

STAFFORD COUNTY PLANNING COMMISSION

January 24, 2024

The meeting of the Stafford County Planning Commission of Wednesday, January 24, 2024, was called to order at 6:00 PM by Chairman Apicella in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Steven Apicella, Carlos Bratton, Kelsey Caudill, Martin Martinez (arrived at 6:23 PM), Laura Sellers, Willie Shelton, Jr.

MEMBERS ABSENT: Kristen Barnes

STAFF PRESENT: Mke Zuraf, Lauren Lucian, Stacie Stinnette, Evelyn Keith, Natalie Doolittle

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification? Seeing none, are there any changes to the agenda? We do have one additional item that we've added today.

Mr. Zuraf: Mr. Chairman, we've added a number... sorry, we, yeah, we've added item number 6 to the agenda and that was added online...

Mr. Apicella: Okay.

Mr. Zuraf: ... the background information.

PUBLIC PRESENTATIONS

Mr. Apicella: Thank you, Mr. Zuraf. Okay. I'll now open the Public Presentations portion of today's meeting. The public may have up to three minutes to comment on any matter except the two public hearing items on today's agenda. There'll be a separate comment period for each of these items as they come up. This is not an interactive conversation. 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. So if anyone would like to participate in the public comment period, please come forward now.

Mr. Watkins: I'm sorry. This is public commentary on which?

Mr. Apicella: Yeah, this is a general public comment period. So if you're going to talk about any of the public hearing items, you'll have a chance when those items come up to speak on those.

Ms. Maxson: Kristen Maxson. I choose to speak at this time of the hearing to be more general, because there's a lot on our plate. We were given quite a few pages at the last minute. Yesterday I pulled the agenda and it wouldn't actually load because of problems with the minutes. It was 1,640 pages. Today we got five more pages. So these agendas are supposed to be posted the Friday before. Today's packet at 1,113 page is questionable; might want to take a look at that. The country's national debt would love to park in Stafford County. We don't want our country's national debt here. The banks, which do the capital projects should be scoured and really looked closely to. There's been quite a few meetings, special meetings, in December of 2023 last year, and it's going to compound our studies for '24. Already there's crazy things on the internet, like emergency fire station in the middle of the intersection of Courthouse Road and Richmond. It's actually titled 1300 Courthouse Road. We're losing our courthouse

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and it's going east to another building that's private. The people are extremely confused. The public would ask due process is the only way to be true to the public. Please protect our civil rights. USA is only one boundary. I would like you to take a look at the town center, number, I do believe it's six. There was no tax map number or address. And I believe this is the same area that is getting a fire station. And I was wondering how we can navigate between a fire truck and getting some coffee. Please do look into that. The... we have been told the cart is before the horse and we would really like it to be reversed. We would really like to see the, the adjoining neighbors being notified. In these studies of today, there is no list of neighboring...

Mr. Apicella: Ma'am, I'm sorry your time's up. Thank you.

Ms. Maxson: ... except for the first study. Thank you so much.

Mr. Rowlette: Good evening, Chairman Apicella, members of the Commission. My name is Bob Rowlette and I live in the Falmouth District. I want to thank the Commission members for your detailed questions and the concerns you raised during the public hearing on January 10th regarding the proposed age-restricted development on Clift Farm Road. Your questions mirror some of the exact same questions and issues and concerns that we have expressed for almost three years since the first community meeting held in May of 2021. The requested rezoning from A-1 to R-2 and a conditional use permit deserve scrutiny given the high level of risk, issues, and impacts it presents the area residents, taxpayers, and the County. Ms. Barnes touched on an area of concern that's rarely discussed. And that's the availability of health care services for residents in communities such as this. As someone who just turned 65, I can speak directly about the challenges of finding an available health care provider. After being told on multiple occasions that there was no availability, I did find one but I was told it would be almost a year before I could schedule my initial appointment. Just as schools are an issue for families moving into Stafford, so too has access to health care, and other associated support, such as response time of emergency services raised by Ms. Sellers. In 2021, the Commission dedicated a tremendous amount of time, energy and thought into updating the Comprehensive Plan, including the plan for Targeted Development Areas, which provide the necessary public and commercial services, infrastructure, transportation, walking, biking trails, and sidewalks necessary to support communities such as this. All these are severely lacking on Clift Farm area. We'll continue to communicate our concerns to the Commission in preparation for the next public hearing on February 28th. Thank you.

Mr. Apicella: Thank you, sir. Would anyone else like to speak? Okay, I'm gonna close the public comment period and move on to the next agenda item which is our first public hearing. Mr. Zuraf?

PUBLIC HEARINGS

1. RC20153239; Reclassification – Belmont Park – A proposed zoning reclassification, with proffers, from the R-1, Suburban Residential 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, Agricultural 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 the M-2, Heavy Industrial Zoning District on dedicated right-of-way along Thelma Lane and a portion of Paul Lane and located on Tax Map Parcel No. 44C-3-ROW, consisting of approximately 0.60 acres, all to allow for a mix of business and industrial uses. All of the aforementioned property is collectively

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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) (Deferred at the December 13, 2023 meeting to January 24, 2024)**

Mr. Zuraf: Good evening, Mr. Chairman, members of the Commission, Mike Zuraf with the Planning and Zoning Department. I'm going to go over the staff report presentation for this item. This is a project known as Belmont Park. And so to provide some background, this is a zoning reclassification request. This would be several, several different pieces... there are several different pieces to this request. First, it's going to be land that's zoned R-1, Suburban currently and be rezoned to M-1, Light Industrial; that's an 11.8 acre area from A-1, Agricultural to M-1, Light Industrial; that's a 46 acre area; and from A-1 to M-2, Heavy Industrial on a 74.4 acre area. Also, a section of public right-of-way that would be zoned to M-2. That's along Thelma Lane and a portion of Paul Lane. In total, the site covers 132.8 acres. So for some additional background, there's multiple parcels that make up this total project and multiple property owners. The site's within the George Washington Election District. The applicant is Kevin Sills with Belmont Park LLC. Charlie Payne is representing the applicant this evening. Just to provide the Commission with an update on the application, a public hearing was initially conducted back in June of last year, it was deferred. And after that item was deferred, the applicant did make several amendments to the application that was meant to address concerns from the, raised during the public hearing. The last public hearing then was held last month on December 13, 2023, and then deferred to this meeting to address additional issues that were raised. And also, you know, just for my presentation, usually when things get deferred, I go zip through it, but we have new Commissioners here, specifically in this district. So lucky you, I'm going to go through the whole presentation again, so sorry. So you also did, there were several new materials provided after this was initially published last week. So you did receive new, we had new materials that were posted with the project as new attachments; Attachments 9 through 13. And then this afternoon, we did receive another modified version of the proffers and you received paper, a paper copy of those this evening at your desk. So going through, the location the site's located on the east side of Powell Lane and approximately 800 feet south of the intersection with Capitol Avenue, and on the north side of Sanford Drive between Riverside Parkway and England Run. The, here's the map of the existing zoning of the site and surrounding area. The R-1 zoning on the site is a light yellow shaded area. So in the northern part of the property. And then the A-1 zoning in light green, that covers the remainder of the of the area. There are no proffers on this property that are in place. The surrounding zoning districts include a various mix of other zoning districts, including Industrial and Residential and Agricultural zoning along the north side of this site; B-2 zoning, B-2, Urban Commercial, that's the pink shaded area to the, to the east along Warrenton Road; A-1 and M-1 to the south; and the RBC, Recreation Business Campus, that dark purple area to the west. Here's an aerial view of the of the site. The properties are mostly undeveloped and there are a few occupied dwellings on properties that are along Sanford Road. The site's mostly wooded. There are some open fields on the eastern side of the site. The topography varies, sloping generally to the south. There are two perennial streams with wetlands and resource protection area buffers. One kind of that bisects the property and then one on the southern/southwestern side of the site where England Run is located. General surrounding uses are industrial uses to the northwest along Powell Lane; commercial uses with restaurants and hotels on the northeast side along Warrenton Road; there are residential and undeveloped land to the southeast and southwest to the site, of the site along Sanford Drive and Celebrate Virginia Parkway. So here are the proposed zoning districts for this site. So the lighter gray shading represents the M-1 zoning that would allow for a mix of businesses and industrial uses. That would include potentially flex office and warehouse and related commercial service uses. The M-2 zoning is

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the darker gray area. It would allow for mix of industrial uses that would be a little more intense, including warehouse storage and distribution facilities, a truck freight terminal, office, and other related uses. The 0.6 acre area of right-of-way that I, that I mentioned, that's in the hatched in area; that would be zoned M-2. That area was... a road was never constructed on those, in that area or accepted... that land was not accepted by VDOT either. It is proposed to be incorporated into the development and abandonment of that right-of-way will require a separate public hearing and approval by the Board of Supervisors at a later date. So here's the General Development Plan. It contemplates light industrial warehouse uses in the northeast. Those are the kinds of five or six rectangular shaped buildings that say industrial, the smaller-1s. And the, in the southwest section rear of the site there's a large heavy industrial distribution warehouse and other smaller warehouse buildings proposed. Access to the site will be provided off of Powell Lane. And that would be limited by proffers that access would only be via Powell Lane. The proposed M-1 zoned area would have access from the current end of Powell Lane. And then there would be an extension of Powell Lane that would provide access to the back of the site where the M-2 zoned area is. There's no access proposed off of Sanford Drive other than a gated emergency access off of Powell Lane.

Ms. Sellers: Powell Lane or Paul?

Mr. Apicella: Powell.

Mr. Zuraf: Powell. Very close sounding. Powell Lane is this street here. That's the main access to the major... to the site. The gated emergency access is Paul Lane. There's a neighborhood here.

Ms. Sellers: And can you show, in the documents we had VDOT had said something about Celebrate. Did they indicate where they wanted that, just to show on here, because I think the applicant said that they couldn't connect because they don't own the property. So there's two different property owners, is that the understanding there? They don't have the...

Mr. Zuraf: Right. There is land that basically is right across here that, that, yeah, the property does not abut, directly abut Celebrate Virginia Parkway.

Ms. Sellers: Okay, thank you.

