

STAFFORD COUNTY PLANNING COMMISSION

November 8, 2023

The meeting of the Stafford County Planning Commission of Wednesday, November 8, 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, Steven Apicella, Martin Martinez, Laura Sellers, Willie Shelton, Jr.

MEMBERS ABSENT: None

STAFF PRESENT: Kathy Baker, Lauren Lucian, Stacie Stinnette, Amy Taylor, Brian Geouge, Natalie Doolittle, Dylan Palmer, Christopher Edwards

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Do we have any declarations of disqualifications? Any changes to the agenda? Okay, hearing none, I will move on to the Public Presentations portion of tonight's meeting. This is an opportunity for anyone to speak on any topic or item except items that are scheduled for public hearing tonight. We will have public hearings on those items later. When you come forward, 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 that you work to conclude your comments. Would anyone like to come up and address the Commission this evening? Okay, seeing nobody rushing at the podium, I will close the public presentations portion of tonight's meeting and move on to our first public hearing, Amendment to the Subdivision Ordinance. And for that we will recognize Mr. Chris Edwards.

PUBLIC PRESENTATIONS

NONE

PUBLIC HEARINGS

1. **Amendment to the Subdivision Ordinance** – Proposed Ordinance O23-26 would amend and reordain the Subdivision Ordinance, Stafford County Code Sec. 22-168, “Developer contribution to off-site sewerage and drainage facilities” and Sec. 22-170, “Reserved,” to update the County’s water and sewer pro rata program to allow for mandatory reimbursement of construction costs through pro-rata fees for certain on and off-site water, sewer, and reuse improvements. **(Time Limit: November 8, 2023)**

Mr. Edwards: Good afternoon, Madam Chairman, members of the Commission. Sorry, I'm not very loud, so I'll make sure I'll pull this over. My name is Chris Edwards, Director of Utilities, here today to discuss revisions to the Subdivision Ordinance. Back in 2022, Virginia Code Section 15.2-2243 was amended. This does require that counties reimburse developers if a portion, or if a line that they have constructed, another developer ties into that and uses it to provide water for their development. And this is for counties with a Pro Rata Program, or Utility Pro Rata Program. Stafford County does have a Utility Pro Rata Program. We are one of two counties in the state. This was adopted back in 1991 and it is a relatively well developed program. It is allow... a program that allows for the cost share for, between developers and the county so developers can build county infrastructure... so they can build county infrastructure, and we will reimburse them through fees that other developers pay. So we are requesting to update Sections 22-168 and 22-170 to allow for the state mandated change. One of the

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things that we'll point out is regardless of the inclusion of this into our county policy, it is still a requirement for us to provide these reimbursements. A couple of little, you know, kind of the crux of it – the reimbursement amount will be in accordance with the pro rata policy. So this will be the same flow and the same amount of reimbursement. And this will come from any pro rata fees that the developer pays. For water and sewer infrastructure, the reimbursements will be allowed for up to two years after the acceptance of infrastructure. And with our reuse system, since that is new, we're trying to build that now, we are allowing reimbursements for up to five years. And with that I'll take any questions.

Ms. Barnes: Okay, questions for staff? Go ahead.

Mr. Bain: Just... I'm wondering why the difference? Why are you setting five years versus two years of sewer? Is the sewer, the water lines, they're all put in similarly, they're all anticipating development along the line, just to give some background.

Mr. Edwards: Yeah, I think most of it is, especially our pro rata program for water and sewer is relatively well developed. We're hoping in most cases, people, and one of the things that kind of left out that should have hit on is there's still an option with the pro rata program; they can do a pro rata agreement. That is good for up to 10 years. And that's actually a formal document that they sign with the Board of Supervisors. On the reuse side, we are actually extending that to 20 years. So it's two and 10, five and 20. And really, the main reason to lengthen those periods of time is we don't have a real well developed program for reuse, and we're trying to encourage developers to build that system.

Mr. Bain: Gotcha. Thank you.

Mr. Edwards: Yes sir.

Ms. Barnes: Okay, any other questions? Okay. And normally at this point, we have the applicant come forward, but...

Mr. Edwards: I'm him.

Ms. Barnes: Yeah, that's it. Okay. Any questions for the applicant? No. Okay, I'll go ahead and bring this back to the Commission. How would the commission like to proceed? Would anyone like to make a motion?

Mr. Shelton: Motion to approve...

Ms. Lucian: This is a public hearing still.

Ms. Barnes: Oh, gosh. Thank you. Okay. So we'll open up the public hearing for that. Alright. This is an opportunity for the public to speak up to three minutes on this agenda item. There will be... before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. Red means your time is up. Would anyone like to come up and speak to the Commission on this agenda item? Alright, seeing none, I will close the public hearing and now bring it back to the Commission.

Mr. Shelton: Motion to approve proposed Ordinance O23-26.

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Mr. Bain: Second.

Ms. Barnes: Okay. I have a motion by Mr. Shelton, a second by Mr. Bain. Any further discussion? Alright, seeing none, please go ahead and cast your vote. Alright, and that passes 6 with 1 absent (*Ms. Sellers absent*).

Mr. Edwards: Thank you.

Ms. Barnes: Thank you very much, Mr. Edwards. Yeah, trying to make it faster. Okay, so now we will go on to item number 2 is a Zoning Reclassification for Kings Highway Asphalt. And for that we recognize Ms. Amy Taylor. Welcome back.

2. RC23154933; Zoning Reclassification – Kings Highway Asphalt – A proposed zoning reclassification, with proffers, from the A-1, Agricultural and B-2, Urban Commercial Zoning Districts to M-2, Heavy Industrial Zoning District on Tax Map Parcel Nos. 58-5A, 58-5B, and 58-5G, together consisting of approximately 73.33 acres (collectively, “the Property”), to allow for an asphalt plant. The proposed proffers would permit heavy industrial and manufacturing uses; asphalt manufacturing, construction and sales; reclamation of former sand and gravel operations; and specified accessory uses; require specified buffer areas; and establish standards applicable to archeological resources located on the Property. The Property is located on the south side of Kings Highway, approximately 1,700 feet east of Blue and Gray Parkway, within the George Washington Election District. **(Time Limit: February 16, 2024)**

Ms. Taylor: Good evening, Madam Chair, members of the Commission. I'm Amy Taylor with the Department of Planning and Zoning, and I am here this evening to present item number 2 on this evening's agenda, which is a request for reclassification for Kings Highway Asphalt. The clicker is not working. Okay, the request again is to... a reclassification for approximately 73.33 acres from the A-1, Agricultural zoning district to B-2, Urban Commercial, oh, and B-2, Urban Commercial to the M-2, Heavy Industrial zoning district. This is affecting tax map parcels 58-5A, 58-5B, and 58-5G, all located in the George Washington Election District. The applicant and owner is Allan Myers of VA, Inc., and Charlie Payne with Hirschler is here this evening to represent the applicant at tonight's hearing. The site is located along the south side of Kings Highway, approximately 1,700 feet east of Blue and Gray Parkway, and the affected parcels are shown here as outlined in red. Most of the property is currently zoned A-1, Agricultural, with the exception of a small portion which is zoned B-2, Urban Commercial. And that property is... that portion of the property is here. A small portion of the property is also located within the Highway Corridor Overlay District. And the surrounding zoning districts are R-1, Suburban Residential and HI, Heritage Interpretation to the north; B-2, A-1, and M-1 to the east and south; and as shown here there are no abutting uses to the west which is bordered by the Rappahannock River. As noted, most of the subject property has been zoned A-1 since before 1978 with no proffers. However, a small portion of Tax Map 58-5A was rezoned B-2 in 2005, which was intended for the proposed expansion of the existing Walmart on the adjacent parcel to the south. The design of that expansion was ultimately revised and the B-2 portion of the site was never developed as initially proposed. The property is developed and is currently used as an asphalt plant, which has remained in continuous operations since the early 1960s. And also predates the enactment of the county's zoning regulations in 1964. As such, the facility is considered an existing non-conforming use. The property also previously operated as a sand and gravel mine, but mining operations have ceased and the site is currently undergoing reclamation process to restore previously mined areas of the site. A landscape buffer and street trees are proposed along Richmond Highway and Coachmen Circle, and plantings will be provided outside the limits... oh, excuse me, I have the wrong notes here. This is the GDP for the site – I apologize – which illustrates

the existing site layout and identifies the location of the buildings and areas associated with the existing asphalt plant, as shown here in orange, and as well as the reclamation areas for the existing gravel mines and sand mines, and those areas are shown in green. Access to the site is provided by way of a single entrance on Kings Highway, which is a little difficult to see but does come in right about here. And there is a paved access road that runs through the center of the property. Gravel and sand stockpile areas encompass much of the site. And multiple buildings and equipment associated with the asphalt plant operations are located primarily within the central and northeastern portions of the site. Reclamation areas associated with the existing sand and gravel mines are located just to the south. And those areas associated with the asphalt plant are approximately 100 feet to the closest residential properties located along Enola Road to the north. And those properties are here. And I believe there's only one residential home on a property and I believe it's this one. Actually, I do believe there's one residential structure there otherwise, I think the rest of the properties are undeveloped. And there are no new entrances or expansions beyond the site's existing footprint proposed for this facility. As noted previously, the property is developed and is currently used as an asphalt plant. The site has a single existing entrance along Kings Highway, but does have very limited frontage in this area. Asphalt production operations are located in the central and northeast portions of the site, and the reclamation areas associated with the existing sand and gravel mines are located in the southeast portions. Berms and wooded buffers do exist in several locations around the perimeter of the property, and which do screen most of the site from abutting uses. And as shown here, the eastern side of the property is largely open while the western side along the Rappahannock River is densely wooded. Site topography is relatively level but does slope down to the west towards the river. And there is RPA located along the western property line where adjacent to that river. And the western half of the property is also located within 100-year floodplain which impacts most of the existing buildings. And that floodplain generally runs through this portion of the site. This is a street view of the property from Kings Highway. And as you can see, you are at the entrance to Kings Highway looking down their access road towards the site. And this is a street view of the property directly from their gated access, which is just literally right outside their gate pretty much right at their property line. The Comprehensive Plan does identify the property as being within the Suburban land use designation and is adjacent to a commercial node along Kings Highway. And while more residential and commercial retail and office development is typical within the Suburban areas of the county, the Comp Plan does support certain types of industrial development in appropriate locations, and does provide detailed design parameters for such industrial uses. The design parameters specifically recommend development of non-nuisance industrial uses, which are not water intensive and located near railroad lines and/or major highways, and further identifies preferred types of industrial development which includes uses that provide goods and services to nearby businesses and residents, such as warehousing, manufacturing, processing operations, mixed-use commercial and industrial development, and flex office space. Staff believes that the existing asphalt plant is consistent with the Comprehensive Plan recommendations and is an appropriate industrial use within Suburban areas. And the use is also compatible with other industrial and commercial uses adjacent to the site. And staff believes that the location is appropriate for this type of development and that the proposed proffers would limit any potential negative impacts. A transportation impact or a traffic impact analysis was not warranted since the existing asphalt plant generates such low traffic volumes, and was not expected to impact current levels of service along Kings Highway. However, VDOT did raise concerns regarding current access to the site which they felt had become deficient. VDOT ultimately recommended some transportation lane improvements... or excuse me, some turn lane improvements for both the existing eastbound and westbound turn lanes to specifically provide a continuous right turn lane which will essentially connect the two existing right turn lanes and eliminate the weaving condition that currently exists. And this is an image of the eastbound turn lanes for the right turn lane improvements into the site. And as you can see, right now, when you're coming off of Blue and Gray Parkway, we do have a turn lane here, but it stops at the entrance to this site here. It does not continue across the frontage of that site...

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Mr. Bain: Amy, I'm sorry, your marks aren't showing up very well. Can you highlight them a little bit better? It's very thin.

Ms. Taylor: This is an existing turn lane here. Is that any better, Mr. Bain?

Mr. Bain: Yes. Okay.

