

STAFFORD COUNTY PLANNING COMMISSION

November 9, 2022

The meeting of the Stafford County Planning Commission of Wednesday, November 9, 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, Laura Sellers, Willie Shelton, Jr.

MEMBERS ABSENT: Martin Martinez

STAFF PRESENT: Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Amy Taylor, Mike Zuraf

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Do we have any declarations of disqualifications? Okay, hearing none. Do we have any changes to the agenda?

Mr. Shelton: Madam Chair, I'd like to make a motion that we move item 4 to item 1, please.

Ms. Barnes: Okay, we have a motion by Mr. Shelton. Do we have a second?

Mr. Bain: A clarification. That would be the item 2.

Ms. Barnes: Correct. First public hearing.

Mr. Bain: We can't move it before the Public Presentations. But I'll second that.

Ms. Barnes: Okay, we have a motion by Mr. Shelton and a second by Mr. Bain to move the Reclassification of the Austin Ridge Logistics Center ahead of our first public hearing. Any discussion? Alright, hearing none, please cast your vote. Okay, and that passes unanimously with 6 votes for yes and 1 absent [*Mr. Martinez absent*]. Alright, thank you. *Inaudible, microphone not on.* I'll put my mic back on; sorry guys. Mr. Byron Counsell, Director of Capital Projects to give a presentation on County Transportation Construction Project Quarterly Update. Thank you.

PUBLIC PRESENTATIONS

1. County Transportation Construction Project Quarterly Update by Bryon Counsell, Director, Capital Projects

Mr. Counsell: Thank you, Madam Chair, members of the Commission. Tonight before you is a transportation update, but I'm happy to... I've included and I'm happy to go over some of the larger utilities projects that are underway that greatly serve the growth and consistent supply of water and wastewater to Stafford County. The first one is a project we just completed. It's a small project; it clears up a sight distance issue on Courthouse Road, right at the intersection of Lynnhaven Lane. As you can see from the photo, a retaining wall was built to create a better sight distance scenario there. That project is complete. The handrail has since been put on the top of it. And we're closing the project out now. A new sidewalk along Flatford Road that connects Parkway Boulevard and Winding Creek just finished. You've probably seen that if you've driven through there. It just finished in the last month or so. Berea Church safety improvements – this is gonna be some improvements completely along the road between

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Route 17 and Truslow. We're in the utility relocation phase of that project. You can see the photo there, it's just a photo showing they've done some, started some clearing on that as well. But utility relocation is the primary action underway. And the next slide, we will be advertising this project in January or February for construction. So this right here, so the current road if you, if you drive, this is about nine and a half to 10-foot wide lanes with no real shoulder. The cross section of the new road will be 12-foot lanes with about 10 feet between the edge of the road and the bottom of the drainage slope. So there'll be a much wider traveling surface for that, for that road. We're smoothing out a couple of small corners or just smoothing out a couple of curves, but no major geometry changes are expected out there. Moving on to the project that's right outside here, the intersection improvements. And this is not just the intersection improvements at Courthouse and Route 1, but also at Hope Road and Route 1. There's some significant work there; dedicate turn lanes, make the traffic movement through those intersections much, much better. It's in the utility right-of-way. I mean, I'm sorry, the right, I'm sorry, utility relocation phase. And to be advertised in January or February as well. The next slide is a, is a graphic showing the work there. And I want to highlight a few things for you while I'm here this time; I haven't done this in the past. But this is the courthouse area where we sit right now. And here's the School Board building up here. At the intersection of Route 1 and Courthouse Road, you'll see dedicated left turn lanes on Route 1 and going in both directions. That is going to make the operation of the traffic signal and traffic flow much, much better. And then also you'll see a median, a hard median put between Hope Road and Courthouse Road. That is going to prevent, it's going to prohibit and prevent traffic from turning from... left turns is what it's going to prohibit. So if you're headed southbound on Route 1, you can't turn into Sam's. This is very noticeable and required by VDOT. Then moving down to the intersection with Hope Road you'll see dedicated left turn lanes at the light. And then you'll notice a little bit further north, a median that will prohibit left turns from Route 1 into the Hope Road building there where Five Guys used to be and some other assorted businesses are.

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

Mr. Counsell: Okay. Yeah, that's... a long time ago that was not very well constructed. And at a time when a lot of trucks came through there, a period of 2, 3, 4, 5 years ago, from some of the development down there just it created a lot of cratering in there. We are going to rebuild that. You can, you can see that this image may or may not be correct, but we will least go back a few... we'll be going back a few hundred feet, at least as far as the new turn lanes are striped there probably and we will most likely go back to this area about right... it'll be just past that law office. I'd have to look at the plans to see exactly where that, that point, that point is.

Ms. Sellers: That looks about where it's, you start to go off roading. It looks about right.

Mr. Counsell: You're the 500th person this year to ask us if we're going to repair that.

Mr. Apicella: Bryon, what's the ETA on this?

Mr. Counsell: If we advertise it, the elephant in the room is funding. Right now, the project started out with funding through VDOT smart scale and revenue sharing back in 2016 or so at about \$9 million. The estimated price tag on it now is between \$20 and \$25 million. That's not because we've increased the work. It's because the cost of doing business, construction has significantly increased. Right now we have funding for between 19 and 20 million. We are going to advertise it to see where the bids come in. If the bids come in much higher than that, we will probably see increases in the Berea Church project, as well as another project that's on here at the same time. We'll be going in front of the Board to get direction from them on how to prioritize these and how to appropriate adequate funding. So if, if

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everything moves forward and we accept a low bid in February or March, construction will start and will take about a year and nine months to complete. So the fall, fall, early fall of 2024 likely it'll be finished or very early spring in '25.

Ms. Sellers: What was the starting number?

Mr. Counsell: About 9 million.

Ms. Sellers: And it went to 25 million?

Mr. Counsell: I think when you were on the Board, it was probably maybe 8 or 9 million is how we, how we funded it.

Ms. Sellers: Yeah, this was when I was on the Board. Yeah, yeah. It went to 25 million and that's just... we can talk offline. I mean, that's a little high for even smart scale in that time that we're seeing. But we can talk offline.

Mr. Counsell: Yeah, the cost escalation is what's got it up to 20 to 25. We've been updating estimates every four to six months since then and we've known it's growing, there's just nothing we can do about it. We can't reduce scope. And like said, I'd be happy to answer any questions you might have offline. The next project I was mentioning is going to be advertised about the same time is some improvements up on Route 1 as it intersects with Telegraph and Woodstock. I have a similar graphic, but it's on the, on the update sheet itself. There's going to be some traffic signal and roadway improvements at the Woodstock Lane where the crucifix is, as well as at Telegraph Road a little bit further north near Taylor's store. So it's one project but kind of done in two different locations with some work, no work taking on in between. That project's gonna be advertised again. And this was in the same boat as Berea Church and Courthouse Road intersection. The escalations have gone... the expectations of cost have gone up dramatically. And we're just hoping that they all fit within our current budget. We don't expect that to happen though. And another sidewalk project coming up is up on Staffordborough Boulevard near the end. It goes from the parking lot to the T in the road. This is currently in design. We've, this says 30% complete. This was written for the Board update about a month ago. I think we're probably well past halfway designing of this. We expect the design to be completed by the end of the year. Hopefully we'll do right-of-way and any right-of-way acquisition and utility relocation. And we hope to advertise this next or hope to advertise it next year and with a completion of fall or winter '24. Brooke Road reconstruction – this is, obviously it's been a really hot topic over the past few years. The plan right now is to... we've led a design contract to work on pulling that road up in elevation and away from Accokeek Creek. We've got several different alignments we're working through VDOT right now. There is no, no set alignment yet, so we don't know what the impact is going to be or what the road is going to look like yet. There's also another aspect of this. The emergency access road that connects a couple of neighborhoods up there. The Board is going to discuss that at its next meeting on Tuesday. We hope to get some direction on how they still want to move forward with that, or if they want to move forward with it and give them a status update on this project. And we'll be seeking direction from the Board at that time.

Ms. Barnes: Mr. Counsell, I have a quick question about that one. They did a few tweaks to that, I don't know, maybe six, eight months ago. And since then I follow the Brook Point... I mean, it's the Brooke, Friends of Brook Road Facebook page, which where they usually announce when they have to, you know, pre-park, if there's flooding, and I haven't seen any flooding. It seems like the tweaks that they've

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done have really been helpful and, and there hasn't been anything consequential where people have had to, you know, play, you know, ring around the rosy with their, with their cars basically.

Mr. Counsell: That's what we were seeing, too. VDOT did some very fruitful improvements out there along the edge of the road. And so far, the last rain event that caused the road to be closed was seen about three months ago or four months ago. And that same rain event did not cause the road to be closed. That's really the only data point that we have. We're hoping that that is going to take care of, and so is VDOT, hoping that that takes care of the predominant... the predominance of the flooding out there. However, there is still a lot of movement and desire to get this to eliminate almost all the flooding, if not all of it, with a project. We're going to be cognizant of all these types, like we're, even while we're designing this \$7 to \$12 million fix, we're still looking at cheaper alternatives to solve those problems out there. We hopefully will find one before we, before we spend 10 to \$12 million in a fix.

Ms. Barnes: Thank you.

Mr. Bain: Let's see what Friday's rain brings; three to four inches they say.

Mr. Counsell: We're watching it anxiously.

Mr. Bain: I'm sure.

Mr. Counsell: Yes. And other projects, a lot of these projects revolve around Route 1, as you've seen the pattern there. A lot of, a lot of existing traffic issues exist on Route 1. This one is to try to alleviate some of the school traffic as well as commuter and just cross-county traffic for the citizens. This is going to address, try to address or put an impact or a negative, take away some of the, the issues there with some additional turn lanes on Enon and some signal work out on Route 1. This just started design. It's very, very early. We're just in the initial scoping meetings with VDOT. As you can see, they were hoping this... everything goes if this project again it's escalated to from \$5 million to \$11.6 is old. We just got a new update that's taken us between \$18 to \$20 million project. So we'll see how this goes over the next couple of years to see if it's still going to fall into those. We're hoping for a... without a recession, we're hoping for a construction retraction, construction cost retraction in the market, which means hopefully it's flooded with new labor and materials. That's what's really driving the risk up for contractors to try to bid on these projects. We're hoping for a retraction in the market so we can get a lot of these and under our existing funding. But this project's just starting; hopefully it'll be done sometime in '27. Along with the sight distance issue we saw with the retaining wall at Lynnhaven Lane, there is a service district that was created by the Board to bring this roadway into public roads. We've started getting the right-of-way from the property owners. It's all dedicated right-of-way. It's not, it's voluntarily dedicated, and the County's secondary six year plan funding in '24 will bring this up, bring this into the state system. VDOT will be doing the work and we will just pay for it through our annual SSYP allocations. I'll give you the option now if you're interested in some of the larger utilities projects, I'll be happy to go through them if that's something you want to get on. But if you guys would choose to get on with the meeting, I'll be happy to close it right here. But there's a lot of some big utility projects underway as well.

Ms. Barnes: Any preferences from the Commission? Are we good or?

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

Ms. Barnes: Okay.

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

Ms. Barnes: Let's work through them real quickly then.

Mr. Counsell: Okay. The, what we call the Claiborne Run parallel force main connects the Claiborne Run pump station on Cool Springs Road to Little Falls Run Wastewater Treatment Plant. Due to growth in the County, they needed a second pipe or a parallel or redundant pipe. The second phase of this which we call 1B of A and B is just getting ready to start. We're constructing a line out in front of Walmart and some of the other businesses out on Route 3. And the project really goes from Tom's Body Shop at Cool Springs and Route 3 all the way out to just past Walmart, and to join up with Phase 1A. Falls Run force main – this connects the pump stations in Falmouth Bottom with the 1B project that I just mentioned, that goes along River Road in front of Chatham and goes under Route 3 and will connect to the parallel force main just near Cool Springs Road. This one has been a long time coming. We've been working with the department, United States Park Service to try to meet their requirements. It's just been a very painful, lengthy process to do that. The light at the end of the tunnel is getting bigger and bigger as we speak. So this one should be moving forward fairly soon. We hope to start design early next year. Gravity interceptor which runs from Berea Church Road up to 95 through England Run area and Cardinal Forest, that project is supposed to start... it's complete with design. We've done almost all the property acquisition. We're evaluating construction now based on cost with the Utilities annual CIP and how much revenue the Utilities Department is going to have before they decide to move forward with this. It's under reprioritization potentially right now. Wastewater treatment plant out on Route 3 is in dire need of upgrades, but not really any expansion. The primary focus here is to rebuild a lot of the existing infrastructure and meet new regulatory requirements. This project started out as \$19 million. And the \$40 million is our official estimate right now. But we anticipate this being between \$70 and \$80 million. So we're hoping we can... this is why everything's kind of being reprioritized. But this is not a capacity issue. This is a condition and regulatory address. So we're not in danger of running out of capacity to treat wastewater. Thanks to the new Lake Mooney facility, we're trying to get all the water distributed around the county that the master plan calls for. The 342 pressure zone upgrades go all the way from the Lake Mooney Water Treatment Plant all the way up to Courthouse Road. And there's a couple of fingers to that. This is the, these are the ones that run up along Truslow Road, and that will terminate at our new water tank, which I'll talk about in a minute. This is, the design is finished. We're still working on the last couple of last pieces of right-of-way up near Hulls Chapel Church, and as soon as we get those we'll go to, we'll go to advertisement hopefully in December or January, and we'll get this project going. This is a project that goes from the tank I was mentioning all the way up to Centreport. This is an effort to really serve the Centreport area and all the variation of development that is anticipated and encouraged up there. This is just, just started. We just finalized an alignment and design is just beginning. But this is under, also under reprioritization. The elevated water storage tank is a 2 million gallon water storage tank just almost right across the street from Hulls Chapel Church. There's already an existing large concrete tank there; this one will supplement that with a 2 million gallon elevated tank. And those were all the projects I was going to go over tonight. Any questions, I'm happy to try to answer.

