

STAFFORD COUNTY PLANNING COMMISSION

April 26, 2023

The meeting of the Stafford County Planning Commission of Wednesday, April 26, 2023, was called to order at 6:00 PM by Chairman Kristen Barnes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: Steven Apicella

STAFF PRESENT: Kathy Baker, Lauren Lucian, Crissy Kendall, Virginia Adams, Mike Zuraf, Evelyn Keith

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Okay. Thank you very much. Do we have any declarations of disqualifications this evening? Any changes to the agenda? Okay, hearing none, I will move on to the public presentation portion of tonight's meeting. This is an opportunity for anyone to speak on any topic or item except items scheduled for public hearing tonight. Items for the public hearings will have a separate opportunity for public comment after staff and applicant presentations. When you come forward please state your name and address, once you do so the green light at the podium will come on indicating three minutes to speak, the yellow light will come on when one minute remains and the red light will begin blinking when time has expired and we ask you to work to conclude your comments. Would anyone care to come forward at this time and speak to the Commission? Come on forward. You don't have to raise your hand. Just come on up.

PUBLIC PRESENTATIONS

Mr. Ryan: Good evening. Thank you for your service, each and every one of you. My name is Peter Ryan. I live in the Falmouth District and I'm here to speak about an upcoming rezoning application from Jarrell Properties and they are seeking rezoning permission to build a new age-restricted 55 and older housing development on Clift Farm Road. I've shared some comments with Mr. Apicella as well as Mike Zuraf. And I wanted to share some of those specifics this evening really quickly. We now have over 1,200 signatures on our online petition. And that is specifically stating that we do not wish to have R-2 Urban designated homes and development along Clift Farm Road. We are not opposed to R-2 designation. It'd be nice if we could have A-2 because our entire road is designated A-1. So, here's just some of my comments that I sent to Mr. Zuraf. Clift Farm Road is not in an Urban development area per the Comprehensive Plan. It's not in a Targeted Development Area either. Per Virginia Code 15.2-222.3.1, number 4 on that says the boundaries of each Urban Development Area shall be identified in the locality's Comprehensive Plan and shall be shown on future land use maps contained in such Comprehensive Plan. The property formerly purchased for a high school area, this is at the far end of Clift Farm Road, appears to have been the catalyst for expanding the Urban Services Area to encompass Clift Farm Road but that is not an Urban development. The proposed development is located at the southern border of the County, close to it, with little ability to have sufficient infrastructure and amenities built in the general area. There's the marsh just north of us and just a general hilly topography. This forces development to happen east and north of development. Having to develop east and north does not create convenient options for the future residents. And of course, the infrastructure is not there. We are on a well and septic system, almost all houses, I believe, all houses on Clift Farm are and we're concerned that this development right next door to where I live would affect that significantly. The environmental impact study was completed by Enviradata for the developer, but has not, as yet, been shared with us.

Planning Commission Minutes
April 26, 2023

We would like to see that and make sure that we can have our own engineer look over it as well, because naturally, it's our own water that could be impacted. The bird population is diverse on Clift Farm, which my wife enjoys photographing, and several of the bird species would be affected by reducing their food sources. The red-tailed hawk, Cooper's Hawk, and sharp-shinned Hawk could be affected by this. So please, we ask that you deny this application for rezoning. Thanks very much.

Ms. Barnes: Would anyone else care to come up and speak to the Commission tonight? Ms. Maxson.

Ms. Maxson: My name is Kristen Maxson. Thank you for your consideration and hard work. There's been a lot of new zoning from the pretty picture and the changes that have happened with the zoning area and with people leaving the area and new people coming on board, I just wanted to point out that the project number project name, applicant final date, project type, parcel ID and engineer tables have a lot of empty fields in it, mainly in the parcel ID and engineering fields. When I click on these studies, there's one study in Tax Map 38 in Hartwood that has two parcels with the same Tax Map number so there's database issues. This particular place is over 100 acres so, it's actually stating 200 acres, which I really think it's really only 100 acres. So, when I click on parcels, sometimes I get a search end window, which has nothing in it. And I have to click the X to get out of the, you know, infinite state that I'm in. I'm concerned of the overbuild and statements like I've heard Jeff's oversight from the government side, which I'm so thankful that the government can actually speak out for the public and be protected, for they have that right and they are protected under government law. And not so much the public and so we are very careful as a public of what we say. The budget did increase considerably so that's taxpayers' money, and that's the citizens and we want to support you as much as we can, so that you can be more effective. The project pipeline report, item 4, _R.PDF in your report today is not working so it's not available to the public. So, I think I'm I've got 32 seconds. Also, the agendas will not open on iPhones so computers are needed. Even one-page agenda wouldn't open on the iPhone. I don't know what it is. But it's a problem for people who want to access it in on the fly. They have to make sure that they go to a library or actually have a computer that has plenty of data services and I got four seconds left so I want to thank all of you for all your hard work. Thank you so much.

Ms. Barnes: Thank you, Ms. Maxson. Anyone else like to come up and speak to the Commission this evening? Alright, seeing none I will close the public hearings portion of tonight's meeting and move on to item number 1, the Departure from Design Standards Ferry Farm Dunkin Donuts and for that we recognize Ms. Ginny Adams.

PUBLIC HEARINGS

1. WAI23154909; Departure from Design Standards – Ferry Farm Dunkin Donuts – A request for a departure from the Design and Construction Standards for Landscaping, Screening and Buffering Manual (DCSL) on Tax Map Parcel No. 54-94C (Property), zoned B-2, Urban Commercial. If granted, the departure would permit relief from DCSL Sec. 110.0, “Buffer Yards,” to allow for deviation from required plant types within street buffer planting areas; Sec. 110.2, “Street Buffers adjacent to Arterial or Collector streets,” to allow parallel utility easements within the required planting area for street buffers along Kings Highway and Ferry Road; Sec. 120.4, “Street Trees,” to allow a parallel utility easement within the required street trees planting area along the eastern boundary of the Property; and Sec. 200.0, “Definitions,” to allow planting areas within parallel utility easements along multiple property lines. The Property consists of approximately 0.48 acres, located northeast of the intersection of Kings Highway and Ferry Road, within the George Washington Election District. **(Time Limit: June 25, 2023)**

Planning Commission Minutes
April 26, 2023

Ginny Adams: Good evening Madam Chair and members of the Planning Commission. Item number 1 is a request for Departure from Design Standards for the Ferry Farm Dunkin Donuts. So, the request is a departure from design standards using Sections 110, 110.2, 120.4, and 200 and is for the Dunkin Donuts at Ferry Farm, Tax Map Parcel 54-94C. The site is approximately 0.48 acres in the George Washington District and the applicant is Steve Ball with W.W. Webb and Associates. As you can see on this diagram, it shows the parcel in red, it will be a drive-through Dunkin Donuts, it's located on the corner of Kings Highway and Ferry Road near the railroad tracks. The existing parcel, which is outlined in red is zoned B2, Urban Commercial and is located in the HCOD. There is an old 7-Eleven on the site that will be demolished for the new building. This page shows the proposed layout for the Dunkin Donuts. The proposed building is one story roughly 1,654 square feet. Access to the site would be through the Kings Highway access or the access road to the adjacent shopping center. The current access from Ferry Farm Road will be removed. There are numerous easements along the perimeter of the site that impact the applicant's ability to meet all the landscape requirements of the DCSL. Along Kings Highway and the shopping center access road there are overhead power lines from Dominion. Along Ferry Road there's a combination of Verizon, utility, and stormwater easements. These parallel easements are the primary reason for this departure request. The applicant is requesting a departure from design standards to deviate from several sections of the DCSL. Several of these sections relate to the same requirement. The required planting areas may not be located within easements that run parallel to the roadway or property line. The other departure is the plant mixture requirements due to the inability to plant canopy trees in any of the easements and using understory trees and shrubs and grasses to meet the required plant unit. In section 2882 of the zoning ordinance, that requires that the buffers be provided in accordance with section 100 of the DCSL. Section 110.2 subsection two of the DCSL for street buffers adjacent to arterial or collector streets, which requires a 15-foot-wide street buffer with 50 plant units per 100 linear feet for all non-residential development, which must also be exclusive of parallel easements. If the applicant is unable to meet the identified requirements, a departure from the design standards is required in accordance with section 143.0 of the DCSL. Now we're getting a little colorful here to make things a little easier to understand. This slide shows an overview of the proposed planting beds. As you can see the planting bed at the bottom adjacent to Kings Highway has the Dominion overhead easement going through that. The Ferry Road side has your Verizon and your stormwater and utilities going through that one. As you can see it and both of those encompass most of most of the available planting area. The access road across the back again has the overhead power lines and it also has a Verizon easement through it. On this next page, I'm going to zero in on the Kings Highway. It's a collector road and it's subject to a 15-foot wide street buffer that must be exclusive of all easements running parallel to the roadway. The heavy dashed lines on the plans represent the proposed planting areas for the street buffer. As proposed they will meet the plant unit requirements using a combination of understory trees and ornamental grasses. It will exceed the minimum plant quantity requirements of 192 plant units by using 263 plant units. The majority of the proposed plantings will be within the two Dominion easements. There's no place to locate the plantings outside of the easements due to the property line and the edge of pavement for the parking lot. For this buffer yard, the departure request is due to the planting areas being located within parallel easements. Now we will go to Ferry Farm. The property line abutting Ferry Farm Road is subject to a street buffer. The heavy dotted line again represents the planting area for the proposed street tree buffer. The existing Verizon, VDOT, and stormwater easements makes the placement of the required trees difficult. They were able to place all of the required plant units in half the appropriate mix. As you can see, they got a little creative.

Mr. Bain: Ms. Adams, may I interrupt for just a minute. Okay, so they're gonna plant bushes or grasses inside that heavy dashed line. Outside of that line going towards Ferry Road, I assume then would just be grass covered.

Planning Commission Minutes
April 26, 2023

Mrs. Adams: Yet, it just be mowable grass where there's easements that cannot be planted in

Mr. Bain: And some of that is outside of their property line. Would they still assume responsibility for maintaining that grass? Or would it be somebody else's responsibility?

Ms. Adams: I defer to the applicant on that. I would assume that they would maintain it but I hesitate to assume on their behalf.