Ms. Taylor: So that is an existing turn lane that comes into this site here. It does not continue across the frontage of this site. And then it abruptly picks up with another turn lane here at the entrance of this site, which comes into the affected parcel that we're discussing. VDOT has recommended the improvements to provide a continuous right turn lane, which would essentially extend that in-turn lane across the entire frontage of all those properties extending to the applicant's entrance to their facility. In addition to that, they were also asked to extend the existing westbound left turn lane to provide 100 feet of storage and 200 feet of taper. VDOT also indicated that this was a very short left turn lane, as you can see here; there was very little storage in this existing lane and practically no taper at all. So VDOT asked that they improve this to provide a total of again 100 feet of storage and 200-foot taper, which would look like this with those improvements. The applicant has since addressed VDOT's comments and concerns, and has updated their proffer statement to include those recommended improvements, which will be completed in conjunction with a pending VDOT repaving project in this area. And I believe those updated proffer statements were provided to everyone this afternoon as well as an updated GDP making a notation regarding those proposed improvements. And I believe they were also provided as handouts at the beginning of this evening's meeting. Staff also did speak with VDOT this afternoon and was able to confirm that the proffered improvements do adequately address your concerns.

Mr. Bain: Amy, excuse me. go back one slide. Just quick question on that. The area that they are going to develop then to continue that turn lane is that all in VDOT right-of-way, and therefore they don't have to go through acquisition ramifications?

Ms. Taylor: Commissioner Bain that is correct VDOT did indicate in their comments that they believe that all of the necessary improvements could be accomplished within the existing right of way.

Mr. Bain: Very good, thank you.

Ms. Taylor: The following are the proposed proffers which will help offset any potential negative impacts and would ultimately require the property to be developed in general accordance with the GDP, limit permitted uses on the property to only heavy industrial and heavy manufacturing uses not otherwise listed on table 3.1. Specifically, to include asphalt manufacturing, construction and sales, reclamation of former sand and gravel operations, and would also limit accessory uses to specific identified uses in support of the above permitted uses. They would also retain existing vegetation within designated buffer areas and to replant in accordance with current development standards, where vegetation must be removed to accommodate utilities, stormwater facilities or other development improvements. Would also include construction transportation improvements to expand the existing west bound left turn lane to provide the 100 feet of storage and 200-foot taper, construct the continuous eastbound right turn to the existing site entrance, and would also require a Phase One survey prior to disturbance of archaeological resources located on the site and implementation of study recommendations if necessary. Staff would also like to note that the current asphalt plant and mine reclamation are uses that are not specifically identified on table 3.1 of the Zoning Ordinance and fall under the category of heavy industrial and manufacturing use is not otherwise listed, which would also require conditional use permit within the M-2 zoning district. However, since the applicant has specifically proffered these uses on their

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proffer statement, acceptance of the proffers and by approval of this request would ultimately allow the applicant to proceed with these uses without the need for the CUP. Staff finds that positive features or aspects of this application are that the existing asphalt plant use and the proposed industrial zoning classification is generally consistent with the land use recommendations in the comprehensive plan as it relates to industrial development. The proposal is consistent with the current use and operations on the site as well as the established and developing land uses along Kings Highway. Proposed turn lane improvements will improve the existing access to the site, proffers will also limit permitted uses to the asphalt manufacturing, construction and sales, reclamation of the former sand and gravel operations and the specific accessory uses and would also require the retention of existing vegetation within designated buffers. And now that transportation concerns have been adequately addressed to VDOT's satisfaction staff finds no apparent negative aspects associated with the application. Staff is supportive of the project and does recommend approval of reclassification application with proffers pursuant to Ordinance O23-28. And that concludes my presentation and I'd be happy to answer questions if anyone on the Commission has any.

Ms. Barnes: Questions for staff please?

Mr. Martinez: Thank you. I just have a couple questions. Thanks Ms. Taylor. What is the archaeology archaeological site that's described?

Ms. Taylor: Commissioner Martinez, there is an archaeological site that is in the Department of Historical Resources database that is identified as ID 44ST0005. Staff isn't aware regarding the specifics of what the site encompasses and what artifacts may be there. I would have to defer to the applicant for that. We do not have that specific information at this time.

Mr. Martinez: Okay. And then last question, what does the Phase I survey entail?

Ms. Taylor: Commissioner Martinez, staff would also have to maybe refer to the applicant on that. We're not entirely certain on all of that. Our historic resources personnel are not here today. But I believe it's usually a preliminary investigation to determine whether any artifacts are typically located on the site that would warrant further investigation, and further study of that.

Ms. Baker: I can, I guess briefly touch on that. It's mostly archival research, contacting whatever databases are available, and making recommendations on that, whether there would be additional, such as shovel testing or other archaeological recovery from that and then you would there's two or three different phases, so that would recommend going to the next phase to do actual recovery work. But the recommendations would come out of that Phase I, whether additional work was warranted.

Ms. Barnes: Do we know where it is on the site?

Ms. Taylor: Madam Chair, I do believe it is in generally in this area of the site. Yes, I do believe it is in this area of the site, but again, would also have to defer to the applicant. They may be, again, a little more familiar with the exact location. Thank you.

Mr. Bain: Yes. I'm sorry, I just picked up on this and I wish I had noted it before. In the accessory uses it specifies item III, Recycling Facilities. I know the site. I've worked with them to purchase recycled asphalt and I'm sure that's what they are probably referring to but that term, by itself, opens up a whole other opportunity for development on site. Recycling of waste materials besides asphalt. So, I'm

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wondering if we should ask for a little more specification about that and I'll raise that with the applicants, if they would be willing to specify that a little better.

Ms. Taylor: Commissioner Bain, we would have to defer to the applicant but I would like to point out that the proffer statement does indicate that these accessory uses would only be in support of the asphalt plant and the reclamation activities so they would not be permitted to be recycling any other materials other than what would be necessary for operation of the asphalt plant.

Mr. Bain: I hear what you're saying. I know that in five years or 10 years, somebody could come with a different attitude on it. So, we'll see if they'd just be willing to do that, then it would not be an issue.

Mr. Apicella: Madam Chairman, I actually have a similar concern. So can you pull up the proffer, please? I think it's on slide 12. So, as I read the proffer, 2.B. says permitted uses by-rights property may only be used for heavy industrial and heavy manufacturing uses is not otherwise listed and specifically include asphalt manufacturing, construction and sales, and reclamation of former sand and gravel operations. So, again, I'm not an attorney, but I'm just trying to understand how narrow or how broad that proffer is. Does it specifically exclude any other use besides the ones that are listed? Or is it saying heavy industrial and heavy manufacturing uses not otherwise listed, which could include, which is concerning to me because it could be very broad. And I again, I have the same concern that Mr. Bain has about accessory uses. If read on its own, again, recycling facilities, fleet parking, fuel tank and pumps, could they have a bunch of those on that site, unrelated to whatever the primary use is?

Ms. Taylor: Commissioner Apicella, it was initially staff's interpretation that the language was sufficient and it would limit it only to these uses identified, but I do understand the concern. We have to ask Lauren, County Attorney, as to whether or not that would open the door for other uses not specifically identified on table 3.1. Aside from those that are specifically listed here.

Ms. Lucian: That's something you'd have to look into.

Ms. Taylor: But again, to address the concern, Commissioner Apicella, the proffer language does read that the accessory uses are again only in support of those uses identified in the above proffer language.

Mr. Apicella: I hear you but who's going to make that call? Who's going to say you've now added, you've got to two fuel tanks and pumps, now they want to add another, a third one, who's gonna say, well, we think that's too many for what you have going on on this site and could be used for something else. How would you enforce that?

Ms. Taylor: Commissioner Apicella, I would be unable to answer that question. We would have to defer to our zoning staff. If the applicant were to indicate that the expansion or the proposed improvements were in support of the existing use, I don't know that there would be anything more that we could do. We're there's no proffer language, you're limiting how much they could do. They've indicated that you're not proposing an expansion of the facility. Just what's already in place, aside from modernizing the facility and the supporting uses.

Mr. Apicella: Yeah, I again, I hear you and I'm not saying I disagree. I just, I feel uneasy that the language may be a bit vague. I have just two more questions. So, while the rezoning would continue the current asphalt plant use, are there any concerns or measures that should be considered given the project's close proximity to the river? I think it was mentioned that there are other small bodies of water and

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there's an RPA, which now that they're trying to come into compliance again, we've taken the look, is there something that's not in the proffer that we think should be there?

Ms. Taylor: Commissioner Apicella, staff is unaware of any additional needs that we may need as far as proffer language. During the initial evaluation process, no comments were received from our stormwater or environmental divisions regarding the impacts. Again, the applicant is not proposing any expansion. Should they choose to expand later, they would not be permitted to expand into, any further obviously, additional impacts into the flood zone without having to you know, no impact to the RPA, no impacts into the existing flood zone, without addressing current County requirements and development standards for that. Staff also did raise concerns and questions during the evaluation process regarding DEQ permitting for stormwater discharges related to industrial use and nonmetallic mineral mining. Their response was that there is no stormwater leaving that site. It is all self-contained. So otherwise, staff would have to defer to the applicant regarding additional information regarding their stormwater discharges.

Mr. Apicella: Okay and you probably just answered this last question with this the previous response, but just to put a fine point on it, again, since there's no CUP and they're still trying to continue on with their current use as well as the additional accessory uses. Again, is there anything that causes you concern going back to the fuel tank and pumps, if we were looking at a project that just was deciding, hey, we want to put some fuel tank and pumps or we want to do a fleet and equipment repair shop on our site, we would normally have conditions associated with those kinds of activities. I don't see anything in the proffers addressing those activities. So again, I'm still a little uneasy and concern that since we're not doing a CUP and we're only relying on the proffers that there's potentially something that might be missed that we would catch as part of a CUP process.

Ms. Taylor: Commissioner Apicella, the staff could ask, you know, basically asked the applicant to provide some additional proffer language if those were of concern. Otherwise, again, because they were not proposing any additional expansion to the facility and simply chose to continue operating as is currently, staff did not evaluate the need for those types of potential proffers in lieu of you know, the CUP.

Mr. Apicella: Okay. Thank you.

Mr. Shelton: The terminology reclamation of the sand and gravel, the root word is reclaim. So, are we talking about a potential of reopening the mining operation?

Ms. Taylor: Commissioner Shelton, the applicant has indicated that operations have ceased. They have not indicated any indication to expand into that area of the site or to resume mining operations and the reclamation process is essentially restoring that part of the site to its natural state.

Mr. Shelton:
Thank you.

Mr. Bain: Just one thing, on the transportation improvements. Do we have a timeframe that they would be willing to specify or stipulate to? Yes, they're preferring to do it but we want it done pretty quickly, not 20 years from now.

Ms. Taylor: Commissioner Bain, I did inquire with VDOT this afternoon regarding timing on the upcoming repaving project in the area. Staff did mention that concern. Right now the proffer language

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reads that they will coordinate with VDOT provide those improvements during the same timeframe. When those paving improvements are occurring. VDOT responded this afternoon and indicated that this turn lane extension would be outside the scope of the annual resurfacing projects that they typically pursue. But they would like to see these completed prior to pavement resurfacing of this particular section. And they are recommending at this time that the improvements be made. Section is being assessed for possible 2026 and 2027 resurfacing. So, it appears that VDOT is not going to be pursuing their repaving project in the area until sometime in 2026 or 2027 and they are saying funding dependent. So, they are recommending that the applicant pursue these improvements and to be completed with those improvements prior to 2026 resurfacing. So, at this time, they have not provided a date. They were waiting, you know, were going to be coordinating with VDOT regarding their project so, it may be the need for some additional proffer language to provide a specific timeframe.

Mr. Bain: Alright, let's see what they say. Thank you.

Ms. Barnes: Okay, any other questions? I have a quick question about a CUP. I think this is only the second time we've seen this. It looks like with this kind of application that a CUP is normally required, correct?

Ms. Taylor: That is correct.

Ms. Barnes: Okay. So why aren't we requiring CUP?

Ms. Taylor: Chairman Barnes, they have specifically proffered to limit the use on the site to the specific use in lieu of seeking the additional CUP.

