

STAFFORD COUNTY PLANNING COMMISSION

January 25, 2023

The meeting of the Stafford County Planning Commission of Wednesday, January 25, 2023, was called to order at 6:00 PM by the Director of Planning and Zoning, Jeff Harvey, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

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

Mr. Harvey: So we do have a quorum. Next item of business is Election of Officers.

Mr. Apicella: Mr. Harvey, don't we need to take a vote to authorize Mr. Cummings to participate electronically?

Mr. Harvey: Thank you for that reminder, Commissioner Apicella. You're absolutely correct.

Mr. Apicella: So I'd make a motion to that effect.

Mr. Bain: Second.

Mr. Harvey: So we have a motion and a second. May I hear the roll call. All in favor?

All members: Aye.

Mr. Harvey: All opposed. Thank you very much. Appreciate you voting in Commissioner Cummings to participate remotely. So the next item on our agenda is Election of Officers. I will start the discussion, and once the Chairman is elected, then the Chairman will take over the meeting. For election of Chairman, we will take nominations for Chairman in the order that they are presented. And we will ask for a vote based on that order. So I'll take any nominations from the floor for Chairman.

ELECTION OF OFFICERS

1. A. Election of Chairman

Mr. Bain: I nominate Kristen Barnes.

Mr. Shelton: I second.

Mr. Harvey: Are there any other nominations for Chairman? Well, congratulations, Ms. Barnes, for being Chairman.

Ms. Barnes: Okay, thank you very much, and thank you everybody for that. Okay, we'll move on to the next part of tonight's meeting and that is for election of Vice Chairman. Do I have a nomination for Vice Chairman?

B. Election of Vice-Chairman

Planning Commission Minutes
January 25, 2023

Mr. Apicella: Madam Chairman, I'd like to nominate Mr. Bain.

Ms. Barnes: Alright, thank you. We have a nomination for Mr. Bain. Do we have any other nominations?

Ms. Sellers: I'd like to nominate Mr. Shelton.

Mr. Shelton: I respectfully decline.

Ms. Sellers: Really.

Mr. Shelton: Yes, ma'am. Too many irons in the fire.

Ms. Sellers: So, let me make a statement on this.

Ms. Barnes: Well, I hold on a second. We've got a nomination on the floor. Do we have discussions with nominations or do we vote?

Mr. Harvey: Madam Chairman, you can have discussion, but you do need to vote in order in which they're presented. So if there's any other nominations...

Ms. Barnes: Okay. Do we have we have any other nominations besides Mr. Bain then? Okay.

Ms. Sellers: So I have a comment. So I would like to see... first, I don't support two year terms; I never have. But something was said to me today about a consensus being come before we came into this meeting. And that is something that greatly concerns me. That conversations and pre-meetings are being had to where the public is not involved. And the appearance of transparency is something that has been a problem with this Commission. And it is something that I would like to put out there and make sure that everybody knows that, that, you know, while it may not be illegal, probably borderline unethical, that we should keep in mind that we are a government body, that we do represent our elected officials and the community, and that the community does want to hear these conversations and be involved. And I would also like to say that I would prefer for us to have somebody who is not, you know, whose supervisor is not up for election this year. So I put out there, perhaps a Mr. Shelton, or even a Mr. Martinez, because they are new members to this Commission. It would give them an opportunity to serve under somebody who was a Chairman. And I think it would be a really good thing. But again, a consensus was made prior to this meeting coming into session, so I rest my case and I will, I will not be voting. Thanks.

Mr. Bain: I'd like to make a response to that if I could. Just to point out that in the last month or so, we saw exactly this type of procedure going on for the Chairman of the House. Backdoor things going on, obviously, arguments going on, but not to the public. If Congress can do it, why is it a problem for us? And we're a small group. And these positions really have very little power. So I don't see that this is an issue. I don't think it's something that would warrant illegality. I mean, that's just beyond the pale. We, we're friends, we work together. And I'll be quite honest, a lot of people that come to the Commission don't want these positions because they entail additional work beyond just sitting at the meetings and reading the materials that staff provides. So I don't think it's such an issue. And like I say, I seriously doubt that there's anything illegal about it.

Ms. Sellers: I didn't say illegal.

Planning Commission Minutes
January 25, 2023

Mr. Apicella: Madam Chairman, I want to call the question, but I feel like an assertion has been made so I feel like I need to respond as well. And I'll ask the Counsel for some guidance. My understanding is and the rules, the statutes of Virginia allow members individually to contact one another, you just can't have a contact with three Commissioners at any given time. Is that correct? So just to be clear, my understanding is no one on this Commission has ever violated that rule in the 10 plus years I've been here, so it is not illegal or inappropriate for members of the Commission to contact another member and have a conversation about an item of business. And this is actually not an item of business in terms of a land use issue. This is an item of business in terms of selecting a Chairman, Vice Chairman, Secretary, what have you. So again, there's nothing wrong or inappropriate. I'm sure the Board of Supervisors does it. I'm sure other committees within Stafford County do it as well. And I'm sure it happens throughout the Commonwealth. So I just want to clarify that we're not doing anything that's certainly illegal or inappropriate in my mind. With that in mind, Madam Chairman, I'd like to call the question.

Ms. Barnes: Okay, so we vote on calling the question first, correct? Or do we just go ahead and vote?

Ms. Lucian: If there's nobody responding to the call of the question that they're going to oppose to it, I would go ahead and just make the vote.

Ms. Barnes: Okay, and that vote is for the call of question. Go ahead.

Ms. Lucian: Yeah, go ahead and take a vote on that first.

Ms. Barnes: Dexter, how do you vote? Are you there? Okay, well, I'll go ahead and call that unanimous, 6 votes with 1 absent. Okay. And so then let's move on to the next thing, which is actually electing Mr. Bain as Vice Chair.

Mr. Cummings: I vote with the group. Yes, I vote with the group.

Ms. Barnes: Okay. Yeah. And we have no other nominations, so let's go ahead and can we do a voice vote for that since we don't have any other nominations? All in favor?

Mr. Martinez: Aye.

Mr. Apicella: Aye.

Mr. Bain: Aye.

Mr. Shelton: Aye.

Ms. Barnes: Aye. Any opposed?

Ms. Sellers: Nay.

Ms. Barnes: Okay.

Mr. Cummings: Aye.

Mr. Barnes: And that motion passes 6 to 1. Thank you, Dexter, I can hear you. Okay, next we'll do the election of the Secretary. Do we have any nominations for the election of Secretary?

***Planning Commission Minutes
January 25, 2023***

C. Election of Secretary

Mr. Shelton: I'd like to nominate Martin Martinez.

Ms. Barnes: Okay, we have a nomination for Mr. Martinez.

Unknown speaker: Second.

Ms. Barnes: Do I have any other nominations?

Ms. Sellers: No, but I have a ques... I have a comment. This is another transparency thing. This is another optics thing with the consensus being come to. And I just want to go on the record and have it stated in the minutes that, you know, transparency it is an issue. So there you go. I will be a no – not against you, but against the process.

Ms. Barnes: Okay, thank you for that. With no other motions let's go ahead and have a voice vote. All in favor?

Mr. Martinez: Aye.

Mr. Apicella: Aye.

Mr. Bain: Aye.

Mr. Shelton: Aye.

Ms. Barnes: Aye. Any opposed?

Ms. Sellers: Nay.

Ms. Barnes: Okay.

Mr. Cummings: Aye.

Mr. Barnes: Aye. Any opposed?

Ms. Sellers: Nay.

Ms. Barnes: Okay, and that motion passes 6 to 1. Congratulations, everyone. And thank you for your service for the Stafford County Planning Commission. Okay, and before moving on to that, I'll go ahead and we'll quickly do the appointments to the various committees that we have around the County. And I'm going to go ahead and reappoint all three to continue on with those committees. We'll have Martin continue on with the Parks and Rec. We'll have Al continue on with the Architectural Review Board. And we'll have Dexter continue on with the EDA. And all, congratulations to all of you for that. And again, appreciate all the work you do that is extra meetings. It seems like we have nothing but meetings, meetings, and more meetings, but I appreciate everybody, you know, signing up for that and doing what you can to make Stafford a better place. Okay. Alright, next. Any declarations of disqualifications?

DECLARATIONS OF DISQUALIFICATION

Planning Commission Minutes
January 25, 2023

Mr. Apicella: Madam Chairman, I'm recusing myself from item number 3. The applicant has a family relationship with the developer building homes in my neighborhood. Just to be clear, I have no financial interest in the matter whatsoever.

Ms. Barnes: Okay, thank you, Mr. Apicella. Any other declarations of disqualifications? Okay, hearing none. Any changes or additions to the agenda? Alright, hearing none, we will go on to the Public Presentation portion of today's meeting. The public may have up to 3 minutes to comment on any matter except for those items which appear as public hearings on today's agenda. There will be a separate comment period for those public hearing items. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there is 1 minute left. And red means that your time is up. Would anybody care to come up and speak to the Commission? Okay, seeing none, I will close the Public Presentations portion of the meeting and move on to our first item on the agenda which is going to be a Conditional Use Permit for Enterprise Aquia. For that we recognize Ms. Evelyn Keith.

PUBLIC PRESENTATIONS

NONE

PUBLIC HEARINGS

2. CUP22154489; Conditional Use Permit – Enterprise Aquia - A request for a conditional use permit (CUP) to allow a motor vehicle rental use within the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 21-46B (Property). The Property consists of approximately 1.097 acres, and is located on the west side of Richmond Highway, approximately 300 feet south of Garrisonville Road, within the Aquia Election District. The Property is also located within the HC, Highway Corridor Overlay District. **(Time Limit: May 5, 2023)**

Ms. Keith: Good evening, Madam Chair and members of the Commission. I will be presenting item 2 on the agenda which is a conditional use permit for the Enterprise Car Rental. Okay, this is for a conditional use permit to allow a motor vehicle rental facility within the B-2, Urban Commercial Zoning District, Tax Map Parcel 21-46B, in the Aquia Election District. The applicant is Enterprise RAC of Maryland, LLC. The owner is Fink 610 Property LLC and Fink Aquia, LLC. The applicant will be represented by Jessica Pfeiffer, who is the agent. Here you have in front of you the zoning map. The property is outlined in blue and is zoned B-2, Urban Commercial, within the highway corridor. The site is located on the west side of Richmond Highway approximately 300 feet from Garrisonville. Surrounding zoning districts include B-2, R-1 to the north or to the... yes, R-1 to the northeast, and B-2 to the east. This is existing conditions. Here you see the existing vacant building on a site which is the location of a former 7-Eleven convenience store. The property access is via the two existing entrances and the inter-parcel connection with the adjacent property, Tax Map Parcel No. 21-46A to the south which is the currently the Pizza Hut. There are no environmental sensitive features present on the property. This is a street view from Richmond Highway. Here we have the GDP which depicts the site layout for the proposed motor vehicle rental facility. The plan is to renovate the existing single story 2,508 square-foot building. The glass enclosure would be removed and replaced with a patio. This is the glass enclosure here. And the plan identifies the location of the designated parking spaces for rental vehicles and a proposed enclosed wash bay for detailing rental cars located at the rear of the building. Access to the site will be provided via the same two existing entrances on Richmond Highway and the inter-parcel connection with the adjacent Pizza Hut to the south. These are the two entrances, and over here is the inter-parcel connection. Parking areas are located to the north, south of the building with

Planning Commission Minutes
January 25, 2023

additional parking in the rear. The existing loading space and dumpster enclosure are at the rear of the building, which is here, and will be appropriately screened from sight from Richmond Highway. The existing landscaping on the site does not meet the required buffer width and plant units, as the required planting areas are encumbered with existing utility easements and extensive pavement. As a result, the site is nonconforming for landscaping. These conditions will impact the applicant's ability to provide the full required plantings. However, the applicant has proposed an additional landscaping and manicuring of the existing landscaping, which would reduce the nonconformity. A proposed condition would require the landscape have... be provided, sorry, as shown on the GDP. A sidewalk along Richmond Highway is required under HCOD development standards, as no sidewalk currently exists on the adjacent properties to the north; here and here... sorry, to the north and south. A payment may be made in lieu of constructing the required sidewalk. The applicant has indicated a payment will be made in lieu of constructing the required sidewalk as required under HCOD development standards.

Ms. Sellers: What is this payment? Do they, do they have an amount and when does it come?

Ms. Keith: There's a formula; I think it's like 125% of the projected costs of the sidewalk. It's within the Zoning Ordinance.