Mr. Bain: Maybe the applicant will let us know. Alright. Thank you.

Ms. Adams: Many of the proposed plantings will also be within a Verizon easement, and the stormwater easement or VDOT easements. This is the reason for the departure request for Section 200. The applicant has made an effort to provide the plantings outside of the easements where practical. Those plantings within the easements follow the guidelines of easement holder allowing shrubs or grasses in their easements. And finally, we're going to go to the shopping center access road frontage. An alternative compliance request was made and approved for the reduced within the plant bed and that was done back in March. As proposed the buffer will meet the minimum plant type requirements and would provide almost double the required plant units. 25 plant units are required, 47 is what's proposed. However, the majority of the proposed plantings will be within the Dominion Power easement. And that is the reason for the departure request for Section 120.4 and 200. Section 143.0 of the DCSL permits the Planning Commission to grant a departure if the applicant demonstrates a hardship and provides techniques to accommodate the requirements to the maximum extent practicable. The applicant shows hardship created due to the location of the existing utility easements and the impacts on development feasibility if the easement were avoided. The total required plant units are being met or exceeded. The applicant has obtained permission from all easement holders to allow the plantings as proposed. Staff believes that the applicants request meets the requirements for the departure pursuant to section 143.0B of the DCSL and recommends approval of Waiver 23154909.

Ms. Barnes: Go ahead.

Ms. Sellers: Why didn't we see this at the same time as the conditional use permit, at the last meeting?

Ms. Adams: I didn't handle the conditional use permit. The request was originally sent in as an alternative compliance. Once we realized we couldn't do the alternative compliance, which is an administrative process, we had to go to the departure. And the start of this didn't allow us to schedule it at the same time as the CUP.

Ms. Sellers: Because some of these, you know, hardships are self-inflicted hardships. And why couldn't we have addressed them in a conditional use permit and done conditions to clarify some of this, you know, two weeks ago is my only thing but...

Ms. Baker: Often we don't know until they get into engineering design exactly what the landscaping is going to be. The conditional use permit is, is going to address other issues and not necessarily the landscaping, which comes at the site plan process. But yes, we could have, but they came in at different times as far as the requests and the scheduling.

Ms. Sellers: So, this is probably where Mr. Cummings would come in and say, if our data spoke to each other, we would have known, right, we would have known that these applications on the identical tax map parcel was coming. And we could have avoided this. And because it had to be in at some point in

Planning Commission Minutes
April 26, 2023

the same time, because we're getting it, I mean, it's not months apart. It is literally one meeting later. And it's been on our upcoming meeting for a few weeks now. So, we knew this was coming. And we could have addressed this condition while we did the CUP and I'm just trying to figure out why didn't we do that.

Ms. Adams: Ppart of that was the application came in after the deadline to meet that same meeting date.

Ms. Barnes: Okay, any other questions for staff? Okay, thank you with the applicant like to come up? Is the applicant here? Yes. Okay.

Mr. Ball: I'm Steve Ball with Webb and Associates, I'm happy to answer any questions that you might have.

Ms. Barnes: No slideshow for us tonight?

Mr. Ball: No, I think she did a good job. She covered everything.

Ms. Barnes: Questions for the applicant.

Mr. Bain: Could you address the issue that I raised about mowing the lawn that's outside your property line, but still adjacent?

Mr. Ball: Yes, so the owner would definitely be responsible for maintaining the property outside, within the right-of-way, you know, up to the edge of the roadway.

Mr. Bain: Okay, that's good. That's good.

Ms. Barnes: How do we make sure that that happens? Is that something that we... I mean, if it's not in the CUP...

Mr. Ball: I think it's just pretty much standard practice for business of this type.

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

Ms. Sellers: Yes, same question. Why are we seeing this as separate issues?

Mr. Ball: Well this, like she had mentioned, this was not required even... wouldn't be normally addressed until site plan, which will be months later. And we were trying to work through the process with the site plan at the same time, because we're just trying to condense the time frame for the project. And so they just, they just kind of ended up coinciding. And we tried to get them in, but we just couldn't get it quite in on the schedule to get it in. But, you know, we would have preferred to have it in earlier and at the same time. It was just a scheduling issue that, unfortunately, and if we didn't make this, with the CUP, we ran the risk of not getting the Board of Supervisors meeting scheduled when we needed to have that scheduled. So and this one as I understand it doesn't need to go to the Board of Supervisors, so it was handled separately.

Ms. Sellers: Yeah, it just seems like we're taking a stretch on hardship. We could have addressed this in the CUP process and done away to design this project, in a way to allow us to put in some trees and to save that, that canopy. But here we are. And to me, it also feels like we are not being honest to the

Planning Commission Minutes
April 26, 2023

people because these are so close together. We're not seeing it months apart. We are seeing it two weeks apart. And it's been on our agenda for a while that it does feel like we could have addressed this all at once through the conditional use permit process, but. That's all I have.

Ms. Barnes: Okay, last call for questions for the applicant? Okay, thank you very much. So I will move on to the public hearing on this. This is an opportunity for the public to comment on this agenda item. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. And red means that your time is up. If you would like to speak on this agenda item, please come forward. Okay, seeing none, I will close the public hearing and bring this back to the Commission. Mr. Bain, this is in your district. How would you like to proceed?

Mr. Bain: Yes. I think the application is reasonable. I think they've done what they can with the islands surrounding and interior to the project. So I would like to make a motion to approve the departure from Design Standards WAI23154909.

Mr. Martinez: Second.

Ms. Barnes: Okay, I have a motion from Mr. Bain and a second from Mr. Martinez. Any additional discussion? Go ahead.

Ms. Sellers: I will not be supporting this. And I hope that this can be addressed in a conditional use process at the Board of Supervisors level and talk about this and say, do something else, add it as a condition, but that's just...

Ms. Barnes: Okay, thank you. Any other comments? Okay, please cast your vote. And that passes 5 to 1 (*Ms. Sellers opposed*) with one absent (*Mr. Apicella*). And thank you very much. Congratulations. Did I get the math right on that this time? Okay, thank you. Okay, so we will move on to item number 2, that is Conditional Use Permit for the Crucible and that, for that we recognize Mr. Zuraf.

2. CUP22154730; Conditional Use Permit – Crucible – A request for a conditional use permit (CUP) to allow an industrial school in the M-1, Light Industrial Zoning District on Tax Map Parcel No. 35-22 (Property). The Property consists of 87.59 acres, located at the terminus of Jack Ellington Road, within the Hartwood Election District. **(Time Limit: August 4, 2023)**

Mr. Zuraf: Good evening, Madam Chair, members of the Commission. So I'm here to present the staff report for item 2 which is for the Crucible. This is a request for a conditional use permit to allow an industrial school in the M-1, Light Industrial zoning district. The property is in the Hartwood Election District. Team Crucible is the applicant. John Garmin is here to represent the applicant on this, on this matter. The location of this property is at the end of Jack Ellington Road which is a road off, located off of Richards Ferry Road. The property size is approximately 87 acres. This is a zoning map. The light blue shading depicts the M-1, Light Industrial zoning district, which is the subject property and some of the surrounding properties. Also, the surrounding zoning districts do include A-1, Agricultural, that is located to the south and west of the site, that's the light green shading. And also R-1, Suburban Residential is located to the north and east of the site. The site has been zoned M-1 since 1978. There are no proffers associated on this property. Currently on the site, there is a high-level security training and management facility, which is classified by the County as an Industrial School. Industrial School use requires a conditional use permit in the M-1, Light Industrial zoning district. The Industrial School use category was adopted as a specific use in the County Code after the facility was already in operation. So, as a result, the facility currently is considered a legal non-conforming use. So approval of this

Planning Commission Minutes
April 26, 2023

conditional use permit would bring the site into conformance, full conformance with the Zoning Ordinance. More specifically, the facility trains persons for several government agencies and private companies. Students learn basic and advanced skills in tactical, medicine, vehicle operation, small arms tactics, and individual protective measures. Here's an aerial view. There are four main buildings on the site where current operations are conducted; generally on the western side of the site. There are also several outbuildings and a large storage canopy on the site. To the east of the buildings, there are five outdoor shooting ranges. There are several dirt and gravel roads that do meander through the site. And there's also, as you see, a majority of the site wooded with a mix of deciduous and evergreen trees. There are no perennial streams or floodplains on the site. There are large lot residential uses located to the west and south. This includes Stafford Estates subdivision to the southwest. To the north and east is a planned Westlake residential development that's approved for a 701-lot single-family dwelling project that's on approximately, those would be on approximately quarter-acre lots. And that's immediately abutting the property. And then to the south there's vacant land that is the site of a planned Westlake Vulcan Quarry, which is undeveloped at this time.

Ms. Sellers: What... like Westlake, when was that reclassified, when was that rezoned?

Mr. Zuraf: That was reclassified in 1989.

Ms. Sellers: And so when was this site reclassified? Or when did this site go into existence?

Mr. Zuraf: This site... well, this site was zoned from back it in M-1 in 1978.

Ms. Sellers: Okay, so this site existed before Westlake.

Mr. Zuraf: It was zoned Industrial before Westlake. So this is the General Development Plan that's submitted with the application and does identify existing features of the site and the facility. There's many of... the features are proposed to remain and a few limited improvements are proposed. So this image highlights some of the features of the site to better understand how everything is developed. There's a site access off of Jack Ellington Road and a paved travelway that's highlighted with the blue dashed line that runs from the upper left-hand corner of the site through, past the several buildings which are highlighted in with the red boxes. There are no other new access points proposed into the site; only the, only the one point is proposed to remain.

Ms. Sellers: Madam Chair?

Ms. Barnes: Okay.

Ms. Sellers: Did you put these tree save areas on here? Just kidding. Are they, so are these... they didn't proffer this, but how do we make sure that these trees are actually saved?

Mr. Zuraf: We have... I'll get to that.

Ms. Sellers: Okay.

Mr. Bain: Excuse me, Mr. Zuraf? The kind of white line that runs from left to right through the site. Is that a utility easement or gravel road or?

Planning Commission Minutes
April 26, 2023

Mr. Zuraf: Well, they do show a gravel or dirt road through there. I would defer to the applicant. My guess is there may be a utility line that runs through there, but I will... if not, there is at least a, there's a gravel road through part of it. But I see it continues. So there may be a utility line that runs straight through the...