Ms. Barnes: Okay, I think that'll do it. Thank you Mr. Counsell.

Mr. Apicella: I actually do have a quick question. I'm sorry, Madam Chairman.

Ms. Barnes: Go ahead, Mr. Apicella.

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Mr. Apicella: So I read in the Monday edition of the Free Lance-Star that the county is working on a Transportation Master Plan. Can you tell us anything about that, how that process is going to work and who's gonna be involved?

Mr. Counsell: Sure. All of our transportation staff is involved; myself, Alex Owsiak, and all of our project managers and our transportation planner. Stafford County has never done a proper, not proper, I mean proper as in name, Transportation Master Plan, which addresses a whole host of data points, it addresses functionality of intersections, it addresses development that how it should be interconnected. In the past, through the Comprehensive Plan efforts, which many of you may be familiar with, there was a Transportation Plan associated with that. This is going to take that several steps further to try to identify for the most part growth issues. How do we, how do we continue to get, or how do we really start doing a better job of getting people where they need to go, and that is on 95 and off 95 for the commuters. Plus when I-95 has its issues, and all the capillary roads around the area get very congested, the master plan is really going to take a tackle, try to tackle addressing those; any new roads that we can build, any existing roads that can be reconfigured or modified to try to address those two primary functions. Then comes maintenance of traffic, trying to see if we need to widen the road here or there or add a turn lane here or there. So that master plan is a year-long effort. We've just ended collecting all the data for that of all our existing conditions. And the planners will sit down and they'll start deriving what is the what is the desired outcome? And what is the project that will, that will solve that outcome. We should have a draft in late summer that staff will look at and start commenting on and then by November or December, we should have something to present to the Board for their input and direction along with our cost estimates.

Mr. Apicella: Is this something the Planning Commission can help with in any way? Or should be involved with?

Mr. Counsell: Well, I will say at a minimum it will, we will be working with county planning staff and VDOT as we execute this. And I'll let, I'll let the Planning Department determine whether they want to get you guys input. We're certainly open to it. We wouldn't certainly discourage that at all. But right now I don't see that. But we'll let planning make that decision with you guys.

Mr. Apicella: Okay, thank you.

Ms. Barnes: Okay. I think that's, I think we've covered everything. Thank you, Mr. Counsell, appreciate it. Okay, I will go ahead and move to the next part of our agenda, the presentations by the public. 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, such as the Self-Storage and Dogtopia. There'll be separate comment periods for these public hearing items. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means you have one minute left. And red means it's time to wrap it up. Is there anyone who would like to come forward and speak? Seeing none, I will close that portion, presentations by the public, and move on to our next item which is actually item number 4 which we moved up. And for that we'll recognize Mr. Mike Zuraf.

4. RC22154477; Reclassification – Austin Ridge Logistics Center

Mr. Zuraf: Good evening Madam Chair, members of the Commission. Mike Zuraf with the Planning and Zoning Department. This is to provide a brief update on where we are with this, with this case. Austin Ridge Logistics Center is a proposed rezoning to M-1. This case initially came to the Planning Commission on November 28th for the public hearing. It was deferred to October 26th. There were all

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the issues, prior issues that were made, were evaluated and discussed. And at that last meeting, a motion to approve the proposal did not get an affirmative vote. So as a result, the project was deferred to this meeting. Since the last meeting, there were a few updates. There has been an update to the general development plan to address one of the, one of the issues that that's been raised previously. This is the original generalized development plan that you see here, which, as a reminder, you know, shows the potential for up to 2 million square feet of industrial building area kind of divided out among four different buildings under this scenario. And I'll go through the changes that were made. This is also another image, this was the, what was provided to the Commission at the last meeting, which was the potential Mine Road grading, Mine Road extension grading limits. And showing in red, the shading of the right-of-way area, potential right-of-way area, and then in blue, extra offsite grading. And the issue here was a concern about the proximity of this road to the Resource Protection Area kind of squeezed between the development and the Resource Protection Area. And so the applicant has made some modifications following some concern expressed about this alignment. So here is the revised generalized development plan. You received an 11 x 17 copy of that. But they've, the applicant has made adjustments in and around the area of that potential roadway. They made adjustments to their development footprint to allow for the road to be shifted a little bit to the north and east. So here is the modified generalized development plan in the area. The changes include shifting the internal circulation, road around the project approximately 35 feet farther into the site, which... well, they shifted their road and that allowed the Mine Road alignment to shift 35 feet into the site to the northeast. The revisions provide additional flexibility for the road by allowing a larger setback from the RPA. The RPA is the pink line that kind of runs to the north and east of the green wetlands area identified. The applicant noted the shift will cause them to lose some parking spaces. And also as a result, will require some tall retaining walls that would have to be constructed on their behalf around the internal circulation road, and that would add some of the expense, some expense to their project. For comparison, I'll shift back to the original plan. It's kind of hard to see but there's some slight adjustment of that circulation road around the project and reduction of some of the parking spaces. But you can kind of see where the road was adjusted.

Mr. Apicella: Mike, before you move on, just really a process question. So we just got the revised proffer statement today, or this evening, and the GDP was incorporated into the proffer statement. So two questions: is the, the GDP that we have in front of us, I think it's entitled 3b on my copy.

Mr. Zuraf: Yes.

Mr. Zuraf: Does that reflect the changes that you're showing here as the generalized development plan revised?

Mr. Zuraf: Yes, it is... it does.

Mr. Apicella: And do we need to accept the new proffer statement? Since we're just, just getting it.

Mr. Zuraf: Yeah.

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

Mr. Apicella: Yeah, just asking a process question. So whoever makes, if they were to make a motion they would need, we would need to take care of this first.

Mr. Zuraf: Yes.

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Mr. Apicella: Thanks.

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

Mr. Apicella: Yeah, I was just asking a question since we were talking about the GDP.

Ms. Barnes: I don't think Mr. Zuraf was quite finished yet so.

Mr. Zuraf: Yeah, a few more points. Also, we did provide you, we received an updated memo from the Director of Economic Development that kind of provided some additional estimates on meals and sales tax that would be generated from the project as additional background information. The cultural resources was an issue that was raised previously. There was a potential site of significance on the property, but the applicant went through, conducted Phase 1 Archaeological Surveys and a follow-up Phase 2 study which provides more detailed review. That study did not recommend inclusion of the resource into the National Register of Historic Places, and so no additional work was necessary there. There was an additional resource identified and the applicant conducted a new Phase 1 study on that area. And then also, it recommended a Phase 2 study. They're in the process of working on that Phase 2 study on that other resource. They were scheduled for review by the Historic Commission at their last meeting on November 3rd; there actually was not a quorum so they did not have a chance to look at it. But staff does... I will remind the Planning Commission that there is a proffer that the applicant has that says they, they're committing to completing any additional studies that would be recommended, and also implementing any recommendations from those, from those studies.

Ms. Barnes: So they will get in there. That's a definite at some point in time...

Mr. Zuraf: Yes.

Ms. Barnes: ... the Historical Commission. Thank you.

Mr. Zuraf: Yes. And kind of final points. As far as the summary, the positive and negative aspects are, were included and added to the background report to refresh the Planning Commission's memory. The last meeting, we kind of focused on all the, kind of the negative issues that were kind of raised. And so I just wanted to bring the Commission's attention back to the positive aspects, which there are a bunch. And we did add two positive aspects to the summary, which include the development is consistent with a Comp Plan policy that encourages development of accessible, convenient, and attractive commercial and industrial locations within the Urban Services Area. And then the other positive was the development would generate positive fiscal and economic benefits for the County. Regarding the recommendation from a Comp Plan land use perspective, staff cannot support the rezoning request. Staff's justification in the background report notes that despite the positive aspects, portions of the project would be located in an area envisioned to absorb some of the future anticipated residential development in this area. And although it does not fully mitigate transportation concerns, it would generate less traffic than planned mixed use or residential uses in this area in the Comp Plan. I also will note that if the Planning Commission and Board are inclined to approve the application, we would recommend consideration be given to re-evaluating the land use recommendations for this area of the Courthouse Targeted Development Area as this would replace some projected residential growth. And I'll turn it back.

Ms. Barnes: Go ahead.

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Ms. Sellers: So are you saying we need to figure out where to put this future residential growth?

Mr. Zuraf: That would be a recommendation. It's not a... you know, it wouldn't be required, but it would be definitely something to keep in mind probably for the next five-year update. You know, if the conditions are changing, and where residential was recommended and it's replaced with industrial, you're gonna want to re-evaluate if the, like specifically the Courthouse Targeted Development Area if that, if that needs to amend... be amended or the growth that was projected, where else is it gonna go? And where else can it go?

Ms. Barnes: Okay, any questions for staff?

Ms. Sellers: I do have a transportation question. Did we ever figure out... I see the Mine Road changes, but there was something said by VDOT about the diverging diamond. Have we, have we received any more information on what is, what they mean by I think it's not compatible? No, *inaudible*.

Mr. Zuraf: There was no new information from it. It was just an overall, overarching kind of general concern with truck traffic through the diverging diamond with the kind of weaving kind of motion that, with this design and then the additional stop and starts with the lights that go through this intersection.

Ms. Sellers: Well, it's kind of uphill.

Ms. Barnes: Are they specifically concerned about the increase in traffic or the type of traffic? Because it sounds like if this was to be used as it's written in the Comp Plan, there'd actually be more traffic than this.

Mr. Zuraf: They're concerned with the type of traffic.

Ms. Barnes: Okay. Any other questions for staff? Okay, I do have a question and I think I've brought this up to you on Monday's meeting. Last week at the Board of Supervisors, they brought it up, I believe it was number 19 on their agenda, an EDA grant using ARPA money, \$1.65 million for the extension of the sanitary sewer line along Cedar... sanitary sewer along Cedar Lane. How does that work with proffer number 8, which is extension of the water line, which is also going to be going through Cedar Lane? So is this ARPA thing, that's going to be sanitary sewer, and then their proffer is going to be the water line. So there's no overlapping there.

Mr. Zuraf: Correct.

Ms. Barnes: Okay. Are they going to work together? Is this... how is that because you've got two, it sounds like you've got two projects going on there with two different working parts. How's that going to work together?

Mr. Zuraf: I'd have to defer to the applicant if they have an idea of how that might look.

Ms. Barnes: Alright, sounds good. So remember that Mr. Payne. Okay, any other questions for staff?

Mr. Apicella: Madam Chairman, I believe we have Mr. Holden here from the Economic Development Department. I think they offered some additional information that he's someone we'd want to have come up and be an extension of staff and provide any additional information or review what he provided? Yes? No?

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Ms. Barnes: I'm fine. Mr. Holden, would you like to come up and add anything to this? Not to put you on the spot here, but if you're here.

Mr. Holden: Well, again, I had a chance with working with the FRA to update the memo I did the first time around with a little more detail on kind of the economic impact, which is, of course, economics is a big subject. So to include, basically impact on other spending as a result of the jobs coming in and what's called the indirect effect. Again, you have a memo in your package. But I guess to, to emphasize, this is a, to my awareness in the last many years, even before I got here, this is the second largest private investment in Stafford County and it has a significant economic impact, tax revenue impact. There are some concerns, as you've raised, but that's from my world. I just wanted to share that. And I'll answer any questions you might have.

Ms. Barnes: Any questions for Mr. Holden? And maybe you can shed some light on that EDA grant... *inaudible*... and the sanitary sewer and the waterline, I'm not sure because I think I saw you at the meeting last...

Mr. Holden: I can't speak to the engineering but I know that Merritt has coordinated with the applicant on both the sewer and the water side. I've been involved on the, the ARPA money is strictly for the sanitary sewer. And Merritt has designed that in coordination with the applicant.

Ms. Barnes: Got it. Thank you very much. Okay, would the applicant like to come forward? Welcome, Mr. Payne.

Mr. Payne: Thank you, Madam Chair, other members of the Planning Commission. My name is Charlie Payne; I represent the applicant. I appreciate your time this evening. And thank you for graciously allowing us to move up the agenda, that I've got to run into the City this evening. I think Mike has covered the bases in regards to since our last meeting, and the updates, but I'll go through it real quick. Mr. Apicella and some other members of the Planning Commission had some concerns about Mine Road extension and whether if, even though admitting that Mine Road had not been designed and planned at this juncture, if it, if it was to come through that location, you know, would it have enough adequate room? And if it did, would it be impacting the RPA. So we went back to the drawing board and made the adjustment so that it would be, there would be more space in that particular area that would not, to ensure it would not be impact in the RPA. And, of course, that did have somewhat of an impact on our project, which, my apologies, I sent some bullet points to Mike, I didn't want you guys to feel sorry for us for making those adjustments. So next time it's just between you and I, Mike. But it is going to come with, it is going to come with some cost impacts including a larger retaining wall. And we're going to have to relocate somewhat the service road, the travel road that goes around the building. And we are going to, we have in our proffer statement, as you may see which we're going to request that you do accept this evening, as amended, that we're reserving that right-of-way area for the County. If it does, and when it does, I guess, design that road that we will dedicate that area to the County for grading and for purposes of building the roads. So I just wanted to point that out. If you'll see on the GDP, there's a reservation area, and that's been identified in the proffer statement. In regards to the DDI comment from VDOT, I mean, it was sort of a hey, by the way, there's a lot more truck traffic, it wasn't anything we could do to change that in regards to the interchange. We have addressed every technical comment that VDOT has raised so I want to make sure that's clear.

Ms. Sellers: What are they saying with the DDI? Is it a materials issue? Is it a design issue? Because we use different materials to build roads depending on what the use is going to be.

