

STAFFORD COUNTY PLANNING COMMISSION

December 14, 2022

The meeting of the Stafford County Planning Commission of Wednesday, December 14, 2022, was called to order at 6:00 PM by Chairman Kristen Barnes, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: Steven Apicella

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

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Do we have any declarations of disqualification? Okay, hearing none, are there any changes to the agenda? Okay, seeing none, we will then move onto the Public Presentation portion of our meeting tonight. The Public Presentation portion, the public may have up to 3 minutes to comment on any matter except for those items with appear as public hearings on today's agenda. There will be separate comment periods for those public hearings. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's 1 minute left. Red means your time is up. If you would like to speak, please come forward.

PUBLIC PRESENTATIONS

Mr. Janis: My name is Patrick Janis. I'm right in behind the Norfleet... I have nothing against Norfleet.

Ms. Barnes: Sir, can I just stop you here real quick? There's going to be a public hearing for that...

Mr. Janis: Separate?

Ms. Barnes: A separate public hearing, yes, so you will have your chance to speak. I hate to cut you off, but we're... that's the way we do it. This is just an open one.

Mr. Janis: That's fine.

Ms. Barnes: Okay. Anybody else?

Mr. Vandenbroeck: Hey, good evening. How are you? My name's Justin Vandenbroeck, Orlando, Florida; a little bit warmer than here right now. But happy to be here. I'm one of the owners of ESA. We're a solar energy development company based in Central Florida, but we've been pretty darn active in Virginia for the past 4 years. And we were one of the largest companies in North Carolina for a good while. I just wanted to comment on item number 4 that, just regarding the Solar and Energy Storage Ordinance, that I feel like staff has done a very thorough job so far. I found it to be really, just, a strong level of acumen of the staff to actually differentiate between community solar and utility scale solar. We work with Planning Commissions and Zoning Administrators around the country, along with, you know, the American Planning Association, to ensure that when you're siting solar energy projects that you really make sure you try to preserve local community landscape, the character of a community. While solar is quiet, it doesn't have emissions. It doesn't create a bunch of noise and traffic like much development. You know, you do have to be mindful when we site our projects that you're still trying to

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preserve the landscape of the community and the general feel, and I feel like staff has done a really good job thus far on it and the committee that's been working on it. So, we just wanted to comment on that and let you all know that we're here in the audience if you have any questions as it relates to just the industry in general. I've spent the last 12 years of my life working in solar. I can't believe it's been 12 years. I started off as a solar panel installer when I was 20 years old and that's how I paid for my engineering degree, installing solar panels while in school. So, you know, a pleasure to be invested in the community. We've run a pretty active community grant program and have funded a lot of really great organizations locally so. Happy to be here and really appreciate the good work of your staff so far. Thank you.

Ms. Barnes: Okay, thank you very much. Is there anybody else?

Mr. Bain: Mr. Vandebroek, excuse me a second. If you could leave a business card with one of the staff, I'd appreciate that.

Mr. Vandebroek: Yeah, sure, happy to.

Mr. Bain: Not for me necessarily.

Ms. Barnes: Okay. Anybody else care to come up and speak? Okay, seeing no one rushing to the podium, I will close the Public Presentation portion of the meeting and we will move on to the next item on the agenda, which is the Reclassification of the Mid-Atlantic Chick-Fil-A Proffer Amendment. And for this one, it is in my district and traditionally we pass the gavel to the Vice Chair since this is my district so I can make a motion later on. There you go. And I'm off duty.

Mr. Bain: I have the power. I guess Evelyn, you're going to present this for us. Thank you.

PUBLIC HEARINGS

1. RC22154531; Reclassification – Mid-Atlantic Chick-fil-A Proffer Amendment – A proposal to amend proffered conditions on Tax Map Parcel No. 19-71C (Property), consisting of approximately 1.8377 acres zoned B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts. The Property is located on the north side of Garrisonville Road, approximately 200 feet west of Shelton Shop Road, within the Rock Hill Election District. **(Time Limit: March 24, 2023)**
2. CUP22154530; Conditional Use Permit – Mid-Atlantic Chick-fil-A – A request for a conditional use permit (CUP) to allow a drive-through facility within the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts on Tax Map Parcel No. 19-71C (Property). The Property consists of approximately 1.8377 acres, located on the north side of Garrisonville Road, approximately 200 feet west of Shelton Shop Road, within the Rock Hill Election District. **(Time Limit: March 24, 2023)**

Ms. Keith: Good evening Madam Chair and members of the Commission, I'm Evelyn Keith in the Planning and Zoning Department, and I will be presenting the Chick-Fil-A Reclassification Proffer Amendment, as well as the Conditional Use Permit.

Ms. Barnes: Evelyn, can you pull the mic a little closer to your, to your face?

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Ms. Keith: Actually I can take my mask off.

Ms. Barnes: That helps, too, thank you.

Ms. Keith: Yes.

Mr. Bain: Are we doing both items 1 and 2 together?

Ms. Keith: Yes, combined.

Mr. Bain: Okay. Alright, thank you.

Ms. Keith: This is the request from the applicant is a proffer amendment to delete the proffer that prohibits the construction of a fast food restaurant with drive-through, as well as a conditional use permit for a restaurant with drive-through in the B-2, Urban Commercial and HC, Highway Corridor Overlay Districts. The Tax Map Parcel is 19-71C. It's located in the Rock Hill Election District. And the site consists of 1.8377 acreage. The applicant is Chick-Fil-A, the owner is Garrisonville Road Realty LLC, and Mr. Clark Leming will be representing the applicant. Here before you is the zoning map. The outline in blue depicts the site and it is zoned B-2, Urban Commercial and Highway Corridor Overlay District. The site is located on the north side of Garrisonville Road near the intersection of Shelton Shop Road. The surrounding zoning districts are B-2 to the east, B-2 to the north and to the south across the street. The adjacent zoning district is A-1, Residential Agriculture to the west and R-1 to the northeast, which is residential. The site was originally rezoned from A-1 to B-2 on August 1, 2006, with proffers, as part of the larger retail center on 11.87 acres, including pad sites for a bank, a gas station, pharmacy, and office building. The GDP depicted a bank with drive-through on this pad site. The current proffers prohibit a restaurant use with a drive-through. The primary purpose of the concurrent proffer amendment request is to remove the use restriction that prohibits a restaurant with a drive-through. On March 15, 2011, the proffers were amended pursuant to Ordinance O11-11 to amend building elevations to permit the construction of the 7-Eleven convenience store adjacent to the site. The parent parcel has since been subdivided into four parcels. The other three have been developed, which are CVS, 7-Eleven, the CubeSmart Self-Storage, and the subject parcel is the last undeveloped pad site in the development. This image here is of the existing conditions. The site access is the shared entrance on Garrisonville Road, with the adjacent property to the east. And it's an inter-parcel connection to the north end of the site. The property is undeveloped and includes an existing stormwater management pond. The site consists of overgrown grasses and a stand of pine trees on the western portion of the property. Sidewalk was previously constructed along Garrisonville Road within the right-of-way. A condition is proposed to clean up the existing groundcover. A convenient fuel station is located to the east, which is here, it's a 7-Eleven, within the... and the residential mobile home park is to the west.

Ms. Sellers: Can you go back to that picture? What's that yellow line capturing? Where the blue line is and the yellow line?

Ms. Keith: The blue is the outline for the boundaries of the property and the yellow is just outlining the adjacent properties, the various parcels.

Ms. Sellers: Are there any, within this proffer agreement, were there any considerations for future expansion of Garrisonville Road?

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Ms. Keith: There is. There's future expansion for the intersection of Garrisonville Road and Shelton Shop Road. Right now the completion date is projected for 2030. This is the street view from Garrisonville Road. This is the generalized development plan. Here you will see... The GDP depicts the Chick-Fil-A restaurant here with two drive-throughs and a bypass lane. The vehicles will enter the drive-through here and will counter-clockwise around the north, which is here, and west portion of the site, of the building. There's a stop sign here with a cross-walk for the safe crossing of pedestrians. The building will be 5,736 in square feet. There will be canopies here at the pick-up... the drive-through points and the pick-up windows. And also the drive aisles and parking is located to the east side of the building. Access again to the site is from Garrisonville Road. It will be provided via a shared entrance with Tax Map 19-71B, which is the 7-Eleven site, and it also it requires... it's required by HCOD, Highway Corridor development standards. Also, as the Zoning Ordinance requires, a landscape buffer street buffer here is proposed along Garrisonville Road and transitional buffers to the west, here, as well as a transitional buffer to the north. There's existing mature white pine trees to the west along the western property line. The plan is to preserve these trees to the extent practical. The proposed conditions will require the use of a 6-foot tall fence along the top of a retaining wall that is proposed over here within the buffer area. And, again, they will plan to preserve these trees to the extent practical and the retaining wall would adequately screen the drive-through lanes from view where the property abuts the residential use to the west. The applicant has indicated that they will pursue an alternative compliance for a reduction of the buffer yard, or the buffer width, for the southwest corner here and the northeast property line, which is here, at the time of site plan submission.

Ms. Sellers: Is that second transitional buffer, is that owned by... is that still owned by them?

Ms. Keith: No.

Ms. Sellers: Do they own that storage facility in the back?

Ms. Keith: No, each parcel is owned separately. That is the SmartCube warehouse.

Ms. Sellers: Okay.

Mr. Bain: Ms. Keith, the heavy line that runs along the western boundary, that's the approximate alignment of that retaining wall that you said?

Ms. Keith: That is correct.

Mr. Bain: Okay.

Ms. Keith: That is correct.

Mr. Bain: Thank you.

Ms. Keith: You're welcome. This image of the GDP is an image for the delivery truck exhibit. This image identifies how a truck will enter into the site and leave the site at the northern end. A condition is proposed to limit the delivery hours from 5:00 AM to 9:00 PM... I'm sorry, I apologize... from 5:00 AM to 10:00 AM and 9:00 PM to 12:00 AM, which is outside of typical business hours. This would limit truck conflicts with customer vehicles. So they plan on coming through, coming up through Garrisonville Road, they will back into the site here. Once the delivery is complete, they will pull out and go toward the inter-parcel connection here at the north end of the site.

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Mr. Bain: Ms. Keith, will those be box trucks or tractor-trailer trucks?

Ms. Keith: The exhibit was for larger trucks. I did not, or it was not identified which trucks, which size.

Mr. Bain: Okay, I'll ask the applicant.

Ms. Keith: I can defer that to the applicant.

Mr. Bain: Thank you.

Ms. Barnes: Evelyn, can I ask a quick question before we go past this slide here? You said they back up to do the deliveries? That's kind of in the middle of the parking lot, is it not? So they don't actually back up to the building and unload there?

Ms. Keith: That is one of the reasons why we are limiting the delivery hours. Because when they back up, they will encroach into this parking area and as well as into these parking spaces here to the east side. So that is one of the reasons why we are requesting...

Ms. Barnes: So they unload it and they kind of lug it back and forth between the building and the truck?

Ms. Keith: Yes.

Ms. Barnes: Okay. My other question is, I noticed that when they're coming in off of 610, you said the box trucks are going to be a little big, and I'm not sure if this is a question for you or the applicant, and that they're going to swing a little wide.

Ms. Keith: Yes.

Ms. Barnes: And that they're gonna, that might pose a problem with exiting cars coming out, in the right-in or right-out. And if they exit then out towards the inter-connector towards the back which will go past the 7-Eleven and then out towards the CVS?

Ms. Keith: Yes. They can go to the signalized that's across from Shelton Shop Road and exit out.

Ms. Barnes: So let me ask you this, then. Why... and I'm sure there's a good reason and I have no idea what it is... why not have them enter that way, too, and avoid that tight squeeze onto 610?

Ms. Keith: Yeah, I think it would be a smoother transition. If they was to enter as proposed through Garrisonville Road, they will as you stated swing into the egress lane. But once they get up and back up, they will have a smooth transition to exit from that inter-parcel connection. And once again, that is one of the reasons why we did put limitation on the delivery hours.

Ms. Barnes: Okay. Was any thought put into possibly widening the entrance on 610 so that that didn't happen?

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

Ms. Barnes: Okay, we'll do that. Thank you.

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Ms. Keith: Yes. Okay, this is the traffic... this is an image that was taken from the traffic impact analysis, which is also called a TIA, that was submitted with the application to determine impacts from the proposed use. Here you see the two circled areas. This area here is the right-in to the site off of Garrisonville Road. This is the intersection of Garrisonville Road and Shelton Shop Road that was evaluated. There's going to be a drive-through restaurant... it was, it was based on a drive-through restaurant on the original TIA in 2006. However, changes and the ultimate build-out of the shopping center and the amount of time that has passed required the new TIA. So this is a more recent TIA based on this proposed use of the Chick-Fil-A. The TIA evaluated impacts on the signalized intersection at Garrisonville Road and Shelton Shop Road and the existing unsignalized right-in/right-out driveway into the site, as I actually jumped ahead of mentioned previously. The TIA determined that the right-in/right-out entrance into the site would operate at an unacceptable Level of Service during peak hours. The Garrisonville Road/Shelton Shop Road intersection was found to be failing at a Level of Service D in the AM and E in the PM peak hour, with or without the proposed use. In each situation, the intersection would experience increased delays of approximately five seconds. This is inconsistent with the County Comprehensive Plan Policy 7.7.7, which states that development projects should maintain a Level of Service C at impacted intersections, or where achieving a level of C is already below... I mean, I'm sorry... achieving a Level of Service is already below C, the intersection should not be further degraded. The TIA does note that the future planned construction projects to widen Garrisonville Road and Shelton Shop Road would improve the conditions of the intersection. The TIA points out there would be fewer primary trips, total trips minus pass-by trips, than the original projected 2006 TIA. This is an image that was provided of the building elevations. These renderings depict the front building facing the east side, which is the first one here is actually facing the 7-Eleven. That's the east elevation. And the south elevation is facing Garrisonville Road. Due to property location within the HCOD Overlay District, the building must conform to architectural standards and the Neighborhood Design Standards Plan. This review would occur prior to building permit approval. Staff notes that the proposed building design conforms with some of the architectural guidelines of the Neighborhood Design Standards Plan, including the primary building material is brick, primary colors that are low reflecting, subtle, neutral, or earth-tone colors. This is a photo representation of the site. It's the visual perspective from Garrisonville Road. This is the same which is the east elevation here facing 7-Eleven. And there's another image here that is the south elevation and it is facing Garrisonville Road. You will see that there are the proposed canopies here to the south. And that's, that's at the ordering point and this is at the pickup point. The Comprehensive Plan identifies the property in a commercial node, which is the red circle there within the Suburban future land use designation. Commercial nodes are intended to encourage commercial activities where there are adequate transportation facilities to accommodate proposed uses. Commercial uses adjacent to residential uses should be designed such that the commercial use is integrated until the assessable... into and accessible to the community. And designed so as not to be unobtrusive to the community. These are proposed proffers. This would... they are requiring the property to be developed in general conformance with the GDP; delete the previous satisfied proffers regarding right-of-way dedication; improvements to Garrisonville Road; and structure demolition. Also require the building to be constructed in general conformance with the architectural renderings and delete a proffer that prohibits the construction of a fast food restaurant. Here's a few proposed conditions. One is development of the site shall occur generally as shown on the GDP; no new driveway entrances onto Garrisonville Road shall be permitted; drive-through stacking lanes shall be designed as not to impede traffic circulation; limit the volume of the drive-through loudspeakers; drive-through bypass lane shall be provided; provide a connection to the existing sidewalk and restore existing sidewalk to a usable condition; ensures adequate screening from adjacent residential use with fast growing trees. Also a fence shall be installed along the top of the retaining wall to adequately screen the drive-through lanes from view of the Tax Map 19-67K which is the mobile home park to the left. And additional conditions would be the dumpster shall be screened from view with masonry and/or brick