Ms. Barnes: So, with any application that we get, gas station, drive-thru, anything like that, if they come to us, and they need a CUP, according to our ordinance, they can skip that step if they just add some things to the language of the proffers? Anybody can do that?

Ms. Taylor: Chairman Barnes, they do have the ability to do that but that does not necessarily require approval. If the Planning Commission does not support or the Board does not support that and prefer that they seek and receive the separate CUP for that use they have the ability to do that. But they do also have the ability to proffer that use in lieu of the CUP if that is agreeable to the Planning Commission and the Board.

Ms. Barnes: Okay, because I think we've only seen this a couple of times and I do have a little concern that that's a bureaucratic step that we have in place for a specific reason, because it gives us more control on what we'd like to see, what we want to do. It gives us, you know, opportunity to hear from the community to see what their concerns are, what they'd like to see. And when we skip this step, we skip all that. And I have a concern with that. I have a concern with if we're requiring a CUP, we should require a CUP.

Ms. Taylor: Chairman Barnes, that is understood. It has been referenced recently that there is case law in place that has established the ability to do this, if the, again, the Planning Commission and the Board is willing to accept proffers written in such a way.

Ms. Barnes: Okay, any other questions for staff? Okay, thank you. Would the applicant like to come forward and address the Commission?

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Mr. Payne: Thank you, Madam Chair, members of the Planning Commission. My name is Charlie Payne, I represent the applicants. It's always a pleasure to be in Stafford County. Can you hear me okay? Thank you to staff, I think they've covered a lot of the bases in the application. I've got a quick presentation and hopefully I can answer your questions during that process. But just real quick, Allan Myers is located in four states and does work in five states. They're in Delaware, Maryland, Virginia, and Pennsylvania. And they also do work in New Jersey. They're, as you can see here, fourth generation owned business since the 1930s and they acquired the Goodloe site, you guys, Stafford natives, may be very familiar with the Goodloe site, which had been in operation since the 1960s. I think that's one of the first asphalt plants in Stafford County if my memory serves me, and of course, you know, the location of it on Kings Highway before you get to the Walmart location. It is a non-conforming use today. So, the point of this rezoning request was to bring the zoning into conformance. So that was the reason for the request. And to answer, Mr. Shelton's question, there was a sand and gravel mining operation going on for many, many years. That has now ceased, and now they're in the reclamation process, meaning there, there's a DEQ permit that requires, I'm sorry, a Department of Energy permit, that requires them to bring the topsoil that was moved from the site back into the area that was mined. Pursuant to that there's permit requirements, so there's no more active mining going on. This is now pursuant to state requirements to start reclaiming the land so it can be used potentially in the future. The site does consist of about 73 plus acres, it is three parcels again, as noted as legally non-conforming. Staff had noted the current rezoning and our request to rezone it to, I think it's M-2, not M-1. I think that's a misprint. I'm sorry. We've got a typo there, sorry, in our PowerPoint. The current location, as you can see here in the outline here, the current location is a little bit further to the west and I have a better slide to show you where the current active location includes about 715,555 feet, square feet, of asphalt area and plant area and that's very few buildings and mostly where sand storage is and where the asphalt is recycled and produced. It's about 77% open space on the site, including about 24.7 acres of dense wooded areas, you can see and his staff noted to the West. That will remain undisturbed. So here this generalized development plan shows the salmon color, or the orange color, if you will, is where the active operational areas are. The green area is where the reclamation process is occurring, Mr. Shelton, and of course to the west, is the densely wooded area and if you go across the river to the city side, that's where the water treatment plan is for the City of Fredericksburg. You're literally directly across from this location. Just from an economic development perspective, real estate taxes are generated annually about \$12,000. The applicant expects this to increase with improvements \$14 - \$18,000 annually. The big the big component here is personal property taxes that are generated annually slightly over \$102,000. This project does support the County and in its business with local annual expenditures amounting to over \$7.6 million that uses a lot of local vendors, both in Stafford and in the immediate area. This current payroll is over \$600,000 for on-site personnel. The project employs over 50 employees and is expected to continue to promote economic development in the County especially with infrastructure growth in the area. Allan Myers does a lot of work with VDOT. They do a lot of local work. Ms. Sellers may be well aware of that as well. The property will only be used, again, this is what we applied for for purposes of the rezoning for asphalt manufacturing, construction and sales in the reclamation process. The reason the second part is there, it's because we got to reclaim the site so we need the ability to do that, which is why we've asked for that use. The accessory uses just to address some of the questions, if you look at your ordinance and the definition of accessory uses, it typically is fairly broad, but it's broad only as it relates to and supports the primary use. So, we could not, for some reason, create a recycling facility, Mr. Bain, that did not support directly what we're doing with the asphalt facility. So, what we tried to do is be specific, so it wasn't so unknown as to what we're doing. So, what you see in this PowerPoint is what we're doing today. So, I just wanted to make sure that was understood. And again, it has to directly relate to and support their permitted primary uses which we've limited, obviously, mainly to the asphalt manufacturing facility. Existing vegetation will be retained. This is not a plan to expand our footprint. What we want to do is because it's a nonconforming use, we can't modernize any facilities. So, in order

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to modernize the facilities and make them more efficient, we actually need this rezoning to do so. So, even though we could continue today without coming here for this approval, in order for us to make it a more efficient plan, a more effective plan from a business perspective, we do need this rezoning. And the archaeological site, this actually came to our attention, I think staff may have raised it, we're not quite sure what's there. The location is to the further west, not too far from the river. My assumption is this is some sort of potential Native American archaeological site, and we're not going to disturb it. We will perform a Phase I if we ever were to encroach in that area. But the plan is, which would typically be the requirement, is not to disturb it and leave it untouched. So that's our plan.

Ms. Sellers: Where are you getting the material for the asphalt creation, whatever the word was you used? Like where are you getting the gravel to create the asphalt?

Mr. Payne: I think we're hauling it in? Yes. Since the sand and gravel mining operations have ceased we're bringing it in from other areas in the region.

Ms. Sellers: Okay, so it is coming in. Are you guys doing the crushing of the gravel? Are you bringing in the pre-crushed gravel? I'm a little familiar, I've been to a one or two sites now that I've seen. And so, you take the rocks, and you put them through this thing and then you do this other process.

Mr. Hall: Sure, so I guess, as appropriate, I should introduce myself. My name is Curtis Hall. I'm the Vice President general manager for our asphalt division at Allan Myers. So generally, because transportation costs can be as much as the actual material costs, we try to source these from the most local available sites. So, a lot of this material comes from Spotsylvania and some of the material comes from a little further west, out towards like Warrenton, and the sand, that's for the stone products, the granite, crushed granite, and it all is processed at the quarries that we purchase from. When we blend that material into the process and mix it with the asphalt, we're not changing, you know, we're not crushing the aggregate or doing anything to the aggregate on site. It comes in ready for use. The only thing we process on the site is the recycled material so most of that is brought in milled material off of the roadway. And it's kind of chunky, it does need to be sized and there is some crushing and screening associated with the recycled product.

Ms. Sellers: Okay, and so it'll be housed there or you're going to do it?

Mr. Hall: No, it's there, there on site.

Ms. Sellers: Okay. And then you're going to do it as necessary, I'm assuming? And that's about stuff is there currently?

Mr. Hall: That's correct, yes and about the recycling, asphalt is in fact is the most recycled material in the country. By far, far and above paper, aluminum, plastics, any of the other things we commonly think of with recycle. And we put that back into our finished product at about 30%. So that's 30% that doesn't have to be mined out of the ground, and it's a good practice.

Ms. Sellers: I'm sorry Madam Chair, and so the research stuff that you guys are doing there, is that, I know VDOT has another site or a couple of sites throughout the state where they actually do heating and but is that all on site ?

Mr. Hall: Yes, we have a laboratory on site. We perform compliance testing on our finished product. We have lab technicians, we test about every 15th truckload of material that goes out gets a sample taken,

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and we test it to make sure it's in compliance with the specification for that product. But VDOT and other agencies are constantly changing the specifications or requirements so we also do research and development to stay ahead of those changes that are coming down the pike.

Ms. Sellers: Okay and are you guys working with Germanna then to get some of your, I know they have some programs, I think Germanna is one of them that has the program.

Mr. Hall: Germanna has a great certification program and that is a good source of employees.

Ms. Sellers: Perfect. Thank you.

Mr. Payne: Stay close. I know nothing about asphalt. Madam Chair, just moving on, in transportation you heard staff note the fact that we're going to make improvements and we just made this recent proffer and change our proffer statement. We did not, just so you know, we did not get VDOT comments until part of this hearing. And we also did not receive a whole lot of guidance on timing other than they had a pavement program that was coming in that corridor in the near term. Mr. Bain's question, we're willing to put these improvements in place within 12 months after approval of this rezoning and willing to add that to the proffer statement. And I'm happy to answer any questions that I did not answer they came up during your q & a with staff.

Mr. Shelton: Madam Chair, the area that you're going to reclaim or restore and backfill, are you're going to put that back into an agriculture mode?

Mr. Payne: That's all based on the permit, but that, typically, has to go back to its original use. So that's typically how it works.

Mr. Shelton: Thank you.

Ms. Barnes: Mr. Bain.

Mr. Bain: Just the timing there, the 12 months. Are you willing to put that into your proffers?

Mr. Payne: Yes.

Mr. Bain: Can we do that tonight?

Mr. Payne: Happy to do it tonight.

Mr. Bain: Okay, very good.

Mr. Apicella: Mr. Payne. Again, I'm still concerned that in the absence of a CUP that we might be missing something, since we're not specifically looking at potential conditions associated both with the primary use and the accessory uses. So how can we be, again, part of our job is to mitigate risk. So, when you are saying in your accessory uses, for example, that you're going to allow fleet parking, fuel tank and pumps, fleet equipment repair and shop, when we would normally potentially consider conditions for those individual kinds of uses in this case, we're not establishing any conditions. I don't see anything in the proffers that addresses those specific kinds of uses or measures to mitigate any potential risks. For example, leakage from the fuel tank and pumps. So why are we pushing forward with this in the absence of a CUP?

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Mr. Payne: Well, I think staff said it correctly, is the fact that we've limited our uses. We've actually lasered in on what our uses are, and limited really to one use. And this facility has been operating since the 1960s. Its time tested. There hasn't been to my knowledge, any environmental violations, there hasn't been any noise concerns raised to my understanding, there hasn't been any issues raised whatsoever in regards to this operation, to my knowledge, I could be wrong. It's been a long, they've been operating for a very long time. So, if any of those issues were of concern, I would think they'd be front and foremost, today, right?

Ms. Barnes: Not necessarily, we're bringing you into conformance and now is a really great opportunity, not just necessarily to keep the status quo, but to actually maybe improve some things for the surrounding residents. So, I think that's one of the reasons why, you know, we're looking at some of these things. What can we improve? How can we better mitigate? The status quo may have been good enough, and it may still be good enough, but we're not considering ways that we can make this better for the community that we often do with a CUP. What are the hours that you're doing this and when are the trucks coming in and coming out? Have we had noise complaints? It looks like there's some real dense, is that Ferry Farm across the street? It looks like there's some real dense housing over there. Do we have issues from the community that maybe we need to look at? We might hear from that tonight. That's my concern with not necessarily having a CUP.

Mr. Payne: Well, to answer your question, it's got 77% open space. So, this is not a, you know, this 70-plus acres with 77% open space. So, this is not a major, in my opinion, impactful manufacturing facility that, again, has been here for a very long time. To answer your question on traffic, the total trips are about 126 total trips per day. Because they do a lot of work with VDOT, they cannot pave during rush hour. They can't be operating and constructing roads during when people are on the road. So, they're typically off time when they're operating. On their hours of operation, I'll let you answer that question.

Mr. Hall: So basically, this operation requires air permit with DEQ. And our air permit to operate states that we have 24/7 operational capability. Primarily, that's because, as Charlie stated, our VDOT contracts are typically time restricted. You know, if we're operating during the day, a lot of those are 9am to 3pm, which is a very short window of time to try to set up a lane closure and actually get some productivity so most of that work is done at night. And that's about two-thirds of the work we do is internal for our own operations, about 1/3 of the work we do is sold to other customers. So, you know, people paving driveways, parking lots, things like that.