Ms. Sellers: Okay.

Ms. Keith: Okay. These are architectural renderings depicting how the building will be renovated. A proposed condition will require the building be renovated consistent with the renderings. This is the east elevation facing Richmond Highway. The building was constructed prior to adoption of the Neighborhood Design Standards Plan and architectural design criteria in the Comprehensive Plan. Any future...

Mr. Bain: I'm sorry, Ms. Keith, can I ask a question?

Ms. Keith: Sure.

Mr. Bain: This rendering shows a elevated sign at the back of the site. And I know the existing site picture showed an empty frame there from a previous sign. But the GDP doesn't show the sign. Is that something, an oversight or...? There's nothing on the GDP about a sign being located...

Ms. Keith: Yeah, I see that it does not appear. This is probably where it's located. It just was not included in the GDP. But it is an existing sign, it is a nonconforming sign. But as long as they... is that the tall one? Okay. Sorry about that. Mike pointed out that and it looks closer than it does on the renderings, but this is the existing sign right there.

Mr. Bain: Oh. Oh, I see.

Ms. Keith: Yeah, it looks close.

Mr. Bain: I'm so sorry.

Ms. Keith: That's okay.

Mr. Bain: I was looking in that back corner for it.

Planning Commission Minutes
January 25, 2023

Ms. Keith: Yeah, me too.

Mr. Apicella: You couldn't make out that that was a sign? *[Laughter]*

Ms. Keith: Inaudible... read the language there.

Mr. Bain: I can hardly make out the general development plan words. Okay, thank you.

Ms. Keith: You're welcome. Again, the building was constructed prior to adoption of the Neighborhood Design Standards Plan and architectural design criteria in the Comprehensive Plan. Any future reconstruction of the building would need to conform to these standards. The renovation of the existing under-utilized vacant building will improve the appearance and streetscape aesthetics of this area of Richmond Highway. And this is a rendering of the north elevation facing Garrisonville; it's over here. Here we have the land use map. And the Comprehensive Plan identifies the property within a recommended Commercial Corridor and Suburban land use designations. Suburban areas of the County are where suburban scale of development has been determined to be the most appropriate. Commercial Corridors within Suburban areas are intended to encourage commercial uses and activities where there are adequate transportation facilities to accommodate proposed uses. The Comprehensive Plan encourages infill development and reuse of undeveloped existing commercial sites. Here are a few of the proposed conditions. One is development of the site shall occur generally as shown on the GDP. The carwash bay shall be limited to the rental vehicles only and not for public use, and shall be constructed in the location shown on the GDP. All vehicles shall be parked in the designated display spaces and not be located in front of the building. Maintenance is permitted and defined as general upkeep of the fleet vehicles to include, but it's not limited to, changing the windshield wipers, tires, air, lightbulbs, windows vacuuming, and no mechanical maintenance will be allowed on the site. Another is vehicle travelways shall be kept clear for emergency vehicles. The dumpster shall be screened from view with masonry and brick materials with type and color similar to that of the primary building.

Ms. Sellers: In other places, like where we have U-Hauls or where you have a car lot, we would limit or that we would ask them to proffer a maximum number of vehicles. Is that not... would we not do that in this case? Or at least... I think one of the U-Haul places they can't have them in the front. They have to, they can only have so many rental vehicles and they, you know.

Ms. Keith: Not in this case. This is a conditional use permit. Normally, if we would proffer it would be a reclass.

Ms. Sellers: No, I mean, they would still do a condition would be the number of vehicles that they could have on the site.

Ms. Keith: We do not regulate that. My understanding is the Department of Motor Vehicles might say the number of display vehicles they can have, but not of my knowledge that we would regulate the number of vehicles they can have on the site.

Ms. Sellers: So it's different than what we do for U-Haul?

Ms. Keith: I'm not sure. I can't answer that.

Mr. Harvey: Madam Chairman and Commissioner Sellers, believe Commissioner Sellers is thinking of a particular location. It's along Richmond Highway further south of this site. However, in that particular

Planning Commission Minutes
January 25, 2023

case there's parking spaces between the front of the building and Richmond Highway. In this case, the parking spaces are beside and behind the building. So staff didn't see that as much of a critical issue. They do have to provide, as you saw on GDP, a description of where the display spaces are or, in other words, we're referring to display spaces but that's really where their rental inventory is. So it is indicated on the GDP and they'll have to comply with that when we do the zoning review of their building permits to ensure compliance.

Ms. Keith: Okay, the next is staff finding. Our positives are the proposal is consistent with plan use recommendations in the Comprehensive Plan regarding commercial development with Suburban areas along major roadways. The proposed use is consistent with established highway commercial oriented development patterns along Richmond Highway, as well as the proposed building renovation would improve the appearance of an underutilized vacant building and improve the streetscape aesthetics of this area of Richmond Highway. The proposed conditions will help ensure any potential negative impacts are mitigated. And we found no negative impacts noted. Staff is supportive and recommends approval of the application with conditions pursuant to Resolution R23-28. And that concludes my presentation, if you have any questions.

Ms. Barnes: Questions for staff? Go ahead.

Mr. Bain: Do we know what the hours of operation are going to be?

Ms. Keith: I believe we had that down. Let me just look.

Mr. Bain: Or maybe we ask the applicant when they come forward.

Ms. Keith: We can't if I can't find it fast enough. But let me look at the conditions.

Mr. Bain: Alright, we can let them answer that when they come up.

Ms. Keith: Okay. That'd be great. Yeah.

Mr. Bain: And to refer back to Ms. Sellers' comment about the parking, would it be appropriate to specify a condition that vehicles can only be parked in designated spaces, so that they would not... if they have too many vehicles, end up parking them in the driveway areas? I think that might help what you were trying to get at, Laura.

Ms. Keith: We do have a condition that states that all rental vehicles shall be parked in the designated display spaces.

Mr. Bain: Oh, okay. I'm sorry, I didn't recall.

Ms. Keith: That's okay.

Mr. Bain: I think that probably covers it then.

Ms. Keith: Yes, it does.

Ms. Barnes: Mr. Apicella?

Planning Commission Minutes
January 25, 2023

Mr. Apicella: Madam Chairman, a few questions. Do we know how long the 7-Eleven has been inoperable?

Ms. Keith: I'm gonna defer that to the applicant. I do understand it's been under two years so.

Mr. Apicella: Okay. But presumably, if somebody wanted to do another convenience store on the site and use this building, they could do that. Is that possible?

Ms. Keith: Absolutely.

Mr. Apicella: So I imagine also that a rental car facility would have far less traffic than a convenience store.

Ms. Keith: That's correct. It's less intense than a convenience store use.

Mr. Apicella: Right. So do you see any problem with adding an additional condition that I think we sometimes or almost always add on something like this that no inoperable vehicles will be stored onsite? I didn't see a condition to that effect.

Ms. Keith: I don't see a problem with it. I can speak to the applicant.

Mr. Apicella: Okay. That's it, Madam Chairman.

Ms. Barnes: Any other questions? I have a quick question. Is there an Enterprise already over in Doc Stone?

Ms. Keith: There is and I understood, understand that that location will be closing July of this year.

Ms. Barnes: Ah, okay. I didn't know if they were moving over, this is a new startup, or we're gonna have two Enterprises now.

Ms. Keith: Just the one. I don't know if it's under the same ownership, but it will be just the one in August.

Ms. Barnes: Okay, thank you.

Ms. Keith: Yes. You're welcome.

Ms. Barnes: Alright, last call for questions to staff? Okay, would the applicant like to come forward.

Ms. Pfeiffer: Thank you. Good evening. I'm Jessica Pfeiffer with Walsh, Colucci, Lubeley and Walsh, here on behalf of the applicant. Here with me tonight is John DeRose, who is a Vice President for Enterprise, as well as Billy Flynn with the Engineering Groupe, our civil engineer. As mentioned, Enterprise RAC of Maryland, LLC, is the lessee of this property. And they are proposing a motor vehicle rental use on the property which will allow for the revitalization and upgrade of the property and existing building. I first wanted to answer a few of the questions I heard and then I'll get into my presentation. So the first one, the hours of operation, you might have heard John, John, say it; 8 to 5, Monday through Friday, and 9 to 12 on Saturday. A few of the other questions that we heard. The first is, would we be okay with a condition that no inoperable vehicles will be stored on the site? Absolutely, we would be

Planning Commission Minutes
January 25, 2023

happy to have that condition added. The questions about display parking spaces. Those are clearly labeled on our plan. We also labeled that there are 38 display spaces and 12 office spaces, for a total of 50 spaces. So the plan is conditioned as well. So those spaces are conditioned with the plan being conditioned and clearly labeled on the plan. And then the question about the sidewalk; that is a zoning ordinance item. But just there was a question about how much that might be and just an early estimate from our civil engineer is around \$10,000. So I'm going to keep going.

Ms. Barnes: You said that a side... building a sidewalk would be \$10,000?

Ms. Pfeiffer: So, in lieu of building the sidewalk, we are going to escrow the money for that sidewalk because this is a nonconforming site and, at some point, there will be improvements made to Richmond Highway at which time the sidewalk will have to be torn out. And on top of that there's no sidewalk on either side of us. So we are going to escrow the funds for that sidewalk and that contribution is about \$10,000, and that is set by the Zoning Ordinance.

Ms. Barnes: Okay, thank you.

Ms. Pfeiffer: Okay, so to step back the property is approximately 1.097 acres and it is located on the west side of Richmond Highway in the Aquia Election District. To the north of the property is the I-95 ramp and to the south is the Pizza Hut. And Enterprise does currently operate another location off of Doc Stone near the Home Depot off of Garrisonville Road. That will close in July 2023. They are leasing that property and their lease ends at that time. And the main reason for moving to this site is because it allows them to have a wash bay, which I'll just skip ahead and show you that wash bay canopy in that rear of the site. And that allows their employees to be undercover in a temperature-controlled situation in order to detail the vehicles. And I actually learned this recently. Since COVID, they've really had the need for more cleaning and sanitizing of the vehicles, and that has brought on the need for these enclosed wash bay canopies.

Mr. Shelton: Madam Chair, could I ask the question on that? From an environmental standpoint, is that an oil/water separator included with that carwash?

Ms. Pfeiffer: Yes, it is.

Mr. Shelton: Thank you.

Ms. Pfeiffer: So Evelyn already did a great job talking about this. I'm just going to skip right on ahead. These are the existing conditions on the property. This is currently a vacant commercial building, which I previously understand was I think, a Roy Rogers or maybe a Hardee's or an Arby's or maybe both at some point.

Ms. Barnes: Wasn't it an Anita's at one point, too? There was a Mexican... *inaudible*.

Ms. Pfeiffer: That's probably how it got that front area, the canopy. And more recently a 7-Eleven. According to Stafford County assessment information the building was constructed in 1982. And Enterprise will upgrade the property and building with the removal of the glass enclosure which may have been from the Anita's which is visible from Richmond Highway. So this is the proposed layout. It's just a colored-up version. Staff touched on this but there is not much landscaping on this site today. The landscaping is a nonconforming situation. We had many meetings with staff, including zoning staff and planning staff, to really squeeze out any landscaping we could on this site because really any

Planning Commission Minutes
January 25, 2023

landscaping was a big improvement to what is out there today. Some operation items of note for the use, there will be no sales or repair. That is in the conditions. There will also be no trucks other than pickup trucks; that is also in the conditions. And then Enterprise is proposing that washing bay in the rear of the site. And then I know you saw these so I'll go through them quickly. These are the conditioned building elevations. The building will be painted and improved. And then you can see the nonconforming sign; it is a little hard to read on the plan, but it is on there. And that height is about 16.4 feet of that existing sign that we're refacing. This is the other side of the building. All of the signage is in line with the Zoning Ordinance. We're not asking for anything additional. Enterprise is looking forward to moving to this property. The owner is also very much looking forward to having a lessee in here and operating. This will meet their business needs in Stafford County. They will revitalize, improve, and upgrade both a property including lighting, landscaping, and signage, and the building which will provide an overall improvement to the property and the whole corridor. And staff is recommending approval and we seek your favorable recommendation this evening. We are available for any questions.

Ms. Barnes: Alright, thank you very much. Any questions for the applicant? Mr. Bain?

Mr. Bain: I have two very simple ones. Do you know about how many employees will be there on a normal day?