Mr. Zuraf: So in response to concerns raised by the property owners off of Sanford Drive, enhanced building setbacks and vegetative buffers are proposed from Sanford Drive and the adjoining properties and for Celebrate Virginia Parkway. These setbacks and buffers are illustrated on the GDP. This is a zoomed in image from the GDP that shows the setbacks with the green, yellow, and pink lines. Also, there has since been a modification to these buffers. At the last meeting there was a request for the buffers to be increased. The applicant has since increased the vegetative buffer, that's the green line, from 50 feet up to 100 feet. And then, at the same time, then they increased the building setback line from 100 feet up to 150 feet. That's the yellow line. And also there is a proffer that would restrict all buildings to be no more than 50 feet in height. Also at the last meeting, the Commission requested a viewshed analysis from some of the areas along Sanford Drive. The applicant has provided a viewshed analysis from four different vantage points along the Sanford Drive and Paul Lane. Here's just one of them, one of the sample viewshed analysis points; it shows kind of across, the vantage point across from, from in this case from the house on Paul Lane, what they would see across and you can see where the vertical change in elevation, what areas are are vegetated, where the property line is, and where the future buildings might be located in relation to the adjacent properties. So there was a traffic impact analysis submitted with the application to determine the impacts. The traffic study evaluated impacts

from the project on all of the numbered intersections. This originated when the project included properties right fronting on Warrenton Road. And so the traffic study included all these, all these intersections when the project was larger in size. The traffic study was since modified to reflect the latest changes to the development proposal. It included a reduction of the projected amount of vehicle trips from 13,000 trips per day down to currently it's down to 3,200 vehicle trips per day under the latest proposal. VDOT reviewed the latest versions of the traffic study and they did have several unresolved comments. The, despite the reduction in trips, VDOT's comments highlighted some unacceptable increases in delays and queuing and degradation of level of service along some of these intersections along Warrenton Road. And so, you know, after the last public hearing in December, the applicant or more with VDOT, further modified their traffic study to identify some, some additional improvements. I'll get into that in the next slide. But also the applicant is proffering right-of-way dedication along Stanford Drive, which would support a future potential 2-lane improvement to Sanford Drive, which is a recommendation on the County's Transportation Plan. So, in, in working with VDOT to address their concerns, the applicant made some adjustments, and provided some additional proffers. One of VDOT's main concerns was the left turn movement from Warrenton Road onto Commerce Parkway. Because with access primarily via Powell Lane, there is no way for vehicles to turn left to get to the site other than via Commerce, or potentially do U-turns. So it's envisioned that a lot of trucks would maybe be turning left on to Commerce. And so VDOT identified that. In that study, it was shown that that left turn lane would be backing out and blocking the main through lanes and they, they had a lot of concern about that. And so remedy would be to add a second left turn lane. And this image shows how that second left turn lane could be, could be added to the, to the system, and how that could be built and there'd be receiving lanes onto Commerce Parkway. And the applicant added a proffer that would require this improvement if certain conditions are met, because it wouldn't necessarily be a condition that would be needed on day one. It's something that would be needed later on in the process as more of the site develops. And VDOT reviewed this and was satisfied with the proposed mitigation from the applicant. So the Comprehensive Plan project is in the Berea Targeted Development Area of the Future Land Use Plan. There's specific recommended land uses in this district, which include mixed-use Commercial Residential, which is the purple shaded area a little bit setback from Route 17, and then Residential in the southwest portion of the project. And the initial kind of proposal of, the initial version of Belmont Park actually identified the project including a lot of this mixed-use and residential and the project was found to really have a lot of negative impacts on Route 17 with traffic. And since then the applicant made the modifications to the proposal to be more industrial related. Staff does find that the proposed light and heavy industrial uses are inconsistent though with the Comp Plan Land Use recommendations here. However, the proposed uses would be consistent with the established industrial development patterns along Powell Lane. So the building elevations depicting representative images of the targeted businesses are included in the application. The applicant is proffering the general character of the buildings. Previously, the proffers included additional building images that were associated with the Merritt Properties representative of the light industrial flex office buildings. Those images have been removed from the proffers and this is the remaining image that is included in the proffers. The Comp Plan, we do have architectural guidelines, but it does not get specific to industrial development. And staff would note that the site is set back from view of Warrenton Road and has some significant buffering that would, should limit it from view from most other properties. Some other evaluation factors. The Utilities Department previously had some unresolved comments on the proposal. The current Utilities Master Plan does identify infrastructure improvements that would likely be required to adequately serve the project. The applicant has since proffered to construct any necessary onsite and offsite improvements that are identified in the Master Plan. And the Utilities Department is satisfied with the proffer that's been provided. There would be a potential reduction in impacts to the County schools and parks with the reclassification of A-1 and R-1 zoned property. That's zoning districts that would permit residential development, so those potential residential uses would go away. Mitigation of potential adverse impacts

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to public safety will need to be evaluated at site plan stage to ensure site access and site design as appropriate to make sure fire and rescue response is, is adequate here. So there's several proffers and a few amendments that I'll touch on as I summarize the proffers. It requires the property be developed in general accordance with the GDP, but does allow for some modifications from what's shown. It does prohibit specific uses on the property that would otherwise be permitted by-right; in the proposed zoning district those are generally higher intensity kind of commercial uses that are allowed in the, in the industrial zones. Also, establishing a maximum building height of 50 feet. Requiring the building follow general designs of the elevations provided. This is a newer proffer – establishing the building setbacks... well this is the proffer regarding the setbacks which I pointed out has been modified and increased. And then requires on-site and off-site utility improvements. It does require the applicant to raze any vacant homes prior to receiving a land disturbance permit for each applicable area. Applies... require the applicant to apply to abandon existing right-of-way on Thelma Lane. And provide transportation improvements subject to County and VDOT warrants and approvals. Require a contribution of \$40,000 to the County for retiming of traffic signals; that also will help the overall flow of traffic through the area given the new traffic that would provide, be coming to this area. And then the new proffer that I've, that I've touched on about the second left turn lane being constructed on Warrenton Road, if conditions are, certain conditions are satisfied. Regarding the overall evaluation and staff findings, there are several positive aspects. The proposed use would be consistent with the established industrial development patterns along Powell Lane. The proposed vegetative buffers, building setbacks, and height limits should help mitigate visual impacts. Utility network improvements would be, would mitigate potential impacts. There are proffered building designs that would be committed to, that would commit to the general appearance of the, of the proposed development of the site. Proffered use restrictions would prohibit higher intensity uses otherwise permitted. And then the, with the latest amendments, this project would mitigate traffic impacts on Warrenton Road. As far as negatives go, the majority of the site is inconsistent with the land use recommendations in the Comp Plan. And then there were some comments from VDOT related to Powell Lane suggesting geotechnical evaluation of the, of the road. And that's just one one point that had not been addressed. Overall, staff does recommend the Commission consider the negative aspects cited if inclined to recommend approval of the reclassification application. And I'll remind the Commission that the deadline for the Planning Commission to act is February 1st, and this is your last meeting before that deadline.

Mr. Apicella: Thank you, Mr. Zuraf. Any questions for staff?

Mr. Shelton: I have a question, Mr. Chairman.

Mr. Apicella: Mr. Shelton.

Mr. Shelton: Powell Lane is already in the state system. Am I correct?

Mr. Zuraf: Yes.

Mr. Shelton: Thank you.

Mr. Apicella: Other questions? Mike, going back to the comment about the project being inconsistent with the Comp Plan. Would, would you say that it has more of an impact or less of an impact than what was proposed in the Comp Plan?

Mr. Zuraf: The the proposal that's in front of us now?

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Mr. Apicella: Yes.

Mr. Zuraf: As far as... well, there's varying degrees. So it's, it's less of an impact related to transportation. There's also the issue of, you know, school impacts, related impacts to parks and recreation, other kinds of public facility amenities that would need to be provided with an increase in population in the area. And otherwise, you know, maybe impervious area, that's, you know, you're gonna have more impervious area with an industrial development; more, you know, that's the other kind of opposite end of the spectrum with this use.

Mr. Apicella: Okay, but removing the residential component is potentially beneficial and with respect to the traffic and the schools.

Mr. Zuraf: Yes.

Mr. Apicella: Okay. I'm gonna focus on that geotechnical report that VDOT had recommended and you mentioned at the end of your comments. So, in layman terms, what is a geotechnical report? And why does VDOT believe one should be conducted for the entire length of Powell Lane?

Mr. Zuraf: So, yeah, geotechnical report is generally a, an assessment of the physical conditions of the, of the road. And so which basically that, what's done is there's going to be basically core samples of the roadway taken to identify how, you know, what, what, what is the road made of, how deep, what's the sub-base, gravel, and everything and asphalt, and what are the depths of all the materials that make up that road and identify any potential problems or inconsistencies and whether or not the condition that's identified and found is adequate to, I guess, handle the potential use of the based on the the truck traffic or whatever, whatever type of traffic is going to be using that road.

Mr. Apicella: And so what other users and types of traffic are currently utilizing Powell Lane?

Mr. Zuraf: Generally, heavy industrial uses. Right now you have a ready-mix concrete plant and asphalt plant, to, you know, they're both separate operations. You have a construction equipment yard. An HVAC kind of fleet operation yard and a, I believe there's also a kind of a trucking terminal near the front.

Mr. Apicella: So there's already some heavy truck traffic.

Mr. Zuraf: Yes.

Mr. Apicella: So if the geotechnical study indicates additional road improvements are necessary on Powell Lane, again, due to increased truck traffic, and the applicant hasn't proffered to make the necessary fixes that are recommended in that report, who's responsible for it and how does that get taken care of?

Mr. Zuraf: Ultimately it would be VDOT that would be responsible for that. And then it would likely, you know, and then it's just a matter of when, you know, budgeting... and then it's a matter of budget and everything and when they could fit that into their, into their maintenance schedule.

Mr. Apicella: And, and so the applicant, it wasn't touched on but the applicant, I think, proffered 50,000 for Powell Lane improvements?

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Mr. Zuraf: No, that was for...

Mr. Apicella: No, 40,000 was for the timing...

Mr. Zuraf: ... 40,000 was for the timing...

Mr. Apicella: ... and I think there was a proffer for 50,000 is that?

Unknown speaker: That's correct.

Mr. Zuraf: Yes, 50,000.