Mr. Bain: Okay, the reason, the reason I ask is on the right-hand side, it looks like it's connecting to another road, maybe a gravel road. And that raises a question about only one access point to the site. Is... I'm wondering if that is a second access on either side of that, or is there fencing or gating or something? I'll ask the applicant.

Mr. Zuraf: Yeah, I believe some of this area may be fenced, but not completely. So I would defer to the applicant. But their primary access point, you know, that, I don't believe that dirt road provides access to any other public street.

Mr. Bain: Okay, I'll clarify that with them. Thank you.

Mr. Zuraf: Mm-hm. So also, the five shooting ranges, they're located approximately in the middle of the site; those are highlighted in yellow. They are oriented for shooting to the south and east. That's shown with the blue arrows. The existing tree cover is highlighted in green, as you can see. And the open areas are unshaded. The existing structures and uses are proposed to remain, and no new activity or facilities are proposed. The exception is the addition of an 8-foot tall chain link security fence around the perimeter of the property and two sound mitigation structures or shooting baffles at the firing points of shooting ranges four and five. And those are – let's see if this works tonight – in this, in these locations. These shooting points are the closest to where Westlake is proposed up in this side of the site.

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

Mr. Zuraf: Yes, yes. A 50-foot transitional buffer is identified along the western, northern, and eastern property boundaries. There is existing tree cover located within the transitional buffers and a proposed condition would require preservation of the existing trees in the buffer area, as well as the other dense tree areas, as shown on the GDP. So the Comprehensive Plan identifies the property within the AG/Rural Land Use designation. AG/Rural supports farming and land conservation, and also low density residential at a max density of one unit per six acres. The site's also outside of the Urban Services Area. The plan does not... the Comprehensive Plan does not recommend industrial uses on properties in the AG/Rural areas of the County. However, the property is already of course zoned for light industrial development. Generally light industrial uses are going to be found within the Urban Services Area. This is a unique use though that would likely not be compatible with, in most areas inside the Urban Services Area and would be more appropriate located out in more sparsely populated locations. Over half the site is surrounded by existing and planned residential uses though. Adjacent to the site are existing large lot residential uses as well. Immediately to the north is the planned Westlake Suburban residential neighborhood, as I've mentioned. That's within the Urban Services Area, and Suburban Future Land Use. Applying conditions to the existing use though provides an opportunity to mitigate impacts to surrounding properties and bring the site more in conformance with some of the characteristics of more rural areas. Some additional kind of evaluation considerations that we went over in the staff report, for transportation the use is expected to have little or no impact to Levels of Service on adjacent roads. The use generates approximately 270 vehicle trips per day and, with no proposed expansion of the facility, that would not change. The site is located outside the Urban Service Area. It uses utilizes well and septic drainfields. There would be though a potential to connect to public water in the future upon the development of Westlake. There is a condition that require connection to public water upon development

Planning Commission Minutes
April 26, 2023

of Westlake should certain conditions be met and that could help to ensure, you know, better fire safety on this site. With noise impacts, noise impacts of course may be experienced by the shooting ranges on the site. The Westlake development of course may be most impacted with the approved home sights on smaller lots immediately adjacent to the site. The County does regulate noise with maximum permissible sound levels. However, this is an identified approved shooting range in the County which is not subject to those same decibel level restrictions. The closest firing point from range five is approximately 280 feet from the closest property line to the north. Staff is proposing conditions for mitigation of this issue, including the requirement for the preservation of the existing trees, as I've mentioned. Also, another condition is proposed to install the shooting baffles on the two firing ranges. Staff would also recommend the Planning Commission consider amending that condition to add shooting baffles to all the other shooting range, shooting points that would better address the standards of issuance of a conditional use permit to mitigate and minimize impacts to adjacent properties.

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

Mr. Zuraf: The applicant probably can explain it better, but it is going to be basically a structure that's going to add vertical walls behind into the sides, and then a roof as well for at the points where people would shoot from for sound mitigation. And they could probably go into more detail of how that is built and some of the, some of the details there.

Ms. Barnes: Mr. Zuraf, a procedural question. You're recommending that we add shooting baffles to the other shooting ranges that are to the south just as a procedure. Why wasn't it included in the first place? This is just a...

Mr. Zuraf: This kind of... that condition matches along with what is shown on the GDP. So it's... and these, those other shooting areas that are a little, they're a little farther away, you know, they're more to the southern part of the, part of the site. So it's... I guess that's maybe a reason why it wasn't included in but it's just like a separate kind of consideration.

Ms. Barnes: Okay, thank you.

Mr. Martinez: Madam Chair?

Ms. Barnes: Go ahead.

Mr. Martinez: What was the reasoning behind the condition number 7 requiring 48 hours advance notice? Just curious about the number. Is that just usual standard? Why not 24? Just surprised, just curious.

Mr. Zuraf: I think that is just generally to make sure that they'll be around to be able to assist in, you know, chaperone I guess any County staff through the site. And that's why, that's why we put in 48 hours. And I... the applicant can maybe could speak to whether, you know, 24 would be fine. But that was what we went with. And they were good with that. But they may be able to comment on the ability of that dropping down to 24.

Mr. Martinez: That makes sense. Thank you.

Ms. Barnes: Mr. Zuraf, one more quick question. The hours of operations, 8:00 AM to 10:00 PM, that seven days a week, correct?

Planning Commission Minutes
April 26, 2023

Mr. Zuraf: Yes.

Ms. Barnes: Now, if there is a development Westlake, if they end up doing, building those 701 houses, is there ever any consideration to maybe not having any shooting on Sundays? Because if you've got residential right there that, you know, they might want one day off. Just a consideration.

Mr. Zuraf: Yeah, and that's definitely something that the Planning Commission can consider adding. I think I would maybe wait to see what, see what the applicant would be able to deal with on that.

Mr. Bain: Mr. Zuraf?

Ms. Barnes: Mr. Bain, go ahead.

Mr. Bain: Yes, on condition number 6 about the tree preservation areas. One of the concerns I have is, those are mature trees. And we could get another storm like we had a few years ago where numerous trees went down because of wind and snow. Can we add a requirement that they replace trees as they fall, possibly not with something of equal height, obviously, but to maintain a density character for that area? Because I could, I could easily see all at one time, all the trees between there and Westlake could come down. And then there's no buffer whatsoever. So is that a reasonable thing to include, a density provision?

Mr. Zuraf: Yeah, we could definitely add something in and, you know, that kind of question, I got that in advance. So I worked up some additional language, and I can go ahead and read that. But also, I'll let you know that once the, you know, use moves on and kind of is beyond the, you know, say they get approved and they move forward, two years down the road, you know, people may not be aware of the condition. We're not maybe going to know about it unless there's a violation complaint about that. So but if there is, you know, so it's something that may not happen right away, but maybe more of a result of a violation, unless they are aware of it and they go ahead and do it. But it could, it could end up being, you know, if there is a violation or somebody says, hey, you know, they don't have their buffer, then we would have this language to kind of fall back on. And I can go ahead and read that.

Mr. Bain: If you would, please.

Mr. Zuraf: Yeah, so at the end of condition 6, and we may want to modify it based on what you've mentioned, but I would say, should any trees be removed as a result of a dead, diseased, or dying condition within the 50-foot buffer area, landscaping shall be reestablished consistent with traditional... consistent with transitional buffer, see planting requirements from the Stafford County Design and Construction Standards for Landscaping, the DCSL manual. So...

Mr. Bain: I like that.

Mr. Zuraf: ... we may want to say or something to the effect to that, dead, diseased, or dying or from natural, you know, from getting blown over by the wind, high winds or something like that, we can add in there.

Ms. Barnes: Acts of God or something like that.

Mr. Zuraf: Yeah, yeah.

Planning Commission Minutes
April 26, 2023

Mr. Bain: Or somebody coming in and chopping one down inadvertently, you know. So I think yes, something like that would be good. We can word...

Mr. Zuraf: Or just should be any trees be removed period without a reason, you know.

Mr. Bain: Yeah, yeah. Absolutely.

Ms. Barnes: Do you have any language for number 10 that you recommended that we added for that, the other two shooting ranges in the south?

Mr. Zuraf: That I guess would just be, you probably could simplify it and say shooting baffles be installed at all, at the firing points of all the ranges.

Mr. Bain: And to follow-up with Ms. Seller's question concerning what they look like. I think that we should ask them to submit design documentation for those baffles so that we know exactly what they're going to put in. Just to say that it's a baffle doesn't, doesn't leave me with a lot of confidence that it's going to be effective. So I think...

Ms. Sellers: *Inaudible*... standards, I imagine

Mr. Bain: That's... I have no idea, but that sounds like a good recommendation.

Ms. Barnes: The applicant might be able to tell you a little bit more on that.

Mr. Bain: Okay. Alright, thank you.

Mr. Zuraf: So I suppose you've seen, you've read through these conditions. And here are the, here are the proposed, you know, some of the key proposed conditions which I've covered many of these already. So just kind of getting to the overall evaluation, there are several positive aspects. The use has existed for several years with no known violation of regulations that would eliminate a nonconformity in the zoning Ordinance. It does offer the ability to impose conditions on a use that could otherwise continue operating without any mitigation of impacts. The facility also would not be expanding operations. Also, the addition of fencing, noise baffles, and preservation of the vast majority of the dense trees on the site help to ensure safety and mitigate noise and visual impacts. And then the conditions would mitigate potential negative impacts. There are some negatives. It would not be in accordance with the Future Land Use recommendations of the Comp Plan as listed in the Zoning Ordinance evaluation criteria 6, which recommends the AG/Rural zoning and uses. Also, the noise generated by the various activities permitted under the use may be in conflict with the planned Suburban residential uses to the north and east, as listed in criteria number 2. Going back, just one thing on the conditions. We have the one condition requiring an 8-foot tall security fence around the perimeter. We have that listed as happening within a year of approval. The applicant may have, I think they are, they're a little concerned about that timeframe. So they will probably speak to that as far as the ability to get that done within a year. So just a heads up on that. Going back to the final recommendation, staff recommends approval of the application with conditions pursuant to R23-137. And the last point is the same thing about the shooting baffle consideration. So, I'll take any questions at this time.