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Mr. Payne: To my knowledge, it wasn't a material issue and I don't know about the design issue. They're just saying there's a lot more traffic on that DDI than I guess they initially anticipated. But it was just sort of a big picture, keep an eye on it kind of comment. But there wasn't anything that we could do. There wasn't any, any comment to the applicant that we can make a change to our application that would change the overarching issue, as Michael stated.

Ms. Sellers: Because the County said that staff said that it was a different type of traffic. So that almost makes me think that it's a materials issue. Just, just in the short time that I've been going to some of these transportation meetings, they do use different materials depending on the types of vehicles that are going to travel. And so...

Mr. Payne: I can't imagine if you design \$150 million interchange, that you don't design it for truck traffic.

Ms. Sellers: Well, it wasn't... I mean, we can go back and forth, but it wasn't, that's why I'm asking is if it's a materials issue, that's something we can overcome. That's something you can mitigate. If it's a design issue, we might not be able to mitigate that the same. But you know, and you can put a dollar amount to that and you can say, okay, you guys need to provide some funding to maybe strip that, that area and add new material there, because they do use different material.

Mr. Payne: That that comment has not been made, and trucks are traveling and trans versing that area today. So without issue to my knowledge. In regards to the tax numbers, I think the Economic Development Authority, Economic Development, Director of Economic Development has made his comments and presented you with a memo. I did reach out to the Commissioner of Revenue as well, just to confirm that what we were putting forward in regards to our tax revenue projection – and remember, we haven't put forward our personal property tax; that it would be a tax on tangible personal, on tangible business personal property that's utilized on the site. The estimate of what that value would be could be anywhere from 50 million to a half a billion, it just depends on who the user is. So we don't have a number for that, but it'd be a significant number that will be taxed. I asked him about the real estate tax and the 2.2 million we were projecting and he concurred that we were in the ballpark. And he said to me that that represented actually one and a half percent of the overall commercial tax revenue the County collects today. So it's a big number for that purpose and for purposes of comparing tax revenue generation. And as Mr. Holden stated, this is the second largest commercial industrial investment in the County's history – \$260 million. Also, just to the comment on the Comprehensive Plan, and you know, Michael and I have kind of gone back and forth on this, about consistency to the Comp Plan. The Comp Plan does encourage commercial uses in this area. The question became, we had no projected mixed use, we had no residential mixed use. The numbers for, if under the Comprehensive Plan, the traffic numbers, if you were to develop that site based on what's in the Comprehensive Plan, it doesn't mean you would develop it completely to the max. But let's say you built, you know, over a million plus square feet of retail and you added, you know, 1,000 units in that location, you're talking about 34,000 more trips than what we're generating. So that, that is an impact. That's a significant number at that interchange. And whether you're driving trucks or you driving cars, that's a big, that's a big number. So I just want to make that clear. And then the waterline extension, we're doing that at our cost and we are coordinating with the County on that front. Happy to answer any other questions.

Ms. Barnes: Ms. Sellers.

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Ms. Sellers: On the waterline extension, number eight, I have a lot of questions about this. Can you explain to me what exactly you guys are proffering here? Because as I read this, I actually have no idea what, what your proffering here.

Mr. Payne: We're extending the waterline to Cedar Lane so that the residents can connect to the water line.

Ms. Sellers: So where are you extending the waterline from?

Mr. Payne: Well, we're, we're extending the water line... do you know where it's coming from Ryan? We're gonna bring a water line to our site, and then we're gonna extend it to Cedar Lane, but I'll let him, let Ryan tell you where it's coming from.

Mr. Marshall: Yeah. Ryan Marshall with NorthPoint Development on behalf of the applicant. So we've looked at a couple of different scenarios to achieve this waterline extension. There is an existing water main on the north side of Courthouse Road. We believe that that, bringing it from the north side underneath Courthouse Road, would be cost prohibitive in the context of our project. So what we are proposing would be we'll obviously be into some pretty serious utility extensions and upgrades and new lines on our underlying development. And so we would be running a line north from our site up Cedar Lane to the north.

Mr. Bain: Connecting where? That's the question.

Ms. Barnes: Why is it going up Cedar Lane? Is there a specific reason why it's going up Cedar Lane? Is it going to connect to the north to something?

Mr. Marshall: So we're, we're still a little premature in those discussions with the County as we get into site plan. That was something that will be addressed in terms of kind of the looping and the connectivity of the line itself.

Mr. Payne: Ms. Barnes, I don't know if you were asking the question of why we're bringing it to Cedar Lane. Is that the question?

Ms. Barnes: Yeah. Because if you're not, if you're not connecting to that waterline that's on the north side of Courthouse, why is it coming up Cedar Lane?

Mr. Payne: We're connecting it to Cedar Lane so the residents can connect to the water. So that the issue came... they're on well now and the issue, the question was, if the project, and we're developing the project would have an impact on their wells. So what could we do to help remedy that? So we offered to bring the waterline to Cedar Lane so they can connect, or to drill new wells for them, whichever one they wanted. That was the purpose for extension.

Ms. Sellers: So are you gonna put the waterline in regardless? And then if they decide not to connect, you'll also drill the wells?

Mr. Payne: That's a good question. My understanding is they want the waterline there, is what we understand, the residents at Cedar Lane.

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Ms. Sellers: So and that's kind of the question I have with it, is it's really ambiguous and, you know, and it's very lofty. I think I read one article that said, it could be a \$1.5 million project to run that water line down Cedar Lane. That's probably why the county hasn't done it right now. And so my question would then be, I mean, is that the type of investment you guys are putting out there is a \$1.5 million waterline extension? If that's what you're gonna do, so be it but that's the price tag that was reported.

Mr. Payne: I'm not sure what the cost is but we've proffered it so we've got to do it. But, Ryan, I don't know if you wanna...

Mr. Marshall: I was just going to add, I mentioned, you know, pulling it south from the north side of Courthouse Road, I have a feeling that is likely where a lot of the lofty costs come in. We're obviously going to have the ground opened up installing some new lines to serve our project and believe we can do it in a more cost-efficient manner. But as Charlie alluded to, we have again, we've not gotten to that stage, in the cost estimating quite yet.

Ms. Sellers: Okay. And then when can we expect this project to be done? Typically, we see things like permitting. So are we... ?

Mr. Payne: Which project are we talking about, the waterline?

Ms. Sellers: And well. So let's assume that 13 of the 14 homeowners want to get on this waterline and you got to one homeowner who says "No, I want you to drill me a well". You know, the way I read this, you know, you can do that, too. It's not either or, it's and. And so for the county, from our perspective, when can we expect this to be done? And do we hold up permits until it's done, until all 14 of those homeowners tell us they're satisfied?

Mr. Marshall: Yeah, Charlie's checking. I believe we tied that to the first CO on our project.

Ms. Sellers: What is a CO?

Mr. Bain: Could I interrupt a second? Maybe Mike knows the answer. I believe our ordinance says that if there is a public water line within 300 feet of a residence, you're required to connect to it. So once the water lines in there, a homeowner would not have that option. I think what the proffer is saying is if all the homeowners decide they don't want a waterline, but they'd rather have their wells drilled deeper, that that would they would do that. Am I not right about that ordinance requirement? There's some sort of requirements saying you have to connect if it's within a certain distance.

Mr. Zuraf: I know that it definitely applies for new, like a new home. I'd have to look to see how that might apply to existing homes.

Mr. Apicella: It's something only for new homes.

Mr. Bain: Okay. Alright.

Mr. Payne: I mean, we were providing a remedy to a potential, just concerns. I think the neighbors had concerns. We met with the neighbors. The client with the neighbors as part of the community meeting. And one of the one of the concerns is whether or not the project will impact their wells and we said we'll extend public water and I understand they want public water in that area. So hence, maybe the reason there's public sewer coming in that area.

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Mr. Apicella: I do think it's a fair point. I'm reading the proffers, proffer number eight. I don't see that it's tied to a specific timeframe.

Mr. Payne: The client said that he had no issue with the first CO but like we've proffered all other improvements.

Ms. Sellers: And is that actually in there someplace?

Mr. Apicella: Yeah, I think we might need to do a pen and ink change.

Ms. Sellers: Well, how do we remedy the wells?

Ms. Barnes: So that's what I'm not understanding either is this, if let's say we've got 15 houses along there and 14 of them say "Yay, I can afford to...", because it's going to cost them to connect to this water line. And 14 of them say "Yeah, I'm gonna spend the money and connect it to the waterline. Thank you very much." But one guy says, "You know what, that's just way too much money for me. I just want you to dig me well" so...?

Mr. Payne: We'll dig the well.

Ms. Barnes: It's both?

Mr. Payne: Yes.

Ms. Barnes: Because in here it says "or".

Mr. Payne: Yeah so if they want us to dig the well, we'll dig the well. If they want to connect to the waterline, they'll have the ability to connect to the waterline.

Ms. Barnes: Okay, you know, maybe I'm just not reading this correctly because the "or" means to me "We'll do one or the other, not necessarily both". Am I the only one reading it that way?

Mr. Bain: Read it. It says IF the property does not want to connect to the line then they will build a well.

Mr. Apicella: Yeah, I read it that way as well.

Mr. Payne: Well, the last part of that Ms. Barnes.

Ms. Barnes: Okay. Okay, any other questions for Mr. Payne? Are you finished with all your presentation?

Mr. Payne: I finished my presentation. I'm gonna go ahead and ink the timing when completing the waterline.

Ms. Barnes: Okay. Any other questions while we have the applicant up here?

Ms. Sellers: I have one more request. I see it. It's going to be tied to tree preservation removal of existing homes. And we've done it in other projects where basically, I don't want you to grade the property and leave us with a pile of dirt if something goes wrong. If you guys go bankrupt, or you start having

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problems. We don't want that. I think I can speak for a lot of my neighbors and those of us on the Courthouse Corridor. So I would like either something from you guys or something in here that says you won't tear down the trees until you're ready to build, if that makes sense, because we don't want to live in a construction zone.

Mr. Marshall: Agreed and you know, we would be certainly subject to the county's you know, permitting and approval regulations. We will not be pursuing an early grading plan here where we would be looking to begin clearing or grading activities ahead of our site plan approval. It'll be our vested site plan approval is what will move us to the next step to the permitting step. And we will not be looking to clear trees on the site or grade the site before we're ready to pursue vertical construction.

Ms. Barnes: Okay, does that work for you, Ms. Sellers? Okay, alright. Any other questions? Okay, do we need a couple minutes to do that wording or do you want to...?

Mr. Payne: I simply updated it, added it to the end of Section 8. Waterline extension will be completed prior to the first certificate of occupancy permit for the first unit.

Ms. Barnes: Okay, and when we make a motion...

Mr. Bain: Can you amend that to say "or new well"? Waterline extension or new wells prior to first CO."

Mr. Payne: I'm running out of room. *[Laughter]*

Mr. Bain: Write smaller.

Mr. Payne: I changed unit to building, too, just because it's a... since it's an industrial site.

Ms. Barnes: Okay. You wanna read it one last time, all, front and back?

Mr. Payne: The waterline extension or new well will be completed prior to the first certificate of occupancy permit for the first building.

Mr. Bain: Okay, make that wells, plural, please. Just in case.

Ms. Barnes: And when we do the motion for this, we'll have to add that in as well. Correct?

Mr. Bain: I'll just reference that. And were you going to change item 5 on tree removal to say that no tree removal prior to site development approval or something to that effect?

Mr. Apicella: Is that right nexxus, Mike? Or you heard what Ms. Sellers said so I think that may not be the right point.

Ms. Sellers: I don't want Aquia Town Center/Austin Ridge, what's happened there to happen on Courthouse Road.

Mr. Payne: So, it'd be no clearing activities prior to site plan approval.

Mr. Apicella: That's the right timing, Mike? Okay.

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Ms. Barnes: Does that work for you? Good ideas? Okay, it looks like I think we're finished top to bottom on that. Okay, so I'll go ahead and open up the... oh no, we don't need to do a public hearing on this. This is Unfinished Business. Okay, excellent. So, then I will bring this back to the Planning Commission and, Mr. Shelton, this is in your district, what would you like to do? No, this is in yours?

Mr. Bain: It's mine.

Ms. Barnes: I thought it was in...

Mr. Bain: It's George Washington,

Ms. Barnes: Oh my goodness, I'm sorry.

Mr. Bain: I take offense, I take serious offense!

Ms. Barnes: Mr. Bain, this is in your district, what would you like to do?

Mr. Apicella: No, it's Hartwood.

Mr. Bain: Oh, you're right. You're right. I'm sorry! I'm sorry! Why was I talking so much at the last meeting then?

Mr. Shelton: Because you were on the web call.

Ms. Barnes: Okay. I thought Billy was shooting me the evil eye down there. I thought... okay. Mr. Shelton, this is in your district, what would you like to do?

Mr. Shelton: I motion to approve the zoning reclassification, from A-1 to M-1 for Austin Ridge Logistics Center.

Mr. Apicella: Mr. Shelton, just to be clear, we have to accept the revised proffer statement as presented tonight and as further amended.

Mr. Shelton: I was going to add that on.

Mr. Apicella: No, that's the first thing we have to do.

Mr. Shelton: Okay. Motion to accept the amended proffer recommendations for Austin Ridge Logistics Center.

Mr. Bain: Second.

Ms. Barnes: Okay we have a motion to accept, and I believe that there were several, there were three that were made, two, okay, two were made tonight. One has to do with the trees and the other has to do with the occupancy permits with the wells if I'm correct, as Mr. Payne read them off, correct?

Mr. Bain: Yes.

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Ms. Barnes: Okay. So, we have a motion by Mr. Shelton, and a second by – was it you? – by Mr. Bain. Any further discussion? Hearing none, please cast your vote. Okay, and that passes 6 with 1 absent (*Mr. Martinez*). And Mr. Shelton, would you like to make another motion?