Mr. Apicella: Okay. So from a staff perspective, I mean, what are your thoughts about the issues associated with Powell Lane and the additional traffic and, and this proffer to mitigate it?

Mr. Zuraf: I couldn't speak to whether that, that amount was, would be adequate or not. I'd have to, I'd have to consult with our other staff in the county.

Mr. Apicella: Okay. That's it for me. Any other questions for staff? Alright, seeing none. Thank you, Mr. Zuraf. Would the applicant like to come forward?

Mr. Payne: Thank you, Mr. Chairman and other members of the Planning Commission. My name is Charlie Payne; I represent the applicant. Thank you for your time this evening. Happy New Year. I think this is first time I've been before you this year. And welcome to the new Planning Commission members; I look forward to working with you both. I guess I'll follow the lead of staff since we do have two new members and go through our PowerPoint which I promise to be quick about. And I'll be happy to answer any questions and address any, any of the issues that were raised by staff. Thank you. Just real quick before I jump in, just so we can have just some context on the history of this project. We started this project in 2017. It was an intense mixed use project. I was a young man when we started this project. I think Mr. Sills was, too, and we survived COVID and it has evolved into what you see today, which is basically a M-1/M-2 heavier and lighter industrial project. And if you think about what we had initially proposed, we were talking about 303, 330 multi-family units, 400 plus age-restricted units, over 435,000 retail, square feet of retail and commercial, 163,000 square feet of office, and a convenience store with gas pumps. It generated about 16,800 trips per day. Just to give you some comparison of what we're proposing today, it's 3,200 trips per day. So a significant decrease in trips, which does what? It, one, allows us to be able to operate a viable project. And, you know, arguably a very positive economic development project. You'll see in our slide, it generates about \$2 million annually in net tax revenues for the County at full build-out without having the type of impacts on schools and roads that a larger project will have. So that, that in and of itself is an asset and a plus for the project. I just wanted to bring that to your attention. So as staff have noted, this project does consist of 16 parcels. This was quite an assemblage of property owners in that area, and they've been patiently waiting for a long time for us to move forward. It's about 132 acres. The prior project was a bit bigger and included some B-2, a request for B-2 zoning along the frontage, which was more fast food and retail that I was just talking about in office. It is located off of Warrenton Road. And the cool thing about this project, I think from an industrial perspective is we're going to use a ROW, Powell Lane that staff had noted, that already has industrial uses on it. So the immediate impact we would have would be to similar uses. So we would not be impacting residential users or even commercial users for that perspective for access. I think it's also important to note in that we're actually building about 1,100 lineal feet of additional Powell Lane. So we've got to improve Powell Lane to our access point. And the remaining area's about 1,200

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feet give or take and as staff noted to this day, today, there are heavier industrial uses already using that, that road so. To get a VDOT comment, which I love VDOT but sometimes we get comments at the last minute and this has never come up before to say, hey, you should take a look at the, do a geotech study and look at the compaction impact on the remainder of the road, not the new road we're building is a little bit inequitable in my opinion, because we're not causing impacts to that portion of the road. And we did proffer \$50,000 for improvements for that road, for that portion of the road. So real quick, we are rezoning from A-1 and R-1 – I feel like this mic is right on top of me -- to light industrial M-1 and M-2. So the A-1 and M-1's about, to M-1's about 46 acres, the A-1 and M-2 is about almost 75 acres, and R-1 to M-1's about 12 acres. Today we could, we could probably build about 40 by-right residential homes without having to pay proffers. And as staff noted, we are dedicating right-of-way, vacating right-of-way. The proposed uses which we have proffered include light flex office, warehouse distribution, truck freight terminal. You probably also got a letter from A. Duie Pyle, which is a well respected freight operator. They're out, they're headquartered out of West Chester, PA. They're in Virginia, they're in Richmond and Roanoke and Manassas to this date. They've employed about 150 employees and they are a user that we will have immediately on the site. And they're very interested in being at this location, as you probably saw from their support letter that they sent a couple of days ago.

Mr. Apicella: Go ahead, Ms. Sellers.

Ms. Sellers: Before you leave this slide, is... a distribution center. Can you tell us what that is?

Mr. Payne: Distribution Center? Well, there's a...

Ms. Sellers: There's a distribution center and a fulfillment center. There's lots of little terms that come with these types of facilities.

Mr. Payne: Yeah. And you'll, you'll note, and Mr. Apicella caught this, that we've capped our, our, size of our buildings based on the vehicle trips. So a distribution... we're looking at a traditional distribution center, not a fulfillment center for those purposes of capping those trips, which we've added to our proffers. So for example, we can build up to max at 485,000 square feet of warehouse and also 590,000 square feet of industrial. So we've capped our trips. A fulfillment center would have much many more trips than that. But basically, it's a basically warehouse and distribution for, you know, products, any product that's obviously would be distributed along the east coast or regionally. Typically, distribution activities, the heavier truck traffic happens, including the freight traffic happens during non peak hours. Why? Because they don't want to be sitting idle in traffic during rush hours. And they're typically a 24/7 operation with three shifts, eight hour shifts for employees. And typically, you know, this is a good employment generator as well, as you'll see from our economic analysis. And we have proffered out what we think are some of the uses that the County would not want to see. And you see those convenience centers store, hotel, aquaculture, data center, and mini storage warehouse. So as staff had noted, they've showed this concept plan. You'll see our access, our only access is along Powell Lane. The, we have several industrial buildings laid out through the project. I would note that there's quite a bit of open space here even, even though it's not a mixed use project. And then we'll get into the the additional buffers and setbacks that we've heard from staff, and from the Planning Commission and members of the public since June. You may recall also in the June meeting, we had B-2. And we took the B-2 off and the B-2 was a big, was a larger traffic generator. So you think about the B-2 along with the M-1 and M-2, you were talking about close to 9,000 trips, vehicle trips per day. So again, we've significantly reduced this project as it's evolved. And here's the layout. The A. Duie Pyle site in the back, the M-2 32 acres that I noted earlier, and the 58 acres for the M-1. And that's how it's transitioned through the project. Less intense to more intense as you go south. And staff had also showed this

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elevation regarding the typical A. Duie Pyle site. The other really good thing about this project is it's only, we've proffered 50 feet max in height, which A. Duie Pyle was agreeable to. Under M-1 and M-2 we can go up to 65 feet. So that should just give you some context of the reduction in the density of the project and its impact. And staff had also shown the viewsheds were basically, any, any viewshed from Powell Lane... I'm sorry, from Paul Lane or from Sanford Drive, you're basically looking into the trees. The property is located in the Berea TDA as staff had noted. It is an economic development priority area as well, which is why we think this project is a good fit. And it is within the Urban Services Area and for the new Planning Commission members would say I'm sure they know the Urban Services Area is where the County is encouraging more intense growth. And it's where our utilities, our public water and sewer is located. And as staff have noted, we've been working with Utility Department on improving the sewer system in the location, pump station in the location. The project will encourage new business growth in this area. And it does complement the existing development pattern. Again, Powell Lane is a, for those who are familiar with Powell Lane, it's a pretty industrial thoroughfare. Traffic mitigation - again very important. We have reduced the traffic with our proposed uses. We are extending Powell Lane as I noted about another 1,100 lineal feet, we're limiting access to Warrenton Road via only Powell lane, so our access to our M-1, 2 traffic would maneuver through the project to Powell Lane only. We've also dedicated another 170 feet of right-of-way along Sanford which will accommodate an expansion there in the future. And Sanford Drive access via Paul Lane will be limited only to emergency gate access. I think maybe VDOT was a bit confused as to what that Paul Lane access was. It's not a cut-through, it's not for use of our project; it's only there for emergency access by, by FRIM and by our emergency departments, Fire and Rescue. We've also proffered \$40,000 to retiming the US Route 17 signals. That will improve the level of services and the traffic flow along that corridor. And we've also, as I noted, proffered \$50,000 to support future improvements to Powell Lane. We've also proffered the northbound left turn lane that staff had noted and again, right now it's generating about 125 trips, vehicle trips during the peak hour, am peak hour, and what VDOT was concerned about when it hits 300, we're going to have to add that second left turn lane. We proffered we would do so when it hits those 300 trips. So economic development, we, when we put, when we look at these projects, what we do is we do an analysis on what the potential not only the potential impacts would be to County services, but also what are, what are the tax revenues? Where are the new jobs being generated by a project of this nature, so everybody can have the total picture? So during construction, and people kind of forget sometimes that construction generates a lot of jobs in this County, especially a county that's growing. So you've got 1,069 direct and 215 indirect construction jobs during the life of the project. It will generate about \$102 million in total wages during construction. Now not every person who's working there is from Stafford County, but some are, and a good percentage are. Projects of this nature want to attract local contractors, especially site contractors and trades, just because it's much cheaper to work with local and materials businesses because it's much cheaper to work with those vendors here locally than it is to have them come in from out of the area.

Ms. Sellers: Do you guys have, will you guys have the site on VDP's website? Their database?

Mr. Payne: We don't but I know that your office of economic development is, it's on their radar.

Ms Sellers: Okay.

