

STAFFORD COUNTY PLANNING COMMISSION

August 24, 2022

The meeting of the Stafford County Planning Commission of Wednesday, August 24, 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, Martin Martinez, Laura Sellers, Willie Shelton, Jr.

MEMBERS ABSENT: Steven Apicella

STAFF PRESENT: Kathy Baker, Rysheda McClendon, Stacie Stinnette, Brian Geouge, Mike Zuraf

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Okay, and before we get started, I do want to welcome Ms. Rysheda McClendon and Ms. Kathy Baker up to the dais to... they're filling in for Mr. Harvey and Ms. Lucian. And welcome to the Planning Commission. Okay, are there any declarations of disqualifications? Okay, hearing none. Are there any changes to the agenda, deletions or changes to the agenda? No? Okay, thank you. All right, with that, we'll go ahead and move on to public presentations. I will now open the public presentation 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. There'll be separate comment periods for these public hearing items. Before you start 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 please come forward.

Ms. Baker: Madam Chairman, pardon me but you didn't call roll. I just didn't know if you wanted to do it for the record.

Ms. Barnes: Oh, did I skip that? Okay, I'm sorry. Go ahead. Mr. Cummings, you need to just get right in there.

Mr. Cummings: All right, I'll call the roll. Mr. Willie Shelton?

Mr. Shelton: Present.

Mr. Cummings: Laura Sellers?

Ms. Sellers: Present.

Mr. Cummings: Martin Martinez?

Mr. Martinez: Here.

Mr. Cummings: Dexter Cummings is here. Kristen Barnes?

Ms. Barnes: Here.

Mr. Cummings: Albert Bain?

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Mr. Bain: Here.

Mr. Cummings: And Steven Apicella?

Mr. Bain: Absent.

Ms. Barnes: Absent.

Mr. Cummings: Madam Chair, we have a quorum.

Ms. Barnes: Okay. Sorry about that. I wanted to get through it. Okay, so we'll get back to the public hearings. My advisory stands. Anyone who would like to come forward, please come forward now. And seeing none, we will move on to the first... Do we have someone? Okay, thank you.

Ms. Maxson: That's pretty quick. My name is Kristen Maxson. And I reside on Jefferson Davis Highway, which is now Richmond Highway. And I'm here because I went... I came in last night and wanted to come to the zoning meeting. And that was actually cancelled. And they were going to actually discuss on the public presentations of July 27th. And there was no July 27th. There was a July 29th meeting. So the... there's a lot of confusion between cancelling meetings and actually what's in the agendas. And even the July 20th... 29th meeting, I looked into it and there was no real posted agenda or minutes to it. So, maybe some work can be done so that the public is more informed. So as far as what you're working with today, utilities – taking away trees for utilities. Well, we know trees don't like utilities and utilities don't like trees. However, we do need more trees and trees depend on actually crossbreeding in order to be healthy. So, also I don't have enough information and this was, was... is WA122154552, Departure of Design Standards.

Ms. Barnes: Ma'am? I'm gonna, I'm gonna stop you here. This is... are you here to specifically talk about the Departure from Design Standards for the Burns Corner?

Ms. Maxson: Yeah.

Ms. Barnes: Okay. So when we get to that we're actually going to have a specific public hearing for that item. And this is for any, anyone who wants to speak on anything else. But for those public, those public hearings that we have listed, we have a special spot in that after the presentation that you will be able to speak on that. I hate to interrupt you, but I just didn't want to confuse you.

Ms. Maxson: Oh, okay. All right. Well, I appreciate it.

Ms. Barnes: And next time, I'll watch for you to come forward. Okay?

Ms. Maxson: Okay. And then there's not enough information for me to actually understand this, because I don't know if the utilities are public. And so taking land for utilities is important that it's public. So I'm not sure whether this actual vote or will be give precedence on other properties. So that's why I'm here. I'm here to help protect the trees and I'm here to protect the homeowner. Thank you so much.

Ms. Barnes: Okay. And again, like I said, if you... if when we have the public hearing for that specific item, agenda item number one, you're welcome to come back up and speak.

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Ms. Maxson: Okay. Well do take my voice in consideration. I hope you don't erase it. All right, thank you so much.

Ms. Barnes: Thank you. Is there anyone else who'd like to come forward and speak regarding any item other than the two items that we have on the agenda today? Okay, hearing none, we will close the public hearing and move on to item number 1, Departure from Design Standards of Burns Corner Medical Office Building. And for that we recognize Mr. Geouge.

PUBLIC HEARINGS

1. WAI22154552; Departure from Design Standards – Burns Corner Medical Office Building - A request for a departure from the Design and Construction Standards for Landscaping, Screening and Buffering Manual (DCSL) on Tax Map Parcel No. 29-93F (Property), zoned B-2, Urban Commercial. If granted, the departure would permit relief from DCSL Sec. 110.0, "Buffer Yards," to allow for deviation from required plant types within a transitional buffer planting area; Sec. 110.2, "Street Buffers adjacent to Arterial or Collector streets," to allow parallel utility easements within the required planting area for a street buffer along Courthouse Road; Sec. 110.3, "Transitional Buffers," to allow for reduced transitional buffer width; Sec. 120.0, "Landscaping," to allow for portion of the planting area along Florida Rock Drive to be greater than twenty-five (25) feet from the property line; Sec. 120.4, "Street Trees," to allow a parallel utility easement within the required street trees planting area along Florida Rock Drive; and Sec. 200.0 "Definitions," to allow planting areas within parallel utility easements along multiple property lines. The Property consists of approximately 3.11 acres, located near the northwest intersection of Courthouse Road and Hospital Center Boulevard, within the Falmouth Election District. **(Time Limit: October 23, 2022)**

Mr. Geouge: Good evening, Madam Chair, members of the Commission. Brian Geouge with the Planning and Zoning Department. This request is a Departure from Design standards from the Design and Construction Standards for Landscaping Screening and Buffering Manual. That's a mouthful, so we refer to it as the DCSL. The sections here are outlined, but I'll get into these in a little more detail later in the presentation. This is for a medical office building proposed at the Burns Corner development located on Tax Map 29-93F, consisting of 3.11 acres in the Falmouth Election District. And the applicant is Samer Shalaby with Development Consulting Services. Here's an aerial photo of the area. The subject parcel to be developed with the medical offices outlined here in red. This is within Land Bay 1 of the Burns Corner development. It's generally situated between Courthouse Road, Florida Rock Drive, and the VDOT commuter lot. The Burns Corner development was rezoned to B-2 back in December 2020. And a variety of retail, drive-through, and other commercial uses were proposed. At this point, the entire Burns Corner site has been rough graded and cleared. The Sheetz has already been developed, as you know, but also... let's see if I can get this pen to work here... we have an approved site plan for Starbucks on Land Bay 2. We have a pending site plan for a Chick-Fil-A on Land Bay 4. And we have a pending site plan for a Wendy's on Land Bay 3. And that's what we have going on so far for this development. And the subject development here in red, which is the medical office. Here's a general layout for that site plan; a 3-story 38,000 square-foot building is proposed, medical office building. Access to the site would be through Florida Rock Drive. No other access points are proposed. There are numerous easements along the frontages, both Florida Rock, Courthouse Road, and the common property line shared with the commuter lot. And that's really the main purpose of this departure request due to those easement conflicts. So as far as the DCSL requirements, there were six sections that were listed as part of this departure request. However, half of those relate to essentially the same requirement in that no planting area is required or allowed to be within an easement that runs parallel to the roadway or the

