get that clarified.

Ms. Taylor: Okay.

Mr. Bain: And add it as a condition if necessary.

Ms. Taylor: Commissioner Bain, that condition was added this afternoon. I believe amended copies of the proposed resolution were provided to you all at the beginning of this meeting. That condition has been included, but I would have to defer to the applicant regarding responsibility regarding maintenance in that particular area being that there is an access easement... not an access easement but an agreement in place for the use of that parking.

Mr. Bain: Yeah. I assume sleep in has a contractor that will come and, you know, run that little sweeping machine so. As long as they would do that area, that's fine, but it looked to me like it had been ignored for a while. So I'd like to make sure that that gets attended to one way or the other. Okay. Also, I had one other thing. Just again, this is probably for the applicant to confirm that the two separate parcels will be combined into a single parcel as part of this application.

Ms. Taylor: That is correct, Commissioner Bain. They are not proposing... so with this particular application, but that would be required as part of the site plan process for those two parcels to be consolidated.

Mr. Bain: Okay, good. Let's see. They had said delivery trucks would generally come at 5:00 AM. Could they come anytime during the day?

Ms. Taylor: I believe so. But again, I would have to defer to the applicant regarding alternate delivery times outside of the 5:00 AM indicated in their application.

Mr. Bain: Okay. All right. Most of my questions were for them. Sorry. Okay.

Ms. Barnes: Any other questions for staff?

Mr. Apicella: Madam Chairman?

Ms. Barnes: Go ahead Mr. Apicella.

Mr. Apicella: Just a quick question. Do we know how long that Ponderosa has been vacant?

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Ms. Taylor: Staff is unclear on how long the building has been vacant. I know that it has been quite a while.

Mr. Apicella: It's got to be at least 15 plus years.

Mr. Bain: Yeah, yeah.

Mr. Apicella: Okay, thanks.

Ms. Barnes: Any other questions? I have a quick question. And it may be once again for the applicant instead. That small little residential house that's behind the Ponderosa, do we know if that's occupied? Is there somebody living there?

Mr. Bain: No.

Ms. Taylor: That information was not provided to staff as part of the application process, so that is also unclear. We'd have to defer to the applicant.

Ms. Barnes: Okay. I thought as much.

Mr. Bain: I'll comment, when I drove by there, there was a sign on the building indicating that it was like a small office for some other company. I don't, I don't remember who it was. But that's all.

Ms. Barnes: Okay, looks like we've got everybody there. Okay, would the applicant like to come up and for his presentation?

Mr. Payne: I don't think I've ever had to do this (*raising the podium*). Thank you, Madam Chair, other members of the Planning Commission. My name is Charlie Payne, I represent the applicant. The applicant's representative is here as well if you have any questions that I can't answer; hopefully I can do that. Thank you, Amy, for your presentation. I think she covered most of the bases on this application. And I do have a PowerPoint as well. And I will try to be quick because I heard someone said you want to get out of here early so. [*Laughter*]

Ms. Barnes: Always.

Mr. Payne: Just real quick, just some background on the applicant. This would be the first franchise or their new, one of their new locations would be here in Stafford County. We don't have one. There's not one of the entire region. So we'll be very fortunate to have it. Can everybody hear me? Okay. We'd be very fortunate to be able to track them. They're a very up and coming business, very popular, and veteran owned. So they were founded in 2014. And as I noted, they're a veteran company. There's over 2,100 Black Rifle Coffee dealers nationwide in 14 countries. I didn't certainly mean location, but dealers. There's 20 existing brick and mortar store locations. So we will be the 21st I believe. And the ultimate goal is hiring 10,000 veterans and first responders in the communities in which they operate. As staff had noted, there's two parcels involved at site plan stage. We will be proposing obviously to vacate boundary lines and combine it into one parcel. I think that's also a condition. I think that we also show that in our GDP. The conditional use permit requested development of the redevelopment of the Ponderosa site. That site, I don't know how long it's been vacant, but that site's been zoned B-2 since 1978. It will be a coffee shop and café, something that I know our Economic Development Department and Stafford County Economic Development Authority has been trying to encourage new, not

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necessarily the same 'ol restaurants along 17. I think this will be a great addition. It includes a little over 1.4 acres. Staff did a very good job of noting the location. And it is located within your Urban Services Area and your TDA, Berea TDA development area, which encourages this use. Here's the GDP that staff had noted. Obviously, we have a shared entrance with the Sleep Inn, which is next door and we'll get into a little bit on the shared parking because remember, we're not using that parking that is exclusive to the hotel. So I want to talk a little bit about that condition because I'd hate to get pinged for a CO, inability to get a CO or something else because Sleep Inn isn't fulfilling its obligations. And remember, that's a private easement agreement that would require enforcement by us. But we'll talk a little bit more about that. Obviously, the site's a little bit over 2,600 square feet. It will have a drive-through and we'll talk a little bit about the hours, as well, as a good point was raised earlier about how early we're open. I think there's, there's like 270 feet of stacking space here; only 150 is required under your ordinance. I think there's plenty of stacking space. And a lot of our traffic is going to be passerby traffic, folks who are already on the road, which is why the TIA was not required for this. a full-fledged TIA. Here's the elevations that was also presented by staff, I think a very attractive use. And we will be in conformance with your Neighborhood Design Standards, including materials. And I'm happy to answer any questions you have. I know there were several questions, and I'm going to get to those real quick. Where did my notes go, here we go. And I also want to talk a little bit about the conditions, especially the newer conditions that were presented today. Sorry. So in regards to the condition regarding street view, I'm sorry, the view of the waste facility, please note that the waste facility will be behind the building. So I think what staff was meaning is view from the street. I just want to make sure that's clear, as I hate to have somebody that's behind us somewhere say, oh my gosh, I can see your trash facility. So I just want to make sure that's clear. And that was number 7, I believe, of your conditions. Number 8, Ms. Sellers, thank you for your comment. I don't think we're opposed to being open at 4:00. If we can find employees who will show up at 4 o'clock. I think that's the challenge. But this is their operational model at 5:00 AM to 9:00. We're certainly... if, if the availability to be open at 4:00 is fine, we'll take it, but it's going to be difficult to find employees who will be willing to start making coffee at 4 o'clock.

Ms. Sellers: You don't have an automatic button like my coffee machine does?

Mr. Payne: *[Laughter]* Let's see. Number 9, we had a question about in regards to razing the house, the plan is to raze the house. By the way, there is a tenant in there who has been evicted; we're waiting for that tenant to leave. And after that tenant leaves, there'll be nobody residing there. And we are going to raze the building, the house, of course. I'm sorry?

Ms. Sellers: *Inaudible, microphone not on.*

Mr. Payne: Raze, yeah, we're gonna raze it. So... you messed up my train of thought now. I don't know where I was gonna go with that.

Ms. Barnes: The tenant in the house there.

Mr. Payne: The tenants out, yeah. Oh! The time period. Having the time period be pretty much limited to one year after approval, we ask that that be 18 months. Site plan, you know, we have to go through a site plan process, we got to get our permits in place, it's going to take, I think it may take a little bit longer than 12 months is our concern. So if we can get 18 we appreciate that change. I don't know if staff is... has any heartburn on that. The box truck language is fine. You know, not having tractor trailers in there is not an issue. We would ask that that be modified, and I sent Amy this, this earlier today. And Ms. Barnes, I think I copied you as well on that email. Limiting the truck size to 30 feet is a little tough.

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Most of those trucks, we talked to our vendors, most of those trucks are 32 to 35 feet. I assume no one's going to be out there measuring the truck. But just in case, we don't want to get pinged for having a truck that's bigger than 30 feet. And then on the shared parking, I thought this was an interesting condition. And I appreciate it. Just a couple things. One, Mr. Bain, I appreciate your comments. I would fair to say it's not in bad condition, the parking; I think the parking striping is a bit faded, and we can improve that. But we've got this shared parking agreement with our neighbor, for one reason, because we like to have the shared access, too, so that's the consideration in exchange for that. And they are the only folks parking there. So we... you know, we don't have control over their guests or them except to the extent of what we have in our agreement, which means we do have enforcement rights. But as you know, sometimes the law doesn't happen real fast or justice doesn't happen real fast. So we don't want to get pinged because our neighbors are not behaving properly. So if we can remove that condition and/or modify it to the point where... the real enforcement is going to be us. I don't... the County cannot enforce unless it's a waste issue obviously. You know, this is an enforcement issue where if they're causing some sort of waste issue or damage issue to the parking area, that we have to enforce. I don't think the County would have any enforcement rights. But Lauren may disagree with me on that. I just don't want my clients to get pinged because of something that our neighbors are doing. So if we can modify that condition, we'd appreciate that so that that point is very clear.

Mr. Bain: Can you offer some wording for that modification?

Mr. Payne: Other than getting rid of it? *[Laughter]* That was the easy answer.

Mr. Bain: What part of it, is it that's egregious to you? Is it the paving or the maintenance, cleaning up trash and that sort of thing?

Mr. Payne: I don't think the latter is the problem.

Mr. Bain: Okay.

Mr. Payne: Because we have two, two ways to address that. One is, you know, we control, we control the improvements to that parking area. So we could either tell the hotel, you've got to clean up or we can do it. I assume, Casey, that's okay. And then, so that part is fine.

Mr. Bain: Okay.

Mr. Payne: In regards to the condition of it, I don't know if it needs to be milled and repaved, perhaps restriped is fair. But I think right now it doesn't need to be remilled or repaved. So, and by the way, we're monitoring it, we're gonna, you know, it's our property. We don't want it damaged, either. But, at this, at this point, I don't think it needs all of that improvements, but restriping I don't think is gonna be an issue.

Mr. Bain: Okay. Mr. Harvey, is there a way to do a condition that would put the onus on staff during site review or site plan development, let, let a, a traffic engineer or pavement engineer on staff go out and look at it, and make their assessment of the quality of the pavement? I'm, I'm not a pavement engineer. So, you know, it looked to me like there was some alligator cracking and that sort of thing going on. But I... it might be sufficient for 40 years, as far as I know. Is there a way to deal with this during the site plan development do you think?

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Mr. Harvey: Commissioner Bain, that's... with an existing situation, that's usually something that staff doesn't get involved in, as long as they have an asphalt or concrete surface and it's striped in accordance with our ordinance standards. That's usually meeting our requirements. As far as quality of the material there, that would be more something that the applicant would typically hire a consultant to do, to see if the quality will withstand additional traffic or additional time for its use.

Mr. Payne: And again, remember, we're not using it, our neighbor is, so.

Ms. Barnes: Go ahead, Mr. Shelton.

Mr. Shelton: Could I make a suggestion and maybe look at sealing it, and then striping it because I looked at it also and there are some alligator cracking. But normally sealing will take care of that. And then you stripe it.

Mr. Payne: I don't think we have an issue with sealing it and striping it. But, and again, just a reminder, it's not where we're parking, and we're not going to want it to be an unsightful location or unsightful condition because it does have visibility into our site. And of course, we'll be maintaining it. But yeah, I don't think we have any issues with it.

Mr. Bain: Okay, I would accept sealing and striping certainly. My concern is not what it looks like today. But in five years, all of a sudden, Sleep Inn starts getting... gets a contract with a major hauling company, and they start parking their tractor-trailers there, loaded, and all of a sudden the pavement starts buckling and things. You know, I want to make sure that that's somebody's responsibility to keep maintained.

Mr. Payne: Well, it'd be a violation of our easement agreement with them.

Mr. Bain: That's what I'm...

Mr. Payne: So we have strong enforcement rights, so I'm comfortable we'll be able to handle all that.

Mr. Bain: Okay. Well, I would, I would accept sealing and striping at this point.

Mr. Payne: Okay.

Mr. Bain: Like I say, I'm not the expert in pavement. Although I have done some paving.

Mr. Payne: Okay.

Mr. Bain: That was all.

Ms. Barnes: Any other questions for the applicant? Ms. Sellers?

Ms. Sellers: I do. The one that you're talking about, that one year is number nine, is that correct? You want to make it 18 months?

Mr. Payne: Yes.

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Ms. Sellers: Okay. Is there a reason we have that in there to begin with? Or is it just a county preference? Or is it a county ordinance?

Mr. Payne: As you know, we have nothing to do with the conditions on CUPs, that's all driven by the county.

Ms. Sellers: Oh, okay, because I was looking at eight and nine and I again, the hours of operation, I've known about Black Rifle Coffee Company from people I've worked with who start their day in the office at 5:00 AM. And they come from 17. So if there's a Black Rifle Coffee Company on the way from them to get from their houses off 17 to my office in the Pentagon, they will stop. And so that's just something to consider. It has... I mean, it doesn't make any difference to me, but...

Mr. Payne: We're open to it. It doesn't... as long as we don't have to open at 4:00, as long as the availability is there for us to do it, that's great.

Ms. Sellers: Right. That's why I'm just saying I don't know if I would limit yourself, plus, I'll definitely get told about that. They'll say why did you guys do that. So just something to consider it.

Mr. Payne: This is their typical operational model, 5:00 to 9:00.