Ms. Pfeiffer: Yes. So there are five full time employees and four part time employees currently and they expect this to be about the same at this new site. So off of Doc Stone, five full time, four part time, and it will be the same here.

Mr. Bain: Okay. And just for my own edification – car rentals. When is your highest time in terms of number of people coming? Is it like on a Friday so people have a car on the weekends? Or is it spread out pretty evenly over the week?

Ms. Pfeiffer: I think I'll have to call a friend on that one.

Mr. Bain: Okay.

Ms. Pfeiffer: John DeRose with Enterprise.

Mr. DeRose: Good evening everybody. So ,it's a good question, actually. Enterprise is generally known as a replacement rental car company. That's how we started. We're corporately owned; somebody mentioned a franchise, but we're a corporately owned company out of St. Louis, started in 1957. But our core business is the replacement market. So your car has been in an accident and you're getting an insurance replacement; your car's in the dealership, you're getting service work done. That's the, that's our core business, probably about two-thirds of it. With that being said, a lot of people put their cars in the shop on Monday morning and, you know, with the hopes that the shop will repair your car throughout the week, and then you get it back towards the end of the week. So typically, Monday mornings are a fairly busy time for us. And then Friday afternoons generally are a lot of cars coming back. We do do some weekend retail with rentals on the weekend. So there'll be cars coming in on Friday, cars going out on Friday afternoon. And then Saturday, we have three hours for people that can't get there on Fridays, generally, before we close at five, so we generally between nine and 12 are fairly busy on a Saturday, closed on a Sunday.

Mr. Bain: Okay, thank you.

Planning Commission Minutes
January 25, 2023

Mr. DeRose: Sure.

Ms. Barnes: Any other questions for the applicant? Okay, thank you very much. Okay, so I will go ahead and open up the public hearing on this particular agenda item. This is an opportunity for the public to comment on this public hearing item. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. And red means your time is up. Is there anyone that would like to come and speak before the Commission? Alright, hearing none, I will close the public hearing and bring this back to the Commission. Mr. Martinez, this is in your district. What would you like to do?

Mr. Apicella: Madam Chairman, before Mr. Martinez decides what he wants to do, I'd like to add a condition that states no inoperable vehicles will be stored onsite.

Ms. Barnes: Alright, thank you for that. Okay, back to you, Mr. Martinez.

Mr. Martinez: Thank you Madam Chair. And thank you Commissioner Apicella for that condition. I agree with it. And I also agree that this would revitalize that building and revitalize that area and I'm looking forward to seeing that Enterprise be there. So I would like to recommend that CUP22154489 be approved with conditions including the one added by Commissioner Apicella.

Ms. Sellers: Second.

Ms. Barnes: Okay, the motion and a second... a motion by Mr. Martinez and a second by Commissioner Sellers.

Ms. Sellers: I have a comment.

Ms. Barnes: Okay, any further comment?

Ms. Sellers: Yeah, I want to support this. I am a customer of Enterprise and you guys have outgrown that space. Even if your lease wasn't up you have outgrown that space. It's a very tough area to go in and out of but it's incredibly professional and how you guys have done it. They've been washing the cars there on the side by the dumpster at least for the last several years and making the most of the space. So I am happy to see you guys growing and moving because getting a rental car in Stafford is, especially in North Stafford, is very hard some weeks. You know, that said, it is kind of sad that we're looking for a car rental place to come revitalize an area, you know. So, for the folks who live in the Aquia District and the Aquia neighborhood, you know, I'm sure this is not what they were thinking when they, when they moved into that neighborhood and look at Aquia Town Center, you know. So I hope we are looking at some uses that they will like, you know, some restaurants, some other stuff. But I do think that this will improve the character, sadly, it will improve the character of that area and I wish you guys luck.

Ms. Barnes: Okay, thank you Ms. Sellers. Any other comments? Okay, so we do have a motion by Mr. Martinez, a second by Ms. Sellers for conditional use permit CUP22154489. Please cast your votes. Dexter, how do you vote? Are you with us? I think there's a delay so we have to wait a second.

Mr. Cummings: Yes.

Ms. Barnes: Okay. So that is, that looks like it passed unanimously 7 to 0. And congratulations to everyone. Thank you so much.

Planning Commission Minutes
January 25, 2023

3. COM22154740; Comprehensive Plan Compliance Review – Rogers Glen Subdivision - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for the extension of public water outside the Urban Services Area to Tax Map Parcel Nos. 37-12, 37-12A, 37-13A, and 37-16, all located in the A-1, Agricultural Zoning District on the west side of Hulls Chapel Road, approximately 3,300 feet north of Enon Road, within the Hartwood Election District. **(Time Limit: March 26, 2023)**

Mr. Zuraf: Good evening, Madam Chair and members of the Commission. Mike Zuraf with the Planning and Zoning Department. So yeah, this is a Comprehensive Compliance Review for Rogers Glen. This request is a determination... for the Planning Commission to determine compliance with the Comprehensive Plan in accordance with Code Section 15.2-2232 for the extension of public water outside of the Urban Services Area. The parcel is zoned A-1, Agricultural. The site area is approximately 142 acres. It's in the Hartwood District. And the Ward Corporation is the applicant. Diana Milian with Smith Engineering is representing the applicant tonight. The site is located on the west side of Hulls Chapel Road approximately 3,000 feet north of Enon Road. Also, Liberty Hall Drive stubs into the western end of the site. This aerial photo shows that the site is undeveloped, and it was recently timbered. There's Resource Protection Area that runs along a portion of the northern boundary and bisects the site. It's roughly in this area where the RPA is located. Surrounding uses include undeveloped land to the north and west, and then all... and then rural residential dwellings to the south and east side of the site. This shows the zoning on the subject parcels and surrounding properties. The light green represents A-1 zoning that surround the property. There is some R-1 zoning to the north that represents the undeveloped Staffordshire subdivision. The Comprehensive Plan's Future Land Use map classifies the property in the Agricultural/Rural Future Land Use designation. And this area is outside of the Urban Services Area. The Urban Services Area is marked with the bold red line. And so the light green shading is outside of the Urban Services Area. And that Urban Service Area as you can see is on the north and the east side of the site. The site is completely surrounded by existing and approved residential development. So in this case, the extension of public water lines to this location would not necessarily promote future or further extensions of public water outside of the Urban Service Area because of the development that's already occurred around the property.

Ms. Barnes: Mike, that was one of my questions. And I will go ahead and ask that while you're here so that I don't forget later. That's what I was gonna ask, are there any other larger parcels nearby that could possibly benefit from this?

Mr. Zuraf: There are not, there's not because the property to the north, although that's undeveloped, that's already approved to be served by public water and sewer. So they are already, they're already allowed to have that. And then the properties that are immediately to the west, the larger pieces there, like this piece and this, these pieces are open space parcels for this subdivision which is currently already developing. And you can see, there are large lot residential homes, they're already developed all around the other sides of the site so.

Mr. Bain: Are those served by the public water system?

Mr. Zuraf: The properties in this location are not. I'm thinking possibly these homes are because there's a public water line that runs down Hulls Chapel Road and...

Mr. Bain: They would have been required to.

Mr. Zuraf: Yeah, yeah. And the properties in this location, there's a public water line in that location.

Planning Commission Minutes
January 25, 2023

Mr. Bain: Okay.

Ms. Sellers: Where would we be pulling the water? Where would they be pulling the water line from? Either, you can come in from both?

Mr. Zuraf: I'll get to that in the next slide.

Ms. Sellers: Oh, okay.

Mr. Zuraf: That's good segue. So, this is the proposed site layout for the, it's a proposed 37 lot subdivision that is shaded in pink. The plan proposes a series of public streets that would provide a connection from Hulls Chapel Road to Liberty Hall Drive. The plan proposes water lines following the subdivision streets that would provide a connection between the existing water lines that are along Hulls Chapel Road and Liberty Hall Drive. So the existing lines, they're highlighted in red on each side, and then the proposed water lines within the subdivision are in blue. The Public Works Department determined that the project meets the requirements under the Utilities Ordinance that requires a connection to public water for all new residential units. Even though their subdivision, it's in a subdivision outside of the Urban Services Area, since the site is adjacent to existing water lines and the off-site construction costs would not exceed established cost thresholds, the requirement kicks in. If the lines are farther away, there's a potential that they would not have to but, in this case, since the water lines are right up against the property, they have to, they have to connect according, in accordance with the Utilities Ordinance.

Mr. Bain: Mike, the line to the east that they're connecting to is a 16 inch. The one to the west is a 10 inch. What is the size of the main trunk that's going to actually do that connection? Is it going to be 16, 10, 12? Do you know?

Mr. Zuraf: I thought I had that. My guess is it would be 10. I will defer to the applicant on that question.

Mr. Bain: Okay. My desire would be for it to be 16 in the eventuality that that 10-inch line would be replaced with a larger line to improve flow capacity in that loop. But that's up I guess to the Department of Public Works.

Mr. Zuraf: Yeah, well, well, this was just the line to the west that was just built just recently and this then fully provides connection through from the lines...

Mr. Bain: Yeah, I like the looping. That's a good idea. Okay, thank you.

Mr. Zuraf: So this has been through review with Utilities and they, I'm sure wanted to make sure that the right size line is in there so. So staff has evaluated how the extension of public water outside the Urban Services Area complies with applicable objectives and policies and other recommendations of the Comp Plan. On the first point here, Objective 2.4, it does discourage growth in the rural areas. And there's a subsequent policy that recommends, discourages that the extension of water and sewer outside of the Urban Services Area, but it does include some exceptions. The proposal is consistent with the stated exception in the Comp Plan which supports the extension of public water utilities outside of the Urban Service Area only to improve water quality by completing loops for water lines previously constructed. And the plan does identify connecting the dead-end water line at the end of Liberty Hall Drive as I've gone over. On the second point, the Groundwater Resources Evaluation, which is an element of the Comp Plan, recognizes that the geology of this region can negatively affect water, well

Planning Commission Minutes
January 25, 2023

water yields and identifies within the plan a location of high, medium, and low well yields. The study identifies this site as a location where insufficient data was present to provide a rating. However, the site is in close proximity to an area where low well yields may be present. So from that, it would be reasonable to kind of err on the side of caution and encourage the use of public water as opposed to private wells in this location due to that potential impact to private wells.

Ms. Sellers: Will this also have a sewer line that goes with it? Or this is just water?

Mr. Zuraf: Just water.

Ms. Sellers: Okay.

Mr. Zuraf: And this is the well yield map out of the Groundwater Plan for the Piedmont aquifer, and which provides these designations for different areas across the western side of the County. And you can see that on the site, it's shaded in gray, that's the area that there was insufficient data to kind of make that determination but it is pretty close to areas that were designated for low potential well yields. From the last point on the Comp Plan evaluation, Objective 5.10, it does state that provide appropriate public safety resources properly distributed to maintain community safety standards and to respond to threats to life and property. So the extension of public water lines would provide the fire department improved access to water consistent with this objective. And the overall evaluation, the positive aspects basically identify the factors that conform with the Comp Plan; the extension of public water in this location will improve water quality as it completes loops of water lines previously constructed; provides for better fire and rescue service; and avoids potential low well yields. And staff did not see any negative impacts as a result of this proposal. And staff recommends the Planning Commission find the request substantially in accord with the Comp Plan pursuant to Resolution PCR23-01. And that ends my presentation.

Ms. Barnes: Okay, questions for staff? Thank you, Mike.

Mr. Bain: This has nothing to do with the application, but I'd like to raise it as an issue. I did drive out and get as close to the site as I could on the nearby road. That site was totally denuded. I mean, they left a few trees, but very few. Makes me wonder does the County have any sort of tree preservation code that would prevent something like this where you know that they're going to be building homes? The lots, the land has been subdivided for years. And they should have been required to develop a plan for cutting trees that would allow some trees to stay in the vicinity of the homes. I assume we don't have anything like that.

Mr. Zuraf: Yeah, we do not have I think the type of tree preservation origins that you're thinking of. You know, we just have standards that would require preservation of the trees where the, where the Resource Protection Areas exist. And otherwise, we do have some guidelines in the Comprehensive Plan that were adopted not too long ago and...

Ms. Barnes: You know what we mean, Mike.

Mr. Zuraf: Yeah. And that would only apply when a rezoning comes in and you could kind of get that through the proffers. But in this case...

