

STAFFORD COUNTY PLANNING COMMISSION

December 13, 2023

The meeting of the Stafford County Planning Commission of Wednesday, December 13, 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, Mike Zuraf, Dylan Palmer, Brian Geouge

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Do we have any declarations of disqualification this evening? No. Do we have any changes to the agenda?

Mr. Bain: Yes, Madam Chairman. I would like to make a motion to move the Closed Meeting, Section 2.2-3711(A)(8), that's listed after the Planning Director's Report and actually have that conducted before the Planning Director's Report.

Ms. Barnes: Okay, we have a motion; do we have a second.

Ms. Sellers: Second.

Ms. Barnes: Alright, Ms. Sellers did a second. Any discussion? Okay, please cast your votes. Okay, that passes unanimously, 7-0. Alright, thank you, Mr. Bain. Okay, I will now 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 the items scheduled for public hearing tonight. So if you're here to comment on the Asphalt Plant or Belmont or the Raising Cane, you can wait until that particular item comes up on the agenda. 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 conclude your comments. If anyone would like to address the Commission, please come forward.

PUBLIC PRESENTATIONS

Ms. Tittle-Phipps: With your permission. Good evening, ladies and gentlemen. Thank you for serving. My name is Sam Tittle-Phipps. I'm a resident here in the County of Stafford and I have... we have a beautiful Memorial out here for the Veterans. But I have been asking you why have you not put up the Confederate flag which is the other half of the American flag. It's an embarrassment when people from other states come here visiting us and they do not see that Confederate flag. Now, there may be a lot of discrepancy... I beg your pardon. There may be a lot of discrepancy in whether or not we should or shouldn't. Absolutely unequivocally no ifs, ands, or buts about it, we're American Patriots. There's no one to take those flags apart. It's... the other 13 states are the remainder of the other portion of that American flag. The reason I stand up with conviction on behalf of all American citizens is because we have got to get it back together. It's a, it's a piece of material with color. It can't hate. It can't be racist. But I can tell you this. The 17th Congress of the United States of America declared those men and women

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wise Veterans, United States Veterans. Put that flag back up there please. It's an embarrassment without it. Thank you.

Ms. Barnes: Thank you. Would anyone else like to come up and address the Commission? Okay. I don't see anyone coming up yet. I'll give it a second but it looks like that's the end of it so I'll close the public presentation portion of tonight's meeting. Oh, you wanted to come up? Okay, so this is just for a general comment. If you're here for a specific agenda item, you have to wait until that specific agenda item comes up. So, if you're here for any the three public hearings, we'll have that later. Okay, no problem. Okay, so now we'll move on to the first item on our agenda. And that is going to be zoning reclassification Kings Highway Asphalt and for that we recognize Ms. Amy Taylor. Welcome back.

PUBLIC HEARINGS

1. 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) (History: Deferred at November 8, 2023 meeting to December 13, 2023)**

Ms. Taylor: Good evening, Madam Chair, Members of the Commission. I'm Amy Taylor with the Department of Planning and Zoning and I'm here this evening to present item number 1 on tonight's agenda, which is a request for reclassification for Kings Highway Asphalt. Make sure it's turned on again today. There we go. There we go. As noted, this is a request to rezone approximately 73.33 acres from A-1, Agricultural to B-2, Urban Commercial. Oh, excuse me, it's rezoning 73.33 acres from A-1, Agricultural and B-2, Urban Commercial to M-2, Heavy Industrial, affecting Tax Map Parcel Numbers 58-5A, 58-5B and 58-5G, all in the George Washington Election District. And the applicant and owner is Allan Myers, Virginia Inc. and Charlie Payne with Hirschler, who represents the applicant, is also here this evening. 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 with the exception to a small portion which is zoned B-2/Urban Commercial as shown here in the Southeast corner of the site. And a small portion of the property is also located in the Highway Quarter Overlay District. Surrounding zoning districts are R-1, Suburban Residential and HI/Heritage Interpretation to the north, B-2 and 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 previously, most of the subject property has been zoned A-1 since before 1978, and there are no existing proffers. The property is also developed and is currently used as an asphalt plant, which has remained in continuous operation since the early 1960s, and also predates the enactment of the county's zoning regulations, which came into effect in 1964. As such, the facility is considered an existing non-conforming use. The property was also previously operated as a sand and gravel mine, but the mining operations have since ceased and the site is currently undergoing reclamation activities to restore the previously mined areas. This is the GDP which illustrates the existing site layout and identifies the location of all the buildings and areas associated with the existing asphalt plant as shown in the areas there in orange. And as well as the reclamation areas for the existing, or excuse me, the former sand and

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gravel mines as shown in green. Access to the site is provided with a single entrance on Kings Highway and a paved access road that runs through the center of the property. Gravel and sand stockpiles encompass much of the area and multiple buildings and equipment associated with the asphalt plant operations are located primarily in the central and northeast portions of the site. Reclamation areas associated with the former sand and gravel mines are also located just to the south and the area associated with the asphalt plant is approximately 100 feet to the closest residential properties located along Enola Road to the north, as shown here with the red X. There are no new entrances proposed and the applicant has further indicated that no expansion beyond the site's existing footprint is proposed nor is an increase to their existing asphalt production. The site does have a single existing entrance along Kings Highway and has 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 former sand and gravel mines are located in the southeastern portion. Berms and wooded buffers exist in several locations around the perimeter of the property and 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 river is densely wooded. And the site topography is relatively level but does slope down towards the west towards the river. And there is an RPA located along the western property line where adjacent to the river and the 100-year floodplain does impact much of the site as shown here. Since the last public hearing there were concerns raised at the prior public hearing regarding citizens came up to express concerns regarding excessive noise and lighting during nighttime operations. And the Commission also asked for additional review of proffers for consideration based on existing CUP conditions for existing asphalt facilities already in the County. Staff did do some research and in addition to that, since that hearing, there have been some additional emails that came in from residents pertaining to some other concerns that were raised since that public hearing. Copies of those emails had been provided to the Commission prior to tonight's hearing. In regards to the concerns raised regarding excessive noise and lighting, the applicant has met with the property owners to address those concerns raised. In regards to lighting, the applicant has agreed to shield and adjust the orientation of all site lighting, and to eliminate the current photo eye sensor and change all lighting to manually controlled switch. In regards to noise, the applicant has agreed to prohibit backing maneuvers between the hours of 9pm and 6am unless trucks are equipped with a white noise backup alarm. And in regards to other concerns raised, the applicant has also agreed to establish a site liaison and a phone number to serve as a direct point of contact for residential property owners within 500 feet. In regards to the potential proffers and the conditions that staff was asked to evaluate, we were able to find that many of the conditions associated with the existing facilities in the County include conditions such as compliance with all federal, state and local regulations, limitations on days and hours of operation including nighttime operations, vehicle loading and weight limitations, spill control and stormwater runoff, air pollution, proximity of structures and storage of materials in relation to site boundaries, and additional proffers for consideration were based on the typical facility operations associated with other asphalt plants within the county. Since that time, staff has concluded that the similar conditions or proffers are unnecessary and may be difficult to enforce, primarily because many of those conditions are already governed by other federal state or local regulations. However, the applicant has agreed to provide an additional proffer which will limit the nighttime operations to a maximum of 150 nights per calendar year with quarterly reporting to the County.

Ms. Sellers: Are they going to provide those dates in advance? Like Quantico right now, if they're gonna have loud things during the day or at night, they put out an announcement.

Ms. Taylor: Commissioner Sellers, at this time the applicant has not indicated advance notice for those nights but the way the proffer is written is that quarterly reporting would be provided to the County regarding which nights during that quarter they operated.

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Ms. Sellers: The previous quarter.

Ms. Taylor: Correct.

Ms. Sellers: Thank you.

Ms. Taylor: In regards to those updated proffers, the applicant has provided an updated proffer statement to address the concerns that were raised at the prior public hearing. And those updated proffers basically now include proffer requirements that would require the property to be developed in accordance with the general development plan, limit the permitted uses on the property to only heavy industrial and heavy manufacturing uses not otherwise listed on Table 3.1 and would specifically include or limit use to the asphalt manufacturing, construction and sales, reclamation of the former sand and gravel operations and the accessory uses to be specifically limited to those in support of the primary identified use. In addition, they would be required to retain the existing vegetation within the designated buffer areas and to replant in accordance with the current development standards where necessary. As well as the construction of the transportation improvements which will expand the existing westbound left turn lane to provide 100 feet of storage and the 200-foot taper and construction of a continuous eastbound right turn lane to the existing site entrance as recommended by VDOT and the applicant has also committed to completing these improvements within 12 months. In regards to lighting, the applicant has now proffered to shield and adjust the orientation of the site lighting to a downward facing position. Install manual switches to control all the outdoor lighting which must now be turned off between the hours of 9pm and 6am unless they are specifically conducting nighttime operations. They will also be limiting or prohibiting backing movements on the site to the milling pile between the hours of 9pm and 6am unless those vehicles are equipped with a white noise backup alarm and they will also be providing that liaison and a phone number to serve as the direct point of contact for residents within 500 feet. And lastly, they have included the proffer to limit the nighttime operations to no more than 150 nights per calendar year with that quarterly reporting to the Zoning Administrator.

Mr. Bain: Ms. Taylor, excuse me. White noise backup alarm, can you clarify what that is? It's not the beep-beep-beep that you hear from most trucks, is it? What is it exactly or should I refer that to the applicant?

Ms. Taylor: Commissioner Bain, I will ultimately refer to the applicant but staff's understanding based on our research of that is, you are correct, it is not a high pitched, beeping noise. It is more of a low key, almost like a buzzing sound is the way that it comes across. But it is to be less intrusive, and from my understanding would also limit the proximity. It's not heard from such a distance away. It's more centralized right there on the site. But again, I will defer to the applicant to clarify that. So, under staff's evaluation and findings, staff does find that the positive features or the aspects of the application are that the existing asphalt plant and the proposed industrial classification is generally consistent with the land use recommendations in the Comp Plan as it relates to industrial development. And the proposal is consistent with the current use and operations of the site as well as the established and developing uses along Kings Highway. The proposed turn lane improvements will improve the existing site access and the proffers will limit the asphalt manufacturing and construction sales uses on the site, as well as the former sand and gravel operations, and the specific accessory uses as well as the retention of the existing vegetation in those buffer areas. And now that the additional proffers addressing the noise, the lighting and the nighttime operations have been addressed and included as proffers staff finds no apparent negative aspects associated with the application. Staff does remain supportive of the project and recommends approval of the reclassification application with the proffers pursuant to ordinance O23-28. And that does conclude my presentation. I'm available for questions.

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Ms. Barnes: Questions for staff? Mr. Bain, go ahead.

Mr. Bain: First, just to clarification, this is a rezoning application. It's not an application to expand the operation. Is that right?

Ms. Taylor: Commissioner Bain, that is correct. They are requesting to rezone. The applicant's application and information within the impact statement does indicate that they have no intentions of expanding the footprint of the facility or increasing their asphalt production but proffers at this time do not specifically prohibit any future expansion.

Mr. Bain: But if they were to want to expand, they would have to come back with another application.

Ms. Taylor: Commissioner Bain, they would not be required to come back because the rezoning of the property would permit them this use on the site and because they are not specifically being prohibited from expansion, they would be permitted to do so

Mr. Apicella: Can I piggyback off of that? I'm sorry.

Mr. Bain: Let me let me just ask, they would still be required to get a permit to do any expansion, building permit?

Ms. Taylor: Yes, building permits would be required. Site plans would be required for any additional land disturbance and building permits would be required for any additional equipment or structures being erected on the site.

Mr. Bain: Okay, the other question there is no current construction of the asphalt plant going on, as I understand it, the only, what you might consider construction work, is filling of the old sand and gravel pit.

Ms. Taylor: Commissioner Bain, you're also correct. Staff is unaware of any current construction going on other than the reclamation activities from the former sand and gravel mine.

Mr. Bain: So, if you see a bulldozer out there and trucks dumping dirt it's just reclamation.

Ms. Taylor: Yes, sir. That is correct.

Mr. Bain: Okay, Mr. Apicella.

Mr. Apicella: So, I'm just kind of piggybacking off of that previous question. So, you said that the proffers don't limit business expansion. So, to what extent does the proffered GDP put some limitation on what the applicant can do on the site and where?

Ms. Taylor: Commissioner Apicella, they are bound to, I would need to pull up the proper language specifically, but they are bound to development in general accordance with the GDP which does at the current time depict where the existing locations of equipment and stockpiles are located. But we may have to defer to County Attorney regarding the extent that we could hold them to exactly what is shown on that GDP or whether there is some leeway regarding the general accordance with the GDP.

Mr. Apicella: County Attorney?

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Ms. Lucian: That is something I would have to look into before providing an answer.

Mr. Apicella: I do have some additional questions, but I don't know if Mr. Bain had anything else.

Mr. Bain: Go ahead.

Mr. Apicella: So, the staff report and your presentation indicated that the business has been operating at the site for 50 to 60 years, is that correct? That is correct. To the extent that the operations on the site have expanded over the years, did the applicant or its previous owners do so outside of any County requirements.

Ms. Taylor: At this time, staff has become aware that there may have been some potential facility expansion or installation of new equipment that may have been done outside of county permits. The County does have record of permits within our system but we are currently in coordination with the building division and development services to determine the status of those permits and what course of action there may be as far as how to proceed.

Mr. Apicella: Okay. To date, have there been any citations for zoning violations that you're aware of?

Ms. Taylor: There have been no citations for zoning violations for this facility.

Mr. Apicella: And was there some change or changes on the site or the business activities that necessitated the need for this rezoning application?

Ms. Taylor: The applicant has not indicated any changes on the site that necessitated the need. They have simply indicated that because the site is an existing non-conforming use, they were seeking the rezoning or the reclassification of the site in order to bring the site into conformance with our current zoning ordinance, which would allow them to modernize the facility. Again, they did stress within their impact statement and correspondence with them that there was no intention to expand or increase production. It was solely for the purpose of modernizing the facility.

Mr. Apicella: What are the maximum decibel levels that are allowed on the site during the day and at night?

Ms. Taylor: Commissioner Apicella, staff did not specifically look into that this afternoon, but I do recall from a prior project, about a year or so ago, I do believe that it is about 60 decibels at the property line for a residential district. Yes, 60 for a residential district and 65 for a commercial district. I would have to go back to prior notes. I did look at that information this afternoon, but was not prepared for that question.

Mr. Apicella: And if anyone has any issues or concerns with the decibel levels, they would call the sheriff's office to make a complaint.

Ms. Taylor: Commissioner Apicella, that is correct. That is handled by our sheriff's office and I believe it is Chapter 16 of the County Code that addresses noise regulations.

Mr. Apicella: Okay. Are there any environmental issues or concerns with the business in relationship to its neighbors or the Rappahannock River?

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Ms. Taylor: Commissioner Apicella, staff is unaware of any specific environmental concerns. During the review and evaluation process for this application staff did inquire regarding the status of any existing DEQ permits regarding stormwater discharges and air emissions. During that evaluation process the applicant did indicate that no DQ permits for stormwater discharge were required because all stormwater is contained on the site. Due to the concerns raised with the emails over the last couple of days, we did inquire again regarding air emissions permits but that information has not come in at this time so I would have to defer to the applicant for that information.

Mr. Apicella: And to the extent there are any environmental issues, those are regulated by the state and the federal government and they would have to be in compliance with whatever rules and regulations they have in place. If there was a CUP requirement, are there any additional measures to mitigate the business's operations that staff would recommend in the absence of going through the CUP process that we would like to see in the proffer statement?

Ms. Taylor: Commissioner Apicella, staff believes that the applicant has addressed, as noted during the presentation, some of the existing conditions associated with other asphalt facilities are typically were not specifically recommended as proffers to the applicants simply because they are items that we did not feel the County could reasonably enforce, or were items that would typically be regulated by other outside agencies. Therefore, we did recommend the reduction with the limitation on the nighttime operations, which the applicant has agreed to. Staff believes that was realistically the only CUP condition that we would have carried forward as a proffer condition.

Mr. Apicella: Chairman, just two more questions with your indulgence. So, we got a lot of correspondence from neighbors and they've asked for some additional measures including pollution filters, and associated monitoring, debris covers on trucks exiting the site, cleanup of debris and asphalt that may fall on local roads and some other things that have they've suggested that we consider. Have those emails been provided to the applicant so they can consider those and has there been any discussion between you and the applicant on those emails and suggested additional measures that folks have asked for?

Ms. Taylor: Commissioner Apicella, all of the emails that have come in over the last couple of days have been forwarded to the applicant so they are aware of the concerns being raised. However, due to the number of emails, it's kind of been a busy day today, so they we have not had an opportunity to speak with the applicant regarding some of the concerns that have been raised and how they would be willing to address. I did receive an email this afternoon, but it was very late prior to the meeting so I haven't had an opportunity to read through that information.

Mr. Apicella: Okay, just one last question. So, as I understand it, the applicant is operating as a non-conforming use. So what's the net result if the County denies the applicant's request? Can they essentially continue their current operations, albeit without the proffers to mitigate the impacts that have been discussed and addressed thus far?

Ms. Taylor: Commissioner Apicella, that essentially would be the outcome because they have been operating all these years as an existing non-conforming. They would continue to operate should the Planning Commission and the Board choose to deny the rezoning. However, any prior construction on the site that may or may not have been done without the appropriate building permits would need to be remedied. As a result of that they would need to go back and seek the appropriate permits and inspections. But otherwise, they would still be continued to operate.

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Mr. Apicella: On that last point, would that be true if the rezoning was approved or just in the case that the rezoning was not approved?

Ms. Taylor: With or without the rezoning approval, the applicant would be required, again based on what we find out with development services and the building division?

Mr. Apicella: I just wanted to clarify.

Ms. Taylor: Yes, they would ultimately be required to go back and get the appropriate permits and inspections.

Ms. Baker: Madam Chair. If I may answer Mr. Apicella's question about the decibel levels. Again, in residential it's 60 decibels during the day and 55 at night.

Ms. Sellers: What is the pollution thing? What, I don't, what is that? What are they asking for?

Ms. Taylor: Commissioner Sellers, can you clarify your question?

Ms. Sellers: No, because I don't know what he's talking about. What is the pollution thing?

Mr. Apicella: It wasn't for me, it was several emails from residents asked for pollution filters and monitoring. Do I know what that really means on this site? I have no idea. I'm just reacting and responding to the emails. Several emails asked for the same thing.

Ms. Taylor: Commissioner Sellers, certain types of uses require state permitting with the Department of Environmental Quality regarding certain types of industrial discharges, that includes storm water or air emissions that typically include particulate matter. So, we have addressed that question to the applicant regarding the need for such DEQ permitting and whether they have any and what the status of those permits may be. But at this time, staff is unclear whether any state permitting is actually required for this facility.

Ms. Sellers: But in theory, if it was required, there wouldn't be an operation without the permit.