Ms. Barnes: So, you have trucks coming in and out of there and beeping and backing up 24-hours a day.

Mr. Hall: Well, we don't operate 24-hours a day all the time. We operate at night when required by VDOT contracts. So, in other words, just to put it in today's terms, we just finished our night work for the year. I think it was about two weeks ago. And so, from now until probably May of next year we won't operate at night. We don't have nighttime temperatures to pave. Paving is a temperature, you know, there's certain temperatures required for paving operations and we don't have nighttime temperatures pretty much from now till late April, early May.

Ms. Barnes: So, you're saying that overnight work during the winter is nonexistent and there's no problems with from the neighbors and the houses around.

Mr. Hall: Yeah, I mean, there's, I got a call probably about two years ago from Supervisor Cohen, that there was an issue. We were using a tract piece of equipment a bulldozer to push the material up, that was coming in at night and the residents were hearing like the clacking of the tracks on the piece of

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equipment. We changed that operation to use a rubber tire piece of equipment. And I know a week or so later, Supervisor called and said that that problem had been corrected. So, beyond that, that's my only awareness of noise complaints, which was addressed.

Ms. Barnes: Okay, thank you.

Mr. Payne: Chairwoman Barnes, remember, this site has basically one residence to the west, river to the west. To the north is Route 3 and to the east is commercial enterprises. So, we're not near, just want to make sure, we're not near dense development. So, just make sure we're clear about that.

Ms. Sellers: Are you sure about that? Can you pull up the map and show where the asphalt...like the equipment is? Because you're not crushing rocks on the side. So, you're basically cooking asphalt.

Mr. Payne: See the salmon component and it's back, it's towards the back of the project. You see the equipment that's outlined there and then in the salmon area of the GDP?

Ms. Sellers: And it's where it's kind of like more dense looking?

Mr. Payne: Yes.

Ms. Sellers: And so, do the trucks back into there? The ones I've seen a pull through and they dump the asphalt in and then you pull out.

Mr. Hall: This may this may also help you. So, we have a one-way traffic flow where the trucks come in, drive around the stockyard, drive through the loadout facility and then drive out. So, when they're loading for asphalt there's no backing. When they're dumping stone, which we only haul in during the day because the quarries aren't open at night. They do have to back up to the pile to dumped their load of stone. So, we try to minimize the backing. Honestly, not so much from a sound standpoint but from a safety standpoint that it's typically safer to go forward than backwards.

Ms. Barnes: Back to you, Mr. Apicella.

Mr. Apicella: Madam Chairman, again, back to the proffers. Again, my opinion, I'm not the attorney on this dais here, but when I read 2.B., I think it's subject to interpretation and I would ask if you would consider a potential change. So right now, it says, heavy industrial and heavy manufacturing uses not otherwise listed and specifically include, and then it goes on, say asphalt manufacturing, yada, yada, yada. Would you be willing to consider changing that and specifically include "to and shall exclusively include only"?

Mr. Payne: The intent is only for the asphalt manufacturer facility.

Mr. Apicella: So, I think that would further narrow the language. Just one minor thing when you, I understand you're going to change the transportation proffers. I think there's a typo. On page two, under transportation, E3 all improvements described in this section 2E will be completed in conjunction with, I think there's a "the" missing there. Sorry, I know that's petty, but...

Mr. Hall: That's going to change with the 12 month, it's not going to be...

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Mr. Apicella: Well, it's currently written, I just think there's a minor typo there so if you're doing to fix it. There's just a word that's missing there. Yeah, that's not an accurate sentence. That's an incomplete sentence.

Mr. Payne: Yeah, gotcha. We changed it with the within 12 months of any approved resigning.

Ms. Barnes: Okay, any further questions for the applicant? Okay, sounds good. Thank you very much. Okay. So, we will go ahead and open up the public hearing on this. Before starting your comments, please state your name and address.

Mr. Rodriguez: Madam Chairman, Can I make a request. Can you ask staff to please put up a picture for the right lane access that was shown earlier?

Ms. Barnes: We can do that. Let me let me let me finish real quick here. Let me let me get the official part out of the way. 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 the Commission, please come forward and state your name and address.

Mr. Rodriguez: Good evening Madam Chair, Commissioners. My name is Mike Rodriguez. I'm here tonight with my wife Christine. That's the left lane, I'm talking about the right lane, the one before that one. That's actually my neighbor at 56 Wakefield. That right there is 57 Wakefield Avenue right across the street from their right turn lane. And before I start, Madam Chair, I'd like to first speak to what you had said earlier tonight about the notices according to the public notice. I think my neighbors should have been noticed. I think maybe three or four in the entire neighborhood were noticed. So, I mean, if anything at all, this public meeting should be deferred until more people know about it. Again, my name is Mike Rodriguez. Let's see. So, I'm directly across the street from Kings Highway, from Allan Myers. We bought that house in 2012 in what was then a quiet, beautiful neighborhood. That is until early 2020 when the asphalt company seems to have begun supplying a major highway project or some other project because ever since it's been nonstop noise. We contacted both Supervisors Bohmke and Cohen and with their help after it had gotten so bad, and I do thank you, because at my request is that they reached out to you and so thank you very much. As the gentleman said, they did make a change, what the issue was that there was trucks backing up all night, as Commissioner Sellers was asking about so that incessant backing up, beeping noise was driving us insane. The gentleman actually had them turn around and then they started to go forwards instead of backwards. That lasted a month and a half. Let's see. Right. So, I'm not gonna get into, I mean, I spoke to Supervisor Bohmke earlier tonight and it may be in, as you're gonna listen to in a couple of seconds, in violations of noise and light ordinances. If we show you a picture, their operation, right now, looks like the Field of Dreams from our bedroom. And so, if you allow them to expand to all 73 acres, it's gonna get ridiculous. I appreciate the fact that they want to expand their business. I'm all for people making money but not across the street from a residential neighborhood like Ferry Farm. Again, if they want to build this, if that picture can go back up to the public so they can see it, if they're willing to talk to VDOT, the VDOT is so game on having them do this for them if they build up a sound barrier, I will gladly give them part of my land. I've got three acres right there, I will gladly give them land access above the train tracks so that they can build a 60-foot border wall to block the sound and the light. Other than that, I would ask you to not approve their ordinance request. Actually, before I get off, here's what it sounds like at 2:47 AM in the morning. And then shortly after that you're going to hear this is with windows closed and then shortly you'll hear what it sounds like.

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Ms. Barnes: Your time is up. But if your wife wants to come up and speak, we can do that as well. That might solve your problem. State your name and address as well and the clock will start over.

Mrs. Rodriguez: My name is Christine Rodriguez. That's noise at 2:47 AM. There were trucks going down that road last night. I don't know what he's talking about that it's not going on., stopped two weeks ago. Last night there were trucks going down that road. Sitting in my bed I can see them going down and going down, Okay. I'm sorry if I'm very upset. But this has been going on since April of 2020 when they just first acquired it. That whole area was silent prior to that. Silent. They just purchased it and that's how we found out because there was a Pennsylvania company that the Supervisors went and investigated. I was rudely awakened by constant beeping at 2:20, 2:40, 3:10, all night long. My windows were closed. I want you to think about how you would feel if you had to sleep in another bedroom for a month. We can't have a bedroom window open because it's worse with the windows open. And it's all night long. Even at 4:45 in the morning, these trucks are zipping through with a beeping and the beeping and the beeping. I've got like PTSD, hearing beeping noises from trucks because years of this. I have to sleep with earplugs because that's the only way I can get through it a whole night without waking me up at 2:30 in the morning hearing the beeping through the double paned windows. The lights are worse in the Fall than in the Spring because the trees lose their leaves. We're up on the hill and they've got their lights beaming straight at our house. You can see the entire back of my property outside like its daylight, like it's full moon because their lights, instead of beaming down on their property or facing them they have them shining straight at us, the whole hill. If you've ever been awakened all night long, please think about how hard it would be to be able to make it through a full day of work, driving any distance because you haven't slept the full six to eight hours. This is three years of a nightmare. I was pretty excited when he said it was going to stop but then I thought last night I looked out the window and I saw three trucks going down that road. So, I don't know what he's talking about that it stopped because it hasn't and I know you can't see this picture but this is a picture of what our property looks like from, it looks like, I know you can't see it, but it's fully lit like there's this fire going on across the street. All those lights beaming up at us. This is what we've got all night long. So, 11 seconds left, I wish they could either turn the lights around the other way, maybe they can put a berm up and put trees so it is more of a sound barrier. Because putting 60-foot wall is not probably the financial clue to do. Plus, it would look ugly. But I really enjoy my property.

Ms. Barnes: Thank you very much. Would anybody else like to come up and address the Commission on this agenda item? Okay, here we are seeing no one coming up. I will bring it back to the Commission. Now. I do have a couple more questions before we get into motions or anything. And we'll have Mr. Payne come up but I do have some extra questions for Amy. I don't want you to go away. Yeah, yeah, let's let Mr. Payne go first. Thank you.

Mr. Payne: Thank you, Madam Chair, again, Charlie Payne represent the applicant. Again, this is sort of the first time we've heard any issues regarding noise and lighting. On the lighting, I think that we're comfortable with proffering down lighting. It may likely also be consistent with the County's ordinance so we're happy to address that as well. On the hours of operations, again, it could have an adverse impact on the operations of the facility, not to mention VDOT contracts in regards to again, they pave at night so, you got to come and get asphalt and put it out on the road so we apologize if it's an inconvenience, but it would have an adverse impact on operations. Again, operations have been happening on this facility, this property, since the 1960s.

Ms. Sellers: 1960s is when it started operation. What happened in 2020? Was that when we broke ground on the highway?

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Mr. Payne: No idea. I have no idea of the timing why it was more active. I'm sure it had, you've got major transportation improvement projects going on in the area. I'm sure it was related to that.

Mr. Apicella: I appreciate the potential proffer on the lighting issues there. Nothing you all can do about the noise issue?

Mr. Payne: I'm not sure what we can do, quite honestly. The County does have a noise ordinance, if it feels like we're violating the noise ordinance, you can enforce that. But not having, having the inability, and again, if you look at where we are, and the location where we are, I mean, we're about as tucked as far back as we can be. And I don't think you want us closer to the river. So, I think we're in a place and a location, again, its been successfully operating for a very long time. And again, this is the first we've heard of there being any sort of issues with noise and lighting. Other than the one instance in which Mr. Cohen contacted our client. I assume this from these residents, which we appreciate. But I'm not sure what we can do. I'm not sure how we can I guess onsite and I'll let Curtis answer this since he's operational person, but I'm not sure what we can do to mitigate onsite.

Mr. Bain: I would just point out one thing. Ms. Rodriguez had said maybe a berm or something along that eastern portion but I know their property is probably 80 feet above the roadway and so a berm really would not do much good. Unless it was 150 feet tall, which can't be done.

Mr. Hall: Yes, sound is a is a line of sight thing. That's why sound walls work. But if we're dealing with this type of elevation difference, that's going to be very difficult. One of the things we did a couple of years ago when we had that complaint in addition to changing the bulldozer out for a piece of rubber-tired equipment, was we put white noise backup alarms on our equipment at our site, which I can't really replicate the sound but it's not as piercing but it still meets the requirements for backup alarms. On the trucks, you know a lot of the trucks that go in and out of the facility are not our trucks and that also when we're out on the roadway, that white noise backup alarm is not acceptable. With VDOT they want the they want that louder backup alarm for safety on the job sites. So, I'm supposing it's the trucks not the actual equipment at the facility. And, you know, we can, you know, the first step of this is really awareness. You know, we, I was aware a couple years ago, when the Supervisor called me about that. We took actions then, I thought that the issue had been fixed. Clearly, it's not. And so, I've got to go back to the site personnel, make sure that our traffic patterns, the one-way traffic flow is being followed. And we take steps to minimize the backing. So, I also will make sure that these residents have a proper number to contact when there's issues. I'll give him my business card tonight.

Mr. Shelton: Madam Chair, Ms. Rodriguez addressed the lighting. Can you not change your lighting so it's not elevated and make it more directional?