Mr. Payne: Yep, we've been, we've been talking to them about it for some time. And again, this analysis is updated after our last meeting. So it doesn't include this one, I just want to make sure when it changes, it doesn't include the retail or commercial. It just includes the industrial that we've got proposed today. So at full build-out, you'll have about 626 direct jobs, 223 indirect jobs. What are those? Those are jobs that are servicing, that aren't on-site, that are servicing the project, that are off-site. That'll generate

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about another \$57 million in total wages each year at full build-out. And down to the nitty gritty. What, what does a County get out of it? And this is just looking at personal property tax, projected personal property tax and real estate tax. At full build-out we're looking at close to \$2 million in annual net tax revenues. And over a period through 2054, a 30 year period, if you will, you're looking at about \$81 million in tax revenues for the County. And that's a net number. That's not a gross number. Additional proffers that staff and Planning Commission had asked us that when we start the construction of the project, we do raze. There's some homes on the site, some vacant homes on the site that we remove those during, during construction... prior to construction I should say. We have capped the height of the buildings at 50 feet. And the buffers were, were key to the community and to the Planning Commission at our last meeting. We've increased our buffers from 50 to 100, which will be the vegetative buffer, so that would be the trees or natural vegetation or plantings. And then a 200-foot setback along the property that is fronted on Sanford. And then another 200-foot setback from Celebrate Virginia Parkway. And Ms. Sellers, you are correct. We don't have access to Celebrate Parkway. There's 100-foot vegetative buffer and 150-foot building setback on the rear lot lines adjacent to Sanford Drive. And then there's another 100-foot vegetative buffer, 150-foot building setback at the rear property line along Paul Lane. Again, this was something I believe the prior George Washington District Planning Commission member wanted us to insert and we did. And then the 100-foot vegetative buffer, 150-foot building setback from County Tax Map 44-144A, which was a residential property that was close by near Powell Lane. And again, the applicant will apply to abandon existing right-of-way known as Thelma Lane, which was something that we'd also discussed with staff. Why am I showing this slide? Well, at one time, we had these properties on the contract where our B-2 was to be. And you can see it's very blighted, vacant homes, that before we even applied for our application my client removed them in good faith to ensure that there wouldn't be a blighted view of the project and also what we're proposing and the County had also desired to see that cleaned up, if you will. So that's why that was done. I'm happy to answer any questions you have. Mr. Apicella, I know you had a question regarding the proffers which we've updated. And I'm happy to provide those... I don't know if you got a copy of... You did get a copy? Okay.

Mr. Apicella: Yes, thank you, Mr. Payne, for making those changes. Mr. Shelton, you have a question?

Mr. Shelton: The 1,100-foot expansion of Powell Lane will meet or exceed state specifications. Am I correct?

Mr. Payne: Yes, sir.

Mr. Shelton: Thank you.

Ms. Sellers: How much does a geotechnical study cost?

Mr. Payne: I think it's a question, it depends on what you're asked to look at. But I'm not sure. I mean, that \$50,000 could... I'm sure it won't be \$50,000. I could be wrong, but I don't think it's gonna be... 20, about \$20,000.

Ms. Sellers: And could the \$50,000 proffer be used for that?

Mr. Payne: Yes.

Ms. Sellers: It could be used for that.

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Mr. Payne: Yes.

Ms. Sellers: Okay. And how long does it take to do that?

Mr. Payne: Three months.

Ms. Sellers: There's a method to my madness. But that's all I have for right now.

Mr. Apicella: Thank you, Ms. Sellers. Other questions for the applicant?

Mr. Payne: And I would just say, to date, I don't know of any, and no one's identified any issues with that road to date with current travel. So I just want to bring that to your attention as well.

Mr. Apicella: No other questions? Alright.

Mr. Payne: Thank you.

Mr. Apicella: So I'll now open the public hearing on this item. This is an opportunity for the public to comment on this specific project. 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. So if anyone would like to speak, please come forward now.

Mr. Keeven: Good evening, my name is Brian Keeven. I live just kind of caddy-cornered from Paul Lane. So the three questions I have, I'll just rattle them all off, and you can answer them at your preference. Number 1, you mentioned 24/7 operations, is that what I heard? The trucking distribution center?

Mr. Apicella: It's not an interactive conversation, Mr. Keeven. Mr. Payne can respond to you.

Mr. Keeven: Oh, sorry, okay. Alright. So the questions I have, have to do with the 24/7 operation, if I heard that correctly. Will there be a noise study done? So based on where I live, I hear, I hear noises coming from I think, probably the cement plant. And that's well over the hill. They're talking about 150, 200 feet across the street from me so. Will there be a noise study done? And if they discover that that's above noise levels for residential areas at midnight, will something be done about it? Second question is, again, across the street from me there's a, there's a creek so I assume that 150 to 200 feet setback accommodates the wetland, you know, typical offsets that they have to have for wetlands. And then number three, is if there's no intent to use Sanford Drive at all, and maybe I misheard that, and the only purpose of Paul Lane is for the emergency access, why there's any mention of a potential future widening of Sanford Drive? I'm not sure what that would be necessary. Those are my only questions.

Mr. Apicella: Thank you, sir. Anyone else like to come forward and speak?

Mr. Mervine: Hello, good evening. My name is Larry Mervine. And if any of you all want to know where Hewitt Lane is, just look at the, look at the map and it's the little house that is totally encircled just off of Sanford Drive, totally encircled by this proposed project. And the reason it's sitting there is because Mr. Sills would tell you that he made me a generous offer on the property. Well, try to take \$250,000 for a three bedroom, two bath all brick house sitting in a beautiful location and find another house to replace that in Stafford County. That's not a substantial offer. So when he was... when I turned that down he said, I'll build right up to your property line, which is exactly what he's done. Have you

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seen the location, the pictures of the warehouse? I know the setbacks have increased a little bit. But have you seen the location of the corner warehouse of that cluster of five next to my property? Who's going to protect me like the gentleman just brought up about noise? Well, there are noise requirements in this County. A 24-hour facility. You know, if somebody... if you have a rowdy neighbor, you can call. Who's going to protect me? This is, this is going to be zoned M-1, and you say, well, we can make as much noise over here as we want to for 24-hours a day. Well, have you ever heard them drop a steel plate on the loading dock? The noise that that makes. Low gear trucks running around at three o'clock in the morning, beep, beep, beep as they back up? Do you want that 100 feet from your house? Who's protecting me from that as an owner? Should that, should that ever be allowed in this County that I can totally be encircled by proposed M-1 development? He wanted to take my easement away, too, until we, we showed on the deed that he can't because it's grandfathered in. And said I'll make you drive out the other side of the property. As far as some of the other things, as far as the impact study goes, and it's all well and good to look at what this project does. And they want you to think that 3,000 trips in tractor-trailers are the same as 3,000 trips in cars. They're not. What's, what's the correlation, two to three times the length of a vehicle, not to mention the weight and the damage to the roads and everything. But are we piggybacking the impact study from those 1,000 townhomes that are proposed to go back there where the, where the golf course is? That when you piggyback the traffic from that, and it's only got two ways out, down Sanford Drive, which is why it's proposed to go four lanes, right? Or out Celebrate Virginia Parkway. Is, is, is that fair to just run this through and say this is the impact study when you have to piggyback those two? You know, I, when I first moved to Stafford, I moved to Stafford Lakes subdivision. I can remember my kids being excited when I get home on a Friday night and they wanted to go to the mall and it took 45 minutes to get from Stafford Lakes to 95; not, not to the mall. And, and, and I think this County owes more to those residents of Stafford County than to stick them with another traffic backup after they just fixed it. Let's not forget, it's only been fixed for less than a year with the new access to 95. And you want to dump on us again. I'm sorry. Thank you. Thank you for your time.

Mr. Apicella: Thank you.

Mr. Watkins: I'm trying to figure out how I can get around. I need to drop something off.

Mr. Apicella: Sir, you want to come forward? Did you want to speak?

Mr. Watkins: I'm after him.

Mr. Apicella: Oh, okay.

Mr. Watkins: Okay, good evening members of the Planning Commission. My name is Allen Watkins. I live in the George Washington District. And I'm the person who has sent you those videotape presentations that I hope that you've all had an opportunity to view. I am here along with a couple of other neighbors who are going to kind of consecutively speak to you. Regarding proffer number 2, which is known as the final development plan, it identifies essentially that everything that we've seen and heard is all conceptual, that anything in the plan can be relocated or adjusted, using their own words, from time to time by the applicant, if it's in compliance with the County's regulations and design standards. That seems to leave a lot of leeway to construct buildings, parking access points, virtually everything in the plan, in different locations, or in different ways. I know most rezoning requests are much more accurate. I would like to point out some of the lowlights that I attempted to cover in the videos I sent you. First of all, regarding the slightly improved buffers that are proffered along Sanford Drive and Paul Lane. According to proffer number 5, there are to be 100-foot vegetative buffers and from the, from the homeowners properties – that's just 33 yards which essentially is the distance across

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the back of this building – and 150-foot setbacks from the property lines – that’s just 50 yards, half a football field. In the recently provided attachment number 9, the four sightline analysis drawings represent two locations out of the four, where there are no homeowner properties. The other two for 1205 and 1206 Paul Lane are from sightlines taken from the homes of the residents. I’m not sure about others here, but I occasionally leave my house and wander around in the yard trying to use it. The identified buffers should be from the edges of the properties and those distances identified are much shorter than the presented by the applicant. For example, 1205 Paul Lane’s property is just 60 yards away from the closest building. There was no sightline done for Mr. Mervin’s 12 Hewitt Lane residence probably because there will be an unobstructed view of the buildings just 72 yards away, and 40 yards from the concept’s parking lot. In the second video I presented, number 1-B, and on the images that I have presented here that hopefully have made their way around to you, I suggested that the buffers be set instead from the property lines, but actually be set from where the actual building locations are. If you look on those drawings that I sent, it shows you where the tree line would be if it was approximately 50 feet away from all of their access and buildings and parking lots. The buffers are to protect the homeowners and not protect the businesses, providing them with large expanses of open spaces that are not necessary and do not hinder their ability to function as a business. Also, finally, I know I’m running out of time, the roadway besides Paul, uh, Powell Lane, much of the traffic is going to have to be on Commerce, Commerce Parkway...

Mr. Apicella: Sir, I’m sorry, your time is up.

Mr. Watkins: ... and also from Capitol Avenue. So please be aware of that.

Mr. Apicella: Thank you.