Ms. Barnes: Okay, any other questions for the applicant? Okay, so when we, when we do get to the end here we just... how are we going to do that Lauren, as far as amending the conditions?

Ms. Lucian: You'll just make it a part of your motion to approve the CUP.

Ms. Barnes: Okay. Al, you'll have to come up with a way to do that when making part of the motion. Okay, no more questions, any other questions for staff or the applicant? Okay, with that I will go ahead and open the public hearing on this matter. This is an opportunity for the public to comment on this public hearing. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. And red means your time is up. If you would like to speak on the Black Rifle application, please come forward.

Ms. Brown: Hi, I'm Dana Brown. I would like to voice my support for this company. I will leave the technical difficulties of figuring it out to you. But I have seen this company doing some national interviews lately. The first one I saw was over Fourth of July at West Point Military Academy with the owner, his name is Evan – I don't know how to pronounce it; it's H-A-F-E. I don't know if it's Hafe or Hafe. But they do really good work. And I think this would fit in really well with our area. And I hope you'll welcome them to Stafford. Thank you.

Ms. Barnes: Thank you Ms. Brown. Okay, anybody else? Okay, seeing none, I will close the public hearing and bring it back to the Commission. Mr. Bain, this is now in your district. What would you like to do from here?

Mr. Bain: Yeah, how did I get this? I don't know. I would like to make a motion to approve CUP22154337, Conditional Use Permit for Black Rifle Coffee with two revisions to the proffered conditions. First, proffered condition number 9, regarding the that the existing dwelling must be demolished within one year. I would move to change that to 18 months. I'll make a comment on condition 10. It has been modified to say 35 feet for the box trucks. Is that acceptable? All right. So that's good. And then also my motion would include changing proffer number 11 to say that prior to

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issuance of a certificate of occupancy for any building on the property, the owner/applicant will seal and stripe the 33 shared parking spaces serving the motel located on the other tax parcel.

Ms. Sellers: Second.

Mr. Apicella: Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Would you accept a friendly amendment? Ms. Sellers brought up the issue of the hours of operation to permissively allow them to open at 4:00 if they're able to. I'm okay with that.

Mr. Bain: Yes, I would, I would accept that.

Ms. Sellers: Why don't we just remove that condition altogether?

Mr. Apicella: We always have conditions that limit the hours of operation. I mean, do we want them open at one o'clock in the morning?

Ms. Sellers: I mean, this is a highway corridor and 17 is a major part of that highway corridor. And maybe because the conditional use permit runs with the property now. And so maybe they don't want it but who knows and 10, 15 years, somebody could open and want it to be a 24-hour restaurant, and then they're gonna have to go back through this process. So I don't know why, why... I don't know what the reason is for limiting the hours but they're saying their business model is that it's from, you know, 9:00 to 5:00 and obviously, the market is going to depict or really control when they open. So I don't know why we would need that kind of...

Mr. Apicella: So I think the reason is, for the very reason you just talked about. If somebody else decides to go in there, a Chick-Fil-A, do you want them open at one o'clock in the morning? Have we even looked at whether...

Ms. Sellers: I want them on Sunday and they're never open on Sunday.

Mr. Apicella: Have we looked at whether that particular site is conducive to Chick-Fil-A? Because it allows a drive-through restaurant, any drive-through restaurant. So that's why I think there's a reason for having hours of operation, because it could change 10, 15 years down the road. And yes, they would have to come back. So if it's a different restaurant operation, they'd have to come back and ask us, the county for permission based on the new set of circumstances relative to whatever drive-through is that they're proposing.

Ms. Sellers: I just feel like it's, it's really controlling on the government's part, right. I mean, the market is going to dictate when they're open and when they're closed. They're not going to be open in the middle of night if they don't have anybody to be there to work and/or buy the stuff that they're selling. So I feel like this is a feel good clause in here and that we put in all of them. Right? I've seen it before. And I just don't think it's necessary. And it may not matter right now for this business, but 10, 15 years down the road, it could matter. And then you're going to ask a new business to come in and spend a lot of money. And so that's my concern. I mean, I'm still going to support it with it. But I just feel like this really isn't doing anything but looking good on paper.

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Ms. Barnes: Mr. Bain?

Mr. Bain: A point that I would make, because I've seen this happen. If you think about Waffle House, they oftentimes are open 24 hours a day. And between midnight and 4:00 or 5:00 AM, you get some undesirables in there. And if you know the history of Waffle House, they have a lot of trouble with vagrants and robberies and such in the wee hours of the morning. So I would, I would support allowing them to open like at 4:00, but I would not want to see them open at 2:00 AM. Not that Black Rifle would be attracting that type of clientele just because their a quality outfit, but it happens. And I think for safety purposes, it would be good to have them shut down at 9:00.

Ms. Barnes: Okay, so as I understand it, your motion stands then...

Mr. Bain: My motion stands.

Ms. Barnes: ... with the friendly amendment of possibly opening up at 4:00 AM.

Mr. Bain: Yes.

Ms. Barnes: Okay, so I have a motion for CUP22154337 by Mr. Bain, and I'm not going to repeat that entire motion. And I believe the second was by Ms. Sellers, correct? Okay, any additional discussion? Okay, hearing none, please cast your vote. And that motion passes unanimously, seven to zero. Thank you very much everybody and congratulations. Thank you. Okay, moving on. Moving on to the next item on the agenda would be RC22154313, Reclassification for Venture Business Park. And for that we recognize Mr. Mike Zuraf for the staff presentation.

2. RC22154313; Reclassification – Venture Business Park, Matan - A proposed zoning reclassification, with proffers, from the B-2, Urban Commercial Zoning District to the M-1, Urban Commercial Zoning District on Tax Map Parcel No. 38-80, consisting of 31.72 acres (Property). The Property is located along Bradburn Place and the west side of Wyche Road, within the Falmouth Election District. **(Time Limit: November 4, 2022)**

Mr. Zuraf: Good evening, Madam Chair, Members of the Planning Commission. Mike Zuraf with the Planning and Zoning Department. So, yeah, this is a zoning reclassification for Venture Business Park, Matan. This request is a reclassification of Parcel 38-80 from B-2, Urban Commercial Zoning District to the M-1, Light Industrial Zoning District. The main purpose is to develop a 250,000 square-foot industrial warehouse and distribution building. The total site is 31, approximately 31 acres. It's in the Falmouth Election District. Mark Matan is the applicant. Charlie Payne is representing the applicant for this case. The subject parcel is identified in the red outline. It's located along Bradburn Place, which bisects the parcel and on the west side of Wyche Road. This shows the current zoning of the site. The light red represents the B-2 zoning, which is the existing condition on the subject property. The surrounding zoning includes B-3, Office to the east, B-2 zoning to the south, Interstate 95 to the west, and a mix of zoning districts including R-1 to the north. The property was zoned M-1, Light Industrial all the way back to 1978 and has remained... and remained M-1 until 2008 when the property was part of a comprehensive rezoning where the property was rezoned to B-3, Office. In 2010, the property was rezoned from B-3 over to B-2, Urban Commercial with no proffers. And in 2011 the site was partially graded and Bradburn Place was constructed through the site. And since then the property is has remained undeveloped. This is the generalized development plan submitted with the application. It shows the proposed site layout for the 250,000 square-foot warehouse building. It's a single story building oriented along Bradburn Place. It has an enter-only access from Wyche Road. And then the development also

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proposes to realign Bradburn Place slightly to the south to accommodate the proposed building. Currently, the road generally kind of swings through the, the open kind of parking area that is proposed in this site. The connection point of Bradburn Place to Wyche Road would not change with this road realignment. The GDP also shows the standard vehicle parking spaces on the north side of the building, and truck loading docks on the south side of the building, and vehicle travelways around all sides. The ultimate location and number of and type of parking spaces may change at the time of site plan. A 6-foot tall aluminum, black aluminum fence will be enclosed... enclose the facility for security purposes and there'll be several retaining walls around the site. As with every development of this size, the project will need to adequately control stormwater runoff and install proper erosion and sediment controls to minimize environmental impacts. And that all gets determined during and before the site plan stage. Interstate 95 borders the property to the west. The required 60-foot wide transitional landscape buffer is shown along I-95 in the area shaded in yellow. The GDP does note that the applicant would attempt to preserve existing trees within that buffer, but that would be determined... would not be determined until final engineering. And a proffer reflecting this is proposed. And then it does go on and note that if grading is required in the buffer, new landscaping will need to be installed.

Mr. Apicella: Mike, before you go on, can you go back please. Along Bradburn Place, is that a traffic circle there?

Mr. Zuraf: No, that is at the end. That's just a cul-de-sac.

Mr. Apicella: Okay. Gotcha, thanks.

Ms. Sellers: This entrance, right... it's like the first one on Wyche Road. Is that new?

Mr. Zuraf: That would be a new access point, yes.

Ms. Sellers: Okay.

Mr. Bain: That would be one way only...

Mr. Zuraf: Yes.

Mr. Bain: ... coming in to the site, okay.

Mr. Zuraf: So, in response to a request from one of the Commissioners, the applicant did prepare this line of sight exhibit showing the proposed building and transitional buffer in relation to the northbound lanes of I-95. This was just provided to us and emailed to you today; you just received paper copies 11 by 17 of this, of this layout. On the image on the left, the yellow line, kind of hard to see, but running from 95 across into the site, that shows the, basically the alignment and location of the cross section that you have then on the right. That shows the, that the building base elevation would be 25 feet higher than the travel lanes on 95 at that specific point. As you're probably aware, in this area, there's an increase... upward climb on 95 heading up to Courthouse Road, so the further south you go, it's at a lower elevation. And as you get up to the upper part of the site, it's at a higher elevation and might be somewhat level with the building there. But in this location, it's 25 feet below. And then also then it would, be the top of the building would be 65 feet higher than the travel lanes. And then on that cross section, the red line shows the line of sight from a driver and a vehicle up to the top of the building at the closest point. So this image shows that the view would potentially be obstructed by trees within the transitional buffer. Those are the green markings.

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Ms. Barnes: Potentially.

Mr. Zuraf: Yeah.

Ms. Barnes: So can you, can you point out on this to me where that 60-foot buffer is? I mean, if you can, if you can draw on that exactly where that 60-foot buffer is going to be required. Okay, and there's going to be a quote unquote attempt to maintain those trees, correct?

Mr. Zuraf: Yes.

Ms. Barnes: Meaning that if they get in there and it's not possible, they're still going to take them down.

Mr. Zuraf: If there is flexibility written in the proffers that say... *inaudible*.

Ms. Barnes: And then they have to put in... so what is required if there's a 60-foot required buffer there then? Which, you know, I know, that's what we have. It's a little anemic, but that's what we have to work with. What exactly do they have to put in there?

Mr. Zuraf: That was another... they just amended proffers and they added in that they would replant with evergreen trees or similar trees to what were removed.

Ms. Barnes: So not necessarily definitely evergreen trees is... this is very loosely worded to me.

Mr. Zuraf: Yeah, the last part of there does leave it a little bit open. Because it could be if they removed deciduous trees, they could replant with deciduous trees.

Ms. Barnes: So the problem with that I have is... *inaudible*... with DHL and we did that – gosh, it seems like it was years ago now – that they did leave a nice little strip of trees in there. But unfortunately, when those trees lose the leaves, then that, that site buffer is basically gone. So that's why I was hoping for something that was a little bit more permanent in there that would hopefully screen that from the freeway so that we don't have, you know, people coming through Stafford and all of a sudden it's just industrial looking. If that makes sense.

Mr. Zuraf: Yes. I defer to the applicant to see what the reasoning was for the change in that language.

Ms. Barnes: Okay, thank you.

Ms. Sellers: Where's the VDOT... is that green line the VDOT easement?

Mr. Zuraf: Yes.

Ms. Sellers: Is that... and that's taking in consideration the expansion of the highway there?

Mr. Zuraf: Yes.

Ms. Sellers: And is VDOT looking at putting up a sound wall at all with that?

Mr. Zuraf: Not in... I... don't quote me, I doubt it given that this is an industrial area, I don't think the VDOT plans would include sound walls here. It's probably not necessary.

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Ms. Sellers: Okay. Because that might impact that 60-foot buffer as well, I think.

Mr. Zuraf: Yeah, I think the sound walls are typically going to go where, where housing exists or is planned.

Mr. Bain: What is the little blue, light blue blob on that drawing?

Mr. Zuraf: That's stormwater management.

Mr. Bain: That's at the very top of that site. Are they pumping the water into it?

Mr. Zuraf: The... actually the grade drops down on that side, on that upper side.

Mr. Bain: Okay. But then the building's been excavated to get first floor elevation to 200. So I hope the engineer knows what he's doing. It looks from this, that they're cutting 10 feet out for a portion of the building footprint. And they're probably going to use that dirt to fill in on the lower portions that are just at the edge of your aerial photo there. Is there any chance they could dig a little deeper, even if they had excess dirt? They could get rid of it pretty easily. I know it's money to do that, but moving dirt's a lot cheaper than other things. Maybe the engineer should look at that. I just... I can just see coming down 95 and seeing this thing sticking up like a big sore thumb. It's not going to be an attractive building. It's not like it's going to be a cathedral or anything. It's going to be pretty darn ugly. Do we know... maybe the applicant needs to say this... do we know what the elevation of Bradburn Road is at the two points that the main driveways will access Bradburn Road?