Ms. Taylor: Typically, that would be the case Commissioner Sellers. If they do not have the appropriate permits in place, they would not be permitted to operate.

Ms. Sellers: Okay, so we don't need a proffer to tell them to do something that they would need a permit from the state to do anyways.

Ms. Taylor: Commissioner Sellers, that is correct.

Ms. Sellers: Okay. And then the covers on the trucks? Well, I think that's a good idea. Somebody who takes rocks to my windshield quite frequently.

Ms. Taylor: Commissioner Sellers, we were unaware of that one. We had not had a chance to go through all of the emails in detail so I wasn't aware of that specific concern regarding debris on the road coming off of the trucks but that certainly could be something that we could suggest as a potential proffer.

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Ms. Sellers: Yeah, I would just be curious, are we talking about, because if they're bringing in asphalt, they're recycling it. This is essentially a recycling plant. They're not, if I remember correctly, an applicant's going to come up but they're not crushing aggregate. They're not mining. They're not doing that. It's a recycling type operation. So it's going it'd be pretty dense, I would assume, matter that's not just going to fly around. But so yeah, we can get more information. Are we talking about covers as the trucks are coming in or covers as the trucks are going out? That would be helpful to whoever's question that was, maybe address that.

Mr. Bain: I would comment, I believe that the trucks going out carrying the asphalt are required to have covers on them, both to prevent spillage, and also to retain the heat in the asphalt. So, I think for those trucks, they are required to have covers. I don't know about trucks that might be bringing the crushed old pavement to the site, but I would, I would think they require covers too, but the applicant can tell us.

Ms. Barnes: Okay, any other questions?

Mr. Bain: I had one that probably should go to the applicant, but I'll start with you Amy. The applicant has said that if they get the rezoning that they would be able to modernize some equipment. Do we know specifically, what types of modernization is going to happen? Will any of those address things like the VOC issue that some of the residents have raised or allow them to be environmentally more responsible or are they just to help them in accounting or something? Do we know?

Ms. Taylor: Commissioner Bain, we would have to defer to the applicant. They have not indicated or provided information to staff regarding the full extent of what their modernization may include.

Mr. Bain: Okay, thank you.

Ms. Barnes: Okay, I just have one quick question. It's probably the same question that Steven asked, but I'm going to come at it from the reverse. If the rezoning application is denied all of those mitigating things that they came in with, the lighting, with the sounding, with the beep and the white noise, they don't have to do any of that, they'll just keep going the exact way that they are right now.

Ms. Taylor: Chairman Barnes, that is correct. The applicant would no longer be obligated to comply with those requirements. However, I would like to note that in the correspondence back and forth with the applicant since the last public hearing, regarding the lighting and the noise, they have indicated that they have already started to implement some of these measures already. But otherwise, without the proffers they would no longer be required to do so.

Ms. Barnes: Okay, thank you. All right. Last call for questions for staff. Okay, thank you Ms. Taylor. Would the applicant like to come forward?

Mr. Payne: I feel like a giant up here. It's very unusual for me. Madam Chair and members of Planning Commission, my name is Charlie Payne and I represent the applicant. Happy Holidays and Merry Christmas to you all. It's always a pleasure being in Stafford County. Thank you for your time this evening and thank you to staff for its presentation. I've got a quick PowerPoint and there's quite a bit of questions we'll address and then go through some of the questions on the permitting. I've got answers for those and some clarifications for all of that, those requirements, both local permits, County permit state permits that are applicable to the site and just give you some quick background on the modernization question that Mr. Bain asked about. I will real quickly just address the, and I'm sure counsel will address it as well, regarding future expansion. The intent now is not to expand. The intent now is to convert a

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1960s plant to a modern plant. And that modern plant obviously is not a crushing facility of sand and gravel. It is recycling asphalt, which is what a lot of models with VDOT and the state has encouraged asphalt facilities to do so the modernization is that conversion and I'll go through some of those details as well. And in regards to expansion, I'm sorry, I got off a little bit there. The GDP does limit the area of where we would be, where the processing and where the operations are located. It doesn't mean we couldn't add more modernization equipment to that site. But it is a limited area in regards to where the activities are. They're showing the GDP so I just wanted to just jump on that real quick. So just real quick some background for those who are not familiar with the site. It's an Allan Myers. Allan Myers is one of the largest asphalt manufacturers on the Mid-Atlantic. They are a four generations family owned business since 1939. They acquired the PC Goodloe site in 2019. That Goodloe site has been there since the early 1960s. His staff has noted it was there before the County passed a new a zoning ordinance for the County so, it's a non-conforming legal use. So, to answer various questions that you've heard this evening, if this rezoning was denied, he would still continue pursuant to its current operations. Again, the prior use was a sand and gravel mining operation that has ceased and they're now reclaiming much of that area. So that kind of goes into what are the improvements that are occurring right now. So, if you think about sand and gravel, crushing and operations to create product, one time, they were manufacturing about 150,000 tons of raw material. That's about 3,000 additional major truckloads coming in and out of the site. So, with a conversion to just focusing on recycled asphalt, you're talking about a significant reduction in the equipment, a significant reduction of the operation area. For example, they removed 13 structures, including four tanks at the old plant and they replaced them with modern equipment. So real quick on the modern equipment question and the permitting. So, they have permits for operating the asphalt facility, including DEQ permits, they have air permits, they have pollution permits. To Ms. Sellers question, that permit is a spill prevention control and countermeasures plan that DEQ requires. There is no discharge of stormwater from the site. It's all contained on site. And the air permit issue is I think Mr. Bain may have asked this question, that's been in place since 2001, and updated by DEQ last in 2021, which addresses the VOC question as to the amount of fumes that are able to exit the area, exit this site. It's both licensed under Virginia Department of Energy as well so, it's got several regulatory authorities that undertake periodic inspections of the site. And again, I just answered the issue on stormwater as well and that's been confirmed by DEQ. So just real quick on that. So again, the modernization of the site is really important to what is happening today in road construction and we've got a lot of road construction in the area and this was an important site for VDOT for that purpose. Next, again, as it has folks may know, this is about 73.33 acres. I would note most of the operations are to the northeast of the site, closer to the commercial and quasi-industrial uses that are to our further north, of course, is a large retail center to our further east where Walmart is located and heavily wooded areas to both to our west and to our south. I will note, this general area, if you're familiar with it, on the other side of the Rappahannock River is where the city's wastewater discharge facility is located. As staff noted, it's a legally non-conforming use. Our desire is to rezone this to a M-2. Allowing the rezoning limits to uses on the site and also will limit the supporting accessory uses. The site does have about 77% open space. I'm not sure if folks were aware of that. About 24, almost 25 acres of that is heavily wooded and dense and undisturbed on the site. Here's the GDP as staff had noted, the salmon colored areas were the current operational areas and the green area is where the former sand and gravel operations and extractions were located. You can see further to the south is undeveloped and also heavily wooded. Economic development purposes, the project does generate positive taxes for the County. It does also work with many local vendors, over \$7.6 million in local vendors. It does have fairly significant payroll, and it does have obviously very competitive wages. And it is here to support the County's economic development initiatives. And of course, it's supporting our infrastructure improvements that are occurring in this immediate area including the hot lanes off of I-95. So, what have we proffered since the last meeting? We have limited the uses to asphalt manufacturing, construction and sales only. And the reclaiming of the former sand and gravel operations. And just for the audience to know and people

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in the community what does that mean? That means no more sand and gravel extraction, it means the state requires you to reclaim those areas after you have completed the extraction of sand and gravel mining. So, we're going through that reclamation process that's required by DEQ to bring the land back to a usable perspective and purpose. The accessory uses and supportive of permitted uses include general office, all of this is on the site today, laboratory research and testing, asphalt recycling. I think before it was just recycling facilities. We've limited to asphalt recycling, contractor's equipment and storage, fleet parking, fuel and tank pumps, fleet and equipment repair shop, outdoor storage and raw materials storage and accessory uses to support only the primary uses. Existing vegetation will be retained within the designated buffer areas as we show in the GDP. And of course, we're not going to disturb the identifiable archaeological site. After our meeting, back in early November, right after the election, we met with the neighbors, the Rodríguezes, who had come here and had some concerns about lighting and noise. And, in fact, I think after the meeting, my client met with them and came and went to their residence and immediately, as staff has noted, started to undertake improvements to the site. So, what we have done is proffered all outdoor lighting except for those intended for emergency or safety purposes will be shielded and downward facing to prevent more than 5% light emitting above the horizontal. Exterior light must be turned off from the hours of 9pm to 6am except for during nighttime operations, emergencies, security and safety and testing purposes. People might not know this, if there's an incident that occurs on any of our roadways that must be repaired, that has damaged the roadway that's an emergency situation that VDOT would then have my client obviously start manufacturing asphalt for that purpose, so that can be repaired as quickly as possible. So that would be an emergency situation. And these improvements will be completed within 90 days of any rezoning approval of this project. We have also proffered to eliminate the noise concerns between the hours of 9pm and 6am. That trucks may not backup to the milling pile. We believe this was the noise issue that the Rodríguezes were hearing, unless equipped with white noise backup alarm or substantially similar alarm. Any properly described but white noise is. Static noise is basically what it is and is contained on site. The applicant will provide at least one person of contact and a phone number to the residential owners who are nearby the project. The applicant will limit the nighttime operations, 9pm to 6am, to no more than 150 nights per year. They will provide a quarterly report prior to the next quarter to identify what those nights will be. So basically, if you think about this, that's eliminating 60% of their potential nighttime operations they could do today for the purposes of this proffer, which is a significant proffer limiting its impact, in my opinion. Also mitigating impacts along Route 3. They've agreed to extend a right turn lane, if you will. Basically, as you get off Blue-Gray Parkway and get on Route 3, basically an extended right turn lane all the way to the sites about 1000 lineal feet, to ensure that the larger trucks can get to the right that are going to the site and other traffic can pass by. They've also agreed to expand existing westbound left turn lane to include 100 feet of storage and 200 feet of taper. I might add, this is merely a recommendation from VDOT. This was not warranted because this project does not generate enough traffic for transportation impact analysis. But it is for purposes of what VDOT's recommendation was to address any public safety concerns they may have. Now these improvements will be done within 12 months after we get permit approvals from the County and VDOT. I know there was a question about doing within 12 months after the rezoning, which we would be fine with except we gotta go get permits. And sometimes that takes a little bit of time. So, we've tied it to the permitting approvals from VDOT and the County.

Ms. Sellers: I think we asked this at the last one but is that in VDOT right-of-way or County right-of-way. So, we're not going to be held up and right-of-way acquisition.

Mr. Payne: Correct.

Ms. Sellers: Okay.

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Mr. Payne: And questions that came up, I want to make sure we address them. There's been a lot. There's been a flurry of information going back and forth between myself and staff literally over the past couple of hours, Madam Chair, so I am catching up as well on some of the permit questions. We do have to address the permit question regarding the equipment that's on the site. So, we have permits for the pad sites or concrete pad sites that are there for the equipment to be installed on and the inspections have been done and they've been operating. Problem is the inspections were not submitted to the County. So, we're in the process of taking care of that. Our vendor did not submit it. We were on the assumption that that had been done. So those issues will be addressed immediately. All other permits are in good standing with DEQ and the Department of Energy. And I think I've addressed those earlier regarding the air permit and regarding discharge contingency policy. I'm just looking through here at my notes oh, there was a question about trucks and covers. VDOT requires that all trucks especially with material, whether its raw material coming in, which there isn't, but there is typically recycled asphalt that's been taken from a job site that's taken to our site to be recycled. That requires a tarp cover on those trucks and the same for going out requires a truck cover, and that's VDOT requirements so that that should be in place today. So, all in all, I guess the point is, is that this project I, actually this proposal, this rezoning proposal is a much better option than what's currently operating, what could operate there today. Allan Myers is a well-respected asphalt manufacturer in the Mid-Atlantic. They are in eight different locations in the mid-Atlantic, eight different states, I should say. They have various different locations, including several in Virginia. They have an exceptional record track record. And what they have done with this site is basically make it a more modern, efficient site and a more safe site, quite honestly, and they're mitigating their impacts to ensure they're gonna be a good neighbor. So, I'm happy to answer any questions you may have. Appreciate your time. And thank you very much.

Mr. Bain: Okay, Mr. Payne, at the last meeting we talked about the operation of the facility with regards to months of the year. Is the plant operating right now?

Mr. Payne: It is not. It's too cold.

Mr. Bain: Exactly.

Mr. Bain: Please hold your comments in the audience. You'll have an opportunity to make comments in a moment.

Mr. Payne: My mistake. Typically, if the temperature drops below ... it's warmer today so I'm sure that's why they're operating today.

Mr. Hall: Curtis Hall. I'm Vice President General Manager of asphalt for Allen Myers. So, I think where the confusion is we are not operating at night. Right now, the nighttime temperatures are too low. And we are operating during the day. I was there today as well. We will, I think our planned winter shutdown is around the 22nd will be our last day of production until sometime in March. Now, that's typically we have a six to eight-week shutdown period over the winter, where we do our maintenance and things like that. And because the temperatures are too cold to pave during those months, but those dates can, you know, any given year those dates can move. Sometimes we might run into January a little bit, open a little later in March. So, you know, they're not firm dates.

Mr. Bain: What temperature would us consider too low to run the plant typically?

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Mr. Hall: Yeah, typically, you don't place base material below 32 degrees and you don't place surface material below 40 degrees and then there's some specialty mixes that go out on like the interstates that sometimes even has a higher temperature like 50 degrees. So, it depends on the mix.

Mr. Bain: So, on average, you would say two months a year you're shut down pretty much completely. Once you shut down how long does it take to reheat the asphalt emulsion? I presume it's not something you flip the switch and it's ready to pour. It has to warm up to be liquid enough to mix with the gravel.

Mr. Hall: It's about three days to kind of get things warm and geared back.

Mr. Bain: So, it's not like, okay on January 3, all of a sudden, we have a 50-degree day, you can't suddenly turn on the plant, run for a while and shut it off.

Mr. Hall: That's correct.

Mr. Bain: Okay. When you operate the plant, you heat that asphalt emulsion using what?

Mr. Hall: So, the general process is there's a series of bins that hold material, hold the raw materials, sand, various sizes of crushed stone, which at this point all those materials, because we're no longer processing those on site, those materials, those raw materials are brought in from local quarries. And then, as Charlie said, we're now incorporating recycle, which is about a 30 to 40% of our product is there on site, it's stuff that's been returned to the plant that we incorporate back into the mix. So, it used to be this plant, 100% of the material was imported and at this point, about 60 to 65% of the material has to be brought in for the production. Those materials are blended together in different proportions. They go through a rotary kiln that dries it and heats it up. And then it has metering pumps that mix the binder, the liquid asphalt into a homogeneous mix. It goes up a conveyor into a storage silo where it's stored until the truck pulls under that and gets loaded.

Mr. Bain: What fuel do you use for heating?

Mr. Hall: So, the site is all-natural gas now. Originally back in the day, when it was first put in, I'm sure it was burning diesel fuel. At some point, natural gas came down that corridor and it was brought into the site. And natural gas is the preferred fuel source for a number of reasons. One is cost and the other is it's the cleanest fuel available.

Mr. Bain: So, if I was driving by the plant one day and saw a big white smoke coming out of your stack, that's not asphalt and the emissions. That's results of the natural gas combustion.

Mr. Hall: It's steam. So, the materials we're putting in are anywhere from two to six or 7% moisture. So, as we dry that and drive that moisture out of that material, it escapes the plant as steam. It's why during the summer months, you typically don't see it. You won't see anything in these colder months now because of the temperature that it condenses back into a liquid, you're going to see more steam. Also, the questions around filtering the emission. So, the plant is equipped with what's called a bag house. And it has, I don't know the exact number but it's over 800 long bags, they're like what you would have in your old vacuum cleaner. Except they're about 10 or 12-foot long. And all the exhaust gases get filtered through that piece of equipment.

Mr. Bain: So, the emissions that you are you are emitting, the odors that you are emitting, those are within the limits prescribed by your DEQ permit?

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Mr. Hall: That's correct, yes.

Mr. Bain: Okay. And as far as you are aware, those are or are not carcinogenic. So, what's your understanding about cancer?

Mr. Hall: So the best information that I have on this is there was a study conducted by IARC, International Agency for Research on Cancer. It's a division of the WHO, the World Health Organization. So, there was a study done on asphalt fume and the possible effects on workers. Now obviously workers have the highest exposure there, you know, 8-10 hours a day working with this product. At the end of the study, they put asphalt fume in the same category called 2B and 2B is defined as limited evidence in humans and less than sufficient evidence in animals for cancer. So, what does that mean? Well, if you look at some of the other common things in our world that IARC has put in that category, cell phones, pickled vegetables, Aloe Vera leaf, at one time coffee, for 20 years coffee was in that category. Now it's since been downgraded to a level three.

Mr. Apicella: Thank God.

Mr. Hall: Yeah, there's actually now health benefits to coffee, so they say. So that's what I know about asphalt fume.

Mr. Bain: So, using the hand lotion that my wife uses with aloe vera in it is ok.

Mr. Hall: I think you're actually you're good with the hand lotion. What I've read on it is it's the, if you've ever had one of those Aloe drinks that has the pulp, and that's what they're saying and it's the ingestion of the pulp that supposedly, or there's a concern. I mean, it's in category 2B so I don't think it's too big of a concern.

Mr. Bain: Okay, so in any event, relatively low potential for cancer causing. I don't know how aware you are of it. But across the river from your plant there's a wastewater treatment plant.

Mr. Hall: Actually, part of it used to be on this property.

Mr. Bain:

I wasn't aware of that. Wastewater treatment plants have, even with the required controls that they must implement and maintain, they have emissions. I used to work in the wastewater field. I know that treatment plants emit methane and other VOCs. Is it possible that fumes from that treatment plant could come across the river and be an odor that residents could be smelling?

Mr. Hall: Yeah, I'll say this. We have an asphalt plant in DC that's across the street from Blue Plains. We smell it. I don't personally smell a treatment plant where we are. But the predominant wind doesn't blow across the river towards us. But yeah, I mean, odors are a funny thing. I mean, it's what we typically see is beyond about, it dissipates. If you're filling your gas tank, you probably smell gasoline. You get 10 feet away, you don't smell it. You get 50 feet away, you definitely don't smell it. It's like that with asphalt. I mean, there is an odor to it, particularly when we're loading trucks. If a truck goes down the road and maybe you're following it, you probably can smell it, because you're in close proximity to it. As that distance increases and it dissipates it, we tend to, you know, have less and less concern the further away you get. Typically, that's 1000 feet, is where we see any complaints of odors go away. I have seen in as the email traffic over the last couple of days references to smells and odors. We've owned the facility since 2019. That's the that's the first time hearing of it.