property line. And that's Section 110.2, that deals with the street buffer planting area; 120.4 for the street trees along Florida Rock Drive; and generally in Section 200, which is definitions that kind of covers generally that no planting areas are allowed within parallel utility easements. The other sections are 110.0, Buffer Yards. And the purpose of this one is that, due to the restrictions of the easements, the required ratio of plant types cannot be provided. The applicant was not able to get in as many trees as is required by the DCSL. Similar with Section 110.3, Transitional Buffer Yards. A section of the buffer is reduced width due to the layout of the site as well, but they are still providing the required plant units. And Section 120.0 for the street trees, there's a requirement of the DCSL that the planting area be within 25 feet of the property line, which is not the case in one short section due to the easements. So I'll get into those easements and planting areas with the next few slides. This is starting along Courthouse Road. So Courthouse Road running along the top of the screen there, the medical office building on the right. So there are two easements in conflict here. First off, if you have a collector road or arterial road abutting a development, it actually requires a street buffer, which is a little more intensive planting area. It's a 15-foot wide strip that requires a mix of different plant types as well as a certain percentage of evergreens. So the planting area here is outlined in red. And at no point does that width fall below 15 feet, so they're good on the width as far as this planting area is concerned. They're also good on the number of plant units proposed. They're actually exceeding the minimum total required plant units. There's 192 required; they're proposing 263. And they're also meeting all of the plant type requirements. So 50% of those plant types have to be large trees, 30% understory trees, 10% large shrubs, 10% small shrubs; they are meeting all of those requirements as well. The only reason for the departure request here is that some of those plantings are proposed within parallel easements. The one shown following Courthouse Road and kind of a dash symbol, it's... I'll kind of hatch it out here... that is a VDOT drainage easement. And it's actually in the process of being vacated. So although that is part of this departure request, it's ultimately not going to be a conflict once that's vacated. This one that's in the brown shaded fill coming around the corner here ends right about here. That is a Dominion Power easement. And Dominion, for obvious reasons, doesn't want large trees and that kind of thing within their easement. So the applicant is proposing shrubs within the limits of that easement to try to meet their plant unit requirements. And where possible, they are providing trees adjacent to the building in order to meet their tree requirements outside of that easement. So, we worked back and forth with the applicant quite a bit on this to kind of come to this arrangement and try to meet the design standards to the best of their ability. Moving along to the transitional buffer, this is adjacent to the VDOT commuter lot. And that's basically at the top of the screen here. Courthouse Road is on the left, Florida Rock Drive is on the right. This property line is subject to a Type B transitional buffer, which is normally 35 feet wide. However, the DCSL does give you the option; if you provide a 6-foot opaque fence, you get a automatic reduction of 50% both on the width of that buffer and on the number of plant units required. So in this case, they used an opaque fence to the greatest extent possible. It's a little hard to see here, but it's the orange line; it comes around and it stops right about here and it stops here. And the reason it doesn't go all the way to the end is we have another requirement of the Zoning Ordinance that you can't have over a 4-foot high fence within a front setback, and both Courthouse Road and Florida Rock Drive are both subject to front setbacks. So within that 40-foot zone, they were not able to provide the 6-foot fence and therefore were not able to get their 50% reduction in width. That being said, most of this buffer actually exceeds the required width. This whole portion here is actually greater than 35 feet even though they are providing the fence. The only problem here is that, well, this line here is 15 feet from the property line. So they are good up to this point where there's no fence shown, but where there's no fence here, the normal buffer width would come out to 35 feet. But you can tell by the green line there they're not meeting that. And that's a component of this departure request. Also, there's a small interior parking lot landscape island that encroaches in that transitional buffer a little bit, too. But similar to the other, the street buffer, they are meeting their total plant unit requirements in this case for this, this transitional buffer. They are, let's see, I have my numbers here somewhere. Maybe they're not on this, this sheet, but they are actually

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exceeding the total plant unit requirements for the buffer yard. But in lieu of providing more large trees, understory trees, they're substituting more shrubs, because that's what's permitted within that Dominion easement shown in brown here. There's also a Columbia Gas easement that runs... excuse me, I'm not sure how to get rid of that... that runs along the property line here. So that is another conflict; that's outlined in yellow here. So there's two easements in conflict for this property line. Again, the departures are for plantings within the easements, the departure is for deviating from the required ratio of plant types, and the departure is for a reduced buffer width, but only in this section.

Ms. Sellers: I understand the reason and the rationale for the opaque fence, but what is this going to look like when it comes... you know, however, where there's 40 feet of no fence and 40 feet of no fence? Is it just gonna stop? I mean...

Mr. Geouge: It will it will just stop. It won't, it won't go it all the way to the property line, yes, that's correct.

Ms. Sellers: So why... I mean, I don't know if the applicant is going to get up and speak. But is there a reason they're keeping the fence and not just asking for us to get rid of the requirement or whatever the word you just used? Like, why would we require half a fence? I'm just trying to understand why we wouldn't just try and vacate the whole thing and have shrubs and make it look decent, instead of just having this random fence. If that makes sense.

Mr. Geouge: That's certainly an option. They... I guess it would be at the Commission's discretion. If they were to remove the fence, then it's going to change their plant requirement calculations. So for the DCSL, they're, they're going to be subject to 100% of those plant units. So it may just change the departure of requests, as far as the code sections of the DCSL. Instead of asking for a waiver for the width in certain areas, you might be asking for a waiver of the total plant types, or something along those lines.

Ms. Sellers: I think I understand what you're saying.

Mr. Geouge: Sorry, I may not have explained that very well.

Ms. Barnes: Mr. Bain, go ahead.

Mr. Bain: Mr. Geouge, could you go back to the previous slide?

Mr. Geouge: My clicker is not working. Oh, there it goes.

Mr. Bain: There we go. I like tall trees, especially around parking lots and things. And I'm just wondering, on this drawing, there's a lot of white space between the parking lot and the actual property boundary. I look at the sort of left hand side, you have the label street buffer. And that street buffer is in a big white area that goes on down to the, to the other end of the parking lot. Is it not possible for them to plant some trees in that area? And then maybe, as partial answer, is there going to be a retaining wall there? Or are they just going to have a steep slope going down to Courthouse Road?

Mr. Geouge: I don't recall exactly what the slopes look like through there. But the buffer width is only required to be 15-foot in this case.

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Mr. Bain: Yeah, but what I'm saying is, since they're asking for a departure, and as a result are planting shrubs rather than trees, might they consider planting trees in those areas so that we still get trees? Because I like trees around parking lots and that sort of thing. And they're good for the climate and all of that. So I'm just wondering if they'd consider that. We can ask the applicant.

Mr. Geouge: Well, just to clarify, in this case, they are meeting their minimum tree requirements per the DCSL. So they are providing trees for this particular... *inaudible*.

Mr. Bain: I thought, I thought there was a trade-off between trees...

Ms. Barnes: I think that's in the Dominion...

Mr. Geouge: That's the next one.

Ms. Barnes: That's the Dominion easement I thought.

Mr. Bain: Oh, oh, oh... I'm sorry.

Ms. Sellers: That's a different department. You're thinking in totality and he's...