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material similar to that of the primary building; truck delivery to the property shall be limited to the hours of 5 AM to 10 AM and 9 PM to 12 AM. The hours of operation shall be limited to 6 AM to 10 PM. Staff findings – there's positive, more positive than negatives. The proposed proffer amendment would be consistent with the Comprehensive Plan regarding commercial development along major roadways; the use does not change the character of the established pattern of development; the proposed building design incorporates the recommendations of the Neighborhood Design Standards; proffers will ensure the use is developed as contemplated in the GDP; the proposed conditions will help ensure that any negative impacts are mitigated. The negative is the project contributes to minor additional delays at the Garrisonville Road/Shelton Shop Road intersection; inconsistent with the Comprehensive Plan policy discouraging further degradation of failing intersections. Staff recommends approval of the reclassification application RC22154531, to amend proffers pursuant to Ordinance. O22-27, as well as staff recommends approval of the application CUP22154530, with conditions pursuant to Resolution R22-315 subject to approval of the zoning reclassification request. Any questions?

Ms. Barnes: I have a few. Do you mind if I go first, Mr. Chairman? Okay. There's just a couple of questions and I probably know the answers, but I just want to clarify them. The first one is I noticed on the original proffers from a long time ago...

Ms. Keith: Okay.

Ms. Barnes: ... that one of the proffers was – I'm trying to get back to it – the fencing used on the property shall be of a see-through design. That's proffer, I think, number 3 under buffers, and it's not crossed out so I think that's still standing, except for around the dumpster pads eastern view. But it doesn't say anything about the western portion of that. But in this CUP, it says that it's going to be a, what, I think, a 6-foot board-on-board.

Ms. Keith: Yes.

Ms. Barnes: So which one, which one would then hold on that one?

Ms. Keith: I would need to look, I want to ask Mike Zuraf for his guidance on this.

Ms. Barnes: I'm sorry, I would have sent this to you earlier, but I just caught this last night. I'm sorry.

Mr. Zuraf: My recollection on that was, that condition, that proffer came about when it was from concerns from the eastern view residents from what at the time...

Ms. Barnes: CubeSmart?

Mr. Zuraf: ... yeah, yeah, well, and it was originally going to be an office building. And they wanted to have that visibility and not just have a, a solid wall that, you know, somebody could be hiding behind or something like that. So the see through fencing is intended for that area back there.

Ms. Barnes: Okay. So if it... because it says that, you know, any fencing used on the property shall be of a see-through design. So does that CUP then kind of override that or...?

Mr. Zuraf: Well, I guess it would not, I guess it wouldn't hurt to maybe add in some additional language to allow for some exception.

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Ms. Barnes: I just want to make sure because we've got two designs going on there. And I don't think that the people in the west want a see-through fence on there.

Mr. Zuraf: Right. It would not hurt probably to maybe modify that language.

Ms. Barnes: Okay. Alright. So also, when we talked about, when I looked at the GDP and the architectural plans, it shows, and I don't know where it is in the presentation of the GDP, it shows on the western side that there's a lot of deciduous trees. But the condition that I think that we put in, and I'm not sure if maybe that just wasn't updated, the condition that we put in was a little bit more specific than the one that you showed on your presentation.

Ms. Keith: Yes.

Ms. Barnes: It requires the use of evergreens and shrubs of a moderate to fast growing variety, including but not limited to, et cetera, et cetera, et cetera. And that would be accepted. They'll be a minimum of 70% of the total required plant units shall be evergreen. However, on the GDP, if I recall correctly, it doesn't really show that on the western side, it really... it shows almost, I think, completely deciduous if I'm reading this correctly, because it is a GDP. So I'm not, I'm not real sure on that. Is there some clarification? Because I know that that condition we kind of added recently, and maybe the GDP wasn't updated to have that new symbol for the evergreens?

Ms. Keith: That is correct.

Ms. Barnes: Okay.

Ms. Keith: And the, the applicant, I can defer to them. I don't know how many trees are able to be preserved. But that condition kind of it ensures that the replacement would be evergreens.

Ms. Barnes: Okay.

Ms. Keith: And that is written in...

Ms. Barnes: So it's written in the condition, but the symbols on the GDP aren't necessarily... that that can be changed slightly through the process.

Ms. Keith: Absolutely.

Ms. Barnes: That's not something that's written in stone.

Ms. Keith: Correct.

Ms. Barnes: Okay.

Ms. Keith: Yes.

Ms. Barnes: I noticed also that under the CUP that the language is taken out that it would be closed on Sunday?

Ms. Keith: Yes.

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Ms. Barnes: And is there a reason for that? Because obviously, Chick-Fil-A is always closed on Sunday. Is that because the condition is for the property going forward and that would... everybody is shaking their head, okay, got my answer.

Ms. Keith: Yes, that is correct. We didn't want to lock in into if in the event someone else came in, they would be limited to Monday through Saturday instead of Sunday.

Ms. Barnes: Okay, got it. With Chick-Fil-A we know it's always gonna be closed on Sunday anyway, so we're good with that. Well, maybe, in the airport, really? Hmm, okay. I think that's all I have for now. Thank you. And maybe I'll have some questions for Mr. Leming when he comes up.

Ms. Keith: Okay. Any other questions?

Mr. Bain: Did anyone else have one? I just have one, but it's probably the applicant that will have to answer it. The delivery trucks can get there at 5 AM or at 10 PM. But the restaurant's only open from 6 AM to 9 PM. So is Chick-Fil-A going to ensure that they have staff on hand if the truck gets there before the restaurant opens or after it closes? I say maybe the applicant has to answer that.

Ms. Keith: Yes, I would defer that to the applicant.

Mr. Bain: Okay. Any other questions? No? Okay, then let's have the applicant step forward.

Ms. Keith: Thank you.

Mr. Bain: Thank you, Evelyn.

Ms. Keith: Thank you.

Mr. Bain: Mr. Leming, pleasure to see you, sir.

Mr. Leming: And a pleasure to see you all, Mr. let's see, Mr. Temporarily Presiding Chairman.

Mr. Bain: Yes.

Mr. Leming: And Ms. Temporarily Not Presiding Chairman, and the other members of the Planning Commission, whatever your titles may be. I'm pleased to be here. I'm Clark Leming. I'm pleased to be here tonight on behalf of the Morgan Companies, which is the developer for this Chick-Fil-A. And I have with me, Mr. George Morgan, who you were there with the very beginning, right? Okay. There are other Morgan's involved in the company now. A little quiz and I've made notes of your questions and we're gonna try to answer all of them but what's the top selling fast food chain business in America? Top Selling. No?

Ms. Barnes: Another Chick-Fil-A?

Mr. Leming: McDonald's.

Ms. Barnes: Oh, really.

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Mr. Leming: Top selling in America. But which of the fast food chains has the highest average sales per store? Chick-Fil-A. And Chick-Fil-A is closed as we all know on Sundays and still manages that. So they're a very well received restaurant and establishment, and popular almost everywhere they go. They pride themselves on good service. My pleasure. The word that is always used at a Chick-Fil-A. I finally caught on; oh, that's, they all, they all do that, it's not just not just a few of them. And prompt services. If you've been to the Chick-Fil-A down 610 in the middle part of the day, it's amazing in that little site... and this is a bigger site... how quickly they get the lunch crowd through there. There are some plans for that site if this one comes into being but those will be announced at a future time. The thing that really sold me on Chick-Fil-A was the kale crunch. You all familiar with the kale crunch? Almonds and kale and a nice light dressing. They've stopped it! So anyway, we're gonna see if we can do something about that. The development got into a little bit of the history and I've been involved with with this particular development since its very beginning in 2006. Barbara Kirby was the Rock Hill Chairman at that time, and she voted against the whole thing, but was still a tenacious negotiator. But it was her, it was her district. But in 2007, the entire development was improved... approved, and it was approved as a development and included all of the pads, all of the development pads that you see now. The CVS came first, came right away. The site right now of the 7-Eleven was to have been a Sheetz and all of the conditions referred to the Sheetz colors and what they agreed to do, and the Sheetz design. So Sheetz, not sure it was a wise decision now, because they came in right down the street, and another one that that I did, Sheetz decided not to come there and 7-Eleven wanted to come there. So we had to come back, I think it was 2012, had to come back in for a proffer amendment and a change to the conditional use permit because of all of the Sheetz colors that were, that were in there. So that got changed and the 7-Eleven came and then the back lot, the back portion of the lot was to have been office with a significant AM and PM peak hours. But that triangular parcel back there was to be used for that. And then fast food at one point, a bank with a drive-through. Ms. Kirby didn't like fast food with drive-through. So that's why that proffer was, even though she voted against it. But that's basically the history. At the time of the original development, the traffic study was done that envisioned more intense uses than what you have there now primarily because rather than an office building on the triangular piece to the back, what you now have is self-storage. So the improvements that were made, the things that were done, were geared toward a more intense development, even at that point in time. And you've, if you've looked at your proffers, you see the things that are, that are marked through, the things that were done. The northbound lanes coming out of Shelton Shop, you'll recall that there's a left and a through and a right there. That was that those were put in place courtesy of this development. There's a continuous lane along, all the way along 610 along the north side, all of the right-of-way for whatever is ever going to happen with 610 was dedicated at that point in time. And I think it's at its ultimate build-out. But even if not, there's still that continuous through lane across the entire frontage of the property. Now, as Evelyn indicated, there was an update to the 2005 I think traffic study for the 2006 rezoning that was done for this one. And you know, we're all still well within... take some issue with the notion that, you know, the traffic from this is, it contributes to the problems at the intersection of Shelton Shop and 610. I don't think that's exactly accurate. The traffic of this has been anticipated and planned for since 2006. And the improvements more than cover the traffic that is generated from this development. Now, as you all know, there have been a few other things going on since 2006. Unfortunately, there are plans to improve that left turn from 610 onto Shelton Shop. It's not an easy thing to do because of the right-of-way issues and the left turns going east on 610. So it's a complicated issue, but it'll eventually get addressed. And I think the County has specific plans to do so. Now, with that preamble, let me address some of your questions. Let's start with the white pines, because that's what we spent the most time over, looking at over the last few days and, and we're out there today actually looking at them again. And we're, we first of all, we weren't even sure which parcel they were on. It appears that they are by and large on the Chick-Fil-A parcel. And we're more and more optimistic about being able to keep most if not all of them. They're actually set somewhat down off grade, which addresses a concern that I had raised I think

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in an email about disturbing the root structure of those mature pines. So you know, to the extent that that's a goal, we're committed to it. I did come, tonight I brought with me a fairly generic proffer. If you want something more tangible to consider that just says we're going to make every reasonable effort to do this if it doesn't negatively affect the development. I did not want to submit that to staff the day before and have that but I'm prepared with that if, if you would like us to consider something like that, or even deal with it on the way to the Board of Supervisors. So we're, the main thing we're trying to show is that we're going to use our best efforts and put our best foot forward and do everything we can to preserve. And this is a beautiful tree stand. Not sure how effective a screen it is because they tend to lose the lower branches. But coupled with additional screening and the wall that will be over there, I think it'll all be effective together.

Ms. Barnes: Can you read us that when you, when you get to the point where that would be convenient, what the new proffer is? What you said?

Mr. Leming: Oh, yeah.

Ms. Barnes: Like if you can, if you read it to us...

Mr. Leming: I can read, I can actually give you a copy to look at if you would like that.

Ms. Barnes: That would be great, thank you.

Mr. Leming: Okay, alright. Okay. Let's see, are you going to help me with that Evelyn? Okay, thank you. I think I've got enough for everybody and probably at least the County Attorney or the Planning Director. But they can share. Now, so this would... yeah, this is a fairly general proffer, we're not absolutely required, required to preserve these trees, but it does say that we're going to preserve the existing white pine trees located on the western property line to the greatest extent reasonable and practical, practicable. Provided that such preservation does not materially alter or impair development of the site in accordance with the GDP. So, we need to build our plan. In the event that one or more of the pines cannot practicably be preserved, the applicant shall replace any removed pines with evergreen trees and shrubs, moderate to fast growing variety. And then we've listed some for you there. Such plantings will meet the minimum planting requirements for buffer yards. And we refer to the design and construction standards for landscaping, except that a minimum of 70% of the total required plantings shall be evergreen. So the intent is to provide an effective buffer there and do what can be done to preserve the white pines.

Ms. Barnes: So when we look at this, though, this is, this is similar to what's in the condition.

Mr. Leming: Yes, it actually is.

Ms. Barnes: So, which one would...? Yeah, when it comes to competing conditions and proffers which ones...?

Mr. Leming: Well, this specifically references the white pines. So I mean, this I think goes a little bit further on that stuff.

Ms. Barnes: Got it, I see. I see.

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Mr. Leming: And we'll talk about your other little points of conflict with the fences and the other things in a moment, too. And I'll tell you what, what I think about those things.

Ms. Barnes: Okay, thank you.