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Mr. Bain: Okay, I'm very pleased that you're changing the lights. I'm sure that's going to be important for the people up on the hill across Route 3. Also, I'm pleased about the improvements at the entrance on Route 3 that you're going to implement that's going to really improve safety there. So, thank you for that.

Ms. Barnes: Okay, Mr. Shelton.

Mr. Shelton: Mr. Payne, a question on the reclamation of the sand and gravel. What impact will that have on stormwater management on site?

Mr. Hall: So, the only reason right now that the reclamation permit is still open, we intend to close it out. But some of the stockpiles from the original sand and gravel processing still exist on the floor of that area. We have been depleting those. We've been using a little bit of it as we can on site. We've also been selling some of that gravel to local other businesses. Once that material is depleted, then we can finish out the reclamation which is grading of steep slopes and everything. The stormwater right now is all directed to that area, which is how it's kept on site and we don't discharge any. There's no plans to change that. So that area, is probably a misconception that the reclamation does not mean we're going to fill in the whole area back to its original, you know, original topography. It's really just cleaning everything up and grading any steep slopes, making sure there's no erosion and seeding everything.

Mr. Shelton: Second question, would you explain again about the acceleration coming off the Blue-Gray Parkway, what your proffer is offering.

Mr. Hall: Yeah, so the different agencies that reviewed this, VDOT came back with comments that they recommended. Those extensions of those turn lanes, we looked at that. It's quite a bit of money. But in the scheme of things, it's safer for our employees and our truck drivers and our customers. Basically, and it also ties in with other planned VDOT improvements that they have. They're already planning to extend a shoulder or turn lane from, what's the ramp you come off of there, the Blue-Gray Parkway, they're going to already extend a turn lane and widening up to basically the towing company. I don't know the parcel number. And then we're going to take it from where they stop to our entrance, which is that 1,000-foot stretch there.

Mr. Shelton: And likewise, you're going to do a stacking on the westbound?

Mr. Hall: There is a little bit, there is a little merge there, but there's not enough stacking. They want us to extend that. Yeah.

Mr. Shelton: Thank you very much.

Mr. Apicella: Madam Chairman, Charlie, I've got some question about the proffers. So, you've said this, but I just want to basically reinforce the idea. So, the permitted use is solely for asphalt manufacturing, construction and sales and reclamation of the former sand and gravel operations, correct?

Mr. Payne: Correct.

Mr. Apicella: So, there's nothing else you can do, if this is approved, there's nothing else you can do by virtue.

Mr. Payne: We've limited it to those two uses, correct

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Mr. Apicella: And can you pull up slide four? So that green area, that's the reclamation area?

Mr. Payne: Correct.

Mr. Apicella: So, you can't do anything, again, going back to the proffers and the fact that you've proffered the GDP, nothing can go on that green area other than the reclamation per the proffers and maybe through some state requirements as well. So to the extent that folks are concerned about any expansion, based on the proffers, the only expansion that could take place is generating more asphalt if that was even possible.

Mr. Payne: Correct.

Mr. Apicella: Okay, Thank you.

Mr. Payne: And Mr. Bain, real quick, I just wanted to clarify something for you and perhaps for the for the community. When you asked me the question of whether it's operating, it's not operating now. But it can operate during the day. It's just, it will limit its operations at nights, which have been the impacts and I just want to make sure we're clear about that. And some would say standing at this podium too long is also life threatening. So....

Ms. Barnes: And on that note, last call for questions for the applicant. Okay, thank you, Mr. Payne. Okay, so we will move on then to the public hearing for this agenda item. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. Red means your time is up. I imagine we've got quite a few people here tonight that want to comment. So, if you want to, you can in line up behind and please make sure that you do, you know, finish up your comments when the light turns red so we can make sure we get everybody in. Thank you.

Mr. Rodriguez: Madam Chairman, Commissioners, my name is Mike Rodriguez and together with my wife, Christine. We are those folks that Mr. Bain mentioned that live up the hill across from Route 3. First, I want to thank you all for allowing us to present our concerns about the lighting and the noise issues and for listening. I'm happy to report that Mr. Hall and his colleagues listened to us as well. Directly after the last meeting, Mr. Hall and his colleague, Mr. Lobko met us outside. We had a decent conversation at the end of which Mr. Lobko offered to follow us home. He did so to see what the lighting issue that we were complaining about. Again, I'm happy to report that following morning, he started to make repairs. We no longer have those bright, beaming lights into our bedroom. So, thank you to them for that. Over the last couple of weeks, I've also heard from their operations manager, their local operations manager. Mr. Ben Alexander, who's also come to the house twice to see what's going on, and who provided us with his contact information. Again, we're very thankful. We appreciate what they've done so far. We also appreciate their updated proffers and as long as they continue and follow through with those proffers to continue to reduce or hopefully eliminate that noise and continue to fix the lights, we no longer oppose their application. I'll keep it brief so other people can talk, as I see more neighbors came that weren't here last time. As I mentioned to you guys last time, a lot of people hadn't heard about this. Last but not least, I'd be remiss if I didn't mention Supervisor Bohmke and Supervisor Cohen, who both were super helpful on getting us together with you all and with the Allan Myers folks. Thank you very much.

Ms. Barnes: Thank you, anyone else like to come up and speak on this?

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Mr. McKinney: Good evening, I'm David McKinney. I live overlooking Route 3, one of cul-de-sac houses built in 1950. I was interested in how they presented themselves as an entity. They, who have been here since 1960 but this operation has changed hands. It's interesting to me that the non-conforming use is grandfathered and allowed to pass between owners, which is not something that I thought was going to happen. I suspect that the people that allowed that originally didn't realize that was going to happen as well. I'm not sure about the statement that the County will be able to better regulate these operations when it becomes a conforming use. I noticed in some of the comments that staff mentioned that they believe that the rezoning application meets the county's goals. I find that kind of surprising because I don't see how, where this piece of property stands out in the zoning, where allowing it formally will meet the County's goals. County's goals were originally not to have industrial uses there. And this is an industrial operation that's going to be running 24/7. The only thing that's anywhere near an industrial operation is across the river. The sewer treatment plant, which is in the lowest spot in the city of Fredericksburg, which is where, in case you don't know, that's where they put sewer treatment plants. And that's why that is there. And you having a sewer treatment plant obviously, is an advantage to the entire community. All the rest of the properties that are listed as neighbors are not industrial and don't operate 24/7. Although I will say that you all probably remember the issues that the County had with Walmart during Christmas season dropping off trucks and causing tremendous amounts of noise and generating a lot of light. This is probably going to be a similar impact. The issues really are going to be noise more than they are going to be odors, or VOCs or smells. This, having read the invariable environmental impacts statement and having listened to the applicant, this is very definitely about expanding operations. They're going to increase the amount of work that's going to be done there. They're modernizing the equipment and they're doing it in a location that's non-conforming, unless you allow that. You know, they've already started expanding their operations without proper permits and they have been pushing the boundaries and I think that's going to continue. I did want to mention that they are limiting themselves to 150 nights, which is fascinating concept because milling and paving only really happens in the summertime during warmer months. That's really not a restriction. The issues having to do with what is and is not an emergency.

Ms. Barnes: Thank you, sir. Your time is up. Okay. Anybody else like to come up and address the Commission? I know there was at least one. There you go.

Mr. Craig: Hi, my name is Andy Craig. I live in Tylertown, about half a mile downstream to the west of the site. I brought a packet of a journal I've kept, as well as a cover letter, an open letter, that I submitted to the review people, and you're welcome to help yourself to it. We've got a problem here. My journal sites, in the last three years, 151 times that smells affected us, 107 times that there were late hours operations that kept us up at night. And that's over three years. 150 times in one year is basically tripling the amount of times we're going to be disturbed. It's just completely, completely unacceptable. We're across open water from the site. The noise is absolutely out of control. It's not just the beeping of the front loaders. It's the whirring. It's this loud whining. It says hissing and banging, slamming gates on trucks, it's just not acceptable. This can be a little staccato, because there's a lot to cover here. But, you know, what are we going to do about this smell? My suggestion, based on my research online, is to install a double wet cyclonic air purification system. This will remove close to 90-99% of the smells that we are smelling. The smells are VOCs. Simply put, they are toxic. The systems that they have right now are unacceptable. I'm getting upset, but it's okay. We need something about the jimming engines that slowdown, that come in. We need to study the groundwater around the plant because this is our generation, you know, generations in the future are going to have to live with this. Just going over my notes here. We got the smells, we've got the noise, we've got the late hours, we don't sleep. Okay, they've got to do something about it. So, if anybody wants copies of this, they're welcome to help themselves to it. Let's see, what else am I missing here? That's basically it. So, we're not happy.

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Ms. Barnes: You can you can just leave those or actually, Kathy, can you pick those up for us? And thank you,

Mr. Craig: We are very disturbed by this. We have to do a public health study as well to find out what's going on with these VOCs affecting the community. Thank you.

Ms. Barnes: Okay, thank you. Anyone else like to come up and address the Commission? Welcome.

Mr. Johnston: Thank you so much. My name is David Johnston. I live kind of above the Murphy Express a little farther down. But I am kind of looking down at the road and I do notice the smell, kind of a burning tire smell. It is disturbing. I just recently found out about this. I did send an email to some of the members this morning with my concerns. And so hopefully that goes into the record. And one of the things I noticed, I did print out the actual impact statement and I just wanted to read directly out of that. They're asking for M-2 zoning which, by the definition of M-2 zoning is industrial type uses, which may not be compatible with residential uses due to some potential nuisance or hazard. Where I live that nuisance is the smell. I did some research on other communities who had asphalt plants in and I had sent you two links to some of those in the email where they experienced property decline of the value. The property declined by 20 to 50% and so I think that would affect your tax base if they started increasing their activities. I also wanted to mention that maybe they don't have plans right now, they say, to increase their activities. However, their own description of their business in like the very first paragraph is it they are, Allan Myers is constantly growing and pushing to take on new challenges that are bigger and bolder. So, I would expect their plan to get bigger and bolder over time to the maximum extent that they're allowed with this new zoning. And that would increase the amount of probably traffic. They say right now they only have 126 trucks a day but they do not even have to do a traffic impact analysis if they do up to 1,000 trips per day. So, I would not be surprised in a few years when you get 999 trucks coming out of that plant if they're allowed to do so. So, it's something to consider how big is this plant really going to get under the law. So, I did also did some research about cancer risks, and I didn't send that today, but I'll send that tonight. There are some other studies that do show the employees themselves have to highly increase cancer risks. Anyway, that's all I have. Thank you.

Ms. Barnes: Thank you. Anyone else like to come up and speak this evening?

Mr. Waddell: Good evening. My name is Kevin Waddell. It's one of the six subdivisions that's in close proximity to this area. I'm also in the leadership team for the Lake Owner's Association there. I haven't talked to everyone yet. But I haven't found anyone yet that wants this plant to expand or go to M-2. We're not necessarily the best informed as far as all the technical issues go but the general sense that I got from the people I talked with, is 60-50 years ago, this maybe made sense. It doesn't make sense now in that community. There's other places that this type of work, that needs to be done, should be done. And it's not around Ferry Farm Elementary School. It's not near the six subdivisions that are there. There was some concern with people I spoke with with the vehicular traffic, especially traffic that comes out, there's the vet animal hospital there trying to shoot across the lanes to make the left-hand turn. You're heavy, you're full of asphalt, you don't accelerate quite as much. There was some concern about the air and noise quality. We've talked about that at nauseam already. One of the things I noticed in the presentation was that the 100-year floodplain covered almost 80%, I would say, or better, of the entire site. So, stormwater management to me, if the whole area is flooded, I don't know how that water could be contained. If there's any type of, one person said I used to see a sheen on the water down by that area. I don't know exactly what comes off old asphalt or what spilled. But there was some concerns. The other comment I heard before was that there was no change anticipated in the activities of the plant. My logical question would be then, why rezone? Why go to the expense to do all this if you don't plan to change

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what you're already doing there and allowed to do? I don't know. Seems funny. You all know better than I do whether this will, what kind of people come up and try to get this stuff done, whether they're trustworthy, whether they'll do what they say or say what they'll do. Anyways, thank you for your time.

Ms. Barnes: Thank you. Okay, anyone else like to come forward and speak this evening?

Mr. Stone: My name is Lloyd Stone. I live over in Tylertown right on the other side of Walmart there. The plant used to be sand and gravel. That's what it was for many, many years. And then they may have gotten into some asphalt. But there wasn't a huge amount of asphalt going out of that place until 2019. And then all of a sudden, there's this huge cone of asphalt sitting out there. And the bulldozers, driving up and down that thing all night long and that was the noise I used to hear, beep, beep, beep. But you also heard the trucks and the other stuff as well. But the amount of asphalt going out of that place has gone up tremendously. And there's no way that they can say that they're not going to expand because they've already expanded. They did it and now they're gonna say oh, no, we're not going to expand anymore. They're going to do everything they can on that property without you being able to stop them. What can you do after you give them this M-2? Why do we need to have heavy manufacturing in that area? There's plenty of areas in this County that could handle the heavy-duty manufacturing of this stuff and not right next to the river either. You know, if that thing floods or when it floods, all that's gonna wash right into the river. All that water that's contained now, it goes into the sandpit that they dug and then it disappears. Where does it go? It goes right into the groundwater into the river. I live on a river. I know. I see that all the time. I lived there since 2006 and I've watched this place grow up tremendously. I see now piles of asphalt on the roads, where their truck trucks have accidentally dumped it, you know, or falling off the sides of it or so forth. And there's still places down there that you can go and look where it's sitting because you can't get it up now. Well, I can't anyway. Anyway, I'd rather it not be there for sure.

Ms. Barnes: Okay, thank you. Anyone else like to come down and talk to the Commission this evening? Good evening.

Ms. Stone: Hi, thanks for having the hearing on this. I had something written up and then there's a lot of information that was shared tonight so....

Mr. Bain: Would you identify yourself.

Ms. Stone: Hi, my name is Ruth Landry Stone, I live in Tylertown in Stafford County. So, and I have also noticed that the odors and the increased activity over at that plant, since, Allan Myers Asphalt has purchased it. There's a lot more going on there. And the noise, the activity and also, I see in the proffers they're proffering things for both the noise and the light but I don't see proffers for doing something about the air or the air quality. You know, the Allan Myers representative, not the representative, but the manager there, cited one reading about the impact of VOCs on humans, but I haven't had time to research all of this but the gentleman before me said there are many others that show that VOCs are carcinogenic to human beings. And to me, that is an enormous issue. We live there, our son, our granddaughter and so many of our friends and our neighbors, and 1000s of people live in this area and are being impacted by this plant that doesn't really need to be there. They should find another place where there aren't humans living in close proximity and the fact that they only have to have a phone number for people who only live 500 feet away. Well, I don't know how many people that is but all of us who are further than 500 feet away are being impacted negatively by them. Also, you know, I don't have a lot of faith and confidence in them. They've already expanded or they've changed the operations. They've increased it without getting the proper permitting. And I, to me, that is, that's some foreshadowing of what's going

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to go on with them and what their agenda is. They say they want to modernize but well, the detail was they want to do something as far as I apologize. I don't have all that. I think there needs to be more done. They also have, they say they have the DEQ air permits. And I don't know, and that's interesting because all of those readings that come to the DEQ, those are self-reporting. I don't know if anybody is actually going to be monitoring if they're telling the truth or not.

Ms. Barnes: Thank you, ma'am. Your time is up. Okay, anyone else like to come down and speak to the Commission this evening? Okay, going once, going twice, last call. Okay. Thank you very much. And I will ask the applicant if you'd like to come down and respond to any of that.

Mr. Payne: Thank you, Madam Chair, other members of the Planning Commission. My name is Charlie Payne and I represent the applicant. I want to first thank members of the community for coming out and expressing their concerns. I would just note, a couple of things. One, I mean, this has been said several times and I'm not necessarily trying to beat a dead horse with it, but this use in this facility and these facilities have been in place since the early 1960s, and have been operating full time, since that period. There is new ownership and new ownership is coming in to modernize the facility and to actually reduce the impacts of the prior legacy facility. That's the purpose of this rezoning. So, someone asked, why would we want to do it? One, we do want to modernize the site and modernize equipment on the site. But coming here with a rezoning actually puts us at risk that the County would have greater control over the site than what it has today. And that's a fact is that the County would have greater control over our use, including enforcing the proffers that we have made. And those proffers, I think, one could easily argue, actually mitigate the impacts that have been expressed here this evening. We are in compliance with all state regulation requirements. It has been operating very efficiently for a long period of time, including since my client has owned it. This is a very important facility to be here locally in our area, and certainly in Stafford County for infrastructure improvements, which is what we all want, especially transportation improvements. And it's an important facility for that purpose as well. I'm happy to answer any questions you may have. I think one of the other things that came out was to make sure it's clear. The use runs with the land not with the owner. So that's why it continues with the new owner. So that's how land use works. And its good land use practice to be in conformance with the County zoning ordinance, which is the other reason we're doing this. So, with that, I'm happy to answer any questions you have. And I really appreciate your time this evening.

Ms. Barnes: Ms. Sellers?

Ms. Sellers: This may not be for you but do you know when we started that FedEx project there, the FedEx projects, the bridges over the Rappahannock. Did Allan Myers have something to do with that?

Mr. Payne: They've been providing material for it, sure.

Ms. Sellers: That could be part of, I think 2019 is when we started either the northbound or southbound lane. I want to say the southbound was first so the northbound started probably about 2019.

Mr. Payne: It was pre-COVID.

Ms. Sellers: Yeah. So that could be what you're seeing, why you saw the change and increase. I don't know. But Allan Myers, how many contracts do they have with VDOT right now? You don't know. Okay, okay.

Mr. Payne: Pretty busy.

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Mr. Bain: Just to reiterate, because I believe you said that for the work that had been done recently, you had gotten permits, for that work but the inspections had not been submitted to the County. And that's why they're still open. But you did get permits. You did go through that process. It's not that the work was done without a permit.

Mr. Payne: Correct. You simply upload the inspections to the County and that finalizes them and that didn't happen.

Mr. Bain: That didn't happen. Okay. Thank you.

Ms. Barnes: Mr. Apicella?

Mr. Apicella: Staff can chime in on this as well but just to kind of frame the issue of non-conforming use. That's not unique to Stafford. We don't just have our own rules about non-conforming uses. That's a state governed issue. So, when the zoning ordinance changes, somebody who has a use that was allowed previously, under the zoning ordinance is allowed to continue it as a non-conforming use.

Mr. Payne: That's right, as long as you don't expand.

Mr. Apicella: As long as you don't expand. So, again, if we chose not to approve this rezoning, at least the current operations could continue as they are today without any proffers to mitigate their impact.

Mr. Payne: That is absolutely correct. Virginia is a vested rights state. Your use is vested, meaning it's inherent to the property and you can continue to continue that use as long as you don't expand it. Correct.

Mr. Apicella: Thank you.