Mr. Hall: Well, I need to look at what's going on with the lighting, we will certainly look at the lighting as well.

Mr. Rodriguez: You're welcome to our house and look at it.

Ms. Sellers: Do we know what time the boat, like there's a boat place in front of that facility when do you think they are?

Mr. Hall: There's a tow truck company directly in front of us.

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Ms. Sellers: Okay, so are we sure these trucks are from this property and not from the boat, the Walmart, Sheetz, there's like three gas stations there. Like, are we sure it's coming from this and not, especially the backing up like....

Mr. Rodriguez: It's a steady sound, not intermittent.

Ms. Barnes: Hold on a second. We're gonna have to keep going with the questions.

Ms. Sellers: Yeah, cuz, the backing up is something that would surprise me from those VDOT vehicles. And they track a lot of that stuff. Like, it's very interesting to watch that operation go but that's why I wonder, is it one of the other uses that are there that's creating some of this noise, because there's a lot of...you got a lot of trucks that are coming in there so I don't know.

Ms. Barnes: Anyone else have any questions for the applicant? Okay, thank you very much. And, Amy, I have a couple questions if I could. Do we know or have we looked into, have there been any noise complaints filed with the County on this?

Ms. Taylor: Chairwoman Barnes, staff did not specifically look into that, as nothing was noted to us that there was any concerns there but we can certainly check into it now with sheriff's office to see if there's any specific noise complaints filed.

Ms. Barnes: Okay, as far as notification goes, I do have a list of the official notifications that went out. Was standard procedure followed with, I think it's within 500 feet, that are sent with and we do have, we do have looks like receipts of certified mail, as well as receipts that are letters that actually went to tenants, not necessarily just the landowners, and that occurred as well?

Ms. Taylor: Correct. Notifications were sent out in accordance with code.

Ms. Barnes: Okay. My problem is, it looks like they went out. But it sounds to me like somebody thought it was maybe election mail with all the election mail that came in and didn't see those and I'm a little concerned that this may be something we might want to redo or give a second chance, because I have a feeling that if those folks had actually seen this, we might get some better input from the community and then, and this is not necessarily directed at you, but it sounds to me also like you know, some community outreach before we before we, you know, finish this application. Some community outreach might be worth having between the applicant and some of the neighbors so that they can come up with possibly some things that could mitigate these problems, because I gotta tell you, if I heard beeping like that all morning, all night long I want to see if there was something that we could do about mitigating that. conditional use permits to do something like that. And I'm not comfortable with just having proffers. I like the conditional use permits, it makes me feel like we have some control we can look at some things, we can listen to the people and put some of those mitigating practices into those CUPs. So that's where I stand on that. Anyone have any more comments for?

Mr. Bain: Just one, to sort of follow up on what Commissioner Apicella was saying. If the applicant were to propose a new fuel storage and dispensing facility, even though it's by right, they would still have to get a permit for that operation It would be reviewed by the County to make sure it was compliant with all of the regulations, environmental, structural, whatever, isn't that right?

Ms. Taylor: Commissioner Bain, are you referring to it like a land use or, not a land use permit, but a grading permit?

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Mr. Bain: Grading or building permit, something along that line.

Ms. Taylor: Yes, I believe only structures would require the building permit. But any land disturbance exceeding 1000 square feet would require a grading permit and potentially a site plan for any development on the site.

Mr. Bain: So, it would come back to the County. It may not come before us, but at least it would be reviewed for permit compliance.

Ms. Taylor: Potentially, again, if they were exceeding the minimum land disturbance area that would dictate the need for a site plan or if they were building a structure. Staff would not be able to speak to the requirement for a fuel pump or something of that nature where there is not a structure involved.

Mr. Bain: Right. But I would think, knowing that the site's been there and operational for such a long time some of their storage facilities might be in need of replacing and could be replaced with a more environmentally sound facility but I would think, I would hope, that it would come before the appropriate department in the County. It may not come before the Planning Commission.

Ms. Baker: And I will note that our Zoning staff does review permits that always come to our department for review as well. So, any structure which would include a fuel tank, fuel facility, anything structures basically, anything permanent that's over 12 inches tall, I believe. So, we're gonna look at just about anything. I mean, anything of substance.

Mr. Bain: That's good.

Ms. Barnes: Ms. Sellers.

Ms. Sellers: Madam Chair, this is a legal non-conforming use at this time. So, if we say no, the Board of Supervisors says no, nothing's going to change with their current operation, correct?

Ms. Baker: They can still operate on what they're doing. If they were to do any expansion or anything else that is contrary to what they are doing, as they're currently permitted to do, then they can still continue to do what they are doing.

Ms. Sellers: So no action would not remedy the issues mentioned today.

Ms. Baker: I mean, that's correct. Well, if they're violating any of our noise ordinances, they are subject to that. Yes. So that's something we can investigate

Ms. Sellers: The lighting issue, the issue with the transportation improvements, none of that would they wouldn't have to do anything. They could continue to shine those lights; however, they want to shine them because they're a legal non-conforming use, or would they have to go and fix those?

Ms. Baker: I mean, we'd have to, I guess, do a little research on what the lighting looks like and when it was installed and how it was installed, and if it's permitted, so we can do some follow up on that, but they can still operate as they are operating today, if they are in compliance with everything that they should be in compliance with is under their current operations.

Ms. Sellers: Okay. Thank you.

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Ms. Barnes: Any last questions, last call for questions for staff? Okay, seeing none, thank you very much, Miss Taylor. And I will bring it back to the Commission. Mr. Bain this is in your district How would you like to proceed?

Mr. Bain: We've talked about a lot of minor changes, but some things that are going to require, I believe, additional investigation by the applicant things like the lighting, and possibly even the noise issues. So, I'm going to make a motion to defer to our December meeting, a decision on this application and that would be December the 13th meeting for continued evaluation. That's my motion.

Mr. Apicella: I'll second that, Madam Chairman.

Ms. Barnes: We have a motion by Mr. Bain and a second by Mr. Apicella to defer. Any discussion, I'll go to you but it sounds like you've already got your...

Mr. Bain: Yeah, I think in general, I'm supportive of the application. But there are issues that I think we need to pin down. The timing on the roadway improvements out on Kings Highway, the lightning and possibly the noise issue. So, that's all I have to say. I'm generally supportive but I'd like to have an opportunity to get those things pinned down.

Mr. Apicella: Madam Chairman, I agree with Mr. Bain and his comments. I would also add that I would like staff during that period to again, take another look at the circumstances on the site to see if any of the primary or accessory uses if we were to have a CUP, if they would think that there were conditions that can be crafted as proffers and pose those to the applicant to potentially mitigate any issues that they might see. Also, I agree with your comment that perhaps staff can also further reach out to neighbors and make sure that they get proper notice of the December 13 meeting. And also, to potentially ask the applicant if they would consider holding a community meeting to help address any of these issues at a minimum to speak to the applicant, not the applicant, to speak to the folks who are here today to better understand the issues that they're going through. So, for those reasons, I think it's appropriate to defer. Hopefully, we can help resolve any of those issues that were brought up tonight.

Ms. Barnes: Okay, Ms. Sellers.

Ms. Sellers: Yeah, I don't have a problem supporting the motion to defer but I think providing this false sense that this is going to remedy anything for these folks to not take an action, I want to make sure people understand that this is not going to remedy the issue. You live by a construction site. It's very loud. Road construction is very loud. And I have a little bit of knowledge into the number of projects we have going and there's only more you know. We approved 29 construction projects this year in the Fredericksburg district and Alan Meyers is one of our contractors at VDOT. It's going to be loud for a little while. And we are getting ready to start construction on the Falmouth Bridge, which is going to be loud too and I would imagine if we haven't issued that contract that they're probably going to be one of our contractors who apply, right, just knowing who applies to us. So, I'd say for right now we can delay it, but I don't I don't want you guys to walk away thinking things are gonna get better. It's it is what it is. They are a legal use. So hopefully, we can just make sure we all understand that even community meetings, even delaying is not going to change the facts of this one. But thanks for coming out.

Ms. Barnes: Okay, any other comments? I do have a couple of comments. Steven basically stole most of them. I do want to encourage the applicant to maybe talk to the folks that are here today. I know that there's a possibility that nothing may be done. But there might be some things, it sounds like, that they can do to really mitigate that and this is a golden opportunity. Yes, if this was denied, and I don't think

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that the Commission's really leaning that way. But if this was denied, yes, you could just keep on going and there are no changes. But this is a golden opportunity to maybe improve some things, or try. I know that there's a lot of things that we've seen with other applications where there's some pretty amazing things that they can do to mitigate some of these issues. So, I think it's worth it. Ms. Sellers may be right, but I think it's worth a try to do that. So, I will support the motion to defer. Okay. Anybody else?

Ms. Baker: May I ask for clarification, please? When you, Mr. Apicella, said staff, you mentioned letters, what additional, we send out our certified letters to all applicants or property owners within 500 feet. We send them certified, what additional?

Mr. Apicella: So, I think I'm going to potentially speak for the chair. But what you said was, they probably came out at the same time some of the election mail came out and might have been comingled and folks might have not seen those letters. So, sending out another batch. We're not talking about hundreds of letters, we're talking about maybe a handful.

Ms. Baker: Well, because you've deferred, we have to send out notification letters.

Ms. Barnes: Well, that may solve the problem. I don't think this is any fault of staff. I mean, obviously these letters did go out. We've got the receipts but I don't know about you all but over the last two weeks, my husband waited to vote and we got about 50 flyers. Literally we can have had a bonfire with that. So, no fault of staff, but that may have had something to do with it. Okay, anybody else? Alright with that...

Mr. Martinez: Madam Chair, I just have a really quick comment. I'll just say I really appreciate the good faith effort that Mr. Payne and the VP is has shown tonight. I get it construction is loud and there are some residents that live nearby I, so you know, the key word that you said Madam Chair is mitigating. And I appreciate that that good faith effort that they're offering but I'll be supporting the deferral.

Ms. Barnes: Okay. Alright with seeing no additional comments, please cast your votes for deferral of zoning reclassification. Kings Highway Asphalt RC23154933. Okay, and that passes unanimously, seven to zero. Alright, thank you very much. And we will move on to number three. And that is the departure from design standards for Edge Carwash. And for that we recognize Mr. Brian Geouge.

3. WAI23155228; Departure from Design Standards – Edge Car Wash – A request for a departure from the Design and Construction Standards for Landscaping, Screening and Buffering (DCSL) Manual Sections 110.0, “Buffer Yards,” 110.2 “Street Buffers adjacent to Arterial or Collector streets,” 120.4 “Street Trees,” and 200.0 “Definitions” on Tax Map Parcel No. 21-26H (Property), zoned B-2, Urban Commercial. The Property consists of approximately 0.92 acres, located on the northeast of the intersection of Garrisonville Road and Staffordboro Boulevard, within the Griffis-Widewater Election District. **(Time Limit: January 7, 2024)**

Mr. Geouge: Good evening, Madam Chair, members of the Commission, I'm Brian Geouge with the Planning and Zoning Department. This is a request for a departure from design standards from our Design and Construction Standards for Landscaping, Screening and Buffering Manual or DCSL for short. Specifically, for sections 110.0, 110.2, 120.4 and 200.0. This project is known as Edge Car Wash. It's on Tax Map Parcel Number 21-26H. The zoning is B-2, Urban Commercial, consists of 0.93 acres and it's in the Griffis-Widewater District. The applicant is John Hallett with Edge Express Car Wash and Mr. Jeff Harvey with Legacy Engineering is here tonight representing the applicant. Here's an aerial view of the site. The general location is northside of Garrisonville Road and southside of Clement Drive

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just west of Staffordborough Boulevard. There is a McDonald's restaurant to the south and a Jiffy Lube directly northwest, as well as a few offices to the northeast.

Mr. Shelton: Brian, would you point out the Jiffy Lube for me, please?

Mr. Geouge: Yes, sir. Jiffy Lube is 204 right here. You see where I'm at?

Mr. Shelton: Yes sir, so my question and I'll raise it up front. Where is the Waller-Payne Cemetery?