Mr. Shelton:

I motion to approve the zoning reclassification from A-1 to M-1 for Austin Ridge Logistics Center proposal and that's O22-23 for the following reasons: the positives outweigh the negatives.

Mr. Bain: Second.

Ms. Barnes: Okay, we have a motion by Mr. Shelton and a second by Mr. Bain. Any further discussion? Ms. Sellers, go ahead.

Ms. Sellers: The positives outweigh the negative. I think this is a tough one, right. And I've gone back and forth. I've been against this the whole time. I do not want 2 million square feet worth of tractor-trailer vehicles driving up and down Courthouse Road. I do not think the interchange was built for it. I do agree with VDOT. I also see the bigger economic development potential here. As I've told all of you, I've shared with all of you, I did take a tour of the Port of Virginia, I do see what the supply chain looks like. I do see that we're a desert. It's just I don't know if we have mitigated the impacts enough to justify this. I think staff is correct. And I have never seen staff and VDOT say no to a rezoning in this manner. Not once have I seen them at the same time say no. And so, I have to say that I cannot support this. I do have some questions about the proffers but that's a discussion for a different day. The biggest thing is that diverging diamond interchange. I don't think you guys have mitigated your impacts there. And I don't think you've even considered it and saying, "Well, VDOT's not talking to us" is just not going to be acceptable. We have to talk to VDOT so I will not be supporting this. That's all I have.

Ms. Barnes: Any further discussion? Mr. Apicella.

Mr. Apicella: Madam Chairman, I just want to thank the applicant for accommodating my concern and I appreciate the additional impacts on your project and additional costs that will be undertaken to achieve those ends. I'm going to support the motion for that reason, but also because I think it is going to be a significant economic development project for Stafford County, both in terms of tax revenue and jobs. And looking at the alternatives of what could happen on that parcel, I think those would be significant. Mr. Payne mentioned one example, you know, 1,000, a million square feet of retail and 1,000 plus homes and 34,000 vehicles per pay. That's, that's a lot. So, it may not be the perfect fit, but it may be a better fit than what could otherwise happen there. And so for those reasons, Madam Chairman, I'm going to support this project and the motion.

Ms. Barnes: Okay. Thank you, Mr. Apicella. Mr. Bain.

Mr. Bain: Yes, just to comment about VDOT. I know that staff and the applicant have reached out to VDOT several times. And I feel that VDOT has not been able to clearly specify their concerns or why their design of a brand-new intersection cannot handle the amount of traffic that this will generate. This amount of traffic could go to any one of the other interchanges along here. We're seeing warehouses built everywhere in Stafford County right now. And for VDOT to say that they're concerned about truck traffic on their new design of an interchange but not be able to specify more clearly why they're concerned, I think is a failure on VDOT's part and I don't think we should punish the applicant for this. I agree with Commissioner Apicella that the comparable volume of traffic that could be generated if this was developed as residential and commercial, would probably inundate that interchange much more and

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have much more impact, long lasting impact, than this development. So I would, I am going to support this application.

Ms. Barnes: Okay, Ms. Sellers. Last comment.

Ms. Sellers: You know, I keep hearing about this new, this new interchange and how it's not going to support it and how it was not designed appropriately, but our Comprehensive Plan does not show industrial use here. Why would we build a road for, to hold tractor-trailers that was not in the Comp Plan for tractor-trailers. Number one, then you look at the state right, then you look at our state document, the V-trans document, which also does not show this area as being for industrial use. This use is not compatible with either our Comprehensive Plan, nor the state's transportation plan. That's why the diverging diamond was not built for tractor-trailers, because we didn't tell them it was going to be for tractor-trailers. So we have now changed what we're going to do and we're going to be mad at VDOT for saying "hold up, we didn't design it for that." And I get it, you know, I do get the frustration and I wish we could change it. But you know, you got a lot of people along that road who live there already and I guarantee you, Embrey Mill, Austin Ridge, Augustine, Colonial Forge, and Liberty Knolls are not going to be happy when they hear that there's tractor-trailers coming to Courthouse Road. But I will not be supporting this again. I do not believe it is the fault of VDOT. I think this has not been mitigated. And I think we as Stafford County probably need to start looking at our Comprehensive Plan and maybe do an update before five years. And we probably also need to start looking at some state documents to make sure that we are articulating what's going here because we're not going to get money if we don't, you know, articulate what we're doing.

Ms. Barnes: Mr. Cummings.

Mr. Cummings: So I was fine until the last statement, and I agree with a lot of what Ms. Sellers says. The challenge for me is that in order for us to be able to plan and to sort of get what we want, we have to know what we want. And this lack of coordination, we saw the utilities come in here, construction we saw, you know, earlier today, and now we're talking about VDOT and their plan and there's gonna be another transportation plan and it's about, it's about planning, right, comprehensive planning, and the Comprehensive Plan that we've been doing here before and our latest one was done with, I'm gonna say it, not enough data, right? Insufficient data, and it wasn't as coordinated as it was. It was a walkthrough document. And so, until, and I know the answer, I'm gonna tell you the solution. The solution is simple. We have to use the best and latest technology in order to do it. And we have to, you know, find the money. And we may need to make the commitments in order to make sure that the traffic works with the water and housing and everything else. And that we have a design for what we really want in Stafford County. I think I hear narratives a lot. And I hear it for political notions and purposes and I hear it for in spots for different communities. But what about the communities that don't have a say and never get a chance to hear have their voice articulate? Alright, it's not the economic community or the commercial sector, it's not the people that have, that want to keep the rural character because they have land and they have money and they have a voice with their leaders. What about the people who live in communities that just is going to have it done to them? So that's the ones, and we owe it to them as well. So, we need to find a mechanism and the tools are out here, I'm going to use Ezre's name, because they're the 900-pound gorilla. And they, have if you want to look it up, you guys in development know the name very well and they have the tools. And they're willing to work with us and they're willing to allow us to use those tools to unlock all the money that we're talking about. The infrastructure bill, the transportation bill, the clean climate change bill, and I could go on. We're in a place to use the technology to have all of those tools at our disposal to be able to make the changes, or at least make them in a way that's meaningful and that has context. And so for me, it's been, I would say, it a little bit painful to listen and

watch. The cars go by and then make rulings. I was conflicted last week, but I thought the applicant did what they're supposed to do. And they're bringing a lot of value to the community. And no, it's not perfect. And I think they should be, I think the community deserves to have the jobs, they deserve to have Stafford become a destination of some sort. And so that's why I voted for it. And so, I am conflicted, like you are, Laura, but I'm going to vote for it because I think it's the best we have right now with what we've set up. And until we make, we get serious about it, I think we're still going to continue to have these conflicts. And I think it's time we stopped. And so that's my piece for it and I'm glad you made the point because I would have stayed quiet; so thank you.

Ms. Barnes: Okay, so it looks like I'm last. So, I'll go ahead and I appreciate also the changes that the applicant has made specifically to Mine Road. I also really like adding something about don't go in there and level entire that entire parcel, and then just leave it there. And you know, in a couple of years, we've got another leveled, you know, water runoff and storm and all that that's not a good idea. And so I'm glad we put something in there about that. Like everybody said here, this is one of those, you know, like 49-51, this is this isn't perfect, you know, you weigh your pros and cons. And the thing that I that I think about a lot of the times is, and you guys are probably know this is, it's not houses. And that to me is a good thing because what we need in Stafford are more jobs, more industry, and in my opinion, less houses. So, to me that's the thing that'll take it over the edge. It's not perfect. I think Laura raises some excellent points. And I hope that she stays on those and keeps nipping at those heels because they are important points. But like I said, this is not perfect, but it's not houses so I'm going to support it. Thank you. Okay, so once again, we have a motion by Mr. Shelton and a second by Mr. Bain for reclassification for Austin Ridge Logistics Center, RC2215447. With no further discussion, please cast your vote. Okay, and that passes 5 to 1 with one absent (*Ms. Sellers opposed; Mr. Martinez absent*). Okay. Thank you very much everybody and congratulations. Okay, moving on to the next section of the agenda. We'll move on to the conditional use permit for Celebrate Virginia Storage and for that we recognize Ms. Taylor.

PUBLIC HEARINGS

2. CUP21153939; Conditional Use Permit – Celebrate Virginia Self Storage – A request for a conditional use permit (CUP) to allow a warehouse, mini-storage facility with a dwelling for a watchman or caretaker on premises, in the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 44-76 (Property). The Property consists of approximately 14.06 acres and is located on the southeast corner of the intersection of Celebrate Virginia Parkway and Banks Ford Parkway, within the George Washington Election District. (Time Limit: January 20, 2023) (History: October 12, 2022 Public Hearing Continued to November 9, 2022)

Ms. Taylor: Good Evening Madam Chair, members of the Commission. I'm Amy Taylor with the Department of Planning and Zoning and I will be presenting the Celebrate Virginia Self Storage conditional use permit this evening. This request was originally presented last month and a public hearing was held on October 12, but was deferred until tonight's meeting. And as a refresher, the request is for a conditional use permit to specifically allow a warehouse mini storage facility with a dwelling for a watchman or caretaker on premises within the B-2, Urban Commercial Zoning District. The affected parcel is Tax Map number 44-76 located in the George Washington Election District. The applicant and owner of the property is Firehawk Property, LLC and Legacy Engineering is here this evening representing. The site is shown here in blue and is located at the southeast corner of the intersection of Celebrate Virginia Parkway and Banks Ford Parkway. The property consists of a single parcel which is approximately 14 acres and is currently zoned B-2, which is the Urban Commercial Zoning District. Revisiting the GDP from the last meeting, this depicts the layout of the proposed mini-storage facility

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which consists of eight buildings with a total gross floor area of 62,770 square feet, which includes a separate rental office and a watchman's dwelling, plus an additional 10,300 square feet of outdoor storage. Access to the site will be provided via a new partial access entrance on Celebrate Virginia Parkway with gated access to the facility in several locations shown in red. Outdoor storage areas will be generally located east of the storage buildings as shown in green and internal travelways around the building will be 30 feet wide with a proposed one way traffic pattern around the perimeter of the buildings, which circle the buildings in a clockwise direction as shown here in blue. Concerns were previously expressed at the public hearing regarding vehicular access around the storage buildings and interior turn movements for various types of vehicles, specifically those which could potentially be stored in the outdoor storage areas and the Commission requested at that time that the applicant provides some additional turn exhibits, including an exhibit for emergency service vehicles. The applicant has addressed those concerns and has provided several turn exhibits for multiple types of vehicles and trailer configurations, all of which appear to demonstrate adequate access and turning radii around each building. This is the first of the exhibits which demonstrates access for a 30-foot moving truck, which as you can see, shows the vehicle entering through the gate at the north of building one circling around the perimeter of the buildings and traversing down each travel aisle between the buildings before exiting through the gate at the west end of buildings one and two. This is the second exhibit which demonstrates access for vehicle and trailer combination with a 23-foot trailer. Total length of this configuration is 42 feet. Third exhibit demonstrates access for an RV with an overall length of approximately 51 feet and the fourth exhibit demonstrates access for emergency service vehicles, specifically for a 47-foot ladder truck which is the largest emergency service vehicle that would typically access the site. An updated U-turn exhibit was also provided which demonstrates improved access along celebrate Virginia Parkway specifically at the second crossover south of the site. As shown in green at the bottom of the screen a 30-foot truck can now remain completely within the left turn lane and adequately make the U turn utilizing the additional pavement within the entrance along the east side of Celebrate Virginia Parkway which is directly opposite Retriever Trail located at the Silver Collection apartments

Mr. Bain: Can you go back to that a minute? Would that additional paving be done by the applicant?

Ms. Taylor: The paving already exists Commissioner Bain. It's an existing entrance in that area so they, when they modified the exhibit they simply shifted the turn movement to actually utilize that existing pavement within the entrance.

Mr. Bain: I see. Thank you.

Mr. Apicella: How is a truck driver gonna know that they should go to this location instead of the one that was previously in front of us?

Ms. Taylor: Commissioner Apicella, at the last meeting we discussed the ability to address certain items at Site Plan Review. We cannot require off-site improvements with a CUP. But the site plan when it comes in does go through the review process with VDOT and with transportation staff, who can make comments to require signage to be placed at the first crossover notifying drivers that they are not permitted to make a U-turn at that location.

Mr. Apicella: Okay, that's fair. Thanks.

Ms. Taylor: Additional concerns were also expressed regarding certain aspects of business operations and the desire to establish additional conditions to limit the outdoor storage areas to operational vehicles, boats and trailers and recreational vehicle; limit business hours to 6am to 10pm daily; prohibit

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maintenance or repairs of vehicles on the property; prohibit interior access to storage units and require building designed to be limited to exterior access with roll up style doors; require the installation of one-way directional pavement markings around the perimeter of the storage buildings. Staff also received some comments from the Northern Virginia Conservation Trust regarding concerns with potential construction impacts within the existing conservation easement on the property. And additional condition was, excuse me, an additional condition was also included to address this particular issue. These proposed conditions have all been added to proposed resolution R22-238 and appears as condition numbers 3, 6, 10 13, 19, and 20. And at the applicant's request self-contained portable storage containers or pod style containers have also been identified as being permitted within the outdoor storage areas based on a potential need. As all of the turn exhibits demonstrate adequate vehicular access and turning radii around each building, and the revised U-turn exhibit demonstrates improved vehicular access along Celebrate Virginia Parkway, staff recommends approval of the application pursuant to resolution R22-238. And that concludes my presentation, if you all have any questions.

Ms. Barnes: Okay, questions for staff?

Mr. Bain: The pods issue – what was the expressed need for that?

Ms. Taylor: They did not specify an absolute need that they were aware of they simply expressed the potential that if someone were renting a pod unit and wished to store it at a location as opposed to storing it in their driveway or at their home they simply expressed the desire to have that option if someone chose to do so.

Mr. Bain: Would such an individual be required to have a storage unit in the facility, and then this would be supplemental storage without renting a second storage unit.