Ms. Barnes: Any other questions? I do have a quick question, Mr. Payne, on the contact info that you talked about, for folks that live within, I think you said, within 500 feet. Is it only for folks, I mean, if somebody calls that lives 600 feet away are they going to hang up on them? You know, is it a possibility that we could just have that for the general area? It sounds like people that are beyond 500 feet may have some legitimate concerns that may want to discuss with the company. Would that be allowable? Something that you are open to?

Mr. Payne: Absolutely.

Ms. Barnes: Okay, and how was that number going to be disseminated? Is it going to be on the website where someone can go in and pick that up and say, this is your community advocate or whatever the title is going to be so that somebody can find it easily?

Mr. Payne: Yeah, and remember that 500-foot initial offer was similar to what the County does when it reaches out to adjoining property owners within 500 feet of the project. So just we didn't pull that from the thin air.

Mr. Hall: But that's all I was gonna say is the 500 feet. We knew that there were mailers to those within 500 feet and we could use that same distribution list to disseminate this information. Well, we can figure out a way to make it public. You know, whether it's on the website or somewhere, we can figure that out. Yeah.

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Ms. Barnes: Okay. So, you will put that up on your website and make it very clear so someone can go to Allen Myers, Fredericksburg, or actually in Stafford and have a link on there that they can get a hold of an email, a phone number, and that is not just for the folks living immediately.

Mr. Payne: We'll figure that out. Yeah, we can do that. Like we did with the Amazon project. We have a point of contact as part of our proffer. It can be a link to a website or something of that nature. We'll address the proffer with that. And just, on the noise issue, remember, we have some pretty heavy commercial uses around us. So, there's other noise that's occurring. And there's a major road artery between us and a lot of property owners. And there's a rail line there as well so there's it's a pretty busy area. Just for a quick reminder for everybody.

Ms. Barnes: Okay, last call for questions for the applicant.

Mr. Cummings: I have a question. I'm not catching it all but the expansion piece. So, there's no plans to expand, but there's 70 some odd acres, right, and so if we allow this, there is an opportunity for them to expand.

Mr. Payne: Only within the areas shown on the GDP. Okay, can I have the computer please.

Mr. Cummings: No, no, I remember the area. And so I understand that and I applaud the applicant for trying to ameliorate the concerns of the constituents or the neighborhood of people in the community. I just don't think it goes far enough. And I don't I think that you can mitigate it. The use is the use and it's non-conforming. I honestly don't see why we have to make it conforming. When you have these impacts, unless the applicant can make a proffer or be willing to make a proffer to not expand, and then potentially have a relationship with the community to make sure that they address and ameliorate some of the other concerns. But is that something that the applicant will be willing to do or consider?

Mr. Payne: We've already proffered the operational area, it's in our GDP. So that's identifiable so we can't go beyond that. And I don't know why we would want to limit their ability to expand within that operational area because that because it actually can be beneficial to...

Mr. Cummings: I mean, area is only one aspect of it, right? There's, again, if there's this capacity, right, building capacity, people mentioned things of mitigating the scrubbers and getting the best technology, ensuring that you're gonna have to state of the art technology to make sure to mitigate. So if the applicant could speak to that.

Mr. Hall: Yeah. So, although those process has made me second-think this, the, you know, the motivation here is the non-conforming use, you know, part of my job here is to create sustainability. We're an 85-year-old company, fourth generation, and part of my job is to ensure that it's there for the next generation too. When you're in a nonconformity, that brings that sustainability into question. One of the gentlemen brought up wet scrubbers. I don't personally believe that's the best technology. But there are technologically, there are changes over time. It's very questionable under the nonconformity, whether we would be able to implement those changes in the future and as components and things of the plant wear out, replacing them brings into question, you know, the nonconformity is pretty, pretty rigid. So, I'm trying to create sustainability, willing to give up some of the proffers to create sustainability for the company in the next generation. Okay, if at some point, you know, I'm not the owner, I would take back to the ownership recommendations at some point, I would go back and say, hey, look, it's getting too restrictive. Let's just stick with what we got. And maybe 20 years from now, that's a problem. If

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something on the plant wears out and we can't replace it, or we can't implement some new technology, but that's kind of where we are. Yeah

Mr. Cummings: Just to give you my thought on it, it just it is about ameliorating concerns of the community and trying to strike that balance between where there is a dialogue and you are mediating or ameliorating some of the concerns on an ongoing basis and it's a dialogue and not just a timestamped event. Again, there is a question here, somewhere, not just a bunch of statements. It is about what, especially as it relates to the technology piece. And I think you've done a great job in terms of the sound is the sound right? And then there may be some additional technology that you can deploy or employ. And I have, my colleagues know, I have a whole thing about how all of these state and federal laws and local laws come in and how they should be impacting planning and this should never have been, probably, but at the end of the day, I think that's what I'm looking for and that would make me more inclined. If I felt like the community felt like they were being heard and that things were going to be a conversation, right, ongoing to mitigate it and in some way, we can come up with a proffer. Are you into that? I just offered that as a possible solution. One, we

Mr. Payne: One we want to leave the door open to modernize the site to be able to put equipment, relocate equipment on this side, and then two, we've proffered to mitigate those issues, right. I mean, without those proffers, the County can't require us to mitigate the impacts that have been discussed, notwithstanding noise ordinance, etc. So, I think we've done that. I think we've done exactly what you're saying, in this application and in our proffer statement, and we're even proffering that we will continue to communicate with our, with the community to address ongoing concerns.

Ms. Barnes: On that note, when I discussed the 500 foot that's actually written into the proffer. Is there a way that we can tonight get that that measurement out of there, and you know, solidify, how you're going to create a community liaison, a link, because we probably want to put that someplace in the proffers provide.

Mr. Hall: I think what we can do, I was thinking about this, so when you go on our website, you can go to our locations and it has a map of the location, and it has a sales contact, you know, it has information there. We can just add to that, you know, community concerns or community, you know, I don't know what the right wording is but we can say community liaison and the phone number and, you know, have a commitment that that person is going to be responded to within 24 hours.

Ms. Barnes: And we can take the 500 feet out of that? Do we need to write that down?

Mr. Apicella: The proffers would need to be tweaked, Madam Chairman.

Ms. Barnes: Okay. So, can we come up with some real quick writing or can we just say, "as stated"?

Mr. Apicella: I think if they just took out "and all residential property owners" that would that would probably do it.

Ms. Barnes: I'm fine with that as long as long as there's also something in there about having availability on the website for a community liaison. If we can just tweak those two things. We'll have to have a motion to add that to it, then I would be comfortable with that.

Ms. Sellers: Madam Chair, if they're like my neighborhood, it's going on the Facebook page. It's never going away, whoever has this job is going to regret it.

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Ms. Barnes: Well, it is my experience that, I mean, I live in an area where there's also a quarry, and they have a line and if there's ever a problem, if the road is ever a mess, all it takes is one quick phone call to that district supervisor and that district supervisor can usually get things taken care of. There is a way of handling things, these things if there's a problem. Social media makes it real easy to get a hold of everyone but nevertheless, I would like to see something in the proffers that that, you know, that really pins this down that you will have a community liaison and it will be available to the surrounding community regardless if they are 500 feet. Okay. Are you trying to pin that Mr. Payne? Okay. All right. Any other questions for the applicant while we quickly get that done?

Mr. Payne: Here's a language that the applicant will provide an immediate point of contact and phone number for residential property owners, period. And then just continues, the liaison will act as a point of contact between the property owners and applicant's employees. The liaison must be available by phone during operation hours and must respond to questions show contracts and property. The liaison role will commence upon rezoning application approval, must remain during operation.

Ms. Barnes: Okay, what about putting it on the website? Is there a way to do that?

Mr. Payne: We can do that various ways. You can give the County a point of contact, put it on the website. How would you prefer to do it?

Mr. Hall: I like the idea of putting it on the website because, you know, people can go to our website, drill down to that location, and it should be right there.

Ms. Barnes: And I know social media really is probably the most convenient way but not everybody does social media. So, you know, I think it wouldn't hurt to have that added on there as well.

Mr. Payne: I've added the applicant will provide a community point of contact on his website with a phone number for residential property owners.

Ms. Barnes: Okay, does that sounds good to everybody? Okay, thank you very much. Okay, any other last question, last call for questions for the applicant? Okay. Alright, Thank you very much. Okay. So, we've discussed this for a long time and then bring this back to the Commission. Mr. Bain, this is in your district, how would you like to proceed?

Mr. Apicella: Just to be clear, the first motion would be to accept the modified proffers.

Mr. Bain: Yes, I would like to make a motion to accept the modified proffer concerning the Community Liaison as dictated by Mr. Payne.

Mr. Shelton: Second.

Ms. Barnes: Okay, have a motion by Mr. Bain and a second by Mr. Shelton to accept the proffers as amended. Any further discussion on that particular one? Hearing none, please cast your vote. Okay, that passes 7 to 0. Thank you very much. Okay, Mr. Bain. How would you like to proceed from here?

Mr. Bain: Yes. It's my feeling that this rezoning will be beneficial to the County and to the community. It will give the applicant an opportunity to implement changes after having heard comments tonight they can go back and consider whether there are other things that they would like to do to improve their operations so that it's more acceptable to the community. They're not being required to do that, other

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than the things that they have specified in their proffer but I believe that Allen Myers is a reputable company, and they are community-minded so I'm going to put some faith in that and make a motion to approve rezoning reclassification, RC23154933.

Mr. Shelton: Second.

Ms. Barnes: Okay, we have a motion by Mr. Bain to approve the rezoning classification for King Highway Asphalt. The second by Mr. Shelton and we can have some discussion. You want to have anything else to say?

Mr. Bain: No, thank you.

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

Mr. Shelton: No.

Ms. Barnes: Okay. And I will open it up. Mr. Apicella.

Mr. Apicella: Madam Chairman, it is a different application than we had the last time we met on this project. I believe the additional proffers helped to mitigate many of the concerns raised by Mr. Rodriguez, but that also impact other nearby residents. Again, it's not a perfect application. I think the bottom line for me is that voting against this rezoning could be counterproductive, as the applicant can continue their operations as is, without any of the proffers that they've agreed to, to mitigate their impact. So, I think it would be in the best interest, as Mr. Bain said, to go for with a rezoning rather than disapproving it.

Mr. Cummings: Yeah. So, I'm conflicted by this application and as Mr. Apicella duly noted that the non-conforming use has been in place and it's not ideal, and it probably shouldn't have been done in the first place. But we're stuck with it. And infrastructure needs are growing, we need this. We would love to have and would love to support the business so that they can be as applicant indicated, be a sustainable business, be a strong business and hopefully grow, but I just don't think it's the right place for it. And particularly with the health concerns and potential for environmental and I know the state laws and compliance comes into play. But as again, as my colleagues know, I don't think we do or have the systems in place that adequately address those and monitor them and to ensure compliance and amelioration going forward. And for that, I'll still be thinking about how I'm going to vote on it. But I think I'm actually leaning towards voting against it.

Ms. Barnes: Okay. Anyone else have any comments? Okay, go ahead. I thought you might.

Ms. Sellers: It's very rare, man, we're on different sides of this, what's going on here? No, I'm going to support this. It is a non-conforming use. There are always going to be environmental concerns but if you can do something like this and reduce the amount of travel time of those trucks getting the asphalt to the site, does reduce some of your other pollutants that go on the air and other environmental impacts. So, I do see the need for this. I think it's, I'm happy to hear that they've mitigated some of your concerns there with the light and some of the noise. That does make me very happy. As far as they didn't put in applications or permits, and maybe they're not being honest, the sheer volume of applications that the state receives from Alan Meyer suggests that they are a reputable and honest company, that the state does put a lot of faith in. And so, I do think they'll stand by their word so I will support this.

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Ms. Barnes: Okay, nothing? Well, I do have a couple of things to say. I'm kind of, you know, I think that that you and I, Dexter are on the same pages. I am going to support this. And that kind of hurts, because I'm probably the biggest environmentalist tree hugger that you'll see on this Commission. And it absolutely, when I look at this, it's not the right place for it, but it's there. And it's gonna be there. And I wish it wasn't and I wish that there was more that we could do but if we don't do this tonight, I actually think you're going to be worse off in the future than if we actually approve this. If this was a piece of property that was coming to us with a rezoning to an M-2 and it wasn't already there, I would have a completely different perspective. I would be very unlikely to support that. But it's there, it's a rock and a hard place. Either it gets a little better with this rezoning or it stays the same and they don't really have to do much of anything. It sounds like, honestly though, even if even if that was the case, it sounds like the company really does want to be a good neighbor. In my experience, when people come out like this, and if you have an issue, and you come to the company and you come to your Supervisor, who I know is here, your future Supervisor, and they want to be a good neighbor. They don't want a lot of neighbors making noise. So even if this does go through and there's still some things that you don't like and some things that you're having a difficult time with that's the reason why we've got that number. That's a reason why we've got that, you know, we're going to put that on the website. Be the squeaky wheel if there's something you don't like. Because they're not going to improve it if you don't get up there and say what you need and what you would like to see out of the company so, I'm with Dexter on this. I'm going to support it, just because I think that it's, I hate to say it, the lesser of two evils but that's the way I see it at this point. So, any other comments? Okay, so we do have a motion by Mr. Bain and a second by Mr. Shelton for the reclassification of Kings Highway Asphalt, please cast your vote. Come on Dexter. Okay, and that passes 7 to 0. And I do want to thank everybody for coming out this evening and make sure that you stay engaged with your community and the company. Thank you. Okay, so let's move on to the next one. Oh, boy, it's already 7:45. Okay, the reclassification of Belmont Park RC20153239 and for that we recognize Mr. Mike Zuraf.

2. RC20153239; Reclassification – Belmont Park – A proposed zoning reclassification, with proffers, from the R-1 Zoning District to the M-1, Light Industrial Zoning District on Tax Map Parcel No. 44-138A consisting of approximately 11.8 acres; from the A-1, Agricultural Zoning District to the M-1 Zoning District on Tax Map Parcel Nos. 44-93A, 44-93F, 44-144, 44-144B, and 44-144C, together consisting of approximately 46.0 acres; and from the A-1 Zoning District to the M-2, Heavy Industrial Zoning District on Tax Map Parcel Nos. 44-91, 44-93E, 44-C-3-3, 44C-3-4, 44C-3-5, 44C-3-6, 44C-3-7, 44C-3-8, 44C-3-9, and 44-92, together consisting of approximately 74.4 acres, and to establish M-2, Heavy Industrial Zoning District on dedicated right-of-way along Thelma Lane and a portion of Paul Lane, consisting of approximately 0.60 acres, all to allow for a mix of business and industrial uses. All parcels subject to the proposed rezoning reclassification are collectively referred to as “the Property.” The Property is located on the east side of Powell Lane, approximately 800 feet south of the intersection with Capital Avenue; and north side of Sanford Drive, between Riverside Parkway and England Run, within the George Washington Election District. **(Time Limit: September 22, 2023, extended by Applicant to February 1, 2024) (History: Deferred at the June 28, 2023 meeting)**

Mr. Zuraf: Good evening, Madam Chair, members of the Commission, Mike's Zuraf of the Planning and Zoning Department here to...

Ms. Barnes: Folks, hold on a second. Can you please make sure that you make your way out and if you if you need to have any more discussions, we do it out in the lobby so we can keep moving on this. Thank you so much.

Mr. Zuraf: Okay, good evening. I'm here to present the staff report on this next application which is a reclassification for project known as Belmont Park. So, this project now is a zoning reclassification and there's multiple zoning changes requested within this project because it covers a lot of area. So, there's rezoning from land that zoned R-1 to be rezoned to M-1, light industrial. That portion covers 11.8 acres. A 46-acre portion that would be rezone from A-1 to M-1. And then a 74-acre portion, from A-1 to M-2, heavy industrial. And also, something not mentioned last time would be zoning a portion of right-of-way, dedicated right-of-way, along Thelma Lane and a portion of Paul Lane. It covers .6 acres. That's an area of right-of-way that was never constructed or accepted by VDOT. And in total, the entire site covers 132.8 acres. So, for some background, this covers multiple parcels. And then there are multiple property owners which are all listed in the application. This is in the George Washington Election District. Kevin Sills is the applicant. Charlie Payne with Hirschler also is representing Mr. Sills on this case. And now to just provide some update on this application. So, as you recall a public hearing was initially conducted on June 28 for this project, which at that time also included a conditional use permit for multiple uses in the B-2 and Highway Corridor Overlay zone. After the hearing the applicant amended the application working to address the concerns that were raised at that hearing. Also, during that time, several properties in the vicinity of Warrenton Road were removed from the application. So as a result, the conditional use permit portion is no longer needed and the areas proposed to be zoned to B-2 were removed from the proposal so there is not a conditional use permit application. And the site area was reduced in size from 160 acres down to the 132.8 acres. So, here's the site located on the east side of Powell Lane, 800 feet south of the intersection with Capitol Avenue. And then also on the north side of Sanford Drive between Riverside Parkway and England Run. The area of the project that was removed was generally in this area. So that's the portion removed from the application. So, zoning, the R-1 zoning on the current zoning is the light-yellow shaded area at the north end of the site, and then the remaining remainder of the current zoning is A-1. That's the light green area that covers the remainder and there are no existing proffers on any of these properties. Surrounding zoning includes M-1 Light Industrial, M-2 Heavy Industrial, R-1 and A-1 to the north generally, to the east is B-2 zoned property. That's the pink shaded areas along Warrenton Road. A-1 and M-1 properties are located to the south and then RBC, the bright purple that's area along Celebrate Virginia Parkway to the west. Properties are mostly undeveloped with a few occupied dwellings on properties that are located along Sanford Road. Sites mostly wooded with some open fields on the eastern end of the site and the site top topography varies, sloping generally to the south. There are two RPA streams within the limits of this project. And the general surrounding uses include industrial uses to the north and west along Powell Lane. Commercial uses, restaurants and hotels and gas stations, to the northeast along Warrenton Road. Residential and undeveloped properties are located to the south and east along Sanford Drive and then undeveloped land along Celebrate Virginia Parkway to the west. So, here's the zoning proposal for the site showing the areas of each proposed zone across the area. The M-1 zoning is the lighter grade gray shading area. That would allow for a mix of Business and Industrial uses. That would include uses such as flex office, warehouse and the related commercial uses. The M-2 zoning, that's the darker gray area, that would allow for uses such as warehouse storage and distribution facilities, truck freight terminal and office and related uses. The 0.6-acre portion of right-of-way as I mentioned along Thelma Lane and for a portion of Paul Lane. That is proposed to be incorporated into the M-2 portion of the project and the abandonment of that public right-of-way would require a separate public hearing and action by the Board of Supervisors for that to occur. Here's the General Development Plan. It contemplates the light industrial type of uses in the northeast end of the site, generally behind the VDOT commuter parking lot, more oriented closer to Route 17/Warrenton Road. And then the southwest section of the rear of the site is where the large heavy industrial distribution warehouse and other smaller warehouse buildings are proposed. Access to the site will be provided off Powell Lane and proffers would limit that access to this area via Powell Lane. The proposed M-1 zoned area would have access at the current end of Powell Lane. And then an extension of Powell Lane will provide access to the M-2 portion towards the rear of