Mr. Geouge: The Waller-Payne Cemetery is this flag shaped lot just north of the Jiffy Lube. And I'll try to highlight that here.

Mr. Shelton: So, this project does not impede or have any impact upon that Waller-Payne Cemetery whatsoever?

Mr. Geouge: No, Commissioner Shelton. It's not directly adjacent to that parcel and should not have any impacts to it.

Mr. Shelton: Thank you very much.

Mr. Geouge: Alright, here's a closer look at existing conditions. The site is currently developed with a carwash. It has two automatic wash bays in addition to four self-service wash bays. Primary access to the site is from Clement Drive, which is a private street with a secondary access inner parcel connection at the south with the McDonald's. And I have a couple street views here, just giving you a better idea of existing conditions. This is a view, I guess generally looking north from the McDonald's site onto the carwash property. And you can see some of the existing vegetation along 610. In addition to the separation between the McDonald's and the carwash, which really doesn't consist of much currently, we do have an opaque fence with a few trees and a couple of shrubs. But that's about it. And here's another view from Clement Drive. This is looking kind of down the property line with a McDonald's on the left. And you can see those same trees we saw on the last slide you can also see the location of the vacuum stations which are right up against the property line and the landscaping along Clement Drive here and then kind of wrapping around towards 610. And here's a layout of the proposed carwash and this would be a full redevelopment of the site. A new 3,600 square-foot carwash building would be installed with one automatic wash bay. There would be no self-service wash bays with this setup. A new travel aisle would be established around the perimeter of the property with to pay stations here, providing access to the carwash entrance and then exiting traffic would come out onto Clement Drive. There's also a new parking area and the central part of the property which would have the vacuum stations. There are numerous easements along the perimeter of the property, which I'll get into in a minute. And this is the primary reason for the departure requests. Here's a closer look. This is at the northeastern portion of the property. And this is the proposed landscape plan for this development, so I'll start going over each of the planning areas and the departure requests here. So, starting off we have a Clement Drive which requires a street tree planning area which is 10 feet wide, and accordance with Section 120.4 the DCSL. The Section states that the planning area must be exclusive of all parallel easements, or portions of the street tree planning area are located within a sanitary sewer easement which is shown here in green. As a result, the applicant is requesting the departure from Section 120.4 and Section 200 to allow the plantings within the easement which in this case are all ornamental grasses within the easement because that's the only thing that's allowed in this particular easement. I will also note that this site is subject to a conditional use permit from 2004. One of the conditions of that CUP is that there must be four canopy trees, two understory trees and 14 shrubs planted along the street tree planting area and because of the

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limitations within this easement, they are providing those plantings to the west. So, you can see a portion of that here and you'll see the rest on the next slide. But they are meeting that CUP condition, just not within this easement area. Also note that the proposed plantings within the street tree planting area exceed the total number of plant units required. So, 59 plant units are required for this planning area and they're proposing a total of 96. Before I move on, you'll see on the right side of the screen here there's a blue line which represents a storm drainage easement and yellow area which represents a Dominion Energy easement. And these easements follow where a transitional buffer is required. So, in this case, we have a carwash up against a restaurant which in that situation the DCSL requires a type A transitional buffer, which is 20 feet wide. So here they have a couple of issues with DCSL sections which prohibit plantings within parallel easements again for buffers, but also, they are unable to meet the required canopy tree requirement for a transitional buffer. So normally, you'd have at least 50% of your plant units for transitional buffer as canopy trees however, there are no canopy trees proposed here due to those overhead power lines which were shown in the pictures earlier. So, they're compensating for that with additional understory trees and shrubs. And again, here they are exceeding the total plant units required. We have 178 plant units required and 206 proposed. And I will also note with this one, that this easement in blue, the drainage easement, will be vacated as a result of this redevelopment project because the stormwater is being reconfigured for the site so that easement will no longer be needed. Alright, moving on to the southwestern half of the site shown here you can see the continuation of that yellow Dominion easement on the right side of the screen and continuation of the Clement Drive street tree planting area along the left side. And also, this property abuts Garrisonville Road which is a major collector road and as such, we have a street and buffer requirements in these cases which is a 15 feet wide planting area and again this has to be exclusive of all parallel easements for the DCSL. So, they are proposing plantings within the easement with permission of the easement holder. Again, they cannot provide the canopy trees here due to the location of those power lines. But they are making up those plant units with other plantings, understory trees and shrubs.

Ms. Sellers: Are they closing off this entrance here, because right now that's how you get out of the carwash, although I think it says do not enter?

Mr. Geouge: Alright, Commissioner Sellers, are you referring to this one here? So currently, I'm not positive on the current configuration so I have to defer to the applicant on that. but they are proposing this as an exit only. So, it is an interpersonal connection, but it's strictly for traffic exiting the carwash.

Ms. Sellers: So, somebody paid for a carwash is going to exit before they get the carwash?

Mr. Geouge: Well, I guess the only scenario I can really think of here is maybe they came to the pay station, decided they didn't want to do it, or maybe they drove through there by mistake and then they would exit out that way.

Ms. Sellers: I wish McDonald's would do that.

Mr. Geouge: Alright. So just as a quick recap on the request, they are requesting departures from four sections of the DCSL. Three of them essentially relate to the same requirement in that a planting area cannot be within a parallel easement. And that includes Section 110.2 for street buffers for 610, Section 120.4 street trees for Clement Drive and Section 200.0 definitions which kind of addresses everything. The fourth section is 110.0 buffer yards and this applies to both the 610 buffer and the transitional buffer and that is to have relief from that canopy tree planting area or planting requirement. So, in conclusion, section 143.0. 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

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extent practicable. The applicant has shown hardships created due to the location of existing utility easements and the impacts on their development if those easements were to be avoided. We also note that with this carwash being constructed in 2005, it has been impacted by roadwork in this area. Since then, I believe there were some existing trees along that frontage previously that had to be removed due to road widenings. The applicant has made attempts to mitigate the impact of the departure requests where possible. And we note that the proposed landscaping would bring the site much closer to conformance with our current standards compared to the existing development. And we also again note that the total plant units are being met or exceeded and the applicant has obtained permission from easement holders to allow these plantings within the easements. So, in conclusion, staff believes that the applicants request meets the requirements for a departure and recommends approval of PCR 23-15 and happy to take any questions.

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

Mr. Bain: Yes, Mr. Geouge, do you know what the hours of operation will be for this facility? Just curious.

Mr. Geouge: I do not know. I'll defer to the applicant.

Ms. Sellers: Mr. Bain, it's currently a 24-hour facility if that puts it into perspective.

Mr. Bain: That's probably because it's an automatic, do-it-yourself thing. But this is going to be manually operated by a crew, and they're going to dry the cars off when they come out of the thing, I suspect, so it'll be a different operation. And I'm sort of thinking they might not work at night. But we'll find out. Yeah.

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

Mr. Apicella: Madam Chairman, on the current state, I think I saw a fence. You may have mentioned this, is the new project going to have any fencing?

Mr. Geouge: If I remember correctly, this fence would be retained. However, I will defer to the applicant on that. But apart from that, I do not think there's any proposed fencing as part of the redevelopment.

Mr. Apicella: So, is the fencing part of a previous proffer or?

Mr. Geouge: Not that I'm aware of.

Mr. Bain: Or is it part of McDonalds? It might have been required from the McDonalds.

Mr. Apicella: The only reason I bring it up is because it doesn't look like it's in great shape.

Ms. Sellers: I would say please remove it, if we can. It's horrible.

Mr. Geouge: I may not be accurate on that statement, so again, I'll have to defer to the applicant. I'm sure they will know more about that.

Ms. Barnes: Any other questions? Okay. Alright. Thank you very much. Would the applicant like to come up and... yes, well, the prodigal son returns.

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Mr. Apicella: Mark this down for the history books, though. Right. This is the first time he's coming in front of us.

Mr. Harvey: Well, good evening, Madam Chairman, Planning Commissioners. Thank you for entertaining us tonight with this departure request. My name is Jeff Harvey with Legacy Engineering, 129 Chatham Square Office Park here in Stafford. With me tonight is Luke Murray, with Edge Express Car Wash and also John Hallett, in the back. They're here as the owners for the property and I'll introduce them in a minute and let them explained a little bit about Edge Express Car Wash and then they can answer any operational questions you might have. In my presentation, Brian has done a great job in covering a lot of the items I have on my slides. So, I will try to make it as quick as possible and add some additional commentary as needed. But I'll give a little bit of background, discuss the project proposal for renovation and redevelopment, talk about the hardships with the departures and mitigating measures. I'll turn it over to Luke for some discussion about an introduction to Edge Carwash.

Mr. Murray: Madam Chair, Members of the Commission, as Jeff said Luke Murray with Edge Express. Quick backdrop on Express Model Carwash to get you familiar. We are manned carwash, pull into the carwash, there's pay stations, where you can choose which package you want, pay, and then you proceed through the wash, we load you onto a conveyor, you're pulled through the wash, it's about three minutes inside the tunnel and then you're free to exit. Or you can pull into the parking lot and vacuum your car if you so choose. It's pretty simple, efficient, effective procedure and process. Commissioner Bain, you brought up a point about hours of operation, eight to eight is our operating hours as opposed to 24 hours with the current carwash that's there. But that's in a nutshell, that said, I'm happy to answer any questions that you might have.

Ms. Barnes: Any questions for the applicant?

Mr. Apicella: The fence. Are you gonna keep it? Going to replace it? Can we remove it?

Mr. Murray: We would love to get it... I mean, I don't know if you've been by the site, but the site is horrid. From the building to the fence to the... so, we would, you know, I don't know of our ability to remove fence or what but yeah, we want to get rid of everything out there. It does not mesh with our product.

Mr. Apicella: I would just ask if it's required, which I don't know if it is, if you would consider replacing it or repairing. It doesn't look pretty.

Mr. Murray: Yeah, our building, as you'll see in the presentation, is state of the art facility, including the equipment. Commissioner Bain, you mentioned drying cars off we don't dry, the tunnel actually does all the work. So, when people leave, they're free to either drive out and exit or they can, as I said, pull around and vacuum themselves but the car is dry when it leaves.

Al Bain: Do you offer detailing service?

Mr. Murray: We do not. It is not a service we offer. The tunnel does an incredible job of detailing the car. And then the exit, Commissioner Sellers you spoke about the exit lane, that is an emergency bailout lane. So, if somebody does come in and has an emergency and needs to get out of line and leave they can do so without having to go through the wash.

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

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Mr. Shelton: And this is a recycled water facility?

Mr. Murray: We reclaim up to 90% of our water so we have inground facility that processes the water through several tanks and then through an oil water separator and then flows back into the tunnel.

Mr. Shelton: Thank you.

Mr. Murray: As opposed to what's there which is zero. You're welcome.

Ms. Barnes: And you don't offer full service? Asking for my own personal use here, but you don't vacuum out or do anything like that or clean the windows?

Mr. Murray: We don't. We let the tunnel clean the car. We have a facility, I guess west of the site, about three miles away. So we'd love to have you come visit us there. Check us out.

Ms. Barnes: And how many people do you employ?

Mr. Murray: Total companywide or just this location?

Ms. Barnes: Just at this location.

Mr. Murray: 15 to 25 depending on you know, the busy schedule.

Ms. Barnes: Okay and they're not actively cleaning the car?

Mr. Murray: Correct. They're servicing the customer. They're loading the customer, they're informing the customer and educating the customer.

Ms. Barnes: And by the way, that fence looks like it could just be pushed down with a tap

Mr. Murray: Part of it can be.