Ms. Sellers: Well, that's why I put those proffers in. Every time there's trees on the property, I say you're not cutting a tree before you have your permits because we do, we did see them... that's... you

Planning Commission Minutes
January 25, 2023

will see property owners go and timber the land because a lot of agriculture use throughout this County is timbering. And so they need to timber the land in order to maintain their agricultural status for tax purposes and because that's their, that's how they make money. But that's the point of the proffer of your proffering to not clear the trees before you build something so we're not stuck with it.

Ms. Barnes: Okay... go ahead, Mr. Shelton.

Mr. Shelton: Madam Chair, I have a comment. I'd like to commend staff for the thoroughness and taking a look at the looping of the water system. Most people don't realize that deity and hydrants cumulate the percolation and sedimentation by looping. It gives us in the fire and rescue aspect a better flow of water. And I think also along the same lines, when you looked at the Piedmont aquifer, you also recognize that that area may be at a low water yield. And so in order to provide the best quality water, I commend staff for what you've done.

Mr. Zuraf: Thanks.

Ms. Barnes: Okay. Any more questions? Because I have a few. Okay, last man standing over here. Who pays for the waterline, putting it in? Somebody's gonna know the answer, I just want to make sure that that's said out loud.

Mr. Zuraf: The developer pays for the cost of the waterline.

Ms. Barnes: Once the developer pays for the cost and it goes into the neighborhood, then who maintains it?

Mr. Zuraf: Then the water line...

Ms. Barnes: That would be County taxpayers?

Mr. Zuraf: ... would be turned over and be maintained by the County.

Ms. Barnes: Okay. And you did show me that where that was in relation to the Urban Services Area, looks like it's kind of sandwiched in between an island? That large parcel to the north. And you said that's already designated to have County water?

Mr. Zuraf: Yes.

Ms. Barnes: But not... will that section also have County sewer?

Mr. Zuraf: It will.

Ms. Barnes: So that will be a full Urban Services Area everything?

Mr. Zuraf: Yes.

Ms. Barnes: Okay. So giving them this water line is not going to cause somebody to the north go, hey, you got a water line here and we've got that domino effect because of that domino effect is what really, really bothers me.

Planning Commission Minutes
January 25, 2023

Mr. Zuraf: Yeah, there is no domino effect in this case.

Ms. Barnes: Okay. Was Liberty Knolls required, and I don't remember you may have said this, to have a water line? How did Liberty Knolls get a water line if they were outside of the Urban Services Area?

Mr. Zuraf: Yeah. So, so that one, that plan came around in 2012. And the way this issue was being looked at back then, is basically because of the Utilities Ordinance required the connection. It basically was done and the Comp Plan review was not required at the time. And now, since that time, we've been advised to, you know, even though the Utilities Ordinance requires it, the Comp Plan still has these policies and they still now, any case like this, so requires the Comp Plan review. So they just happen not to have to do that back then the way based on the way it was being evaluated.

Ms. Barnes: Okay. And when you say they're required to hook up, is that just the first houses that are close to it? Or if the neighborhood's there, the whole neighborhood has to be hooked up?

Mr. Zuraf: Yeah. Since the, since the whole neighborhood was close enough to the existing water line, the whole neighborhood had to hook up.

Ms. Barnes: Okay. If dead ends are so bad for everything, and I've been, I've gotten a really great education from my fellow Commissioner, Mr. Shelton, when I have all all things public safety, I go to him. If they're so bad, why in the world do we let them go in? Or can we not? Is that something that we can't stop? Because it doesn't seem like that's a good thing.

Mr. Zuraf: Well, I think it, still having, even if there's the issues, some of the negative issues, like having homes served off of public water is still viewed as a positive over private wells because of the potential negatives of and the uncertainty of whether or not knowing if a well is going to go dry. And so if a new development is close enough, Utilities Department wants somebody to connect. And, and then, you know, hopefully they can design it to minimize the negative issues of dead-end water.

Ms. Barnes: Okay. Well, and I understand, I understand that perspective is the wells might not work very well in the area. I remember that Piedmont study that was done back and I remember that presentation at Margaret Brent. I was there for that. But my opinion has always been if it looks like there's going to be a problem with wells, then you don't build houses there. But it seems like we're getting around it by adding County water, which is something that kind of gives me a little bit of pause as well. But it wasn't a question, that was just me. I think that's it, I think. Yep. That's it for my questions. Any other questions? Go ahead.

Ms. Sellers: So yes, they come to an end, but the County does go out and flush those lines. So they don't just sit there and grow, you know, accumulate sediment. Like we do have a utilities program that goes out there and flushes the line to make sure that all that stuff is removed. So there, and I could be wrong, but in theory, there should never be a time when the fire department gets there and all this sediment comes out because our utilities program does flush those lines. It's just that's a cost, we're getting rid of all that water to clear it. And so they like to have a loop, so. And with utilities...

Mr. Shelton: If I could to that...

Ms. Sellers: ... it's very, very regulated by the state, what, how growth can be funded, how like these guys have to pay for the growth and the addition to the utilities program. And then our user fees can go towards maintenance was my understanding when I was on the Board. Like it is very regulated, what

Planning Commission Minutes
January 25, 2023

money can be spent. And the Utilities Commission is a lot similar to the Planning Commission is mandated by the state to oversee this and where money goes. So it's not that we on the line are going to pay for new growth to the line, they will pay for their growth, and then they will come in and do it and pay the service fees. And so there's a lot that Mike Smith back when he was here, educated me when I was a Supervisor about the utilities program, how it's run and just how, yeah, how it all works. And so more users on the line is actually cheaper for the user on it today is bottom.

Mr. Shelton: Madam Chair?

Ms. Barnes: Go ahead.

Mr. Shelton: To clarify one point, the County does flush hydrants on an infrequent basis. And dead-end lines have a reduced pressure. So by connecting from the 16 and the 10 and we loop that system, we have continuity of pressure through that whole area that you do not have on a dead-end.

Ms. Sellers: *Inaudible, microphone not on.* I just want to make sure Utilities, when I was on the Board of Supervisors and people would see growth, they would think completely negative or they would see their water rates go up and they would assume it's because of this new development. Your rates are going up because it costs more to provide the service. It's not going up because we see new homes. That, you know, bottom line, just to give a little bit of that from what I learned on my days on the Board of Supervisors.

Ms. Barnes: Any other questions for staff? I think we've tapped that out pretty good. Okay. And we have an applicant that comes forward for this one? Okay. Would you like to come forward?

Ms. Milian: Good evening everyone. My name is Diana Milian. I am the...

Ms. Barnes: Ma'am, can you please pull the... thank you. Now we can hear you, hopefully.

Ms. Milian: Sorry. I'm short, too, so. My name is Diana Milian. I am the engineer. I'm going to be representing my client. I don't really have a presentation, I think that Mr. Zuraf pretty much just covered it all. The site is already proposed to develop 37 lots by-right. And we were asked by staff to provide water so that we could look at water from the existing that is provided in Liberty Hall Estates to the existing 16 inch that is on Hulls Chapel. I think that I heard the question about the...

Ms. Barnes: Can you just speak up a little bit and move to the... yeah. We can all hear you but it doesn't pick up well on the recording. Thank you.

Ms. Milian: The, to answer that question about the size of the line, the size of the line is going to be at a 10 inch. This has been coordinated with what the modeler for Stafford for the Utility department. So they they've been looking at our models, they've been looking at the data, they'll be looking at the flows, the velocities, the pressures, and so we are working closely with them. It hasn't been totally established, but it looks like it's gonna be a 10-inch line. And it's gonna meet all the requirements. If anybody else has any more questions.

Ms. Barnes: Any other questions for the applicant? Okay, nothing. Alright. Thank you very much. Okay, I will go ahead then and open up the public hearing on this agenda item. This is an opportunity for the public to comment on this public hearing item. 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.

Planning Commission Minutes
January 25, 2023

Red means that your time is up. If you would like to speak, please come forward. Okay, seeing nobody rush the podium, I will go ahead and close the public hearing and bring this back to the Commission. Mr. Shelton, this is in your district. What would you like to do?

Mr. Shelton: Yes, ma'am. I would propose that we approve COM22154740 to bring it in compliance with the water quality aspect.

Ms. Sellers: Second.

Ms. Barnes: Okay, I have a motion by Mr. Shelton and a second by Mr. Sellers... I mean Ms. Sellers. Any other comments? Okay, I just have one quick comment. I am going to support it reluctantly. Because I think it is in compliance with a comprehensive view. But this this always makes me nervous when you see this, this creep that goes out into... outside of the Urban Services Area. And I just I heard some people say, well, it's outside it shouldn't, it shouldn't get any water. That's the way that we've designed the County. But this is sandwiched in between two Urban Services Area. So I think that there is minimal chance that there's going to be any creep, although I still am of the opinion that if there's no water, there's no houses. But obviously this is, that's not the question here. It's the Comprehensive Compliance Review and I will support that. Okay, hearing or seeing no other comments, go ahead, please and cast... Oh, I'll repeat that. A motion by Mr. Shelton, a second by Ms. Sellers for Comprehensive Plan Compliance Review 22154740. Please cast your vote. Mr. Cummings? Thank you everybody for their patience.

Mr. Cummings: Yes.

Ms. Barnes: Okay. And that vote passes 6 to 0 with one abstention. And thank you very much for that. And congratulations. Okay, next we will move on to Unfinished Business. We have none, and then we will go into New Business. And for that we will recognize Natalie Doolittle for the Preliminary Subdivision Plan for Centreport Village.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

4. SUB22154082; Preliminary Subdivision Plan - Centreport Village - A Preliminary Subdivision Plan to create 494 townhouse lots on Tax Map Parcel No. 37-30A (portion), zoned R-2, Urban Residential—Medium Density with proffers, on 95.50 acres, located on both sides of Centreport Parkway, approximately 1,116 feet south of the intersection of Centreport Parkway and Mountain View Road, within the Hartwood Election District. **(Time Limit: March 26, 2023)**

Ms. Doolittle: Good evening, Madam Chair and members of the Commission. Item number 4 is a request for approval of a Preliminary Subdivision Plan for Centreport Village, SUB21154082. The proposed subdivision is located on a portion of Assessor's Parcel Number 37-30A on both sides of Centreport Parkway south of the intersection of Centreport Parkway and Mountain View Road. The total acreage for the site is 95.5 acres, zoned R-2, Urban Residential—Medium Density. The plan proposes 494 single-family attached townhouse lots served by public water and sewer. The owner is Centreport Residential LP and the applicant is NVR, Inc., Ryan Homes WAS Division. Here's a map showing the location of the proposed subdivision shown with hatching. It's located along the limited

Planning Commission Minutes
January 25, 2023

access frontage of Centreport Parkway on both sides of the road, south of the intersection with Mountain View Road. The site is adjacent to A-1 zoned properties to the west, R-2 and B-2 to the south, M-1 to the east, and B-2, R-2 and M-1 to the north. And here's an aerial map showing the site outlined in red. The site is currently wooded, and you can see Potomac Creek runs to the north. The site is zoned R-2, Urban Residential—Medium Density, which allows for a maximum of 3.5 dwelling units per acre. However, pursuant to Ordinance O92-08, the proffers for the parcel were amended in February 1992 to allow a maximum number of residential dwelling units not exceeding 600, with at least 100 units, but not more than 200, being multi-family units. Four hundred ninety-four townhouse units are proposed within six sections. The remaining 106 of the 600 proffered units not shown on this plan are proposed to be multi-family and future Section VII to the south. Sections 1 through 4 are on the east side of Centreport Parkway and Sections 5 and 6 are on the west side. The proposed subdivision is located along the limited access frontage of Centreport Parkway. The main entrances into the east and west sides of the development are just past the end of the VDOT limited access break. On the east side of Centreport Parkway, Cardinal Flower Drive will extend from Centreport Parkway to Mountain View Road through Sections 1 and 2. A clubhouse and pool will be located at the Centreport Parkway entrance and a tot lot will also be located in a central location within this portion of the development. To the west of Centreport Parkway, Virginia Willow Drive will provide access to Section 5 and 6 and will also provide access to future commercial development at the north end of the site, which is zoned B-2. A second tot lot will be centrally located in this area to serve Sections 5 and 6. And I've shown the clubhouse and pool and the two tot lots highlighted in yellow.

Ms. Barnes: Can I just ask a quick question?

Ms. Doolittle: Yes.

Ms. Barnes: Five hundred houses? How many bedrooms are going to be in those houses?

Ms. Doolittle: I'd have to defer that to the applicant.

Ms. Barnes: Okay.

Mr. Apicella: Can I springboard off...