Mr. Carr: Good evening. My name is Tom Carr. In addition to Mr. Watkins’ video, video number 2 pertains to the congestion on Route 17 identified by FAMPO as the very worst stretch of road in not only in the County, but also as told to us by Ms. Kari Eaves as one of the worst in the country. We also include the applicant’s traffic study data, which identified increased degradation and increased loss of service after completion of the applicant’s project. We were glad to see that a revised proffer now potentially includes new turn lanes at the intersection of Commerce Parkway and Route 17 because thinking that a right-in only and a right-out only to Powell Lane was never going to be feasible without using Capital Avenue and Commerce Parkway. We said ‘potentially includes new turn lanes’ because in the Turn Lane Concept Plan image created by the Timmons Group, down in the lower right corner there’s a note that if VDOT does not approve of the road geometries, that applicant shall not be responsible for said improvements. The next video, number 3, identifies a specific FAMPO bridge and parkway option, and its four subsequent sub options, totally conflicts with applicant’s proposal. In other words, if the bridge/parkway goes forward here, there could be no development by the applicant, or if the applicant’s development moves forward, then certainly it would preclude any of these options that FAMPO has initially presented from happening. We looked into the County Comprehensive Plan, because applicant had proffered to provide 150 feet of right-of-way along Sanford Drive. That’s actually not very long when the Comprehensive Plan is noted that the road widening of Sanford Drive to four lanes is from Warrenton Road down to Paul Lane. It is also noted in the Comprehensive Plan and noted in video presentation 4 that Stafford County also recognizes that there is heavy congestion on Route 17 and therefore included several potential new roadway plans, including one from Sanford Drive to Capital Avenue and another-1 that would connect Paul Lane west to Greenbank Road. We found it odd that the applicant offered this 170 feet related to one part of the County Comprehensive Plan but happened to totally ignore other proposed roadways that would traverse right right through their proposed development. Didn’t bring up those potential roads. No proffering here. Thank you.

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Mr. Apicella: Thank you, sir.

Ms. Beckett: Siobhan Beckett. I live in a part of the neighborhood that we're speaking about. This is about video number 5 that was sent. There is an understood need in the County for business tax revenue and nobody disputes that. However, last year's budget was over \$900 million, and will surely approach \$1 billion soon enough. It increased \$75 million from fiscal year '23. The applicant identified the annual tax, the annual net tax revenue initially will be just under \$2 million, an average of about 2.7 million over the next 30 years. \$2.7 million equates to a third of 1% of just this year's fiscal year '24 County budget, not a whole lot. The County assessed value of all the properties in the applicant's project is \$2,794,300. We wish the County might be willing to acquire these 132-plus acres because there are so many needs. The County has expressed that it has need for land for its own uses. Several County Supervisors have long desired having a new gymnastics center, maybe a pickleball yard, volleyball. Perhaps these would be better than having an indoor shooting range which has been proposed on this site, and so close by to all the hotels, motels on Route 17. That's not a great mix. These 132 acres are also in a pretty sensitive Resource Protection Area with deep aquifers providing water to our communities, several streams that are tributaries to England Run, which is part of the Chesapeake Bay watershed as it heads down to the Rappahannock. We get concerned when we see stormwater drains so close to properties streams, and according to the utility section of the proffers, number 6, it's identified that the applicant provide and construct all on-site and off-site utility infrastructure for area number 1, the M-1 section for light industrial uses. However, there is nothing in the proffer statement for them to provide anything required regarding utilities for any constructed building in the two M-2 sections, which are for heavy industrial uses, including a refrigerated warehouse. Nothing proffered for this 75-acre section adjacent to the England Run protected waterway. Wouldn't it seem that area 2 and 3 should have utilities proffered also? Thank you very much for your time.

Mr. Apicella: Thank you, ma'am. Would anybody else like to comment on this project for or against?

Mr. Shilts: Good evening. My name's Matthew Shilts, Hartwood District. I'm against the rezoning of this property. We'll call it a reclassification, but it's a rezoning. It's unnecessary. It doesn't fit the needs of the people. Plain and simple. It's not in the Comp Plan for a reason. We don't, we don't want it there. We don't want an industrial park right there. We have to drive through there every day. Mr. Shelton knows; he lives way out on 17. 17 already is a zoo. It's a mess. There's trucks going up and down. We don't need any more. Plain and simple. It's simple. It doesn't meet the Comp Plan. Turn it down. Thank you.

Mr. Apicella: Thank you, sir. Alright, last call for anyone who wants to comment. Seeing no one, I'm going to close the public hearing. Mr. Payne, would you like to respond to the comments?

Mr. Payne: Thank you, Mr. Chairman, other members of the Planning Commission. Again, Charlie Payne, I represent the applicant. One, thanks for the community to come out and to talk about this project and provide their comments. Their comments are obviously very important. I think it's important also to know, especially the new Planning Commission members, you know, we've been going through this process for a while, and we've been addressing community comments, especially regarding setbacks and buffers. In fact, we've doubled our buffers, and we've doubled our setbacks beyond what is required under the ordinance. I'd also note that if this was a mixed-use project, we would actually have to connect the Sanford Drive. So there would be an immediate impact to some of those residents who spoke here this evening, who are either east of Sanford Drive, or on Sanford Drive. So there is a proposed road widening in the Comprehensive Plan for expansion of Sanford Drive, but we're not accessing Sanford Drive for our use. We're only providing emergency access, because that is what the County policy is for

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any project in Stafford County is to have alternative access to a site. I think it's also important to note, if you look at our project, we have pushed our project as further west as you can, as you possibly can to avoid impacting our neighbors to the east. And we're only accessing Powell Lane. That's our only access. If we were to develop this project for a greater mixed-use project, as folks are saying they don't want this, well the alternative is to get about 18,000 trips per day versus 3,200. So we are reducing the impacts to the community. And we are reducing the impacts to our neighbors by proposing a project that is not only viable from economic development perspective, but it doesn't impact our schools. And I can't tell you the number of times that I've been before a Planning Commission or the Board of Supervisors where I've had a residential project or a mixed-use project and the number one thing that people complain about other than traffic is impact to schools. So this project is not impacting schools, and we're not taking parkland away. We're creating jobs and generating revenue. And we're trying to do so in a responsible way. I think our proffers do that to mitigate the impacts of the project to maintain our level of services. And again, I think overall, might not like every aspect of this project, but overall there's a lot more pluses than negatives. So I'm happy to answer any questions you may have that have not already addressed and I appreciate your time this evening.

Mr. Apicella: Additional questions for the applicant? Ms. Caudill.

Ms. Caudill: So in the proffer statement on, under transportation number seven, when was this conducted that you're saying these vehicles average of 300 vehicles during the peak hours? When was that conducted?

Mr. Payne: Yeah. So when we, when we have to provide, when we submit an application of a project this size, we have to do a Transportation Impact Analysis. The County has guidelines and VDOT has guidelines. So as part of that analysis, we have to meet with VDOT and the County to create a scoping. So that scoping identifies the intersections that are impacted, including Commerce and Powell. This project has evolved and gotten smaller, but the impacts are still there. So we were asked to look again at the intersection of Powell and Commerce to determine what the impacts would be with us using only Powell Lane for our use. That analysis determined that when we hit, this is something that VDOT reviewed and the County has reviewed, that when we hit 300 at the AM peak hour, that second left turn lane will be required. And that's when we'll build it. So, studies have been done. I think our first study was done in 2018 on this project, and we've been doing them all along, updating them all along until we got to here.

Ms. Caudill: Have you updated them since the new traffic pattern going on to 95?

Mr. Payne: Yeah, this was updated... last count is 2022. Yep. But this was also, we just resubmitted an update to the VDOT in 2023, in December 2023. So it was just updated in 2023.

Ms. Caudill: And you're still under the 300?

Mr. Payne: Yeah, we're at... right now it's at 125 with no build-out. So but when we build out and we hit like 500,000 or 750,000 square feet it'll probably trigger that 300 in the morning.

Ms. Caudill: Okay. Alright. And then I want to ask one more question about the noise that one of the constituents had asked about was...

Mr. Payne: Right.

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Ms. Caudill: ... is that going to be 24/7?

Mr. Payne: Well, you know... *inaudible*... what's the typical warehouse and distribution, we don't know what it's going to be. The only user we got is A. Duie Pyle, and you know, their operations may not be 24/7, maybe less than that. Again, these trucks are, represent only about 20% of the overall traffic to and from; most of it's employees. And remember, they usually work in different shifts; they're not all coming at the same time. So the traffic is broken up intentionally and usually it's not during peak hours when these, when these operations are occurring. So some may be 24/7. Some may not. The light flex, very likely not. And that's the closest to some of these residential units. I would also note that noise, so we don't get a free pass on noise. The County has a noise ordinance it must enforce. If we're violating the noise ordinance, the County can enforce that against us. What, you know, that was one of the other main reasons why Planning Commission and County staff wanted us to push the buffer and the setbacks even further away from any sort of residential use, which was what we did.

Ms. Caudill: Thank you.

Mr. Payne: Thank you.

Mr. Apicella: Do you mind if I piggyback off of that? Ms. Sellers, you had another question. But on the noise decibel level, Mike might need to answer this question. Since it abuts residential properties, what's the, what's the maximum decibel level? Is it the residential or is it the industrial?

Mr. Payne: It's typically the residential, but.

Mr. Apicella: And what is that, 55 at night?

Mr. Zuraf: I believe... I'm not positive, but I think around 55 or 60 is the maximum decibel, but the residential, if it's adjacent to residential, the residential decibel level applies.

Mr. Apicella: And so if someone has an issue, they're hearing noise at anytime of the day, they would call the Sheriff's Office and make a complaint?

Mr. Zuraf: Right.

Mr. Apicella: Okay.

Mr. Payne: And let's not forget, we're right near Route 17, a very busy thoroughfare and I-95 interchange. So there's lots of background noise happening in that area.

Mr. Apicella: Ms. Sellers?

Ms. Sellers: Do you, do you know when full build-out's gonna be? I know you know A. Duie Pyle, but are you guys gonna build those other buildings to specs?

Mr. Payne: No, I don't think there's a there's a plan to build spec. I think we're just waiting for users, but typically a project of this nature, you know, close to a million square feet, you're probably looking at anywhere five to eight, five years plus if we started today. So maybe eight years because we don't have users for the other sites.

Ms. Sellers: Okay.

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Mr. Apicella: Other questions? Mr. Payne, for the gentleman who came up and spoke, I'm sorry, I don't remember his name, who's essentially got that island inside the the boundary line, what are the setbacks and the buffers?

Mr. Payne: We, we specifically proffered for that 100-foot vegetative buffer and 150-foot building setback. And that property, that property does have access to Sanford as well.

Mr. Apicella: So I'm looking at the picture that was provided. I'm sorry, there's not enough copies to pass around. But I'm looking at the gentleman's property. When you say there's going to be 100-foot vegetative buffer, so that means you're going to add some vegetation or you're just not going to cut any vegetation down?

Mr. Payne: Our proffers... let me make sure I've got this specific proffer. How the proffer for buffering works and what we show in our general landscaping plan is that we'll preserve where we can and/or replant; that's how it typically works.