Mr. Zuraf: I'd have to defer to the applicant on that.

Mr. Bain: Because it looks like trucks are going to either have to go up a 20 or 30-foot incline and come down a similar amount to get to Bradburn Road, and so.

Ms. Sellers: It goes up at the Sheetz. So that's where it goes up.

Mr. Bain: Oh, no, that's...

Ms. Sellers: Around here is the animal shelter. It's the back entrance to the jail.

Mr. Bain: No, no, no. This site, right off Bradburn Road you have about 10 feet of sort of level ground and then it goes up steep. It goes up 40 feet in the air. Look at, look at the contours on the drawing there. You can see it.

Mr. Zuraf: Yeah, there's definitely gonna be an elevation issue.

Mr. Bain: Yeah, and just, like I said, I don't want a big... you can already see warehouses from 95 over at sky view, or sky port, and I just... I don't think it's the kind of visibility that we want to highlight in the county. All right.

Mr. Zuraf: And the one I guess the one comment, if we... on the point of lowering the building, that would maybe have the effect of also then requiring them to grade further back into that buffer area or needing taller, taller retaining walls.

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Mr. Bain: It could.

Ms. Barnes: Go ahead.

Mr. Bain: Yeah, it's not something we can require.

Mr. Zuraf: So here are architectural renderings depicting the proposed design of the buildings. These have been provided with the application. The applicant is proffering the general character of the buildings as shown. The Neighborhood Design Standards Plan element of the Comp Plan does not get into or recommend specific architectural guidelines for industrial areas like this. The aerial view shows the existing conditions of the site. The property is currently undeveloped. A portion of the site was cleared and graded for the construction of Bradburn Place. The topography includes a relatively level area through the middle of the site where that grading had occurred for the construction of this road. And there are moderate slopes down to the wetlands and intermittent drainage channels on the northern and southern sides of the site. Bradburn Place is a private street. It provides access to the, what's known as the Project Mover, a large industrial development. To the south you can see the, it's a 533,000 square-foot distribution storage warehouse building. It's currently under construction. Wyche Road is a public two-lane undivided road that is along the eastern side of the property. Other uses around the site include the VDOT maintenance yard, truck terminal, other warehouse buildings, there is a single-family residence to the north on one of the properties, and then other undeveloped properties on the opposite side of Interstate 95. There's other industrial development being considered. There's a site plan under review for 400,000 square feet of industrial warehouse there, that's the Merit Project. And then there's a rezoning also under... currently in staff review for another industrial complex, which would include up to 2 million square feet of the same use. So you'll be seeing that soon. Here is a street view of the property from Wyche Road looking to the west down Bradburn Place. A Transportation Impact Study was required with this application; it is estimated that the proposed use would generate 1,218 vehicle trips per day. The traffic study evaluated the impact of the uses on the surrounding intersections as highlighted on the map and the yellow markers. The traffic study does point out that the current B-2 zoning does permit the potential for greater number of vehicle trips than what is proposed under this rezoning to M-1. General office use under B-2 on this site could generate up to 3,600 vehicle trips per day. The proposed industrial use represents a potential 70% reduction in vehicle trips.

Mr. Apicella: What's the actual number of vehicles reduce by going from B-2 to M-1?

Mr. Zuraf: Well it's, it would be 2,500; a reduction of 2,500 vehicle trips.

Mr. Apicella: Okay, thanks

Ms. Sellers: This intersection here with Bradburn and Wyche and Venture Drive, is that a four... is that an actual intersection or is it kind of like, you know, a Stafford special where one road... *inaudible*.

Mr. Zuraf: It is an actual four-way intersection.

Ms. Sellers: And so what's gonna happen with Venture Drive? Is there any plan to maybe connect that out to Hospital Boulevard?

Mr. Zuraf: We had, there have been... there were other, some of our Courthouse Area Planning kind of contemplated Venture Drive heading actually down across to Route 1, connecting to Route 1, but there's no immediate plans for that to happen. But that's what was kind of contemplated.

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Mr. Bain: Mike, on traffic – do we... I should have asked this earlier, I'm sorry. The DHL facility. Do you happen to remember what their peak hour traffic was?

Mr. Zuraf: No, I don't.

Mr. Bain: It's probably about the same because the warehouses are about the same size. With the 1,800 vehicles a day and a peak hour 200 vehicles an hour, that's, that's one truck every 18 seconds, which if you combine it with DHL, that's one truck every nine seconds, if they're the same. I mean this, this is gonna be a real nightmare for traffic. And all of those vehicles will come up to the intersection where the, is it a Sheetz you said? Yeah, where the Sheetz is, and probably want to turn left to go to 95 interchange rather than going right to go to Route 1. So, we're creating a real nightmare here. I can just envision it, but we have no way to stop it.

Mr. Zuraf: Also, on that, while I'm here on this, as a side note, there were some questions from some of the Commissioners about the terminology in some of... in the staff reports. You may see traffic study, traffic impact analysis used. That term generally is just, it's kind of used interchangeably in that's the way I see it. Bottom line is if a project generates over a thousand trips a day, then the traffic study is typically going to be required by us. And as we kind of went over with the last case, there's some situations where it may not be needed. But in this case, it's over a thousand trips a day, there is no pass-by trips, this is a specific destination, so there is no reduction and they did the traffic study.

Ms. Barnes: That really threw me off. I didn't know... I thought, I thought it was something entirely different.

Mr. Zuraf: And in the end, we consult with VDOT on any of these traffic studies and make sure that the parameters in the traffic study is being conducted appropriately. And so, with traffic studies, the Comp Plan policy recommends development maintain a level of service C, but where it's not practical, levels of service should not be further degraded. The traffic study, traffic impact analysis, identified impacts, negative impacts to the Wyche Road/Courthouse Road/Hospital Center Boulevard intersection in the afternoon peak hour. That is inconsistent with that specific Comp Plan policy. And so, the greatest impact is on the Wyche Road left turn movement onto Courthouse Road. The recommended solution from VDOT was to add a third left turn lane on Wyche Road heading over to Courthouse Road. Currently they're dual left turn lanes. With that addition, the overall performance of the intersection would improve to be consistent with the Comp Plan policy. The solution would require lane widening on Courthouse Road to allow for three lanes to turn safely. The Burns Corner Development at this intersection does have... they're kind of on the hook through their proffers to construct the additional lane widening on Courthouse Road. And so, with that, the applicant is proposing a \$100,000 contribution as their kind of part of that mitigation. That helps to cover the cost to purchase, they would have to put in a new signal pole to make modifications for those three lanes and that helps cover that cost. And initially, the proffers said that that would happen if the trips were over a thousand vehicles per day, and the latest changes that you received, they removed that caveat and so that no matter what development goes on the site, they're going to provide that funding for that improvement.

Mr. Apicella: Mike, do we know when this is going to be, if it were approved, when would this project be finished? And the reason I ask that question because, you know, \$100,000 today might require \$125,000 tomorrow, depending on how long it takes for this project to go in. So there's no escalation I guess on the contract.

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Mr. Zuraf: There is not escalation, no, and I'm sure the project itself, you know, they're looking at site plan that they still have to go through and then the overall construction. I'm not certain what their timeframe is, but I'm sure it's going to be one to two years, but I defer to the applicant on that.

Mr. Apicella: And you verified the hundred, if it were done today, \$100,000 would cover that?

Mr. Zuraf: Yeah, this went through full review with VDOT...

Mr. Apicella: Okay, thanks.

Mr. Zuraf: ... and they didn't balk at that amount.

Ms. Sellers: Madam Chair?

Ms. Barnes: Go ahead Ms. Sellers.

Ms. Sellers: Up on, once you get past here, up on Wyche Road where the animal shelter is, it's very narrow. Are there any plans to widen that to today's standards?

Mr. Zuraf: There may have been some talk of making some improvements. I don't know if Mr. Harvey knows of that?

Mr. Harvey: Commissioner Sellers, Madam Chairman, with consideration of the DHL facility, Economic Development Department worked with the Department of Transportation to enter into an agreement for a transportation grant to help facilitate bringing that user to the Commonwealth. So, part of that grant includes the widening of Wyche Road and reconstructing part of the pavement section to better withstand truck traffic.

Ms. Sellers: And that was already approved?

Mr. Harvey: Yes, it's in process.

Ms. Sellers: Okay. And have we heard anything from the jail about any impacts, because this is the back entrance to the jail as well.

Mr. Zuraf: They've not provided any comments one way or the other on this.

Ms. Sellers: Okay.

Mr. Zuraf: So, the Comp Plan identifies the site within the Courthouse Targeted Development Area. The Targeted Development Area includes a conceptual land use plan which recommends a site for business and industry future land use. This type of land use is intended to serve as the primary economic engines for the County, where large scale uses are developed that serve markets that stretch beyond the county borders would be located. Buildings will typically be large in nature and uses would be located in proximity to major transportation facilities. Staff believes that the proposed industrial warehouse use is consistent with the Comp Plan recommendations and is an appropriate use within this land use recommended area. The use would also be consistent with other industrial and warehouse uses adjacent to the site. And staff believes that the location is appropriate for this type of development. Also, proposed proffers would limit impacts to the surrounding area and road network.

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Mr. Bain: Mike, could you go back to that drawing again? And I just picked this up. If you look at the site boundary, the actual site does have a connection to Wyche Road. Their plan doesn't show utilization of that at this time, but could they in the future come and make a direct connection to Wyche Road?

Mr. Zuraf: They do have that on the GDP. There's that right-in only off of Wyche Road.

Mr. Bain: No, no, I'm talking about the one at the very southern end of the site.

Mr. Zuraf: The very bottom?

Mr. Bain: Yeah, that little finger that sticks down.

Ms. Barnes: Panhandle.

Mr. Zuraf: I think through that, I think there's a stream channel that might make that more difficult to deal with.

Mr. Bain: Yeah, I didn't pick that up when I went out there.

Mr. Zuraf: There's a stream channel through here. So, this may be a difficult... I may defer to the applicant on that.

Mr. Bain: Yeah, okay. Yeah, I wonder if...

Mr. Zuraf: And it may not necessarily serve any need because in the opposite, in that direction there's no connection so, you know, there's... they already have the access point off of Bradburn and I think it may be unnecessary.

Mr. Bain: The reason I was asking it might be beneficial to alleviate the traffic at Bradburn and Wyche to actually have another connection point that they could split the traffic load for their site and DHL to have that...

Mr. Zuraf: DHL does have secondary access.

Mr. Bain: Oh, they already access, that's right, that's right.

Mr. Zuraf: In this area, so, it's already kind of being split.

Mr. Bain: Yeah, I forgot that. Okay, thank you.

Ms. Barnes: That's not an RPA or anything in there, that little panhandle area?

Mr. Zuraf: No.

Ms. Sellers: Are they proffering to keep that tree?

Mr. Zuraf: Not in particular, no.

Ms. Sellers: Let's circle that; maybe we can ask them.

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Ms. Barnes: Any other questions for staff?

Mr. Zuraf: I have two more slides.

Ms. Barnes: Oh, okay. I'm sorry to cut you off. We're trying to move along.

Mr. Zuraf: All right, so this does summarize the proffers that are proposed. Generally speaking, the proffers commit to the development of the site to many of the features of the proposal submitted with the rezoning request. This includes site layout, building size, and design. Several uses are prohibited that might otherwise be allowed in M-1. Vehicle trips from any use of the site would be limited to 1,218 vehicle trips per day. The red highlighted text does reflect amended proffers that you received earlier today. And you do have copies of those provided. With the proffer that requires preservation of existing trees within the interstate buffer area – as we kind of already went over, the applicant added a requirement for replanting of evergreen trees or substantially similar trees if any areas need to be cleared. And then on the last amendment, they removed the provision that required a thousand or more trips prior to contributing the \$100,000 transportation improvements.

Mr. Bain: When you say substantially similar trees, they cut down a 60-foot oak and plant an 8-foot twig. Do we have some clarification as to what substantially similar means?

Mr. Zuraf: I think that's very broad.

Mr. Bain: An oak for an oak, regardless of the size?

Mr. Zuraf: I think it'll be the type, yeah, and then the size is just going to have to meet our size requirements that we have in our design, in our landscaping manual.

Ms. Barnes: And on that same note, when they say plant, it just means plant. It doesn't mean that they have to maintain them and make sure they live and...

Mr. Zuraf: Well, they do still have to maintain the buffer.

Ms. Barnes: Okay, thank you.

Mr. Apicella: Mike, just procedurally before you move on, since we got the proffers, amended proffers today, we would need to approve those. Right?

Mr. Zuraf: Right.

Mr. Apicella: Thanks.

Ms. Lucian: And you would have to vote two-thirds to accept the new proffers before you vote on the application.

Mr. Zuraf: So, evaluate...

Ms. Barnes: One more slide?

Mr. Zuraf: ... sorry?

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Ms. Sellers: We didn't do that last time... *inaudible, microphone not on.*

Ms. Lucian: It's only when the proffers are new before the Commission, and they're new this evening. The amended proffers.