Ms. Barnes: Two tot lots. Go ahead.

Mr. Apicella: How many kids do we expect from this development?

Ms. Doolittle: I don't have those numbers. I'd have to...

Mr. Apicella: Okay, thanks.

Ms. Sellers: I have a... this future Section VII or 12 – I don't know what the hell that means... but what is that? Is that part of this development?

Ms. Doolittle: It's, it's not part of this preliminary plan application.

Ms. Sellers: But it is part of this development.

Ms. Doolittle: That would be the future multi-family that's up to 106 units.

***Planning Commission Minutes
January 25, 2023***

Ms. Sellers: Alright. Great.

Mr. Shelton: Madam Chair, I have a question. You talk about two tot lots. They appear to be very small to me. And from my standpoint, if you're putting 500 houses in with an average of two children, you're talking a thousand children; seems to be mite small. Could we consider a larger playground, if the applicant would agree to that?

Ms. Doolittle: Yes, if they would, if they would agree to that.

Mr. Apicella: I'm just gonna again, springboard off of Mr. Shelton's comment. There's no, I mean, there's a pool. I don't know. I didn't see a pool mentioned in the proffers. I'm not sure how... or a clubhouse. But is there, is there any area on the lot that would accommodate a multipurpose field? Again, my concern, and I think what you're hearing from my colleagues is there's not a lot of amenities for kids. And the tot lots seem pretty small. So have they, have they thought about any other amenities that would be useful to children?

Ms. Doolittle: I'd probably have to defer to the applicant on that question. I would ... there was no discussion on additional...

Mr. Apicella: Okay, thanks.

Ms. Doolittle: The applicant was granted an exception to the required number of street access connections for this development. Under the requirements of Section 22-190, Street access, the proposed subdivision plan of 494 lots would require six connections to adjoining parcels. Two access connections, highlighted in yellow, are proposed to the northern future commercial section and south to the future Section VII multi-family. The exception request was granted by the agent due to several factors, including floodplain to the north, limited access right-of-way to the south, Critical Resource Protection Area to the east, and previously developed lands and steep topography to the west. On the east side of Centreport Parkway, Cardinal Flower Drive will extend from Centreport Parkway to Mountain View Road through Section 1 and 2, and the majority of the streets will be state maintained. The remaining streets will be ingress/egress easements, and privately maintained per Section 22-177. All new roads will include curbs, gutter, and sidewalks along both sides.

Ms. Sellers: Madam Chair, what about... did they put any proffers for sidewalks along Centreport Parkway?

Ms. Doolittle: No.

Ms. Sellers: Or a stoplight at Centreport Parkway?

Ms. Doolittle: No.

Ms. Sellers: Okay. What about at Mountain View Road?

Ms. Doolittle: Not that I'm aware of. The proffers were from '92, yeah. So this, the parkway wasn't even developed yet and everything.

Ms. Sellers: A dream. Thank you.

***Planning Commission Minutes
January 25, 2023***

Mr. Shelton: Roger Staubach.

Mr. Martinez: Madam Chair?

Ms. Barnes: Mr. Martinez, go ahead.

Mr. Martinez: In the report, it says there are, there are wetland areas that will remain largely undisturbed. Can you elaborate on what you, on what they mean by largely undisturbed?

Ms. Doolittle: It appears that most of the wetland area is going to be within open space areas. There looks to be some areas where they might be disturbed.

Mr. Bain: I believe, and the applicant can probably expand, some of the roads have to cross the conservation areas and some of those locations are wetlands. And so they're going to have to bridge over those areas. But there may be others, I'm not sure.

Ms. Doolittle: There are floodplain and CRPA areas located along the north and east ends of the site which are associated with Potomac Creek and one of its tributaries. The floodplain and CRPA areas will be located within open space and will remain undisturbed. There are also wetlands areas, which will remain largely undisturbed. The open space will be dedicated to the homeowner's association for common use to benefit the property owners.

Ms. Barnes: Let me ask a question about that open space. You said it's for a use for the property owners? The condition of that open space, is it highly sloped? Is it... because I'm not sure what kind of use you can get out of that if this is... these are RPAs, correct?

Ms. Doolittle: Right.

Ms. Barnes: Right. So they, they can't... this is not being left for the use of the homeowners. This has to be left alone. Okay, I just wanted to clear that up. Thank you.

Mr. Martinez: Madam Chair, if I can expand it?

Ms. Barnes: Mr. Martinez, go ahead.

Mr. Martinez: So would there, you know, if somebody wants to have a community garden or something like that, would they be able to do that on this open space?

Ms. Doolittle: I might have to defer to Mr. Harvey on that.

Mr. Harvey: Commissioner Martinez, Madam Chairman, in the situation where some of that open space is in floodplain but not in wetlands, yes, they could have a community garden. But if it's in a wetland area, no.

Ms. Barnes: Are any of those parcels that are the tot lots... I mean, I'm having a hard time seeing to scale. I'm not a big map person. But if there's a tot lot there, you know, how much space is that tot lot taking up? And is there any space left there for, you know, open space for kids to run or picnics? It seems to me like those are fairly small parcels and they're going to be taken up by those little teeny tiny little tot lots.

***Planning Commission Minutes
January 25, 2023***

Ms. Doolittle: Right.

Ms. Barnes: Okay.

Ms. Doolittle: Okay, the site was originally rezoned to R-2 on September 5, 1989, and proffers were amended in February 1992. Due to the passage of time and the construction of Centreport, the Centreport/I-95 interchange, some proffers are no longer applicable. Some proffers relate to commercial and industrial portions of the parcel and therefore do not apply to this plan. Per proffer 3.a, the maximum number of residential dwelling units to be constructed on the site shall not exceed 600 with at least 100 units, but not more than 200, being multi-family units. This preliminary plan proposes 494 townhouse units and the remaining 106 would be multi-family units within future Section VII. The proffers also include submission of a streetscape plan for comment and non-binding review by County staff and the Planning Commission at the time of final subdivision plan approval, which would be the construction plan. A proffer to provide 20 units as affordable housing will apply to the future multi-family component of the development on a separate plan. A proffer states no occupancy permit shall be issued in excess of 300 residential units until a site plan is submitted for at least 150,000 square feet of commercial or industrial development within any other portion of the Centreport project along Centreport Parkway. This proffer was satisfied with the submission of different site plans including FedEx, McGrath Rentcorp Storage, and Centreport 95... Centreport Stafford 95 Business Center warehouse. These plans account for well over the minimum 150,000 square feet of commercial or industrial development required in the proffer.

Ms. Sellers: This was one big rezoning.

Ms. Doolittle: There, yeah, there were four, at least four separate parcels, like large parcels and they were all rezoned at the same time is my understanding.

Ms. Sellers: You were a busy board... *inaudible*.

Ms. Barnes: So...

Ms. Sellers: So when was Centreport Parkway built?

Mr. Harvey: Madam Chairman and Commissioner Sellers, if I remember correctly, Centreport Parkway opened around 2011.

Ms. Sellers: So we knew this was a potential and we still put that, that curve in there?

Mr. Harvey: Yes, that curve is actually representing two legs of a planned four-legged intersection, with one segment going to the top of the screen which was known as the Outer Connector/Berea Parkway, and then another section going to the left which would extend down two Hulls Chapel Road, which would be another extension of Centreport Parkway.

Ms. Sellers: I got to think about that.

Ms. Barnes: I have more questions, but I'll let you get to the end.

Ms. Doolittle: Okay. The project area is within the Airport Impact Overlay District, as well as within the H-1 and H-2 land use compatibility zones and overflight traffic pattern for large aircraft as established

Planning Commission Minutes
January 25, 2023

in the Comprehensive Plan. Table 2 of Appendix F of the Comprehensive Plan provides recommendations for uses in these zones. It is recommended that townhouse developments not be located within 3,000 feet of the centerline of the runway and not be located within the routine overflight zone. The Comprehensive Plan also recommends that townhouse developments within the H-1 and H-2 zones be clustered outside of the overflight zone area, and recommends a real estate disclosure notice on initial deed of transfer as well as notification statements on all plans of development and marketing literature. It also encourages noise mitigation measures as part of construction if under the flight pattern.

Ms. Barnes: Do we know if that's going to happen? Now I know the Comp Plan recommends noise but do we know if that's actually going to happen?

Ms. Doolittle: As far as the noise disclosure?

Ms. Barnes: Noise mitigation?

Ms. Doolittle: Oh, no.

Ms. Barnes: The noise mitigation? We have no idea if that's actually... okay.

Ms. Doolittle: Actually, I don't know, that may have been a proffer. I have to go back and check that.

Ms. Barnes: You mean one of the original ones a long time ago?

Ms. Doolittle: Yeah, I'm not sure.

Mr. Apicella: It's very unlikely because... *inaudible*...

Ms. Doolittle: Because of the airport.

Mr. Apicella: ... what, 6 or 7 years ago?

Ms. Doolittle: Yeah, I might be mixing that up with something else.

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

Ms. Doolittle: Okay.

Ms. Barnes: Yeah, I think what... but this was originally rezoned in 1989?

Ms. Doolittle: I know what I'm confusing it with, the airport letter.

Ms. Barnes: Okay, thanks.

Ms. Doolittle: Sorry. The preliminary plan was forwarded to the Stafford Regional Airport Authority for comment. They provided a comment letter which outlines reasons they oppose the development. And these reasons include that the plan deviates from the County's Comprehensive Plan; the proposed development is underneath the traffic pattern for the most commonly used runway which will increase risk to residents and cause increases in noise complaints; and the airport is currently operating at one-eighth design capacity. As airport development continues, traffic will also increase. They've asked that

Planning Commission Minutes
January 25, 2023

a notice be included on all subdivision and site plans, record plats, sales contracts, brochures, promotional documents, and HOA documents. The notice that they requested has been added to the cover sheet of this preliminary plan.

Mr. Apicella: So, so what does that mean for future buyers of any of these townhouses?

Ms. Barnes: In my experience, people don't read the fine print. So, I mean, I know it's buyer beware. But nevertheless, what is... how do we make sure that those people know exactly what they're getting into?

Mr. Apicella: I'm just gonna, Mike, it's fortuitous that you're here. I mean, remember, the whole reason why we did the airport land use plan is because people were complaining when they lived in close proximity to the airport about the noise. And this is obviously going to be right under one of the flight ways. So I know we put something in the plan. How does that, how does that get affected in this set of circumstances to provide notice?

Mr. Zuraf: Well, typically it would be involved and be written into proffers within a zoning classification. But this is a by-right preliminary plan, so it's... I don't know if that necessarily could be something that could be enforced.

Mr. Apicella: So there's nothing we can do at this point to alert potential owners of this issue.

Mr. Zuraf: Other than encourage the developer to kind of follow these recommendations.

Mr. Apicella: Is there anything they can do as part of this preliminary plan to make that happen?

Mr. Zuraf: I'd have to look into that. I don't know if that, if notes on a preliminary plan would be enough or enforceable. I'd have to check on that.

Mr. Apicella: County Attorney, what do you think?

Ms. Lucian: It's not something I can answer off the top of my head.

Mr. Apicella: I mean, these are a lot of homes. So this is the very thing we were trying to avoid. And I appreciate it was 20 years before we even came up with the idea of a airport land use plan. Again, I feel for the people who are going to be buying because I, you know, I hear one plane over my house and it's pretty loud. Imagine right now, they're only at, what, one-eighth capacity, and they're extending the runway, so there's going to be a lot of traffic coming right through that over that subdivision.

Ms. Sellers: So when we did the... so the airport overlay was highly contentious on the Board of Supervisors at that time. And part of it was because there were land use reclassifications already in place. And I believe it was the Rock Hill Supervisor at the time, who said, you know, this is a false sense of security for people because we're creating this and we're telling them that, you know, this overlay exists, but we have, you know, 10,000 homes already approved for there. And that was a point he made in doing this. And, at the expense of repeating him, and I'm sure he's not listening but if it gets back to him, you know, one of the other points that he made is that the airport has probably been at one-eighth capacity its entire time in existence. It is not a highly profitable nor utilized airport. And that was one of his other points is we are making land use determinations based on an airport that is underperforming and owes the County a lot of money. So just to kind of put that into perspective, I

Planning Commission Minutes
January 25, 2023

know this is a piece of data we use. But just to give that perspective, when it was approved, it was highly contentious and probably one of those 4-3 votes if I pulled it back up.

Ms. Barnes: Okay, thank you. You want to continue? Okay.