the site. No access proposed off of Sanford Drive other than a proposed gated emergency access off of Paul Lane. In response to concerns raised by property owners at the initial public hearing and specific properties generally along and off of Sanford Drive the applicant has enhanced building setbacks and vegetative buffers. And those are proposed from Sanford Drive and adjoining properties and Celebrate Virginia Parkway. These setbacks and buffers are illustrated within the GDP. This is a snapshot out of the general development plan that shows the setbacks with the green and yellow and pink lines to represent those setbacks from those different properties and locations. In addition, a proffer was also added to restrict all buildings on the site to be no more than 50 feet in height. Traffic impact analysis was submitted with the application to determine the impacts of the use. The TIA evaluated impacts from a number of intersections along Warrenton Road. The TIA traffic study was modified to reflect the latest changes to the development proposal. As part of this, this included a reduction of the proposed potential amount of vehicle trips reducing it from 13,231 down to 3,206 vehicle trips per day under this latest proposal. VDOT did review the latest version of the traffic study and had several comments and those comments are still unresolved. And despite the reduction in trips, VDOT comments do highlight some unacceptable increases in delays and queuing and degradation of level service for specific movements and overall intersection operations. The applicant did just resubmit the traffic study this afternoon. VDOT will need time to review the latest study to see if their comments have been addressed. The applicant is proffering right-of-way dedication along Sanford Drive to support a future two lane improvement of Sanford Drive which is recommended in the transportation plan. There's no current project in the works for any improvement but it's identified in the transportation plan so whenever we have that we like to see if the applicants, as part of a rezoning, would be able to dedicate right-of-way to support that future project if it ever comes around so that proffer is provided. The project is in the Berea Targeted Development Area on the Future Land Use plan within the Comp Plan. There's specific land use recommendations within the district that apply to this site. That includes mixed use commercial residential on the purple shaded, area setback from Route 17 and the yellow shade that area of the site recommends residential land use in the southwest portion of the project. Staff notes that the proposed light and heavy industrial uses are inconsistent with the Comp Plan land use recommendations. However, the proposed uses would be consistent with the established industrial development patterns along Powell Lane. Also, building elevations depicting the representative images of the targeted businesses have been included and added to the application. The applicants proffering the general character of the buildings. The Comprehensive Plan does not include specific architectural guidelines for industrial development. And staff would note that the site is setback from view of Warrenton Road and should be buffered from most other adjacent properties to maybe lessen the need to have specific architectural design standards. Some other factors that are evaluated in the staff report, the Utilities Department does have unresolved comments on the proposal. A proffer is proposed that would require a Utilities Master Plan be provided prior to site plan approval. The current County Utilities Master Plan does identify infrastructure improvements that might may be required to adequately serve this project. And however, the timing and who would construct these improvements have not been, I guess, fully defined within the application. On the second point, there would be potential reduction in impacts to County schools and parks with this reclassification, which would change the A-1 and Suburban Residential zoning categories within this area. Those zoning categories permit residential developments so you would be removing that potential. And also, mitigation of potential adverse impacts to public safety would need to be evaluated at the site plan stage to ensure the site access and site design is appropriate for the meet public safety needs.

Mr. Apicella: Mike, can you just go back? Can you just give some more clarity on the Utilities Department issues and concerns?

Mr. Zurf: Yeah, so this may help. So, what they've pointed out is the site drains the sewer, to serve the site with public sewer, it would it would drain generally down to this direction and there is an existing

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pump station here that it would go to. But the Utilities Master Plan identifies improvements and it would actually recommend removing that pump station. There is a current pump station within Celebrate Virginia, I believe in this area and the master plan recommendation is to improve or upgrade this pump station, which the Utilities Department is scheduled to do and their recommendation within the utilities master plan is to construct a new gravity sewer line, basically all along this stretch. And so basically anything then from this area would then all drain to this because the from what I've heard from Utilities is they really try to reduce the number of pump stations spread across the County because of maintenance issues and costs involved in that. And so, this is one of their recommendations out of the Comp Plan.

Mr. Apicella: So, what would they what would they want the applicant to do here?

Mr. Zuraf: My understanding is they would want the applicant to construct this gravity sewer line.

Mr. Apicella: And that and that's been communicated to the applicant?

Mr. Zuraf: Yes.

Mr. Apicella: And what's their response?

Mr. Zuraf: I'll defer to the applicant.

Mr. Apicella: Okay, thanks.

Ms. Sellers: I have a question. When did they put this new pump in the master plan? Because the industrial use hasn't changed on this project since we saw it in June. The thing that went away was the Chick-fil-A, essentially, right? Am I correct? I'm looking at them.

Mr. Zuraf: Yeah, this area's always, you know, planned to have a certain amount of development that's going to have sewer demands and I'm not certain if, and the and there's a pump station here now and the plan though in the Utilities Master Plan is to upgrade it. I think it's all part of consolidating pump stations and removing repetitive extra pump stations.

Ms. Sellers: I mean, how much sewer use is this building gonna generate? Isn't there like two people that work? Oh, I guess now, it's a fulfillment or distribution center, right? So, there might be a little more.

Mr. Zuraf: Yeah, I'm not certain.

Ms. Sellers: It's just, so this is a new one. We didn't see in June this request. That's why it's just a little surprising to me that we're getting this and this is a pretty large expense. And so when did the Utilities Department or the Utilities Commission, right, probably had to put this together. When did it get approved by the Board of Supervisors for this plan?

Mr. Zuraf: I'd have to defer, I'd have to check with Utilities to see exactly when that adjustment was made, because there have been, the Utilities Master Plan was last updated after the previous Comp Plan adjustment, probably back in, was it around 2016 or so. Or somewhere, you know, before the last update in 2021. After 2016, there was an update. But I don't recall, I'd have to go back and check with Utilities to see when this specific improvement was added to the master plan. But that kind of concern in that comment had been in place all along.

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Ms. Sellers: Oh, it had been in place? So, and the request is for them to build a sewer line, not just pay, because how it would work, in my understanding, is how it would work now is, because this is additional capacity, they would have to pay, there's some sort of fee structure, right?

Mr. Zuraf: There's a pro rata system and I guess what often will happen with new development, if they're going to be building anything that is above and beyond what they really are required to do they would kind of go in and make the improvement but then they would get reimbursed as other development comes on in the sewer shed?

Ms. Sellers: Is that what's being requested to do here?

Mr. Zuraf: I'm not certain about the pro rata, but I'm sure that would be all part of it. If they're being asked to do anything excessive, then that would likely be a result.

Ms. Sellers: I just remember from my time on the Board, people would say, "oh, all this new development is forcing my rates to go up" and that wasn't the case. New development has to pay a different fee structure than current folks. There's different ways we do that and we've just exceeded my memory of utilities but this is just a new one for me.

Mr. Bain: But the bottom line is, if the applicant is willing to do this then it can proceed. If the applicant is not willing to do this, then there's no reason for us to be discussing this application. It sounds to me. So, we need we need to find out what the applicant's position is on this I think.

Mr. Apicella: I got kind of one more point. Didn't we make a recommendation to the Board about the pro rata fee structure issue and reimbursement to somebody who builds something? I thought we just did that, like at the last meeting.

Mr. Zuraf: There were some adjustments to the existing policy that's always been in place. I don't recall the details of the of the amendment.

Mr. Apicella: Did it go to the Board yet? Or is it still awaiting action from them?

Ms. Baker: That went to the Board and was approved. And that dealt somewhat with the whole, the new potential system for reuse water.

Mr. Apicella: Right, in addition to sewer, public water and sewer?

Mr. Zuraf: But, bottom line is the Utilities Department wants to make clear how it's all going to operate and to, you know, who's going to do what and work those details out and that's not quite there yet.

Mr. Bain: Do we, as the Planning Commission considering the rezoning, have to wait for that to be resolved? Or is that something that's really irrelevant to the rezoning and we could allow the rezoning but if utilities doesn't come to some agreement with the applicant, then the project would not be built?

Ms. Sellers: Yeah, the Board of Supervisors can change the proffer statement between now and when they approve it. So, they can continue to work on this issue. We can make a recommendation, say let's vote on it tonight and talk to the Supervisors and say, Hey, you guys have this outstanding issue with utilities that you need to deal with.

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Mr. Apicella: Yeah, that's if you choose to go that route. That's just like the transportation issues. Do we punt on that or do we seek to have those issues addressed before it goes to the Board? Right. I mean.

Mr. Bain: Okay, I'm sorry, go ahead Mike.

Mr. Zuraf: Okay, so proposed proffers, many of the same proffers from before. There were some adjustments to proffers that were made since the last meeting. The proffers that are being offered would require the property be developed in general accordance with the general development plan, prohibits specific uses on the property that would otherwise be permitted by right in the proposed zoning district. Many of those are kind of higher intensity kind of uses that might be allowed in M-1 that may generate higher vehicle trips and establish a maximum building height of 50 feet as mentioned, requiring the buildings follow general design of elevations that are included in the application. As mentioned, also establishing the building setback and buffer requirements from Stanford Drive, Celebrate Virginia Parkway, Paul Lane, and adjacent properties along these streets. Also require the submittal of a Utilities Master Plan as I mentioned. Additional proffers also include providing transportation improvements subject to County and VDOT warrants and approvals, require the applicant to raze any vacant homes prior to receiving a land disturbance permit for each applicable area, apply to abandon existing right-of-way on Thelma Lane, which would be a requirement. A new proffer, that was most recently added, would require a contribution of \$40,000 to the County for retiming of the Warrenton Road corridor traffic signals or for other transportation improvements in the area. And one of the recommendations out of the Transportation Impact Analysis was a suggestion to adjust signal timings to help deal with some of the issues that were identified. And so VDOT's review of the latest amendments will help to speak to whether that, you know, they've been modified and address their concerns adequately. So, with the overall evaluation there are positives and negatives. Positives are that the proposed uses would be consistent with the established industrial development patterns existing along Powell Lane. Proposed vegetative buffers and building setbacks and height limits should help mitigate visual impacts from adjacent residential uses. The proffered building designs commit to the general appearance of the proposed development of the site. And the property use restrictions would prohibit higher intensity uses otherwise permitted in the M-1 and M-2 districts. Negatives include the majority of the site and all the site is inconsistent with the land use recommendations in the Comprehensive Plan and transportation impacts have not been fully mitigated and the, again, the utility network impacts have not been fully evaluated and due to those issues staff does recommend deferral the rezoning to allow for these unresolved issues to be addressed.

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

Mr. Bain: Yes, I do. Let me think for a second here. At the last meeting we talked about this. There was discussion about noise at night from the transfer facility, the M-2 area and I didn't have it in my notes, but I know we talked about perhaps restricting truck traffic at night so that again, just like with the asphalt plant backup noise from trucks when they start to back up and that sort of thing. Is there, and I guess it's really going to be up to the applicant, if they would like to if they would be willing to proffer a limitation on truck movement at night. I know those transfer warehouses need to be loading and unloading trailers during the night so that the tractors can come during the day and haul them away but perhaps there's some way to control that. The other things, I'm sort of getting ahead of myself, but I'm of the opinion that we ought to, like you have suggested, defer this to hear back from VDOT to see if the applicant would be willing to dedicate some right-of-way along Sanford Drive for future expansion. And the utility issues. It just seems to me that that might take longer than we have available. I don't know what the deadline for decision on this is now since they've resubmitted but that's something that perhaps we could put in as a condition that those have to be resolved.

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Ms. Barnes: February 16th, I believe, no, I'm sorry, that's the wrong one.

Mr. Zuraf: February 1.

Mr. Bain: And then the last comment that I would make right now, regarding your comments that this is not consistent with the Comp Plan, the Comp Plan is sort of like looking at things from an airplane. We draw big circles, we draw a wide path along highways and say these are our highway corridors. The Comp Plan doesn't really get down to this level of detail when it's developed. And having just redone the Comp Plan last year, and I was very involved in that, it's really, looking at this, there are industrial uses adjacent to this proposed use. And this proposed use is relatively isolated from surrounding, I'll say non-compatible uses, primarily residential. There's a significant buffer between those except for the few houses that are on Sanford Drive. So, the non-compatibility doesn't bother me that much. In a sense, it's going to, if it was to be developed in residential that would be non-compatible because those homeowners when come to and leave their sites have to go through an industrial area in order to come and go. So, to me, this is more compatible than a residential subdivision. So just to comment, like I said, I'm getting ahead of myself, because I, I know what I'm going to do recommend or make a motion for, but that's all.

Mr. Apicella: My question is more about timing. So, I see that VDOT comments November 21 and the applicant responded on December 7 so just about two plus weeks away. Has VDOT been given a copy of the applicant's comments and we do have an expectation about when they'll get back and respond to those comments.

Mr. Zuraf: The traffic study, the latest traffic impact analysis was just submitted this afternoon. So, we need to deliver that to VDOT, you know, ASAP and wait for them to review.

Mr. Apicella: And just from a staff perspective, having looked at the VDOT comments and the applicant's response, do you still have some concerns about the traffic impacts?

Mr. Zuraf: Yes, I think we need to kind of see what VDOT, you know, VDOT had several comments. And so I think we need to kind of find out what VDOT says about, you know, see if their comments have been addressed.

Mr. Apicella: Okay, and if it does get deferred, can we get somebody from Utilities to speak to the issue that they have addressed?

Mr. Zuraf: Yeah. Okay. At the next meeting.

Ms. Barnes: Okay, any other questions for staff? I do have a quick question and I'm gonna need you to go back to one of your slides. I want to talk buffers, I always want to talk buffers. The folks on Powell Lane or is that Paul Lane. Yeah. So the last house on there? What's the buffer behind that when you have those? I mean, it's kind of hard to see on this. What's the closest to the last house on Powell Lane? What's going to be their buffer there? I see it's 50 feet, but...

Mr. Zuraf: A 50-foot vegetative buffer.

Ms. Barnes: Meaning that that's all they're going to leave is 50 feet or are they going to take or is there going to be more beyond that?

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Mr. Zuraf: Well, that's the minimum requirements. If, you know, it could be as little as 50.

Ms. Barnes: So, they could clear all the way up to that 50 foot, right?

Mr. Zuraf: Right.

Ms. Barnes: Well, you all know my feelings. I think that's skeletal on that. That's not a lot of buffer for an industrial use behind residential that's already there in the first place. So, okay, any other questions?

Mr. Martinez: Madam Chair, do you mind if I pick piggyback off of that question? And Mr. Zuraf, can you go back to the that slide? On the previous slide I think there was a note that said the GDP or the plan is conceptual, and so with the buffers is that dependent on what the final site design is gonna look like?

Mr. Zuraf: Yeah, now your buildings here are kind of conceptual and those might adjust. There might be, you know, two larger industrial buildings, or you know, where there's three shown on the GDP, but those buffers are set in stone through the proffers. So, no matter what they do within outside of that, they kind of still have to follow those setbacks.

Mr. Martinez: Okay. Thank you.

Ms. Barnes: Okay, all right. Last call for questions for staff. Okay. Thank you, Mr. Zuraf. Would the applicant like to come forward? Welcome back, Mr. Payne.

Mr. Payne: Thank you, Madam Chair, other members of the Planning Commission. My name is Charlie Payne and I represent the applicant. It's good to see you again this evening. Always a pleasure being in Stafford County. I've got a quick PowerPoint. And just real quick, quick update on a couple things. That staff had noted were outstanding. One, on the utilities proffer, Mr. Apicella, I think we've addressed what Utilities has requested. We've shared that with Utilities and I think the County Attorney's office. We sent it to Mike. Mike hasn't had a chance, I don't think, to take a look at. We probably sent it to him after five o'clock. So, we did provide that proffer. It was consistent with what Utilities had requested. We did just submit the updated transportation study. I'm going to ask Steve Smith to talk a little bit about that after I do my presentation. And otherwise, the applicant representative is here as well. And I'll answer any questions I can that you have after this real quick presentation. So, a lot of you have seen this before. And staff noted, there's a significant change. We've basically eliminated the B-2 uses and we're now have converted the project to just the M-1 and M-2, which will have access only to Powell Lane. So that's a significant difference. Of course, reducing that B-2 also significantly reduces the overall traffic impact and the overall traffic for the site. So real quick, the project now consists of 16 parcels of over 132 acres, is located off of Warrenton Road and it is in George Washington district. We believe the project is in compliance with the comprehensive plan. M-1 and M-2 do have office components, obviously to them. If you were to follow the comprehensive plan for mixed use in this particular area, you would have a significant amount of traffic. You would have a significant amount of residential uses also at this location as part of that overall plan, which would have an adverse impact on traffic and surrounding property. So, this, in our opinion, is a less intense use and is consistent, in our opinion, with a comprehensive plan. The rezone request is from A-1 R-1 to M-1 and M-2. The acreage breakdown, if you will, from A-1 to M-1 is 46 acres from A-1 to M-2 is 74.4 acres and from R-1 to M-1 is 11.8 acres. 0.6 acres of the land will be zoned M-2 right-of-way vacation. The uses do include flex office, warehouse distribution, truck freight terminal office and other related commercial service uses limited for this particular purpose of the rezoning. The following users that are prohibited are the motor vehicle rental, the commercial kennels, convenience center, convenience store, restaurants without drive-through, hotel,

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aquaculture, railroad sidings, data centers, I think that was something that had come up in the last meeting, and mini-storage warehousing. So, here's a Generalized Development Plan. As staff had noted, you could see the primary access is off of Powell Lane. There will be improvements to Powell Lane including the improved roundabout that's there in that location. We do have future property access and dedicated right-of-way along Powell Lane. You also see and Mr. Bain, I think I heard you say this, there is dedicated right-of-way along Sanford for future expansion as well in our proffers so about 170 feet of it if my memory serves me and you can see the breakdown of the location of the buildings. We've also put in our proffers vegetative buffers that range 50 to 100 feet, Ms. Barnes, and building setbacks, for example from Powell Lane are fairly extensive to the building, even though it does also include at least a minimum 150-foot buffer. If you notice the yellow is 100, the yellow line there, Ms. Barnes, has 100-foot setback area. The green is the 50-foot buffer.

Ms. Barnes: And that 100-foot setback, are you going to leave the native vegetation/native trees there that is going to be left intact?

Mr. Payne: Right now, with only a proffer that 50 feet of that will be exactly what you noted, not 100 feet. They'll just be setback; the buildings will be set back at a minimum of that amount.

Ms. Barnes: But there's nothing that says you'll leave at least 100 feet of intact or native trees in there is a point.

Mr. Payne: Yes, right.

Ms. Barnes: Okay, thank you.