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

Mr. Bain: Okay. This seems strange to me.

Ms. Sellers: *Inaudible microphone not on.*

Mr. Bain: I know, but it's a storage facility, why do you need an external storage facility if you already have one?

Ms. Taylor: Commissioner Bain, my assumption, I would have to defer, but my assumption would be that they would be renting an outdoor storage space to store the pod in.

Mr. Apicella: Instead of at their house.

Ms. Taylor: Correct.

Ms. Barnes: Yeah, because those pods get delivered to their driveway.

Mr. Bain: Is there an additional charge to place the pod there?

Mr. Apicella: I suspect there's a charge to put anything out in the outdoor storage area, right? Yeah, I mean, if you are leaving your boat or your RV...

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Mr. Bain: I've never had a storage pod unit so I don't know. Okay, we'll let them explain that to me.

Ms. Barnes: All these storage units and you don't have anything in there?

Mr. Bain: I don't have a storage unit.

Ms. Barnes: We've got a selection. Okay, any other questions for staff? Would the applicant like to come forward?

Mr. Reese: Madam Chair, Members of Commission, I'm Bruce Reese with Legacy Engineering. I had a 45-minute PowerPoint presentation on turning movements and decided not to show it tonight. I hope that doesn't disappoint anybody.

Ms. Barnes: We really, really appreciate that. Thank you.

Mr. Reese: Good. I'm not sure what the pricing concept is going to be for how they store the outdoor materials, but there will be a fee to put anything on that lot. And the pod concept was simply that; that maybe you don't want that in your driveway. You rent a space for a month, you go there and get the things out of it that you need to and then when it's done whoever owns that pod comes and picks it up. But I can tell you, Dr. Hassan will not fall on his sword if you decide to strike the pods from the outdoor storage area.

Mr. Bain: No, no.

Mr. Reese: But we just didn't think that was going to be an issue.

Mr. Bain: I don't have a serious problem with it. It just didn't make sense to me. If you're offering storage units, why would you want to allow somebody else to bring a storage unit there, sort of in competition. But I can understand your explanation, that it would only be short term. Like I said, I don't have a storage unit. I always have assumed that if I did have one and I wanted to store a boat in that outdoor storage area that I'd just bring it and drop it. But you're implying that there's an additional charge to do that, in addition to the storage unit.

Mr. Apicella: Well, you know, you could park it there for a month, and then you could take it and move it somewhere else. But let's say you're moving to Florida and you need a temporary space.

Mr. Bain: But would they charge you for that? This is irrelevant to the application so I don't want to belabor it. But I'm just curious. Alright. I have no other questions.

Mr. Reese: Happy to answer another question. And you're welcome on that.

Mr. Shelton: Madam Chair, I have a question. Could I ask a question on how you would regulate what is stored in those containers? From my background in emergency services, do we have restriction on flammables, oxidizers, corrosives, explosives?

Mr. Reese: I'm not sure what the law would require but I can't imagine that the law allows explosive to be stored like that. And as far as a pod goes, it would have the same restrictions as any other unit.

Mr. Shelton: Thank you

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Ms. Barnes: Okay, any other questions for the applicant? Alright, hearing none, I will go ahead and open up the public hearing on this. This is a time to express your concerns or ideas and you have up to three minutes to comment on any matter except for, on any matter on this particular part of the agenda. 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. Seeing none, I will close the public hearing and bring it back to the Commission and I understand this is actually in the George Washington district. Mr. Bain, how would you like to proceed?

Mr. Bain: Yes, I take ownership of this. I'm not happy with the access to the site because of having to do U-turns but that's something that VDOT has to deal with and staff during the site plan development might be able to get improvements made on that. So, given that, I would like to make a motion to approve the CUP21153939, Celebrate Virginia.

Mr. Shelton: And I would like to second that.

Ms. Barnes: Okay, I have a motion by Mr. Bain and a second by Mr. Shelton. Any further discussion?

Mr. Bain: I'm sorry, yes. Okay. Should I make a mention of the revised conditions that was presented by staff?

Mr. Apicella: No, so that was already put in the advertisement, not the advertisement. It was already posted.

Mr. Bain: Then I have nothing further.

Ms. Barnes: I only have one comment. I just think this is a really awkward place to put a storage unit especially when you have Del Webb and you know, there's a lot of senior drivers and you've got trucks doing U-turns and to me it's just not the best place to put something like that. I know that VDOT can come through and do some things but I think that you know, once again, it's a pro and con and I think that's too much of a con so I can't support this. Any other comments? Hearing none, please cast your vote. Okay, and that passes 5 to 1 with one absent (*Ms. Barnes opposed; Mr. Martinez absent*). Congratulations to the applicant on that and we'll move on to the next item on the agenda, the conditional use permit for Aquia Commercial Dogtopia Doggy Daycare. And for that we recognize Ms. Taylor again.

3. CUP22154480; Conditional Use Permit – Aquia Commercial Dogtopia Doggy Daycare - A request for a conditional use permit (CUP) to allow a use not identified in the Zoning Ordinance pursuant to Stafford County Code Sec. 28-37. The proposed use is for a dog daycare center, including grooming and overnight boarding services, in the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 21-50B, consisting of 2.89 acres and located on the southeast corner of Richmond Highway and Coachman Circle, within the Griffis-Widewater Election District. (Time Limit: February 17, 2023)

Ms. Taylor: Madam Chair, Members of the Commission, the next item on the agenda is a request for a conditional use permit for Aquia Commercial Dogtopia Doggy Daycare. Application number CUP22154480. The request is for conditional use permit to allow a use not identified in the zoning ordinance pursuant to County Code Section 28-37, specifically for a dog daycare center, including grooming and overnight boarding services within the B-2, Urban Commercial Zoning District. The affected parcel is Tax Map Parcel 21-50B located in the Griffis-Widewater Election District. The

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applicant is Lynn Konetschni with SecAct, LLC and the owner of the property is Aquia Commercial, LLC. The site is located at the southeast corner of the intersection of Richmond Highway and Coachman Circle, specifically at the north end of Coachman and as shown here as outlined in blue. The property is zoned B-2 which is the Urban Commercial Zoning District and as shown consists of a single parcel of approximately 2.89 acres. Surrounding zoning districts are R-1 to the north, and B-2 to the south, east, and west. And the property is also subject to existing proffers associated with a prior rezoning in 2010, which rezoned the property from R-1 to B-2 and the original proffers established in 2010 were later amended in 2014. The GDP depicts the layout of the proposed dog daycare center, which will specifically be a Dogtopia facility. The proposed building will be single-story with a gross floor area of 5,950 square feet and will be oriented towards Richmond Highway and Coachman Circle. No direct access to Richmond Highway is proposed and access to the site will be provided by a new full access entrance on Coachman Circle. Parking areas will be located along the northern and eastern sides of the building and a fenced outdoor play area will be located to the rear as shown in yellow. A loading space and dumpster enclosure will also be located along the east side of the building. There is existing sidewalk along Coachman Circle and an existing proffer requirement will require sidewalk to be constructed along the site's frontage along Richmond Highway. All development will be located primarily within the northwest quadrant of the property since a critical resource protection area occupies the entire southern portion of the site. And a retaining wall is proposed along the northern boundary of the area as shown in red. A landscape buffer and street trees are proposed along Richmond Highway and Coachman Circle, and plantings will be provided outside of the limits of existing easements. And since the site and since the proposed area of development does not include the southern portion of the property, a landscape buffer is not specifically required along the southern property line. While the primary use will be dog daycare, additional ancillary services offered at this facility will include grooming and overnight boarding, and the proposed condition will prohibit the use of the of outdoor dog runs and require overnight boarding kennels to be located inside the building. This application did not include architectural renderings or photo representation of the proposed building. And since the property is not located within a targeted development area or within the highway corridor overlay district, the building design and materials are not subject to the neighborhood design standards plan criteria. However, the property is subject to existing proffers regarding the building design and placement and requires the building to be constructed in general conformance with Exhibit A of the proffer statement which is shown here. Those existing proffers specifically require the building to be constructed with brick or stone with windows, require the primary building color of the building materials to be earth tones such as tan, brown, green or gray, limit the building height to one story with the exception of an office building, require the building to be constructed in general conformance with Exhibit A, require the building to be primarily oriented towards Richmond Highway, requires rooftop mechanical equipment to be screened from adjacent parcels and requires the dumpster pad enclosure to be coordinated with the building materials and located on the opposite side of the building from Richmond Highway. And staff believes that these existing requirements conform to the NDS plan. The property is currently undeveloped and much of the site is densely wooded. Site topography slopes moderately to the south with significantly steeper slopes throughout the central portion of the site. And as noted previously, a critical resource protection area is located along the southern portion of the property and a floodplain and stormwater easements occupy much of the same area and actually, it's a little unclear here, most of the area of the site with the RPA the critical ... Stacie, do you have the ability to fix that? Thank you. Let's try this one more time. That area generally identifies the approximate location of the large critical resource protection area on the portion of the site. The site also has multiple existing utility and stormwater easements in various locations. There is currently no sidewalk along the frontage on Richmond Highway, but sidewalk does exist along the frontage on Coachman Circle. And existing uses abutting the site include a church to the north, a car dealership to the south and east and a recreational campground to the west on the opposite side of Richmond Highway. This is a street view of the property from Richmond Highway at the

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intersection with Coachman Circle. The Comprehensive Plan identifies the property as being within a recommended commercial corridor and suburban land use designations, which is where suburban scale development is most appropriate. And commercial corridors within suburban areas are intended to encourage commercial uses and activities where adequate transportation facilities exist. In-fill development and reuse of underdeveloped existing commercial sites is encouraged and commercial uses adjacent to residential uses should be designed so as to be unobtrusive and so that the use is integrated into and accessible to the community. Staff notes that the proposed dog daycare center is consistent with many of the comp plan recommendations and is an appropriate use within a commercial corridor. The use is also consistent with the established development pattern along Richmond Highway and other commercial uses within the vicinity of the site. And the proposal would allow a neighborhood serving commercial use which is also consistent with the recommendations in the land use plan. The following are a few of the proposed conditions which will help offset any potential negative impacts and would require the site development to be in general conformance with the GDP: prohibit any new entrances on Richmond Highway, require a sidewalk connection from the building to Richmond Highway, limit business hours to 6 AM to 10 PM, Monday through Saturday and 7 AM to 9 PM on Sundays, which is consistent with the existing proffers, require outside play areas to be oriented away from Richmond Highway and be enclosed with a fence no less than six feet in height, prohibit the use of outdoor dog runs and require overnight boarding kennels to be located inside the building. Proposed conditions were initially recommended for this application included limitation regarding the maximum number of animals permitted overnight but the applicant expressed a concern with that particular condition and requested that it be removed. And I believe you all were provided with an amended copy of proposed Resolution R22-285 this afternoon at the beginning of the meeting. Alternate business hours were also previously proposed but were modified to remain consistent with the existing proffers. And staff finds that the positive features or aspects of this application are that the proposal is generally consistent with the land use recommendations in the Comp Plan. The use is consistent with the established community oriented commercial uses in the vicinity of the site and the proposed conditions will help ensure that any potential impacts are mitigated and staff was unable to identify any apparent negative impacts. Staff is supportive of the request and recommends approval of the application pursuant to Resolution R22-285.

Ms. Barnes: Okay, questions for staff? Ms. Sellers?

Ms. Sellers: Inaudible... on this proffer statement, business hours shall be limited to 6 AM. I think it's pretty well established. I really don't like the proffer. I don't understand why we do it. But especially for a doggy daycare during the week in a community where people go to work at like 4 AM. I mean, if the business... I don't know why we would limit that. I mean, if they're able to open their business earlier or close later to accommodate the community, what is the benefit of this proffer like? Couldn't we just delete number 6 altogether? Help me understand. And I ask it every time.

Ms. Taylor: Commissioner Sellers, its standard practice to include a condition for business hours based on the hours that the applicant typically identifies in their impact statement. In this case, their hours were initially actually later I believe. Initially, they were shown as being 10 AM to 5 PM. Excuse me that was on, yep, so we're looking at, they did say 6 AM to 7 PM was their initial hours identified and their impact statement Monday through Friday, and then Saturdays and Sundays they were showing, and actually, I think I modified initially establishing the hours but they had lesser times, they were going from 10 AM to 5 PM, Saturdays and Sundays. But we were requested to amend those to mirror what is already identified in the existing proffers for the site.

Ms. Sellers: I guess it's just a question of, why do we do that? I mean, it just seems like, I don't understand why we have a standard proffer for hours when we would limit that when, again, people are going to

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work at four o'clock in the morning. If you can drop your dogs off 4:15, 4:30 you got a whole crew of people that will take their dogs there

Ms. Barnes: Ms. Taylor, if it was already proffered, unless we do a proffer amendment, that really can't change, is that correct?

Ms. Taylor: Correct. So, if we were to remove the condition from the CUP, they would still be obligated to abide by those unless they seek a proffer amendment.

Ms. Barnes: So, I think we're kind of stuck with it.

Ms. Sellers: How are we changing it here?

Ms. Barnes: We change it to make it consistent with the already existing proffers is my understanding.

Ms. Taylor: That is correct.

Ms. Barnes: Okay.

Ms. Sellers: Oh, we got to get out of this practice of these hours of operation.

Ms. Barnes: I think we're stuck with this one. Okay, any other questions for Ms. Taylor? Mr. Bain?

Mr. Bain: Do we have any idea the number of dogs that they would handle on a day care basis and the number of dogs that they would anticipate handling on an overnight basis?

Ms. Taylor: Commissioner Bain, the applicant did provide that information following our agenda meeting on Monday and they've indicated that on a daily basis for daycare services, they anticipate based on existing numbers that they see at their Fredericksburg location, they are looking at 70 to 85 dogs on a daily basis for daycare services. And that applicant is present this evening.