Ms. Barnes: Okay, questions for staff? Mr. Shelton?

Mr. Shelton: Have we discussed the baffles with the applicant on all five ranges?

Planning Commission Minutes
April 26, 2023

Mr. Zuraf: It was, they've received the comments and we've provided those comments to them kind of up front. And so they've not responded yet to us about that comment that we made in the staff report.

Mr. Shelton: So I'll defer that to the applicant. Thank you.

Ms. Barnes: Any additional questions for staff? I just want to clear one thing up. So basically, what we're doing is we're adding, we're creating a CUP that, from here forward, is going to give us a lot more oversight that we currently don't have at all.

Mr. Zuraf: Correct.

Ms. Barnes: Okay. Thank you. Okay, any other questions? Okay, thank you very much. Would the applicant like to come forward?

Mr. Garman: Good evening, Madam Chairwoman, members of the committee, thank you for listening to today and hearing our application. My name is John Garman, I represent the applicant, Team Crucible. And I've got just about four slides. I think the presentation you got from Mr. Zuraf was, was fantastic and fairly accurate with what we described. I've got about four slides to go over just to kind of set the scene. And then to, obviously, give me an opportunity to answer a couple of questions. First of all, a little bit about the joint development plan that you see here. A lot of the conditions that we mentioned, and a lot of the definition of the site, is provided in this General Development Plan. But it's an important distinction. Typically, a development plan would be this is what we intend to build. It's important to understand that the ranges and buildings already exist here today. And I think Mr. Zuraf made that complete. But throughout this process, the term development plan, I don't want it to be misleading. These, these activities are already present and occurring today. The photograph helps a little bit. I found that the GIS imagery was taken during the winter and the Google Earth imagery was taken during the summer. And so this helps kind of inform a little bit more about the treed areas and also gives you an idea of the visual character of the property maybe a little bit more accurately. The other thing that's interesting here is, I believe it was Mr. Bain that brought up the issue of the line that runs from left to right on there. The left most line as you see it enter the property line on and go toward that building with the gray and brown roof, that is an easement. There is a power line in that small segment. The remainder of the segment, this activity started in 1966. I'm not certain what the remainder of that untreed segment is. It's there, it's certainly there. But it doesn't provide any road travel that the center segment actually is fairly rutted out. And then the segment there to the right of the property is just a line in the trees that's been there since we have. The left most... I apologize, the right most line actually dead-ends into the University of Mary Washington property, there's already a fence there. And that's the University of Mary Washington's property. The treed areas here give you an idea of the density of trees that's on the property, that I actually really enjoyed the image that Mr. Zuraf provided. But this gives you a different vision. As spoken earlier, the property was zoned in 1978 as Light Industrial. The activity started in 1966. That was when the property began as a testing facility. Obviously, I was not around then. But the reports from folks that worked there before were testing generators for use in Vietnam, testing for missile motors and when they failed. The other thing that I liked that kind of struck a familiarity chord with me was they tested the Pinto, back when the Pinto was doing all of its things. This was predated; the, again, anecdotal evidence from folks I spoke with, I believe the activities here predated some of the activities done with the National Transportation Safety Board now, with regard to crash test dummies and such like that. In 2014, there was a zoning determination requested of the Board. And the use was determined as appropriate in 2014. That was most recent zoning determination we're aware of. And I found it interesting, the Comprehensive Plan that was adopted in '16 drew the Urban Services Area all the way up to our zoned industrial site. But for whatever reason, the one remaining industrial

Planning Commission Minutes
April 26, 2023

site was not included. And I don't have an answer for why that was the case. But I find it curious. The good news is while the Comprehensive Plan indicates where utilities would be placed, it kind of gives, you know, the public at large an idea of where development is to occur. While we're not included, the County has asked us to in fact connect to those utilities. So we're doing what we can to be as compliant with the Zoning Ordinances as we can. And that's kind of our reason, really, our overall reason to be here today. For the 24 years that we have been there since 1999, we've been compliant with all the County, state, and federal laws as Mr. Zuraf said. The other thing that's incredibly important, I think, to point out is, across those 24 years since '99, live fire operations have occurred under our watch and zero safety incidents outside the site, as it involves the public. And that's something that we're incredibly proud of, and something that I think should be taken into effect when we're making decisions like this. Today, as you said, as you understand, we have an application in front of you. Before we started this process, we did put flyers in our neighbors' mailbox and have a neighborhood meeting. We've tried very, very diligently to be in support of our neighbors, and if they bring up something we try to help. We even were... we've had engagements with our neighbors... *inaudible*... motor vehicle accidents or medics happened to be responding to, things like that. We've worked a little bit with the County Fire and Rescue because we have vehicles often that are remaining that can be used by the County Fire and Rescue to practice their tactics on as well. So we've tried to be as good of a neighbor as we can be, with the maintaining the operational security kind of element to our business as required as well. And obviously, we would like to help eliminate the nonconformity to the zoning that exists today. Some of the things that exist in addition to that, eliminating that nonconformity, it'll protect us against future zoning challenges. That zoning termination in 2014 was brought to the County but it required us to hire an attorney to help kind of support the position of the County and quite honestly the position of the Crucible. It will also allow for increased perimeter security by... improved by... having the CUP it allows us to improve the site. Improvements on a site with non-conformance sometimes can be difficult, but accepting the CUP it allows us to put a perimeter fence. While that'll be a pretty heavy lift, we think it's an important security advantage to the site. And we're aware of...

Ms. Barnes: Can I ask you real quick? What do you mean by improve the site?

Mr. Garman: So today, we would not be able to add a building to the site without coming to the board and asking for that. What we're doing is we're saying that not only do we not want to add it, we will not add. The buildings that are there are there and that's it. So that doesn't allow us to add anything to the site. Because we're trying to, anytime... now again, you're not talking to lawyer John, you're talking to guy John here in front of you. My understanding is anytime we try to improve a non-conformance site, it becomes a large process and almost and a process is not hard to do, it's very difficult to do. What we're doing is we're kind of waving that right. We don't want to improve the site. We don't want to add buildings. But we would like to improve the site as it relates to putting a fence up.

Ms. Barnes: *Inaudible, microphone not on*... as it is currently... sorry. As it is currently, the way that it's set up, the only change is they're going to add a fence.

Mr. Garman: And the two sound mitigation structures.

Ms. Barnes: Okay, got it, yeah.

Mr. Garman: Those are the two improvements, if you will, to the site.

Ms. Sellers: I thought he said there was something with the GDP. Are you guys saying it will be and you'll keep it with the GDP, right?

Planning Commission Minutes
April 26, 2023

Mr. Garman: We have to. My understanding is the reason there's a GDP there now, there's a freeze frame in time, if you will...

Ms. Sellers: Right.

Mr. Garman: ... this is what's there and this is what you get.

Ms. Sellers: Yeah, so that's what keeps them from growing.

Mr. Garman: There you go, yes ma'am.

Mr. Bain: Did you, did you hear your question about adding the baffles to the other three?

Mr. Garman: Yes, sir. We'll start with.. I took notes as we were talking.

Mr. Bain: Okay.

Mr. Garman: So, I did hear the comment about baffles. And we did get the comments from the County on Friday of last week. The crux of the... the crux of the situation is this, the firing points that we're adding those baffles are fixed firing points at 250 yards from the target line, and 300 yards from the target line. These firing points are fixed in that they are about 15 feet deep and, and 20 to 30 feet wide. They are fixed positions where typically the shooter would engage from a kneeling or a prone laying down position. The shooting positions forward of that from the 100 and in, these positions aren't typically fixed positions. These are positions that the shooter would advance forward or advance rearward or left and right. So the opportunity to provide baffles in those other positions would, would completely erase kind of the capability of the range, if you will. The folks that come to us come to us because of the capability of the range. And the baffles in these forward sections would prohibit that activity. Additionally, you can imagine a baffle with a back on it in front of a baffle with an opening on it doesn't, wouldn't support the operations of the range as well. So the good news is, the two areas that we're able to put them up are in fact, those areas closest to today, several 100 acres of forest. But at any sometime in the near future, there will be houses there. So we've, with a firing aimed away from those houses, and then the sound mitigation structures around the firing closest to the house, we hope that'll continue our good performance as it relates to sound and our neighbors.

Mr. Martinez: Madam Chair?

Ms. Barnes: Mr. Martinez?

Mr. Martinez: Are there berm, berms in place already, especially in the closer range shooting?

Mr. Garman: Yes, sir. So all of our impact areas have large berms, 20 feet and better. And then most of our ranges also have side berms from the 50-ish or so and in. And those top topography lines, while I appreciate there's a lot of lines on the GDP, if you open it up on a computer, you can zoom in and see exactly where all of the berms are. But typically, I would say from about the 50 and in with berms on three sides.

Mr. Martinez: Thank you.

Mr. Garman: Yes, sir.

Planning Commission Minutes
April 26, 2023

Mr. Shelton: Madam Chair?

Ms. Barnes: Go ahead.

Mr. Shelton: If I understand you correctly, the smaller ranges are the ones that you're going to do tactical maneuvers, and a baffle would, would inhibit the capability of falling to the ground, firing the weapon, etc, etc. But on the longer ranges, the ones that are 250 yards, your... *inaudible*... that the installing the baffles.

Mr. Garman: Yes, sir. And that is written today. It's indicated on the map and written.

Mr. Shelton: Thank you.

Mr. Garman: Yes, sir.

Ms. Barnes: Continue? Do you have any more?

Mr. Bain: How about the issue about the tree density?

Mr. Garman: Perfect. So, so we're happy to keep the tree density as it is. And then we've indicated that 50-foot buffer at portions around the property. The crux with the buffer, buffer type C, is I don't even know if it meets the buffer type C today. And it's a little hard for us, you're talking about over a mile of perimeter and trying to support a forest over a mile long to a buffer type C that I'm not even familiar with right now would be a little difficult to agree to today. Again, a, in scope and magnitude and b, in definition. And then secondly, within that buffer we're putting a fence inside that buffer. And so we're already required to remove some of the trees. And I appreciate the fact that the provision for the fence allows for clearing to maintain and provide the fence. But all of these things become now a conflagration of very difficult management for us as a facility. And my, my expectation is for oversight for the County as well. So I, we appreciate and want to maintain the provision. But without any knowledge of what a type C buffer is, it'd be difficult for me to agree to that without knowing a little bit more.