Mr. Payne: And again, you'll see the various ranges of setbacks and a lot of this came 200 feet from Celebrate Virginia, etc. A lot of this came from the last meeting and the request that we set back buildings a certain distance from any sort of residential uses. We do have prospective users, both A. Duie Pyle and Merritt both are very well-respected companies, industrial development companies and users. Merritt is currently in Stafford County, has a use at Quantico Corporate Center. They also are proposing a use off of Austin Ridge Road. A. Duie Pyle is very, very well respected. A company, I think they're headquartered out of Richmond, is that correct? Pennsylvania, sorry. So, we've got them, obviously working with them on this project as well as you can see in our elevations. Here's the A. Duie Pyle elevation that we have proffered. Again, buildings will be capped at 50 feet in height. Here's some additional elevations of Merritt buildings, as noted, some in Manassas and also at Quantico Corporate Center.

Mr. Martinez: Why the 50-foot limit? Is that just like an industry standard?

Mr. Payne: It came out of the last meeting for us to cap it got it. The cap, I believe in M-1, Kathy correct me, is it 65 feet? And I think M-2, 75 feet, if my memory serves me or maybe is higher and actually maybe higher than that in M-2. Property, again is located in the County's Berea TDA in an economic development priority area. Again, this is an economic development project. The project will be served by public water and sewer as staff has noted and as I noted, we do have a proffer that we sent that we think addresses the utilities concerns. I'm happy to read it, if you want to hear it. The project will encourage new business growth in this area and it complements existing development pattern in this area. If you're familiar with Powell Lane, there are industrial uses on that site, including Luckstone is on that site, along that path as well off of Powell Lane. Traffic mitigation, extension of Powell Lane to serve as a primary entrance. Again, you may recall we had direct access through the VDOT commuter lot in

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our prior proposal to 17. Now, we are only accessing Powell Lane with inter-parcel connections within the property. Again, we're limiting both the M-1 and M-2 for that purpose. We have dedicated 170 feet of right-of-way along Sanford Drive. Mr. Bain, Sanford Drive access via Paul Lane will not have direct access for our use but it will have emergency access, if necessary, and equipped with the KNOX box. We've also proposed a proffer of \$40,000 to retime the US 17 signals and Steve can talk a little bit more about that in his traffic analysis.

Ms. Sellers: For Sanford Drive/Paul Lane limited access, is there any way you guys would be open to not limiting that access?

Mr. Payne: One I think Sanford Drive would have a difficult time handling the capacity for our proposed uses. Secondly, I think the neighbors were very much opposed to having direct access to Sanford. Steve, real quick before I go to economic development, it may be a good time for you to transition here to talk about your analysis in responding to VDOT's comments.

Mr. Schmidt: Good evening. Thank you for your time tonight. My name is Steve Schmidt. I'm with the Timmins Group. We did the traffic study for the project. As it has been noted, this has been an iterative traffic study. We've come before with multiple different uses. This most recent one reduces the traffic 50 to 60 percent off of what was there before and also takes away, not only that commuter light access off of Route 17, but three additional access points off of Route 17. VDOT provided us comments on the most recent version towards the end of November. We've worked through that, work through their comments, to see what can we do, what can we do to mitigate the traffic out there. As you all are aware, Route 17 is a wide road, there's turn lanes at every intersection. So, one of the things we took a look at is, there really aren't very many, if any geometric improvements that can be made out there. And so, we went back and said, what are the timings look like? What are the green times at the intersections looking like today. And there's some challenges out there. There's some opportunities to adjust those times, to add some more green times and different movements to adjust the offsets to them as well. And what the updated traffic study shows that was, again, just submitted today, is that with those re-timings that the applicant is committed to contributing towards, we can mitigate traffic back to those conditions without the site. So, we look at in a traffic study, what would happen in the future with or without the site, right? If we build the site, if these re-timings come through, we can mitigate those levels back to what would be expected if the site wasn't built. Particularly of importance is the Commerce Parkway intersection at Route 17, and also the commuter lot. So, the timings will show, and VDOT is going to review that we can mitigate our traffic impacts that way. Happy to answer any questions about the traffic study, the processes, all of that as it comes out.

Ms. Sellers: I have a question for you. Have you guys done any, like, any other studies besides your TIA? Have you done any, is this corridor been part of a star study, pipeline study, any of those big or any of the FAMPO studies?

Mr. Schmidt: Not to my knowledge, I mean, they added the recent improvements that have just been made at the interchange. It was part of that whole study with the new ramps, the new lanes along 95, the bridge and all that. It was included in that overall study, which is why you've seen the interchange improvements. To my knowledge, this part of portion of Route 17 as you head west or north has not been included.

Ms. Sellers: Okay. And is it going to be part of when they do the bridge? They're doing a bridge study out of FAMPO. Maybe, I don't know, I wasn't at the meeting, if they approved it but that's the same corridor. It could be? okay. I only asked because economic development is one of the areas that was

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changed in smart scale this year and that's why I'm looking at some of these things and trying to make sure it matches what was what was done last week in Richmond.

Mr. Payne: Economic development, as I noted earlier, is a very important part of this project and the comprehensive plan. It is expected to create with our proposal and our maximum ability to build out for M-1 and M-2 1,069 direct and 215 indirect construction jobs generating over \$102 million in wage income. 626 direct and 233 indirect permanent jobs at full build out during operations, generating over 57 million in total wage incomes. The project is expected to generate annually close to \$2 million a year in net tax revenues and over \$81 million through 2054. So, this is a fairly significant economic development project. Additional proffers, just to outline those as well. Issues that had come up in our prior meeting was razing the vacant homes located on the applicable tax map parcels on the site. That's been proffered. The buildings within the project will not exceed 50 feet in height, Mr. Martinez. The applicant has also provided in proffer 100-foot vegetative buffer and 150-foot building setback along the property's frontage on Sanford. A 200-foot building setback from Celebrate Virginia Parkway, a 50-foot vegetative buffer and 100-foot building setback near the rear lot lines adjacent parcels along Sanford Drive. A 50-foot vegetative buffer with rear property line adjacent to the property frontage on Paul Lane. And a 50-foot vegetative buffer, 100-foot building setback from County Tax Map Parcel 44-144A. Again, all those issues came up during the last meeting. Yes ma'am.

Ms. Barnes: Is there a possibility that we could buffer up those buffer zones? I always like to see at least 100 feet with anything.

Mr. Payne: Dave, do you want to tackle that real quick. Civil Engineer Dave Anderson from Timmons Group.

Mr. Anderson: Dave Anderson with Timmons Group. Glad to be here. It's good to see faces those that I've met and spent some time with on this through the years. Several items on here. The biggest one that I've heard that I wanted to speak a little bit to was the buffers because I think it is, in all cases that I work on it is a very, very reasonable expectation, the question of what is a buffer mean? What is untouched, undisturbed or landscaped? One of the things we did talk about with respect to the vegetative buffer, especially in areas where there's not existing vegetation, is in that buffer we would be planting in those areas. Now the difference sometimes is between undisturbed or landscaped or vegetative, and so that sometimes gets lost, I think you made a comment about you know, we don't want to see them knocking down trees. There's another element to this, that what you're seeing on that GDP, is actually what is expected to be built, given the customers that we have basically looking to be in here. What I mean by that is they're trying to make proper use of the site that's there. This is not really conceptual, per se, because there actually is an end user expected. All of the green that you're seeing there is not to try to get us through zoning. It is slopes, steep slopes that would not be used, that would not be graded, that would not be impeded upon. So there's, in some cases, 300-400 plus feet, that will not be disturbed because the natural systems, the streams, the swales, the steep slopes, all of those are in place. So, it is more than just saying we want to stay a few feet off of Sanford, it is a few feet to guarantee Sanford that they're going to have a visual buffer at the street level. And then you have the natural buffer that's going to happen because of topography and things like that, where the grades won't change. So, I wanted to make that clear.

Ms. Barnes: But my question is, as I see it right here, again, I'm not an I'm an engineer, so I'm just looking at, you know, the green parts. Those aren't, because it because the GDP is not proffered, because it's conceptual, those aren't necessarily going to stay. So, you could come in and you know, if something happened, and you could clear all the way up to that 50-foot buffer. And I know that the 50-foot buffer

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is not, you know, that's at the property line, not necessarily where the houses are, but in my experience, the bigger the buffer that you can get, and it looks to me like you might be able to, if your neighbors can't see you, it makes things a lot easier.

Ms. Barnes: I'm specifically talking about, you know, just those, you know, where we have residential and bumps up against what's going to be an industrial area.

Mr. Bain: Primarily Paul Lane. Can you proffer that to be 100 feet rather than 50 feet that you currently have?

Mr. Anderson: Anyway. So, buffering up again, the question is, what can we leave undisturbed in that location, is what you're saying. What we've talked about since the last meeting that we had was both undisturbed and enhancing where even if you left it undisturbed where there wasn't enough vegetation there that there would be a concern about what they might see. So again, the idea is that this 50 feet that's in the back of this, what I can't mark right here, is going to be in areas where you're not going to have any buildings anyway. The one to the north of Paul Lane, those next to the industrial building, so the central area that basically is going to have 100 plus, so the 50 basically is no disturbance whatsoever. The additional 50 is guaranteed no build zone, essentially. And beyond that is where they can start grading and doing the operations they need. Again, what I have not shown on this map is specifically what the topography is doing that will actually limit further some of the grades on here. Now that topography creates this type of environment where you can't say 50 here, 75 here, 100 here, because it moves in and out with the natural topography of the land. So, the point is we took very seriously the buffers here. And the biggest concern was making sure that no one on Sanford, is one of the reasons we don't want to have actually open access from Sanford, we don't want this to start feeling like this use, which Mr. Bain talked about, which is sort of we're trying to separate those uses and push them more towards the Powell side, will not be noticed whatsoever from Sanford. So, he spent a lot of time trying to identify that and again, when you look from Sanford, as well, as from those lots that come up Paul, they will have a significant distance. We can discuss, if there is a need to discuss, additional buffering for the ones that front on Paul. We could consider language if that's the area of concern. Hopefully, and we've got some additional discussion I think that Charlie mentioned from some of the proffers that were submitted we could we could make language changes on Paul, between here and the Board of Supervisors. I think that would be well, but the buffering here is significant off of Sanford.

Ms. Barnes: Okay, not necessarily what I wanted to hear but I understand.

Mr. Anderson: Okay, I wanted you to understand the typography issues here, that also keep this from being sort of a clear-cut scenario, which you're wanting to make sure it doesn't happen.

Mr. Apicella: So not to maybe bring up a sore subject. But during the data center discussion, I think it was called a cross cut or a viewshed. Is that something you all can provide? I mean, I hear what you're saying but to get a better, because we're looking at it from a two-dimensional perspective. I hear what you're saying, but it's hard for me to see what you're saying.

Mr. Anderson: We do viewsheds all the time.

Mr. Apicella: Yeah. So, if you could do that for Paul and also any additional language that might enhance the viewshed from Paul in the way that you suggested, I think it would be helpful.

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Ms. Barnes: If I had one of those houses, I'd want to have something really solid to know that what I'm going to have behind me is not going to be you know, 50 feet of sparsely populated trees that lose their leaves in the winter and, and boom, there's an, you know, an industrial area right behind my house all of a sudden.

Mr. Anderson: Yeah, and that was one of the reasons when we said vegetated buffer. If there's insufficient buffer currently at the site plan stage, that is evaluated and identified. And those, you know, year-round evergreens, those types of trees are part of the site plan. So that's already in there.

Mr. Bain: I think one other thing that I would want, if I was living on Paul Lane, is a proffer that says that that little road inner parcel roadway that connects to the transfer warehouse will not be used by tractor-trailer trucks coming in and out at night. Do you have some sort of limitation on what type of vehicles could use that road?

Mr. Anderson: That can come in on Paul?

Mr. Bain: Yeah, well, not necessarily Paul, because that's gated but the interior roadway that comes from the M-1 to the M-2 area there.

Mr. Anderson: Is your concern about proximity or lights or what?

Mr. Bain: Noise, lights, you know, tractor-trailers at 2am going by 400 feet from my house. I wouldn't like that. So, I'm saying can we have, would you consider a proffer that says that that internal roadway that connects the M-2 to the M-1 area would not be used by tractor-trailers.

Mr. Anderson: It's not to be used at all. It's an emergency access for fire purposes. This one here That is for fire purposes. That was put in because the Fire Marshal wanted to make sure that they had a second access in case of an emergency. It will not be used...

Mr. Bain: I wish your pen was working because I'm not sure we're talking the same thing. But if that's the case...

Mr. Anderson: Does somebody have a mouse I can actually use?

Mr. Bain: Yeah, that road, the little white...

Mr. Anderson: That is an emergency access will not have tractor-trailers on it.

Mr. Shelton: There's a KNOX box. Only Fire and Rescue can access it.

Mr. Bain: Okay, but that's to get in from Paul Lane, not on that portion of the road. Once they're on the site, they can use that road.

Mr. Anderson: There are two gates and the purpose of that second road that you're concerned about, where that little white arrow is, that opens up the access to the southern M-2 piece. And that M-2 piece, the reason is, the square-footage that we're talking about is greater than the requirement that the Fire Marshal has for a single access.

Mr. Bain: Ok, so is there a gate where the little arrow is right now?

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Mr. Anderson: Correct.

Mr. Bain: Okay, then I'm sorry, I wasn't aware.

Mr. Anderson: No, that's ok. We want to clarify everything that we've been working hard on here.

Mr. Bain: Okay. So sorry.

Mr. Anderson: No, no, no worries. Is it okay now to mention, because of the utilities, did you want to or do you want me to wait?

Mr. Bain: Please mention.

Mr. Anderson: Correct. And I just wanted to be clear. I know, Ms. Barnes, you left when this was being discussed.

Ms. Barnes: You can hear everything in the back.

Mr. Anderson: Oh, cool. That's awesome. Can you make this thing work? So, the proffer language, we understand is acceptable to utilities. We worked hard on getting that straight to say exactly what the County's utility master plan calls for. So exactly what was drawn up, there's a pro rata share program. We understand that we worked with the County on that. We were working with Daniel (*inaudible*), I know he's left the County. We got with the rest of the team. We got the language ironed out and that is current proffer that's in front of you.

Mr. Bain: Can you read that for us tonight, Mr. Payne, you offered.

Mr. Payne: It states prior to the County's issuance of a certificate of occupancy permit for the first building constructed in Area 1 which is the subject area shown on sheet two GDP or within 36 months of approval this rezoning application, whichever first occurs, the applicant, to include future owners, successors and assigns will provide and construct all on site and all site utility infrastructure necessary to serve Area 1 including gravity sewer lines consistent with the County's Master Utilities Plan project LFR-30, as depicted on that certain Wastewater Improvements map prepared by the County dated May 2018.

Mr. Bain: Thank you. Sounds acceptable to me.

Mr. Anderson: My final comment, I wanted to appreciate what you said about Comp Plans, because that came up as a concern. I appreciate the guidance document there. One of the things I want to make clear in the four times that we've submitted this case, each time the traffic, the trip generation from our TIAs has dropped. In this last one, it's dropped dramatically. If we were to comply with the County's Comp Plan, it would be more than double what we're talking about because of the additional traffic, because of the intensity the Comp Plan calls for. So, in this case, compatibility with what's on Powell, all of those led us to the use type that we're looking for here. And that's why it ended up being non-compliant with the Comp Plan.

Mr. Payne: Just to be clear, it's compliant with the Comprehensive Plan. We just made certain adjustments for that purpose. So, I think this was the last slide before we got to the buffers. And just so you know, these properties have already been removed. Mr. Sills had removed these early on in the in

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the process. And this was something that County also wanted us to do, sooner rather than later. It is just showing the improvements along that frontage. And happy to answer any questions you may have.

Ms. Barnes: Okay, any further questions for the applicant? I think we are all asked out. Okay. I'll go ahead and open up the public hearing for this item. 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 come forward to address the Commission on this project, please come forward. There's a lot of people in here and no one's coming forward.

Ms. Tittle-Phipps: I am the resident that's on that lake on the peninsula. I was just wondering when is all this going to be started?

Mr. Bain: Can you give us your name?

Ms. Tittle-Phipps: Beg your pardon? I thought you'd remember from the last time. It's Sam Tittle-Phipps and I'm on the property that's the only one on that peninsula on the lake. Thank God cuz that sure looks busy. When is all this supposed to be starting? Supposedly?

Ms. Barnes: Ma'am, this is just the comment section. This is not necessarily an...

Ms. Tittle-Phipps: It's just a question. So, we're just, I think this gentleman just told me, we're just in the planning stages. With all due respect. Thank you so much.

Ms. Barnes: You're welcome. Thank you. Would anyone else like to come forward and address the Commission? Come forward.

Mr. Randolph: Good evening, my name is Robert Randolph, I live along Sanford Drive. Thank you for the opportunity to come and speak. I wanted to commend you, Madam Chairman, on your initial statement during the asphalt plant where you stated, if a location was not already built up for industrial, such as an M-2 as we have proposed, then you were against those being created. You know, if it's not in use it...

Ms. Barnes: Not exactly but ok.

Mr. Randolph: That's what I took from it. The fact that, you know, the 50-foot buffer zone is pretty skeletal there's, especially with heavy trucks moving through, you'll see a lot of light pollution, noise pollution, you're gonna have air pollution, and 50 feet, or even at some points, 100 feet is not a lot, especially at night when it's quiet, and they're downshifting, backing up. So, we'll probably have a lot of the same noise concerns that they would have at the plant earlier. So, I don't know if they have proposed any plans to address the pollution levels, light, air, ground, water, etc. And the development of utilities to support the expansion of this size. And we're really supporting that many people, the impacts to our water, our sewer, just for the existing area we have. I have those concerns, living on Sanford Drive, commuting to the 17 commuter lot. How are those trucks going to be, you know we're looking at an average of 3200 vehicles per day is the estimated with the reduced numbers, how will those vehicles, not every vehicle there is going to need to go right on 17 towards 95, how are those vehicles going to make that left turn and go in the opposite direction on 17. Are we're gonna have all of those vehicles dumping out to the next intersection and making U-turns? Are we going to create some other methods for them to safely get out and travel? So those are my primary concerns; the, you know, the pollution levels, safety on 17 as they get out and travel, and the other concerns people have had. Thank you.

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Ms. Barnes: Thank you very much. Anyone else like to come forward and address the Commission this evening?

Mr. Burton: Good evening. I'm Ollie Burton. I have lived in Stafford County part of my life. I've been in this area my whole life. And, you know, I want to see what's good for Stafford County, too. So, I would say that this has kind of been a moving target over the last few years. And I know Seales has brought varying things, you know, trying to work out what's best for the County. It started with some residential stuff and that didn't seem like that that would be the best fit for this area and he's moved on to this industrial type things now. So, I think, from what I perceive, that it's really a good fit for the County, with the economic money from taxes, from people that work there, that they will have money to go back into the County as well. And, you know, there's minimum impact, you know, on the school side of things. There's not the residential, so it's not gonna be a lot of concern for a lot more buildup of schools and that part of the infrastructure, so I think it's a positive one all along, and I would just say that I would support it. Oh, yes, William Burton, or Ollie Burton is what I go by.