Ms. Seller: Didn't the last one... *inaudible, microphone not on?*

Ms. Barnes: Those were conditions.

Mr. Apicella: Conditions are ours.

Ms. Lucian: You set the conditions yourself. I thought you were asking about a different application.

Ms. Sellers: *Inaudible, microphone not on.*

Ms. Barnes: It took a second but we got there.

Mr. Zuraf: Two... one and a half, or I could just end it.

Ms. Barnes: Proceed, thank you.

Mr. Zuraf: So, with the positives, the use is consistent with the recommendations in the Comp Plan. The proposed use is consistent with the develop, established and developing land uses in this area. The proffers would help mitigate transportation impacts consistent with the Comp Plan policies. Proffers limit the maximum intensity of future development to levels below what might be allowed currently under the B-2 zoning district. And then proffered building designs commit to the general appearance of the development on the site. Staff also did not see any apparent negative impacts with this proposal. And staff recommends approval.

Ms. Barnes: Okay, thank you, Mr. Zuraf.

Mr. Apicella: Just a couple of quick questions, Madam Chairman. So just again, for the record, are there any other M-1 uses the applicant hasn't proffered out that may be inappropriate for this area?

Mr. Zuraf: I looked through those and I do not think so. I think they're, they're all pretty consistent with the commercial industrial area.

Mr. Apicella: Okay, and just one other quick question. Did staff identify any lingering environmental issues associated with the project either during construction or afterwards? And if so, how were those addressed?

Mr. Zuraf: During construction... sorry.

Mr. Apicella: Yeah, I mean, as they, you know, clearing trees, moving dirt. I saw there was some wetlands at the low end. Again, is there any concerns from a staff perspective?

Mr. Zuraf: No, you know, like as shown, the development is going to be on the north side of Bradburn so away from those wetlands and otherwise, you know, they're definitely clearing a lot of the site with a lot of grading and in any site like this, they're going to have to fully deal with stormwater runoff and

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address that, make sure they're controlling it adequately. Erosion and sediment control all has to be done properly as well. There are no RPA streams. Seems like the wetland areas are on the fringe of the property so there's a better chance of those are not going to be impacted.

Mr. Apicella: Thanks.

Ms. Barnes: Okay, any other questions for staff? Okay, thank you Mike. Would the applicant like to come forward?

Mr. Payne: Thank you Madam Chair, members of the Planning Commission. My name is Charlie Payne, I represent the applicant. The applicant's representative could not be here this evening, but he is watching. He had a situation where he couldn't avoid so he could not make it. But we do have an engineering team here if you have any questions that I can't answer, and there were a bunch of questions engineering related that I hopefully I can address, and clarify, and I do have a PowerPoint. Thank you, Mike. Mike did a really good job of giving a great overview of our project and I will also do, hopefully, a fairly quick presentation about this project. The applicant is Matan Companies, they're a family owned real estate development company. They've been operating since 1976 in the DC Metropolitan area. They've expanded their services now along I-95. I think we all know that the warehouse logistics and distribution industry is growing by leaps and bounds. And certainly, we're no exception here. They've delivered over 6 million square feet of Class A warehouse, bio-research facilities, and office space, with an additional 11 million square feet in the pipeline. I think what you'll find different about Matan is a couple things. One, this is a spec build, so they don't have a user yet although they, you know, obviously users come to play when the entitlement's in play, and they're able to get their site plan approved, etc. Mr. Apicella's question, the plan is to have this building delivered by December of 2023. So, we want to get going as quickly as we can obviously, hopefully, have this project approved by the Planning Commission and the Board. This will also be a smaller building, half the size of DHL. Mr. Bain had asked that question. I think it's about 250,000 square feet. The DHL facility is 533,000 square feet. It is adjacent to the DHL facility so that entire area, which staff had noted being consistent with the Comprehensive Plan, is a consistent use. Obviously, there's other warehouse users. There's a DHL facility there, the jail's not too far away, and there's a, I think, a VDOT maintenance shop and an asphalt facility over there. So, this is very consistent with surrounding uses and also, obviously with our neighbor. Wyche Road, as noted by staff, is being improved pursuant to the DHL project. And we'll get into a little bit of the transportation components. A little bit of confusion about what triggers the level of service impact. That's basically if we maxed out the building. But we did adjust our proffers to address some concerns about whether or not that proffer would be paid so, sooner rather than later, and which is why we made the change and I'll talk about the trees as well. Again, the property consists of about 30, 31+ acres. We are requesting a rezoning from B-2 to M-1 again to develop a 250,000 square-foot single or multi-tenant, typically their model is multi-tenant and it would include, typically the uses of warehouse, logistics, storage, and distribution office and assembly center. Most of their tenants that come to their sites, again, this would be a Class A industrial space, is typically technology, food, defense, bio-lab manufacturing, and logistics that are related to that as well. So, this is not, I like to tell folks this, this is not our father or grandfather's industrial site, or facility. This is a modern, very high-tech, automated system warehouse facility. Most of these facilities, as you're gonna see, these modern facilities actually have large office hubs. So, you've got a mix of both your blue-collar worker, your drivers, and your white-collar management team all in one hub. This brings management and logistics together. This is the model. This is the model that we have today along this corridor, and across the country, quite honestly. It is located within your Urban Services Area and is located within your Courthouse TDA. And staff had noted, here's our generalized development plan. We have two accesses, right-in/right-out. There is a little slip lane, if you will, and that's for employees only to enter off of, I

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think, what is that road, is that Wyche? And there's two access points off of Bradburn. A question about our southern tip that connects to Wyche, we are not planning to utilize that for a connection. There are not only some sort of environmental constraints there, and we're not going to disturb the trees there as well, there's a big gas line there and we don't want to cross that gas line. And I bet the County doesn't want us across that gas line. And I bet the gas line company doesn't want us to cross that gas line, so we're not doing it.

Ms. Sellers: *Inaudible, microphone not on.*

Mr. Payne: Well, we can't do it anyways because we don't show it on our GDP and our GDP has been proffered, so. And I'll get into a little bit of the tree preservation component of this that Ms. Barnes asked about as well. Here are the elevations. Mr. Bain, it's not a cathedral, but it's not a bad looking facility. And we did proffer these, this, you know, that's unique.

Mr. Bain: It's a big wall of white concrete.

Mr. Payne: Very nicely styled I would add.

Mr. Bain: At the office end of it, yes, it looks nice. You have some nice black trimmings, but you don't see that from 95 or... *inaudible*.

Mr. Payne: We're hiding the warehouse again, so you can't see this. But yeah, this is my point about it being a combination of office, as well as large office, as well as logistics. And again, there's going to be multi-tenant, some of which would be related perhaps to one another uses and purposes. And again, a very sophisticated facility. Economic Development, which is obviously very important, is estimated to create 500 full time jobs; average salaries will be about \$40,000 per employee; payrolls over 20 million; approximately 2.93 million will be paid in taxes over a 10-year period; 1.7 million will be spent on County permit fees, utility connections, inspections, and County reviews. About 160 construction jobs. I think sometimes we forget about construction jobs, the people who come into our county to work. They usually get gas here and they usually eat here. About \$865,000 in annual tax revenue for the Commonwealth of Virginia at full build-out. So, the total investment, real estate, and personal property is valued about \$32 million. Traffic impacts – the proposed rezoning does not negatively impact the main line traffic operations. The TIA does not warrant any improvements at the intersection of Courthouse, Hospital Center Boulevard or Wyche Road. The project does, tested at max trip capacity due to the speculative nature of the project. Under this scenario, the project will generate... this at max build-out, 1,218 is what we've capped at, okay. As you know, under B-2 you could get under the ITE and the size of that parcel, the development area of the parcel, you can get 3,500 trips a day. So, you're more than double on what we actually have capped ourselves at. It's about 2,300 more trips.

Ms. Barnes: Mr. Payne, when you say 3,500 but that's not big trucks coming in there. That was just a regular B-2.

Mr. Payne: Well, of our AM and PM peak hour trips, about 15% of those are trucks. The rest of it's gonna be employees. But it's still a big number under the current zoning. The max trips as, I mean, typically if this was just a distribution warehouse facility at 250,000 square feet, you're about 450 trips, daily trips period. So well under what we would build-out at the max, as if it was that only. The County TIA as you know requires... the County requires a TIA over a thousand trips. And again, under the, under the B-2 zoning it's 3,658 daily trips – under the ITE standards. Site access operates, meaning at Wyche Road and Bradburn into the site, is a level of service A at our intersection. Proffers – we've

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excluded many of the M-1 uses we thought would be unattractive to the County; aquacultural, commercial kennels, convenience center, convenience store, hotel, motor vehicle rental, etc. Tree preservation area along I-95 and replanting of evergreens, if cleared, in that area. So, the point is, is we'd love to be able to keep that buffer in place but there may be grading requirements that we have to trip into the buffer. So that's the only reason it's there. But our goal is going to be not to clear those trees because any trees we do clear we've got to plant with evergreens or a substantially similar tree. The reason I included that language is if there's not adequate number of evergreens, or there's even a supply issue with evergreens or there's not, you know, mature enough evergreens, we would have to find another tree that's like an evergreen, in order to supplement it. Now, if you wanted us to just stick to evergreens, I think we'd be okay with that but I'm building flexibility here so that I don't create an issue. You know, speed to market is key. We have lots of potential tenants who are interested in this site. I think tenants that you would be very comfortable with and you'd want to be attracted to Stafford County. We want to get to the finish line as quickly as we can. So that's why I built that flexibility in there.

Mr. Apicella: Just for clarity, what is a substantially similar tree to an evergreen tree?

Mr. Payne: I'm gonna leave that up to the Zoning Administrator to figure out.

Mr. Apicella: So, it's not substantially similar to what's there, it's substantially similar to an evergreen.

Mr. Payne: Right. Because an evergreen actually has a lot more ability to screen and buffer than just... If we put back the same trees the leaves would fall off.

Ms. Barnes: Okay, that, that was where I was getting hooked up there, was at substantially similar to evergreens, not substantially to the native plants that are there.

Mr. Payne: Exactly right.

Ms. Barnes: Is there... would there be an appetite for putting maybe in a percentage of evergreens? Does that make sense?

Mr. Payne: Fifty percent is fine, whatever, I mean, I'm just trying to build some flexibility and so if we run into a situation where I don't have enough trees, evergreen trees, I don't want to end my project.

Ms. Barnes: I just don't know what a substantially similar evergreen is. I haven't figured that part out yet.

Mr. Payne: Well, if you want to leave it all evergreens and have a challenge with it, I think we'll be fine. And maybe before we get to the Board, we do a little more homework on it and we'll have a list of trees that we could... and, of course, the County has its own list of trees, preference trees. Jeff, I don't know if you know the answer on the top of your head.

Mr. Harvey: Madam Chairman, I agree with Mr. Payne. We can talk about that if we need to get into that level of detail but, in generally speaking, we know what an evergreen is; it's a tree that doesn't lose its leaves during the winter. So, we'd have to go with some other type of tree that doesn't lose its leaves.

Mr. Payne: That's the point. And I'm sorry if that proffer confused you but that was the point.

Ms. Barnes: Thank you.

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Mr. Payne: Again, we're limiting the max number of trips from the site. And \$100,000 will be paid at CO, at the first CO that's issued by the County for transportation improvements at Courthouse, Hospital Center, and Wyche Road. Now remember, that left, triple left need is triggered if we were at the max build out of 1,218. Of course, the Burns Family Development has proffered to build that left turn lane and I don't know how far along they are with all their projects. I know that Sheetz is obviously in play already but when they... very soon they're gonna have to put that left turn lane in is my bet. And I'm happy to answer any questions.

Mr. Bain: Yeah, actually, I have one for Jeff. The improvements on Wyche Road, is that going to include trying to get rid of that right angle, 90 degree turn at Wyche Road where you come up from Sheetz and then in order to get on to this portion of Wyche, you have to make a full left turn. And it just seems to me with the amount of traffic that's going to be going on there they should maybe try and make that a nice curve up there rather than a right-angled turn. It has nothing to do with your application, Mr. Payne, sorry, but I'm just commenting. I don't know if...

Mr. Harvey: Commissioner Bain, in that situation with where the Sheetz is located, VDOT required that both entrances be right-in/right-out entrances.

Mr. Bain: This would not affect the Sheetz site at all. It's up the hill from Sheetz.

Mr. Harvey: Oh, I understand where you're talking about now. The intersection of...

Mr. Bain: Wyche Road used to continue...

Mr. Harvey: Old Wyche Road and, yes, and current Wyche Road. That's something that normally would be handled by VDOT for a maintenance issue, if they need to widen that. With VDOT standards, they're going to typically look at that as a T intersection rather than a curve. So that's part of why you see that situation there.

Mr. Bain: Yeah, that's a shame because that's really going to impact traffic movement, the flow of traffic, because they'll have to come up, and possibly even they'd have a stop sign, heaven forbid. But all those trucks and you're coming from Sheetz, you're coming up a hill, and then having to turn, make that left turn. So, it could, it just seems to me from a typical engineering design, you would try and get that out of there. I'm sorry. That's a side issue.