Ms. Sellers: Madam Chair?

Ms. Barnes: Go ahead.

Ms. Sellers: So do you guys have to adhere to some sort of operational security standards, like some of our buildings in the area? So, I imagine you guys don't want to see all these trees fall down. And you would, while we see it as a buffer from the neighbors, you guys are seeing it as that's part of the concealment apparatus, right?

Mr. Garman: We had an unlisted phone number before Google existed, and we liked it that way. We didn't even have a sign out front until about five years ago.

Ms. Sellers: Right.

Mr. Garman: Yes, ma'am. So we appreciate the buffer affords a great bit of value to us.

Planning Commission Minutes
April 26, 2023

Ms. Sellers: So that's probably the concern with the trees is that if they all come down, it would be an equal concern to you guys in the operations of your facility, if all those trees came down, and we would likely see some new trees go up pretty quickly.

Mr. Garman: Yes, ma'am. To the extent we're able, you know, it's 88 acres. And if you look at that photograph, oh, I can't click back. But if you remember that photograph of the 88 acres, a tremendous amount of 88 acres is street.

Ms. Barnes: And just, just to make a point about that, that last storm. Most, what I remember, most of the trees that came down are not native trees. A lot of the native trees actually did really well, because well, they evolved in their native to the area. But it's, when we come in and put the cypresses and the other things in there that don't really belong here. Because we think they're pretty basically. Okay, thank you.

Mr. Garman: Alright, and one more discussion point is with the fence. Now, originally, we had as a part of the condition for the fence, the timeline, if you will, was set by those proximal houses coming in from the Westlake development. In our 25 years there, we haven't had really any issues with trespassers or anything like that. But we appreciate that that could be a concern in the future. and we believe that a fence is a good idea. The initial timeline, if you will, was defined by the proximity of the houses coming in. Obviously, more folks coming in create more of a frequency or an opportunity anyway for folks to encroach. That I think was changed by the County because of the enforceability there and when are the houses going to come in, and, you know, and all those things. So the timeline was changed from that to a year. And our first quote to a fence company, they told us right away that they wouldn't even be able to start in a perfect world for six months. And they wouldn't even show up until we cleared though over a one-mile section of trees for six feet so that they could come in. And they said in the perfect world, it would take them over at least a year to complete the project. So what we would prefer is rather than a one year timeline, a five year timeline for that fence. We feel like in a year, we can get the trees out, we can find a fence company that can quote it and give us quote good for more than five days, which is the last quote we got. And then we can have them come in and we can deal with permitting because I appreciate there's going to be some permit, it's not as easy as just throwing a couple holes in the ground and building. So we would appreciate that condition. I can't remember the number; I think it's... is it 4? Thank you. We appreciate condition 4 changing to five years, as opposed to one year. The one year condition on the shooting baffles we can, we're good with and all the other conditions as well.

Mr. Bain: You indicated that there's already an existing fence along the Mary Washington property boundary. Are you going to end up with two fences? Or are they going to allow you to tie into theirs? Do you know?

Mr. Garman: So, um, our intent is to... whether there are two fences or not I guess is the decision of the University. Their fence is only four feet and it's about an 8-foot... I'm sorry, 8-inch or 6-inch square fence.

Mr. Bain: Oh, okay.

Mr. Garman: Ours will be much taller. So while it's there, it won't be sufficient I don't think for the desire here so. It's worked well for those folks, but we'll end up with our fence all the way around.

Mr. Bain: Okay. I see.

Planning Commission Minutes
April 26, 2023

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

Ms. Barnes: Go ahead Mr. Shelton.

Mr. Shelton: If I'm correct, the property that's the Mary Washington is the Foundation's property and not the Commonwealth's.

Mr. Garman: Yes, sir. I believe the, in the property lines on the GDP, I believe it's listed as University of Mary Washington Foundation. I'm not sure of the difference.

Ms. Barnes: Okay. I have a quick question about the hours of operation. Are you currently conduct operations on Sundays on the weekends?

Mr. Garman: In two occasions; when the clients ask us to because we, the government a lot of times has operational requirements that require them to shoot quickly, get in and get out before they go overseas. And the other, the other opportunity is based on some feedback from our neighbors and a couple of other things. We've got a small shooting club, and the shooting club that's involved with some of the folks proximal to us appreciate shooting on the weekends as well. So in two different occasions, I think, I know that we do shoot seven, well... we have the occasion to shoot seven days a week. We found that our employees like to only shoot five days a week.

Ms. Barnes: Well, my concern is just looking forward if you. if there's 700 houses that are going to be built and they're going to back right up to you. I know that when we have other industrial uses, specifically, like I remember the Vulcan cases, that there are very specific times when they're not allowed. And it's usually like a Sunday or something like that, where there's no operations like that allowed so that there's at least some time off. But I know that that's in the future and Westlake's not there. But it will be. It might be something to consider.

Mr. Garman: Thank you.

Mr. Bain: Just a quick sort of connected... the two long ranges. Are they lighted?

Mr. Garman: No, sir. None of our ranges are lighted.

Mr. Bain: Okay, so shooting at 10 o'clock at night's probably not very realistic on those ranges.

Mr. Garman: It's not, it's not often but in full transparency, because of the folks that we train, they have the capability to do that.

Mr. Bain: Oh, okay. Night vision. Alright.

Mr. Garman: Yes, sir.

Mr. Bain: Okay. I did, I did visit your site several years ago, and went into one of your indoor areas. And the people that I saw in there training, I wouldn't want to meet at night.

Mr. Garman: Yes sir, yes sir.

Mr. Bain: Tough-looking bunch.

Planning Commission Minutes
April 26, 2023

Mr. Garman: They do good things for all of us.

Mr. Bain: But I will also mention that I spoke to a number of the neighbors at the time. And it kind of surprised me, they all wanted you to stay there. This was when you were considering selling to the Westlake people and moving away. Their thoughts were, no, we want Crucible, not more houses, so.

Mr. Garman: Thank you. We try to be a good neighbor.

Mr. Bain: Yeah. Oh, they were very complimentary of you.

Mr. Garman: Thank you.

Mr. Shelton: Madam Chair, if I can add one thing I would appreciate it.

Ms. Barnes: Go ahead.

Mr. Shelton: I did attend the open house on August the 25th. And I heard those same comments from the Jack Ellington Road folks that they were receptive to what they're doing. And not only do we have Crucible in Hartwood firing all the time, but I live in Hartwood, and we have a lot of firing going on that's not Crucible.

Unknown speaker: Especially on Sundays.

Mr. Shelton: Especially on Sundays. [Laughter]

Ms. Barnes: When in Rome, I guess, yeah.

Mr. Garman: That's right.

Ms. Barnes: Okay, any further questions for the applicant? And Billy, have you made a note of all the different things that we're going to add and not add? Okay. Alright. Alright, I think we've exhausted our questions. Thank you very much. And I will open up the public hearing for this. If you would like to speak on this agenda item, please come forward. The clock starts when the green light appears. Yellow means there's one minute left. Red means that your time is up. If you'd like to address this item, please come forward. Welcome.

Ms. Roberts: Good evening. My name is Dale Roberts. The Crucible was there when I moved to Stafford and according to the website, they've been in operation since 1993. Although I believe they've been in Stafford, and I've had that confirmed tonight, much longer. As the crow flies I'm about one mile from the firing ranges at the Crucible. I have been to the Crucible facility, and I live close enough to hear almost daily shootings. And I feel safe knowing that the Crucible is teaching proper weapons safety. I have communicated with the Crucible Team on multiple occasions and found them both respectful and professional. I support the Crucible and their efforts to obtain the conditional use permit that they are requesting, providing that the conditional use permit will ensure they continue the valuable service in training and not just in small arms but personal security, driving skills, and tactical medical care, among other services that they have already mentioned this evening. I will also add that, as far as I'm concerned, they don't need to add the buffers. I'm just fine with hearing what I hear every day. Thank you.

Ms. Barnes: Okay, thank you very much. If anybody else would like to come forward and speak.

Planning Commission Minutes
April 26, 2023

Mr. Gingrich: My name is Harold Scott Gingrich. I live at the corner of Jack Ellington and Richards Ferry. I'd just like to second they have been good neighbors. Some... I just remember one time when my son was supposedly out clearing the driveway of snow and they came by with snow plow and said, hey, can we do that for you? So they make good efforts to be good neighbors. With regards to your worry about trees, this is an area where you have to try hard to get rid of the trees. They... having the trees come back is not a problem. They just will happen. As I said, they've been good neighbors. Building more sound buffering won't hurt anything, of course, but they... I think I can recall hearing them on a Sunday maybe once; it doesn't happen all that often, or at least not that it stands out. They certainly create less noise than the construction down the road. And given the choice of a whole lot more houses or Crucible, we'd very much rather have Crucible. I don't know if there's anything else I was going to address. Yeah, well, they were there before Westlake and so yes, given my druthers, I'd much rather have them. So that's all I have to say. They have been good neighbors and they've gone out of the way to be good neighbors.

Ms. Barnes: Okay, thank you very much. Anybody else would like to come forward and speak? Welcome back, Ms. Maxson.

Ms. Maxson: Thank you so much. Thank you for your consideration. I believe in small businesses. Hartwood Elementary is I think less than two miles away from, what is it, it's Jack, what is that street... Jack Ellington Road. And the County has quite a lot of information on this parcel that is listed, one in April 10, 2014, that is signed by Susan Blackburn about the ordinances that weren't followed, as far as explosives and defensive driving. And in this letter is concerning about storing explosives. So I would urge the board to actually take a look at the information that is actually filed within our, our local government. This is this, is actually Stafford Virginia letterhead. I believe in small businesses. I don't know much about defense. I'd have to say that, you know, I believe that I have to put my trust in defense. I don't like the fact that there's stored explosives near an elementary school. That is a lot of responsibility on that property and the property owner, and I, I wish all the best to everyone. That's, that's all I really wanted to say. Alright, thank you.