Mr. Leming: So this is, this is their we're happy to do this. But main thing we want to do is just reassure you that we have every good intention about doing what we can do to preserve the pine stand there. Now, back to, so you'll, whatever your preference is about that is fine with us. Now, let's see, Ms. Sellers, you had a question about the right-of-way expansion. And as I indicated a moment ago, all of the right-of-way in the Comprehensive Plan that's needed for that side of 610 was dedicated back when the original site was put in. Now, I think that's what you were talking about is right-of-way, adjacent to the, to the property itself, which has all been done. If you've been there, if you've seen the property, you'll see there's already a turn-in there. I mean, basically, a use on this piece has been anticipated now for a decade, to the point that you have the actual right turn lane already pretty well constructed. Now, on the on the issue of the trucks, first of all, we're not talking about tractor trailers, we're talking about panel trucks. Those are what do the deliveries here. So we're not going to have big trucks swinging in off of 610. Mr. Morgan mentioned to me a moment ago that the truck drivers are going to find the most effective way to come in, be at the light or the or the right-in; you know, they're, they're pretty adept at that. But we didn't want to impose any restrictions and think that many times that movement, using the right-in there, is an effective way to get the panel trucks in with the deliveries. Mr. Bain, you asked about the hours. The hours of operation are only the time times that we're setting aside for the customers. So we will not serve customers beyond those hours 6 in the morning and 10 at night. But the staff is going to be there more hours than that depending on what needs to be done to prepare to open in the morning, what needs to be done to close up at night, and certainly if there are trucks delivered, someone is going to be on hand to receive those because they'd have a hard time running the restaurant without getting their, their food shipments. But yes, we will... absolutely there will be somebody there to cover the deliveries when they're, when they're scheduled. Now, let's see – the fencing. I'll tell you that the way I would... we don't have any problem with adding that, clarifying that in the proffers. But if I were sitting up there and advising you all, I think what I would say is look, to the extent that you can reconcile both of them, and do what each of them requires, that's what you got to do, number one. And number two, the more specific thing is going to be what, what governs. And so I don't think push comes to shove there would be any issue with the fencing. But we don't mind just saying in the proffer that, you know, that open fencing provision would not apply along the western property line there so that you have more, more effective fencing there. But I think that it would be interpreted in the way that you want to interpret it now anyway, between the condition and the proffer. Let's see now, was there, was there another question that you had? Oh, yes, yes, the other one that you had was not showing the evergreens on the GDP. In a case like that, even though the GDP is incorporated, to the extent that I have a written provision that tells me what I have to do, I think that's going to govern, that's going to trump a whatever is attempted to be shown on the GDP, which in some respects, is largely illustrative and I would not read to mean this particular tree is going to be in this particular place and it's going to be this particular kind. But, we're...

Ms. Barnes: I thought as much, I just wanted to make sure.

Mr. Leming: Okay, but I think we're pretty well locked in and in a manner that that you suggest you want to see the interpretation go. But consult with your own counsel, by all means. I just, I think that's where we are. Now. Those are the... if you haven't done so, just do take a look at the original proffers. And I think you all have a redline version so you can see what the original proffers were in what's been taken out as completed. And the most notable things are to Ms. Sellers' question, the right-of-way

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dedication, which was done and is now removed, because that's been accomplished. And the Garrisonville Road improvements. Now you, if you, if you remember back that far, you know, what was coming out of Shelton Shop was one lane and that tiny little right turn lane. So this was a substantial improvement that, that certainly has enhanced the ability to come north from Shelton Shop onto 610 for a substantial period of time now. But the rest of it is I think, largely beyond the, beyond our control and, and beyond the responsibility of, of this particular development. Now, those are the... I believe I've tried to make notes and answer the questions that each of you raised in time. Now, if you let us know, if you want that proffer incorporated, we're happy to do that. We're also happy to clarify the issue about the fencing, the opaque versus see-through fencing on the north. You know, I don't, I don't believe anything needs to be done about the GDP because you've got the more specific language in your conditions and proffers. So I think that's, I think that's where we were unless, as I've been rambling on here, you all thought of some more things.

Mr. Bain: Any other questions for the applicant? Seeing none, thank you Mr. Leming.

Mr. Leming: Okay. Alright, thank you all very much. If you haven't done so, by all means, try the kale crunch.

Ms. Barnes: With the broccolini. I remembered. So, let me ask you a question then. So with the proffer amendment that you added here, you know, what, we'll leave it to staff about, you know, clarifying the, the language with the, with the fencing and with the additional proffer that he put in there. You know, what, what would be the advice of staff or legal.

Mr. Bain: We have to make a motion to add that as a condition.

Ms. Barnes: Right. Actually it's a proffer, isn't it?

Mr. Leming: Yes. You would have to make a motion I think to receive the proffer and accept it and act on it, you know, independent of anything else you do. I'd say you can do that, or you can say okay, you know, put it in now, and you know, as you move on from here, it'll be one of the proffers. But, you know, that's completely within your all's discretion. And I did not so that you would have maximum discretion as to what to do with this, I want to make the point that we're trying to address the issue, number one, but at the same time, not tie you up procedurally by dropping a new proffer into your laps on the night of the public hearing, unless I was invited to do so.

Mr. Bain: No, that's not an issue.

Ms. Barnes: And as far as the fencing goes, I mean, I'd like to hear from staff if they think that that should be changed, or if that's fine. If it's clear enough, and we don't have to worry about it.

Mr. Zuraf: I would, I would recommend that it be modified, language modified just to make it clear. So in the future, when other people are dealing with this, they, they fully understand what's required. And typically, what we do is have the applicant write that specific language into the proffers and, and then so everybody...

Ms. Barnes: Tonight?

Mr. Zuraf: ... yes, yes.

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Mr. Bain: Start writing Mr. Leming.

Mr. Leming: *Inaudible, not at microphone*... what you want me to do with it. You can decide what you want to do about the other proffer. And if you adopt it, then we have a written version of it, and we will incorporate it into the other proffers, you know, act on it tonight and it will become part of the proffers from, from this point on.

Ms. Barnes: Okay, thank you.

Mr. Bain: Okay. Alright. No other questions? At this point, I'm going to ask if there's anybody in the audience that would like to comment on this application, you may come forward now. The standard applies for speaking, you get 3 minutes to talk. The green light will start, will turn on as you start your comments. After 2 minutes, the light will turn yellow. And at the end of the third minute, it will turn red and you need to conclude your comments. Anybody want to step forward? Don't rush. Okay, seeing no one, I'll bring it back to staff if we could.

Ms. Sellers: Can I make a recommendation?

Mr. Bain: Oh, yes, ma'am.

Ms. Sellers: That since Mr. Leming is...

Mr. Bain: Would you pull down your mask? Because it may not be clear enough for Stacie to get.

Ms. Sellers: Right. Since Mr. Leming's during the next public hearing, can we defer this till after that public hearing so they can clarify the language in the proffer so we know what we're voting on?

Mr. Bain: If we make such a motion, yes.

Ms. Sellers: Well, I don't want to, I don't want to defer it to another meeting. I just want to say hey, let's just move the vote.

Mr. Bain: No. We will, we can, we can.

Ms. Barnes: Do you need the time?

Ms. Sellers: Do we need a motion?

Mr. Bain: But we have to make... we have to make the motion to include it first, and then...

Ms. Sellers: Well, that's why I want to see what they're writing and then make the motion to include it. So what I'm asking is just to say, hey, let's, let's bring them back up in like when this next one's done.

Mr. Bain: Then we have to take a break.

Mr. Leming: We're happy to do that. You have the proffer that's proposed.

Mr. Bain: Yes.

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Mr. Leming: And you can look it over and see if it's acceptable. With regard to the fencing, I think that even during the next public hearing my very capable client, somebody from staff, I don't know, if you need Mike sitting here the whole time can take care of that forthwith and, you know, have that have that ready to go for you when you're ready to address it.

Ms. Sellers: I mean, it's not my district.

Mr. Leming: But I appreciate your thinking about me stumbling all over myself here.

Mr. Bain: Then can we legally stop activity on this application and move on to the next one?

Ms. Lucian: Yes, you can make a motion to move your vote on this until after the other one is heard. And that will give the applicant the time to put together the language which you'll need to see before you before you can accept the new proffers anyways.

Mr. Bain: Okay. Do I hear a motion?

Ms. Barnes: So moved. Can I do that? Just so moved? Okay.

Ms. Sellers: Second.

Mr. Bain: Any discussion on the motion? Just do a voice vote. All in favor say aye.

All members: Aye.

Mr. Bain: Any opposed? No. The motion passes. We will delay that until after the application concerning Norfleet Mulch. Thank you, gentlemen. And ladies.

Mr. Bain: Alright. At this point, we will turn it over to Ms. Taylor to present CUP22154621, Norfleet Mulch.

Ms. Lucian: And Planning Commission, before we move on, just to clarify for the record, did you close the public hearing on that item? It sounded like you did, but there was no official announcement. I just wanted to make you aware.

Mr. Bain: I closed the public hearing on that.

Ms. Lucian: Thank you.

Ms. Barnes: And does he pass the gavel back to me? Or does it... okay. Ceremoniously pass it back.

Mr. Bain: I will now pass the gavel temporarily back to Ms. Barnes. Thank you.

Ms. Barnes: Thank you very much. Okay. Alright. As Mr. Bain said, we'll move on to item number 3, Conditional Use Permit, Norfleet Mulch. And for that, we recognize Amy Taylor, who's already there. Hello.

3. CUP22154621; Conditional Use Permit – Norfleet Mulch – A request for a conditional use permit (CUP) to allow a commercial tree stump grinding and mulch sales facility within the A-1,

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Agricultural Zoning District on Tax Map Parcel No. 35-32 (Property). The Property consists of approximately 74.49 acres, located along the north side of Warrenton Road, approximately 1,100 feet west of Hemp Road, within the Hartwood Election District. **(Time Limit: March 24, 2023)**

Ms. Taylor: Good evening, Madam Chair, members of the Commission. I am Amy Taylor and I will be presenting the next item on tonight's agenda, which is a request for a conditional use permit for Norfleet Mulch. This request is for a conditional use permit to allow a commercial tree stump grinding and mulch sales facility within A-1, Agricultural zoning district. The affected parcel is Tax Map Parcel 35-32, located in the Hartwood Election District. The applicant is Dan Palchak with NFQRE2, LLC. The owner is Segar Hartwood Farm, LC. And Clark Leming is the agent for this application and will be representing the owner at tonight's hearing. This site is located on the north side of Warrenton Road, approximately 1,100 feet west of Hemp Road. And the attached, or excuse me, the affected parcel is shown here as outlined in blue. The property is currently zoned A-1, which is the Agricultural zoning district, and is also located within the Highway Corridor Overlay District. And as shown consists of a single parcel of approximately 74.49 acres. The property has been zoned A-1 since before 1978 and is not subject to any existing proffers. And surrounding zoning districts are A-1 to the north, east, and west, and A-1 and B-2 to the south. The Generalized Development Plan depicts the layout of the proposed stump grinding and mulch sales facility which will consist of a single-story 20,000 square-foot warehouse building located in the western portion of the property. Grinding and processing equipment will be located in the northwest portion of the site behind the building, as shown in purple, and will include the storage of raw materials and bulk processed mulch. And additional storage areas for pallets of bag mulch will be located at various points throughout the rest of the property as shown here in orange. The property will be served by two full access entrances on Warrenton Road, which will be aligned with existing median crossovers in this area as shown here in yellow. And parking areas will be located along the south side of the proposed building and a series of 30-foot wide travelways will provide access to all processing and storage areas on site.

Ms. Sellers: Madam Chair, are those with lights there? I know you said the median, but are there going to be stoplights there?

Ms. Taylor: I'm sorry, Commissioner Sellers, could you repeat the question?

Ms. Sellers: At these intersections, are these going to be stoplights?

Ms. Taylor: There has been no indication with the impact statement or the information on the application that there are any proposed improvements or signalization for those existing crossovers.

Ms. Sellers: And are these for logging trucks?

Ms. Taylor: Trucks coming into the site will be delivering, similar I guess to logging trucks, they would be large trucks carrying large stumps that they will be processing and grinding into mulch.

Ms. Sellers: Okay.

Ms. Taylor: Both entrances will ultimately provide, excuse me, permit two-way traffic. But the applicant anticipates that the western entrance will be utilized as the primary entrance for all vehicular traffic, with smaller vehicles utilizing only the western entrance. While large trucks will enter through the western entrance and travel through the processing and storage areas shown, in... excuse me, they'll

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enter through the western entrance and travel through the processing and storage areas in an easterly direction and exit through the eastern entrance as shown with the blue hatched line.

Mr. Bain: Then will the eastern entrance actually be exit only? Or will it still be both ways? In other words, can a vehicle come in off of 17 at that point, or will it only be trucks exiting?

Ms. Taylor: Commissioner Bain, could you repeat that again? I'm trying to wrap my head around the question.

Mr. Bain: Okay. Will it be two-way traffic at that entrance?

Ms. Taylor: At the eastern entrance.

Mr. Bain: The eastern entrance.

Ms. Taylor: The applicant has indicated that both, both entrances could permit two-way traffic.

Mr. Bain: Okay.

Ms. Taylor: For the time being they are anticipating that the western entrance will be utilized for two-way traffic primarily for passenger vehicles and customers coming in and out of the site, while it will only be used for entrance purposes for the larger vehicles who will travel through the site and exit through the eastern entrance.

Mr. Bain: Okay.

Ms. Taylor: But they could go the opposite direction if they chose to do so. A 60-foot landscape buffer is also proposed along Warrenton Road, as well as a 100-foot landscape buffer along all abutting property lines to the north, east, and west, as shown here in green. And proposed conditions will require all buffer areas to remain undisturbed and to preserve all existing vegetation. Plantings within the buffers will also be required to provide twice the number of plant units as currently required by development standards, and to provide supplemental plantings where existing vegetation is insufficient. Hours of operation for mulch grinding activities will be from 7 AM to 10 PM daily, and mulch sales will be conducted from 7 AM to 6 PM. Mulch bagging operations will occur 24-hours a day but will be conducted within the warehouse building and a proposed condition will require mulch bagging operations to be conducted indoors.

Ms. Sellers: How loud is a stump grinder?