Ms. Chittum: Hi, I'm Gloria Chittum. My family has owned this property for over 200 years and I've lived where I live for 64 years or longer than that, really. But anyway, I hope you all do not vote to hold this over for another month or two. It's been going on for seven years people. It's time we got this show on the road. And I appreciate it. Thank you.

Ms. Barnes: Thank you. Anyone else like to come up and address the Commission this evening? Okay, I will close this portion of the public hearing and would the applicant like to come up and address any of those concerns?

Mr. Payne: Thank you, Madam Chair, and thank members of the community for their comments. Charlie Payne again, representing the applicant. I don't think we have anything additional to note. I think this project with the proposed uses is consistent with the comprehensive plan. It does reduce the impact intensity that could occur on the comprehensive plan. As you know, traffic that was in our initial proposal is double the traffic that is now being proposed. I believe that we have or will mitigate those impacts. And we certainly heard you loud and clear regarding buffers. I would just note that this application has been pending for quite a long time in various different forms with the County. And this Planning Commission has heard this presentation and seen this application before when it had B-2 now it's actually has less of an intention proposed uses on the site. We would like for you to move forward with this so we could get to the Planning Commission, obviously, I mean, get to the Board of Supervisors, obviously understanding that we still need to, the staff needs to be comfortable with the transportation comments and our response to that from VDOT. And then also make sure staff is comfortable with the proffer regarding the utilities and to Ms. Barnes comments in regards to increasing buffers. We'll take a look at that as well. So, with that, I'm happy to answer any questions you may have.

Ms. Barnes: Okay, any last questions for the applicant? Okay, thank you. Okay, so looks like this is a George Washington. Tonight's been the George Washington show. I will bring that back to you, Mr. Bain. How would you like to proceed?

Mr. Bain: I think I'm going, although Ms. Chittum would not like it, I am going to probably make a motion to defer to the first meeting in January in hopes, well maybe it has to be the second meeting in January, in hopes that we can get comments back from VDOT on that revised traffic study. I am pleased that the traffic study shows that they can mitigate any impacts and not decrease performance of the intersections. But I would also like the applicant to consider increasing the buffers, particularly around Paul Lane, the vegetative buffers to 100 feet particularly around Paul Lane but anywhere along Sanford

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that they can get that to get true vegetative buffering between homes and the buildings regardless of the topography. Topographies tremendous, but light pollution, especially from light standards that could be up in the air, they can overcome typography. So, I would like to see if the applicant would consider that and maybe come back with something in January. So, my motion is going to be to defer to the second meeting in January, January 24 for the rezoning request RC20153239 and I will just comment that unfortunately, I will not be here since tonight is my last night on the Planning Commission.

Ms. Barnes: We have a motion. Do we have a second?

Ms. Sellers: I'd like to make a counter motion.

Ms. Barnes: A substitute motion?

Ms. Sellers: Well no, it just be a new motion if we don't have a second.

Mr. Apicella: Okay, I'm gonna second Mr. Bain.

Ms. Barnes: So, we have a motion in a second.

Ms. Sellers: We'll firstly make a comment on the transportation. Because I hear that and typically I do sit up here and wait for VDOT's comments. But in this particular case, I actually see a lot of benefits with this project and the potential, particularly when we look at a large algorithm and how we prioritize money called Smart Scale, because we have made some improvements and changes to smart scale, particularly around economic development. And a benefit in this area is that it's on a corridor of statewide significance, we only have three in Stafford County, so it will qualify for high priority money. And it does have a significant economic development footprint, which will make it competitive as well. So, from a transportation perspective, I'm actually really comfortable with where it is. Because I think the state processes are in place to support a project like this and particularly in this corridor, which is why I would like to make a counter motion to approve this and allow it to go to the Board of Supervisors to let them really weigh in on those utility concerns and get this moving because a lot of the folks in here are probably part of this application and want to see it move forward. So, I don't want to hold it up anymore.

Mr. Shelton: Second.

Ms. Barnes: Okay, we have a substitute motion by Ms. Sellers to approve. We have a second. I think I heard Billy first.

Mr. Martinez: I tried to beat Billy.

Ms. Barnes: Okay, so we have a substitute motion to recommend approval and a second by Mr. Shelton. Any further discussion on that substitute motion?

Mr. Apicella: Madam Chairman, I'm not going to support that motion. I want to support this project. I think VDOT has raised some significant concerns. I drive down 17. It's a nightmare. I understand that the applicant has submitted a new TIA that they indicate resolve some of those issues. We haven't seen it. As long as I've been on this Commission, which has been a while, we don't usually punt to the Board, to let those issues get fully baked in the interim. We try to resolve those issues or understand those issues before we make a recommendation. In my opinion, there's no more important issue in Stafford County than mitigating transportation and again, from what I've seen, there's some real issues with the timing

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and potential backups associated with this project. So, I'm hoping that the TIA has proposed some measures to mitigate those problems and issues that VDOT has indicated but I don't know, because we haven't seen it. So, I think we have to do our own due diligence before we send this over to the Board of Supervisors.

Ms. Barnes: Okay, and anyone else have anything else to say? Ms. Sellers.

Ms. Sellers: Yes, to the transportation. I am sure the TIA will be informative but I don't think it's going to be substantial enough that the Board of Supervisors can't remedy it. And I spent a lot of time working on transportation issues. I'm very familiar with the transportation issues, I would agree that there's no bigger issue than transportation and problems here but I also know that the changes that are coming to how we prioritize transportation in the Commonwealth of Virginia is going to really favor a project like this. The economic development changes, the congestion, although I didn't support it last week in Richmond, even the congestion standards that they change to where it's looking into the future, it will capture that today this appears on our comprehensive plan as residential and in the future will be commercial. So, we've allowed for some of these things in the way that we do prioritization of transportation projects and funding. So, I do feel very confident in that we will be able to remedy that in the future. And I just don't think that the transportation concerns alone are enough to keep this in limbo for these folks. I think we push it to the Board of Supervisors and let them weigh in a little bit more. Thanks.

Ms. Barnes: Okay. Thank you. And I also want to just make a comment. Somebody, I'm not sure who said this has been going on for seven years. Well, it hasn't been in front of us for seven years. So, we still have some time. I don't see the harm and really nailing down some of the issues that we've seen tonight. I know it's been a long time for some of you that you know, have been watching this beyond this specific application for this land, so I'm not going to support that. I'm going to support to the deferral if we come to that. So, with that, please cast your vote for the substitute motion to recommend approval for the Belmont Park reclassification. Okay, and that does not pass, four to three. So now we'll go back to our original motion by Mr. Bain to recommend for deferral and the second by Mr. Apicella. Any further comments on that? Okay. All right. So please cast your vote for recommendation for deferral to the second meeting in January. Okay and that passes 4 to 3. All right. Thank you everybody. And we will move on to the next item on the agenda which is... What do you want? We can if you want to, okay is it okay with everyone if we take a little five-minute recess. Okay. Alright, five-minute recess.

9:06 PM – Meeting recessed.

9:15 PM – Meeting reconvened.

Ms. Barnes: Should we get started again? We'll call you back into session. And we will move on to the next item on the agenda, which is conditional use permit for The Garrison at Stafford Raising Cane, and Raising Cane's, I should say. For that we recognize Mr. Dylan Palmer.

3. CUP23154977; Conditional Use Permit – The Garrison at Stafford Raising Cane's – A request for a conditional use permit (CUP) to allow a drive-through facility within the P-TND, Planned-Traditional Neighborhood Development and HC, Highway Corridor Overlay Districts on Tax Map Parcel Nos. 20AC-1-1, 20AC-1-12 (portion), and 20AC-1-13 (portion) (Property). The Property consists of 1.167 acres, and is located on the south side of Garrisonville Road, approximately 400 feet west of the intersection with Travis Lane, within the Garrisonville Election District. **(Time Limit: March 22, 2024)**

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Mr. Palmer: Thank you, Chairwoman Barnes. Good evening, Commissioners. My name is Dylan Palmer. I'm here to present item number 3 on tonight's agenda, which is the conditional use permit for The Garrison at Stafford Raising Cane's. So just some background on this the conditional use permit is to allow for a drive-through use associated with the Raising Cane's Restaurant in the P-TND, the Planned-Traditional Neighborhood Development zoning district, and the Highway Corridor Overlay District, the HCOD. The site is on the portion of three tax map parcels right at the northwestern corner of The Garrison development. It's in the Garrisonville Election District. The applicant, Raising Cane's Restaurants, the owner is Route 606 Reston, LLC. They're the developers for The Garrison sitewide development and the agent representing them here tonight is Charlie Payne, very popular tonight. This is a map of the location and zoning in the area. The property is outlined in red on this map. It's zoned P-TND and it's also in the HCOD district. The site's located on the south side of Garrisonville Road approximately 400 feet west of the intersection with Travis Lane. Surrounding zoning districts are B-2 to the north, R-1 to the west and P-TND to the south and east. The property consists of a portion of three parcels with a total site area of 1.16 acres, which has been zoned P-TND since 2015. Originally, the site was rezoned from R-1 to P-TND, as part of The Garrison at Stafford originally was known as The Stafford Village Center. That development was last amended with proffers in May of 2021. And then this is just a map of the HCOD there. The two orange lines you can see on the far south side of Garrisonville on the far north side of Garrisonville. This is the aerial view of the site that shows existing conditions. The site is currently undeveloped and contains a stormwater pond that was constructed as part of the Garrisonville road widening project to three lanes. The pond will be relocated as part of the overall Garrison at Stafford development and that ponds also subject to a proffer that was amended back in May of 2021. A sidewalk was previously constructed along Garrisonville Road as part of that widening project and sidewalks are proposed to be built on both of the internal roadways to the south Warrior Street into the West High Point Boulevard. Directly across the street there on Garrisonville Road is an Advanced Autoparts. A currently vacant R-1 parcel to the west and then to the south and east also P-TND districts, currently both vacant. The site directly to the south is proposed to be mixed use commercial, retail office and residential and then the site directly to the east is subject to a CUP for another fast food restaurant. And there are no environmentally sensitive features present at the site. And this is the street view there from going eastbound on 610 This is the GDP for the site. It depicts the proposed layout of the Raising Cane's Restaurant which consists of a single story 3,077 square-foot building with 60 parking spaces and two drive-through lanes. The property access will be provided through an entrance along Warrior Street, as well as an exit only lane on the High Point Boulevard which you can see there in the bottom left corner of that development, I'm missing my pen. The drive aisles are located along the south and east sides of the building with the drive-through lanes wrapping around the north and west sides of the building. Sidewalks again, they'll be built around the site as part of The Garrison of Stafford development. Loading spaces provided on the east side of the building along with the dumpster enclosure, which will be appropriately screened view from Garrisonville Road as required by HCOD development standards. As required by the zoning ordinance, a landscape street buffer is proposed along Garrisonville Road and a detailed landscape plan will occur at the time of site plan submittal. And then this is just an overall view of the latest approved site plan for The Garrison at Stafford. So, the Raising Cane's Restaurant is proposed to go in at building one. That's up in the very far left corner there. This site plan was approved back in February of 2022 and at that time, they didn't have a specific use for building one but now they just resubmitted, I want to say a few months ago, another site plan to revise that area and replace building one with the Raising Cane's specs that are in the GDP. As you can see on here directly to the south, there's building 4B. That's the site with mixed use office and retail and then just to the right of that, kind of right in the center of this plan, is building for 4A. That's mixed use residential and retail. That's about 250 feet southeast of the CUP location. And again, I said there is a site plan currently under review by County staff and currently that site plan addresses those three parcels on the front of the site along Garrisonville Road and then building 5A, which is the

right side, the eastern side of the development here. And then here's some architectural renderings that they provided. Due to the property's location within The Garrison at Stafford the building must conform to the Stafford Village Center Neighborhood Design Plan. This review will occur prior to building permit approval. Staff notes that the building design does conform with several of the architectural guidelines in the Stafford Village NDS plan. This is a map of the Comprehensive Plan's land use recommendations in the area. It identifies a property in a commercial corridor within the Suburban Future Land Use designation. Commercial corridors are intended to encourage commercial activities where there are adequate transportation facilities to accommodate proposed uses. So typically, CUPs require a TIA to be submitted if the use is proposing to generate more than 1,000 vehicles per day. This restaurant and drive-through has proposed vehicle per day number of 1,440. When The Garrison was initially rezoned, a TIA was submitted accounting for 10,000 of gross square-footage of fast food space throughout the entire development. This project along with previously approved Resolution R19-75, that's the site just to the east of this, brings the total fast food gross square-footage to 8,577 which is under the amount initially proposed in the rezoning. Because the floor size is well under what was initially proposed no TIA was required for this CUP. And then the latest proffers for this were enacted with Ordinance O21-34 back in May of 2019 and two of the proffers apply to the site. Proffer 2G discusses the relocation of the stormwater pond which states that the applicant reserves the right to remove the stormwater pond built as part of the Garrisonville Road widening and shift it somewhere else on the site. And to my knowledge, they are going to be shifting that stormwater pond and it will be built as part of a site wide stormwater facility serving all of The Garrison at the far southern end of The Garrison development. The other proffer, proffer 11, places the property in the Garrisonville Road special service taxation district. There are other proffers for the site for the entire Garrison site that involve limiting access to Garrisonville Road to four points. Along with this there are several proposed conditions. One of them being the development of the site shall occur is generally shown on the GDP. There shall be no direct access to Garrisonville Road. Drive-through lanes shall be oriented and screened to minimize headlight glare into Garrisonville Road. Loading areas and dumpsters shall be screened from view from Garrisonville Road. Stacking lanes for the drive-through shall be designated to avoid impeding traffic circulation and include a bypass lane. And the drive-through speaker noise shall be limited when there are low levels of ambient noise. And for staff findings, positives were that the proposal is generally consistent with the land use recommendations in the Comprehensive Plan regarding commercial development and commercial corridors. Their proposed use is consistent with the established development pattern along Garrisonville Road. The proposed building design incorporates recommendations of the Stafford Village NDS plan, and the proposed conditions will help ensure any potential negative impacts are mitigated. And at this time, they're no apparent negative aspects related to the project. Staff recommends approval of the application with conditions pursuant to Resolution R24-04. And that concludes my presentation. So, if you have any questions for me.

Ms. Barnes: Okay, thank you, Mr. Palmer. Any questions for staff?

Mr. Bain: I'm a little concerned about timing. When will this be constructed in relation to the rest of that TRD? I don't want to see a Raising Cane's Restaurant pop up with nothing else done other than moving the stormwater retention pond. So, do you have any concept for that?

Mr. Palmer: I don't have a timeline. But I can defer to the applicant to answer that one.

Mr. Bain: We'll do that then.

Ms. Sellers: Mr. Bain, I don't want to see that either. Neither does Chairman Yeung.

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Mr. Bain: I'm sure, I'm sure but that might be one of the conditions that we have to implement. The other is just to comment. There was another Raising Cane's open just recently, in Spotsy. After a few days of it having been opened, my wife and I thought let's go. We went over and they had traffic backed up for two and a half blocks of people trying to get in there. I don't know if they were offering some special, you know, buy a meal, get a meal or something. That could have been it. But my gosh, there were a lot of people there. Needless to say, we did not get in that line because it would have probably been two hours to get a meal. But that's the kind of thing I'm a little worried about. Even though you've done an analysis, and they've shown that stacking and what have you can be contained on site I think that somebody's going to have to pay particular attention to the early openings of this restaurant and make sure that traffic does not spill out onto Garrisonville or the other existing roadways that's going to be one of the primary access points.

Ms. Barnes: Any other questions? Okay. Thank you. Would the applicant like to come forward?

Mr. Bain: You know, you wouldn't have to be up here so often if you didn't accept every job that came through your front door.

Mr. Payne: I assure you I don't accept every one of them. I promise. I wouldn't sleep. Thank you, Madam Chair, other members of the Planning Commission. My name is Charlie Payne and I represent the applicant. I just want to say Dylan did a fantastic job. I'm not sure I can add anything else to that so thank you very much for your presentation. So, I'll go through this real quick just to answer a couple of upfront questions. I'm not sure. I'm not sure what the master developer's planning is for and timing for the rest of the project. I assume they have a current site plan or resubmitted a current site plan means there are some activity but I can't speak to that this evening. I don't know the answer that. I don't think my team knows the answer to that either. In regards to the Raising Cane's. That's in the city. It's the old Pier One location. It's got some limit, it does have some challenging access in that particular location with, before it was a retail store now it's a fast food and is next to Chipotle. So that's playing a role there, I'm sure. You'll see in the development plan here that we have that we're contemplating that traffic flow issue to address that in. You know, Chick-fil-A has the same challenge as a Raising Cane's does as being able to address the customers as quickly as they possibly can as they come in through the drive-through. This is a very popular restaurant. There's not a whole lot of them in Virginia, by the way. And the locations, I've actually been to the one in Charlottesville. My girls, coming back from the field hockey game, had to go there and we had to wait in line but we parked and went in. There's one location there and I think there's a couple locations in Richmond and a few locations in Tidewater and one in the city, so this will be the second one in the Fredericksburg region and the first one in Stafford, so that's pretty cool. And just real quick, as you as you heard from Dylan, the property consists Stafford County tax parcels 20-A-C, I'm too tired, you can see them. We're requesting a conditional use permit to allow the Raising Cane's Restaurant with drive-through facilities. It does require a CUP because it's in the HCOD. The property is also zoned, as you know P-TND and it does include approximately 3,077 square feet, which was less than what was initially approved on the original rezoning, so it will generate arguably less traffic than what was initially approved. Again, the site is located on the eastbound side of Garrisonville Road. So, one of the things I know that Dr. Yeung is concerned about his direct access to the restaurant from Garrisonville. That's not the case here. In this case, you got to get the Warrior Street or you have to come internally into the site in order to get to the restaurant so there's not direct access off of Garrisonville Road. So, you wouldn't have the stacking issue which was the big concern. The project will be accessed again from Warrior Street with an additional exit only lane to Highpoint Boulevard. So again, very, very much focusing on that traffic flow issue. The conditional use standards, we think we meet them. The project will not tend to change the character and established pattern of the development in the area. Again, this checks all the boxes. Properties immediately adjacent to us are envisioned for commercial

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and residential uses. Of course, this is within a P-TND which encourages this use, a mix of these use, this use with other uses. You know having an office there and also having a residential component nearby. Having a popular food restaurant is something that fits very well. Again, the conditional use permit that was approved initially within the project is for a gas service station and drive-through restaurant that had already been approved for the project and not this one, not this site, within the development. The project is in harmony with the use permitted by right in this area. Again, it is within the P-TND. The location and design of the project will not hinder or discourage, again these are elements that that staff just went through, or discourage the appropriate development and use of the surrounding land nor will impair the value of it. Again, the applicant has provided elevations for the project to meet the architectural standards. Property is located along a four-lane principal artery road, Garrisonville Road. The surrounding vacant property is zoned P-TND. And again, the project is not expected to adversely affect the health and safety of the community, or its guests or its employees and the project will not be detrimental to the public. I don't know why we repeat these things. I guess I have this setup wrong here. The project is in accord with chapter 28 of the County code and Comp Plan, attracts new businesses and industries to the area, diversifies the economic base for the County. Get into a little bit about this. I mean these restaurants generate quite a bit of tax revenue. It does create job creation. It is located within your urban services area, it is within your suburban land use area and commercial corridor and it has a floor area ratio of 0.05 which is significantly lower than the 0.35 which is allowed in your P-TND. So not a very dense development. And here is the GDP. The staff has noted and this is also obviously one of the conditions. Here the elevations that staff have noted also as one of the conditions. Economic Development, again that project is expected to employ about 70 to 100 full time and part time employees, is expected generate about 450 to 650,000 state and local tax revenues annually. And Raising Cane also expected to hire local delivery services for its products and local maintenance for the project and building the property. So, they like to employ local vendors. They're also very much involved in their community. A lot of philanthropic and community group activities, as you can see here. And I don't know if you know the story, the owner named after his dog, Cane, so hey, you can't go wrong if you've got the best chicken in the world and you named it after your dog. I mean that's pretty good stuff there. So, I'm happy to answer your questions you may have.