Ms. Doolittle: The proposed subdivision places 332 new residential lots in the Potomac Creek Dam #1, Abel Lake Reservoir, Dam Break Inundation Zone. The zone is shown here in dark purple. Potomac Creek Dam #1 is considered a high hazard dam under the Virginia Impounding Structure Dam Safety Regulations in the Code of Virginia. The dam is regulated by the Virginia Department of Conservation and Recreation and requires the dam owner, Stafford County, to operate and maintain the dam through certified... a certificate issued by the DCR. Stafford County is required to safely operate and maintain the dam, forecast risk through inundation mapping, and prepare and operate emergency action plans for various dam emergencies and failure modes. The additional 332 new residences in the Dam Break Inundation Zone will need to be accounted for in the County's Emergency Action Plan. In the event of an emergency or a developing situation, the new residences could be forced to evacuate to avoid imminent danger including structural damage and potential loss of life.

Ms. Sellers: When did we build Abel Lake? Did we know this neighborhood had already been rezoned before we put a lake and a dam there?

Mr. Harvey: Madam Chairman and Commissioner Sellers, I don't know the specific timeframe when Abel Lake was built, but it was built prior to this property being rezoned.

Ms. Sellers: Prior to it? So we rezoned this knowing it was....

Ms. Barnes: Okay, go ahead.

Ms. Doolittle: And here's an aerial showing the site in relation to the industrial development happening along Centreport Parkway. FedEx, McGrath Rentcorp, Amazon, and Centreport I-95 Business Center are already constructed. And a site plan for NOVA Gateway is approved for a 559,000 square-foot warehouse, Project Ivy is near approval for a 933,000 square-foot warehouse, and Melrod, Blue Ridge, and Project Triangle have grading plans submitted for future development.

Ms. Barnes: Quick question about that. So that's a lot of warehouses. And all those trucks, they're going to have to go through this development at some point, or is there some kind of traffic pattern that I'm not seeing? Because you're going to have crosswalks here. I saw a couple of crosswalks so that you can... so the folks on it looks like the western side can get over to the pool house. And whatever tot lots and so you've got mamas and babies in, you know, in strollers crossing there. And in the meantime, with all of these massive, new warehouses we've got, I'm assuming a lot of big old trucks coming through there. Okay, yeah, a lot of these are rhetorical questions. I'm just pointing out. Thank you though. Okay.

Mr. Shelton: Madam Chair? Excuse me, Madam Chair, could I ask a question? Could you back up please to the previous slide?

Ms. Doolittle: One more?

Mr. Shelton: No, this is the one I'm looking at the proximity to the active runway of which there's only one active runway and it's an east/west runway, 6,000 feet. How close is the Project Clover Amazon to that runway?

Planning Commission Minutes
January 25, 2023

Ms. Doolittle: I can't answer that, unfortunately.

Mr. Shelton: The point that I'm trying to make is that those townhouses are much farther away. Am I correct?

Ms. Doolittle: Correct.

Mr. Shelton: Okay, thank you.

Mr. Apicella: What... I feel like I need to respond to that, Mr. Shelton. These are the kind of, that's the kind of development we wanted near the airport, these industrial uses, not these residential uses. People in these warehouses aren't going to be complaining about, you know, flights overhead, but the people in these houses will be complaining.

Mr. Shelton: But the airport itself is a general aviation airport. It is not an airport to accommodate large aircraft, as mentioned in here. So we're not talking about 737s or...

Mr. Apicella: A plane is pretty noisy, regardless of the size. I'm just going by the months that we spent working on this. And again, driven by people's complaints when there weren't a lot of houses out in that area. So I don't think there's anything else like this in proximity to the airport. No.

Ms. Sellers: Yes, there is. Along Courthouse Road they are pretty close to and in the flight path and on the other side. Again, we spent a lot of time on this, on this airport overlay district and it was highly, highly contentious. And I remember vividly the Rock Hill District Supervisor saying absolutely not; this is not necessary. But I will also point out that these houses were rezoned before any of that industrial space was rezoned. So unfortunately, we may have had a plan for it, but these people owned the property first, you know, is my understanding whether we wanted them there or not. I mean, that's kind of crazy for you to say, well, we didn't want you there to begin with. They were there first.

Mr. Apicella: Yeah, that's not my point. My point was and is, going back to the... you're talking about the airport overlay district and I'm talking about the airport land use plan, which again, encourages people who are prospective buyers to get notified that they're going to be near an airport. That's all. That's all we're trying to do here is achieve that end so that the buyer can't come back and say, well, I didn't know there was going to be 20 planes flying over my house in the span of five hours.

Ms. Sellers: Well, they also have the DCA one that goes over. Have you flown into DCA lately? We've... it flies over. Those are the ones that I hear.

Mr. Apicella: I hear small planes that are flying over my house, so.

Ms. Sellers: But, again, these homes were rezoned before the airport was there, so.

Mr. Apicella: I'm not saying it shouldn't be... That's a done deal. Nobody's disputing that. The only question is, can the people who are buying these homes somehow be notified that this is a possibility that they're going to hear airport traffic overhead, that that's all we're trying to achieve here.

Ms. Barnes: And that they're in a Dam Inundation Zone.

Mr. Apicella: Well, that too might be an issue.

Planning Commission Minutes
January 25, 2023

Ms. Barnes: While you've got this up, can I ask you real quick, the other... and I'm sure you pointed this out before... the other 106 that are going in, can you show me on this with this whole area up where that is? Is it just to the north of the western? So okay, got it. So 106, those are multi-family units, correct?

Ms. Doolittle: Correct.

Ms. Barnes: Okay. Thank you. Okay, continue.

Ms. Doolittle: Staff recommends approval of this preliminary subdivision plan. We believe it complies with all applicable ordinance requirements. And that concludes my presentation.

Ms. Barnes: Okay, so we've, we've had a lot of questions already. Do we have a couple more questions or any more questions for staff? Yeah, I do have one question for you. And I asked somebody to do the math real quick on this. You said there were 20 units that are going to be, I don't know what you call, but affordable housing?

Ms. Doolittle: Yes.

Ms. Barnes: So what exactly does affordable housing mean?

Ms. Doolittle: I'll have to read the proffer, because...

Ms. Barnes: And if you've got 20 units out of 494, what's the percentage of that? So yeah, somebody said 4 or 5% will be affordable housing. That doesn't seem like a whole lot, but.

Ms. Doolittle: And the proffer says, the developer shall provide for the availability of affordable rental housing units on the residential portion of the subject property by ensuring that 20 units shall be available for rent for a minimum period of four years at a rental level, which conforms to the moderate income household provisions of the April 18, 1991, draft of the Affordable Housing Comprehensive Plan of the County, as such moderate income standards may be upwardly adjusted from time to time.

Ms. Barnes: And that's for four years.

Ms. Doolittle: Correct?

Ms. Barnes: So after those four years, then what?

Speaker inaudible, microphone not on.

Ms. Barnes: Okay, so we've got less than 4% affordable housing for four years and that's it.

Ms. Doolittle: Correct.

Ms. Barnes: Okay. As far as the commercial square-footage goes, it says 150,000 square feet of commercial and, could you please show me again where that, where that commercial is going to be built? You'll have to flip back to the... there you go.

Planning Commission Minutes
January 25, 2023

Ms. Doolittle: So, yeah, the 150,000 could have, could be anywhere along the Centreport Parkway project. Yes.

Mr. Apicella: It's already accomplished. Yeah, there's nothing, nothing to add.

Ms. Barnes: That's what I, that's what I wondered because it seems like there's a lot already there.

Ms. Doolittle: Yes.

Ms. Barnes: Okay. So that's already accomplished. Okay. I'll turn this over. Any other questions for staff?

Ms. Sellers: Can... like they're, they're dividing the neighborhood up along Centreport Parkway, probably because they don't want to realign Centreport Parkway in any way because it's expensive. Is there any way they can put all those houses on one side and kind of curve it around this way and then put the multi-family units up here? Because how are, you know, in Embrey Mill, where I live, you have two distinct neighborhoods. You have Phase 1, you have Phase 2. The schools use it as that's how they've done school zoning is based on where you are and so that busy Centreport Parkway, we think people are going to cross the street to use the amenities as though it's one neighborhood but it's not. Same with Hampton Oaks where I, where I grew up in, there are distinct sections of the neighborhood that have that... And in Hampton Oaks there are three distinct neighborhoods because you have the townhomes and then where the elementary school is and then where the pool is. And so is there any way we can push all those townhomes into that one side and then save the other part?

Ms. Barnes: Yeah, I guess you were just saying but, but in this particular case, there's only one pool house and only one, only one pool and one clubhouse. So those people over on the west side are going to have to get there. What about one of those, you know, pedestrian walkway bridge things over the top so mama and babies can get over safely? Just, you know, shooting from the hip here but anyway.

Ms. Sellers: I just want them on one side because then they don't cross Centreport Parkway.

Ms. Barnes: Okay. Okay, we'll let you off the hook. Thank you very much for that. Would the applicant like to come forward?

Mr. Lanham: Hi, this is a tough crowd. My name is Rick Lanham with NVR. We really didn't, we didn't prepare a presentation because it's not a rezoning or public hearing item. But I took a lot of notes and you had a lot of questions. So let me see if I can get started by answering some of them. We've worked very hard with staff over the last four months to, to, to address their comments, their ordinance-based requirements. It's not a, again it's not a rezoning so our high bar is, and I'll just say that, is to address all of the County requirements and VDOT requirements and obtain those approvals. We have proffers on the property, they're not as expansive as if you would see something today probably, but we have proffers on the property that allows 494 un... or up to 500 units on this piece of property. This is the only property that we have under contract. We're not going to develop the commercial piece or the multi-family piece or, or other areas. We, we've developed communities like this before, and we think it's important to have a pool and a clubhouse. It's not proffered, it's a big investment to build something like that. So we've included that. We've included two tot lots. I got an email right before the meeting. One of the, one of the Commissioners had asked that we consider expanding that and maybe making it like a playground. I can tell you that these are, these are decent size, they're gonna have, you know, slides, climbing apparatus, you know, swing sets, benches for the parents. That area, based on the rolling

Planning Commission Minutes
January 25, 2023

terrain of the property, if it was, if it was completely flat and we didn't have a lot of floodplain, steep slopes, and RPA, we probably could consider putting in some larger play areas without sacrificing, without sacrificing density. I can tell you by looking at the plans, they haven't been fully engineered. And I, we can certainly look as we're engineering it for other areas where we can put in small, small areas where people can play, throw a ball, or what have you. So that's, we'd certainly look at that. But as we go through the engineering process...

Ms. Barnes: Let me stop you right there. That email came from me.

Mr. Lanham: I know. I just didn't want to call you out.

Ms. Barnes: That's okay. I'll out myself. We all know what tot lots are, we all have them in our neighborhoods, I have them. And I can tell you that over time, I don't find them to be terribly used. I found that most of the time that they end up being places for teenagers to hang out at night. And I have a neighborhood that's across from me and they put in a full playground. And I mean for kids, not just for babies. And a tot lot is, it's a playground for babies.

Mr. Lanham: They're probably programed from the ages of 5 to 12 or so. One thing I've, one thing I've always tried to do with tot lots, some people will look at where tot lots and playgrounds, and they'll try and jam those, for lack of a better word, next to the pool and clubhouse and put everything there. And the thing I really don't like about it is there's no, when the pools not open, you know, after September through Memorial Day, there's not a lot of eyes on the pool and clubhouse. They're not used as much and they're not sometimes not centrally located, depending on where they are in the community. So that's why, that's another reason why I decided put them, you know, centralized in the community. I think they will get used quite a bit. I can tell you my kids are out of college now but I can tell you, we use the heck out of those; that's first place they wanted to go when they got home so.

Ms. Barnes: Really? I have a... *inaudible, static*... that's not interested in that at all.

Mr. Lanham: They love that stuff. I'm thinking about an age, you know, like maybe not 13 or 14, but I'm saying like 7, 8 until they started to play travel soccer and all that. But it's, you know, little kids really love that.

Ms. Barnes: In my experience and in my opinion, if you've got 500 houses, with as many kids as those are going to have in the middle of basically there's nothing around them, there's... these kids aren't going to be able to, you know, walk to Smith Lake or walk to a park or walk to anything. As a matter of fact, they're gonna have to make what's probably going to be very hairy crossing across Centreport Parkway. It's completely insufficient, in my opinion. You know that.