Ms. Taylor: Commissioner Sellers, that information, the specific decibel levels and noise levels were not provided with the application or the impact statement. My understanding was that it was discussed at a community meeting. So the inform... I am not currently aware of what actual decibel levels will be. However, there is a condition proposed that will require them to comply with noise, permissible noise levels from County Code in compliance with residential districts. But I would have to defer to the applicant regarding specific decibel levels associated with that equipment.

Ms. Sellers: And so these, all these property lines on this on this what is this the northern, the northern property line there?

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Ms. Taylor: Correct.

Ms. Sellers: North of Warrenton Road? Those are all homes?

Ms. Taylor: They're spattered with a mix of undeveloped properties and residential homes. So it's probably about a 50% mix of undeveloped and residential.

Mr. Bain: And access to those parcels is off of Hemp Road only.

Ms. Taylor: Correct. All of the residential parcels and undeveloped parcels to the north are all accessed by Hemp.

Mr. Martinez: Ms. Taylor, did you say that the mulch bagging would be 24/7?

Ms. Taylor: Correct. The applicant's impact statement indicated that they would be bagging 24 hours a day, but all of those operations would be conducted indoors.

Mr. Martinez: Okay.

Ms. Taylor: These are architectural renderings, which depict... excuse me, building elevations and renderings depicting the building's general appearance were provided with the application. And since the property is located within the Highway Corridor Overlay District, the building must conform to the architectural design standards in the Neighborhood Design Standards Plan. The renderings provided do not specifically identify building materials, but appear to depict a metal building. And I do believe the rendering provided with the application that you all have does indicate at the top of the rendering that it's a steel building, but it may not necessarily be permitted. So compliance with the Neighborhood Design Standards Plan and all of the applicable Highway Corridor development standards would occur prior to the building permit approval and will ultimately be addressed at their, the time of site plan review. These are existing conditions for the property. As shown, the property does have frontage along Warrenton Road and is currently undeveloped. The site is densely wooded and property is moderately sloped and rolling throughout much of the property, with steeper slopes through the central and western portions of the site. And as noted previously, two separate Resource Protection Areas are located within the central and western portions of the property, and a floodplain within the central portion occupies much of that same area. Existing uses abutting the site include multiple undeveloped properties and low-density residential uses to the north, east, and west, as well as residential and commercial uses to the south... excuse me, residential... yes, residential and commercial uses to the south. In addition to these existing uses, the site is also located directly across from a larger planned commercial development to the south which is part of the Westlake Development. This is a street view of the property from Warrenton Road, specifically near the location of the proposed western entrance. The Comprehensive Plan identifies the property as being within the Agricultural/Rural land use designation on the Future Land Use Plan, which is where farming, forestry, and land conservation activities are encouraged, although the property is located just outside of an area designated as a commercial node along the south side of Warrenton Road. Design criteria for development within Agricultural and Rural areas are recommended to help preserve the rural character of these areas, which include the preservation of usable open space, excluding steep slopes, RPA, and floodplains from developable area... excuse me, developable, developable area, and maintaining 100-foot setbacks, 100-foot building setbacks and maintaining large stands of trees to the greatest extent possible. The proposal is not fully consistent with the Comp Plan recommendations as the use is not identified within the Agricultural/Rural areas. However, the proposed use is similar in nature to that of Agricultural and forestry related activities. And

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staff believes that the proposed use for a commercial stump grinding and mulch sales facility is appropriate along Warrenton Road, and that proposed conditions will limit impacts to adjacent properties and preserve rural character 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 specifically require the site to be developed in general conformance with the GDP. Limit hours of outdoor operations to 7 AM to 10 PM daily; limit the location of stump grinding and processing equipment to general location identified on the GDP; require noise levels from grinding and outdoor processing equipment to meet permissible levels for residential zoning districts; require mulch bagging operations to be conducted indoors; require a spray tank trailer to be provided for onsite dust suppression; require a 100-foot vegetated buffer along abutting property lines which shall remain undisturbed and retain all existing vegetation and provide a minimum of 324 plant units per 100 linear feet; and require a 60-foot vegetated buffer along Warrenton Road, which shall also remain undisturbed, retain all existing vegetation, and provide a minimum of 132 plant units per 100 linear feet. Staff finds that positive features or aspects of this application are that the proposal incorporates development design criteria recommendations in the Comp Plan regarding Agricultural and Rural areas. The proposed use is appropriate along Warrenton Road and is adjacent to other planned commercial development across from the site. And the proposed conditions will help ensure any potential negative impacts are mitigated. And negative features are that the proposal is not consistent with the land use recommendations in the Comp Plan regarding Agricultural and Rural areas, as the specific use is not encouraged or identified. Staff is supportive of the project and recommends approval of the application pursuant to Resolution R23-06. And although this specific use is not identified in the Comp Plan for Agricultural or Rural areas, the proposed use is similar in nature to that of Agricultural and Forestry related activities. The location and the elements of the development are also consistent with most of the recommended design criteria in regards to general development of the site. And substantial buffers and protected streams will help maintain the rural character by screening the use and maintaining open spaces. And that concludes my presentation, and I'm available for questions.

Ms. Barnes: Okay, questions for staff?

Mr. Bain: Do you know how many employees will be typical of a shift at the site?

Ms. Taylor: Commissioner Bain, I do believe they indicated that they anticipated I believe 25 to 30 employees initially, which would be expanded within the next couple of years to I believe as many as 50.

Mr. Bain: If I could continue, so this will actually have a commercial aspect? People, John Citizen can come and buy bags of mulch at the site or will there not be any sales operation on site?

Ms. Taylor: Commissioner Bain, there will be a sales component to the facility. The applicant has indicated in their impact statement that they do have a retail sales component associated where general customers can come in and purchase bagged mulch or bulk mulch for their purposes.

Mr. Bain: Then let me ask, perhaps if Ms. Lucian allowing a commercial activity like that, does that provide anything in the future that somebody could come in and buy it and then say, well, you know, you were running the commercial operation there, I want to put in a shopping center and not have to rezone because it was already commercial.

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Ms. Lucian: It would depend on what's permitted in the current zoning district. So I imagine staff could answer that question. But if it's not permitted in the current zoning district, then they'd either have to rezone, or if it's a use that requires a conditional use permit, they would have to get that.

Mr. Bain: So just the fact that they're running a commercial operation doesn't override the underlying, underlying zoning conditions and restrictions.

Ms. Lucian: No, not that in and of itself, no.

Mr. Bain: Okay, good. To meet 10 PM for grinding seems kind of late. I know there are not many houses out there. But if you're the home that has a two year old that you're trying to get to sleep at eight o'clock, and that thing's grinding, you, you can't stand next to those grinding machines without hearing protection, severe hearing protection. That just seems a little late to me. Why did staff consider that to be a reasonable operating...?

Ms. Taylor: Commissioner Bain, those were the hours identified by the applicant in their impact statement. And we felt that the conditions imposed in... the proposed conditions imposed in the, in the conditional use permit would mitigate any potential impacts from noise, in addition to the vegetated buffers. With them being required to comply with the existing noise ordinance specifically for residential zoning districts, that requires a... the permissible levels are lower in a residential district than they are for a commercial district. So the combination of the conditions, staff felt, staff felt that the conditions were appropriately mitigating all of the potential impacts from the noise from the grinding machines.

Mr. Bain: My experience is that trees, especially in the winter, do not soften the sound from those crushers. Would it, would it not be reasonable maybe to have the applicant build a berm and then put the trees on the berm so that there was a stronger deflection of sound or canceling of the sound? To me that that seems, and it's a 100-foot buffer they're providing; it would be easy to get an 8-foot high earthen berm and then put the trees and bushes on top of that.

Ms. Taylor: Commissioner Bain, in order to construct a berm, they would have to disturb the area and the existing mature trees that are already in place.

Mr. Bain: Yes, you're right. How about on the inside of the buffer? Can they maybe... they're gonna, gonna do a lot of clearing. I hope they're going to use the trees in the process. But something to consider. Like I say, especially in the winter, a stump grinding machine or any type of chipping machine can make a lot of noise. I think that's all.

Ms. Barnes: Okay, any other questions for staff?

Mr. Shelton: Did we stipulate any requirements for the two entrances coming on to Warrenton Road that they've be paved?

Ms. Taylor: The condition... Commissioner Shelton, we did not specifically impose a condition regarding paving of the entrances because the site is already located in the Highway Corridor Overlay District and standard develop... current development standards require that all travelways and driveways on the site be paved. So we did not impose a separate condition indicating the same requirement.

Mr. Shelton: Thank you.

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Ms. Barnes: Mr. Cummings?

Mr. Cummings: Yes. Are there other impacts from mulching facilities and how they mitigated or, or monitored and how are those... have those been addressed with respect to the size, scope of their facility?

Ms. Taylor: Commissioner Cummings, can you clarify or expand on the types of impacts that you are concerned with?

Mr. Cummings: Yes, stormwater runoff contaminants, the process and procedures for management of the mulch beds or storage.

Ms. Taylor: No specific concerns or impacts were necessarily identified regarding stormwater runoff, although the Environmental Division did indicate and question whether or not mulch dying would be part of the processing at this facility. The applicant did indicate that dying was going to be part of their process. And they would be subject to permitting requirements to ensure that runoff associated with the mulch dying would not impact local waterways.

Mr. Cummings: And with respect to scale, I guess we can talk to the applicant about the scale and quantities that they are going to be utilizing at that, at that facility.

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

Ms. Barnes: Okay, any other questions for staff?

Mr. Martinez: Just one more question.

Ms. Barnes: Go ahead.

Mr. Martinez: How many trucks would be coming and going throughout the day? I didn't see that in the... *inaudible*.

Ms. Taylor: The applicant did provide the information although I think I failed to print that out and bring it with me today. If I recall correctly, I do believe they indicated that during peak, peak months, they are typically getting as many as I think 30 deliveries a day of raw materials. And I may be, I may have my information reversed. It may be 15 deliveries a day of raw materials and as many as 30 truckloads of bagged mulch leaving the site for distribution. But I would have to defer to the applicant for exact numbers.

Mr. Martinez: Alright, thank you.

Ms. Barnes: Okay, last call for staff. Alright, thank you, Ms. Taylor. And Clark, you're up again.

Mr. Leming: Thank you, and good evening again. And I'm, I'm still Clark Leming, and I'm here on behalf of Norfleet. Norfleet is an organization that's been around since the 1950s in Fredericksburg, and they have a current location in the City of Fredericksburg, down off of Lafayette Boulevard, originally more of a lumber company than a mulch company. And then along came mulch. If any of you, one of you at least has been to, to my home, which is a small farm; I am, I'm the largest mulch consumer in Stafford County, I'm pretty sure. In fact, what I do I, I actually have agreements with the guys that go out and cut the limbs for the electric lines and the phone lines and put them in their chipper shredder.

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They bring all that to my farm. And in consideration for that I let them park a couple of things there. But I have mounds of mulch, all of which I turn over almost once a year. I have a pretty extensive garden, so mulch is a big deal to me. So you can imagine how pleased I was to have a mulch producer, a real mulch producer actually, come and retain me to do a zoning for him. So mulch is a good thing. I mean, it protects, it protects plants. It beautifies the lawns at my place are even going to be more beautiful with the commercial mulch than the stuff that I'm getting from the chipper shredder guys. But let me, once again, I have made notes. Oh, let me go back to the history a little bit. The Norfleet operation in Fredericksburg evolved into more of a mulch operation than a lumber place. And by 2016 when Mr. Palchak, who is seated right here, this is a Dan Palchak, when he purchased the business, it was 100% mulch, all mulch. So and, and they do supply. There is a place where you can go in and buy your own mulch. Incidentally, Mr. Bain, a farm is a, is a commercial business, too, you know. Yeah, so you know, I mean, it's the fact that you're selling something on a A-1 piece of property doesn't change the underlying land use designation. But there will be a place for the public to buy mulch, but they supply many of the mulch vendors in the area of some of the nurseries, Walmart, Lowe's, Home Depot, so you know, the bags of mulch that you go there and pay, you know, \$8, \$9 a bag for you could probably buy in bulk a lot cheaper if you come to this, this mulch place. Now, with regard to some of your questions, we're going to, I'm going to have my engineer in just a moment, I'm going to take care of some of the other matters first, but he's going to talk to you extensively about noise and decibel levels and why the conditions we believe fully mitigate any significant concerns there. So we'll get to that in, in just a moment. But let's talk a little bit about the, the entrances. Can somebody pull back up the generalized development plan for me? Now if you orient yourselves to the, to the plan the northern most entrance, and I know there's something I can use to point to stuff on this thing, isn't there? Alright, thank you. Oh, that's what that pen's for, okay. Alright, thank you very much. Alright. So you know, first entrance over here, you can see these are, this is where the office, this is where the actual bagging occurs. All of the bagging, in response to your question, Mr. Martinez, all the bagging, that occurs inside the building that you saw, so that, you know to the extent that that there's any noise associated with that that is inside the building. The mulch business is seasonal. Most people go and get their mulch in the, in the spring. That's when they think about it. Now you should mulch in the fall incidentally, but most spring mulching is when the business is and when it booms. So in order to have the product that the vendors need and the nurseries need, you know, there are times a year when there's a significant push that goes on here. The raw product is brought in, and Ms. Taylor was correct about the truck traffic that is anticipated. And based on what happens down in, in Fredericksburg, we have about 30 or so deliveries per day of the of the raw materials, and then about 15 per day of the trucks that are loaded, that go out and make their deliveries to the various purchasers of the mulch. So some, I think, Ms. Sellers, you had asked about signals here, you know, we're we're so far from, you know, being able to meet warrants for a signal with this kind of traffic that, you know, it wouldn't be something that VDOT would even entertain or give us the time of day for right now, because the traffic is just not, not that significant. Now, the, so the on the western side of the property, that is where the customers would come in, where deliveries would come in, and where the actual bagging of the mulch occurs and where the chipping occurs. The eastern side, and the road... you see there's a loop road that goes around back and we are going to have to get a permit for that road. So that's one reason why we're reluctant at this point to say, well, this entrance can just be one way, we're not absolutely certain. There's a logging road there. But there are considerable wetlands there. Remember, we're going to try to parallel the logging road, but that area is very densely vegetated, the whole area there. And most of it, we can't disturb because it's within the wetlands. And that goes, you know, basically all the way back to the property there. Now there's more or less a, you see the stream coming through the property. Now, of course that, you know, there's, there's opening for the, for the stream there, but but most of that is also very heavily vegetated. So you know, in our our view, it makes sense to preserve as much of that as we we possibly can.