Ms. Barnes: Thank you. Would anyone else like to come up and speak on the agenda item? Okay, seeing none, I will close the public hearing. And would the applicant like to come up and address any of those concerns?

Mr. Garman: Just one point regarding the explosives. I think it's a phenomenal point. I think you guys have seen the condition that has a prohibition of use and storage of explosions. And the letter of reference was that, actually that zoning determination that was made, where they said our use is compliant but storage of explosives is not a part of the use. And so we fully support that we don't have any intention to do so.

Ms. Barnes: Okay.

Mr. Martinez: Mr. Garman, sorry.

Ms. Barnes: Don't go anywhere. We've got a couple questions.

Mr. Martinez: It gave me another chance to ask a question regarding the high-performance driver training. But I was looking at your company website and you have like a two mile, was it, high-speed track.

Planning Commission Minutes
April 26, 2023

Mr. Garman: Yes, sir. So we, we have an agreement with Dominion Raceway in Thornburg, and so we use their 2.1 mile Sports Car Club of America sanctioned hard surface track for performance driver training.

Mr. Martinez: Oh, so the track's that even on that, on this property?

Mr. Garman: Yes, that is correct. The track's about 30 miles south in Thornburg.

Mr. Martinez: Sorry, thank you.

Mr. Garman: Yes, sir.

Ms. Sellers: With this explosives, you're gonna have a fence up.

Mr. Garman: Yes, ma'am.

Ms. Sellers: And I can see some of the contracts you have. So I'm assuming there's going to be some sort of signage on your fences to tell you that you're trespassing. Right?

Mr. Garman: Yes, ma'am. Yeah, there'll be trespassing signs. And then we do store ammunition and there are requirements that, the Fire and Rescue folks have been there, the requirements around the storage of ammunition is placards on the, the facilities that store them in and we'll have those posted as well.

Ms. Sellers: Right. So we have a bigger concern if somebody, hopefully one of these children or potentially one of these children were to access that, we would have a much bigger issue than just ammunition laying around.

Mr. Garman: Which it's not, yes, ma'am. Yes, ma'am, there'd be...

Ms. Sellers: Okay.

Mr. Garman: It's hard to get there already.

Ms. Barnes: Okay, I think we're finished with all the questions. Okay, and I'll go ahead and bring it back to the Commission. Mr. Shelton, this is in your district, how would you like to proceed?

Mr. Shelton: Well, I've had the distinct privilege of serving with the Crucible as a volunteer firefighter and an EMT over 40 years, and they had different functions at one time. They were classified as general testing. They likewise were classified as destroy the automobile and a number of other functions. So saying that, I would like to say I'd like to approve CUP22154730, adding the condition of making sure that we have the baffles on the two long ranges.

Ms. Barnes: That's in there, right?

Mr. Shelton: Yes. And the condition on the tree replacement, just so we clarify that. And I recommend that we allow the five-year fencing.

Mr. Bain: Did you second?

Planning Commission Minutes
April 26, 2023

Ms. Sellers: I did second. Do we need to...?

Ms. Barnes: Yeah, do we need to have a little bit more solid wording on that?

Ms. Sellers: Do we need to suspend the by...? Is there some process to allow the condition?

Ms. Lucian: No, you can make a motion to change them.

Ms. Sellers: Okay.

Ms. Lucian: I think the five years is pretty simple to change. And the tree replacement, Mr. Zuraf mentioned his additions on that one, and the other one's already there. So I think that's sufficient.

Ms. Barnes: So, did we cover all the bases?

Mr. Bain: I'd be willing to withdraw the trigger replacement given the, the comments that have been made.

Ms. Barnes: Would you be amenable to the friendly amendment for that?

Mr. Shelton: Yes ma'am.

Ms. Barnes: Okay. So we can, so we'll have the two conditions that we add, one being the baffles – are we adding those to all four? Or is it just going to the two?

Mr. Bain: No, just the two.

Ms. Barnes: I was confused on that as well.

Mr. Zuraf: The condition with the baffles is already in place. There's...

Ms. Barnes: Okay. So we're not going to add the one that staff suggested?

Mr. Bain: No.

Mr. Zuraf: It didn't seem like it.

Ms. Barnes: Okay. Okay, so there's that condition, and then... I'm forgetting what the other one was. There was, there was...

Mr. Bain: Five years.

Ms. Barnes: ... five years. Thank you. Okay.

Mr. Shelton: Five years on the fence.

Ms. Barnes: Okay, thank you. Sometimes I need to see those written down. Okay, so we have a motion by Mr. Shelton with the two mentioned... you want to add something?

Planning Commission Minutes
April 26, 2023

Mr. Zuraf: Yeah.

Ms. Barnes: Go ahead.

Mr. Zuraf: It seems like the, where we're going now is just the one change to the five one year to five years, right?

Mr. Bain: Right.

Ms. Barnes: Okay, so I'm sorry, just the one change, not the two. Okay, so we have a motion by Mr. Shelton with a single change of five years for the fence as opposed to the one and a second by Ms. Sellers. Does that sound about right everyone?

Mr. Bain: Yes.

Ms. Barnes: Okay. Any further discussion? Are we all talked out? Okay. Alright, please cast your votes. And that passes unanimously, six to zero with one absent (*Mr. Apicella absent*). Thank you very much.

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

Mr. Martinez: I'll second that one.

Ms. Barnes: Well, we should have brought that up a half an hour ago. Okay, thank you very much. Congratulations, and best of luck moving forward. Okay, so we'll go ahead and move to number 3 on the agenda and that is a Conditional Use Permit for Leeland Plaza Extra Storage Space. And for that we recognize Ms. Keith. Welcome back.

3. CUP22154671; Conditional Use Permit – Leeland Plaza Extra Space Storage – A request for a conditional use permit (CUP) to allow the expansion of a warehouse, mini-storage facility within the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 54-126E (Property). The Property consists of approximately 7.7091 acres, located along the east side of Leeland Road, approximately 150 feet north of Deacon Road, within the Falmouth Election District. **(Time Limit: August 4, 2023)**

Ms. Keith: Hello. Good evening Madam Chair and members of the Commission. I will be presenting item 3 on the agenda. This request is for a conditional use permit to allow an expansion to the existing warehouse mini storage facility in the B-2, Urban Commercial zoning district, located on Tax Map 54-126E and within the Falmouth Election District. The applicant is Extra Space Storage. The owner is MHC 98 LLC. Charles Payne with Hirschler will be representing the applicant this evening. This is the zoning map. The site is located along the east side of Leeland Road approximately 150 feet north of Deacon Road and shown here as outlined in blue. The property is zoned B-2, which is, which is the Urban Commercial zoning district and consists of a single parcel with approximately 7.7 acres. The property has been zoned B-2 before 1978 and is not subject to any existing proffers. Surrounding zoning districts are B-2 to the south and west, R-1 to the north and east. Also the warehouse mini storage facility did not require a conditional use permit when the site was developed. This is an aerial view. The access to the site is two existing entrances along Leeland Road. The site has an existing paved parking area, a vacant retail building, and six existing buildings of various sizes utilized for the warehouse mini storage facility. The property has frontage along both Leeland Road and Deacon Road, and an existing

Planning Commission Minutes
April 26, 2023

stormwater pond located north of Deacon Road. There's a convenience store located to the south and residential to the north. There are no environmentally sensitive features located on the property. This is a street view of the property from Leeland Road. This is the store frontage. This is a site survey. The site layout consists of 11,341 square-foot vacant retail building located at the front of the property as shown outlined in blue, and six existing exterior drive-up warehouse mini storage buildings of various sizes outlined in red, with a total of 79,311 square feet of floor area. Storage buildings are one-story with buildings oriented parallel to Leeland Road. The proposed expansion of the mini storage use utilizes the existing retail space to expand storage capacity while maintaining its existing footprint. The conversion of the existing retail building to a warehouse mini storage facility will consist of interior renovations for indoor storage units only. A proposed condition will require the building exterior be maintained with the commercial storefront appearance. Access to the site will be provided again through the two existing entrances on Leeland Road. There's existing parking areas located to the west and east of the retail building. And an existing entrance gate located on the north side of the retail building controls ingress/egress to the storage buildings, and the site has an existing security system in place. The development was constructed prior to the establishment of the Design Construction Standards, the DCSL. The site does have an existing landscape buffer where the property abuts the residential use to the north, east, and a street buffer north of Deacon Road. However, there is not adequate landscaping on the property frontage along Leeland Road. A proposed condition will require a landscaped area to be provided along the property's frontage on Leeland Road between the two entrances. Computer... sometimes it gets stuck. Okay, thank you. The Comprehensive Plan identifies the property in a commercial node within the Suburban Future Land Use designation. Commercial nodes are intended to encourage commercial activities where there are adequate transportation facilities to accommodate proposed uses. The following are a few of the proposed conditions which will help offset any potential negative impacts and would require the existing retail building be converted to a warehouse mini storage use as shown on the survey. Limit site access to the two existing entrances on Leeland Road, and general location is shown on the survey. Require travelways be kept clear for emergency vehicle access. Limit access to storage units via interior corridors; prohibit placement of new storage units or storage of motor vehicles, boats, recreational vehicles in front of the retail building; and require the front façade of the retail building maintain the commercial storefront appearance. Staff finds that the positive aspects of this application generally is consistent with land use recommendations in the Comprehensive Plan. It makes use of an underutilized vacant building which limits the potential for degradation of streetscape aesthetics of this area of Leeland Road. And the proposed conditions will help ensure any potential negative impacts are mitigated. And no apparent negative impacts are noted. Staff does recommend approval of this application, 22154671, with conditions, pursuant to R23-135. Any questions?

Ms. Barnes: Questions for staff?

Mr. Bain: Yes, just, just one. The property line that's a long Deacon Road. I went to the site and I looked around, but I don't recall now if there's a gate in the fence along that stretch of road.

Ms. Keith: I am not certain; I can defer that to the applicant for that section, yes.

Mr. Bain: Okay. Because if there is a gate there, I think we should add a condition that they cannot develop access to the Deacon Road side. But we'll let the applicant confirm that. And when you were talking about the landscaping along Leeland Road, are you implying that they would have to create a landscape island in there by digging up the pavement? Or would they use the existing small tiny islands that are there?

Ms. Keith: There is an existing buffer area.