Mr. Bain: Okay, I'm sorry.

Mr. Geouge: Yeah. This is the street buffer. The other side was transitional.

Mr. Bain: Okay. You're right, you're right. I was getting them confused.

Ms. Barnes: It's usually me that's talking about the trees, Al.

Mr. Bain: Yeah, well, it rubs off, you know.

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

Mr. Geouge: Okay, any other questions on this one before I move on?

Ms. Barnes: I have a question. And you may have covered this and I just maybe didn't hear it. In that Dominion easement, it looks like the Columbia Gas easement. Why does the fence stop right there? Why didn't they take it all the way down?

Mr. Geouge: Are you talking about here?

Ms. Barnes: Yeah, there.

Mr. Geouge: So if you look at this 40-foot no fence here.

Ms. Barnes: Okay.

Mr. Geouge: That is essentially the front setback off of Florida Rock Drive. So, the zoning ordinance prohibits anything taller than a 4-foot fence within a front setback. So they could provide a 4-foot fence

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there, but it would not get them the reduction. It has to be a 6-foot fence to get them the width and plant unit reductions.

Ms. Barnes: Okay, thank you.

Mr. Geouge: So I guess to...

Ms. Sellers: Did the county make this... this is a County manual?

Mr. Geouge: It is adopted, yes, by the, by the Board.

Ms. Sellers: Okay.

Mr. Geouge: Alright, continuing around clockwise here, this is the Florida Rock Drive. This is referred to as a street trees planting area. That's a little misleading because trees aren't actually required in this planting area. They can use shrubs if they so choose. In this case, they are using a mixture of both trees and shrubs. However, there is still the easement conflict here with Dominion; it's again shaded in brown, coming around this whole property line. You can see their parking area; it even kind of cuts up into that to some extent. So what they're proposing here is, first, their planting area is required to be 10-foot wide and that's shown here in red. They're keeping it to the edge of the easement as much as possible to avoid conflicts with the power line. They are proposing far more plant units than are required in this planting area; actually over double. So they're required to have 66 plant units, they're providing 138. As far as the plant type requirements, they are meeting those as far as their evergreen requirements. Again, it's an issue with the conflict of the parallel easements. That's one component of the departure. And then the other one I mentioned earlier, is that this planting area has to be within 25 feet of the property line. And they achieved that except for this short section here. Which in order to try to keep this planting area outside of the easement, they shifted it to the other side. And by doing that they exceed the 25 feet triggering that departure request. If there's no questions on this one, I will move on. So our recommendation, so first off the DCSL Section 143 does permit the Planning Commission to grant a departure if the applicant demonstrates a hardship and provides techniques to accommodate the requirements to the maximum extent practical. The applicant shows hardships created due to the location of the existing easements and the impacts... notes the impacts on development feasibility if the easements were to be avoided altogether. The total required plant units are being met or exceeded with all of these planting areas. It's just that the mix of plant types varied for that transitional buffer. And we do note also that the VDOT easement along Courthouse Road will ultimately be vacated. The applicant has also obtained permission from all easement holders to allow the plantings that are shown on this plan. So staff believes that the applicants request meets the requirements for a departure pursuant to 143 of the DCSL and recommends approval. And I'll take any other questions.

Mr. Bain: Yeah, Brian, I'm still, still a little confused. That property boundary that goes between Florida Rock and Courthouse Road on the east side has no plantings in it at all. We don't have any requirements for plantings between two parcels of ground?

Mr. Geouge: So, the way the DCSL is written is that if you are developing property adjacent to an undeveloped property of the same zoning, which is the case here, no transitional buffer is required. When that... when those other pad sites come in for development, and if they are a use that are not compatible as outlined in the DCSL, then they will have to provide a transitional buffer on their side of the property line or seek an offsite easement to provide it on this side. It is not shown here, but there actually is... there are plantings proposed along the parking lot here. It's referred to as parking lot perimeter

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landscaping, it's a 5-foot wide strip. They are providing those but there is no transitional buffer requirement in this situation.

Mr. Bain: Okay, okay.

Ms. Barnes: What does that consist of?

Mr. Bain: It's just not shown.

Ms. Barnes: Well those plantings there, are they trees, shrubs? What are they?

Mr. Geouge: As I recall, they're mainly shrubs. I think there's a few trees interspersed in there, I think primarily understory. If I recall.

Mr. Bain: Okay.

Ms. Barnes: Any more questions for staff on that?

Mr. Martinez: Madam Chair, I have a question. Is there a parking space limit for this type of development? Like the number of parking spaces on this plan?

Mr. Geouge: There is a parking space requirement for this particular kind of development, yes, if that's...

Mr. Martinez: And they met that, I guess, the minimum parking spaces?

Mr. Geouge: Correct.

Mr. Martinez: Okay. And do you know the number? What's the number? I'm sorry.

Mr. Geouge: I'm sorry, I don't know offhand what number is.

Mr. Martinez: Okay.

Mr. Geouge: But they were, you can see it here, they were required to provide what's referred to as interior landscaping as well. And that, that covers all of the interior parking lot islands. That's a whole separate requirement. They did not need to deviate from any of those. So that wasn't a component of this departure.

Mr. Martinez: Okay. Thank you, sir.

Ms. Barnes: Any additional questions for staff? Okay, and is the applicant here? Okay, would you like to come up? Thank you.

Ms. Johnson: Good evening, I'm Kristen Johnson with Development Consulting Services. Brian did a great job. If there's anything I can answer or reiterate that. I know you see your frustration, we are backed into a corner with all the design standards. And we go this way, and we bump into a brick wall and this way, so we tried to do our best to mitigate all of the issues that were there. We worked ahead of time. We did end up getting the letters from the utility companies about being able to plant but when we executed easement agreements with them, we had the ability to put plants in there, as well as restricted

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them. Normally, the utility companies can trim trees in their easements, we told them in the transitional buffers, landscape buffers, specifically in our easement documents, they can't touch the trees, so they can't go in there and take them out or, or trim them or whatever. So those have to stay. So, we did try to do as much pre-work as we could. As far as the VDOT easement, we did get approval yesterday that those drainage easements will be vacated. And we're just waiting on the paperwork that just takes time to get through their process. So that one's done. So, if there's anything else that I can answer.

Mr. Bain: Ms. Johnson, just to give a little recognition to I think her name was Kristen Maxson spoke earlier, out of out of turn, but that was alright. I know the site and there are no trees being cut down for the utility easements that actually already exists there. So, her concern about utilities, cutting down trees does not really apply to this site. That's right.

Ms. Johnson: That is correct.

Mr. Bain: Okay. All right. Thank you.

Ms. Barnes: Thank you. Any more questions for the applicant?

Mr. Shelton: One question. I'm assuming the Dominion easement is an underground. It's above ground?

Ms. Johnson: If you'll if you look at it right now, it basically goes right through Land Bay one. So, there was no consideration taken into that. So that the easement around the perimeter is relocating that so that at least the site itself can get developed. So that's where we've kind of got double, triple whammy with Virginia Power easements.

Mr. Shelton: Thank you very much.

Ms. Johnson: Thank you, sir.

Mr. Cummings: Yes. Are there existing lines there now?

Ms. Johnson: Yes.

Mr. Cummings: Okay, how deep do you know?

Ms. Johnson: Power lines? Power lines are all above all above.