Mr. Apicella: Yeah, because I'm looking at again, the picture, and his property is pretty bare compared to some of the other properties. So I guess what I'm asking is if to the extent that he does not have an obstructed view, what can you do to help this gentleman out?

Mr. Payne: I believe our plan is to plant, right? Plant where any... is to maintain a vegetative buffer. Right. So we'd be, we'll be planting in those areas to ensure that 100 feet is there. It's just gonna be from his property line.

Mr. Apicella: Are we talking about trees or bushes or a combination of the two?

Mr. Payne: We don't, we don't show...

Unknown speaker: I think he's asking where there is no vegetation... *inaudible, not at microphone.*

Mr. Apicella: Yes, that's fine. Again...

Unknown speaker: On the site plan we could add a vegetative perimeter buffer to help out with the sightline.

Mr. Payne: So they answered the question, where we're showing the buffer either stays, either be preserved vegetation or we'll be replant, we'll be planting vegetation to ensure that 100-foot buffer.

Mr. Apicella: Again, are we talking about trees, bushes, or a combination of the two?

Mr. Payne: Trees. It is my understanding we'll be planting trees.

Unknown speaker: A combination.

Mr. Apicella: Okay. Mike, is that kind of consistent with your perspective on what's going to happen here?

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Mr. Zuraf: Yeah, I'm sure it'll be... well, it says ever, the proffer says it will be evergreens. So when it goes through site plan review, I'm sure we're going to be wanting a portion of that to be trees, probably a mix of understory and larger trees as well.

Mr. Apicella: Okay. I'm not going to suggest it as a proffer change, but I'm just going to ask you if this gets approved to go out of your way to help this gentleman in terms of his viewshed in relationship to the buildings that are going to be pretty close by.

Mr. Payne: Right. And one thing I forgot was utilities, we had to connect the public utilities. The proffer is for off-site, not on our site. Off-site improvements that we'll be making to address a pump station issue.

Mr. Apicella: Alright, thank you.

Mr. Payne: Thank you.

Mr. Apicella: Yes, yes, Ms. Sellers?

Ms. Sellers: *Inaudible*... vegetation, are you guys gonna grade this site all at once? This this 130-some acres?

Mr. Payne: I think the plan is just to grade as we develop, right, so we'll do the A. Duie Pyle site first. And then we'll move to the other.

Ms. Sellers: Can we get some sort of language in there in? Like, I live in North Stafford, we see Aquia Towne Center every day, or Austin Ridge Road where they cut all the trees down, and we're just stuck with this bare piece of property. Is there any way that we could put that in there, to where at least when it's not under construction, or you don't have somebody to use it, you can keep it with some trees?

Mr. Payne: I mean, I, again, we can have a proffert that says we'll clear pursuant to the concept plan as we develop the site. I mean, again, we're not... it would be silly for us to clear the entire site with no user, because we gotta maintain stormwater management, we've got to have erosion controls, we've got to pay bonds. I mean, it just, it just doesn't happen. But we're happy to... I don't think you have an issue with... yeah, that's, yeah, we're good with that.

Ms. Sellers: I mean, I've heard some crazy things. And I look at Austin Ridge Road every day, they graded it, and nothing's gone on the site. And since I was on the board. So what, eight years, nine years.

Mr. Payne: No, you know, there has to be some flexibility to extend utilities and those kinds of things, but input roads in but you don't clear a site of this size at one time without users.

Mr. Apicella: So if we were gonna go down that path, we would probably need to have some additional language to add to the most current version of proffers. Is that something you guys can work on quickly, like in the next five minutes?

Mr. Payne: If you're taking a five minute break we can do that real quick.

Mr. Apicella: Yeah, that's what I was going to suggest.

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Mr. Payne: Yes. We can do it. We can do it real quick.

Mr. Apicella: No problem. Alright, so we're gonna take a five minute break and hopefully the applicant and staff can arrive at some appropriate language to address Ms. Sellers' concerns.

Break: 7:18 PM

Reconvened: 7:27 PM

Mr. Apicella: Mr Zuraf, Mr. Payne, you have some new language for us?

Mr. Payne: We do, Mr. Chairman, thank you. Again, Charlie Payne, I represent the applicant. This will be new section 8.e., the Laura Sellers amendment – no, I'm just kidding. What we've, what we've done is the applicant will not clear the entire project area. We have defined project, by the way, in the proffers, which includes the entire project. The applicant will not clear the entire project area until it commences to obtain site plan approval, which includes erosion control requirements, except applicant may clear in accordance with county requirements, those areas necessary for access, utilities, and stormwater management.

Mr. Apicella: Great, thank you.

Mr. Payne: Thank you.

Mr. Apicella: I'm not going to try to rephrase that. Okay, thank you. So, Ms.Caudill, this is in your neck of the woods and normally what we do when a project is in a specific Planning Commissioner's district that they represent, we asked them how they'd like to proceed. So with that in mind, what I would say is if, whether or not you decide to recommend approval or disapproval, the first thing that we do is we take a motion on the revised proffers. So what you might make a motion on is to accept the proffers as most recently revised.

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

Mr. Apicella: Yes.

Ms. Caudill: Sorry. New. So I'm making a recommendation to approve the new proffers.

Mr. Shelton: Second.

Mr. Apicella: Okay. Any comments on that, Ms. Caudill? Just the revised proffers; you don't have to make a comment if you don't want to.

Ms. Caudill: No.

Mr. Apicella: Anybody else? Alright, seeing none, please cast your vote to accept the revised proffers. Alright, that motion carries 6 to 0 (*Ms. Barnes absent*). And so the next step would be to consider a motion on approval or disapproval or making a recommendation to that effect, Ms. Caudill.

Ms. Caudill: Can you make a comment on that too?

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Mr. Apicella: Normally what we do is we make the motion first. But if you'd like to make comments first, that's okay.

Ms. Caudill: Okay. I appreciate everyone coming out and discussing this with us. I am going to motion to approve this. But I do ask that you guys do take into consideration the people that are near you with the vegetation and the buffers and, you know, just be, be mindful of them, please.

Ms. Sellers: Second.

Mr. Apicella: Alright. Thank you for making that motion, Ms. Caudill. Seconded by Ms. Sellers. Ms. Sellers, do you have any comments?

Ms. Sellers: I will have comments, yes. This is the time. So yeah, I think this is a long process. It's been around for a long time, clearly. It's time to get it to the Board of Supervisors. But something that I don't think we talk enough about, I'm going to bring up to Mr. Apicella and hopefully see if we can get the Port of Virginia here. Why are we seeing distribution centers and fulfillment centers and all these things, because the Port of Virginia is doing very well. It is, it is continuing to grow and will continue to grow as we widen out the channel down there. So we will continue to see this type of development along 95; 17 is gonna be a great place for it because it is the western thoroughfare to get us from 95 to Warrenton and Winchester. So I hope that folks understand that and I am going to put that out there also to see if we can get the Port to come give us a presentation, because they have a whole map of where things will go. I do appreciate the, the proffer to not remove things, because Aquia Towne Center, Austin Ridge Road, are examples of what happens when we don't think about that. We think it's, you know, kind of silly. But again, the only reason The Garrison, in my opinion, has not been completely flattened is because it has a proffer they can't remove trees until they have plans. So it's to protect the people around it so that they're not dealing with stormwater management plans on a site that you guys graded prematurely. So I do appreciate that. And finally, with the transportation, VDOT did say they have a generally... it's generally acceptable. And as the Secretary will tell us, every month, the Commonwealth Transportation Board, we are all here to support economic development. So VDOT may have comments and they may have concerns but, at the end of the day, VDOT is here to also help facilitate economic development, because that's how we build roads. We don't get new roads if we don't have revenue. So I have no problems with the transportation stuff. I actually think this is a really good candidate for some of the smart scale changes that have come up in the future. So I will be supporting this and I think it's a good project.

Mr. Apicella: Thank you, Ms. Sellers. Anybody else? Mr. Shelton?

Mr. Shelton: I'd like to commend staff, as well as the applicant, for working with us on the proffers. I think that's commendable. A number of areas we've asked for some changes and recommendations; you have complied. From a fiscal standpoint, looking at the \$2 million plus that potentially serves as a revenue for us and Stafford is also vital to us. Thank all of you.

Mr. Apicella: Anyone else? Mr. Bratton?

Mr. Bratton: I only got one comment. With the buffer zones and people's homes, I just want to make sure that's a real good buffer for to protect, protect them from the scenic backgrounds or whatever they have in their houses. Because nobody wants to look at a warehouse in their backyard. So that's the only thing I want to say.

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Mr. Apicella: Thank you, Mr. Bratton. I want to, I'm going to say that I'm going to support the motion. I agree with the comments made by my colleagues. I'm really glad we didn't rush this. When we saw this project back in June, it was a bit disconcerting the amount of traffic that would have been incurred with a retail portion. When we evaluate these projects and make recommendations, one of the things we look at is what does the Comp Plan recommend? But does the Comp Plan recommend something that would be potentially better than or worse than the project that's in front of us? And in this case, that's why I asked the question, if we went forward with what was recommended in the Comp Plan, we'd have much more traffic and I think the applicant indicated maybe 18,000 vehicle trips per day. That's huge. I don't disagree Route 17 is a nightmare. I travel it every day. I'd rather have 3,000 vehicles and 18,000 vehicles. I greatly appreciate the applicant addressing our setback, buffer, and transportation concerns. I think they really went out of their way, especially in the waning days and hours as we were looking at this. And they've pretty much adopted all that we asked for. It's not a perfect project, nothing ever is. But I think it's as close to a win-win as we could possibly get on these parcels. It will create jobs, and it'll enhance our tax base while mitigating many of the potential impacts. So that's why I'm supporting this project. Okay, with no other comments, please cast your vote on the motion to recommend approval. That motion carries 6 with 1 absent (*Ms. Barnes absent*). Alright, thank you, everybody. Congratulations. We're gonna move on to the next item. Mr. Zuraf.

Commotion in the audience.

Mr. Apicella: Sir, anybody out there, please be respectful to your fellow attendees and the applicant.

Ms. Keith: Are we ready?