Planning Commission Minutes
April 26, 2023

Mr. Bain: There is?

Ms. Keith: The site was developed for a while. So it exists. It was installed when the development had a boundary line adjustment in the year 2000 I believe, so that buffer exists.

Mr. Bain: Okay. Yeah. My recollection of the site I just can't picture it. Sorry.

Ms. Keith: That's okay.

Ms. Barnes: Because it's a really skinny buffer, that's why.

Ms. Baker: They lost some of their buffering when they widened the road there.

Mr. Bain: Ah, okay. Maybe that's why it doesn't really strike you.

Ms. Barnes: It's very narrow, it's like a pencil. Any other questions for staff?

Mr. Bain: Okay. There it was. There it was. Yeah. Alright, so they would be putting bushes or other plantings in that area.

Ms. Keith: That is correct.

Mr. Bain: Alright.

Ms. Keith: On Leeland Road side.

Mr. Bain: Based on our DCSL.

Ms. Keith: Well, the site was developed prior to DCSL. So we have a condition requiring that they put some types of landscaping between these two entrances.

Mr. Bain: Who's going to approve the plan?

Ms. Keith: Building permit and the zoning reviewer would look at that at that time.

Mr. Bain: Okay, good, good.

Ms. Keith: Yes.

Mr. Bain: Thank you.

Ms. Keith: You're welcome.

Mr. Shelton: Madam Chair?

Ms. Barnes: Go ahead.

Mr. Shelton: Could you put that slide back up, please?

Planning Commission Minutes
April 26, 2023

Ms. Barnes: Which one, this one?

Mr. Shelton: The previous one. If I'm correct, when I visited the site, the gate is on the left of that, in the, on the left-hand side?

Mr. Bain: No, I'm talking about...

Ms. Keith: That is correct.

Mr. Bain: I'm talking about where the property abuts...

Mr. Shelton: Deacon Road.

Mr. Bain: ... Deacon Road. Yeah, not Leeland Road.

Mr. Shelton: I'm sorry.

Mr. Bain: I'm sort of remembering there was a gate there, but I'm not absolutely clear.

Ms. Keith: Yeah, I'm not too sure about that. So, because there's no access on that side so.

Mr. Bain: Yeah, there isn't...

Ms. Keith: I'll defer that to the applicant.

Mr. Bain: They might have provided access through the gate, maybe for construction purposes or something, I don't know. But I want to make sure that they can't develop an access in the future there.

Ms. Keith: It is a condition that there will be no access on that side of Deacon Road.

Mr. Bain: That wasn't the way that condition was specified.

Ms. Keith: Well, not a street access. It is a condition that says that the two existing entrances would be there on Leeland Road would be their access, but no access on Deacon Road.

Mr. Bain: Okay. You're right, you're right. Alright. Thank you.

Ms. Keith: You're welcome.

Ms. Barnes: Okay, any other questions for staff? Okay, would the applicant like to come forward?

Ms. Brunette: Good afternoon, everyone. As you can tell, I am not Charlie Payne. I am Logan Brunette. I'm an associate attorney with Hirschler. Charlie Payne is in the building tonight, but I will be speaking to you all. Hope you guys are happy with that. Next to me here we have the applicant's representative, Norman Kotoch. After my presentation here he'll give you a little bit more color into the project. I will commend the County. As per usual, they did a great job. They didn't really leave me much to do. So I will get straight into it. Just for the high points, the property does consist of approximately 7.7 acres and it's the Tax Map 54-126E within the Falmouth Election District. The property includes 11,341 square feet of vacant retail space known as Leeland Plaza, and 79,311 square feet of mini storage units within

Planning Commission Minutes
April 26, 2023

six different buildings known as Extra Space Storage. Tonight we're requesting a CUP under the B-2 zoning district to convert that vacant retail space, marked here as building 10, into the indoor climate-controlled mini storage warehousing. Retail space, it faces the Leeland Road. And to answer Commissioner Bain's question, there's no known gate on Deacon Road. So access isn't planned there. The site is located within the County's USA and is designated as a Suburban Land Use in that commercial node under the, Comprehensive Plan. We think this is going to be a great location. And just to show you the existing floor plan of that retail building, so it's got about 44 units already inside of it, which is a little bit clearer on this slide here. The existing units are in this gray color. And we would be adding an additional 63 units just to complete that use. We're going to be within the existing footprint. I think it's going to be a great use for this area. And I will turn it over to Mr. Kotoch over here.

Mr. Kotoch: Thank you, Norm Kotoch I'm with NAK Management and Consulting on behalf of Merit Hill Capital. And we purchased the property I think October of '20. So it was right in the middle of the pandemic. And when we purchased this, Merit Hill Capital has a policy of we go through the property and find out anything that is not properly permitted, we go and correct that situation. So we self-reported that, those existing units that were there from the prior owner weren't properly permitted. So we always go in and do the right thing. And part of the reason we do that is because if we do sell the property, we don't want any outstanding problems for the next person. So we kind of leave our properties in a better condition than when we, we purchased it. So again, 44 existing units, we'll add about 63 more in the center space that's vacant. Right now, I think there is a doctor and a church currently there. But when I was there this afternoon, they were both closed. Their leases are coming up and my understanding is they're not going to be renewing, which is not surprising. There should be no impact really whatsoever on any more traffic. If you're familiar with self-storage, it's a very, very low demand on any city services, whether it be police, fire, water. We're not adding water to this at all. Actually, it's less than if it were retail space. As you probably are aware, people come in, they put their stuff there, and they leave it there until we have to come back and get it. I'm not sure there's anything else that... I will leave it up to you if you ask any questions. I did have a kind of concern; I was out there today and the buffer where the landscaping is going to be required, I'm not sure how it's going to work because it's a pretty, it's kind of a steep slope. And I don't know about surviving plants, or plants being able to survive in that environment there. We'll certainly entertain that idea, but I just wanted to kind of be realistic about that. So the landscape islands that are currently there, we'll certainly spruce those up, because that's what they are, existing landscape islands on level surfaces. But I don't know how you're going to water trees on a slope that's going to keep the water in like that. But we can talk about that. And we're willing to be creative and however possible. And we always maintain the exteriors of our properties. That's one thing we, we always do, I guess. So we go in and improve the properties. We don't plan on loading from the front at all, it will all be from behind. There are nine doors behind the building there. Three of them are being used now with the corridors. So the existing or the additional units will use the existing doors in the back so there'll be no loading in the front. There is no gate on the side off Deacon Road that we'll have to confirm that. We don't plan on changing any of that. We have the gate to the, I guess it's the north side as you mentioned... *inaudible*. And I think that's it. We're operated by Extra Space, which is a national third-party management company. They have thousands of sites throughout the country and they have to maintain a certain standards so they will make sure that we are also up to standards as well so. I want to continue to be good...

Ms. Barnes: Questions for the applicant?

Mr. Bain: Yes. I think you just clarified it. I had raised the issue about how will vehicles access the building for loading and unloading. And I think you said that they will only be allowed to do that on the rear of the building.

Planning Commission Minutes
April 26, 2023

Mr. Kotoch: Correct.

Mr. Bain: So we won't see vehicles backed up to the front doors and, and that sort of thing. My question, I see in here that there are a number of restrooms in the facility. Those are going to remain?

Mr. Kotoch: They're not going to be used.

Mr. Bain: Okay. Are they going to be locked off or will...?

Mr. Kotoch: We'll either disengage them or yes, lock them off properly. But yeah, there won't be any, any additional restrooms in the use in there. And typically, they're not.

Mr. Bain: Okay. Yeah, I was just gonna say most storage places don't, don't provide them...

Mr. Kotoch: In the main office there sometime is, but.

Mr. Bain: Yeah, yeah. Okay, that's all I had. Thank you.

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

Mr. Kotoch: Thank you all.

Ms. Barnes: Alright, I'll open up the public hearing to this. Would anybody like to come down and speak? I'm not gonna go through my spiel; do I have to go through my spiel? If anyone comes forward, I will, I will read my thing. But it looks like we're in the clear. I don't see anybody rushing the podium. So I will close the public hearing and bring this back to the Commissioner. Now this is in the Falmouth District and Steven is not here. So would anybody like to...

Ms. Sellers: So moved.

Mr. Shelton: Second.

Ms. Barnes: I love that fast. Okay. So we have a motion by Ms. Sellers and a second by Mr. Shelton for approval of the Conditional Use Permit 22154671. Any additional comment? Alright, hearing none, please cast your vote. And that passes unanimously, six to zero with one absent (*Mr. Apicella absent*).

Mr. Bain: Oh, wait a minute, I wanted to grill Charlie.

Ms. Barnes: There will be many chances for that I'm sure. Thank you very much everyone. Okay, so we'll move on to number 4 and 5, which are deferred until May 24th. So we can skip over that. New Business, we have none. And we go to Planning Director's Report. Ms. Baker.

UNFINISHED BUSINESS

4. COM22154702; Comprehensive Plan Compliance Review – Telecom Tower Milestone Shackelford's Plumbing – A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for the placement of a telecommunications facility, consisting of a monopole and ancillary equipment, on Tax Map Parcel No. 56-41, located on the southeast corner of White Oak Road and Chapel Green Road, within the George

Washington Election District. **(Time Limit: June 11, 2023) (History: Deferred from April 12, 2023 to May 24, 2023)**

5. CUP22154701; Conditional Use Permit – Telecom Tower Milestone Shackleford’s Plumbing –
A request for a conditional use permit (CUP) to allow a telecommunications facility (Facility) and to permit fencing to exceed the maximum allowable height within the A-1, Agricultural Zoning District on Tax Map Parcel No. 56-41 (Property). The Facility would consist of a 150-foot tall telecommunications monopole with ancillary equipment. The Property consists of 4.1 acres, located on the southeast corner of White Oak Road and Chapel Green Road, within the George Washington Election District. **(Time Limit: July 21, 2023) (History: Deferred from April 12, 2023 to May 24, 2023)**

NEW BUSINESS

NONE

PLANNING DIRECTOR’S REPORT

6. Project Pipeline Report (For Information Only)
7. Legislative Initiatives

Ms. Baker: Alright, as normally we have the Project Pipeline Report in your packages. And then number 7, Legislative Initiatives, I had sent this out to you all previously. As you recall, each year they ask for input on any new proposals. Last year's information was included for you all in your package. It was a little bit later add on, we didn't have that initially. But that's been included. And we do have a form that we would fill out if you all wish to move forward with any of these initiatives. Again, I will note that we would request your recommendations tonight as our Legislative Action Coordinator has requested this information by Friday of this week. So if there are things you'd like for us to put forward to them, we would be happy to do that. And I'd be happy to discuss any of the ones on the list if you need further clarification.