Mr. Cummings: Okay, nothing running underneath?

Ms. Johnson: Gas is under, high pressure gas, actually. The relocation and that's that was the whole VDOT job highways that relocated the high-pressure gas line that kind of went through the middle of the property, too. So, we're dealing with those existing easements as well.

Mr. Cummings: This is, potentially, I'm not holding you to this, you know, precisely, the trees to the power line, say running underground, I mean, the gas line underground?

Ms. Johnson: Yes. So normally what we do is, and we worked with all the utility companies, and normally they say they have a 20-foot easement, they like to be they place power and gas like to be in the middle of that easement. So, we actually worked with them to make sure where those lines were so

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that we could, and that's why you'll see the trees, hug this side or hug that side, because we're trying to stay out of where we knew depth wise, location wise, where those lines were so that everybody could kind of work together.

Mr. Cummings: All right, great. Thank you.

Ms. Johnson: You're welcome.

Ms. Barnes: Okay, last call for questions for the applicant.

Mr. Martinez: One question. Thank you, Ms. Johnson, for coming. My question about the fence, where it ends and the 40-foot on both sides. Is, are there ways to kind of, I guess, mitigate the aesthetic aspect of it from you know, you're looking at a fence and all of a sudden just stops? Are there, you know, ideas to kind of just minimize that?

Ms. Johnson: The problem with the fence is the design standard of where we can put it in where we can't put it so I'm not sure. I mean, I'm willing to do whatever we can, I mean, obviously, we want it to look good, it's going to be a very classy building that's there. And we're going to do our best to make sure that that's blended in and tapered and looks good. But we also have to adhere to the design standards. So, if there's additional we can do inside, we're, you know, we want it to look nice as well.

Ms. Sellers: Can I ask a procedural question? What if we said we don't want that fence there? What would the process be to have that fence removed and still allow them to design it just with the plants? Maybe that's for staff? Because the fence is not going to look very pretty. But if you could do it with plants, and you got the plants there, and you can maintain that that might look okay. So that's my question to staff is, is there a way for us to...

Mr. Bain: That might be a question for legal more than staff.

Ms. Sellers: Well, yeah, so what's the process? I mean, do we have to like send it back? And do all this over again? Or can we do it now? Can we discuss it now?

Mr. Geouge: My assumption, Rysheda, please chime in, if you want, but we would need to reevaluate that and determine what other sections of the DCSL if any need to be incorporated into this request, and probably revise the resolution accordingly and have the application be revised as well to reflect what you're proposing because getting rid of that fence, as I said, is going to increase your plant unit requirements. So that's going to potentially kick in other sections of the DCSL that are not a part of this request, currently.

Ms. Barnes: Remind me what kind of fence was that again.

Mr. Geouge: That's a 6-foot high board on board.

Mr. Bain: The other issue is would that set a precedent for other developments to take advantage of. Well, you did it here so why can't I do it there? And, you know, that's always an issue.

Mr. Shelton: Could we in the two void areas that you're talking about, you know, the rest of the 6-foot opaque fence, could we reduce that down in those two void areas to a 4-foot fence? And then we've got continuity of the fence.

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Mr. Geouge: Absolutely. And I think that's something that could be done, independent of this departure request. If the applicant agrees to make that addition to the site plan, that's not necessarily going to impact this approval, because it's not affecting the plant unit calculations in this case.

Ms. Barnes: Is that something that we could do this evening, or is that something we'd have to do with a deferral? It wouldn't matter? Okay. My question is we've got trees on the side of the fence, it's towards the building on the other side of the fence. Would it help, would it appease you a little bit Laura if there were trees all along there?

Ms. Sellers: The fence is going to be, it's gonna be a fence. And if the goal is to make it look nice, then by having that fence cover up all the plants is stupid. I mean, that's just Laura Sellers thinking. Like, if we're going to, like, let's be deliberate in what we're trying to do here. If we're trying to make it look pretty, then let's make it look pretty and not cover it up with a big old fence. Not to say that the VDOT commuter lots gonna be that pretty anyway. But you know, just something to think about. And I mean, I know it's going to change the plan and the standards and all that. I guess my question is, can we do that now? Or do we have to send them back and you know, extend their process, which I don't want to do.

Ms. Johnson: We're up against site plan approval. So, this is our last...

Mr. Bain: The issue there is, the fence is right on the property line. So, they can't put plants on the other side of the fence, because that's VDOT's property, they'd have to work with VDOT for that. They can't move the fence in from the property line, because then it's in the gas transmission line area and you don't want to sink a fence post into a high-pressure gas line. They're really stuck, I'm afraid.

Ms. Sellers: I don't want to hold up the process. But I do think, in the future, if we could, you know, think about why we have some of these standards and it's to make it look better. And then you're gonna put up a fence. You know, you see it, and we've seen it in lots of properties. And you have to have these discussions. So, but I'm not gonna hold up the process. It's just my personal opinion.

Mr. Geouge: I will note, as an aside, we are definitely interested in doing some revisions to the DCSL. So that's, that's something that we'll be getting to.

Mr. Shelton: Madam Chair, will the developer be receptive to that compromise of a shorter fence on both of those void areas,

Ms. Johnson: For sure.

Mr. Shelton: Thank you.

Ms. Barnes: Okay. Any other questions for the applicant or staff at this point? Okay. So, at this point, I'll go ahead and open up the public hearing on this agenda item. This is an opportunity for the public to comment on this particular public hearing on this particular item on the agenda. 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 that your time is up. If anyone would like to speak, please come forward. And I think our previous speaker probably is not going to come forward again. She's not here. Okay, seeing no one. I'll go ahead and close the public hearing on this and bring this back. Since there were no public speakers, we won't need to do anything else from the applicant. So being that no one is here to speak I'll bring it back to the Commission. What would the Commission like

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to do at this point? This is in Stephen's district, but he is not here so what is the Commission's preference?

Mr. Bain: Madam Chairman, first I'll ask a question, perhaps of Rysheda. If I make a motion to approve this departure can it include a requirement for that four-foot fence or since that's not really a departure is that immaterial?

Ms. McClendon: Commissioner Bain, excuse me. I believe Mr. Geouge already addressed that, that the 4-foot fences require the zoning or it's permissible, excuse me, under the zoning and it's beyond the departure request that's before you today.

Mr. Bain: Okay, so alright. So, I cannot include that but I will make a motion to approve Departure from Design Standards for Burns Corner Medical Office Building number WAI22154552.

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

Ms. Barnes: Okay. We have a motion by Mr. Bain and a second by Mr. Shelton. Do we have any further discussion?

Mr. Martinez: I'll just make a quick comment. I just want to go on record and say I agree with Ms. Sellers, Commissioner Sellers, that you know, the DCSL might need to be looked at again and I'm happy to look at some stuff as well.

Ms. Barnes: Thank you, Mr. Martinez. Any other comments? Okay, so we have a motion and a second for WAI22154552 to approve. Please cast your votes. Okay, that passes 6 to 0 with one absent (*Mr. Apicella*). Okay, thank you very much. Okay, now we'll move on to the second item on our agenda, the conditional use permit for Embrey Mill Town Center South Comprehensive Sign Plan. And for that, we recognize Mr. Zuraf.