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

Mr. Harvey: Madam Chairman. Continuing on with the presentation, Brian did a great job of highlighting the code sections within the DCSL, which we are seeking relief from. Just to give you some more photographs of the site. This is again another screen image, you can really see by this picture right here that we are encumbered by overhead power lines, both on the Garrisonville Road frontage and the common property line with McDonald's. And as mentioned earlier, there was a conditional use permit approved for this property and was built subsequent to that conditional use permit. When that conditional use permit and site plan were approved that was prior to the current standards for DCSL. At the time they were built, there was no buffer requirements between this site and the adjacent McDonald's where there is today. They're also, with the conditional use permit, were two conditions that affect plantings in particular, as Brian mentioned, along Clement Drive, and also along Garrisonville Road there was a requirement for a berm to be planted, and that any required plantings be in that berm along the roadway. The CUP restricts our access points to the property, specifically Clement Drive in that inner parcel access that was discussed earlier. And at the time that CUP required dedication of road right away for the widening of Garrisonville Road, as well as utility easements. But when Garrisonville Road was widened, they actually needed more right-of-way than was initially provided. So that was where we had the

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additional encroachment into the front of the property. Currently, the property is a nonconformity from the standpoint of open space ratio. Due to that right-of-way take the open space ratio is .19, the County code requirement is .25. Part of our site actually has Clement Drive on the property, whereas in this location here, you can kind of see the curve of the roadway. And that's on our property so that's one of the things that we also have to contend with. As you'll see from some of the previous photos, and also the photos are going to show you is that the existing carwash has not been properly maintained is in somewhat of state of disrepair. For some reason, the clicker stopped. Thank you. So, these are some of the images of the existing carwash base. And as Brian mentioned, we have utility easements, basically on three sides of the property with a different coloration identifying the different easements. The easement in the front along Garrisonville Road is a joint use easement so that has overhead wires for electricity, there's telecommunications, and there's other utilities in that area. As mentioned also previously, where we have the required transitional buffer, that areas where the current vacuum stations are and that's a travel lane. So, we will again be bringing the site more into compliance with regards to providing the transitional buffer. In addition, we will be bringing the site more into compliance with the required open space ratio. We will be proposing a .23 open space compared to the .25 which is required, which is still much better than the .19. So, in essence this redevelopment will make the site more green. Next slide please. With regard to revitalization Luke covered a lot of the positive aspects with employing more of the nearby residents, water reclamation and how this is going to add value to the community. As discussed, it's not going to be a 24/7 operation, you're not going to have the self-service bays. People won't be hanging around the site. So, from a community appearance and community safety standpoint, this will be a much better situation than our current conditions. These are some renderings for the project. As the Commission is aware, in the County's Comprehensive Plan or Design Standards Guidelines for New Development, this meets many of those design standards that the Commission and Board are looking for in a Comprehensive Plan. There are varying roof elevations within the building, varying facade elevations where there's recessions and projections, the building uses, in this case, stone face on large portions of it and there's also earth tone colors, all meeting the recommendations of the neighborhood design standards. Dominion Virginia Power has requirements for planting if you're going to plant in their easements and the items on the left are the permitted vegetation that they will allow. And the items on the right is the guidelines for planting vegetation. Basically, Dominion does not allow any tree that's going to grow more than 45 feet tall within any of its utility easements. You can have trees that will be between 20 and 45 feet in the easement but not underneath the power lines. So basically, those requirements prohibit what is termed in DCSL as large trees. There can be some canopy or understory trees that could be permitted, as well as shrubs and grasses, but no large trees. The street buffer itself, as Brian mentioned, requires four large trees. The transitional buffer requires seven and the conditions of the use permit stipulate four large trees and two understory trees and 14 shrubs along Clement Drive. We've attempted to, with the landscaping plan, cluster them here. As Brian mentioned, we will be planting grasses along the remainder part of the planting area along Clement Drive. But I will note the DCSL talks about the street tree planting area, as well as the buffers it contemplates a uniform distribution of the plants rather than all clustered in one area. So again, that's why we need some relief for the standards for planting in these areas. And can I help with the next slide please? I think the pen is messing with the slide projector.

Mr. Bain: We're gonna send you a bill for cleaning the screen since you've been using that permanent marker obviously.

Mr. Harvey: Well, I think I can use the eraser here. Solved that problem.

Mr. Bain: Oh, he's smart.

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Ms. Barnes: That's not his first time.

Mr. Harvey: So, as we mentioned, one of the departures is for having the street buffer exclusive of easements. Next slide, please.

Mr. Bain: Mr. Harvey, I'm just curious, is there any vegetation on the site that's going to be retained? And I don't know that there is any, I haven't visited the site, I'm sorry to say, but were there any trees that were worthy of saving?

Mr. Harvey: Commissioner Bain, the short answer is no. All the vegetation will be replaced and be planted with new material. The current vegetation, for the most part has not been maintained and is a bit unsightly, and the redevelopment will make the site much more attractive.

Mr. Bain: Okay. Yeah, that's fine.

Mr. Harvey: As Brian mentioned, we have the street tree planting area which is also in an easement which is not permitted. And then in the definition of planting areas specifically excludes easements that are parallel to the property line or the street. So even our transitional buffer cannot meet that requirement. So, the hardship from the applicant standpoint, for this project, and trying to meet the DCSL requirements is One - the limited size of the parcel. Two - the irregular shape of the parcel. And when you consider building setbacks with a 40-foot setback along Garrisonville Road and a 40-foot setback long Clement Drive, it constricts the property. The easements also create these conflicting situations where required plantings are necessitated through one - the conditional use permit and two - the DCSL and the fact that Virginia Dominion Power does not allow large trees in its planting areas. If we were to move the planting areas interior of these easements as shown in the blue coloration on the drawing, that would force the carwash building to be further up and into the site, which would create a conflict with the access into the bay as well as out of the carwash tunnel itself, resulting in travel ways that won't meet County code requirements and will not allow to pass traffic, especially if you recall this as the area where the vacuum stations are. You couldn't get two-way traffic through there to get to the vacuum stations. So again, if we were to place the planting areas outside of the utility easements, where they're essentially required to be, we couldn't redevelop the site. And that's our hardship. And next slide, please. And as Brian went through all the mitigation measures that we're proposing, we're proposing additional plant units and all the required buffer and landscaping areas plus additional plantings in the vacuum station areas. In the Edge Express Carwash asks for favorable consideration by the Planning Commission and asks that you consider granting the departures that we're requesting. Thank you.

Ms. Barnes: Any additional questions for the very well-prepared applicant? Okay, thank you, Mr. Harvey

Ms. Sellers: Why in the world did we allow that site to look like that in the first place?

Mr. Harvey: Commissioner Sellers, the County does not have a building maintenance code for one thing, so there's no requirement in the County building department for them to follow up to see if properties are being well maintained. Also, individual property owners make considerations as to how they want to invest in their property. In some cases, they let things go.

Ms. Sellers: No, I mean, like that road. I mean, it's funky shaped and

Mr. Harvey: Oh, you mean, are you referring to Clement Drive?

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Ms. Sellers: Yeah, Clement Drive. I'm trying to think, in 2005, what did that look like?

Mr. Harvey: Well, Commissioner Sellers, Clement Drive was built in combination with the development of the Jiffy Lube. That was the first commercial use on that complex. And then there was previously a gas station in the location where this current carwash is and then the owner of the Jiffy Lube also built the office complex behind it. So, part of the reasoning for building Clement Drive in that configuration was to give people access to both Staffordborough Boulevard and Garrisonville Road.,

Ms. Sellers: Okay, sorry, we benefited from you representing the applicant.

Ms. Barnes: Very well informed, historically. Okay. Last call for questions for the applicant. Okay, thank you, Mr. Harvey. Okay, we will then go ahead and open up the public hearing for this. If you'd like to come down and comment on this agenda item before starting your comments, please state your name and address. Clock starts when the green light appears, yellow means there's one minute left, red means your time is up. If you'd like to speak, please come forward. Okay, seeing none, I will close the public hearing and bring it back to the Commission. Mr. Cummings, this is in your district. How would you like to proceed?

Mr. Cummings: I'd like to move that we approve. WAI23155228 Departure from Design Standards for the Edge Car Wash.

Mr. Shelton: Second.

Ms. Barnes: Okay, got a motion from Mr. Cummings and a second by Mr. Shelton, any additional comments?

Mr. Cummings: I think it's a great use. And I love... you had me at reclaiming water and more open space. And so, it's a welcome addition and thank you.

Ms. Sellers: I think it will look a lot better. It is an eyesore. And yeah, I think it will look better. I think it's overdue and I hope that there are more projects that come along Garrisonville Road to make it look better because it's starting to look a little rundown.

Mr. Shelton: I may give you the fence.

Ms. Sellers: Great. I'll have a fire. Put it outside. I know exactly what to do.

Ms. Barnes: Okay, so any more comments, questions? Okay, so we have a motion by Mr. Cummings and a second by Mr. Shelton. Any more comments? No. Alright, please cast your votes. Alrighty, passes unanimously, seven to zero. Thank you very much. Congratulations. Best of luck moving forward. Okay, let's move on to the next one item number four, departure. Another departure from design standards. This one is for the Tractor Supply on Route 17. We're finally getting some movement there. And for that we recognize Natalie Doolittle.

4. WAI23155128; Departure from Design Standards – Tractor Supply Rt. 17 – A request for a departure from the Design and Construction Standards for Landscaping, Screening and Buffering (DCSL) Manual Sections 110.2, “Street Buffers adjacent to Arterial or Collector streets,” Sec. 120.4, “Street Trees,” and Sec. 200.0, “Definitions” on Tax Map Parcel Nos. 44-64 and 44-65 (Property), zoned B-2, Urban Commercial. The Property consists of approximately 4.04 acres,

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located northwest of the intersection of Warrenton Road and Lerosé Drive, within the Hartwood Election District. **(Time Limit: January 7, 2024)**

Ms. Doolittle: Good evening Madam Chair, Members of the Planning Commission. Item number four is a request for Departure from Design Standards for Tractor Supply WAI23155128.

Ms. Baker: Computer please.

Ms. Doolittle: Thank you. The request is for a Departure from Design Standards fFor Landscaping Screening and Buffering, specifically sections.110.2 120.4 and 200.0 of the Design and Construction Standards for Landscaping Screening and Buffering manual or DCSL. The project is Tractor Supply on Tax Map Parcel Numbers 44-64 and 44-65. The site is approximately 4.04 acres within the Hartwood Election District and the applicant is Adam Sellner of Sea Mountain Ventures II, LLC. The location of the site is shown here outlined in red. It is located northwest of the intersection of Warrenton Road and Lerosé Drive just southeast of Cardinal Forest Drive and the site is currently undeveloped an access will be from Lerosé Drive. There are existing powerlines on site within a Dominion Energy right-of-way easement. The photo on the left shows the power lines as seen from Warrenton Road. And the photo on the right shows the power lines as seen from the intersection of Fleet Road and Lerosé Drive. The layout of the proposed Tractor Supply as shown here. It will be one story and 21,556 square feet. The main access to the property would be from Lerosé Drive. An interpersonal connection to adjacent tax map number 44L-1-A is also proposed. There are numerous easements along the perimeter of the site, but only a Dominion easement impacts the applicant's ability to meet all landscape requirements of the DCSL. This easement is the primary reason for these departure requests. And here's an exhibit showing the existing 30-foot Dominion Energy power easement outlined in red. And the proposed 15-foot street buffer along Warrenton Road is shown with orange hatching and the proposed development abuts Warrenton Road along the southwest property line. Warrenton Road is considered a principal arterial road and the development is subject to a street buffer per section 110.2 of the DCSL. The buffer yard shall be 15 feet wide with 50 plant units per every 100 linear feet. And this section also states that such buffer yard shall be exclusive of all parallel easements. A portion of the street buffer proposed with this plan is located within a utility easement with overhead wires that is utilized by Dominion Energy. The request for this Warrenton Road buffer planting area include the following: a departure from design standards for DCSL Section 110.2 Street buffers adjacent to arterial or collector streets to allow the planting area to be within the utility easement along Warrenton Road and a departure from design standards for Section 200.0 definitions for definition of planting area to allow the planting area to be within the utility easement along Warrenton Road. The plan meets DCSL standards for plant units and plant types. As proposed the total plant units provided for the buffer would exceed the total minimum required; 223 plant units required versus 602 proposed. The proposed 10-foot street tree planting area along Lerosé Drive is shown with green hatching. The proposed development abuts Lerosé Drive along the southeastern property line and street trees are required in this area along the frontage for all streets abutting a nonresidential development for Section 120.4 of the DCSL. The landscape requirements shall not be located within a utility easement if the utility easement is not perpendicular to the street. The landscape requirements shall be located outside of the easement. The planting area shall be 10 feet wide with 21 plant unites per every 100 net linear feet of street frontage. This section also states that the planting area must be exclusive of all parallel utility easements. The street tree planting area proposed with this plan is located within a parallel Dominion Energy Power easement A portion of the street tree planting areas five feet in width instead of the required 10 feet in width due to the proximity of the easement and a trailer display area. And this conflicts with Section 120.43, C and D. So, this is the area right here that's five feet instead of 10 along the Lerosé Drive street tree planting area. The departure requests for the Lerosé Drive street tree planting area include the following: a departure from design