Mr. Apicella: Yes, please.

2. CUP23155073; Conditional Use Permit – Sheetz on Warrenton Road – A request for a conditional use permit (CUP) to allow a vehicle fuel sales and drive through facility in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts and a convenience store in the HC, Highway Corridor Overlay Zoning District, all on Tax Map Parcel No. 44-143 (Property). The Property consists of approximately 3.49 acres, and is located on the south side of Warrenton Road at the intersection with McLane Drive, within the George Washington Election District. **(Time Limit: May 3, 2024)**

Ms. Keith: Okay. Good evening, Mr. Chairman and members of the Commission. I'm Evelyn Keith with the Department of Planning and Zoning, and I am presenting item 2 on the agenda. This request is a conditional use permit for a vehicle fuel sales and convenience store with a drive-through facility. Sheetz Inc. is the applicant. The site is located on Tax Map 44-143 within the George Washington District. Jonelle Cameron is the agent representing the applicant this evening. Computer. Thank you. The property is outlined in blue on the zoning map and is zoned B-2, Urban Commercial, and within the Highway Corridor Overlay District. The site is located on the south side of Warrenton Road at the intersection with McLane Drive. The surrounding zoning districts are B-2 to the east, west, and north, and A-1 to the south, which is actually the property it abuts is Belmont Park, the proposed reclassification or the now almost approved. The property consists of a single parcel approximately 3.49 acres, which has been zoned B-2, Commercial since before 1978, and is not subject to proffers. This aerial view shows the existing conditions. The site is currently developed with an existing Hardee's restaurant with a drive-through to be demolished for the construction of the new development. Sidewalk is located on a portion of the site frontage on Warrenton Road within the public right-of-way. A Super 8 motel is located to the east, a Black Rifle Coffee Shop with a drive-through to the west is under construction.

The vacant land is the, again, the Belmont Park which is to the south. There's a Waffle House restaurant and a Clarion motel to the north across Warrenton Road. There is RPA present at the site. This is a street view of the property from Warrenton Road. This GDP depicts the proposed layout of the Sheetz vehicle fuel station with 16 fuel pumps and six electric vehicle stations, and a convenience store with a drive-through facility which consists of a single-story 6,879 square-foot building. Access to the site will be provided through an existing full access entrance along Warrenton Road, and a proposed inter-parcel connection with the adjacent property on Tax Map Parcel Number 45-23A. The existing southern entrance along Warrenton Road will be reconfigured from a right-in/right-out access to a right-out only access point. Vehicles will enter the drive-through on the west side of the building and proceed counterclockwise around the south side of the building. There is a bypass lane which will allow vehicles to exit the drive-through directly to the parking area and fuel pumps. Drive aisles and parking areas are located to the north, south, and west sides of the building. There is existing sidewalk along a portion of Warrenton Road. The applicant will construct additional sidewalk to connect to the existing sidewalk network along Warrenton Road, as well as a connection to the convenience store, and crosswalks will be installed at the entrances along Warrenton Road. As required by the Zoning Ordinance, a street buffer is proposed along Warrenton Road and transitional buffers are proposed on the side and rear property lines. A detailed plan rEVw will occur at site plan. This is a Traffic Impact Analysis. It was submitted with the application to determine the overall impacts associated with the proposed use, and specifically evaluated impacts at the circled intersections. At this time, these intersections currently operate at an overall Level of Service C or better, with the exception of Sanford Drive and South Gateway Drive, which currently operates at a Level of Service E during the weekday AM peak hour. Based on future 2024 conditions, the TIA estimates that the same intersections will maintain a Level of Service C or better, and with and without development. Whereas, the intersection of Sanford Drive and South Gateway will continue to maintain a Level of Service E with or without development, and would not result in any additional delays. In regards to the signalized site entrance on Warrenton Road, the study finds that the project would negatively impact left turns into the site with queued vehicles exceeding the existing turn lane capacity, which would spill out into the main through lanes. In order to mitigate this impact, the TIA has recommended transportation improvements for expansion of the existing left turn movement onto Warrenton Road to provide additional vehicle queuing and storage; signal timing adjustments at the site entrance in order to reduce vehicle queuing lengths to avoid spillover into the through lanes. The Comprehensive Plan recommends that new development maintain a Level of Service C or better. However, where a Level of Service C cannot be achieved, existing levels of service should be maintained and not further degrade the existing transportation network. Staff notes that incorporation of the recommended mitigation measures, the proposed project is in conformance with the Comprehensive Plan recommendations and the County non-degradation policy. These are some of the architectural renderings that were included with the application. Staff notes that the proposed building design conforms with several of the architectural guidelines of the Neighborhood Design Standards Plan. Due to the property location within the Highway Corridor Overlay District, the building must conform to the architectural standards in the Neighborhood Design Standards Plan. This rEVw would occur prior to building permit approval. This is the Comprehensive Land Use map. The Comprehensive Plan identifies the property as being in the Berea targeted Development Area. And the Land Use Concept within the Targeted Development Area classifies this site as Highway Commercial. Targeted Development Areas are areas of the County where a significant amount of development or redevelopment is expected to occur. And the areas identified as Highway Commercial are intended to encourage highway commercial-oriented uses as a gas station, fast food restaurant, hotels, and other similar retail uses in areas closest to I-95 interchange and along the main corridor highway. Staff notes that the proposed vehicle fuel sales and convenience store with a drive-through use is consistent with the Comprehensive Plan recommendations for the Berea Targeted Development Area and Highway Commercial Land Use Concept. And it's also consistent with the established development patterns along

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Warrenton Road and other highway commercial uses adjacent to the site. These are some proposed... these are, the following are a few of the proposed conditions which help offset any potential negative impacts and would require the property to be developed in general conformance with the GDP, prohibit any new entrances onto Warrenton Road, require sidewalk and crosswalks along Warrenton Road, and a sidewalk connection between the building and Warrenton Road sidewalk. Limit the number of fuel pumps to no more than 16. And the building be constructed in general conformance with the styles and materials depicted on the architectural renderings, and comply with the Neighborhood Design Standards. Staff finds that positive features or aspects of this application are that the proposed use is generally consistent with land use recommendations in the Comp Plan. The use is consistent with established development patterns within the vicinity. The proposed building design incorporates architectural treatment standards in the Neighborhood Design Standards Plan. The project mitigates potential impacts to the transportation network. And the proposed conditions will help ensure any potential negative impacts are mitigated. Staff finds no negative aspects associated with this application. Staff is supportive of the project and recommends approval of the application with conditions pursuant to Resolution 24-18. Woo! This concludes my presentation. Any questions? That was a lot.

Mr. Apicella: Thank you Ms. Keith. That was a mouthfull. Questions for staff? Ms. Keith, can you pull up the GDP for me?

Ms. Keith: Yes. Okay.

Mr. Apicella: Can you show me where are the EV stations?

Evelyn Keith: The six EV stations are here.

Mr. Apicella: Okay. So the reason I'm asking that question is, I noticed in the, in the conditions we're limiting the number of fuel stations, but we're not limiting the number of EV stations. And I'm not anti-EV stations; I'm kind of going based on what I've seen recently in Chicago when there were significant backups for people waiting to get their car charged. So I'm wondering why we weren't considering some cap on the EV stations as well.

Ms. Keith: Right now, at the ITE manual does not have data on EV stations. But when VDOT did their traffic impact analysis, the whole site was included, that included these EV stations. If the Commission choose to put a cap on the number of stations, that can be done this evening.

Mr. Apicella: Yeah, I'm not sure if a cap makes it better or worse. I'm just, again I'm concerned about queuing for people wanting to get into the to the charging stations. And I know there's a difference in the type of charging stations. So I don't know if these are rapid charging stations or ones that take several hours to get your vehicle charged, and the applicant can probably speak to it. But I would like to get their view on potentially capping the number of EV stations. I think, Mr. Shelton, you had a comment about trucks maybe?

Mr. Shelton: Yeah. Looking at the diagram where it shows all the tractor and trailers in the backyard. I'm optimistic that we're not going to have all that tractor and trailer parking in the backyard and not saying anything wrong with tractor-trailers. But if that's an overnight thing because it's nestled in between two motels, then that may be a... *inaudible, microphone not on*... request the applicant... *inaudible, microphone not on*.

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Mr. Apicella: So are you suggesting that maybe we have another condition that prohibits parking of trucks overnight?

Mr. Shelton: As a recommendation, yes.

Mr. Apicella: Okay. Any other questions for the staff? Alright, seeing none. Thank you, Ms. Keith. Great presentation.

Ms. Keith: Thank you.

Mr. Apicella: Would the applicant like to come forward?

Ms. Cameron: Good evening, my name is Jonelle Cameron with Walsh, Colucci, Lubeley and Walsh. I have an entire team here to answer any questions that you all may have. So we have our civil engineer here, John Fairbanks. We have our traffic consultant here, Andy Butsick. And we also have representatives from Sheetz here as well. So hoping to answer any questions as they come up. I will be really brief; staff does a really good job and thorough job of going through our proposal. And a lot of the things that staff actually said, we have the same. So I'll just briefly go through those and as we walk through them, Commissioner Apicella and Commissioner Shelton, we'll go ahead and try to answer some of your questions as well. So staff again showed you the property; it's a little less than three and a half acres in size on the south side of Warrenton Road at the intersection of Route 17 and McLane Lane. Currently, there is a Hardee's on the property. This proposal would replace the existing Hardee's use. This slide shows the existing Hardee's building and the signage. This slide is a contextual exhibit that shows our layout within this corridor. To the north is the approved Black Rifle Coffee that is currently under construction and set to open next month. And to the south is the existing hotel. This slide is an illustrative plan. Staff walked through with you where the fuel pumps are, the size of the building, but I do want to highlight some things that are being added as part of this proposal. So we are fixing the sidewalk. Sorry, I mess this up every time. I don't know what I did. Thank you. The sidewalk here and we're extending that sidewalk here. We're also doing a sidewalk along the area in here for pedestrian connectivity. We are providing the landscaping on all four sides in accordance with the DCSM, with the DSM standards. There will be eight fueling stations with 16 positions. They are spread out between two canopies here and here. The drive-through order point is here. And the drive-through pickup lane is, or pickup area is here. We are providing a bypass lane here. Two things to highlight that staff did say; we do have two access points. We're actually improving the existing access points today. So the first is the full intersection here, striping those out to have a left out only, a straight through, and right turn lane. We are also decreasing the access here; currently that is right-in/right-out. That access will be changed to be right-out only. Again, the EV charging stations are here. Speaking from experience, I do have an EV vehicle. What happened in Chicago is rare. Our phones were blowing up. Everybody was saying have you guys seen what happens in Chicago. Normally what happens with EV charging stations, if you have an EV, your car will actually tell you the closest place to charge. And it will tell you whether or not there are any charging positions open. So if, for example, six of the charging positions were full, you don't actually line up; you would park probably here, here, or here and wait for somebody to move. And then park into that space. Sheetz offers EV to three different companies. And so what happens is once a project is approved, they work with either Tesla, EV Go, or Electrify America, and they will provide them the site location and say we have this site here, are you interested? One of those three will say yes, we are interested. And we want this number of EV charging stations. Each EV user has different charging speeds. Most of these are going to be your high speed. So it's not the ones where you can charge it faster at your home. So a lot of government buildings now or the free, those are very slow. So these ones tend to be at higher speeds. But until you know who that user is, that user will