2. CUP22154344; Conditional Use Permit – Embrey Mill Town Center South Comprehensive Sign Plan - A request for a conditional use permit (CUP) to allow a comprehensive sign plan on Tax Map Parcel No. 29-70K (Property) pursuant to Stafford County Code Sec. 28-123(g). The Property is in the PD-2, Planned Development 2 Zoning District, consists of approximately 20.28 acres, and is located north of Courthouse Road, south of Sunflower Drive, and west of Austin Ridge Drive, within the Garrisonville Election District. **(Time Limit: December 2, 2022)**

Mr. Zuraf: Good evening, Madam Chairman, members of the Planning Commission. Mike Zuraf with the Planning and Zoning Department. I'm here to present the staff report for this request. If I can have the computer, please. Thank you. So this is a request for a conditional use permit to allow a Comprehensive Sign Plan pursuant to Code Section 28-123(g). It's on parcel 29-70K. It's a 20-acre parcel that is zoned PD-2, Planned Development 2. It's in the Garrisonville Election District. Ed Pete is the applicant, with Clark Leming as the applicant's agent. So the subject parcel is identified in red on this location map. It is just off of Exit 140 north of, on the north side of Courthouse Road, south of Sunflower Drive and on the west side of Austin Ridge Drive. This is the zoning map of the subject parcel and the surrounding area. The gray shading represents the PD-2 zoning of the subject property. The bulk of this property was rezoned to PD-2, with proffers, and is part of the original or larger Embrey Mill development. That rezoning occurred back in 2001. More recently, smaller portions of this subject area were rezoned to PD-2 in 2020. In 2021, there were two separate conditional use permits to allow some of these specific uses, including up to seven drive-through facilities, one vehicle fuel sales facility,

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and a childcare center. There is an early grading plan and site plan for this phase of development that was approved in 2020 and 2021. The current approved design scheme shows a maximum of 115,000 square feet of floor area in 15 buildings. Surrounding zoning districts include B-2, Urban Commercial, to the east and west. That's the pink shaded area. And PD-2 to the north. And A-1, Agricultural, to the south on the opposite side of Courthouse Road. So the light brown shading of the site on the aerial view shows us that the site is in the process of being developed. There's a grading and installation of site infrastructure ongoing. The site topography slopes downward, from the north to the south, from Courthouse Road down to Sunflower Drive. There are no environmentally sensitive features or resources present on this property. Here's a street view of the property from the Courthouse Road/Austin Ridge Drive intersection. So this section of Embrey Mill is approved for a commercial town center, as I mentioned, with 15 building pad sites that include various uses. The overall development plan included in the... this overall development plan was included in the comprehensive signage plan that was included with this application. And on this plan, it identifies the location of multi-tenant shopping center signs. These are kind of what I may refer to as multi-tenant signs. There are also nine single-tenant freestanding signs. These are typically can be your business signs that are right in front of the specific individual single uses. And then there are three directional signs shown. The comprehensive signage plan, it does outline in detail the proposed location and dimensions of all the signage on the property, including these freestanding signs. There's also details on wall signs including details such as where wall-mounted signs would be allowed, canopy mounted, projecting signs, and then even door and window graphics for each of the buildings. There are also murals proposed on several of the retaining walls and building façades. So through this conditional use permit process, the Commission could set standards that relax or exceed code requirements.

Ms. Barnes: Mike, can I ask you a quick question? The murals – do we know who's going to do those or is that too far in advance?

Mr. Zuraf: Yeah, I sent that question on to the applicant. The response we have now ,where they are now with it is they were intending on having a Sign Company do those, do those murals. But they said it's not out of question to possibly commission local artists to do a mural.

Ms. Barnes: Okay. You knew where I was going with that. Thank you. That was my next question. Okay, thank you.

Mr. Zuraf: Although the specifics are not certain, they're not certain on that.

Ms. Barnes: Okay, thank you.

Mr. Zuraf: So, the applicant is requesting signage be subject to commercial and office zoning district signage standards. Signage standards in our zoning ordinance are broken up by groups of zoning districts. Because this site is currently zoned PD-2, they would today be subject to planned development signage standards. The commercial signage standards allow a little more signage than what is permitted under the planned development zoning district sign standards. The kind of main difference in this involves the overall amount of freestanding signage permitted and then also the maximum size permitted of each kind of individual wall sign. On the second point, the plan compares the amount of freestanding signage that would be permitted under kind of the different, the two different kind of options. Overall, they're proposing to have 1,145 square feet of freestanding signage area on the site. Under the planned development standards, they would only be permitted to have 896 square feet. The commercial signage standards allow up to 3,600 square feet of signage. So you know, this comparison shows that the total amount of signage proposed would be slightly above the planned development standards, and well below

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the maximum commercial standards. On the third point, each wall sign would be permitted up to, be up to 200 square feet in size under the commercial sign standards, as opposed to 100 square feet under the planned development sign standards.

Ms. Sellers: Madam Chair, I have a question. You're taking me back to my time doing the sign ordinance, and I thought we discussed the murals. Are those considered signs?

Mr. Zuraf: If they are not advertising a specific business or providing direction to a specific business, it's not considered a... it's not actually subject to the signage.

Ms. Sellers: Okay. I couldn't remember. I just remember those were long, very long discussions for that.

Mr. Zuraf: So yeah, if it's just general kind of art, then it is not.

Ms. Sellers: It's not a sign. Okay. And what about off-site advertising? Do we allow that?

Mr. Zuraf: The multi-tenant signs, I guess, just kind of falls under, all generally falls under the freestanding signs. So I mean, that's all subject to height and area requirements.

Ms. Sellers: And material.

Mr. Zuraf: Yes, yes.

Ms. Sellers: Okay. I can't remember.

Mr. Zuraf: So, but whether it's 200 or 100 square feet in size for the individual wall signs, the total wall sign area permitted on the site would be the same under both standards. So and then also, individual wall sign sizes are not defined in this plan, as that will be dependent on specific future tenants. And so it'd be kind of premature to kind of get too specific on that. The applicant has noted that most of the signs would actually be less than 100 square feet in size. So I will review some of the details of the sign plan on the next few slides. Visual representations of the signs are included that reflect a consistent design theme of the project. However, the plan does note that these specific aesthetics of the signage may change. The multi-tenant freestanding signs do include two different styles. Each one is no taller than 20 feet in height, and 20 feet actually is the, what the maximum signage height under the planned development standards. So they would not increase over what they currently would be subject to.

Mr. Bain: Mike, just real quick. On those multi-tenant signs, who decides what each individual sign on that would look like? And the reason I ask, if you go over to Central Park, they have a monstrous sign that shows all the tenants. Every one of those signs is different; different sizes, different fonts, different colors, some have logos, some don't. And it really is ugly. I would like to see some sort of consistency in these signs because to me it looks trashy at Central Park. And I don't know, is that something we can require as a condition for this? Or what's... maybe we'll ask the applicant what their thought, thinking process is there.

Mr. Zuraf: My understanding is there's past case law that kind of protects individual kind of corporate I guess identity to be, to be utilized in the signage, so they have the right to kind of... and then the localities don't have the ability to kind of say you can't...

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Mr. Bain: The Supreme Court has just showed us past case law is irrelevant. So... Haven't you been watching? Yeah, well, it's the truth. It's the truth.

Mr. Zuraf: I don't believe that we can, we can say, McDonald's, you can't use your corporate logo on this sign.

Mr. Bain: Okay. All right.