Mr. Apicella: Yeah, I'm just going to expound on that. So again, 500 homes. I don't know how many kids...

Mr. Lanham: Can you hear me okay when I'm speaking?

Mr. Apicella: Yeah. With nothing there, nothing in the surrounding area. And whether it's 500 kids or 1,000 Kids, you're gonna get a lot of teenagers with literally nothing to do between, you just said it, between after Memorial Day... I'm sorry, after Labor Day. Between Labor Day and Memorial Day, nothing to do there. I mean, there's a clubhouse. But again, I don't see a lot of teenagers hanging out the clubhouse.

Planning Commission Minutes
January 25, 2023

Mr. Lanham: Yeah, I was just talking in context of eyes...

Mr. Apicella: No, I understand, you know, going back to, I realize this was approved 34 years ago, and not quite sure what they were thinking at the time. But we know reality as it is today. Kids want something to do. And these are townhouses, so they're not gonna have big backyards. There's not a lot, there's nothing designated in my opinion, for you said 12, you know, whatever, 5 to 12, or 3 to 12, I would say probably a little less than that.

Ms. Barnes: That's not a tot lot. Tot is toddlers. Yeah.

Mr. Apicella: I'm just, I'm concerned. I don't I don't see anything there for teenagers, maybe a little less than teenagers.

Mr. Lanham: Okay.

Ms. Barnes: And I'm sure that them, the engineers, can think outside the box and maybe, I don't know, come up with something that might be a little more substantive for those families. That's just something that I think would be a good idea.

Mr. Lanham: *Inaudible*... we're engineering it there, there'll be, I think we'll find some other pockets, we may be able to program, I don't think it's, I don't think we're talking about baseball fields or football fields. But I think there's other areas we can try and target as we engineer pockets of areas. One of the, one of the Commissioners asked us how many bedrooms are going to be in the units? There will be three to, three to four bedrooms. As far as the, as far as the open space, you know, that's we're not going to retain ownership of that. So we would convey that to the homeowner's association. And that's not, you know, that's not without precedent. And homeowner's association own creeks and floodplains and things like that all the time. So that's, again, it's not a flat site. It's very rolling and... Let's see. Airport – we've agreed to, we've agreed to place a note on the plans and all future plats, and we'll do our best to provide some disclosure that to, you know, prospective homeowners, but it's we've agreed to put the note on the plans and plats like they've said, I mean, like they've asked for so we're kind of complying with the request. Let's see, there might have been some other questions that haven't been answered.

Ms. Sellers: So I have a question.

Mr. Lanham: I'll try to take notes.

Ms. Sellers: Just a thought, with the tot lot. Again, I live in Embrey Mill. People use the tot lots all the time. But we also hear the neighborhood people without kids. And instead of two tot lots, just consider maybe a dog park, people really like dog parks.

Ms. Barnes: Pickleball court, those are small, aren't they?

Ms. Sellers: A dog park?

Mr. Lanham: We'll look at that with our marketing people and see what our profile is. I understand what you're saying.

Ms. Sellers: Yeah, I don't know who's going to live here but, you know, we hear that in the neighborhood a lot. As especially as now they're getting over to turn everything over to the homeowners

Planning Commission Minutes
January 25, 2023

that people want to, they want dog parks. And we do hear, you know, the older kids have nothing to do but I live across the street from a tot lot. And those teenagers are out there playing on the equipment just like anybody else. And you know, as long as they pick up their trash and...

Mr. Lanham: Yeah, I mean, I can't promise a dog park. They're usually much larger areas.

Ms. Sellers: Oh, is it?

Mr. Lanham: You know, well, dogs run just as, you know, they like to run like little kids too. And a lot of the open spaces vary, you know, it's either tilted or it's real flat with floodplain on it. But to the extent we can look at something like that, um, I'm happy to look at that as we engineer it.

Ms. Sellers: In that bottom corner, you guys didn't put a... you guys aren't developing that bottom corner where it says future use, the Section VII?

Mr. Lanham: No, we don't have that under contract.

Ms. Sellers: Okay. So then that...

Mr. Lanham: We have to provide access to it, you know, but with the, with the present property owner, but no, we don't ever have that under contract and it's not part of our, that's not part of our development, just like the commercial area as well. So we're doing for lack of a better term, we call it Section VII on the plan so that we're doing the first six sections as well as the, the pool and clubhouse.

Ms. Sellers: So that answers my question of why can't we have all, why can't you do all the development on one side?

Mr. Lanham: Yeah.

Ms. Sellers: Because you don't own it. Okay, thank you.

Mr. Lanham: Right.

Ms. Barnes: Okay, any other questions for the applicant?

Mr. Shelton: Madam Chair, I have one question. Could we go back to that last slide that showed the intersection of Centreport and Mountain View?

Ms. Doolittle: This one?

Mr. Shelton: Yes, ma'am. If I'm reading that correctly, your project is on the south side of Centreport and Mountain View. Am I correct?

Mr. Lanham: Yeah, south of Mountain View.

Mr. Shelton: Okay.

Mr. Lanham: And then on either side, either side of Centreport. You can also say it's north of Centreport, as you get as you get off of I-95.

Planning Commission Minutes
January 25, 2023

Mr. Shelton: Someone asked a question previously about the truck traffic. Would that truck traffic be intersecting there and crossing in between those two distinct areas?

Mr. Lanham: It would definitely be traveling, making that turn, and crossing Mountain View and...

Mr. Shelton: Okay, thank you.

Mr. Lanham: ... and back in that area.

Mr. Shelton: Thank you.

Mr. Lanham: Sure.

Mr. Bain: That's because the...

Mr. Lanham: That's how they access the site.

Mr. Bain: ... Skyport, that's how they get to 95. So that's where the trucks go.

Mr. Lanham: Yep.

Mr. Bain: Yeah.

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

Mr. Bain: Yeah, yeah, exactly.

Ms. Barnes: Okay, I think we're done with all of our questions. I think Mr. Bain has a couple more questions.

Mr. Bain: My question is, and I think this probably goes more to Ms. Lucian and Mr. Harvey. What can we do about this? The number of houses were set 20-30 years ago. The development is super high density. There, in my opinion and obviously other members of the Commission, the amenities of this development are woefully inadequate. But as I understand the Ordinance, O92-08, and other things, we really don't have any control. What can we do as a Commission to make this better for the County and for the people that are going to purchase these, purchase or rent these structures?

Mr. Apicella: Well, we can certainly encourage the applicant to take another look.

Mr. Bain: Well, yeah, but we've got...

Mr. Apicella: I mean, we can't enforce it but they can certainly... yeah, we have until March 26th.

Mr. Bain: To their credit, they've said they will look at some other things.

Mr. Apicella: You could take that to the bank.

Mr. Bain: I know. Exactly. So I'm just... do we have any opportunity here to...?

Planning Commission Minutes
January 25, 2023

Ms. Barnes: Well, we have until March 26.

Mr. Bain: That doesn't matter.

Ms. Barnes: No, but we...

Mr. Bain: We can stretch it out to the very end...

Mr. Apicella: I'll just remind you, we had a similar circumstance, I don't remember who the developer was, and they did not have...

Ms. Barnes: A tot lot, nothing.

Mr. Apicella: ... They had nothing. And they heard us. And they did a course correction. And they added some additional amenities. So, you know, good on them, did they have to do it? No. But I think being good stewards, and probably in their own best interest, to consider an amenity in terms of trying to sell those lots to people who would want to buy them without anything there otherwise, you know, that's, that's all we can do here. We have some time and they have a little bit of time to, again, take another look. If they choose not to do something, you know, I would say shame on them. But I would hope that they would take the opportunity to revisit it and see what they can come up with. Again, it's all well and good to say they'll take a look at it at time of engineering and they may come up with something and they may not and nothing's happened. So that's kind of where I'm at.

Mr. Bain: The situation is, even if they were to relook this and come back to us and add pickleball and dog park and other things, it's not on the GDP. It's just on the preliminary plan. They're not... the preliminary plan doesn't hold the same weight as the GDP. Does it?

Mr. Apicella: I think it does.

Mr. Bain: Does it, Mr. Harvey?

Mr. Harvey: Madam Chairman and Commissioner Bain and Commissioner Apicella, the State Code regulates preliminary subdivision plans. It's an option for the County to require them and, in the case of Stafford, we exercise that option. State Code says it's either the Planning Commission that approves the preliminary plan or the agent for the Board of Supervisors. Our local code says the Planning Commission considers preliminary subdivision plans. The approval or denial of a preliminary subdivision plan is what we call a Ministerial Act. In other words, you are operating within the limits of the code in which the County has; a Subdivision and Zoning Ordinance. So if it complies with the code, for the most part, you're bound to approve it. If it doesn't comply with the code, you identify that as a reason and that could be your reason for denial. But then the applicant also has the opportunity under the code to come back and cure that problem and re-present it to the Commission. In the case of this particular property, as we've discussed, there are proffers that provide some guidance to the, to the Commission and staff in reviewing the plans. But they're not as rigorous as we would see under a more modern rezoning. So the applicant is voluntarily offering up some recreational amenities. And certainly the role of the Planning Commission in reviewing the plan can be to identify certain things that are needs in the surrounding community and ask the developer if they'd consider it. The developer can say yes or no. But if they do want to make a change to their plan, based on our local ordinance, they have to do so and present it to the County five days before the Planning Commission votes on it. So that's kind of how the process works. To answer the other question about the plan itself, the subsequent approvals for construction of

Planning Commission Minutes
January 25, 2023

the streets and amenities must comply with the preliminary subdivision plan. So if they show a tot lot on that plan, they need to provide the tot lot, and same with the pool and clubhouse facility. If there are other amenities to be built later that weren't shown on the preliminary plan, that's all well and good. And that's additional things that the developer has identified as they build out their project and want to use those to attract people to their community.

Mr. Bain: Okay, that's good to know. This is not my district, but I will...

Ms. Barnes: Well, I think we made a good point, though. It's, you know, we've got some time on this. And we made I think some productive and constructive good recommendations. And I, you know, I don't want to send them away with saying, you know, yeah, we'll look into that. I want to, I want to see that, I want it to come back and I want to see it. I want to see what they've decided to do. And that would be my preference, but I'm, you know, we're gonna bring this back to the Commission. Ms. Sellers, you want to... go ahead?

Ms. Sellers: So to whom do they... so let's say we deny it. To whom do they, they challenge that to? Would that go to the Board of Supervisors or the BZA?

Mr. Harvey: Madam Chairman and Commissioner Sellers, under state statute, it would be to the circuit court.

Ms. Sellers: Okay. Not through even the BZA, it would go directly to the circuit court?

Mr. Harvey: Correct, since this is a subdivision issue. It's not a zoning issue. It would go to circuit court.

Ms. Sellers: Okay.

Ms. Barnes: Mr. Shelton?

Mr. Shelton: Madam Chair, would it be appropriate to defer this to allow the applicant to come back with some revised things that the questions that we have asked about the playgrounds and those things? And give him an opportunity. He's alluded to the fact that he could go back to his engineering group, I think you said.

Ms. Barnes: I think that if you, if you'd like to make a motion to that, I think that it seems like that's the, that's the direction that the Commission is going into.

Mr. Shelton: He had his finger up first.

Ms. Barnes: Oh. The applicant, would you like to...?

Mr. Lanham: Is it okay?

Ms. Barnes: Sure.

Mr. Lanham: I know we usually don't speak after you've already done this, but. We'll certainly look at that when we're going through our engineering. We haven't engineered the site yet. And I always look for opportunities to do additional things that we can, but I don't think we'll come back and say, here's

Planning Commission Minutes
January 25, 2023

three more tot lots or any, anything like that. I think we've met the ordinance requirements. So if there's something specific, I mean, I... believe me, I mean, we don't show flowers on our, on our plans, but we plant a lot of flowers, you know. There's a lot of things that we do that aren't on plans. So if there's something that there's an ordinance, some ordinance requirement that we're not meeting, which I think is what, what, you'd have to decide if it wasn't gonna be approved, it doesn't meet some ordinance requirements. I'd like, you know, let me know what that is and we can, you know, fix the plan so it meets the ordinance requirement. But I believe we're meeting all the ordinance requirements. I just don't know what we're going to come back with and in a couple of weeks, and we're almost at the end of the deadline for action on the application, so.

Mr. Apicella: I think we have what, two and a half months, three months?

Mr. Lanham: You tell me, because I think there's a...

Mr. Harvey: Madam Chairman?