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Ms. Barnes: Mr. Leming, can I ask you a quick question before you move on from that? So that that...

Mr. Leming: Where is that voice coming from?

Ms. Barnes: I'm sorry? It was me.

Mr. Leming: Oh, I'm sorry. That's you, I'm sorry.

Ms. Barnes: That said, I'm assuming I can't, I cannot read this. Every time I expand it, open it up, it just gets blurry on my computer. So that's an RPA that goes down the center there, correct?

Mr. Leming: Yes, mm-hmm.

Ms. Barnes: Okay, so is the entire thing gonna be denuded and cleared?

Mr. Leming: No.

Ms. Barnes: So there's going to be stands of trees besides that RPA that are left on the property?

Mr. Leming: Yes, there's no need to disturb much of the foliage toward the back portion of the property. And to the extent that that's located in the RPA, we can't do that anyway. So let's see, Mr. Reese, I have a very competent engineer with me here who probably knows. Let me just say a couple of things about the, the eastern entrance over here. Once the mulch has been, once it has been chipped and is bagged, the eastern area is used largely for storage. And so there will be some, there'll be pickups over there. Now, there'll be some storage on the west also. But primarily, that's what's going to be going on over in the east; it's simply storage and pickup. Bruce, would you come up just a moment and maybe and there probably is something in the, there's probably a page in the GDP that actually talks about the tree stands on the property. And we probably have an aerial that will show you. Amy, do you know, do you have aerial that we can use that will help? Yeah, if you, yeah, okay. Alright. So now Bruce, can you, here's the, here's the aerial and this is even a little bit misleading because it's a winter picture, which means there's a whole lot of deciduous trees in here too. But note the stand of the evergreens that you have. Some... I think Mr. Bain again, you were a little concerned about, you know, the effectiveness of the tree buffer in the, in the winter when the deciduous trees lose their leaves. But if you look at this, you see, yeah, there's an awful lot of aerial... from the aerial an awful lot of evergreens. Now, Bruce, can you talk about the areas that basically we're not able to disturb? We have the buffer and the areas we really can't disturb because of the RPA and the wetlands that are basically going to stay as they are.

Mr. Reese: Sure. Good evening, Bruce Reese with Legacy Engineering. Glad to be here this evening. And I... there are two RPAs on site; two separate streams that have wetlands that include perennial flow and therefore make them Resource Protection Areas. And that's this area right here. And then there's another area that comes all the way through here, they go all the way through the property in both places. So there will be a 100-foot undisturbed buffer on both sides of that stream channel. That will be undisturbed as well as the condition that requires a 100-foot buffer around the perimeter on the west, north, and south side, and the 60-foot undisturbed buffer along Warrenton Road, with required supplemental planting.

Mr. Leming: Yeah, so I mean, that that is now... these, there's not an immediate need to disturb a lot of the, the vegetation on the property. Now, if the, I think Mr. Palchak would be the first one to say, you know, if the business grows and grows and grows, and we need more storage capacity, that would be the

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event that may take down more trees, but they would be those closest to the work area, not those toward the back portion of the property. But what you're absolutely guaranteed is the 100-foot buffer on that; we exceeded the buffer requirements here and in two ways, quantity, width and quantity. And, and then there are the RPAs, which are going to stay as they are because we have to stay 100 feet off of the RPAs. Now, given all that, that's why we are reluctant to say, okay, this entrance is just going to be the way you get in and this entrance will be the way you get out. Because at this point, we don't even know if we can connect the two sides of the property. Now, we hope we can do that but, you know, we need to have that flexibility because it's better that we go over to the eastern side of the property and store mulch than cut down trees to have more storage on the western side of the property. And there is more of that opportunity over on the... *inaudible, being talked over.*

Ms. Barnes: I think Ms. Sellers has a question if you don't...

Ms. Sellers: I do. So then when you look at your, look at this piece and you've shown the RPA and the road that's going from east to west, the Army Corps of Engineers will be involved in that permitting, right?

Mr. Leming: Yes, uh-huh, yes, we have to get we have to go through the complete crossing permitting process. We have to get a wetlands permit will come before the local Wetlands Board. We'll also be reviewed by the DEQ and the Corps of Engineers.

Ms. Sellers: Okay. And they tend to be a little bit more restrictive than anybody else.

Mr. Leming: So anyway, that's why we're not taking any, we're not taking any for granted at this point. And we fairly carefully set up the GDP so that, you know, if we can't do that crossing, you know, we can still do the project. But the ideal thing is to have that internal loop road.

Ms. Sellers: So will they also... somebody mentioned dyes and whatever is going on. Will there also be... does the Corps get involved in that as well?

Mr. Leming: The EPA, I believe is the entity. Dan, you know something about that; you want to talk a little bit about...?

Mr. Palchak: I can just mention that the dye itself is essentially food coloring...

Mr. Leming: Come on up here.

Mr. Palchak: Sorry.

Mr. Leming: Introduce yourself.

Mr. Palchak: I'm Dan Palchak. I'm the owner of Norfleet. Excited to be here.

Mr. Leming: Can't you tell?

Mr. Palchak: No, I feel... I'm bringing you mulch; the first guy brought you Chick-Fil-A. *[Laughter]* Yeah. So what are the letters, the... yeah, the MSDS sheets that we have for, the for the mulch dye. It's essentially non-toxic food coloring. You could eat it if you wanted to. We're accustomed to working

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with the DEQ as, at our current site, and we've passed all of our... we can provide records of our current sampling processes. And we've had no problems.

Mr. Leming: They do check.

Mr. Palchak: They check frequently.

Ms. Sellers: Okay, and they will take into consideration that there's RPA? Because your current site, if I'm not mistaken, is there in that industrial space.

Mr. Palchak: It is, but they track, I think it's four outfalls? Just one? Okay. We only have one... *inaudible*.

Ms. Sellers: Okay.

Mr. Leming: Also remember that they've got to meet all of the state stormwater requirements, dye or not. So they're going to have to demonstrate quality and quantity and come into full compliance with the, with the state stormwater requirements which are, which are significant. Colored, colored mulch, you know, not everybody wants just brown mulch. So yes, people want reds...

Ms. Barnes: I have red. I like to red mulch. I didn't know it was food coloring, though.

Mr. Palchak: Yeah, it's red, black, and brown are the primary dye colors.

Ms. Barnes: Mr. Shelton, you said you had a question? Was that you? I don't remember who it was.

Mr. Shelton: I have a question on the dye. Is the dye water based? Or is it petroleum-based?

Mr. Palchak: Water-based.

Mr. Shelton: Water-based. Thank you.

Mr. Cummings: So I have a question.

Mr. Leming: Just like Mrs. Shelton would put in her cakes.

Mr. Cummings: I have a question. So I understand that there are compliance issues with permitting and, and stormwater management and all that stuff is in place. Could you talk about some of the potential risks and things that you're controlling for it, number one, and then two, in terms of the scale of this facility, how many trucks and excavators and things that you have moving around on a given day, on site?

Mr. Leming: Sure. So, so risks and I do want him to talk to you about the state of the art crushers because they're not the ones I think Mr. Bain is familiar with. But...

Mr. Cummings: So, so there's crushers and then the mounding and temperature control and everything that you have to go through so that we kind of know what's happening at the site. And the neighbor knows.

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Mr. Palchak: Yeah, yeah. So in terms of risks, I mean, when I think about risk for the businesses, I primarily think of compliance to OSHA. You know, we are in some ways a manufacturing business. And so you know, complying with lockout, tagout, gardening, things like that, is really the first thing that comes to my mind. One of the things I think you might be thinking of, and I know we spoke of, is mulch, I don't know how much all of everyone here knows about mulch, but one of the special features of mulch is if you pile it up crazy high and leave it for months at a time, it starts to heat up and bake. And that can be a problem. You can have, you know, spontaneous combustion. We're very familiar with that as a, you know, as an operator of the business, the way we handle that as we limit the size of the piles. There are various standards. We use roughly 22 feet as a, as a limit and we're turning it regularly. You know, those are the things that we kind of think about as far as risks go. We've never had any, you know, we are a, an organic business... what's the... OMRI, we're OMRI listed, which has allowed us to sell into, you know, food, people that are using our product for, you know, for farming or anything else.

Mr. Leming: Gardens.

Mr. Palchak: Yeah, gardening. We are an OMRI certified business. We get tested, we're, we're very excited to be approved as a, as a vendor for, you know, one of 12 in the nation for Walmart, which as big as they are, they're very, very strict about, you know, metal compliance and anything like that, in, you know, in the country, we're the same we, we literally just got news, a couple of days ago, we were we passed q & a testing for Scotts Miracle Gro. So this sort of stuff is, you know, risks with our product are at the front of our mind, you know, beyond the operational challenges.

Mr. Cummings: In terms of volume, in terms of truck... *inaudible*.

Mr. Leming: Talk about your machinery.

Mr. Palchak: Oh, yeah, I'm sorry. So as far as trucks coming in, you know...

Mr. Leming: Bruce will talk about decibels and sound, but tell us about the modern state of the art machines.

Mr. Palchak: So yeah, one of the things, we bought the business in 2016 and we've been upgrading the equipment ever since. The equipment we use is quite different than what has been used in the past. We use horizontal grinders, which I don't, I'm not sure if you're familiar with the details, but we... frequently, people would be using what are called tub grinders. The grinding takes place in a little bit more of an open grinding chamber that's much louder, and has the nasty tendency of throwing material out of the, out of the grinding chamber. We don't use any of that. It's, it's both, you know, safer and a better product, frankly. So to give you kind of a rough idea, we anticipate starting off with a single grinder and probably three wheeled front loaders – I would have called it a bulldozer before I knew about this sort of thing – to support that, that machine and roughly five or six forklifts, you know, hoping to move our pallets. But the process of producing the mulch is quite simple. Raw materials are coming in being dropped towards the back of the property, we're grinding it and steadily moving it closer to...

Mr. Leming: I'm just going to go back to the GDP so you can... here's the... you can draw with that.

Mr. Palchak: Yeah, so basically material would be coming in, being dropped back here, be grinding it here, and leaving the bulk, bulk finished product here, loading that into the hoppers, which are sort of represented on the external to the building. The finished pallets will be coming out here. And as much

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as I'd like to sell them right away, unfortunately, most of the time, I have to store them. And that's the reason for much of the storage area, this area being shorter term storage and then, you know, longer term storage on the, on the other side, that's sort of the rough flow of...

Mr. Leming: *Inaudible*. Now, if you don't have any more questions for Mr. Palchak, we'd like Mr. Reese to talk a little about noise levels. And I do want everybody to know that we had a community meeting that Mr. Shelton set up for us at Hartwood Presbyterian Church and met with all of the neighbors along the road, I believe all of them... *inaudible*... road and back was invited them all, but had a good crowd and a good discussion and explained, you know, what they're doing and how we were going to address such items as the, as noise, as dust, we have a condition regarding dust suppression. So the concerns I think between the staff and between ourselves and Mr. Shelton I think we've tried to address each and every concern that was raised by any of the neighbors. Now, Mr. Reese, can you talk a little bit about how sound carries and, you know, what you're, what you're likely to hear given the, the buffer that's hear and the, and the foliage?

Mr. Reese: I'll sure try.

Mr. Leming: Okay.

Mr. Reese: Good evening, again. I'm not sure exactly where to start and Mr. Leming has made this sound maybe way more complicated than it is, but...

Mr. Leming: It is for Mr. Leming.

Mr. Reese: We measure sound by decibels, and what is a decibel? It's a pressure. It's like pounds per square inch. But it's a different means of describing that. What's confusing about decibels is that it's on a logarithmic scale. So that when you double the distance, you don't cut the sound in half. If you were standing three feet away from me and reduced the energy of the sound coming from yourself, you'd only lose three decibels. So it's an odd way to think about how the sound goes, but it's how we perceive it. It's not just a pure energy concept. And that's where the A comes in, in DBA. That's a weighted average of the decibels, according to the sound frequencies that humans can hear. So where are we – in spite of the great equipment that's going to be onsite, if you stood next to it for very long, you would go deaf eventually. So there are protections for the workers around that. It's roughly 80 to 85 decibels within a couple of feet of the equipment. So you really can't talk about sound without also talking about distance. How far away am I from the sound? The limit of threshold for hearing is zero decibels. That's the sound of a mosquito three meters away from you. So I'll let you think about that for just a second.

Mr. Leming: Not much warning.

Mr. Reese: Yeah, not much. So when we talk about sound that's perceived by human beings, we have to understand the distance from the source of that sound. So if we've got 85 decibels in the site, which is roughly about 400 feet from the property line, at the property line we've got less than 60 decibels. Twelve hundred feet away, which is the closest house, w'ere 11 decibels lower than that. So you have to contemplate distance and the energy source. And that's assuming there is nothing between you and the source of the sound. We know that's not going to be the case here. There are significant stands of vegetation that will be left in place. I have no idea how you'd calculate that. I'm not sure I've seen a formula that would allow that. I just know that if it were completely clear cut, we would still meet the requirements of Stafford County's sound ordinance, which is 60 decibels in a residential area at the property line during the day. And they define your, your own ordinance defines daytime as 7 AM to 10

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PM. So I think that's where those hours of operation come in; it wasn't kind of just pulled out of the air. Your sound ordinance defines daytime as 7 AM to 10 PM. I don't know how that came about. I just know that's what's in the code. So we have not only the residents to the, to the north, to the top of the property, we've got residents on the other side of Route 17. We also meet that requirement at the property line. And so believe it or not the road which is going to generate probably 70 to 75 decibels itself doesn't have a restriction, we will have a restriction that at the property line we've got to be at 60 during the day, 55 at night.

Mr. Leming: That's one of your conditions that's been added. One other point. The difference between say 30 DPA and 40 DPA and 50 is that in between numbers, is that the same in each case? As I recall, the scale does... increases in unusual ways and decreases just the opposite, or perhaps the opposite.

Mr. Reese: That's where the logarithm scale comes in. So, zero to one is 10. One to two is 100, two to three is 1000, three to four is 10,000. So you can see the progression. And the reason they do that is because the threshold for hearing is literally 4 million Pascal's. And they didn't want to try to have that scale stretch out so far that you couldn't see it so they said, well, let's make it a logarithmic scale and that condenses everything back to something that's usable. Sixty decibels is basically what you're hearing right now. Conversation at three feet.