Ms. Barnes: Well, they can, they can use a corporate logo, but we can say consistently, you know, we'll have a brown background, and you know, we're not going to be doing flashing, you know, green and orange lights or something like that. There can be some level of consistency, I would imagine.

Mr. Zuraf: Right, like, so in this image, you have the brown background. Yeah, so there could be some, some kind of control over that I'd think.

Mr. Bain: Okay.

Ms. Sellers: As a resident of Embrey Mill for a long... since 2014, the neighbors will definitely let them know if they put up a Central Park sign, including myself.

Mr. Zuraf: So, there are individual tenant freestanding signs also. They are generally smaller in size. In the plan, the tallest size shown was at seven feet nine inches in height. The initial conditions recommended that those individual signs be no taller than 10 feet to provide some flexibility. The applicant did note that in seeing these conditions that they had some concern about that limitation. So there might be some need for those signs actually to be taller because there'll be situations where site grading may result in the sign being set lower than the elevation of the adjacent street. And so we've modified some conditions based on that. We've provided those to you and I'll go over those in a few moments. So the location of wall murals are identified along several retaining walls and building façades. Many of the building murals are located along on the backside of the buildings located along Sunflower Drive. In those cases, those buildings are generally focused with the front entryways in the center of the site, so you have the back of the buildings along Sunflower. So they've, you know, added these murals to improve the look of these buildings. And...

Mr. Bain: But those murals would not be specific to that tenant, they would just be artistic murals. Okay.

Mr. Zuraf: Right. If the ends up including any, I guess, tied to the specific businesses, then those would be considered part of the signs and they would be subject to kind of the restrictions under the zoning ordinance.

Mr. Bain: Good, good.

Mr. Zuraf: As far as the materials, we also checked on, there was I guess a question of the materials themselves of the murals; it would be a combination of either painted murals or a vinyl kind of material that would make up those murals.

Ms. Barnes: Do we have any oversight with that at all? Or is that just completely if we pass this, this is completely up to the owner to do whatever they want on that?

Mr. Zuraf: As far as the...

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Ms. Barnes: Murals, the murals.

Mr. Zuraf: ... appearance and...

Ms. Barnes: Content, color, appearance, materials, things like that.

Mr. Zuraf: They do have notes...

Ms. Barnes: Subject matter.

Mr. Zuraf: ... that these are kind of approximate, and they may adjust these. So they're, I guess, hoping to have the flexibility to modify this what appearance and I guess they could speak more to that when they come up. And then the last section of the plan illustrates permitted sign locations on the façades of each individual building on the property, including the specific wall signs, canopy signs, projecting signs, which are signs that might be hanging underneath the canopy, and window and door graphics. So this is a sample of how the plan regulates the location and the area of where signage is permitted. This is just an example of one of the buildings, so they have this for all 15 buildings on the property. So this slide covers a staff analysis. So the proposal, adoption of the signage plan would ensure coordinated signage across the shopping area contributing to a visually pleasing development pattern. On the second point, the proposal to follow commercial signage zoning standards with larger signs as opposed to the planned development standards may be more fitting for this section of Emery Mill. The design of this section is more automobile oriented, with individual buildings separated by vehicle travelways and parking. So you're kind of... people are farther away I guess from the signage where so there may be a need for them to be larger, as opposed to if it's more of a pedestrian oriented type of setting, the need for larger signs would be, would not be as necessary. The Comp Plan identifies the site in the Courthouse Targeted Development Area. The land use concept recommends mixed use in this location. The neighborhood design standards plan includes architectural design standards for signage. Staff notes that the renderings provided, either adequately address these requirements are not in conflict with some of the requirements. The development is consistent with the existing and proposed adjacent commercial development and required street proffers would help to minimize any impacts to nearby residential uses. And as I mentioned, the maximum height of the signs are equal to what would be allowed under the plan development sign height requirements today. On the last point, the proposed signage does not create any public facility impacts. So, there are several proposed conditions. Staff amended several of the conditions which were provided to you earlier today. They're highlighted in red here, we'll go through each. The conditions would require signs and murals be consistent with the number, type and square footage shown in the comprehensive sign package. Changes to this condition deleted the location and height and width because these aspects are covered in other conditions. It permits signage to be consistent with the commercial and office sign standards. Multi-tenant freestanding signs shall not exceed 20 feet.

Mr. Bain: Would you add "in height" to that?

Mr. Zuraf: Yes, it states that, I believe. I'm just summarizing. It does say that in the actual condition. This is paraphrasing the points. The individual tenant freestanding signs, this is a change where the signs would not exceed 15 feet in height and then more specifically 20 feet on lots F and G and specifically the parts of lots F and G that front on Courthouse Road. In the next slide I'll show you an image of where that is. Future replacement of signs will be subject to the same square footage limitations that exist in the sign plan now. That was just a modification of the same basically saying the same thing but made it more understandable. It would allow for adjustment of signs on each lot to allow for optimal visibility considering landscape requirements and other easements because right now the signs are specifically

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pointed out in certain spots, but once they get into the site grading and the details of a site plan, they may need to modify the locations to address landscaping and easement issues. The next three conditions are all new conditions. All freestanding signage shall utilize stone for the base materials. That's what's shown in the in the images. That was a Planning Commission request. It requires signage maintain a consistent architectural aesthetic for all initial installation, and future style changes. So, in the future, if they come in and do some rebranding or change the style, after the signs get old and deteriorate, that they at least follow a consistent style throughout the site. Also incorporating measures to ensure longevity of wall murals. This could include applying protective UV coating or sealant over painted murals. And then all your signage shall comply with the county code. So, this would just show the portion where the red line is at the bottom. That is the area where the applicant was hoping to have signs potentially up to 20 feet. All other areas, those individual signs would be no taller than 15 feet.

Ms. Sellers: So right there, it kind of goes up a hill, right? We're right at Austin Ridge Road and then you turn and I believe it kind of goes uphill. What is the process to review where the sign is in the line of sight? Because on Garrisonville Road, you do have a site issue on a couple other signs. And so how do we make sure that that's not going to impede?

Mr. Zuraf: The site plans will include line of sight easements from the access points and then when the individual signs, they still have to come in for building permits, they're reviewed by zoning to make sure that they're not encroaching in sight distance easements. And then this spot specifically, the way the grading ends up it basically drops pretty significantly down from Courthouse down to the level pad site. So that was the need for the higher taller sign potentially. And staff recommends approval of the application with the conditions. It's more supportive of the project due to the positive aspects that have been noted.

Ms. Barnes: Thank you, Mr. Zuraf. Any further questions for staff? Did we ask all the questions already in the middle? Okay, well, hearing none would the applicant like to come forward?

Mr. Leming: Good evening, Madam Chairman and members of the Planning Commission. Nice to see you all and I haven't been here since three new commissioners, so welcome. I'm Clark Leming and I'm here on behalf of Embrey Mill. Ms. McClendon, nice to see you. This is your old stomping grounds here as well. The one thing that I've done the last couple of times and Embrey Mill has come in for the CUPs and for minor zoning adjustments. The new PD-2 portion of the property is to give you a status report on what we know is coming. So, with your permission, Ms. Chairman, I'll update that so that you know who the leases are with and might even have a few hints about other things. I have with me this evening Megan Winston. Megan is the principal development consultant for Embrey Mill and has served in that capacity for, well, a lot of years right. Anyway, she's been there pretty much since Embrey Mill started moving forward. Okay, leases. I'm going to start from the east. What's that?