Ms. Barnes: Okay, any discussions on the legislative initiatives? So have we ever put any of these forward and ever actually successfully gotten any initiatives?

Ms. Baker: Oh, I'm certain there has been some in the past, but last year I guess was a bit of a different year that there, there weren't a lot of initiatives that were accepted, just based on the operations of the General Assembly at the time was my understanding. So they say this year, there's going to be big turnover and a lot of freshmen that will be looking at, you know, I'm sure making their mark, but.

Ms. Barnes: So these are the ones that are listed that we are going to put forward.

Ms. Baker: No. This is asking you all if you wish to... this is the same ones that you put forward last year. So we're asking if there are any this year that you would like us to put forward again. They are starting the process a little bit earlier this year just because of the learning curve, I believe, that they're going to have in the General Assembly.

Ms. Barnes: Okay.

Planning Commission Minutes
April 26, 2023

Ms. Sellers: I just have one question. On this TDR one where it says expanding the role of local Planning Commission's in the TDR process; what are we doing here?

Ms. Barnes: Which one's that?

Ms. Sellers: I don't know if I want that resolved. [Laughter]

Ms. Baker: Which one... I'm sorry, where are we looking at that?

Ms. Sellers: The healthy growth initiatives, land conservation, the like.

Ms. Baker: Okay.

Mr. Bain: I want the TDR program to disappear.

Ms. Sellers: Well, I think it's over. I mean, how many properties do we have left?

Ms. Baker: So the, under the current pilot area, there are still properties out there. But we have seen it dwindle. There aren't a lot of applications coming forward anymore. I know that they were looking at, I guess, using proffer funds for PDR was a separate issue. So I think there was some confusion about lumping the two programs together. But at this point, the Board has not looked at expanding any TDR areas. So right now, we're just operating under the existing TDR.

Ms. Sellers: Yeah, lumping them together seems complicated.

Ms. Baker: They're two separate, totally separate programs, they operate separately so.

Ms. Sellers: yeah, I like the idea of the proffer funds. I don't know why we would limit ourselves to unexpended proffer funds be used for PDR. Why don't we just ask the General Assembly for permission to ask... or not ask, to allow an applicant to volunteer proffer dollars towards the PDR program? I don't know if the Board would be open to that, but. I mean, if we're going to try and get them to expand proffer language, let's go big. And we got a new coming in, lots of retirements, this might be a good opportunity. So that's my only comment.

Ms. Barnes: Okay, any other comments? Anyone have anything specifically that they'd like to put forward or not put forward?

Mr. Cumming: But you had to ask, right. So Mr. Cummings, I would. I would like for the Planning Department and staff to consider, right, if there is something that we can be done, that can be done with the smart city designation, and to try to usher in some modicum of, of change related to how we plan and using technology to plan. We know that the Governor's office has a Data Trust Consortium, and we are part of it. Well, we're looking to be part of it. They convened and had the meeting; I would love for us to be able to see if there's, we can use this wave to try and get some new tools, and/or at least something pushed forward in the General Assembly.

Ms. Barnes: Okay, is that something that that Mr. Cummings can get together with our legislative representative?

Mr. Cummings: I would love to, thank you.

Planning Commission Minutes
April 26, 2023

Ms. Barnes: Well, that's yeah, I'm not sure. I mean, how far along are we on the, on the process? Is that something that's still...

Ms. Baker: They're just beginning the process itself. If they wanted to move it up again, just knowing that there was going to be some additional learning curve once they get to the General Assembly, but it will be starting soon with the Board of Supervisors who usually establishes their own legislative committee to look at all of the initiatives that may be put forth.

Mr. Cummings: Yeah, and feel free to connect me with him via email and I'll shoot some stuff to him and he could figure out where we can go from here.

Ms. Baker: Okay.

Ms. Barnes: This is your baby, go for it.

Ms. Sellers: I do have one, one other one, actually. With the, so of VPRA the Virginia Passenger Rail Authority, is doing a lot with passenger rail, I think VRE and Amtrak going along the 95 corridor. And I think I remember, Northern Virginia has some different zoning rules that they get to apply to places with Metro stops. Have we looked at trying to get some sort of author... I don't even know what the word would be, but using what they're trying to do with the Amtrak line and use it to help us guide growth towards there? I don't, I don't know if it'd be proffers. I don't even know what I'm asking for. But there's a lot of money in Amtrak along that 95 corridor from here to North Carolina. And we sit right on it and could we get some money to either put in a new line? Maybe we have a bridge out there in Aquia that's quite scary. So could we use this as a way and the governor's initiative there on the Amtrak line to stimulate some growth or get some money?

Mr. Cummings: Yeah, the transportation driven development, right.

Ms. Barnes: Okay, any other comments on any of the other things? Most of the things that I read in here from last year look, I mean, healthy growth, responsible residential development, I mean, what's not to like on that. So I don't have a problem with the majority that we saw last time, except for maybe I think we brought up the TDR when being put forward. How does the Commission feel about that?

Several people talking: *Inaudible, microphones not on.*

Ms. Barnes: TDR.

Ms. Sellers: So in my experience, we don't want to touch TDR. That is very political. That is, like, beyond political. So that would be... as a Supervisor who was there when we did TDR, just give... I mean, if you guys want to keep it, keep it. But I would stay away from the TDR Program. Let the Board of Supervisors battle that one out.

Ms. Barnes: Okay. And is that... because there's several on here that are, that are from the Board and from the Planning Commission. That one's specifically from the, I'm still looking for it. The Planning Commission?

Ms. Baker: That was initially, yes, the Planning Commission requested it.

Ms. Barnes: Okay. So you want to... Laura, your advice would be to pull that one?

Planning Commission Minutes
April 26, 2023

Mr. Bain: I'll stick my neck out and say, yes, we want to pull that one.

Ms. Barnes: Okay. The rest of them, like I said, I thought looked, you know, like, like a nice wish list. But seems like we try year after year, and the Board does as well and I'm not sure how successful we've been, but it doesn't hurt to try again. And it sounds like that there's an appetite on the Commission to pull the TDR one.

Ms. Baker: And are you saying just TDR, or keep the...

Ms. Sellers: *Inaudible, microphone not on...* I would like to, I would like to see us broaden the PDR language. If, again, if we're allowed to use proffer money, then let's remove the unexpended proffer funds and just see if the General Assembly would be open to allowing the County to accept proffer money to support a PDR program. And I believe we do that, we have accepted proffers for PDR. And so it would just bring us into compliance.

Ms. Barnes: Okay, does that sound acceptable to everybody? Okay. Alright. Thank you. Does that give you enough of what you need? Okay. Thank you. Okay. County Attorney Report, County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Good evening Planning Commission, I have no report tonight.

Ms. Barnes: Okay. And Committee Reports. For that we have Data Centers Subcommittee, and I will turn that over to Mr. Bain, who is chairing that committee.

COMMITTEE REPORTS

8. Data Centers Subcommittee
Meeting: Wednesday, April 26, 2023, @ 4:30 PM; Activities Room and Virtual
Next Meeting: TBD

Mr. Bain: Yes. We had our first meeting this afternoon. It was organizational. And we're in the data collection phase. So no major proclamations to make right now. One correction that I'll pass to Ms. Baker – Ms. Barnes and I were discussing the meeting times after we left. And we realized we don't want to meet at three o'clock on the Wednesdays that we have Planning Commission meetings. We wanted to meet at 4:30 on those days. So three o'clock on the off Wednesdays, but 4:30 on the Planning Commission dates. And I think for public information, we can clarify that at our meeting next Wednesday, which is at three o'clock.

Ms. Baker: And just, just to confirm, so that would only allow an hour really between 4:30 and 5:30. Is that sufficient? Do you think you would need to start a little bit earlier?

Mr. Bain: Well...

Ms. Barnes: We might want to do 4:00.

Ms. Baker: Just throwing that out. And you can talk about that at the meeting next week.

Planning Commission Minutes
April 26, 2023

Mr. Bain: Let's discuss that further. But yeah, there may be days that we want to have a two hour meeting because of what we have on the agenda. But I think, I think it's flexible that we can do it from week to week, since we would still be in, within the timeframe for public notification, so. That's all.

Ms. Barnes: Okay, thank you Mr. Bain. Chairman's Report. I have nothing this evening. Other Business. We have TRC submissions; Austin Ridge Logistics Center for Hartwood, and it looks like the Rock Hill District is getting Dollar General out by Lake Arrowhead. And for Approval of Minutes, can I have a motion to approve?

CHAIRMAN'S REPORT

OTHER BUSINESS

9. New TRC Submissions
- 23154993; Austin Ridge Logistics Ctr – Hartwood Election District (LeAnn Ennis)
 - 23155004; Lake Arrowhead Dollar General – Rock Hill Election District (Hakeem Blake)

APPROVAL OF MINUTES

10. March 8, 2023

Ms. Sellers: Motion.

Mr. Shelton: Second.

Ms. Barnes: A motion by Ms. Sellers and seconded by Mr. Shelton to approve the March 8, 2023 minutes. All in favor?

Members: Aye.

Ms. Barnes: Any opposed? Any abstentions? Motion passes unanimously, six with one absent (*Mr. Apicella*). And with no more business before the Commission, can I have a motion to adjourn?

Mr. Shelton: Motion to adjourn.

ADJOURNMENT

Mr. Shelton: Motion to adjourn.

Ms. Sellers: Second.

Ms. Barnes: Motion by Mr. Shelton and seconded by Ms. Sellers. All in favor?

Members: Aye.

Ms. Barnes: Any opposed? Any abstentions? Motion is approved and we are officially adjourned. Good night.

Planning Commission Minutes
April 26, 2023

At 7:50 PM, Chairman Barnes adjourned the April 26, 2023, Stafford County Planning Commission meeting.