Mr. Leming: Okay. That's very helpful. So I hope that explains a bit generally about how sound works and the measurement of sound, but how it would apply to this particular site. And everybody's taking careful notes; at your next meeting there's the quiz, you know. But thank you very much, Bruce. Any questions? I don't I don't want...

Mr. Shelton: I have a question, Madam Chair.

Ms. Barnes: Go ahead.

Mr. Shelton: Would you clarify the fire protection that you propose with the site itself?

Mr. Reese: Yes, sir. Everything's gonna be on a well, there is no public water nearby. So what we have agreed to do is construct the stormwater management facilities to accommodate a fire flow of 2,500 gallons per minute for three hours. And so we'll have that storage capacity, which is roughly 60,000 cubic feet. And so 450,000 gallons, 60,000 cubic feet, we'll have that within the various ponds. So we will have enough capacity should it be necessary.

Mr. Leming: That was a very early problem that Mr. Shelton has identified that we had looked into to be sure there was a good answer to that. Okay, unless I've forgotten a question that one of you asked some time ago, I think I've tried to respond to each of the questions that you all have raised.

Mr. Bain: I have two more. Still, 10 PM sounds like it's awful late to be grinding stumps. Would the applicant consider, are they actually going to be running the machine at 10 o'clock at night, or would they consider agreeing to a condition of 8 o'clock, something along that line. If you're not going to run double shifts then you're not going to have your operators there from 7 to 10. You're gonna have to do a double shift.

Mr. Leming: Can you talk about... come up and talk about your business demands for a minute and why there may be some times when it's necessary to go that late.

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Mr. Palchak: Yeah, I can tell you at our current property we're both grinding and bagging 24/7. So, you know, in an ideal world...

Mr. Bain: But nobody lives near you there.

Mr. Palchak: Ah, across the street.

Mr. Leming: Yeah, they've got a big new place across the street.

Mr. Bain: Well, okay. Yeah, they did put up those new... man, they squeezed those in. Yeah, but...

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

Mr. Palchak: Yeah, I'm just saying in a, just from a business perspective, I'd love to be able to operate, you know, as, as, you know, 24/7. If it's necessary to complete the project, you know, I would entertain, you know... *inaudible.*

Mr. Leming: But it's not something you do all year. I mean, you have to peak periods when you have to go back 24/7.

Mr. Palchak: Correct.

Ms. Barnes: See, if you're gonna have people there at 2 o'clock in the morning working and bagging.

Mr. Palchak: Yeah, it sounds a little bit more maybe rough than it is. The machinery we use for the bagging is really quite advanced. There's robots that are handling the stacking. And you're basically putting mulch in external to the building, it's conveyered in, dropped into an area that measures out the volume, a bag is formed around it. It's sealed with these heating elements, and...

Ms. Barnes: And that process is not terribly noisy, if it's happening...

Mr. Palchak: No, no, no.

Mr. Leming: The bagging is not. You were asking about the grinding. Maybe just your comment was do you need to grind the 24/7 as well? So assume they are okay with bagging. But what about the grinding?

Mr. Palchak: Yeah, so, you know, one word on that is that basically the design of the property in general was, with the goal of it was to shift the grinding as far away from, you know, residences as possible. You know, where we're storing the raw materials would provide a natural buffer even beyond the, the perimeter buffer that we're, you know, we're agreeing to is a conditional use. So I don't, I expect to be even lower than the residential limits. I know, I'm not answering your question directly.

Mr. Bain: No. Well, that's okay. I was just hoping you'd say, oh, no, we're not really going to run it that late. So we'd agree to shut it off at five or something. That's okay. Let's, let's step on to another question.

Mr. Leming: Yes, sir.

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Mr. Bain: It's very hard to tell from the GDP. But I think I would strongly recommend having acceleration and deceleration lanes at both entrances. I don't know if your GDP includes that. If it doesn't, then I would propose that as a condition.

Ms. Sellers: You said on the property? Or... *inaudible, microphone not on.*

Mr. Bain: On, well, it's on, it's in the road right of way, but it's for the trucks to get out of the travel lanes to slow down and make the turn. And then when they go to get on to 17 to go north or west, 17 is a north south highway. I don't understand that. But, yeah, but when they leave the property, if they're going to be turning on to 17, that there would be room for them to make the turn without being in the travel lanes, and get up to speed before they merge with the travel lanes. I think that's very important for those trucks.

Mr. Leming: It's probably fair to say that most of the traffic coming out is going to come out and then head south on 17. They're gonna cross 17 and turn south, so they wouldn't be heading north. But again, let me ask Bruce to respond to the issue about the acceleration lanes.

Mr. Reese: We do show a taper and a deceleration lane. Not a long one, but it's enough to get the vehicles out of the travel lane.

Mr. Bain: Okay. I couldn't tell. Like Ms. Barnes said when, when we, when we expand the view, it gets very fuzzy.

Mr. Reese: Small print. But it's absolutely there.

Mr. Bain: Okay.

Mr. Reese: And we acknowledge that there's a good reason for it. The acceleration side of it's a little funny. VDOT has fallen out of favor of acceleration lanes because what happens is, vehicles turn into the acceleration lane, and then stop because they can't merge. So their preference is to leave them in the side street until they have clear evidence that they can pull out into the lane and move forward. And there's plenty of sight distance at both entrances. And so we absolutely understand the decel makes great sense. I'm not sure if VDOT would allow an acceleration lane.

Ms. Sellers: What about a stoplight?

Mr. Bain: We can't get a stoplight there.

Mr. Leming: We wouldn't get the warrants. We're just, we're hundreds of trips per day away from warrants.

Ms. Sellers: I don't know. I've seen some stoplights in... *inaudible, microphone not on.*

Mr. Leming: This would be... This what makes... a stoplight here would make some people driving along 17 regularly very upset, including Mr. Shelton, I think.

Mr. Bain: But just, just a little further north or west on 17, there's the quarry. They have trucks coming and going all day long with, with no stoplight. So it happens.

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Ms. Taylor: Commissioner Sellers, this is actually directly across the street from a future commercial development which will be associated with the Westlake commercial property. And I don't have the proffers in hand for that particular development, but I do believe that there is a condition or a proffer associated with that which will require a signal at that west... excuse me, eastern crossover. So there will not be one and they are correct. They will not meet warrants for a signal at the eastern crossover. Sorry, western crossover, but the Westlake Development will likely bring a signal in at the eastern crossover when that property develops.

Ms. Sellers: I have no idea where east and west is, what we're talking about here. I am a social worker; you lost me when you got into logarithmic.

[Laughter]

Ms. Taylor: This is the location of the eastern crossover, which is directly across from where the Westlake Development will go in.

Ms. Sellers: Okay, and that's where the stoplight will likely be.

Ms. Taylor: That will likely occur in the future when the Westlake property develops.

Ms. Sellers: Okay, thank you.

Mr. Leming: If anybody knows, remembers anything about Westlake, it was one of my very first... *inaudible*... it was 1989. There's not a house there yet, but it's coming and they continue to move along. But, yes, there will absolutely be a stoplight at the main entrance there.

Ms. Sellers: You're pushing beyond mine and Mr. Martinez's lifetimes here.

Inaudible.

Ms. Sellers: Hey, I'm older than he is.

Mr. Leming: Can we try to answer any other questions?

Ms. Barnes: Okay. Any other questions for the applicant? Last call. Okay, thank you very much.

Mr. Leming: Yes, ma'am.

Ms. Barnes: Okay. So I will go ahead and open up the public hearing for this. The public may have up to three minutes to comment on any matter except for there were... excuse me, I'm going to go to the next one here. I got the wrong one. 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. And thank you.

Mr. Janis: Yes, my name is Patrick Janis. I think they will make a good neighbor. But I do have some concerns. I know that there's a 400,000 gallon pond that they're going to be having. And I want to ensure that water is not taken from wells to fill this pond up. My wells have actually gone dry at one time already. And I live right behind it. So I don't want to have to go through that again. My second issue is, I know the traffic on 17. I've been with the fire department on Hartwood for probably 50 years.

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And I can't, I can't count on my hands and toes how many times we've run wrecks down that bottom. There is going to be a wreck. Especially when a tractor-trailer is trying to cross. It's at the bottom of a hill and trucks are trying to get up the next hill to Hartwood Road. So they're, they're laying the coals out. And there's been a number of wrecks down in there. Whether you put a traffic light there or not, there's a traffic light at Hartwood Road. How many wrecks have you had in there? So the traffic light, I don't think it's gonna, you know, stop it. But like I said, I think they will make a good, you know, a good neighbor. I hope so. As long as they keep the noise down and the dust. My biggest concern is water. So that's all I got.

Ms. Barnes: Okay. Thank you for sticking around. Any other speakers come up?

Mr. Milligan: Hello, my name is Grady Milligan. I live just west of the property here. And a couple of concerns. One is, like you said, the water issue that we have. Two would be the dust. But you know, I think that we're going to be the closest to the actual grinding portion of this. And the elevation is totally different from our house to where the grinding is going to be. So even the, the trees and the vegetation, it's going to be a little bit higher. So I'm a little concerned about that noise going over that tree line. And also, if you're going to be grinding late, what about the lighting that will be in that area? That's all my concern. If we could get those answered.

Ms. Barnes: Alright, thank you very much.

Mr. Milligan: Thank you.

Ms. Barnes: Okay. Anyone else care to come forward?

Mr. Snyder: Good evening. My name is Dan Snyder. I'm with Westlake Development, LLC. And one of the reasons I showed up tonight was to show you guys we're still alive. And as Clark said, I hadn't gotten out of high school when Clark got that approved. But we, you know, we support business in the County and we support the facility. I think the issue's come up and, you know, we, our company, just to give you a brief background aside from our development company, we have a construction company that was formed back in 1965. We have 700 employees; we're kind of like the SW Rogers, Hazel's of Maryland. So we understand the construction business. We have a couple of debris recycling facilities as well. We make mulch as well. This facility is going to have a substantial amount of truck traffic. To make this thing viable, you have to bring thousands of yards in and bring thousands of yards back out. So that truck traffic is going to be a significant concern. Like Clark had mentioned, we are proffered to improve that intersection at the eastern entrance. However, you know, this, the truck traffic coming out there is going to substantially impact that intersection. So we would just ask that as, as the Commission, that you guys would encourage or require the applicant to contribute their fair share to the improvements to that intersection. You know, you have these demo trucks coming in and out. They're the big trucks with the stumps hanging out, pulling out across that highway. So it is, it does take decel lanes and it does take accel lanes to have a safe environment that they operate in. It is a heavy use. It's more of an industrial use than, than a light use. So I would just encourage you to look carefully at that, the infrastructure there to make sure that the traffic and the other requirements are met. So that's kind of all I had to say unless you had any questions for us.

Ms. Barnes: Okay, thank you very much. Glad to see you're, you're still alive and kicking.

Mr. Snyder: Yeah, and actually you're gonna... we should be literally months away from, from getting started. So we're looking forward to it and appreciate the opportunity to be here. Thank you.

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Ms. Barnes: Okay, thank you very much. Anybody else care to come up and speak? Okay, seeing none, I will close the public hearing and bring it back. Actually, would the applicant like to respond to any of that?

Mr. Leming: Briefly, I think I can clarify a couple of things. First, the pond, you tell me if this is wrong, Bruce, the pond uses surface water. That, that is what fills the pond. It's not, you know, we're not going into the ground to get water, it's purely surface water. And it's retained, you know, it's like the County skims off the Rappahannock River; we depend on surface water. The concern about the lighting, all the lighting, you know, they don't have big tall towers and any lighting I think under the County's ordinance is directed down. But so they don't, you don't have... it's not like the whole site is lit up. They're not... you've see the whole site. It's not a big, it's not a big parking lot, but they do have to use the cut off lighting, which, which prevents the skyward illumination. And now with regard to, to the, to the, to the intersection, someday, this is going to be a significant intersection. Because in addition to this, what will, at least by their current projections be a fairly modest operation, this will also be the entrance, ultimately, for Vulcan Materials Westlake property. So this is, this will, this is destined. There are a lot of people involved in this, in this, in this intersection. But I imagine that when that happens, and that's, that's a matter of timing dependent on other resources available to Vulcan and other locations in the County, but the Westlake Quarry was zoned at the same time that the Westlake Development was zoned, as well as Stafford Lakes. They all happened the same night. And so, you know, at some point, the intersection is going to have to be addressed. But it's not something that we can really get a handle on right now.

Ms. Sellers: I do have a question. Why are we seeing this as a conditional use permit and not a rezoning to an industrial use? Because the property in Fredericksburg is an industrial site.

Mr. Leming: Well, because of the County's determination that it's... first of all, the County has nothing, nothing else like it. But the stump grinding is a by-right use in an A-1 district and, you know, after initial conversations and with the Zoning Administrator and with the Planning Director, I believe it was determined that that was the, that was the appropriate approach in this particular case for this operation. So that's, that's why it is what it is. But I think that determination has been made by the, by the appropriate authorities in the County.

Ms. Sellers: So the County recommended a CUP, not a rezoning.

Mr. Leming: With the CUP in the A-1 district, yes. It wasn't an either/or. Yeah, this is, this is where they felt it fit best.

Ms. Sellers: Okay.

Mr. Bain: Would you respond to Mr. Snyder's comment about possibly contributing towards the monetary value for that signalization project?

Mr. Leming: I'm not gonna, I'm not in a position to commit Mr. Palchak's money.

Mr. Bain: No, but he's here.

Mr. Leming: Well... *inaudible*... but I don't think that's something... I think you could ask that he make certain improvements as a condition of your use permit provided that they are there to mitigate an impact of this development. I think that's the governing rule for conditions you would impose. And,

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incidentally, probably where proffers are now, too, although we may have more discretion there than with the, than the County does with conditions. But I think it has to be tied to their impact, you know, and what you, I don't think you can ask that they give money at a certain time. You can say, if they're causing an impact, you can say, fix that. You know, you, you do that. But it would have to be an impact of their development. I believe I'm stating that correctly, Madam County Attorney. So that's where it is now.

Mr. Bain: Maybe Mr. Harvey could weigh in on that because I know we've had other developments where contributions towards roadway improvements have been made in anticipation of future development similar to this,

Mr. Harvey: Madam Chairman and Commissioner Bain, yes. But that's in the context of a rezoning. A rezoning allows the County to negotiate proffers with the developer to mitigate offsite impacts. However, a conditional use permit you can only mitigate onsite impacts, and these are conditions that are being imposed by the County, not necessarily offered by the developer.