Inaudible.

Mr. Leming: Oh, okay. Yeah, okay. Well, let's see if we can, if, Okay, wait, a timeout for a 30 second training session please. Okay. I figured they all had this image in their heads. Okay. Whose idea was this? Okay. All right. Okay, here we go. And Megan get closer so you can kick me if I circle the wrong one, okay. Okay, up here. We start at the east here. Popeyes. Okay and down here is Wawa. This is McDonald's. We'll skip over that for the time being. This is, all the way from the north, Jersey Mike's. This is a Chipotle in the same building. So, Jersey Mike's and Chipotle. This is AutoZone. We move up here. This is Anytime Fitness. This is, I hope I say this right, Shah's Halal. Okay, which is a Middle Eastern food here, and there'll be something else in there with it. We'll come back to that in just a

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moment. This is Mary Washington Healthcare. That... I'm sorry, this is Mary Washington. That doesn't match up. Yeah, this is Mary Washington Healthcare. Okay, sorry. Sorry. This was a mistake. Okay, but now we can leave this circle. This is this is a dental office. Okay. And it's under lease so we can tell you about that one too. All right now. A few clues. Okay. Generic. Okay, I'm just going to suggest some things that might be coming in to the rest here. This is a like a bread cafe place over here. Okay, leave that to your imaginations and probably some pizza might be available over here along with coffee, although not necessarily in the same building. And then let's see, we do have, we got a CUP for daycare up here. And did I mention Mason Dixon? Okay, I got that. Okay. Okay. So, I think that's it. Mason Dixon is number... which one? Oh, that one down here. Yes. Down there. Yep. Sorry. These arrows are a little harder. So, this is Mason Dixon down here. Okay.

Mr. Bain: I'm sorry, you lost my vote. There's no ice cream store.

Mr. Leming: Well, there may be a couple little unclaimed businesses aren't there? I mean, those are eight businesses each over here. Alright. Okay. First Embrey Mill. Mr. Zuraf is correct that Embrey Mill the PD-2 zoning was adopted in 2001 with proffers and a lot of proffers including playing fields, school sites, the extension of Mine Road, a lot of good things happened with Embrey Mill. And however, some of you, some of you may know that the Peete family originally zoned these parcels, most of which now comprise Embrey Mill, way back in the early 90s to Euclidean zoning districts, everybody's been to their planning classes, yes? Which that means conventional zoning districts. Okay, and then better idea came around PD-2. And so, things were rezoned in 2001. Now, what's happened, as often happens in areas like this, is that you're looking for a mix of uses. Well, until the residential comes commercial doesn't come. And Stafford's been through that cycle come several times, we get some more residential and more commercial and that's just the way development happens. So, we got a very nice residential development, I think most of you would agree that Embrey Mill is one of the nicest, if not the nicest, residential development in the county. And the commercial is now evolving, and just about ready to hit the ground and a couple of things have driven that. One is that the residential was way out ahead of it. But the other is that is the interchange and the work that was done on 630. Such that, you know, you have a whole lot of uses and potential uses here that are oriented toward the interchange and the traffic coming from the interstate. Now, that doesn't mean there won't be many, many local users. But you know, that's why this kind of development has evolved because that's where the demand has been. Now, there may well come a time when things change. We were talking about Central Park a moment ago, that concept may be a little bit outmoded, where you drive from one big store to another but all of these things continue to change. Incidentally, Mr. Bain, my mother hated that Central Park sign too. And actually, we curse about it. She lived in Fredericksburg. So that's why this has evolved the way it has. Now there is a land bay and in one of your pages of the staff report, you'll see this area designated but then just to its north is another empty bay, and that's in between Sunflower and Shields, which is where the last really nice townhouses are where you had to cut over to the recreation center and the soccer fields before Mine Road was completed. That whole area is set up for mixed use. I mean, the idea there, there is some residential, some limited residential that's possible there in the way of different apartments, but also some commercial office, but a different nature than what you see out along 630. So that's yet to come. And that's the transition between, you know, the residential portion of Embrey Mill and what you see here along the newly designed and very nice route 630. Now, there were a couple of questions and let me try to answer those and any other questions that you may have. There's a lot of interest in the murals. This is sort of a new concept, but some of you have seen it in different cities. I saw some beautiful murals last summer in Cumberland, Maryland, along the river that depicts the history of Cumberland, right there. The intent for the murals is that they reflect Stafford and Stafford and Virginia themes and Stafford history. There is not an artist that is lined up to do this yet. But yes, I don't think there's much question but that the Peete family would certainly consider local artists that have an interest and have

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the ability to do this sort of thing. We want people to like these. It's sort of a new idea about how to provide some distraction from the normal commercial venues at these and in the areas where they have been used, I think they're considered very attractive. And we very much want that to be the case here. Now, the rest of the premise here really is, okay, we're not really this is not really like a planned development district but you know, we don't need big high signs, and we're still Embrey Mill. So, we're looking for a compromise on the signage that is decidedly closer to what's permitted under the PD ordinance anyway. In fact, one compromise, we were talking about the height of these signs, and we're coming down, and the way these plans are set up, you can go above the ordinance or under the ordinance, you know, whatever we can come up with that makes sense for that particular development. But the site height permitted just in PD-2 generally is 20 feet. So, they're not going to have all 20 feet signs, except where Mike was talking about, they really are pretty important for, you know, being able to see the store and I'm sure that the other details will get worked out. Nobody wants a sign to get in the way of anybody's visibility. I do think that's a site plan issue. So, this is a balancing act and, you know, the signage is, what we're trying to do is to comply with and address and be responsive to vendor expectations. And I think you all have been doing this long enough to know that vendors like signs and they're very tied to their signs. Now the question about the logos that go with them, all of the signs, the multi-use signs that are used here will come through the developer for review and approval, and they work with them on the logos but the intent is for the logos not to overshadow the sign but you know for each one to be able to use something about their special logo and their brand, which is probably still safe as free speech under Supreme Court precedent. But good that you brought that other matter and visibility is part of the balance that we have vendor expectations and then we need people to see where the stores are. I think everybody agrees is just as important for you to see the place you want to go and not be searching for it. And we've all probably had experiences like that, you know, particularly as your eyes aren't as good as they were 40 years ago, and then, consistency so that, you know, there are common materials and colors that are used throughout the commercial portion of the development. So that's the intent and okay, I've rambled on for a while now. If there are other questions, I tried to just hone in on questions that I thought that you had raised earlier and address those. Did you know? I did try to persuade the Board of Zoning Appeals that the Confederate Flag was a sign but they didn't have standing but you know, that's past history. Unfortunately, it came down anyway. So okay. Just, you know, when you've been doing this as long as I have you just have so many interesting anecdotes and I hate to just leave them in the dustbin. Okay, do you all have any questions about our application and what we're trying to accomplish here and we'll do our very best to try to answer them between Ms. Winston and myself.

Ms. Barnes: Questions for the applicant. Fire at will. Okay, I think it looks like you may have answered everything. Okay.

Mr. Leming: Okay. All right. We told you to go home early tonight. Yes, ma'am. And thank you all very much.