Ms. Barnes: Okay. Any other questions for the applicant? Ms. Sellers?

Ms. Sellers: Yeah, back to these land use things. So, the commercial kennels and the Veterinary Clinic, I don't know why we'd proffer those out when the animal shelter is across the street. I mean, and I live in the area, there is not an animal, there is not a commercial kennel anywhere.

Mr. Payne: We don't want to compete with the animal shelter.

Ms. Sellers: Well, you could... I'm just saying I don't know if I proffer that out. It's a compatible use right there.

Mr. Payne: It's easy for us to proffer out because it won't be a use for the potential tenants we're bringing in.

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Ms. Sellers: What about a gymnastics facility?

Mr. Apicella: Mr. Payne, the obvious question. Putting aside the fact that going from B-2 to M-1 significantly reduces the traffic throughput, why put a warehouse here instead of what was the last rezoning to a B-2 I think what the intended uses of offices and maybe some other B-2?

Mr. Payne: I recall that the purpose for zoning that B-2 was to try to attract hotels and retail and restaurants and, obviously, given what your current Comp Plan says, right, which is encourages business and industrial, that is not a use that would fit well, be compatible with the development pattern that's occurring there now. I mean, the DHL facility obviously clearly a logistics and warehouse distribution center. You've got other warehousing there, you've got a jail not too far away, you obviously have the animal shelter not too far away from there, you've got an asphalt facility. So anyways, the area is very industrial.

Mr. Apicella: Okay. Thank you.

Mr. Payne: Thank you.

Ms. Barnes: Any other questions for the applicant?

Ms. Sellers: I have one for staff.

Ms. Barnes: Okay.

Ms. Sellers: Have we done a traffic, not really a traffic but, have we studied the road pattern in there since the Comp Plan has been updated?

Mr. Harvey: Madam Chairman and Commissioner Sellers, I'm not sure if VDOT's done any follow-up traffic counts on that stretch of road yet. I know that they do that on a periodic basis throughout the county, but I'm not sure if they've hit this area.

Ms. Sellers: Well, a traffic count would look at what's going on there now. Have we looked at, as we've changed the Comprehensive Plan from being this hotels and commercial to this industrial use, have they done a study to look at what should that road structure look like? If that makes sense.

Mr. Harvey: There has not been a specific study with a projected build-out based on industrial use in that area.

Mr. Payne: I think it's fair to say that the efforts to expand Wyche Road are to bring it up to a standard that can address industrial traffic.

Ms. Sellers: Okay, okay. What about for Downtown Stafford? Has that... did they do a traffic analysis for that? Like what, what... because there's a lot of changes in that general area. And so have we now looked at what that road network needs to look like to support all of these new uses?

Mr. Harvey: Commissioner Sellers, when the County did a Small Area Plan for a little bit bigger than what we were calling Downtown Stafford more recently, they looked at creating a grid network of streets and how that would impact Route 1 and the new interchange. And the conclusion was if the County and developers build a grid network of streets, that that stretch of Route 1 there will function adequately in

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a four-lane capacity, rather than a six-lane capacity that it's currently planned for. Again, that's going to require a number of street connections, one of which you referenced earlier today about Venture Drive being extended down to Route 1 and some other more localized connections within the area so it gives people alternatives from having to go either on the interchange access road or on Route 1.

Ms. Sellers: Is that study available online?

Mr. Harvey: Yes, it's part of our Comprehensive Plan.

Ms. Sellers: Hmm... okay. Because it just appears to me if our Comp Plan is supporting stuff like this, and with the addition of Downtown Stafford, we're going to need to look at these roads, because there's no way Wyche Road is going to be able to handle this type of traffic. And if they're trying to open in December of 2023, we would have already had to have applications in for transportation stuff, which is part of this discussion and consideration, but something that if we know these projects are coming, we probably need to take a look at as a board and get the Board of Supervisors involved as well.

Mr. Harvey: Commissioner Sellers, staff has had some discussion with VDOT about the interchange and not necessarily focused on this project, but other projects in the area. And VDOT's looking at how changing our Comprehensive Plan and the uses in the area from more retail and residential orientation to more industrial orientation, how that's going to be affecting the road network. So that's something that's on their mind and currently a matter of discussion.

Ms. Sellers: And last question. Is this in the trans... like I know the Garrisonville area has that Transportation District where predominantly commercial pay an extra tax or I think it's a tax, I don't know, to go into the transportation fund. Has it been extended this far down?

Mr. Harvey: No ma'am.

Ms. Sellers: Is that something that could be discussed maybe by the Board of Supervisors to extend that down to have them in that higher transportation to help fund some of these projects?

Mr. Harvey: That's certainly something the Board could entertain. They have the option to create transportation service districts, as you mentioned. There's one on Garrisonville Road. There's also one on Warrenton Road. And they collect special additional taxes to help fund road projects. In the Route 17 corridor the tax rate is set at zero right now so it's not collecting any taxes for road improvements. But in Garrisonville there is a tax being collected and that's helping us continually widen Garrisonville Road in each one of the segments that you've seen built over the years.

Ms. Sellers: Okay, thanks.

Mr. Cummings: So, if I might, I don't have much to say often but this is one of my bones that I have to pick. Commissioner Sellers hit it right on the head in terms of, you know, the uses, and also the transportation impacts that are created by it and how long the long-term view is not, we can't really say what it is because we're not utilizing the data and we're not utilizing tools. To that point, the Board of Supervisors denied a position for a GIS Specialist that could help develop, I'll call it the tables for simplification, that would allow us to utilize the tools that we already have in place with ArcGIS. Not a campaign for them, but just any open source data that would be able to allow us to use the tools available, intelligent tools, to be able to do this type of scenario planning that is commonplace and should be commonplace. That also includes not just traffic and counting cars, but then also talking about how does

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that... the uses and how commercial developers can then come in and play a part in trying to do smart development. And not just smart development, smart, healthy development for communities. And so, I think we need to start looking at putting those things, meaning people, right, and the impacts on people at the center, as well as the impacts on climate, climate factors at the center, and I think we'll get the results that we want, which is a healthier community, and one that kind of functions with more balance for the commercial sector and for the citizens of Stafford. So, I'm hopeful that we'll be able to push that agenda and move that forward here. But this conversation is one we've been having over and over again. And I just want us to get out of this and start voting the way that we keep talking about.

Ms. Barnes: Okay, thank you, Mr. Cummings. Any more questions for the applicants? Questions, comments? Okay, thank you, Mr. Payne.

Mr. Payne: Thank you all. Appreciate it.

Ms. Barnes: All right. I will now open the public hearing on this matter. This is an opportunity for the public to comment on this agenda item. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. Red means your time is up. If you would like to speak on this agenda item, please come forward. Okay, seeing none, I will close the public hearing and bring this back to the Commission. Mr. Apicella, this is in your district. What would you like to do?

Mr. Apicella: Madam Chairman, I'd like to move to approve the proffers as provided and amended to us this, today.

Mr. Shelton: I'd like to second that.

Ms. Sellers: Madam Chairman, I'd like to make a substitute motion.

Ms. Barnes: Go ahead Ms. Sellers.

Ms. Sellers: I'd like to motion to defer this until we get a little bit more clarity and have some time to look at these proffers. Yeah, that's my motion to defer.

Ms. Barnes: Okay. Is there a second for Ms. Sellers' motion? Okay. Not hearing a second we will... that motion does not pass and we will move on to the primary motion from Mr. Apicella and seconded by Mr. Shelton. Do we have any discussion on that?

Ms. Sellers: Is this a motion to approve the proffers or to approve the project?

Mr. Apicella: It's a motion to accept the amended proffers.

Ms. Barnes: Amended proffers.

Ms. Sellers: We need a two-thirds vote.

Ms. Barnes: Correct. So, we need five. Any discussion on that, on the proffer? Okay, hearing none, go ahead and cast your vote. Okay and that motion passes 6 to 1 (*Ms. Sellers opposed*). Mr. Apicella, you have a motion?

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Mr. Apicella: Yes, I'd like to recommend approval of the project, the reclassification from B-2 to M-1 for the project known as Venture Business Park.

Mr. Shelton: I'd like to second that.

Ms. Barnes: Okay, we have a motion for... Ms. Sellers?

Ms. Sellers: I put my motion back on the floor to defer this.

Ms. Barnes: Okay, we have a substitute motion on the floor from Ms. Sellers to defer RC22154313. Do we have a second for that?

Mr. Cummings: Not a second, but I'd like to make a clarifying comment. Is that possible?

Ms. Barnes: Um...

Ms. Sellers: You have to have a motion... *inaudible*.

Ms. Barnes: Yeah, let's do this one first so, do we have a second for Ms. Sellers' motion? Okay, seeing none, that motion fails and we'll go back to the original motion from Mr. Apicella and seconded by Mr. Shelton. Do we have any discussion now on that particular motion?

Mr. Apicella: Madam Chairman, I'm recommending approval of the rezoning for the following reasons. And I appreciate the issues and concerns raised by Mr. Cummings, which again, is much broader than this specific case. I think changing from the B-2 to the M-1 zoning significantly reduces the potential vehicles per day by 70%, from 3,568 to 1,218. That's significant. That's a 2,500 vehicle per day reduction. I do appreciate that some of that is trucks versus cars. But even so, I think the applicant said, we're talking about 150 trucks in the morning and 150 trucks in the afternoon, again, compared to several thousand vehicles that would otherwise occur during the day if this were to remain a B-2 project. The proposed use is consistent with the growth pattern in the area and the Comp Plan. Again, it significantly changed from what some might have envisioned just a few years ago, it is becoming a largely warehouse area along with some other uses that are similar in size and scope. And the applicant is also providing \$100,000, regardless of the ultimate use, to mitigate transportation impacts, and has proffered to replant evergreens or similar trees should any have to be cleared during development. So, for those reasons, I think, again, the benefits outweigh any other concerns that some might have with this particular project. At the end of the day, I think it's a good project, and it will bring in much needed tax revenue and employment for the area.

Ms. Barnes: Let me ask Mr. Shelton; do you have any comments first? All right then, Mr. Cummings.

Mr. Cummings: Yeah, just a comment just to clarify. I'm gonna vote for this, for this change, this development. I think it's a good one. I think the applicant has done what they need to do in order to comply. I think they've accommodated the traffic impacts and such and then willing to do everything that we're asking him to do. I just don't think we're asking enough. And I think we're not asking enough because we're not asking the right questions. And because we don't have the data. And the Comp Plan, the change, it's well noted. We did change direction, and with that comes consequences. And I don't think that we have done, even with a small area plan, and sort of VDOT now looking at the impacts for the area and what those uses may have intended those, those change of uses in the Comprehensive Plan will have, I don't think it's enough. And I think because of the multiplicity of factors that come into play,

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we have the tools that allow us to accommodate that and to at least see with AI and GIS data to see what the true consequences could be, or potential consequences could be. And I'm just pushing, not just for us as a county, but also for the commercial sector to lean in and look and see what they can do because they have the data, they have the information, and they have the resources to be able to help us do it in a better way. And so, I'll leave it there. And I again, support this effort.

Ms. Barnes: Ms. Sellers?

Ms. Sellers: Interestingly enough, I'll be supporting this as well. Although I wish we had taken a little bit more time and fleshed out some of the transportation needs. I will challenge a little bit though. Transportation uses a lot of AI and they have and if you attend a FAMPO meeting, you will see they do use a lot of it. And that's why my questions of what do our small area plans look like and how are we looking at the future and how we're spending money. And it's not just because we could create these tax districts, but also because it assists us in asking for proffer money. It's really hard to ask for proffer money for roads that we have not, we don't have anything on the books to justify the ask. If we did a plan and we could say hey \$100,000 is not going to cut it. But we don't put ourselves in any position to do that. Now that's a decision for the Board of Supervisors. So, I will be supporting this. I, as a resident of the Courthouse area, it pains me to know that it's becoming a distribution center, but I'd rather that 2 million square feet stay on the eastern side of Interstate 95 than the western side of Interstate 95, for those listening. Just in my humble opinion as a resident of Embrey Mill, please don't push those trucks to the western side. But I will be supporting this.

Ms. Barnes: Okay, any other comments? I just have a quick comment. I am, when I first took a look at this, I also looked at this and thought, oh my goodness 1,200 more trips on that Courthouse that's really going to stretch and stress out those intersections and those roads. But like, you know, everybody else has said, it's a balancing act of the pros versus the cons. And I think that in this area, this is a step in the right direction. It's an industrial area. And I do appreciate the efforts to, you know how to butter me up with the trees. I'm always gonna go to the trees. You can take even the ugliest, most industrial looking area and slap some trees in there and it's going to improve it and I want Stafford to look, even for people who are just driving through the area, I want Stafford to look nice. And that's, you know, of course, that's not the most important thing, but it is a good thing. Okay.

Ms. Sellers: Keep it on the east side of 95.

Ms. Barnes: Okay. Okay, with no other comments, go ahead and cast your vote. Okay, and that passes unanimously, 7 to 0. Thank you very much. Thank you, Mike, and congratulations to the applicant.