Mr. Bain: Okay.

Ms. Barnes: Okay.

Mr. Leming: Okay. Now in our, in our prior zoning, there were both. There were conditions that the County imposed to offset particular impacts of the development. And then there were also proffers, but that was both.

Mr. Cummings: Alright, so I'm feeling like the gun's to my head a little bit on this one. But so I'm going to ask the question. So, if we're talking about something that a neighbor is saying that a neighbor, commercial, residential neighbor, is saying will impact it, I'm not saying that it's fact. The character of the neighborhood, right, in this residential area, is that, is that going to be impacted by those big trucks with the...?

Mr. Leming: The character? Well, that's an interesting question. And we're doing everything we can at the back of the site not to disturb what is the established residential area that has partially at least developed back there. But remember that on the other side of this site is Route 17. This is property, and not a very, not a particularly deep parcel as these things, as things go, but it's oriented towards 17. You know, the future plan of the property is not going to be Rural/Residential because of its location on Route 17. Now, if it were back somewhere, and if we were the next street back, something like that, you know, I think that would be a consideration. But given the presence on 17, I don't think that we're trying to preserve... *inaudible, being talked over.*

Mr. Cummings: Yeah, well the question isn't residential versus light industrial, it's light industrial versus a more heavy industrial use, based on the truck, truck, types of trucks. So, if you could speak to that just a little bit, it would help me understand your position.

Mr. Leming: I understand, I understand the question. But this is arising in the context of an Agricultural district, Agricultural zone. So you know, yes, Mr. Bain said before but wait a minute, there's a commercial component. Yes, there is; there's a commercial component to many agricultural activities. On farms, significant machinery is used. So, there are any number of devices that you might associate with an industrial use that are used in an agricultural context, but I think this was clarified a moment ago by your attorney. It comes down to the use. What is the underlying use? And in which zoning district

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is that determined appropriate by the County? And in this case, it's an, it's an A-1 district and not an Industrial district, even though they have some of the same tools. But I do think on your orientation question that if you look at your Comp Plan, this is not, this area right along 17 is not destined to be Rural/Residential. This is something that's going to be commercial or light industrial, or, you know, something along those lines. And some light industrial uses trucks, too, you know. Anybody making a product's got to move it somewhere.

Mr. Cummings: Yeah, on the zoning issue your point is well...

Mr. Leming: I hope... *inaudible*.

Mr. Cummings: On the zoning, your point is well taken. Thank you.

Mr. Leming: These are not easy questions, you know, and we, we try to fit things into the most correct categories, but it's not always perfect.

Mr. Cummings: Well, you're right. It's complex. The zoning is the zoning and then the character is another in the community, right? How does it impact the community as a whole is, is something that we're charged with sort of considering, and, and understanding. And the public has come and spoken, and they're not against it. So I just wanted to make sure that we tease that out a little bit, and have an honest, full understanding and appreciation of what actually is happening in the, in the site and location. Appreciate it.

Mr. Leming: They have every intention of being the best neighbor they possibly can.

Mr. Cummings: Oh, no, I get that. I think based on the gentleman's statements about his business, and that's why I wanted to get more of a full flavor of what was actually happening. And so he did an amazing job. And I think they are a good company, I'm not against it. I just want to make sure that we have a full understanding of what actually is happening. So I appreciate it. And thank you.

Mr. Leming: Well, I hope we've answered your questions as well as can be answered.

Mr. Cummings: Oh, you have, very much. Thank you.

Ms. Barnes: Okay, I think we've... oh, my goodness, one more.

Ms. Sellers: I have one for staff. So I do see commercial stump grinding and mulch sales is a conditional use permit under A-1. But we don't define what commercial stump grinding is.

Ms. Taylor: Commissioner Sellers, that is correct. There is no definition in the Zoning Ordinance of what a commercial stump grinding facility is. However, the Zoning Ordinance does identify this use only within an A-1 and only with a CUP. When you look through the other zoning districts, this use is not identified anywhere else other than A-1.

Ms. Sellers: Okay. When's the last time it was reviewed? And like have we looked to see if it's consistent with... and what's, what I'm thinking of is the property in Fredericksburg, you know, and I joke and say we don't, we don't use that. But the property in Fredericksburg is an industrial use facility – or industrially zoned. My son went to gymnastics there for several years out in that area. Very familiar. And they do have a farm there, interestingly enough, but it is an industrial, it is an industrial area. And

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so a use like this, where these trucks are coming... and not just any trucks, like log trucks and you know, my generation, probably our generation, we got bad dreams about log trucks from movies and stuff but. And so they're gonna be on this road. The elementary school's right down the street. We know there's no water. We know they have water problems here. There's a lot of impacts. And so I'm trying to wrap my head around why are we doing this as a CUP and why aren't we pursuing a rezoning to an M-1 or something like that? I don't know. Just me thinking out loud.

Ms. Barnes: I'm not sure if that was rhetorical or an actual question. Amy looks...

Ms. Taylor: I wasn't quite sure whether I needed to provide an answer.

Ms. Barnes: Okay. Alright. Okay, so I'm gonna say last last call. Hearing none, I'm going to bring it back to the Commission. And, Mr. Shelton, this is in your district, what would you like to do?

Mr. Shelton: Madam Chair, I'd like to propose to approve CUP22154621 for Norfleet Mulch.

Mr. Bain: Second.

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

Ms. Sellers: Can I make a sec... can I make a...

Ms. Barnes: Substitute motion?

Ms. Sellers: Can we defer this so we can look and like look at some of these? I haven't gone out to this property, so I don't know what you're talking about...

Ms. Barnes: Are you making a motion or are you asking about making a motion?

Ms. Sellers: Yeah, I want to make a motion to defer this to January so that we have an opportunity to look at the lighting, to look at the topography, to go and look at what they're talking about.

Ms. Barnes: Okay. Okay, so we have a substitute motion on the table by Ms. Sellers. Is there a second for that motion? Okay, with no second that motion dies. And we're back to the first motion by Mr. Shelton and seconded by Mr. Bain. Any further discussion on that?

Ms. Sellers: I'll give my comment. I unfortunately cannot be supporting this. I do not think we have enough information. I do have some significant traffic concerns in this area. I do wonder why it's not an industrial site. As much as I don't like industrial sites, I would like, ironically enough, I would like to see the hours restricted. And I don't usually like those kinds of, of conditions. So I do not think that this is, that this, that this mitigates its impact. I just don't. I don't think it's good for that area. I don't think it's, it's right. So, I will not be supporting this.

Ms. Barnes: Mr. Shelton, do you have anything else to say? Mr. Bain?

Mr. Shelton: No, ma'am.

Ms. Barnes: Mr. Cummings?

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Mr. Cummings: Just bear with me for a second, okay, and I won't belabor this anymore, because I do have an appointment. The... so it's master planning, right. And I think we've gotten and the County's gotten in a place where we're, you know, the, the growth and everything else is, is gotten us with things butting up against one another. And I think that's where we are. But as Mr., Counselor Leming mentioned, it is what it is. We are where we are right now. And we have a good business in the County. And they are doing everything that they can in compliant and seem to be a growing business. And they're, they're doing well with large, large buyers and the like. So, and they seem to be a good, have all intentions of being a good neighbor. Innovation. I like the fact that you're doing innovation. I'm all for that, as everyone else here knows. And so I'll be supporting it. And I just wish and I wanted to make the statement that we do need to figure out what we're, how to look at our master plans for these areas and so that we make sure that we don't have these abutting or conflict, potentially conflicting impacts. I don't think this one has the one, the impacts to the extent to warrant me not approving it so I will be in support of it.

Ms. Barnes: Okay.

Mr. Martinez: I just have a couple of comments Madam Chair

Ms. Barnes: Mr. Martinez, go ahead.

Mr. Martinez: So, I recognize the concern about the transportation and the trucks. I drive down that road every day as well. So, you know I'm going to probably see the impacts of that directly as well. But it's also at a point where there's almost... growth is going to continue, is going to be happening, as well as what we've seen, what we're seeing. And we have to come to a decision on whether the risks outweigh the consequences. And I think this is one of those instances where we've identified that there's transportation concerns and one of the residents who's a firefighter said that there's going to be accidents. I can't predict the future; however, I see an accident there periodically, in that area. You know, I hope they don't happen, but just like anything else, they're likely going to occur. We're human. And if you're humans driving large vehicles, accidents may occur. The second thing is, I really hope the applicant is... the company sounds great. He stated that he wants to be a good neighbor as much as possible and I really hope that that is indeed the case and that the residents who came today and voiced their concerns, if they, you know, they continue to communicate with each other and the company is sensitive in trying to find solutions even when the building and everything is going forward. And so, I look, I think in terms of growth, you know, I'm going to be supporting this measure. Thank you.

Ms. Barnes: Okay, and I'll just quickly say, I'm going to support the measure as well. It seems like an appropriate place that isn't agricultural. But I do think that Ms. Sellers just brought up some good points. And as far as tonight goes, I think that we need to, you know, to handle this tonight and then going forward, I think that there's some room for some possibly some fine tuning as you go on to the next level. So that's what I would, I'd hope to see that because we have had some, I think, some very relevant and important concerns going forward. But all in all, and I'm going to borrow Billy's phrase, I think the positives outweigh the negatives and I will be supporting that. So, I'm going to close the discussion with that and everybody please cast your votes. Billy, you want to push yours again? There we go. Okay. Okay and that passes five to one with one absent. Okay, thank you very much. Alright. I guess you got to stick around now for Chick-Fil-A. I bet you wished you had written that language real fast and gotten it done with before we went forward.

Mr. Leming: *Inaudible, not at microphone.*

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Ms. Barnes: Okay, so I'm going to, once again pass the gavel to Mr. Bain. Tag, you're it.

1. RC22154531; Reclassification – Mid-Atlantic Chick-fil-A Proffer Amendment

2. CUP22154530; Conditional Use Permit – Mid-Atlantic Chick-fil-A

Mr. Bain: Alright Mr. Zuraf, do you want to open this back up again?

Mr. Zuraf: Yeah

Mr. Bain: Alright. Give us a minute.

Ms. Barnes: Gentlemen, can we can we take the discussion out into the hall of if that's possible, because we want to get through this as quickly as possible. Thank you.

Mr. Bain: Okay, take your time.

Mr. Zuraf: Okay. So, what we worked out is a modification to proffer number 3, which is titled Buffers. And so basically, this is a, the first part of this proffer says that there should be... the fencing shall be see-through design, but that includes exceptions. So we basically added the exception of the western property line from that requirement that they be see-through fencing. So, I'll just read through the new language of the first part of that. So that any fencing used on the property shall be of see-through design, with the exception of fencing around loading areas and dumpster pads, along the common property line with lots in the Eastern View Subdivision and western property lines.

Ms. Barnes: Okay.

Mr. Bain: Sounds good.

Ms. Barnes: Sounds good.

Mr. Zuraf: And then again, there was that other proffer that was handed out earlier for consideration as well. I don't know what the I guess discussion...

Mr. Bain: It's gonna stay as it is?

Mr. Zuraf: Okay.

Mr. Bain: Alright.

Ms. Barnes: What proffer was going to stay in?

Mr. Bain: The one about pine trees...

Mr. Zuraf: It was about the... *inaudible*.

Ms. Barnes: Oh, number 9? We're gonna use this?

Mr. Zuraf: That's up to you, I guess.

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Ms. Barnes: Is that what you were recommending or... ? I didn't quite hear.

Mr. Zuraf: No, I was just reminding you that you had that proffer provided to you and whether, I don't know if that was decided whether you guys wanted to keep that or not, or...

Mr. Leming: Decide whether you want to entertain that then vote on that and then go on from there.

Mr. Bain: Okay. Alright. Okay, thank you. Alright, then, first let's address that proffer. Does anybody want to make a motion to accept that proffer?

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

Ms. Barnes: Do we do it individually?

Mr. Bain: The proffer would apply to both, wouldn't it?

Ms. Lucian: The vote you'll be taking is on accepting the new proffers as presented. So, I'd recommend on that second one just discussing, because it sounds like Mr. Leming has offered it to you and if it's acceptable to you, I would just recommend voting on both of the changes together.

Ms. Barnes: Okay.

Mr. Bain: Okay. And do we have a motion on both of the proffer revisions?

Mr. Shelton: Motion to accept both proffers.

Mr. Martinez: Second.

Mr. Bain: Alright, and a second by...

Ms. Barnes: What's happening here?

Mr. Bain: You're not in charge, remember?

Ms. Sellers: Yeah, but it's her district.

Ms. Barnes: That's okay, no worry.

Mr. Bain: She doesn't have to make the motion just because it's in her district.

Ms. Sellers: I know. The irony that these guys live off Warrenton Road, nowhere near this.

Mr. Shelton: You want to move to Warrenton Road?

Ms. Sellers: Absolutely not.

Mr. Bain: Are you happy?

Ms. Barnes: I'm fine with it. It's getting late.

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Mr. Bain: Okay. We have a motion. In any event, we have a motion and it's been seconded. Is there any further discussion?

Ms. Barnes: Okay, I do have one thing to say. I'm sorry, I know it's late...

Mr. Bain: That has nothing to do with it.

Ms. Barnes: ... and I'm getting as punchy as the rest of them. I do appreciate the proffer when it comes to the pines. I know we've been really working hard on saving those. And, you know, I think I heard one of the, one of the Supervisors say this last night at the meeting, is that line, the greatest extent reasonable and practicable. I don't like that very much but I understand why it's in there. I understand why it's needed, especially considering the information that we've gotten, especially from the experts that those pines, that if you go in there and you really disturb that land, and those pines become unstable, and you've got a trailer park next door, that's a problem. So that's, that's the reason why I'm going to go ahead and support using that language. But I have a question, though, about the language. Who determines whether it's the greatest extent reasonable and practicable? Is staff involved in that? Or is that completely on the applicant?

Mr. Harvey: Madam Chairman...

Mr. Leming: The Zoning Administrator would ultimately have... *inaudible*.

Ms. Barnes: So you have some say in that.

Mr. Harvey: Yes, ma'am. Our Environmental Division, when they're reviewing the plans for the limits of clearing and grading, will look at that proffer and see if what's proposed is reasonable and will also take into account the impact on the trees.

Ms. Barnes: Okay, then I'm much more sanguine with that line, knowing that. So that's all I had to say about that.