Mr. Bain: Okay, how about overnight?

Ms. Taylor: Overnight, that information was provided initially that they vary from day to day. They typically have rarely seen anything over 30. But I believe they indicate...

Mr. Bain: They wanted to delete 30, would there be a maximum that they would accept?

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

Mr. Bain: I'm not worried about it. I know Dogtopia is a good company. It was just curiosity. This is a big facility. I'm sure they can handle a lot of dogs. Okay, I do have a question for the applicant.

Ms. Barnes: Mr. Apicella, you're next.

Mr. Apicella: It might be obvious from the name of the company but of course these things a CUP can transfer to a new owner, right? They can change the name and still have a facility that caters to animals.

Ms. Taylor: Correct.

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Mr. Apicella: Would this facility be limited to just dogs or in the future could they have some other kind of animals?

Ms. Taylor: Commissioner Apicella, some of the conditions were written in a way that it did not specify animals. I may have to maybe even ask Mike or defer to Kathy, but when the title of the conditional use permit we are granting, since it's not a use identified by the zoning district, we are granting a conditional use permit for a doggy daycare. I'm curious whether that would be limited to dogs alone.

Ms. Barnes: Any words of wisdom from staff on that?

Ms. Baker: If you look at condition number 1, it does say allows for one dog daycare facility. So, we are limited I would say by that statement in itself.

Ms. Barnes: Alright, it looks pretty clear.

Ms. Taylor: Thank you, Kathy. I forgot about that one.

Mr. Apicella: Mr. Bain kind of alluded to this point so I mean it is a large facility, I would be concerned about not having, again, because it could change 10 years from now and be a completely different facility with different owners about an upper limit on both the daily and overnight capacity. So again, while doggy daycare may be the best dog care facility out there, you can't always rely on that it's going to be permanent, and that there won't be an excessive amount of dogs there at any given time so I think that's something we ought to consider. How many how many total parking spaces? I think I saw 26 in the GDP, in fact, can we pull up the GDP?

Ms. Taylor: We're gonna have to show, let me let me pull the full version of the GDP which actually shows the parking tabulation on there, otherwise, I'd have to count them all on the screen. My apologies, there were no parking count provided so I'll have to count.

Mr. Apicella: I think that from what I saw and what I'm looking at in the briefing, it says 26. The reason I ask the question is because I think I read to the package that they were going to have up to 25 employees and 26 parking spaces. So, I don't know how that really works out with that significant number of staff. I'm sure they might have staggered hours. But really my concern is about parking. Where's the parking for customers, versus where's the parking for staff?

Ms. Taylor: Commissioner Apicella, they did not specifically identify on the GDP, which spaces would be designated for staff versus those of customers but site plan review would address that they would be required to comply with current parking requirements to ensure that they had adequate amount of parking based on the size of the facility.

Mr. Apicella: It's more in relationship to what's going on at this facility, which is dogs. And I would think that you'd want to have the spaces for customers closest to the entrance and spaces for the staff furthest away from the facility. We did that on one project and I think that's something we might want to consider tonight. So, this is along Richmond Highway, which is, I thought I saw 45 miles per hour and up to 24,000 vehicles per day. And it's not an area that has a lot of activity at the moment. So, I suspect people are probably driving 45 miles an hour along that roadway. Is there any concern about dogs running into the highway given the location of this facility?

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

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Mr. Apicella: I mean, do we want to consider some kind of restriction in the conditions to require that all dogs not inside the facility be leashed. I'm just concerned that dogs are going to dart out into the middle of Richmond Highway while somebody's driving 45 miles an hour. It's an accident waiting to happen.

Ms. Taylor: We could potentially include additional condition. I'm not sure whether Animal Control has any sort of current regulation regarding leash laws.

Ms. Barnes: Because they couldn't be leash because there's a doggy play area in the back and dogs don't necessarily play on leashes.

Mr. Apicella: Yeah, I said, No, I said not, when not in the facility or in the play area. Yeah, I just think we might want to consider some additional conditions again and mitigate some potential catastrophes happening given the location of that facility and again, I'm also concerned about the total number of dogs there on a daily basis and overnight, becoming too extreme if we don't put some restrictions on it. That's it, Madam Chairman.

Ms. Barnes: Okay, thank you. Any other questions for staff? And would the applicant like to come forward?

Mr. Hairston: This is the Lynn Konetschni and she is the owner and operator and she can answer just about every question that just came up, including whether or not it would be anything other than dogs. And today we're talking about just dogs and there's no plans for any other pets. It's, like I said, it's about a 6000 square foot building and the way is, it's oriented towards Richmond Highway, once you walk in the building there's a small reception area. And then right behind small reception area, there is an office and then three separate rooms with rubberized floors that are separated for larger dogs, smaller dogs, and then play areas. This is a use that we are very lucky when they found us, we found them because we think it is a perfect use for this site. And as probably most of you remember, we've been trying to shoehorn uses in this property for quite a while this one does not require shoehorn. With respect to the outside play area, you saw that small area in the back, it's fenced. There's no dogs kept outside, no kennels, no dog runs. In terms of the dog services, I'm going to let the applicants outline exactly what they are but just about every service that you talk about related to the care of your dog happens at this site. And in terms of the main use, the main use is the care and keeping of the dogs. The overnight stays is an ancillary or subordinate use and it only happens typically when there are dog owners that are associated with the military or public safety, first responders who may be having a longer work shift that they have to keep the dogs there. So, it's not a typical situation. Even if they are kept there, they're kept inside. Lynn, would you like to comment further?

Ms. Konetschni: Thank you, for sure. So, we are an open play large group facility. So, we have three play rooms as Jervis said, we separate dogs by size and temperament into playrooms. We, many of our dogs are on what we call enrollment programs. So, their health programs, they come regularly to us weekly. And they come one day, two days, three days, five days, some come six days a week. Many of those dogs will also spend the night because we offer full services for their dogs. We offer spa services as well so nails, teeth, commercial taping and clean their ears, and we can give them baths. We do have the outdoor area as was mentioned, we have 7-foot privacy fence and the dogs can only go into the outdoor area, excuse me, through the actual playroom. So, safety is a number one concern in terms of what we do. All dogs are required to be on leash and in their owner's control as they come into the lobby. So right now our current location in Fredericksburg is off of Plank Road, which I'm sure you guys are familiar with. It's a pretty busy area we're in a shopping center and so we have we're very familiar with

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how parents bring in their dogs, and then also how we give their dogs back to them at the end of the day. I don't know if there were any other questions that I didn't touch on.

Ms. Barnes: Questions for the applicant?

Mr. Shelton: I have one question. On your overnight stays, is there attendant there with the dogs overnight?

Ms. Konetschni: So, the way that works is we have a security system. We have cameras, we have live cameras that pet parents can check in on their dogs through video cameras. But we also have separate security cameras where we have access to know what's going on. We don't have someone who stays overnight but our staff typically is there from 930 or 1030 at night, and then we're back at five o'clock in the morning. So, the only time that dogs don't have someone on site, is that overnight time. And, I'm sorry, that majority of the time the dogs are sleeping, you know, they're tired from the active day that they've had. And so, we have access to know what's happening inside the building.

Ms. Barnes: You have cameras inside or things like that?

Ms. Konetschni: We do. Yep, we have cameras so that pet parents can watch their dog while they're playing with us, while they're staying with us. But we also have additional cameras that I have access to and my team has access to.

Mr. Shelton: So, is there a central station alarm that's also connected with the building that in the event of a fire emergency?

Ms. Konetschni: Yes.

Mr. Shelton: And that's a 24-hour monitor?

Ms. Konetschni: Yeah, like at our current location, we have an ABC system. So, I got a call the other morning, four o'clock in the morning, because one of our sensors went off. There wasn't anything wrong but it was just a sensor issue. So that's an example of us being contacting if anything were to happen.

Mr. Bain: So, I bring my dog, depending on the size of the dog goes into one or three large areas. You don't have any individual kennels for let's say problematic dogs that don't get along with others.

Ms. Barnes: No timeouts?

Ms. Konetschni: We do timeout. But so, we do what we call a meet and greet with every dog, we want to make sure that any dog that comes into our facility is comfortable in an open play environment. Because we don't want a dog who's stressed out or not comfortable being around other dogs to come to daycare because it's not a good experience for them. So, we do a meet and greet with every dog. We determine that they're comfortable in open play and we see that as they continue to come with us and stay with us. And we don't have kennels. In each of our play rooms we have individual crates, so homestyle crates like they probably have at home. And so, each dog when they spend the night at night will sleep in their own individual crate. Parents can bring blankets, bedding, you know, whatever the dog is used to having overnight. So, the crates are incorporated into each of the playrooms.

Mr. Bain: Maximum numbers?

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Ms. Konetschni: Like at our current facility, in Fredericksburg, it's about 120. About 40 each room, we have three play rooms. And those you know those numbers will vary based on you know, just time of the year, you know, we have more dogs that maybe will stay overnight during the summer because more people are traveling. But we always have daycare dogs. That's a constant that we would have.

Mr. Bain: What I don't want to see happen is to have this facility get overloaded and end up with 250 dogs or something. Are there some maximum numbers that you would accept that we could add as conditions?

Ms. Konetschni: I guess a couple of things on that. We have trained canine coaches in each of the rooms so every person, whether it's one or two people per play room, are trained on dog behavior and know how to manage the dog's behavior. Because we have crates in all of the rooms we would never go beyond the number of crates we have. Because we use the crates for naptime which we have between twelve and two each day. We use those for timeouts like you mentioned. If a dog just is playing too much and needs a break, they will go into a crate for a couple minutes. So, we can't..umm.. I would have more dogs than we could handle in each play room based on the number of crates, if that makes sense.

Mr. Bain: So, can we specify the number of crates? I'm not trying to steer you into a small number. I just don't want... if you feel like you're gonna have 150 crates, that's fine. I'll set 150 so that I don't bring my dog there someday and find out you've got 250 in there crammed in. You know the size of the facility and the size of the existing facility on Plank Road. Give me some number you would be comfortable with. I don't want a number for each play room, just the number total?

Ms. Konetschni: Yeah, I mean, I can't imagine we would ever have over 200.

Ms. Barnes: Is that during the day or overnight?

Mr. Bain: At any one time.

Ms. Konetschni: At any one time. I mean, you know, theoretically, we can have the same number of dogs in for daycare that could spend the night as well.

Mr. Apicella: You don't have anyone there monitoring. You just said that during the day you have people there who deal with dog behavior. So, who's going to deal with dog behavior if you have that number of dogs at night and nobody's there?

Ms. Konetschni: They're in their own individual crates. Yeah, they're not loose.

Mr. Apicella: The crates are lockable?

Ms. Konetschni: Oh, yeah, absolutely.

Mr. Bain: So, there'd be a maximum of 200 crates and 200 dogs max? Yes. I'd like to make a condition of that

Ms. Barnes: That high? 200?

Mr. Apicella: Yeah, that seems like a lot to me.

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Mr. Bain: She feels the facility can accommodate that. You know, before we finalize that, the architectural rendering, I think I saw it looked like it was a two-story building.

Ms. Barnes: That was an office building.

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

Mr. Hairston: Yes, Mr. Bain, that was a prior proposal. And the only reason that was in the packet is to illustrate that we will adhere to the proffered appearance of the building with stone or brick and glass.

Mr. Bain: Ah, okay. Alright.

Mr. Hairston: This is proposed as a 1-story building.

Mr. Bain: A 1-story building, alright.

Ms. Barnes: Okay, any other questions? Mr. Shelton.

Mr. Shelton: Since we're not going to have anybody there to take care of at night, you're saying that each dog will be in their own individual crate at night, which are secure, am I correct?

Ms. Konetschni: That's correct.

Mr. Shelton: Okay. My second question is you mentioned that you do some sundry work such as dental care and like that, but you're not running a vet clinic? Am I correct?

Ms. Konetschni: No, no, we do not run a vet clinic.

Mr. Shelton: So, no utilizations or anything like that?

Ms. Konetschni: Oh no, no, no.

Mr. Shelton: Okay, thank you.

Mr. Apicella: Madam Chairman, I got a couple of questions. So, you might have heard earlier, I asked a question about the number of parking spaces. How many employees would you have there in any given shift?

Ms. Konetschni: Right. Typically, we have about six employees per shift, six to seven.

Mr. Apicella: So if we reserved the 15 spaces closest to the entrance for customers only, that would, that would work for you?

Ms. Konetschni: Yeah, in fact, the way we operate in our current location is employees park furthest away from the building so pet parents can park closest.

Mr. Apicella: Okay. That's my only question, Madam Chairman.

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Ms. Barnes: Okay, I have a few questions. First off, I like the way you call them pet parents. Dog owner, I appreciate that. They are fur babies. So, if you say that you can have as many as 200 dogs, is that what you're saying, that's your maximum or is that what you're gonna have or that's what you're anticipating that you're gonna have?

Ms. Konetschni: So, like we had said earlier, our average right now is about 70 to 85 daycare dogs. And we can have anywhere from 3 to 70 dogs boarding with us who stay overnight. It just depends on really what pet parents need, honestly.

Ms. Barnes: Okay.

Ms. Konetschni: So, we've never had up to 200 dogs.

Ms. Barnes: Is there a maximum density like the Fire Marshal, you know, you'll have a room and it'll say, you know, you can't have more than this many people in a room. Is there anything like that for dogs?

Ms. Konetschni: No, there isn't.

Ms. Barnes: There should be.

Ms. Konetschni: Really, safety is one of our biggest concerns. So, myself as an owner, I'm not gonna want to have too many dogs in the playroom if it becomes a safety issue. There is truth in the fact that the more dogs that you have in the playroom, the more choices the dogs have. You know, if you're at a party with five people, you can only talk to five. If you're at a party with 100 people, you're more likely to find someone that we can connect with. And so, we do, we do know that dogs act that way and we're very comfortable in a large open facility. But on the other hand, I'm not, I don't want to, I would never want it to be overcrowded.