Mr. Payne: Thank you guys.

Ms. Barnes: Okay, so let's move along to the next item on our agenda, item number 3, Amendment to the Zoning Ordinance to change the definitions and specific terms of special regulations for kennels. And for that we will recognize Mr. Harvey.

3. Amendment to the Zoning Ordinance – Proposed Ordinance O22-18 would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, “Definitions of specific terms,” Sec. 28-35, Table 3.1, “District uses and standards,” and Sec. 28-39, “Special regulations,” to amend the definition of and change how a commercial kennel is permitted in the A-1, Agricultural Zoning District. **(Time Limit: August 18, 2022)**

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Mr. Harvey: Thank you, Madam Chairman. Proposed Ordinance 22-18 was referred to the Planning Commission from the Board of Supervisors, because the Board of Supervisors had concerns about how commercial kennels are allowed in the County. In particular, a lot of focus in recent years have been discussions about the A-1, Agricultural zoning category and how a commercial kennel fits into it. Presently, commercial kennels are permitted in the M-1, Light Industrial and M-2, Heavy Industrial zoning categories as by-right uses. They're also allowed in the Rural Commercial and A-1 zoning categories. With Rural Commercial, it requires a conditional use permit. And currently today with A-1, Agricultural, it's by Special Exception. The ordinance regarding uses that are permitted in the A-1, Agricultural zone had been previously discussed and modified by the Planning Commission and Board of Supervisors back in 2019. At that point in time, commercial kennels required a conditional use permit. The code was amended to allow them to be by Special Exception. The thought process was that a conditional use permit may be a bit extensive of a process for review and approval, because of the timeframe involved and the cost involved with the conditional use permit. And also, too, the thought process was with a Special Exception, that's generally considered closer to a home-based business. Whereas things that require a conditional use permit, instead of being compatible with the neighborhood, it says is generally compatible. So, there's a lot more latitude with the Board of Supervisors for a conditional use permit as to whether or not they want to allow that type of activity in that zone. So fast forward to more recent times, the Board of Zoning Appeals has seen a significant increase in the number of requests that have come forward for commercial kennels. Some of them have been approved, some of them have not been approved. And the concerns for the ones that have not been approved have dealt more so with community impacts and how they in certain cases don't fit with the community. So that was the reason why the Board of Supervisors forwarded the amendment to the Planning Commission. The Commission ultimately formed a subcommittee and did additional work on the draft ordinance which you see before you tonight. The ordinance amends three sections of the zoning ordinance, Section 28-25, which is the Definitions of specific terms, Section 28-35, Table of uses and standards, and Section 28-39, Special regulations. The definition for commercial kennel has been changed specifically to specify that the activity of a commercial kennel is for retail profit sale and rental. So, somebody has a dog that gets pregnant and periodically sells the puppies, that's not a commercial kennel. But if you're doing it on a regular for-profit basis, then you have a commercial kennel. The old ordinance or the ordinance that exists today does have a limitation on the number of animals, and the subcommittee felt that that limitation wasn't necessarily reflective of the impact in activity going on. So that's why the focus was on the routine profit, sale, or rental of these animals. So, in other words, it's more focused on a commercial business than somebody's personal activities for their pets. Table 3.1 is modified with the change to reflect that a conditional use permit would be required in the A-1, Agricultural zoning category, instead of a Special Exception. The proposal or the existing conditions for the M-1/M-2, Rural Commercial zones have not been changed and they're not part of this ordinance amendment. The special regulations portion was modified to specify five conditions in which they'd have to operate under in order to qualify as a commercial kennel in the A-1 zone, in addition to the conditional use permit. And those five conditions are that the commercial kennel shall be located on 5 acres or greater, and it's not located within a major platted subdivision. In our subdivision ordinance, we make a distinction between major subdivisions and minor subdivisions, and basically, a major subdivision is a subdivision of more than 5 lots. So, most people associate major subdivisions with neighborhoods and that was a concern that the subcommittee had was that putting a commercial kennel in a neighborhood is not really appropriate. So that was why this proposal was made for this condition. Also too, that a commercial kennel should be located 200 feet from all adjacent property lines. That was intended to make sure that there was an adequate distance between the commercial kennel area and the neighboring house due to issues with noise and also, too, odors and other things that come along with operating a kennel. That the commercial kennel shall be completely fenced. That was a security measure that was recommended so that it'd make sure that the animals stay in instead of get out. Number four is the kennel will be

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completely screened from the adjacent properties, again, trying to minimize the impact of nearby neighbors. And then also number five, that there'd be no more than 50 animals kept at a commercial kennel at any time. And I'd be happy to answer any questions that the Commission may have with regard to this proposed code amendment.

Ms. Barnes: Okay, questions or comments for staff?

Mr. Bain: I had just one. I presume any existing kennels are grandfathered. So, if they're not fully screened or fully fenced, we can't go back to them and say, you have to do this.

Mr. Harvey: Commissioner Bain, you're absolutely correct.

Mr. Bain: Yeah, okay. Sadly.

Ms. Barnes: Any other questions or comments for staff at this point? Okay, then we'll move on to the public hearing portion. Okay, and I'll open up the public hearing of this matter. This is an opportunity for the public to comment on this agenda item. Before starting your comments please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. Red means your time is up. If you would like to speak please come forward. Welcome back, Ms. Brown.

Ms. Brown: Hi, I'm still Dana Brown. I live in the Rock Hill District. Full disclosure – I am the Vice Chair of the Board of Zoning Appeals, also known as the BZA, but I am not here representing the Board. I am representing myself in my comments tonight. As Mr. Harvey stated, back in October of 2019, the Board of Supervisors did approve a new commercial kennel ordinance, and they delegated the responsibility for approval of them to the BZA. Unfortunately, the new ordinance didn't come with much, if any, minimum criteria. It was very broad. Actually, it only came with a very short definition of what a commercial kennel was. That's all we had to operate with. And I disagree a little bit with Mr. Harvey. Currently, there is no maximum number of animals. There's just a minimum of 10 that constitutes a commercial kennel. It really has just no criteria at all. But the BZA does have a very broad latitude on approvals, and we can set special exceptions. And we do this because each kennel is very different. We've had several so far, and they're all very unique. No two have been the same. There's been different conditions on the ground for every single one of them. Personally, I found commercial kennels to be on the upper side of difficult to adjudicate due to the lack of minimum criteria. I was really glad to learn that the Supervisors wanted to take a second look at the ordinance, including setting possibly some minimum criteria. I did attend your subcommittee meetings on the subject and I would like to voice my support for establishing some minimum criteria, though I do disagree with capping the animals at 50. Also, there has been some talk amongst one or two staff members about changing it from a Special Exception at the BZA to a CUP at the Planning Commission; though some Planning Commission members did say they felt they needed more criteria, too, to be able to take this on. Given that my perceived need for minimum criteria was echoed by some of you guys, I no longer agree with converting the commercial kennels to a CUP. With the new criteria, should that get approved, I think it would no longer be difficult for me to hear and adjudicate these cases as a Special Exception. And just to note real quick, I think some of the information might have been wrong that was put out before. Even though the Supervisors gave this to us in October of 2019, we didn't have our first commercial kennel case until August of 2020. In that 10 month's span, we only had one meeting due to COVID. So, it's not like we've been hearing these for a long time and haven't had very many. So that was all; I just wanted to put that in there. Thank you.

Ms. Barnes: Thank you Ms. Brown.

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Mr. Bain: Ms. Brown, if I could ask just one question. Oh, I can't. Okay. That's right. I'm sorry.

Ms. Barnes: I think because she's here on a personal basis, I don't think we can do that.

Mr. Apicella: I agree.

Ms. Barnes: Okay, sorry about that.

Mr. Bain: That's okay. I won't cry.

Ms. Barnes: Okay, any other... anybody else would like to come up and address the Commission?

Ms. Evans: Good evening, Commissioners. I'm Kecia Evans. I'm in the Falmouth district. Full disclosure – I am the Chair for the BZA; however, I'm not speaking on behalf of the BZA. I'm speaking as a personal resident. But I can say, I wanted to express to the Commission that when deciding on the cases, in regards to commercial kennels, I too found it difficult due to the lack of not having minimum requirements. I'd like to piggyback off what Ms. Brown said, but I do believe that if the BZA have structured guidelines, that we would be able to continue adjudicating on commercial kennels. And that's it. Okay, thank you.

Ms. Barnes: Thank you very much. Okay, anybody else would like to come up and address the Commission? Okay, seeing none, I will go ahead and close the public hearing and bring it back to the Commission. Do we have any questions or comments or discussions on this? I don't think we have... it's not in a specific district, but this was your subcommittee. If you'd like to bring this back and where would you like to go with that?

Mr. Bain: First, I would just comment that the selection to go to a CUP I think is justified. Through the CUP process, we can get consistency on the protective measures, the fencing, the screening, the setbacks, that having it as a Special Exception wouldn't allow them to really specify that if it wasn't in the ordinance. So, I support the CUP approach to this. And I guess, in conclusion, I would recommend approval of the Proposed Ordinance 28-25...

Mr. Apicella: I think it's O22-18.

Mr. Bain: Oh, I'm sorry, O22-18. I would make a motion to recommend approval.

Mr. Apicella: I'll second that.

Ms. Barnes: Okay, we have a motion by Mr. Bain and a second by Mr. Apicella to approve Proposed Ordinance O22-18. Any discussion from the Commission?

Ms. Sellers: I want to make one other point.

Ms. Barnes: Ms. Sellers?

Ms. Sellers: It's not just adding in to allow some oversight within the Planning Commission. But the process then changes. So, if somebody takes issue with whatever the Board of Supervisors comes up with, they file with the BZA. Right now, if they take exception to this special use permit, they have to

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file within the court. And so, it just changes that process a little bit. So, I too support the conditional use permit route rather than a Special Exception.

Ms. Barnes: Any other questions or comments? I do have a quick question. Any other questions or comments? Al said something about the difference between, maybe we could have a little clarification on the difference between a Special Exception and a conditional use permit? Because I thought with a Special Exception, you actually could set some of those conditions but in a very similar manner.

Mr. Harvey: Madam Chairman, yes, there are similarities and differences between a Special Exception and a conditional use permit. A Special Exception is adjudicated by the Board of Zoning Appeals. They must determine that the proposed use is in harmony and character with the surrounding neighborhood. There are other standard findings that they must make in order to approve a Special Exception. With the Special Exception, the BZA can impose conditions and often does, similar to what the Planning Commission does with a conditional use permit. The one difference between a Special Exception and a conditional use permit, a Special Exception does not necessarily run with the zoning of the property. It can be tied specifically to a property or owner. So, when the property sells, that special exception doesn't necessarily transfer. And typically, you find Special Exceptions associated with a home-based business or a home being on a property. Whereas a conditional use permit is a more extensive process. It requires public hearings with both the Planning Commission and the Board of Supervisors. The standards for a conditional use permit is the Board must find it's generally compatible with the surrounding area. So, there's a little bit more latitude on the Board's discretion as to whether it thinks it fits or doesn't fit the area. Also too, there are a few more standards of issuance that the Board of Supervisors has to find in order to approve a conditional use permit. And the Board of Supervisors can impose conditions for the activity of that business. Again, one difference is that a conditional use permit runs with the zoning of the property. So, if the property changes hands, the new owner inherits that approval, unlike the Special Exception where a new owner would have to refile if they want to continue that use on that property.

Ms. Barnes: Okay, thank you for that clarification. Any other comments or questions? I did want to ask something about the maximum, I think there was a maximum of 50 animals. Is there some kind of disadvantage or advantage to adding that? I'm sure that might be a question for Mr. Jones. But I think it Mr. Harvey, you think maybe you can answer that instead.

Mr. Harvey: Madam Chairman, during the committee's discussion, they invited the Animal Control Officer for the County to come and participate in the meetings. And the state code and local ordinance allows a kennel license to have a much higher number of animals on site. And the subcommittee was concerned that that number of animals was excessive. It felt that 50 was a more appropriate number. That's why that section was added to this code amendment.

Mr. Apicella: And if I could clarify, that's the maximum number the Board and the Planning Commission could decide that based on a specific set of circumstances, it should be far less than 50. But 50 is the max.

Mr. Bain: I would also comment that during our subcommittee meetings, there was the news headlines about the puppy mill down in Southern Virginia, that had thousands of puppies, and that the state had gone in and rescued hundreds of those puppies due to malnourishment because they weren't being cared for properly. And at least speaking for myself, I do not ever want to see a situation like that in Stafford County to occur. And so that's why I pushed for a limit of 50.

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Ms. Barnes: Okay, thank you. And a limit of 50 doesn't mean automatically if somebody puts in for a conditional use permit that they automatically get 50 animals and that's the standard. It just means up to; I just want to clarify.

Mr. Apicella: Again, that's why I said 50 is the max, but based on the circumstances, it could be far less. There's no guarantee that you get 50 just because you submitted an application. It doesn't say that, it doesn't provide it.

Ms. Barnes: Okay. All right. Thank you. Okay, any other comments before we move on to voting?

Mr. Harvey: Madam Chairman?