Mr. Bain: Okay, I'll just make one comment that I meant to make earlier when we were discussing this. A significant difference could be achieved by using a wall that's not concrete and vertical, with a footer that would extend out towards the pine trees. If instead you use a block wall that is angled, it requires a very small footprint for the footer and would not impact tree roots nearly as much. So just something I'll recommend staff keep in mind when they're going through the engineering portions of the GDP. Okay. Yeah. Okay. So, we have a motion, seconded. Any further discussion? No. Alright, then cast your vote, please. And the vote passes unanimously to adopt those two changes to the proffers. Alright.

Mr. Leming: Thank you all very much.

Mr. Bain: Oh, don't go yet. No, no.

Mr. Leming: Oh, you got more?

Mr. Bain: Sit, sit. Do you want to know if we approve your application or anything?

[*Laughter*]

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Ms. Barnes: I'm not the only one getting punchy here.

Mr. Bain: You don't care now, huh?

Inaudible, several people talking, not at the microphone.

Mr. Bain: He's almost as old as I am, geez. Alright, so now...

Ms. Barnes: This next one is mine people.

Mr. Shelton: Sorry to infringe.

Ms. Barnes: That's okay.

Mr. Bain: So, having taken care of the administrative portion, Ms. Barnes, this is in your district. What would you like to do?

Ms. Barnes: Okay, I would like to make a motion, and just to make sure, I think I know the answer, we do these one at a time, correct? Okay. I'd like to make a motion to approve Reclassification RC22154531.

Ms. Sellers: Second.

Mr. Bain: Alright. We have a motion to approve and seconded. Is there any further discussion?

Ms. Barnes: I'll do a quick one, only because I wrote it down. If I wrote it down, gosh darn, I'm going to use it. I think that this is something that is much needed in Stafford. I know it's not a perfect layout. There's some, you know, little hiccups in there but God knows if you've been in that other Chick-Fil-A on 610 doing the loop de loop de loop around, this looks pretty darn good. So, you know, nothing's ever perfect, but there's definitely demand out there and regardless of how much backup these Chick-Fil-A get, they get through that. I mean, it is, it is darn near miraculous how fast they get through that. So that's the reason why I'm supporting this and of course the CUP.

Mr. Bain: Alright. Any other comments? No. Cast your vote, please. Vote tallies six yes so it passes in full. How about the CUP?

Ms. Barnes: I'd like to make a motion to approve conditional use permit CUP22154530.

Ms. Sellers: Second.

Mr. Bain: Okay, we have a motion and a second.

Ms. Sellers: And I have a comment.

Mr. Bain: And we have a comment.

Ms. Barnes: I don't, go ahead.

Mr. Bain: Go ahead Ms. Sellers.

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Ms. Sellers: I do, I do have a comment. So, I don't talk about it here as much but when I was on the Board, I reminded people I did graduate from North Stafford and actually worked at McDonald's. So, I remember how Shelton Shop... and actually lived off Shelton Shop Road interestingly enough... and so I do remember what the traffic looked like there when this was originally rezoned. So, I think your Traffic Impact Analysis is actually going to be even better because, since then, Mountain View has opened and where kids go to and from school has changed. It is needed in the area. Yes, that Chick-Fil-A is a nightmare. And I do thank you for your patience Mr. Morgan. I did not realize mulch was going to be that, that long. So, I do thank you for your patience and apologize for deferring it. If I had known I would have suggested a break. But I do support this. I think this is a great addition here in the North Stafford area and it's nice to see us kind of moving down 610 instead of trying to cram more and more stuff that close to the highway.

Mr. Bain: Alright. I will just make one comment. Similarly, I like Chick-Fil-A. I know the one over in Central Park is being totally remodeled but dag-gone-it can't you think of a place along Route 3 or 218 in southern Stafford that you could put one because we need, we need restaurants desperately there. It's terrible. And that's all I'll say. Would you please cast your vote.

Mr. Chandler: You need to do a voice vote because my machine just froze.

Mr. Bain: Oh, my goodness! Alright. Is a voice vote sufficient or do we have to do individual?

Ms. Lucian: No, you can do a voice vote. If you think there are going to be any no's, you might want to do a roll call but...

Mr. Bain: Okay, let's try a voice vote. All in favor say aye.

All members: Aye.

Mr. Bain: Any opposed? Passes unanimously. Thank you, Mr. Leming.

Ms. Barnes: Now you can go.

Mr. Leming: I can go.

Ms. Barnes: And bring back the kale crunch. I agree.

Ms. Sellers: Of all the things at Chick-Fil-A – kale crunch.

Ms. Barnes: It's good stuff. I gotta tell you.

Mr. Morgan: I'm going to see if I can modify where they're currently showing the retaining wall near the trailer park by pulling it closer to the drive-through. By doing that they should be able to save more of the trees.

Mr. Bain: Great.

Mr. Morgan: And the trees are below the grade of what the trees grade will be... inaudible.

Ms. Barnes: Okay.

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Mr. Leming: That way they'll approve you, George.

Ms. Barnes: No problem. Yeah. I appreciate you guys working so hard on that. You know how much I love the trees.

Mr. Morgan: If that works, I'll try that. But I'm afraid that will encroach more into the trees...

Mr. Bain: It might.

Mr. Morgan: ... and I might have a problem with that, so.

Ms. Barnes: Well it's past us now and now you've got to go deal with the Supervisors. Best of luck moving forward.

Ms. Sellers: And they're homes, they're not trailer parks. Those are peoples' homes.

Ms. Barnes: Okay.

Mr. Bain: Thank you and now I will return the gavel to Ms. Barnes.

UNFINISHED BUSINESS

4. Solar and Energy Storage Recommendation from the Subcommittee

Ms. Barnes: Thank you. Okay. I'm not even sure where we are right now. Okay, let's see. We are on number 4, Unfinished Business, Solar and Energy Storage recommendation from the subcommittee. And for this we go to Mr. Shelton. Okay.

Mr. Shelton: I'll provide a brief report. We revised and finalized the Comprehensive Plan amendments to include solar farms and alternative energy. We revised and finalized the Zoning Ordinance amendments as per Section 28-39(z), plus staff provided invaluable assistance and administrative coverage for the numerous meetings including sessions with Dominion Energy. Fortunately, there was public involvement and input in all sessions. On behalf of my colleagues, thanks for the opportunity to assist in the formulation of a new energy program. With your approval, staff will forward the amendments to the Board of Supervisors for their perusal. Ultimately, amendments will come back to the Planning Commission for public hearing.

Ms. Barnes: Okay, thank you, Mr. Shelton. Are we gonna vote on this tonight or do we just do a...?

Mr. Harvey: Madam Chairman, this is somewhat time sensitive. When the Board asked the Commission to embark on the study of the Comp Plan and the Zoning Ordinance, they asked the staff make a presentation of the Planning Commission's findings at their January 17th meeting. So this is your last... the Commission's last opportunity to look at the amendments and make a final recommendation for the Board. And as Commissioner Shelton said, this still has to go through a public hearing process. So there can be other opportunities to make some adjustments as we go along the way.

Ms. Barnes: Okay. But we do have to take a vote tonight?

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Mr. Harvey: But staff would recommend that the Commission does make a motion to forward these to the Board.

Ms. Barnes: Okay. Alright, what's the pleasure of the Commission tonight then?

Mr. Shelton: Motion to approve and forward to the Board of Supervisors for their perusal.

Mr. Bain: Second.

Ms. Barnes: Okay, we have a motion by Mr. Shelton to forward that to the Board of Supervisors and a second by Mr. Bain. Any further discussion? Oh, that's right. We're doing a voice vote, right?

Mr. Chandler: You can use it now.

Ms. Barnes: Oh, the clickers are back on. Okay, good. Alright. Any further discussion? Alright, hearing none, please cast your vote. Okay, that passes unanimously with one absent. And thank you very much to the Commission. I know that was a heavy lift, a fast and heavy lift to get through that. Okay, so we'll move on next to New Business. None. What I like to see. And we'll go to the Planning Director's Report.

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

5. Project Pipeline Report (For Information Only)

6. Expenditure Report (to Date)

7. DRAFT 2023 Meeting Dates

Mr. Harvey: Madam Chairman, we have an information item for you on the project pipeline. Also, your expenditure report to date. Staff, thanks to Stacie, has provided the Commission with a draft of potential meeting dates for next year. Just a reminder – that's not actionable until you convene next year. And I will conclude my report by wishing the Planning Commission very Happy Holidays and thank you for the opportunity to serve you again for another year, and Happy New Year.

Mr. Shelton: Thank you.

Ms. Barnes: Alright, thank you.

Ms. Sellers: Can I make one comment?

Ms. Barnes: Sure. Go ahead.

Ms. Sellers: So, the previous month, I don't know if you guys are familiar with the Planning Commissioner, a former Planning Commissioner did pass away to cancer. And so the Board of Supervisors read something last night and I wanted to bring it to everybody's attention here. Ms. Carlone

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did a lot in some of these things we talked about there on the Route 17 area. She was a part of... she was probably a part of the rezoning of that Chick-Fil-A property looking at the dates. And so, I just want to make sure that as we go into the holiday season, we think of her family and the impact she had on the community.

Ms. Barnes: Thank you. Thank you for bringing that up. Okay, County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Good evening Planning Commission. It's great to be back and Happy Holidays. See you guys next year.

Ms. Barnes: Thank you. Committee Reports. I'm not sure how relevant that is anymore but Solar and Energy Storage Subcommittee. Do you want to repeat anything or we're good?

COMMITTEE REPORTS

8. Solar and Energy Storage Subcommittee
Subcommittee Reports – November 9, November 16, November 30, 2022

Mr. Shelton: No, ma'am. Sunny Day.

CHAIRMAN'S REPORT

Ms. Barnes: Okay. Okay Chairman's Report. We'll move on then. First off, I want to discuss the January meetings, and I've got to bring up my calendar now. I don't remember the dates of the meetings. Let's see here. So, it looks like for our first meeting would normally be on the 11th, is that correct? Okay. And we don't have anything scheduled for that.

Mr. Harvey: That is correct Madam Chairman.

Ms. Barnes: So normally what we would do during that is we would have our organizational meeting. But since we don't have anything planned, I didn't see any reason to have us all meet here and we can do the organizational meeting on the 25th if that is okay with everyone. Do we need to vote on that? Okay. So, can I have a motion, at the pleasure of the Commission, of course, can I have a motion to cancel the January 11th meeting?

Mr. Bain: So moved.

Mr. Shelton: Second.

Ms. Barnes: Okay, motion by Mr. Bain and a second by Mr. Shelton. Any further discussion? Please cast your votes. Okay, that passes unanimously with one absence, and it's a nice way to start off the new year. Okay. And secondly, I sent you all my comments just individually to the fellow Commissioners. This is my third year on the Commission and I have learned a lot; still learning a lot. And I want to say it's been a pleasure being your Chair. Steven made it look really easy. He was very deceptive. But there's definitely a learning curve and I'm still learning. And I appreciated all of your guidance and patience, especially the patience as I navigated the process of running our meetings and a shout out also goes to Al and Dexter for taking the reins of Vice Chair and Secretary. And our three new

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Commissioners have settled in very nicely and brought a wonderful new set of skills. And like I said, I think that we should have a Billy Shelton days-of-yore Stafford story at least once a meeting either before or after, or short one during is fine with me as well. I also want to thank staff for their guidance and endless fund of knowledge and willingness to go down whatever rabbit hole we sent them, and take on whatever we threw at them. The Solar Committee, like I said before, was a very quick and heavy lift. And they came through like the experts that they are. I am very reluctant to think about how we're going to function without Jeff at the helm next year. We are going to miss you. I know you're going to be around for a couple more months and we may just have to put you on speed dial. So, I look forward to next year and want to wish everyone a Merry Christmas and a Happy Holidays. And usually at the end of the last meeting, we'll allow brief comments from the Commissioners, if anybody has anything to say.

Ms. Sellers: Oh, I'll always use time. Come on now.

Ms. Barnes: Brief, remember I said brief.

Ms. Sellers: No, it's been a good year. You know, it's been a transition coming from the Board onto the Planning Commission, but I think it's vital work that we do here. I do have my own comments about that but we'll continue on. I would like to also bring to everybody's attention that FAMPO has put out a transportation survey and I see the County has put it on multiple different parts of the website. And I do encourage each one of the Planning Commissioners to please take a look at it and provide your feedback, because that does assist in long range planning. VDOT does use that. The Commonwealth Transportation Board will use those as well. So, any help we can get an understanding what the transportation needs are is vital.

Ms. Barnes: Thank you Ms. Sellers. Mr. Shelton?

Mr. Shelton: No more.

Ms. Barnes: You defer? Okay. Mr. Cummings? Anything?

Mr. Cummings: No, no.

Ms. Barnes: Okay. Alright. Anyone else? Mr. Bain?

Mr. Bain: Just Merry Christmas to everyone.

Ms. Barnes: Okay. These are the kinds of ones I like. Mr. Martinez?

Mr. Martinez: No.

Ms. Barnes: Okay. Alright. Thank you very much. I think, and I agree with Laura, I think that what we do here is very important, and I think that we make a really positive, you know, a very positive addition to the quality of life in Stafford so I appreciate everyone's hard work this year. Okay, moving on to Other Business, TRC Submissions. It looks like we've got Stafford Commons in the Falmouth Election District, Celebrate Virginia Dairy Queen in George Washington Election District, and oh, boy, High School Number 6 in the Hartwood Election District. That's a big one. Okay. Next is approval of minutes. Do I have a motion to approve the minutes from November 9th?

OTHER BUSINESS

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9. New TRC Submissions
- 22154786; Stafford Commons – Falmouth Election District
 - 22154762; Celebrate VA Dairy Queen – George Washington Election District
 - 22154789; High School No. Six – Hartwood Election District

APPROVAL OF MINUTES

10. November 9, 2022

Ms. Sellers: So moved.

Mr. Bain: Second

Ms. Barnes: Okay, we have a motion from Ms. Sellers and a second from Mr. Bain. Any discussion? Okay. All in favor say aye.

All members: Aye.

Ms. Barnes: Any opposed? Any abstentions? Okay, that passes unanimously, and with no more business before the Commission, I officially adjourn the meeting. Merry Christmas, Happy Holidays everyone.

ADJOURNMENT

At 8:35 PM, Chairman Barnes adjourned the December 14, 2022, Stafford County Planning Commission meeting.