Ms. Barnes: No. But, you know, like, like Mr. Apicella said that this is a CUP, that's gonna go with the property so we have to, you know, it may not always be you, hopefully it will be very successful and you'll be there the duration and we'll all bring our dogs there and have a great time. But in speaking of emergencies, and safety, so what do you do if you've got 75-100 dogs and you've got a fire? You've got an emergency, what happens? Because I know I'm going to you know, as a pet parent, I want to know, how are you going to save my dog?

Ms. Konetschni: Right. Well, we'll have sprinkler systems, we'll have all the systems that you need within the facility, number one, and we'll have evacuation plans as well.

Ms. Barnes: Okay, that's fine. Yeah, good. Where do you evacuate them to? I guess that's the main thing, obviously, is there a regulation for this? This is something new for me. I'm not sure.

Ms. Konetschni: You mean is the dog daycare business regulated?

Ms. Barnes: Yeah, like like you have to have an emergency evacuation, you have to have a certain amount of space outside to take the dogs in case there is a fire or case there is an emergency or something like that.

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Ms. Konetschni: So, the dog, the dog daycare space, in general is not regulated. However, Dogtopia is a franchise. We have a support office, which is based out of Phoenix. Each Dogtopia location, mine in Fredericksburg included, is top dog certified. So, there are different, many safety issues that we have to make sure we have in place or safety protocols that we have to have in place, from the cleaning supplies that we use, to the training of all of our team, to the evacuation procedures to the just general security systems.

Ms. Barnes: As far as the cleaning procedures go, if you've got 100 dogs in there, and you've got a lot of waste, and you're next to a CRPA how do you handle that waste to make sure that you don't have just tons of waste out in that play area? Because I know I've got two and that's plenty of waste. I can't imagine any more. So how do you protect that CRPA?

Ms. Konetschni: So, the playgrounds have a rubberized floor. So, the flooring we have is rubberized and it's sealed so we're set for dogs to go to the bathroom in the playroom.

Ms. Barnes: They go inside? They don't they to go outside?

Ms. Konetschni: No, and I've been doing this for eight years in Fredericksburg and I welcome you to come down to our facility and take a look at us. But when a dog goes to the bathroom we have specific procedures on how you clean up pee, poo, whatever it may be, which I could go into but its bagged and it's tied up and it's thrown in the trash. That trash is emptied twice a day and taken to the dumpster.

Ms. Barnes: And then how long, that's another question I have is if you've got, you're gonna have a dumpster full of stuff. How often is that gonna get empty? Because that can get quite, what's the word, odiferous here? Yes, fragrant and, and you're not, I mean, there is a there's a housing development right behind this, Aquia Hills, and imagine that the wind hits it just right. You know, that might pose a problem. How often do you get that because I know that I where I put my stuff from my dogs, even if it sits there for a day in my garage, I can smell it? So, I can't imagine how do you make sure that that's not going to be, you know, something that's noxious for the surrounding community?

Ms. Konetschni: Well, I'm sure that would depend on how frequently we have the trash picked up from the dumpster.

Ms. Barnes: That does concern me a little bit. That's a lot of...

Mr. Bain: Is the dumpster closed?

Ms. Konetschni: I assume it will be. It's not... I mean, that's something that we'll put in the plan. But yes.

Ms. Barnes: Yeah, even if closed. I wish there was a better plan for that.

Ms. Konetschni: We're in a, like I said, a commercial shopping center now. We use the same procedures I just talked about. When, when we as dog owners go out and pick up after our dog, we may pick up lots of piles and put them in one bag, and then put that in the trash can, right?

Speaker unknown: *Inaudible, microphone not on.*

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Ms. Konetschni: Yeah, so you have a lot of it, right, so we individually bag each one. So that's gonna, that's gonna contain some of the odor. And then they put them in a trash bag, which has been sealed, and then that goes into the dumpster.

Ms. Barnes: I do the same thing but it's still.

Ms. Konetschni: Yeah. We have not had any complaints at our current location.

Ms. Barnes: So let me, maybe staff would know this; if there is a problem and there are complaints that there's noxious smells coming, I mean, maybe this is, maybe this is a question for Doug, but he's not here. If there is a problem, how do we deal that? How do we support the community or mitigate that if all of a sudden we've got people from Aquia Hills smelling stuff all day long?

Ms. Baker: I will certainly have to check on that. That's a good question.

Ms. Barnes: Okay, I think that's all I had. You do grooming as well. Do you have a groomer there that does, or is it just bath? You don't do like, you know, poodles and...

Ms. Konetschni: We don't do hair cuts, yeah.

Ms. Barnes: Okay.

Ms. Konetschni: So we don't have a groomer, but we do the... we call them spa services. So bath, nails, ears, and teeth.

Ms. Barnes: Pet parents and spa services. Things have changed for dogs, let me tell you. Okay, any other questions for the applicant?

Mr. Cummings: Just one. So you don't have a number of employees per dog, per number of dogs requirement?

Ms. Konetschni: No. We have, we have a minimum of one canine coach per playroom. But oftentimes, there are more canine coaches per playroom.

Mr. Cummings: Okay. Thank you.

Ms. Konetschni: You're welcome.

Ms. Barnes: Okay, I think we've talked it to death. Anybody else have questions? Okay. Thank you very much.

Ms. Konetschni: Thank you. I appreciate it.

Ms. Barnes: Alright, I'll go ahead and open up the public hearing. This is an opportunity for the public to comment on this 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. Red means your time is up. If you would like to speak, please come forward. Okay, seeing nobody rushing the podium, I will close the public hearing and bring this back to the Commission. And I believe that this is in Griffis-Whitewater, so that would be yours, Mr. Cummings. What would you like to do?

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Mr. Cummings: I'd like to make a motion that CUP22154480...

Mr. Apicella: Can we consider some conditions, additional conditions, before we move forward with the approval here?

Mr. Cummings: Certainly.

Mr. Apicella: Thanks, Dexter. I've got a couple of conditions I'd like for us to consider, the first of which is a cap on the daily, on the number of dogs that can be in the facility at any given time. I think 200 is a lot, Mr. Bain.

Ms. Sellers: I want to comment on that. Like, guys, these people, I just looked at their website, they charge like \$42 a day for a dog, okay. If I'm paying \$42 a day to house my dog, and I walk in there and there's just a whole bunch of dogs running wild, I'm not paying you \$42 a day for my dog. Like, I think some things we have to let the market handle, right? People are going to do it. This is not like a cheap little fly by night doggy daycare.

Mr. Apicella: So I'm gonna go back to the point that's always made about CUPs. It's not about this specific provider. In five years, they can sell this facility to Johnny's doggy daycare, and Johnny could decide that he doesn't care how many dogs are there, and he's going to charge \$10 per dog. So I think we do need to have an upper limit on the number of dogs. And back to the point about, you know, waste, the more dogs, the more waste, which is a big concern. And again, it's not, I can appreciate that some of the other facilities are part of a shopping center. But this is in very close proximity to a housing development. And I would not want to be living next to a place where I have no control over the fact that somebody is dumping that much waste into a trash can that may only be picked up once or twice a week. So I think we have to strike some balance. There is some upper limit on the number of dogs.

Ms. Sellers: I don't know.

Mr. Apicella: Well for me, I would not... I'm not going to support it.

Ms. Sellers: You just let 500 tractor-trailers come on Courthouse Road, and now we're talking about dog poop? Get outta here.

Ms. Barnes: Let's do one at a time guys.

Mr. Apicella: For me personally, I can't support this project if there's not some upper limit on the number of dogs. That's the first thing. The other thing is again, I think we need to include a condition that requires that at least, at least 15 spaces closest to the entrance of the, of the facility shall be reserved for customer parking. I think even though they require dogs to be leashed, again, a future owner of the facility may not have the same requirement. I think dogs not inside the facility or in the play area shall be leashed. And I also heard the applicant say that they have a monitoring system. I think that ought to be a requirement that the facility shall maintain an operational security system including internal cameras. And the last point is, I'm not sure if it's a requirement for this kind of a facility and staff can chime in, I heard that they were going to put sprinklers in. Is that a requirement for this kind of a facility?

Ms. Taylor: Commissioner Apicella, staff is unclear on that. I don't believe we received any comments from Fire and Rescue regarding that specific requirement.

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Mr. Apicella: So I... thank you, I think that is a requirement we ought to add, to require...

Mr. Shelton: Mr. Apicella, from the State International Fire Code, it's 12,000 square feet you have to automatically sprinkle. So this applicant has got a building that's 5,000 or 6,000 square feet; technically, it's not required. But it is for ultimate safety of 150 or 200 dogs.

Mr. Apicella: Right, so, so with that in mind, I think we ought to require that the facility install a sprinkler system.

Mr. Bain: Commissioner Apicella, a comment about the leashes. They can't enforce what a customer does when they bring the dog in. So I don't know that it would be appropriate to put a conditional use, or a condition on it requiring the dogs to be on a leash when they're going from car to facility or back.

Ms. Barnes: They can control that.

Mr. Bain: They, they say that the dogs have to be on leash when they come in the building. But when they get out of their car, maybe the dog jumps out. And if they're well trained, the dog sits there until they're put on the leash. So I'm a little concerned about that.

Mr. Apicella: So what do we do about the, possibility again, that this is along Route 1 and there's a 45 mile an hour speed limit and dogs... dogs run.

Mr. Bain: I understand. It's the liability of the dog owner, I think.

Mr. Apicella: And it's a possible injury or worse...

Mr. Bain: Not the applicant. It's not, it's not something you can put on the applicant I don't believe.

Mr. Apicella: I think we've done it on, maybe not here as a condition but at the BZA I think we've required it for kennels, we've required the dogs be leashed, and that hasn't been an issue.

Ms. Barnes: I don't have a problem with that because it's a private property and private business. And if somebody comes to that business every day and lets their dogs out to run circles around the parking lot and then maybe do a little dash across Route 1, that business is probably going to say you are no longer welcome here. I know people that have had dogs that have gone to these daycares where the dogs and the parents, most likely mostly the parents, don't behave well and they are disinvited. So I think that there is an opportunity for the business to say, you will be leashed every place on our property, including the parking lot on the way into. I don't, I don't see a problem with that. Is that...? I can't see that the applicant back shaking their head or...? Could you, could you come up and specifically say that? So if you have a pet parent, in my experience after working in veterinary hospitals, the most problems that you will probably have will be with the parents, not with the dogs. So if you do have a pet parent that refuses to obey the rules and says I'm not, you know, and repeatedly brings that dog in unleashed, that's something that you can address. You can say you have to be leashed on our property when you bring the dog in.

Ms. Konetschni: Yes, we require that all dogs are on leash when they come in to our building.

Ms. Barnes: So if that wasn't a condition that wouldn't... that would be fine. That would be consistent with what you do.

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Ms. Konetschni: Yes.

Ms. Barnes: Okay.

Mr. Shelton: One question. I think Mr. Apicella asked you about sprinklers. I believe you have already stated your facility would be fully fire sprinkled. Am I correct?

Ms. Konetschni: Yes. And we currently have that in our facility now.

Mr. Shelton: Which would mean that it would have to have a water flow alarm and an automatic alarm associated with it. And would be inspected by the Fire Marshal's office.

Mr. Cummings: Yeah, and I know you gave the number and Mr. Apicella brought up the number 200 is kind of high and it just kind of feels high for a 5,000/6,000 square-foot facility, I know. So would you be comfortable with reducing that numbers to say 175 for purposes of proffers?

Ms. Konetschni: Yes, yes.

Mr. Cummings: Okay. So I have, while we have you up here, the parking for customers, right, at... we said 15?

Mr. Apicella: Yeah, 15 parking spaces reserved for customer parking closest to the entrance of the facility.

Mr. Cummings: One hundred seventy-five maximum dogs in the facility.

Mr. Apicella: At any given time.

Mr. Cummings: At any given time. Dogs leashed in the parking areas as part of the proffers. Monitored facility, right, with cameras, monitor facility.

Ms. Konetschni: Yes, yes.

Mr. Cummings: And sprinklers for the facility. And that's all that we have. Right?

Mr. Apicella: That's it, Mr. Cummings.

Mr. Cummings: Okay.

Ms. Baker: Can I just make a comment from staff's perspective?

Ms. Barnes: Go ahead.

Ms. Baker: I'm not sure that the leashing part is something that we're going to enforce or be able to enforce. So just please keep that in mind.

Mr. Cummings: I thought about that, too. But I think just for the purposes of, again, the enforcement, if it gets to be a problem, and the kid... I was about to say a child... you know, a dog dies and the outcry,

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we didn't, we didn't take the measure, right. So I'm comfortable with leaving it in. If that's okay with you, Kathy.

Ms. McClendon: Commissioner Cummings?

Mr. Cummings: Yes.

Ms. McClendon: In addition to the statements by Ms. Baker, I would also note the County has leash requirements in which dog owners are held responsible. So if this did become a problem, that would be enforced by the Sheriff's Department, not zoning staff.

Mr. Cummings: Okay. Okay, so, so Kathy, duly noted. And I'm okay with not having the leash requirement. It is policy, and it is up to the dog owners, and it would be enforceable by... Go ahead.

Mr. Apicella: Yeah, I'm not going to support it without the leash requirement. Even if it's something that staff's not going to enforce. I'm really concerned that somebody's going to get killed because a dog runs across the street. If it weren't, if it were in a shopping center, I wouldn't have as much concern. But it's right on Route 1 in a place where people are absolutely going to be driving 45 miles an hour plus. All it takes is one dog out of the 200 or 175 during the course of a year running across the street. Somebody's gonna get killed.

Ms. Sellers: Yeah, so we're gonna, we're gonna make public policy, because of the off chance that one dog run across...