Ms. Barnes: Okay, so we'll move on to the public hearing for this. I'll open up the public hearing on this agenda item and opportunity for the public to comment on this particular 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 and red means your time is up. If you would like to speak, please come forward. I'm gonna go slow since I jumped the gun on the other one. All right. Seeing none, I will go ahead and close the public hearing. And obviously no rebuttal since there were no comments. So, I will bring this back to the Commission. Ms. Sellers, this is in your district, what would you like to do?

Ms. Sellers: Madam Chair, I move approval of CUP22154344.

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Mr. Martinez: Second.

Ms. Barnes: Okay, we have a motion to approve by Ms. Sellers and a second by Mr. Martinez. Any further comments?

Mr. Bain: Just one comment for staff. When I read this application, I was concerned by a particular sentence that said, “however, the plan notes that the aesthetics of the signage may change,” which left it wide open for the applicant to do anything they want. I'm glad to see that staff, Mr. Zuraf, has locked it in sufficiently to what they have supplied as an example so that I don't think things will get out of hand and I liked the way you've worded that so, thank you.

Ms. Barnes: Go ahead Ms. Sellers.

Ms. Sellers: I mentioned I do live in Embrey Mill. I've lived there since 2014 and we've been through a couple of different zoning things and working with both NSA and Newland, they've always come through and made it exactly what they promised. And so, when I looked at like the murals, and I look at the way the signs, look, I am confident in those two groups that they will do what they said they're going to do, and that it will look nice. I am really excited about the mural. Several years ago, I tried to get a mural done along Mine Road and couldn't get through the school board but I think it's a neat concept and to integrate that into it is very exciting. So, I do greatly appreciate that and I will be supporting this.

Ms. Barnes: Okay, any further comments or questions?

Ms. Baker: Madam Chair, just to clarify that you all are adopting the version of the resolution that was handed out to you this evening.

Ms. Barnes: Okay, do we need to vote on that separately? Okay. So, we don't need a friendly amendment. That's just a clarification. Okay. Okay, so I have a motion to approve by Ms. Sellers and a second by Mr. Martinez. Please cast your vote. And that vote passes unanimously, six to zero with one absent (*Mr. Apicella*). Thank you very much and congratulations. Okay, we will move on to Unfinished Business, none. New Business, none. And Planning Director's Report.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

3. Solar Farms Joint Work Session with the Board of Supervisors

Ms. Baker: Jeff Harvey had sent an email out to you all previously mentioning the solar farms joint work session with the Board of Supervisors. The only additional information I have at this time is that the meeting date and time of September 27th at 6:00 PM has been confirmed but we do not have a location yet. So, just stay tuned for more information to come on this and you will receive information prior to the session as far as what is going to be discussed. There'll be an agenda and such made

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for that. So, we are still working through the materials that will be presented at that time but if y'all have any questions in the meantime, feel free to reach out to staff.

4. Project Pipeline Report (For Information Only)

COUNTY ATTORNEY'S REPORT

Ms. Barnes: Okay. Moving on to County Attorney's Report, Ms. McClendon.

Ms. McClendon: No report.

COMMITTEE REPORTS

Ms. Barnes: Okay. Thank you. Committee Reports. I don't think we have any committees that are meeting right now. Chairman's Report, I don't have anything. Other Business, new TRC submissions. We have one for Hartwood. It looks like there's going to be Take 5 in Hartwood, Little Falls Run in George Washington, and Big Spring Manor in Falmouth Election District.

CHAIRMAN'S REPORT

OTHER BUSINESS

5. New TRC Submissions

- 22154608; Take 5 Warrenton Rd - Hartwood Election District
- 22154636; Little Falls Run WWTF – George Washington Election District
- 22154590; Big Spring Manor – Falmouth Election District

Mr. Shelton: Madam Chair can I ask a question?

Ms. Barnes: Go ahead.

Mr. Shelton: I think we approved the Take 5 on March the 9th, 2022, did we not?

Ms. Barnes: Is this a different one?

Ms. Baker: That was a conditional use permit that you all reviewed and approved. So, this would be the site plan.

Ms. Barnes: So apparently, we're not done with that one yet.

Mr. Shelton: Well, I knew I didn't get to change my oil there in the last couple of days and so...

APPROVAL OF MINUTES

6. July 27, 2022

Planning Commission Minutes
August 24, 2022

Ms. Barnes: Okay, moving on to the approval of minutes. We do have minutes from July 27th. Do I have a motion to approve those minutes?

Mr. Shelton: Motion to approve.

Ms. Sellers: Second.

Ms. Barnes: Okay, motion to approve by Mr. Shelton, second by Ms. Sellers. Any comments? Hearing none, please say aye.

All: Aye.

Ms. Barnes: Any opposed? Any abstentions? Okay, that motion passes unanimously as well. And with no more business in front of...

Ms. Sellers: *Inaudible*.

Ms. Barnes: Okay, you want to you want to use this? Okay. Go ahead.

Ms. Sellers: I can. So, I believe it has been announced that I have been appointed to the Commonwealth Transportation Board to represent the Fredericksburg District and did check with both groups, and there is no conflict of interest that we see either in my time here or the work that we do. But as we get into the business, I'm very excited to figure out how we can help and move Stafford forward.

Mr. Shelton: Nice article in the Free-Lance Star.

Ms. Sellers: It was a good article. Yes.

Ms. Barnes: Congratulations and thank you for letting us all know. Okay, I think that's it.

Ms. Sellers: Madam Chair.

Ms. Barnes: Yes. Oh, go ahead Mike.

Mr. Zoraf: The project pipeline report that you received that lists the future meetings and items on the next meeting. The one item we had listed on that, it did not make it. There's issues with getting it advertised. And so, there are no public hearings at the next meeting, just let you know.

Ms. Barnes: Oh okay, that's an important note. So, if there are no public hearings on the next meeting we could cancel it. Would anyone like to make a motion to cancel that meeting? What was the date on that meeting again? September 14? Okay.

Ms. Sellers: *Inaudible*.

Ms. Barnes: And second?

Mr. Shelton: Second.

Planning Commission Minutes
August 24, 2022

Ms. Barnes: Okay, so we have a motion by Ms. Sellers and a second by Mr. Shelton to cancel the September 14th. Any discussion? Okay.

Mr. Bain: Already. Thinking back to Kristin Maxon comments at the beginning of this meeting. She was rather perturbed about all the meetings that were canceled or advertised for the wrong dates and that sort of thing. I'm just wondering if we cancel that meeting, is there any public notice issued to let people know that the meeting has been canceled and is it sufficient, considering that she seemed to not have noticed or not had been notified?

Ms. Barnes: Do we have any community outreach that basically lets people know that a meeting has been cancelled?

Ms. Baker: All of our meetings are posted on the county website and when there are cancellations, our community engagement team puts those notices on the website.

Mr. Bain: Not in the paper or anything?

Ms. Baker: Not not the cancellation of a meeting. As far as I recall, there was not a scheduled Board of Zoning Appeals meeting at all. That was already cancelled, in advance, so the notification would have gone out.

Ms. Barnes: Right, thank you for asking that. Okay, so we had a motion and a second to cancel the next meeting on September 14. No further discussion. All in favor say Aye.

All: Aye.

Ms. Barnes: Any opposed? Any abstentions? Okay, that passes unanimously. So, the September 14 meeting has been cancelled. And no other business before the Commission, we are adjourned. Thank you.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:24 PM.