Ms. Barnes: Mr. Harvey?

Mr. Harvey: May I ask for clarification from staff? In reading condition number 2 as far as the special provisions, it says the commercial kennel shall be located 200 feet from all adjacent property lines. The literal interpretation of that means that all commercial kennels have to be 200 feet from the property lines. I think the intent of the committee was that was a minimum distance, not a set distance.

Ms. Barnes: So, do we need to add that to the language, "a minimum of"?

Mr. Harvey: Yes, staff would recommend adding the word "minimum" in that condition 2.

Mr. Apicella: It'd be a minimum "the commercial kennel shall be located a minimum of 200 feet."

Ms. Barnes: Okay. Do we need to redo the motion or can we just make that a friendly amendment?

Mr. Apicella: Mr. Bain, since I was the second, will you accept a friendly amendment, the commercial kennel... to make the change to number 2 to say "the commercial kennel shall be located a minimum of 200 feet from all adjacent property lines"?

Mr. Bain: Yes, that's fine.

Ms. Barnes: Okay. So, we have a motion by Mr. Bain and a second by Mr. Apicella with a friendly motion to alter number 2. Any further comments? Okay with that, please cast your vote. Okay, and that passes unanimously, 7 to 0. And thank you very much to the subcommittee, Mr. Bain, Ms. Sellers, and Mr. Martinez for all your work on that, as well as staff, Mr. Morgan and Mr. Harvey. Okay. All right. Next we're gonna move on to Unfinished Business, which we have none. New Business - none. And we'll get to the Planning Director's Report.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

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4. Project Pipeline Report (For Information Only)
5. Legislative Agenda Discussion with Anthony Toigo, Intergovernmental Affairs Manager

Mr. Harvey: Madam Chairman, for tonight's meeting, I'm going to cede my time for Anthony Toigo to come and make a presentation to the Commission and discuss the Commission's potential recommendations for this year's General Assembly session.

Ms. Barnes: Welcome Mr. Toigo. Thank you for coming.

Mr. Toigo: Thank you, Madam Chair, members of the Commission. As Mr. Harvey said, my name is Anthony Toigo. I'm Stafford County's Intergovernmental Affairs Manager so my role oversees legislative programming for the Board of Supervisors, as well as our lobbyists contract in Richmond. This is the time of year I traditionally engage departments about developing legislative initiative ideas. And the Planning Commission's role in this comes from working with Mr. Harvey in Planning directly. So, in past years, the Planning Commission has typically given a few initiatives for the Board to consider just as recommendations. We've typically put most of them in the program under our Healthy Growth priority. So, I'm here tonight to engage you on that discussion for this coming year, as well as the year afterwards. I'll touch on that in a moment. So, my presentation will highlight just some information about how the program is developed, some context about the upcoming General Assembly session, we'll do a brief review of the prior Planning Commission items from 2022, and also some ideas that I worked with Mr. Harvey to develop for the next two years. So, about the Board's General Assembly program, so as I mentioned previously, this is the time of year when we start developing the program. It's sort of cyclical, if you will. So, the program's adopted in the fall, General Assembly session is Winter, spring is kind of the offseason, summer is when we start gearing up again to begin that cycle once more. And it's really developed in two ways. The first is by taking a look at the previous year's program, seeing what went well, what didn't go well, and amending it and recommending changes. And also, by working directly with staff, which is what we're doing now. So once all proposed amendments and initiatives are in, I get the Board's legislative committee together to meet to endorse a draft legislative program. Currently, that is comprised of Supervisors Vanuch and Gary. And once they've signed off on the draft program, it's brought before the Board of Supervisors for adoption, usually around the October timeframe. So, the Board typically has a pretty large legislative program. I think, in each of the last three years, it's been 35 pages at minimum. I'm really trying to get the Board to condense things down a bit into more broader policy statements. They provide flexibility for staff. A lot of things in the General Assembly, which I'm sure Ms. Sellers can attest to, come up sort of out of the blue. We play defense a lot. Land use is a certain topic we play defense on pretty frequently so having any position in the program that provides us that flexibility I would say is absolutely beneficial for us. But with the program being as large as it is, the Board does tailor their lobby efforts on a few specific items. So typically, there are four to six items that are called priority initiatives, which the Board designates as the ones we're going to spend the most time on, but really the issues that are most salient to Stafford County residents. And there's a few reasons for this. Firstly, the General Assembly has bill limits. The bill limits change every year and during COVID the House of Delegates was limited to 10 bills per member, 10 introduced bills per member, and the Senate to 15. What that essentially means is members have to be picky about what they choose. Secondly, legislators serve multiple constituencies. Being a local government voice is certainly critical. Legislators do listen to local government, but they also have competing interests, as we know from our developer friends and several others. So, they pick the bills that they feel are most important to them, and are more likely to pass. Now in terms of the program at large, it's not to say the entire program isn't important. We want to have as much in there as possible to start researching, start analyzing, and really vetting things with our lobbyist and with the industry, too.

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It's just a challenge of getting patrons, really, and getting bills passed sometimes can be hard with the composition of the GA. Which brings me to where we are in 2023. So, I'll preface this by saying 2022, I've been doing Legislative Affairs for six years now. 2022 is the quietest session I've ever worked. And it's really because of divided government. Virginia and Minnesota are the only two states in the country that have divided legislators. So, we have a Democratic Senate, a Republican House. So, what we found is items that made it out of the house died in the Senate and vice versa. Even our colleagues at the Virginia Association of Counties at a conference recently told me, I've never been this non-busy. It was kind of a break, especially when redistricting was on the palette this past year, which was slightly nice, but not much got done. We certainly saw that with the budget debate. The General Assembly passed its budget in June, late June, narrowly avoiding a government shutdown, because Virginia does not have continuing resolutions like the federal government does. So, I expect that to continue this coming year. Fewer bills are going to make it through the General Assembly, but the caveat, and that's the implication there, the caveat too is we're also dealing with this looming possible recession, which is certainly coming up, well, at least everyone says it is but we'll see. Unfortunately, yeah, depending on the analysts you read today, right. But economic conditions are going to play into the next session. They were already a factor in the past session. The big thing that held up the budget was the meals tax. The meals tax was adjusted as well as the tax on personal hygiene products. The governor, I would say, didn't get everything he wanted, but he got a pretty decent compromise. With economic conditions looming, it's certainly likely to make state funding competitive. Also, because Virginia has a two-year budget cycle. Odd numbered years are short sessions. We have a 45-day session this year. That means we're not in a budget year. And on top of that, there is limited new funding. There are some budget amendments that can be proposed, but funding is limited. But the glass half full side of this is this is actually the first General Assembly session post redistricting. So, our legislators are very eager to show their new constituents they have a record of getting things done. So, we do have some leverage in proposing things to them that they feel could pass and they could sell to new constituents. So that's the silver lining. So, I won't cover the 2022 Planning Commission recommendations in too much detail. They were in the background materials. But pretty much all of these were included in the Board's program this past year. We didn't have much success with them. Just like I said earlier, lack of finding patrons. We did, through our liaison, vet each of these through the Virginia Association of Counties, as well as the development industry. As you can imagine, the development industry had some strong feelings. VACO did endorse a couple of these in principle through their legislative program; impact fees being one, stormwater resources being another, the smart scale changes, and also just broadly tools for PDR. But even VACO had sort of a stagnant year this year with the General Assembly. So, they're all very solid items. I did take a look at these with Mr. Harvey and Julia Hammond with Cozen O'Connor, our legislative liaison prior to this meeting. We did develop a few ideas, which I'll go over in the next slide, which I think could group these just a little bit better, and give us that flexibility I mentioned earlier. So, I think I covered my point about flexibility being key, but when you write legislative initiatives, broad is best. If you tie yourself too tightly to one specific initiative, you don't have flexibility to pivot to, let's say, a compromise position. I found this is certainly the case with the Board. They like having that flexibility to say, "Hey, Anthony, tell the lobbyists we need to do XYZ." And it works out pretty well for us, especially because we do find ourselves meeting legislators and the industry in the middle several times. So, some of our staff... our staff recommendations for this year include four key items. Responsible residential development is the first one. This is more of a broader policy position, stating that Stafford supports additional tools to help localities meet the need for public facilities that are driven by residential development. The language I have in the background report closely mirrors what VACO has in their program. I did work to combine the Planning Commission's past suggestions supporting impact fees, the ability to impose recreational amenities for new subdivisions, restoring the preliminary plan review requirements for lots of subdivisions 50 lots or less, and just general openness to more local authority in those situations. The second is land conservation. Once again, fairly broadly written, stating the Board

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supports tools that help localities with preserving land and anything that could help us with that. It also includes the Planning Commission's prior positions on unexpended PDR, proffer funds being able to be used for PDR, as well as various TDR amendments the Commission has previously supported. The family subdivision requirement, this waives the 15-year lot ownership requirement for building lots in a family trust. It's one that I think we could really engage the industry on and make some progress if we just do some education here. And lastly, stormwater drainage. The Board's always had this one in the program. Big time. Stormwater, stormwater, stormwater. I can't say it enough. Working constituent cases for the Board the last seven years, it's probably our biggest issue. It also is in Fairfax County, which is a good thing and Prince William and Loudoun. We're all in the same boat. So, these are the ones, the suggestions staff has put forward. Certainly, if the Commission has other ideas, we're happy to take them to the Board of Supervisors as well. We would just ask, does the Commission concur with these recommendations? Is there any more questions I can answer? I'm happy to do so. And based on today's discussion, I'll get these in the Board's draft program for consideration.

Ms. Barnes: Okay, thank you, Mr. Toigo. Any questions and comments for Mr. Toigo?

Mr. Apicella: Just really a comment. I think what you've done here is brilliant. You've taken almost all of our recommendations from the past and condensed them into more broader themes. So, I think that's helpful and, like you say, provides maybe a better opportunity for us to get those considered, and maybe some action taken.

Mr. Toigo: Thank you.

Ms. Barnes: Mr. Apicella, are you finished? No?

Mr. Apicella: Yeah, I mean, I'd actually like to make a recommendation that we just go ahead and proceed forward with the staff recommendations on all four of these.

Ms. Barnes: Okay. Mr. Bain, did you have a comment? I saw your reach for it. Okay. Okay, Ms. Sellers?

Ms. Sellers: I do have a question. On this TDR, it's very interesting to combine and use these unexpended proffers for TDR.

Mr. Apicella: I don't think it says... no, that's for PDR. So, the TDR amendments are separate from PDR. It's just saying that if there's unexpended proffer money, that it could go towards the PDR program, because there's not a wealth of money that's gone to the PDR program. In fact, it's run dry for a couple of years so this would just help...

Ms. Sellers: Inaudible.

Mr. Apicella: ... this would just help provide maybe another avenue for funds when and if, you know, there's that option.

Ms. Barnes: Okay, any other...?

Ms. Sellers: So, what is the TDR then? Then that's my question. What are the, how are you combining... because they're very different programs.

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Mr. Harvey: Supervisor Sellers, the Commission in the past has had a concern that TDR is totally a by-right process and the Planning Commission does not have any more input in it once the program is started. So, the Commission wanted to have more either oversight or influence in the, in the process of how Transfer of Development Rights works on a continual basis.

Ms. Sellers: So, we're asking the General Assembly to make changes to the law we asked them to pass, what, eight years ago, nine years ago? It's very interesting, the dynamic there.

Mr. Toigo: Madam Chair, Ms. Sellers, if I may. The language from the prior year, priority stated, it had two prongs basically on TDR. The first one is it would allow the Planning Commission an enhanced role in the process to determine how, when, and where development rights can be transferred. And the second was it would require all development rights to be severed from a sending property in order to use TDR. I think the concern...

Ms. Sellers: *Inaudible, microphone not on.*

Mr. Toigo: Sorry. Two, it would require that all development rights must be severed from a sending property in order to use TDR.

Ms. Sellers: *Inaudible, microphone not on.*

Mr. Toigo: I think the development community's concern when we brought TDR forward was TDR, few localities have it. So, it would be special legislation to get, which in the General Assembly requires a two-thirds majority in both houses.

Ms. Sellers: Yeah, if you let Mr. Milde tell it, we were the only county or the first county, I think. What was his statement?

Mr. Toigo: I was not here during that time.

Mr. Sellers: I'll have to ask him. Yeah, he used to tell us, we're the only county with this. It's very unique.

Mr. Bain: The problem I had with TDR was that you could have an area where existing homes are on 5-acre lots and somebody comes in and buys a 12-acre parcel that under current conditions could be split into two 6-acre parcels. But if they transferred development rights, all of a sudden they could get many more parcels and have essentially a quarter-acre lot subdivision amidst all these nice 5-acre parcels. And I just didn't like that. There was no way that neighbors could fight it really.