Mr. Apicella: It's not an off chance.

Ms. Sellers: It is an off chance, you just made it up, off the chance that a dog is going to run across the street and get... and somebody's going to hit it.

Mr. Apicella: Well, maybe this isn't...

Ms. Barnes: Hold on, hold on, let Ms. Sellers, listen to Ms. Sellers first.

Ms. Sellers: I don't understand. Like, come on, guys. What is the purpose of it? And we're, you know, I mean, you gotta think, what is the purpose of what you're, what you're asking for?

Mr. Apicella: The purpose is to mitigate safety.

Ms. Sellers: No, the purpose is to make you feel like you're doing something to maybe not get a dog hit by a car. Nobody wants to hit a dog.

Mr. Apicella: Maybe where it's located isn't a great place.

Ms. Sellers: Well then say that.

Mr. Cummings: So, again, I agree with Steven, because of the location. If it were recessed, if it was somewhere off of Route 1, somewhere within the facility, I would have less of an interest. It's not as strong... I don't feel super strong about it. But I think that, I think that the moment a dog gets killed, it's a problem, right?

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Mr. Apicella: I'm not worried about a dog getting killed. I'm worried about a traffic accident because a dog runs across the street.

Mr. Cummings: Or a traffic accident. And so I do see it as a potential public safety issue. And so if we have the opportunity right now, and it's been brought up, I think we need to at least address it. And if it doesn't cause an applicant too much consternation. I think it's, it's something that we should add. Are you comfortable with that?

Ms. Konetschni: Yes. You're saying that all dogs should be on leash that comes into our facility?

Mr. Cummings: Right. And it's mainly because of, it's in the position that runs with the CUP, right. And so the next owner, it's, it's there, okay.

Ms. Konetschni: Right.

Mr. Cummings: And it's your policy anyway. So I'm comfortable with those proffers.

Ms. Barnes: Conditions you mean.

Mr. Cummings: Conditions. Do we need to repeat them?

Ms. Barnes: When we get to the end we'll repeat them.

Mr. Cummings: Okay. Alright. Thank you very much. I appreciate it.

Ms. Barnes: Alright. Do we have any other conditions or comments? My only problem is once again, is with the waste. I don't, you know, I really wish that we knew and we had some information from the Health Department that talked about what we do with loads and piles and piles of, of dog waste, that it's that it's, you know, what, what happens to that, how long... I know that there are requirements, and that there is some kind of a regulatory, I seem to remember in the package, that it said that that waste would be handled in accordance to and I don't remember what regulatory agency that was that handled that. Do you remember that, Kathy?

Ms. Baker: I don't but I, we do have a solid waste ordinance, which talks about removal of trash. And if it becomes a health or safety issue, that there's a due process where you have to send notification to a property owner that's it's an issue.

Ms. Barnes: So if there is...

Ms. Baker: It's not going to be immediate, it's one of those things that you have to give a certain amount of notice.

Ms. Barnes: So if there is a problem with, you know, some of the folks behind it and every once in a while they catch, you know, a wind comes across, and they can smell dog stuff really plainly. And I can imagine that every once in a while that might happen, there is, I just want to make sure that there is something in place where those people can come to somebody and say, we have a problem. We need to mitigate it. We've got a health and safety issue. Hopefully this will never ever happen. But just in case it does, there is a process so that those people have some recourse.

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Ms. Baker: Yes, that is correct.

Ms. Barnes: Okay. Okay, is there... from the applicant, do you know how many times a week that dumpster is going to be emptied? I hate to ask you to come back up again, but we can't, nobody can hear you if you don't come back up. You'll get your steps in today. Do you know how many times a week that those dumpsters are going to be emptied?

Ms. Konetschni: I don't know for certain because nothing's been set up yet, but two?

Ms. Barnes: Okay, would it be okay with you if we put a condition in there that your dumpster will be at least emptied twice a week? Because I know that you can, you can contract with whatever refuse removal company you have, how many times you get it emptied per week.

Ms. Konetschni: Right.

Ms. Barnes: Would that be something that you would be comfortable with?

Ms. Konetschni: Not knowing that the cost is...

Mr. Bain: Do you know what you're doing at the existing facility?

Ms. Konetschni: Pardon me?

Mr. Bain: Do you know what's done at the existing facility?

Ms. Konetschni: I believe it's just once a week. That's per my landlord because I'm in a, you know, a strip center. I believe it's once a week.

Ms. Baker: I'm sorry, if I can also just... we do have under the solid waste ordinance, refuse shall be collected and removed by refuse removers not less than once weekly in residential areas. Collection and removals for hotels, motels, restaurants, schools, institutions, apartments, commercial establishments, etc. by refuse removers shall be not less than twice weekly. More frequent collections may be required if determined by the County to be essential to the protection of public health.

Ms. Barnes: And that will cover this because this is a very unique, a doggy daycare is something that we don't really have.

Ms. Baker: It's a commercial establishment.

Ms. Barnes: Okay, so that, so you would say that that's definitely covered that has to be twice a week. And we don't need to put that in the condition.

Ms. Baker: I'm just reading, reading what the code says.

Ms. Barnes: Okay. Alright. Sounds like you're going to be doing twice a week.

Mr. Apicella: At least.

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Ms. Barnes: At least. Okay, don't go anywhere. Okay, I think, I think we've talked this out and Dexter, do you feel comfortable with some of the conditions? So when we make the, I think we have to make a motion to accept the additional conditions first tonight? Do we have to do that? No, that's only with proffers?

Ms. McClendon: Only with proffers.

Ms. Barnes: Okay, thank you. Okay. Alright. Mr. Cummings, finally your show. Go ahead.

Mr. Cummings: Alright. So with everything being said, I'd like to vote, or make a motion to approve conditional use permit CUP22154480. Yeah, Aquia Commercial Dogtopia Doggy Daycare.

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

Mr. Apicella: With the additional conditions.

Mr. Cummings: With the additional conditions.

Ms. Barnes: Okay. And I think I heard a second from Mr. Shelton. I have a motion by Mr. Cummings, and a second by Mr. Shelton. Any additional comments? And I can see Laura's hand up there in the peripheral vision.

Ms. Sellers: Oh, I have a comment. We just spent, what, 45 minutes talking about a doggy daycare. And I'm going to tell you what; we have come up in Stafford if we are talking about doggy daycare, because this is, this is not again, this is not just we're throwing dogs in kennels and crates and letting them out. Like this is, this is a nice facility that really attracts and I think supports some very high-end clientele because you're talking about \$600 a month, right, in the \$600 a month range. So I think this is a great facility. I think it's more of just I get very frustrated with some of these conversations where we talk about things that, I mean, in the end of the day don't matter. But we didn't put the same emphasis or care into you know, 500 tractor-trailers or 2 million square feet of industrial space. So you know, you guys just get to hear my frustration that we spent all this time talking about how many times your trash is going to be taken out. And we didn't give the same care and didn't even think to answer the questions proposed by VDOT at the same time. It's just a little bit of hypocrisy here in Stafford County, but you know, we'll work through it. So welcome. I will be supporting this.

Ms. Konetschni: Thank you.

Ms. Barnes: Alright, thank you Ms. Sellers. Mr. Cummings? This is, I gotta say, this is the very first doggy daycare that I think we've ever seen. So hopefully, you know, hopefully from now on, we'll have some of this down and we'll be able to figure it out. But I do have to say this is a very new concept for us so.

Mr. Cummings: We are happy to have doggy daycare, or Doggy Dogtopia. And I thank you for bringing it here. I thank you for the landowners that have seen fit to facilitate it. And so as I'm counseled by my elder, I'm going to leave it there. Thank you.

Ms. Barnes: Okay, I think we've discussed this to death.

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Ms. McClendon: Madam Chairman, if you could just clarify the conditions just to make sure we have the correct numbers.

Ms. Barnes: Okay. Mr. Cummings, you want to just read off those conditions real quickly?

Mr. Cummings: I'll try to. Okay. So to confirm that conditional use permit, conditional use permit CUP22154480 is approved, with the conditions of 175 maximum dogs on the facility; 15 customer parking spaces reserved closest to the facility; dogs shall be leashed as established policies; cameras monitoring the facilities; and the sprinklers I believe are required; and that the waste will be picked up at least twice a week.

Ms. Barnes: That last one I don't think we need as a condition because that was...

Mr. Cummings: That was already in the ordinance.

Ms. Barnes: Yeah, so we can leave that one off.

Mr. Cummings: Okay.

Ms. Barnes: Okay?

Mr. Cummings: Yes.

Ms. Barnes: Okay, everyone good with that? Okay. And with that now please cast your vote. Okay, and that passes 6-4 and one absent (*Mr. Martinez absent*). Congratulations, and thank you very much for asking all of our questions. Best of luck going forward. And hopefully you'll see my Whippets there sometime. Okay, thank you very much. Okay. After that, we'll move on to the next one. We passed Unfinished Business because we already did that. We'll go to New Business, which is none. And we'll go to Planning Director's Report, Ms. Baker.

UNFINISHED BUSINESS

4. RC22154477; Reclassification – Austin Ridge Logistics Center – A proposed zoning reclassification, with proffers, from the A-1, Agricultural Zoning District to the M-1, Light Industrial Zoning District on Tax Map Parcel Nos. 38-68 (portion), 38-69 (portion), 38-70 (portion), 38-70A, 38-77A, 38-78, and 29-78A, consisting of approximately 187.72 acres (Property). The Property is located at the terminus of Cedar Lane, approximately 2,000 feet south of Courthouse Road, within the Hartwood Election District. (Time Limit: January 6, 2023) (History: Deferred from September 28, 2022 to October 26, 2022) (Deferred from October 26, 2022 to November 9, 2022)

Discussed before Public Hearings

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

5. Project Pipeline Report (For Information Only)
6. BOS Authorizing the Initiation of a Zoning Reclassification to Remove the Historic Resource Overlay District (HR) from Tax Map Parcel No. 40-32B; R22-276

Ms. Baker: You do have in your packet the project pipeline report for your information. Also you have a number six, the resolution which the Board has referred, approved at their last meeting. This is for a rezoning application to remove the Historic District Overlay on a property out off of Courthouse Road, the eastern side of Courthouse Road. It's a quarter acre parcel with, that has had a Historic District designation since 1985. The historic feature is actually on an adjacent property. And the owners have just requested that the designation come off of this parcel that does not contain the resource. So you will eventually be seeing a rezoning application come before you similar to a rezoning application. It's removing the Historic Overlay District. And that's it.

Ms. Barnes: Okay, thank you, Kathy. And next, to the County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. McClendon: Thank you, Madam Chairman. I just wanted to take an opportunity to thank the Planning Commission for welcoming me here to serve with you. Your regular attorney will be back starting at your next meeting. And so I'm going to bow out gracefully. I would note that if you didn't know, I actually got my start with the Planning Commission many, many years ago. And so it was nice coming home, I'm talking land use a lot more than I get to go on a weekly basis. So thank you for your kindness and your diligence. And I appreciate it.

Ms. Barnes: And thank you for filling in for Lauren, and we look forward to seeing her and seeing all kinds of baby pictures.

Ms. Baker: I'm sorry, just one additional. I think some of you saw our email earlier this week that we, one of your former Planning Commissioners, Ruth Carlone, is in the hospital and not doing well. But we'll keep you posted on that.

Ms. Barnes: Yes, and she has been a regular and a big participant in Stafford and a well-loved citizen for many, many years. So yes, we think about that. Okay, next on to Committee Reports. Solar and Energy Subcommittee. Mr. Shelton, would you like to recap?

COMMITTEE REPORTS

7. Solar and Energy Storage Subcommittee
Subcommittee Report – October 26, 2022
Next Meeting – November 9, 2022 @ 4:00 PM; CDSC Conference Room & Virtual

Mr. Shelton: Thank you, Madam Chair. We reviewed and revised the comp plan amendments this evening. We also reviewed and made some recommendations on the zoning ordinance amendments and we gave staff some assignments to take care of. Our next meeting is next Wednesday, November the 16th. And we will have subsequent meetings on the 30th of November and potentially December the 7th. And staff has done a great job putting stuff together.

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CHAIRMAN'S REPORT

Ms. Barnes: Okay, thank you Mr. Shelton. Chairman's Report – I have nothing. Other Business – we have new TRC submissions, one for the Apple Grove Tractor Supply in my district, the Rock Hill District; we get something finally. And one for Rio Carwash in Town and Country Marketplace in the George Washington Election District. Next we have approval of the minutes for October 26. Can I have a motion to approve those minutes?

OTHER BUSINESS

8. New TRC Submissions
- 22154737 Apple Grove Tractor Supply – Rock Hill Election District
 - 22154751 Rio Car Wash at Town & Country Market Place – George Washington Election District

APPROVAL OF MINUTES

9. October 26, 2022

Mr. Bain: So moved.

Mr. Shelton: Second.

Ms. Barnes: Okay. A motion to approve by Mr. Bain. Second by Mr. Shelton. All in favor say aye.

Members: Aye.

Ms. Barnes: Any opposed?

Ms. Sellers: I am abstaining. I was not here.

Ms. Barnes: Yeah, because I was about to get abstentions. I was going there next. Any abstentions? Okay. Alright, so we have all approved and one abstention (*Mr. Martinez absent; Ms. Sellers abstained*). And with no more business in front of the Commission, can I have a motion to adjourn, please?

ADJOURNMENT

Mr. Apicella: So moved.

Mr. Shelton: Second.

Ms. Barnes: Motion by Mr. Apicella, seconded by Mr. Shelton. Any discussion? Hearing none, all in favor say aye.

All members: Aye.

Ms. Barnes: Any opposed? Any abstentions? That motion passes and we are adjourned.

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At 8:31 PM, Chairman Barnes adjourned the November 9, 2022, Stafford County Planning Commission meeting.