Ms. Barnes: Mr. Harvey?

Mr. Harvey: Just to clarify, our local ordinance requires that the application must be approved within 18 months of filing. Or if it doesn't, it expires then the applicant will have to refile and pay a new application fee. So we're coming up on that 18 month deadline. That's what was just being referred to.

Ms. Barnes: That's March 26th?

Mr. Harvey: No, that's a different deadline.

Ms. Barnes: Then what's that deadline?

Mr. Harvey: The March 26th is your statutory deadline under state code. You have 60 days after a preliminary plan has been presented to you to take action.

Ms. Barnes: So then which one, what's the other deadline and which one do we follow under?

Mr. Harvey: Well, again, both apply. The one is to the detriment of the applicant. The other is a deadline for the Planning Commission.

Ms. Barnes: So ours is March 26th.

Mr. Apicella: What is the other one?

Mr. Harvey: The other one, again, is the 18-month requirement in our code for them to receive plan approval. If they don't, the application expires and they have to refile.

Mr. Apicella: Right, but what is that date?

Ms. Doolittle: February 28th. February 28th.

Mr. Apicella: So a month from now.

Planning Commission Minutes
January 25, 2023

Ms. Barnes: So and we have, we have meetings February 8th and February 22nd. Now we haven't approved those but I'm assuming because that's our standard meeting. I would assume that that would be pretty close, too. So it sounds to me, like even with that deadline, we might still have some time to hopefully, you know, get the message across that we'd like to see a few improvements. And maybe, maybe not. It's up to you guys. We can hopefully see something that we like a little better on one of those meetings, if Billy, if you wanted to make that motion. It sounds like we've got an appetite for that.

Mr. Shelton: I do. I would like to make a motion that we defer this preliminary subdivision plan to allow the applicant to listen to some of the things that were addressed here this evening, and see if we can make some modifications. They'd be voluntary on your part. But I would like to defer.

Ms. Lucian: Mr. Shelton, we should pick a date. If you want to say either the first or second meeting in February so there's a date certain.

Ms. Barnes: I would suggest February 22nd. I think that would give them enough time.

Mr. Shelton: I would say February 22nd; that allows the applicant ample time. The other one is probably a little tight on them.

Mr. Bain: I'll second.

Ms. Barnes: Okay, so we have a motion to defer to the February 22nd and a second by Mr. Bain on subdivision plan 22154082. Any further discussions? Hearing none, please cast your votes. Dexter, how do you vote?

Mr. Cummings: Yes.

Ms. Barnes: Okay, alright. And Mr. Cummings votes yes. So that passes unanimously, 7 to 0. And thank you very much for listening to all of our recommendations and all of our questions. I know we were kind of hard on you. But, you know, thank you so very much for doing that and we look forward to seeing you on the 22nd.

Mr. Lanham: Thank you.

Ms. Barnes: Okay, so next item on the agenda is the Planning Director's Report and for that I will turn to Mr. Harvey.

PLANNING DIRECTOR'S REPORT

5. Project Pipeline Report (For Information Only)

6. 2023 Draft Meeting Schedule

Mr. Harvey: Thank you, Madam Chairman. The pipeline report was included for your convenience. As we talked about to a couple of the Commissioners earlier before the meeting started, we do have one new business item that'll be on your agenda for your next meeting. Right now that's the only major item of business for the next meeting. Speaking of meetings, we've got the meeting schedule as the Chairman alluded to. There's a listing that the Planning Commission must approve for your regular meetings for

Planning Commission Minutes
January 25, 2023

this year. It's at your desk. So staff would ask the Commission to entertain a motion to adopt the meeting schedule.

Ms. Sellers: Madam Chair?

Ms. Barnes: Go ahead, Ms. Sellers?

Ms. Sellers: I sent out an email requesting to change the day or to not have a meeting on August 9th for a couple of reasons. One, the Board of Supervisors is not meeting. They are in their summer break. And two, that is the first day of school or the first week of school. And so some of us who have school aged children, and it would just kind of be nice to not do public hearings that night. And finally, that's my son's birthday. And so I would like to not be here and another child's birthday on this, you know, sitting at the dais, so.

Ms. Barnes: Well, don't we usually have only one meeting in July and August? Do we usually pick one of those or pick those to...?

Mr. Apicella: Yes, that's correct, Madam Chairman.

Ms. Sellers: Usually it's the first one in July and the last one in August, but...

Mr. Apicella: So I would recommend, I'm ok with dropping August 9th, but I would ask that we drop July 12th as well.

Ms. Sellers: I can get behind that.

Ms. Barnes: Sounds like there's a, there's agreement on that. Oh, so, okay, so we need a motion for that. Can I have a motion to approve the schedule minus the July 12th and August 9th meeting?

Mr. Apicella: So moved, Madam Chairman.

Mr. Shelton: Second.

Ms. Barnes: Billy beat ya. I got a motion by Mr. Apicella and second by Mr. Shelton. Let's do a voice vote on this. All in favor?

All members: Aye.

Ms. Barnes: And Dexter just kick in any time. Any opposed? Okay, 5... 4... 3... 2... 1, okay, I'm gonna go ahead and call that vote 6 with 1 absent.

Ms. Sellers: Can I just add something to the calendar just for your guys's knowledge? The 20... no, the 19th of July, the 17th through the 19th of July, our district will be hosting the Commonwealth Transportation Board. And so just to keep that in mind, obviously, I will, will include and extend the invitation for you all to attend our public meetings and to attend some of our social events. But if you want to put that on your calendar, please do. We will be right here in the City of Fredericksburg.

Mr. Cummings: Aye.

***Planning Commission Minutes
January 25, 2023***

Ms. Barnes: Oh, there we got an aye. Okay. *[Laughter]* Well, I don't, I don't think we can have an ex post facto aye so we'll move on. Okay.

7. 2022 Draft Annual Report

Mr. Harvey: Thank you, Madam Chairman. And as required by state code, the Planning Commission must prepare a annual report to be presented to the Board of Supervisors. Staff has drafted a version of your annual report for calendar year 2022 and would ask that the Commission consider providing any recommended edits. And if there are none, consider adopting the report.

Ms. Barnes: Okay, does anyone have anything to add to that?

Mr. Apicella: There's... take a look at page 3 where it says budget; FY 2020 and then it refers to FY 2021. So I think we need to make some corrections there. I'm looking at page 3 of the report.

Ms. Barnes: Yeah, under budget it says FY 2020 ended with expenditures within budget limits.

Mr. Harvey: Yes, thank you Commissioner Apicella.

Ms. Barnes: And then FY 2021. So that should be what, 21 and 22? Okay, do we need a motion to accept that with those changes, or?

Mr. Harvey: If the Commission is so inclined, yes.

Mr. Shelton: Motion to accept.

Mr. Apicella: Second.

Ms. Barnes: Okay, we have a motion to accept by Mr. Shelton and a second by Mr. Apicella with the corrections to the budget line items for FY 2021 and FY 2022. Any further discussion? All in favor, please say aye.

All members: Aye.

Ms. Barnes: Any opposed? And Dexter, we'll, I'll hold this for you and if I hear an aye I'll pass it 7 to 0. Okay, moving on.

8. R23-26 Proposed Amendments to the Comprehensive Plan and the Zoning Ordinance Regarding Solar Facilities and Energy Storage Facilities – *BOS Referral*

Mr. Harvey: And then finally from my report, Madam Chairman, the Board of Supervisors referred proposed...

Mr. Cummings: Aye.

[Laughter]

Ms. Barnes: Thank you, Dexter.

Planning Commission Minutes
January 25, 2023

Mr. Harvey: ... referred proposed changes to our Zoning Ordinance and Comprehensive Plan regarding establishment of solar and energy storage facilities. This work was at the direction of a joint work session with the Board of Supervisors and a Planning Commission Subcommittee. Since that time of the Board's referral, staff has been working with a consulting attorney that's helping us review the Zoning Ordinance amendment. Staff would recommend we defer this issue to your next meeting to schedule the public hearings. We want, we'd like to have the opportunity of the consulting attorney to be able to provide their comments prior to authorizing the hearing.

Ms. Barnes: So that means for tonight we'll take no action; we'll just wait till the next meeting to schedule that.

Mr. Harvey: Yes, ma'am.

Ms. Barnes: Okay.

Mr. Harvey: If that's acceptable.

Ms. Barnes: I think, I think we're good on that. Everybody good on that?

Mr. Apicella: Yeah, and I would like to say if it comes up at the next meeting that we just maybe take a last round turn on it before we push it to the public hearing just for any last minute changes or discussion. I just want to say that I've been keeping up with press coverage on solar facilities throughout the Commonwealth. There's been a lot of activity up in Prince William and in Culpeper. I'd like to know a little bit more about what they're doing and any restrictions, as an example, not to do two ended here. I noticed that Culpeper has a 300, 300-acre cap on utility scale projects. I'd be curious to know why. Why did they choose that number? I think our proposal was a thousand. So that's just one example. And we also talked about the possibility of looking at the height or a cap on the height and maybe a floor and either doing that through the ordinance or through the Comp Plan amendment. So those are the kind of things we might want to revisit when we have some time. I imagine we have a little bit of time before we have to push it to a public hearing.

Ms. Barnes: Okay, thank you. Does that conclude your report, Mr. Harvey?

Mr. Harvey: Yes, ma'am.

Ms. Barnes: Okay, County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Good evening Planning Commission. I have no report. Thank you.

COMMITTEE REPORTS

Ms. Barnes: Okay. Committee Reports. We have none at this point in time. The Chairman's Report – I already did all the appointment. So I'll skip over that. I do just want to say thank you to everyone for entrusting me with the Chair for another year. The Commission and staff is an absolute pleasure to work with. I think that as a group, that we treat each other with respect and professionalism, which is sometimes really hard to find, and I look forward to another year of helping make Stafford a great place to live, work, and play. Okay, on to Other Business; number 10, TRC Submissions. Looks like we're

Planning Commission Minutes
January 25, 2023

getting an Arby's in Falmouth, a Dunkin Donuts in George Washington, and, oh, 6 Bears and a Goat in the George Washington District. And I'm not really sure what that last one is, but it's in the Falmouth District. Okay. And number 11, we'll move on to the approval of minutes. Do I have a motion to approve the minutes for the December 14th meeting?

CHAIRMAN'S REPORT

9. Appointments
- * Architectural Review Board
 - * Economic Development Authority (Liaison)
 - * Parks and Recreation Commission (Non-voting Member)

Discussed after Elections of Officers.

OTHER BUSINESS

10. New TRC Submissions
- 22154800; Burns Corner Arbys – Falmouth Election District (*Electronic*)
 - 22154827; Ferry Farms Dunkin Donuts – George Washington Election District
 - 23154844; Stafford Ind Pk 6 Bears & A Goat – George Washington Election District (*Electronic*)

APPROVAL OF MINUTES

11. December 14, 2022

Mr. Shelton: Motion to approve.

Ms. Barnes: Okay, do we have a second?

Mr. Bain: Second.

Ms. Barnes: I have a motion to approve by Mr. Shelton and a second by Mr. Bain. All in fav... any further discussion?

Mr. Apicella: Madam Chairman, I'm going to abstain since I wasn't here for that meeting.

Ms. Barnes: Okay. All in favor?

Mr. Martinez: Aye.

Mr. Bain: Aye.

Mr. Shelton: Aye.

Ms. Sellers: Aye.

Ms. Barnes: Aye. Any opposed? Any abstentions?

Planning Commission Minutes
January 25, 2023

Mr. Apicella: I abstain, Madam Chairman.

Ms. Barnes: So that is, that passes 6 with 1 abstention. And I'm waiting on Dexter; I'm sure we'll hear from him in a few seconds. Okay, with no more business before...

Mr. Cummings: Aye.

Ms. Barnes: Thank you, Dexter. With no more business before the Commission can I ask for a motion to adjourn?

ADJOURNMENT

Ms. Sellers: So moved.

Mr. Shelton: Second.

Ms. Barnes: Motion by Mr., by Ms. Sellers, second by Mr. Shelton. Any further discussion?

Mr. Cummings: Aye.

Ms. Barnes: Hearing none... thank you, Dexter. All in favor of going home for the evening say aye.

All members: Aye.

Ms. Barnes: Any opposed? Alright. Thank you everyone for the first meeting of 2023. Good night, everyone.

At 8:08 PM, Chairman Barnes adjourned the December 14, 2022, Stafford County Planning Commission meeting.