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standards for Section 120.4 street trees to allow a parallel utility easement within the required street trees planting area along Lerose Drive and to allow a street tree planting area to be five feet in width instead of the required 10 feet in width. And also, a departure for Section 200 definitions to allow a parallel utility easement within the required street tree planting area along Lerose Drive plan meets standards for plant units and plant types. As proposed the total plant unit provided for the planting area would exceed the total minimum number 67 plant units required versus 199 proposed. The applicant has made an effort to concentrate the plantings toward the outer edge of the easement in order to reduce conflicts with the location of the overhead power lines. Next slide please. In summary, the applicant is requesting departures for the following requirements. Required planting areas cannot be located within easements that run parallel to the roadway or property line for Sections 110.2, 120.4 and 200 of the DCSL and street tree planting areas required to be 10 feet in width for Section 120.4 of the DCSL. 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 hardships created due to the location of the existing utility easement and the impacts on development feasibility of the easement were avoided. The applicant has made attempts to mitigate the impact of the departure requests where possible. The total required plant units far exceed the minimum required. The applicant has a current right-of-way agreement with Dominion recorded April 27, 2022, which allows for landscaping within the easement. Also, you should have received a copy of an email received today from the senior distribution forestry coordinator with Dominion energy stating the shrubs and trees proposed with this plan are in compliance with Dominion's guidelines. Staff believes that the applicants request meets the requirements for departure pursuant to section 143.0B of the DCSL and recommends approval of the Planning Commission resolution 23-19. And that concludes my presentation. I'd be happy to take any questions you have and the engineer is here as well.

Ms. Barnes: Okay, thank you. Questions for staff? Mr. Bain.

Mr. Bain: Natalie, could you go back to the slide that had the colored... there we go. I didn't notice it when I looked at this on my computer and stuff. Am I right? Is there a water easement along Warrenton Road along Route 17? I can see a dashed blue line.

Ms. Doolittle: I can't see exactly how wide it is on this but yes.

Mr. Bain: Does that include the planting area that you've got highlighted with orange?

Ms. Doolittle: No.

Mr. Bain: Okay, that's what I was concerned about because you can't have plantings in water easements. It wasn't clear. I couldn't tell from the stuff on my computer and I just saw that blue line and I was hoping that wasn't inside your planting area. Okay. Sure looks like it is, so um, I don't know.

Ms. Barnes: I've got it blown up over here pretty good. You can see it right there. You see it? Isn't that what you're talking about?

Mr. Bain: On the left-hand side, the blue line there and it's also up higher. Not quite there. That's the blue line.

Ms. Barnes: That's purple.

Mr. Bain: Is that purple? Okay, I'll take your word for it that you've looked at it.

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Ms. Barnes: Al's slight color blindness.

Mr. Bain: So hard to see these. Yeah, colorblind.

Ms. Barnes: I have one of these fancy computers that you can just blow the whole thing up. Okay, any other questions for staff? Okay, thank you very much. Would the applicant like to come forward?

Ms. Doolittle: I don't believe that applicant is here tonight but the engineer is to answer any questions.

Ms. Barnes: Okay, that sounds good to me. Do we have any quick questions for the applicant's engineer. Maybe you want to ask him about?

Mr. Bain: I will get him to verify that.

Ms. Barnes: Please that tell us who you are.

Mr. Pardo: Good evening. My name is Carlo Pardo. I'm representing Bowman Consulting from the Raleigh North Carolina office. If anyone has any questions, I'd be more than happy to answer.

Mr. Bain: Would you clarify about that water line easement?

Mr. Pardo: Does screen work here?

Ms. Baker: computer please?

Mr. Pardo: So, where I'm circling right there, that's the 15-foot water easement. So, it's on the southern portion of the Dominion Energy.

Mr. Bain: Okay, that's good. That's the only question.

Ms. Barnes: Okay, easy enough. Anyone else have any questions for the applicant's engineer? Okay, thank you very much. Okay, so I'll go ahead and open up the public hearing on this item. If you'd like to address the Commission on this agenda item, please come forward. The clock starts when the green light appears, yellow means there's one minute left, red means your time is up. If you'd like to speak to the Commission, please come forward.

Ms. Fingerholz: Hey, Shannon Fingerholz. Hartwood District. So, kind of something you said earlier. If we have a chance to do something better than we should. So, I know that my concern is not necessarily what they're dealing with here specifically but our house we can see this property. Actually, when you brought up the picture of the aerial shot you see our house. We had made an agreement with folks that I don't see here today. In order to not have an issue with our neighborhood and them changing the zoning is that the trees would be on the outside of the fencing so we weren't looking at fencing. So, we don't end up with like the carwash situation where there's a cruddy fence we're staring at, it's actually trees instead. And they also told us that they would extend the sidewalk from their property to the intersection, which is a very small amount of space. 17 is already pretty choppy with their sidewalk access. And so there, in the picture we saw there, it's still showing stopping at their property line.

Ms. Barnes: Ms. Fingerholz, can you state your address for the record, by the way?

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Ms. Fingerholz: Oh, I always just say Hartwood.

Ms. Barnes: Are we comfortable with? Yeah.

Ms. Fingerholz: So, I mean, I can, well, I guess you can see my house so it doesn't matter. 19 Cardinal Forest Drive, which makes sense but yeah, usually just say Hartwood. So, if that could be addressed in some way that would be great. And I think that's all that I have. So, thank you.

Ms. Barnes: Okay, thank you. Anyone else like to come up and address the Commission? Okay, seeing none, I'll close the public hearing. Would the engineer like to come forward and respond to that?

Mr. Pardo: I'm sorry. Which property are you again?

Ms. Fingerholz: 19 Cardinal Forest, so it's the second house on the left.

Mr. Pardo: Do you mind pulling up the aerial please? I don't have that on my plan sheets.

Ms. Baker: Give it just a second to pull that up. And may I have the computer please.

Ms. Barnes: You're the first house on the left?

Ms. Fingerholz: Yeah. So, like, right across from a pool and tennis court.

Mr. Pardo: And your agreement was with Mr. Adams Sellner.

Ms. Fingerholz: Um, it was the lawyer. We had talked a lot with the lawyers.

Mr. Pardo: Okay. Jack Wilson?

Ms. Fingerholz: Yes.

Mr. Pardo:

Okay and he said that there would be trees as opposed to fences?

Ms. Fingerholz: The fence was fine but he said to flip it. Instead of you guys having the trees on the Tractor Supply side it was trees on the neighborhood inside so we're not staring at the fence. We're staring at the trees.

Mr. Pardo: Oh, okay. Is that Is that something that the County would want us to revise?

Ms. Barnes: If it's not in the current plan I'm a little worried that really, I mean, we really can't get in here right at this point and really change this up, much can we?

Ms. Doolittle: And I don't believe that is part of the area that's for the departure tonight. The plan is not approved yet. And so it's something that we can still, we can research and look into.

Ms. Barnes: Okay, so if we approve that the design departure tonight, is that something outside of that, that you guys can possibly work on to see if you can place the trees in a more, in a position that might be a little bit better? It looks like to me, it's across, it looks like there's tennis courts, Cardinal Forest

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Drive and then the house is over there. So, it's actually a goodly distance away. Okay, so why don't we do this? It sounds like this might be an issue outside of the design departure so, we can consider that. And I would then suggest that the applicant, perhaps get a hold of the Fingerhotes or with the County and see if there is something that you can do. Does that sound like a plan that would be acceptable to the County and to the applicant?

Ms. Doolittle: Yes.

Ms. Barnes: Okay. Alright. Thank you.

Mr. Bain: And the sidewalk issue? Please come back up so that, yeah. They're going to transcribe note recording.

Ms. Fingerholz: So, the sidewalk, you see that it stops right at your property line. One of our deals as a neighborhood with changing the zoning was that the sidewalk would continue to that intersection. And they would have to get approval from the current landowners. But as that sites developed anyways, those people would have to extend the sidewalk too. So, it was our agreement that we would not cause a ruckus about changing zoning as they extended that sidewalk along with those trees.

Mr. Pardo: That's something you'll have to coordinate with our client and his lawyer with that's fine.

Ms. Fingerholz: It's been years.

Ms. Barnes: Just y'all get together and try to work that out and hopefully you have something more than, maybe something in writing. Alright, thank you very much. I appreciate that. Okay, I'm gonna go ahead and bring us back to this is in Mr. Shelton's district? Yes.

Mr. Shelton: Yeah. We've been looking for this for a couple of years.

Ms. Barnes: Yes, yes. How would you like proceed?

Mr. Shelton: I would like to offer a motion to approve PRC23-19 ,WAI233155128.

Mr. Martinez: Second.

Ms. Barnes: I have a motion to approve by Mr. Shelton a second by Mr. Martinez. Any additional comments? Ms. Sellers.

Ms. Sellers: So, Hartwood gets a Tractor Supply and Garrisonville Road gets a car wash, just saying.

Ms. Barnes: Oh, Garrisonville Road is getting the Tractor Supply too. We're getting one too. There's two of them. Yeah. Okay, so any other comments besides that? Alright. Seeing none, please cast your vote. And that passes, seven to zero. Thank you. Congratulations, and best of luck moving forward. And please make sure that you all coordinate some of those things to help mitigate those impacts to Cardinal Forest.

Mr. Shelton: Mr. Pardo, if you would work with the residents there please and talk to the applicant. I would appreciate that both the issues that you brought up, even though this part was this solely on landscaping, Please deal with those folks.

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Mr. Pardo: Will do.

Mr. Shelton: Thank you.

Ms. Barnes: Okay, so let's move on to Unfinished Business, which we have none. New Business, none. Planning Director's Report. Ms. Baker.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

5. Project Pipeline Report (For Information Only)

Ms. Baker: No report, just the project pipeline report is in your package for your information.

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

COUNTY ATTORNEY'S REPORT

Ms. Lucian: No report for me either.

Ms. Barnes: Alright. No Committee Reports. Chairman's Report. This evening I have nothing. Other Businesses under TRCs it looks like we have Pentecostal Church in the George Washington Election District and Stafford County Schools Elementary Number 18 in the Hartwood Election District. Finally, my goodness. Okay, approval of minutes. Can I have a motion for the approval of minutes for October 25.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

6. New TRC Submissions

- [23155307](#); Iglesia De Dios Pentecostal Cristo La Roca Church – George Washington Election District
 - A major site plan for a church building and associated infrastructure located on the north side of White Oak Rd between Ringgold Rd and New Hope Church Rd on TM#55-40A zoned A-2 consisting of 2.88 acres.
- [23155311](#); Stafford Co. Schools Elementary #18 – Hartwood Election District

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- A major site plan for a public elementary school and related facilities located on the south side of Truslow Rd at Summer Breeze Ln on TM#36-37 zoned A-1 consisting of 33.24 acres.

APPROVAL OF MINUTES

7. October 25, 2023

Mr. Bain: So, moved.

Mr. Shelton: Second.

Ms. Barnes: Alright. An approval of minutes for October 25 was by Mr. Bain, a second by Mr. Shelton. All in favor? Any opposed?

Ms. Sellers: I abstain.

Ms. Barnes: And one abstention from Ms. Sellers and the motion passes 6 and 1 abstentions. And with no more business before the Commission, we are adjourned.

ADJOURNMENT

At 8:20 PM, Chairman Barnes adjourned the November 8, 2023, Stafford County Planning Commission meeting.