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

Inaudible, not at microphone.

Ms. Barnes: Can you repeat that into the microphone so that we can hear it?

Ms. Robinson: Hi, everyone, my name is Michelle Robinson and I'm a Product Project Development Manager for Raising Cane's. Hours of operation, they tend to align with the neighbors. So out of the gate, the hours of operation are roughly 10am in the morning until 1am Sunday through Thursday, and then 2:30am Friday and Saturday. Now, if the neighbors are all shutting down at midnight, they adjust.

Ms. Barnes: Yeah, I think that's pretty late for this area. Yeah.

Ms. Sellers: But across the street, at the same time we did this rezoning, there is, down the street a little bit, there's a 24 hour, and I haven't seen it move but we approved, what was the name of it, Checkers or something like that, down the way. So, there are, I mean, there is a need. There is a need for a later restaurant.

Ms. Robinson: So, at night, it's people who work the shift that gets off at like, midnight, one o'clock. So, first responders, hospital employees, tend to be our late-night customers. There is no, the menu is

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very focused. So, it's chicken fingers. It's our one love. And then there's some sides, and then there's cola, soda, and lemonade and iced tea. So, it's not like a hang out.

Mr. Apicella: Madam Chairman. Did you bring any samples?

Ms. Barnes: This is key. Okay, any other questions for the applicant? I do have to say that the traffic issue that he's talking about, as soon as that restaurant hits, there's a Facebook page called Taste of Fredericksburg. As soon as it hits that Taste of Fredericksburg, this area goes nuts and everybody lines up. And I've already had several texts, saying really? Raising Cane's is... so let's have a traffic pattern planning, something, because it's going to be crazy.

Ms. Robinson: Yes. So, we have a honeymoon period. And we know that we have a honeymoon period. It tends to only last a couple of weeks. During the honeymoon period, though, well, before the honeymoon period, we actually have a crew that comes out and they meet with local, whomever is the right group to meet with, if it's the police, if it's yourself, whoever it is and establish a traffic control plan, whether it's hiring off-duty police, or private or whatever it is. Raising Cane's wants to be a good neighbor and we will do what we need to do to help people manage. So, I don't know what the plan was, where you went but it sounds like you are definitely in the honeymoon period. Also, because our menu is so focused, we know what you're going to order when you arrive. We're just not sure how many and so when the line starts to get long, the crew is trained to actually drop chicken. So, you know, as things back up, they just start loading up fryers and getting ready because, like I said, we know what you're gonna order.

Ms. Barnes: Thank you that sounds, I'm glad to hear that. Thank you. Okay, Ms. Sellers.

Ms. Sellers: If I could add to that, when we rezoned this property, we thought about this. There were drive-throughs included. There were ways to get people in and out of the property and High Point Boulevard actually will connect down to Mine Road. So, traffic was a consideration and having spent time with not only as a Supervisor and County staff and the developer who it sounds like is the developer of this, that was a consideration at the time, so it and Garrisonville Road widening project, interestingly enough, the developer was concerned that we were going to hold up their progress through the Garrisonville Road widening project at that time. So, all of these things were all considered at the time. That's probably why you don't need a TIA and all those things.

Ms. Barnes: I think I'm gonna call it on that. I think we've gotten everything out. Okay, so turn my microphone back on. It's getting late. I'll open up the public hearing on this. The clock starts when the green light appears. Yellow means there's one minute left. Red means your time is up. If you would like to come forward and address the Commission on this application. Please come forward. Okay, I don't see anyone jumping forward. So okay, well, I spoke too soon. I do see someone coming forward.

Mr. Halstead: My name is Nathan Halstead, I live here in Fredericksburg and everything else. So my concern is the same thing as Commissioner is with the traffic and everything else. Also, the other thing I didn't see in the plans was uh, is there going to be like hedge for like when the drive, when they come around the corner not the blind everyone on the Garrisonville Road because that's a big concern, especially late at night and everything else going around that corner. You're gonna blind people left and right. So, I might be something that Raising Cane's needs to think of. Trust me, I know how great your guy's product is. It's very, very good. I used to travel a lot when I was in the Marine Corps and when we're out and about, we had to stop at the Raising Cane's. It was a thing. But that's just little concerns I

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care about with the community and everything else. I mean, hey, we all get a better community when we develop stuff. So. But that's all I have. Thank you.

Ms. Barnes: Thank you very much. Anyone else like to come forward? Okay, I don't want to jump too fast. Alright. I'll go ahead and close the public hearing and bring it back to the Commission. Ms. Sellers, this is in your district, how would you like to proceed?

Ms. Sellers: Oh, I'm gonna move for approval. I think this is great. Again, I was here as a Supervisor, when this project came to us. It's one of the first things that I got on my plate as a Supervisor, from the church, actually, who was putting out I guess, RFIs to the community and one of the big things that the church and was a priority to the church who owned that property through a trust, was restaurants. Restaurants was a big thing for the two sisters that owned it. And we took into consideration the movement of people through it. This is the location where, at the time, we were looking at a movie theater. So, all of these considerations were discussed a lot. So, I do move approval. I'm very excited for this.

Mr. Shelton and Mr. Martinez: Second.

Ms. Barnes: Okay, well, you know what. I'm just gonna give this one to Martin tonight. You already got one. Alright. So, I have a motion to approve from Commissioner Sellers and second by Mr. Martinez. Any other comments? I just have one hallelujah, let's get this Garrison going. Everybody wants to see it going and I think people will be very happy about that. Okay, any other discussion? Okay, seeing none, please cast your vote. And it passes unanimously, 7 to 0. Thank you very much. And congratulations to the applicant and really nice job. Mr. Palmer, thank you very much for that presentation.

Mr. Payne: Madam Chair, if I may. I didn't get a chance to respond to the public. So, I was gonna use that opportunity, actually, to thank Mr. Bain for his service and it's been a pleasure working with you and you've been fantastic and fair and honest and responsive and that's really important as a Planning Commission member, and I want you to know that. Everybody else is too but I just want to know that.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

CLOSED MEETING – SEC. 2.2-3711(A)(8)

Ms. Barnes: Very well said. Thank you. Okay, so let's move quickly on to the next portion. Unfinished Business. We have none. New Business. We have none. And as we have rearranged our agenda we'll next go into closed session. Mr. Martinez, would you please read us into closed session.

Mr. Martinez: A Resolution to authorize closed meeting, whereas the Commission desires to hold a closed meeting for consultation with legal counsel regarding a proposed zoning ordinance amendment, which is a specific matter requiring the provision of legal advice by such counsel, and Whereas pursuant to Virginia Code 2.2 -3711(a)(8) such discussion may occur in closed meeting. Now therefore, be it

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resolved that the Stafford County Planning Commission, on this the 13th day of December, 2023, does hereby authorize discussion of the above matter in closed meeting.

Ms. Barnes: That passes 7 to 0. We are in closed session.

Ms. Lucian: Madam Chair. Is there a motion to permit staff to attend?

Ms. Barnes: So moved. Alright. Any discussion? All in favor? Any opposed? Any abstentions? Okay, motion passes. Thank you.

Closed Session – 9:43 PM – 9:48 PM

Ms. Barnes: Okay, Mr. Martinez, will you read us out of closed session please.

Mr. Martinez: A Resolution to certify the actions of the Stafford County Planning Commission in a closed meeting on December 13, 2023. Whereas the Commission has on this the 13th day of December, 2023 adjourned into a closed meeting in accordance with a formal vote of the Commission and in accordance with the provisions of the Virginia Freedom of Information Act, and Whereas the Virginia Freedom of Information Act as it became effective July 1, 1989, provides for certification that such closed meeting was conducted in conformity with law. Now therefore, be it resolved that the Stafford County Planning Commission does hereby certify, on this the 13th day of December, 2023, that to the best of each members knowledge (1), only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, were discussed in the closed meeting to which this certification applies, and (2), only such public business matters as were identified in the motion by which the said closed meeting was convened were heard, discussed or considered by the Commission.

Ms. Sellers: Second.

Ms. Barnes: Okay, motion by Mr. Martinez, seconded by Ms. Sellers. All in favor? Any opposed? Any abstentions? Motion passes. Alright, we will move on to the Planning Director's report. Ms. Baker.

PLANNING DIRECTOR'S REPORT

4. Project Pipeline Report (For Information Only)
5. Amendments to the Zoning Ordinance regarding definition of Hospital - (*BOS Referral*)

Ms. Baker: Good evening. Before I give my actual report I just wanted to say thanks to Mr. Bain for his services this year and other years and also as he was our Planning Commission representative on the Architectural Review Board this year, so wish him well and hope we'll see him in some capacity in the future. So, thank you. In your packages, we have the project pipeline report, which shows our upcoming potential public hearings starting in our January meetings. And if you have any questions on that, you could certainly reach out to staff. And next we have enough referral from the Board. At their November 14 meeting they've referred a zoning ordinance amendment regarding the definition of hospital so you all had that information in your package, the proposed ordinance was included. And so just wanted to advise you that that is in the works and you all can take it up as you see fit for your next meeting.

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Ms. Barnes: Okay, how would the Commission like to proceed on this? Do we have a motion to perhaps set a public hearing?

Ms. Sellers: So moved.

Mr. Shelton: Second.

Ms. Barnes: January 10? Okay, we have a motion to set a public hearing for the ordinance. Do I have a second? I thought I heard Billy. Okay and a second by Billy. Any other discussion? Alright, cast your votes, please. Okay, we will have a public hearing on that on January 10. Okay, County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Good evening, Commissioners, you know, I'm someone with many words. But I wanted to say thank you to everybody for your hard work this year. I have appreciated working with all of you. And I hope that everybody has a great holiday and Christmas. And I look forward to seeing everybody who's returning next year. And for those who are not, thank you so much for your service and your time for the past four years.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Ms. Barnes: Okay. Alright. Committee Reports. We don't have any that leaves me and I do have some comments. I know it's late, but I'm just gonna go for broke. Because what the heck. So as part of my Chairman's remarks for this, our last meeting of 2023, I want to discuss just very briefly a little bit about what we do here on the Planning Commission. Most folks see us here once or twice a month at our regular meetings and think that's pretty much all we do. But we are often more engaged in Commission work than most people see. There are subcommittee meetings, community engagement meetings, staff meetings, site visits, applicant meetings, and reading through 1,000s of pages in our packets that staff expertly prepares for us and on and on. Most of us spend countless hours outside of the seats in advocacy for Stafford in our individual district and much of that time goes unnoticed, but we don't mind. Some of us actually prefer that. We are here for service to our community, plain and simple. I know that we each have full lives that we balance with the service we provide for our constituents. Some of us work full time and even have young families. How you were able to give so much to your community is amazing and deserves much respect and admiration. I want to recognize a few of our members this evening. So, I'm going to start with Ms. Sellers, you we all know that she serves on the Commonwealth Transportation Board with a full-time job, a young family, Planning Commission and the service to the Commonwealth Transportation Board. She has her hands full to say the least and we wish her luck with that. Recently, we also I wanted to announce that Mr. Martinez was appointed as a board member of the Virginia Foundation for the Humanities and Public Policy by Mr. Younkin. Again, even with the demands of work, travel, family and the Planning Commission duty, our Commissioners find a way to keep giving back beyond their already very busy lives and we do appreciate that from all of you. Congratulations and thank you to both for your service beyond Stafford County. Lastly, I want to acknowledge two Commissioners that I will most likely be moving on next year, Commissioner Cummings and Commissioner Bain. Your four years, I think, Al, you've been here for five maybe. Your service to our Commission has been to the benefit of our constituents and Stafford County as a whole. Your work over the years has been invaluable and you will be sincerely missed. For the last two years, Al has been my

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partner in crime so to say, as the Vice Chair. I could not have done it without you. Always up for a subcommittee, a site visit, interpreting engineering plans and always making sure that I stayed on track with our meeting agenda. And as the true gentleman that he is, he made sure that I never walked out into a dark parking lot alone after our meetings. And my husband thanks you for that as well. We will miss you both very much and hope that you will stay in touch. Send us an occasional text or you know, show up at a meeting and you can cheer us on from the back. Our Commission in January will look very different, but our jobs will remain the same and that is to advocate to the best of our ability for people of Stafford County. And just on a personal note, I can't believe that four years have gone by as fast as they did. I'm very glad that I that I took this position. Not in a million years did I ever I think that I'd be sitting up here, much less in the chair position. So, I do want to thank Commissioner Vanuch I mean, Supervisor Vanuch, for talking me into taking the job. I was way outside of my comfort zone and sometimes that's what you got to do. You gotta go outside your comfort zone and take on something new. And with that I would like to cede a few minutes to our departing Commissioners if you have any last words of wisdom you'd like to impart with us, Mr. Bain and Mr. Cummings. Any final comments to the Commission this evening?

Mr. Bain: Personally, I think you all can work a whole lot harder than you have and I want to see it next year while I'm sitting at home watching you on TV.

Ms. Barnes: That's it. That's all you got. Alright, come on Mr. Cummings, you can do better.

Mr. Cummings: I'm not gonna do much better. I'm a little under the weather from a lot of travel. And but I've really enjoyed it. I've learned a lot and enjoyed working with, learn a lot from Mr. Apicella. Council has kept us out of trouble, at least kept me out of trouble. And, and again, Laura and I agree from time to time, which has been amazing. And Al again, has been a wise person. And we thank you, Madam Chair for your leadership. And thank you for being here. And sort of keeping me honest, as well. So, I really enjoyed it. It's frustrating for me, I'm just gonna say that because I'm thinking next year, next month, next millennium. And this is about, you know, the painful work, right, of what's here. But Stafford has some amazing things in the future. First smart city in this Commonwealth of Virginia. Let's use it. And then hopefully we'll be able to usher in some of the things that we really want to see here in the near future.

Ms. Barnes: Okay, thank you. And, uh, you know, I'm feeling charitable. It's almost 10 o'clock. We got three minutes if you if anyone else has any final comments for the year. Down at the at the end, briefly.

Ms. Sellers: I want to thank you guys also for the previous year. It's been a busy year on the Planning Commission. We haven't met as much. But you know, with the data centers and other things, I can't even remember. You look back and it's been it's been a busy year. We've done a lot. And so it's very exciting. I wish you two the best. You never know where life is gonna take you. Had somebody told me I'd have found my way onto the Planning Commission, I would have told you were crazy. But here I am. I've enjoyed it. This is probably the best part of local. To me, this is better than being a Supervisor. I don't have to set a tax rate. I don't have to deal with the school division. I get to come and do the fun work. So, we get to do the fun work. As frustrating as it can be this is, in my opinion, the fun work. So, I wish you guys the best.

Mr. Cummings: I forgot staff. Amazing staff, Kathy, Stacie. Alright, everybody has done an amazing job and I enjoyed working with all of you.

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Mr. Shelton: Great team to work with and under the Other Business I have a conflict that I'll tell you about right now. I am a trustee of Richland Baptist Church and the Director of Finance so we need to process that TRC to someone else.

Ms. Barnes: Okay, well, we'll let you handle that one on your own then. How about that? Okay. Mr. Apicella.

Mr. Apicella: It's been another great year. We've done some interesting work, and some tackled some novel issues; data center, solar farms. We have an amazing staff, Kathy, Stacie, Lauren, Mike, the whole crew. I really appreciate all the hard work that you guys do. And, more importantly than anything else putting up with us, and especially me. It's been great working with everybody. I echo what everybody said, so far. It's been an honor and a privilege working with Al and Dexter. And as the Chairman said, you all will be very missed and I hope we'll see you again and some form in the future. Thanks for all your hard work.

Ms. Barnes: Mr. Martinez.

Mr. Martinez: Thank you, Madam Chair. I'll keep my remarks short. Thank you for the staff and the work you've done. It's been incredible. And it's helped me do the job here as a Commissioner and I give my sincere thanks and appreciation to Mr. Cummings and Commissioner Bain for working with you and just sharing your ideas and you know, I take those to heed and consideration while I'm deciding, in my view, what's best for Stafford County and I really appreciate y'all's insight. And going to miss you all on the Commission. Thank you.

OTHER BUSINESS

6. New TRC Submissions

- [23155335](#); Richland Baptist Church – Hartwood Election District
 - A major site plan for a building addition to existing building with additional parking and SWM facilities located on the north side of Warrenton Rd between Richland Rd and Waypointe Ct on TM#34-37 zoned A-1 consisting of 5.34 acres.

Ms. Barnes: Okay, thank you, everybody for that we will move on then to Other Business. As Mr. Shelton just mentioned, there's a new TRC submission to Richland Baptist Church in the Hartwood District. Next, we have the approval of minutes. Can I have a motion for the approval? We have a motion by Ms. Sellers and a second by Mr. Shelton. Any discussion? Okay, all in favor say aye. Any opposed? Any abstentions? Okay, that motion passes unanimously and with no more business before the Commission, and a last tap of the gavel for 2023. We are adjourned.

APPROVAL OF MINUTES

7. November 8, 2023

Ms. Barnes: So moved.

Mr. Shelton: Second.

Ms. Barnes: We have a motion by Ms. Sellers and a second by Mr. Shelton. Any discussion? Okay, all in favor say aye.

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All members: Aye.

Ms. Barnes: Any opposed? Any abstentions? Okay, that motion passes unanimously. And with no more business before the Commission, and a last tap of the gavel for 2023, we are adjourned.

ADJOURNMENT

At 10:01 PM, Chairman Barnes adjourned the December 13, 2023, Stafford County Planning Commission meeting.

Kristen Barnes, Chairman
Planning Commission