Ms. Sellers: So, TDR and maybe give some history on it, you know, and Lord Jesus help me that I'm going to sit here and talk about an initiative that Mr. Milde felt very passionate about and so this was a very controversial issue on the Board when I was on the Board, a 4 - 3 vote, I believe; I'd have to go look at it. But TDR was a very specific land conservation tool that we did to save Crow's Nest, if I'm remembering the program correctly. And the sending area was with the intention, and a targeted intention, to move that the lots, the... *inaudible*... lot, you know, there's all these owners over there, out of Crow's Nest and into a receiving area, which is now in the Falmouth district, but at the time I believe was in the Aquia District. And so, yes, in theory, there's not a lot of control but you have to remember the program was developed and intended to protect Crow's Nest. It was not developed and intended to be used throughout the entire County and so that's kind of why I'm not really understanding why we

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would want PDR and TDR together. And PDR is also a great program. I'm very interested in this proffer thing, because we could never get the General Assembly to side with us on allowing us to collect proffers for PDR. We did it, and we could show a couple of projects where we did add a proffer for PDR, Winding Creek being one of them, but again it was a very targeted effort but targeted differently. That's to protect more of the rural area where TDR was specifically for Crow's Nest. So, my question for TDR is, has Crow's Nest been protected? So, did the program succeed? Have all those rights, development rights in Crow's Nest been gone away with? And so, do we need this? Are we jeopardizing the protection of that area for this? That would be my only thing. And again, I'm going to probably think about this later and be like Dear Lord, I just went out here and sold Paul Milde's thing but I mean, he was very passionate about it at the time and probably still would be if I could get him on the phone and he could describe it much more eloquently than I.

Mr. Apicella: Can I, I know Dexter wants to talk but can I jump in because I was on the Planning Commission. I helped write the TDR ordinance; I wasn't the only person, but I was one of the driving forces behind the legislation as it was moving through the Planning Commission. I can tell you that yes, Crow's Nest was a big factor in trying to get TDRs in place. It has been implemented. I think we've saved a good chunk of Crow's Nest by using the TDR program. Subsequent to that, I don't know if there's any pieces left. I think there might be a few lots that are, that are left, but I think they're single lots where over the years, after it was implemented, big chunks of it were owned by or purchased by developers and they've been using it. In fact, I think, we're gonna, one of the projects that's coming in front of us in the next couple of months is a TDR related project if I recall, looking at something that was in front of me. Anyhow, we had a subcommittee that met last year, I think Mr. Bain was on it. And it was a land conservation committee and what we discussed was using TDR more broadly across the county, and targeting areas beyond just Crow's Nest that might be worthwhile to save using the TDR program. So, in conjunction with the PDR and the TDR, we don't have a lot of tools. And using both tools strategically, I think is beneficial to the county. That's where we ended up. I mean, there's a lot of other recommendations from the land conservation committee but the problem is, you know, you learn a lot as time goes by. Things, unintended consequences, or things you didn't think about, and even for the legislature things that they didn't think about when they developed the TDR authority. So now that we're, I don't know, 10-15 years later, I think there's opportunities for improvement with the TDR Program. Absent Paul Milde or any political forces, I think it's a pretty good program when used the right way. And I think that one of the concerns, like Mr. Bain mentioned, is you've got split areas, or split parcels and we want to try to avoid that. If you want to be able to use the program you should provide us all the parcel or parcels, instead of just picking and choosing. I'm probably not explaining it very well. But yeah, it's it is kind of wide zoning. It's to the benefit of the applicant more so than necessarily the benefit of the county. So again, as we've matured and evolved, I think we've learned a lot over the last decade that there could be improvements to the program. It is a worthwhile program, I think, at the end of the day, and it has had success with Crow's Nest. It could have more success throughout the county, should we choose to use it as a tool going forward. But I think some modifications would be helpful. Some authority modifications would be helpful.

Ms. Barnes: Okay, thank you for that, Mr. Apicella. A little background and education on that. Any other further comments?

Ms. Sellers: I think the law allows it.

Mr. Apicella: State law does. State law allows TDR but there are some tweaks that need to be made to it I think would be helpful to be more balanced. Right now, it's an applicant, it might be more favorable

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to the applicant than to the county depending on where the specific parcel is and how they choose to move forward with it.

Ms. Sellers: But the discussion again, at the time was the county was accepting risk, recognizing that the benefit was to protect this entire area of land, and you accept risk, right. The county and the discussion at the time, and I remember it very vividly, because again, it was incredibly controversial getting it through the Board of Supervisors. And it was well, you know, you could have somebody with one, you know, they could put one 3-acre lot and then all of a sudden you have a whole apartment complex, right? That was one of the things used against TDR at the time. And we haven't seen that, to my knowledge. So, I'll be very interested where this goes because again, this was, we put this legislation in and now we're asking for it and the person who carried it for us is no... what, we had the power of the Speaker of the House, he's no longer there, he is retired. We had a very well-known very well-liked senator in Senator Stewart. He's no longer one of our people for that area. So, it's gonna be interesting. It's gonna be very interesting. I'll be watching this one.

Ms. Barnes: Mr. Cummings?

Mr. Cummings: I don't know where to start. So, how does our state lobbying efforts dovetail with what's going on? Do we do any federal lobbying?

Mr. Toigo: Commissioner Cummings, right now, we do not have a federal lobby firm.

Mr. Cummings: Okay.

Mr. Toigo: It's something that I certainly am open to long-term. I discussed that with the County Administrator, but I think right now, the Board just isn't there. Though, certainly with some of the infrastructure grants, my new role takes on Grant coordination as well, that's something that is on my radar.

Mr. Cummings: So, you us hit it right on the head and that's where I was going. I was trying to be judicious and not try to bore everybody with my stuff, all right, but, you know, core to this is all the money that's out there in infrastructure and climate change bills. And also, and I know we don't necessarily qualify with respect to Justice 40 or anything other balance or matrix that are being thrown out there to try and make sure that this stuff happens equitably, right. But there's a role for us and let me frame this question, frame it this way. Our Smart City designation, right, and it's tied to the federal government, the military, and the resiliency, right, operations and plans for the country, right? Not in addition, this region, of which we sit pretty prominently with several federal agencies, right, in our midst. How can that be leveraged, right, so that we can get more resources, right, from the legislative agenda, right, a lobbying agenda that we've articulated, to be able to help us do the kind of infrastructure planning that EDA wants to do, right, climate smart, and to also demonstrate the fact that we are well positioned to be a part of the resiliency plan for the federal government and for the region. Whether you talk about the general stormwater and other water management plans around the Rappahannock, the Chesapeake, and everything else on a regional basis, which, and I know Jeff knows, because Jeff sits on those committees and he, there's an opportunity for us that I think that because we're so laser-focused on these, I'll say micro issues, we're not really capturing the larger opportunity. So, my question to you is, how can we start to, you know, work with what our budget constraints are on the legislative side, on the lobbying side and state, to sort of impact and take advantage of the assets that we do have, to really, and this is my point, and it's always my point, to how do we solve the problem? Problems.

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Mr. Toigo: Madam Chair, Commissioner Cummings, that is a wonderful question. So, you've hit on a lot of things that I think long term would be a desired end state for Stafford County. The first thing that came to my mind was developing a federal legislative program, which would be entirely separate from the state one we're doing now. But certainly, there'd be some idiosyncrasies between them. That would be a Board decision. I would feel most comfortable moving forward with a consultant. As we well know, on the federal side bills do not become lost quickly. So, we'd have to work through agencies and regulations.

Mr. Cummings: So, let me suggest another thing, right, and we talk about it and the Planning Department has talked about it, about community engagement. And we have a voice, right, and we have a community here and we have some very powerful voices in this community and in this region, if leveraged in the right way. And so, I think that and also the commercial sector. These developers that are here have a responsibility and also have probably a larger voice than we do. So there has to be some way for us to fashion a result, right, or some way, I like to say where the bubbles touch, all right, where the opportunity, right, meets service to the community that can provide great benefit and I'll just go on to just give an example. Right now, with the whole build back better, there's a huge redevelopment of urban spaces happening now around mixed use, right, and it's being touted as, oh, its development without displacement. Well, that's not really true, right? Because the same old suspects are getting to bite at the apple and to eat the pie whole. But there is an opportunity to allow for more diverse folks to come into the play and then also for, for the work that needs to be done to make those communities healthy, and healthier, and the people that live within them healthier, and to get the kind of jobs that we're looking for, to be able to support that ecosystem. So those are the opportunities in front of us. And I think all we're looking at is very, very narrow pockets of political wins and, or, but instead of solving and focusing on the problems, and also the opportunities that we have to be able to get the people engaged in things that impact them and truly affect their bottom line. And I think that a major part of that can be the work that you're doing and sort of refocusing the Supervisors and us, all the people that work for the people of Stafford on what really matters, and what will move the ball forward rather than having the same conversations over and over again.

Mr. Toigo: Yes, Commissioner Cummings, and to that I would just like to add two items about things we're doing currently. Firstly, the County has an existing grants policy that has not been updated in 11 years. I'm working with a team in our Finance Department and our County Attorney's Office on recommendations to update that policy to give departments a structure to start pursuing those federal grants and then to start circulating them as well. So, I think that's an effort that's ongoing using existing resources. The other comes down to relationships. A lot of the build back better, BIL items, they flow to the states through programmatic funds. We're certainly seeing that at the FAMPO level, as CBG, smart scale, CMac, all those programs, their appropriations have been increased from now until FY27 so that's going to flow down regardless. But there are more narrowly tailored programs we can work towards. I think it's a matter of just building relationships, expounding upon the ones we have and then identify what resources we need and I think that's an exercise I can work with... *inaudible*.

Mr. Cummings: And thank you. Beautiful answer and I think it's right on point. The other part, and I thank you for it and I thank for the work and your thought process around that. The question I have is with the smart city connection because I think it's central, right, or it's a major opportunity that we're not capitalizing on. And so the role of the ICP, I think that's the acronym right now, right, and what is it that role that they play in terms of integrator for bringing in technology, but also being a catalyst for us and being able to market us not just to the US based companies like Micron... *inaudible*... and the like, all right, but also trying to market us globally because again, we have an Israeli company that's here testing in a testbed. We have some of those things are touted. But how does that impact, right, the daily lives

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of folks here in Stafford? And I think that that's a missing opportunity for us and so our ability to work with a group like VICP that has sort of a presence, right, in the technology and also the grantmaking and space, right, with large companies in in their midst, right. Their members are large, very large companies. How can that... maybe we can talk, you could talk a little bit about how we can sort of invigorate that in the smart city connection.

Ms. Barnes: In the interest of time, I'm gonna go ahead and wrap up the discussion.

Mr. Cummings: I'm a dog with one bone.

Ms. Barnes: Dog with a bone. Very, very good, good points and good subjects but like I said, I'm gonna wrap up the discussion and move on. And I believe that do we need...

Mr. Cummings: Can you just answer to that smart city one because I want to hear what he has to say with respect to that.

Mr. Toigo: Sure, sir. It is an easy one for me. I will have to look more into it. And I think that that's something that our Economic Development and Planning offices could be involved in as well, but it sounds like an opportunity that we could look into.

Mr. Cummings: I'm your guy. I'm the EDA liaison.

Mr. Toigo: We can talk more about it offline.

Ms. Barnes: That sounds like a discussion that's much bigger than one Planning Commission meeting. Do we need a motion for this? I think Steven made a motion to accept this or do we, can we just agree on this as a condition? What would be the recommendation?

Ms. Lucian: I think a vote is cleaner so...

Ms. Barnes: I'm sorry, say again?

Ms. Lucian: A vote is cleaner for the Board.

Ms. Barnes: Okay, so Steven did make a motion to accept the recommendations and I thought I heard some, I heard a couple of seconds. Ms. Sellers, I heard a second. So, a motion by Mr. Apicella and a second by Ms. Sellers to accept the suggestions by Mr. Toigo. Any further discussion? Seeing none, please cast your votes. Okay, thank you very much. I appreciate that. Thank you very much. That passes 7 to 0, unanimously. Okay. And let's see, after that I believe, after the Chairman's Report, Other Business – I don't believe that we have anything listed for Other Business except for the new TRC Commissions. It looks like that's the Billy Shelton show top to bottom, all Hartwood Election District; Project Clover, Celebrate Virginia, Centerport at Stafford 95 Business Center, and Hampstead Subdivision. Best of luck, Mr. Shelton on that. And finally, we'll get to the approval of minutes. Item number 7, the June 8th minutes of 2022. Do I have a motion to approve those minutes?

COUNTY ATTORNEY'S REPORT

NONE

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COMMITTEE REPORTS

NONE

CHAIRMAN'S REPORT

NONE

OTHER BUSINESS

6. New TRC Submissions
- 22154521; Project Clover Rev 3 - Hartwood Election District
 - 22154545; Celebrate VA - Celebrate Now - Hartwood Election District
 - 22154569; Centreport Stafford 95 Business Center - Hartwood Election District
 - 22154565; Hampstead Subdivision - Hartwood Election District

APPROVAL OF MINUTES

7. June 8, 2022

Mr. Shelton: Motion to approve.

Mr. Apicella: Second.

Ms. Barnes: Okay. Motion to approve by Mr. Shelton and a second by Mr. Apicella. All in favor say aye.

All members: Aye.

Ms. Barnes: Any opposed? Any abstentions? Hearing none, and that leads us to, we have no more business before the Commission and we are adjourned. Thank you very much everybody.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:37 PM.