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decide. So for example, Electrify America. I know I'm getting into the weeds, but I think it's helpful. Electrify America has different charging. So they have one that's up to 150 and they have one that's up to 350. And on one site, they may have two chargers that are up to 150 and two chargers that are up to 350. Three hundred fifty is faster than 150. One hundred fifty is still much faster than those free, tend to be much faster than the free ones that you will see on site. Generally speaking, it really depends the same way your gas, how full or how empty your gas tank is, is generally how long it is. It could be anywhere from 15 minutes to an hour to charge. It's not an overnight long period of time for those charging stations. As far as the truck parking, I want to hit that now. As you see, this site is not conducive to 18-wheelers. And internally Sheetz has an operations team that discourages overnight parking. And they discourage long term parking of truck vehicles. It doesn't help them for circulation. And it also doesn't help for parking. So if there is an instance where somebody has parked and they are there longer than two hours, generally that's the time period, somebody from Sheetz operation will tell that truck it's time to move along. There could be a circumstance or situation where it is late at night, that truck driver is approaching their hours, and it's a snowstorm. That is rare, far, and in between. In those instances, that operator will try to work with that truck driver if they have nowhere else to go. But we are okay with a condition that doesn't allow overnight parking. But we probably would want to maybe add an hour to that. So if a truck comes at 11, and they're there until midnight, technically, they've been there overnight. So just want to be as clear as possible in that condition to make sure that what you don't want is what you see now, which are a lot of trucks that are parking for long periods of time. So that is absolutely something that the applicant would be willing to do. As part of this proposal, as Evelyn had mentioned, we are providing a transportation improvement on Route 17. We are extending the turn lane. Currently it's 200 feet with 100-foot taper. VDOT requested that that turn lane be extended in order to fit the queue; so the number of cars that are, that would be in the left turn lane. So that is now being extended to 305 feet of storage and a 100-foot taper.

Mr. Martinez: Mr. Chairman.

Ms. Cameron: Absolutely, yes.

Mr. Apicella: Please, Mr. Martinez.

Mr. Martinez: Just a quick question to clarify. Does this include analysis of tractor-trailers on this, on that lane or just regular vehicle size?

Ms. Cameron: Absolutely. So as part of a traffic impact analysis, Charlie did a great job of explaining it previously, but it also requires you to take into consideration a 2% growth rate. And it also requires you to take into consideration any projects that have been approved but are not yet constructed. So it looks at a lot of future traffic as well. And it takes into consideration vehicles that are in the turn lane. And what it essentially does is a traffic count to say these are the vehicles that are using this left movement today. And with our traffic we would add additional vehicles, this many additional vehicles, and that would include the tractor-trailers. This slide shows the building elevations. Again, this is in line with the Comprehensive Plan. This is the front elevation and left elevation. This is the rear elevation and the right elevation. We also have the illustrative gas awning elevations that are part of the package as well. You will notice that the columns are the same materials as the building. And finally, as part of this proposal, there's an existing Hardee's freestanding sign today; that sign is non-conforming.

Mr. Apicella: Jonelle, can you...

Ms. Cameron: Yes?

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Mr. Apicella: ... can you proffer that gas price?

Ms. Cameron: I wish. Well, I don't take gas anymore, so, there's that. And now we're doing a freestanding monument sign that is 12 feet in height, so significantly less than what exists today. And I can answer any questions you all may have.

Mr. Shelton: I have a question.

Mr. Apicella: Please go ahead, Mr. Shelton.

Mr. Shelton: Are the charging stations under canopy?

Ms. Cameron: They are not.

Mr. Shelton: They are open.

Ms. Cameron: They are open, correct.

Mr. Shelton: So are you providing additional fire protection means for those open charging stations? Lithium batteries have a tendency to think on their own and overheat and occasionally they will explode. So I just ask you to take that in consideration.

Ms. Cameron: We will. And as part of the site plan process, the EV charging stations do go through the site plan process as well and are coordinated with the Fire Marshal as part of the rEVw.

Mr. Apicella: So kind of back to my question. I'm not saying it has to be six, but are you, are you amenable to some cap on the number of EV charging stations?

Ms. Cameron: Yes, we are.

Mr. Apicella: What cap would work for you?

Ms. Cameron: The higher the better, because we don't know yet. But there are nine spaces currently.

Mr. Apicella: Nine? I mean, I could live with 10. How about 10? Does that work?

Ms. Cameron: That works for us.

Mr. Apicella: Okay. Other questions? Alright.

Ms. Cameron: Thank you.

Mr. Apicella: Thank you. Alright. So I'm going to open the public hearing on this item. This is an opportunity for the public to comment on this specific project. 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. If you'd like to speak on this item, please come forward.

Mr. Patel: Alright, so I have three minutes?

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Mr. Apicella: Yes, sir.

Vipul Patel: Okay, thank you. Respected members of the Planning Commission, I thank you for permitting me to participate in the conditional use permit public hearing for Sheetz. My name is Vipul Patel, the principal owner of the adjacent Super 8 motel at 557 Warrenton Road, under the entity Shiv Sai VA, Incorporated, which I purchased in February 2022. As a franchisee of Super 8, we are an integral part of the vibrant economics on Warrenton Road and are in favor of the Sheetz development, with several remarks. To the Sheetz team, we welcome you and look forward to a cooperative relationship. The remarks that I am pointing out are from the documentations online that I was able to review. So Attachment 2, the Impact Statement. In general, I just want to touch on the fact that any impacts to the adjacent properties listed, noise and dust and smoke erosions... emissions, I'm sorry, I'm sure that'll be all under control. Attachment 3, Proposed Resolution and Attachment 5, the GDP, the inter-parcel connection I believe should apply. The connections is a benefit to Sheetz and to our valued guests. It is anticipated that many guests requiring fuel will use the connection. We request for Sheetz to design, build, and maintain the connection up to the Super 8 parking lot or up to the boundary. Third item, Attachment 5, the GDP, request for hardscape or landscape screening the entire boundary line between Sheetz and Super 8. Our facility is an exterior corridor motel with more than 50% of the rooms facing Sheetz side. Our guests deserve the comfort and privacy as their room access and view from the room is towards Sheetz. Another valued measure to both Sheetz and our guests is for footpaths or walkways, as depicted at page 3 at the Super 8 building. In dealing with the public... in dealing with public safety, it is incumbent that safe travel measures are considered. I say this because it is, it is inherent in all of us that we seek the shortest distance and travels whether by foot or vehicle. So what I'm ask... saying here is that there are a couple of accesses directly from the Super 8 that point out to, that point in the direction of Sheetz. There's a couple of pathways we could create. And I think we have them right now on the drawings or indicated on our side. Again, we request Sheetz to design, build, and maintain that area. We did touch on the possible EV parking spaces, which is something I'm fond of as well. Six spaces are indicated and I would welcome additional three is what I indicated. So I also own a EV. I do not queue up. I think she was accurate in indicating what happens. But certainly some folks may, but I would say nine would be great. There are three regular spots next to it. But that's up to Sheetz and the developments. We anticipate a small percentage of our guests will use the EV services. In closing I wish to reiterate our position that we are in favor of the Sheetz...

Mr. Apicella: Sir, I apologize, your time is up.

Mr. Patel: Okay, thank you.

Mr. Apicella: Thank you. Anyone else would like to come forward and speak on this item?

Allen Watkins: Don't worry, this time I didn't present any forms for you to look at or send you any videos and so forth. This will be very brief. I'm Allen Watkins, George Washington District. Since I live relatively close to this area, I just wanted to point out, not that it will matter because the plan seems pretty well set, that within a third mile to the north, there are two different gas stations that are within that close proximity; that's a, a, a 7-Eleven and also... God, I think it's a Royal Farms. Across the street very close by is a Shell station and then down to the south close by within a third mile also is a Wawa and another Shell station that is along the Sanford Drive and South Gateway Drive. The only question that I have that hopefully will be answered is I know that generally stations who have gas storage need to kind of jump through hoops, hoops to prevent any kind of leakage. And the concern is because this is in the close proximity of where the branch of Laurel Branch Stream heads up exactly towards the back of where the commuter lot is, that it appears that the storage tanks are relatively close to where that

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waterway is. So I would hope that they can have answers for you regarding the hoops that they have jumped through to make sure that there will be no problems with the gas tanks. Thank you.

Mr. Apicella: Thank you sir. Anyone else?

Peter Sun: Mr. Chairman, members of the committee, thank you for the opportunity to speak. My name is Peter Sun. I reside in Stafford County off Warrenton Road. I am here tonight to as representative of the owners of 595 Warrenton Road, which is parcel 44-141A, which is adjacent to the Sheetz project. As everyone has noted, many times the traffic congestion and safety issues along Warrenton Road are considerable, and an opportunity to decrease any of that is rare. So per Stafford County development guidelines, new construction will require inter-parcel connectors between adjacent parcels to be installed to decrease traffic along the main lines. I see that there is a proposed inter-parcel connector to the I will call it the east of the project, but there are no inter-parcel connectors to the west for the parcels next to it as well too, which will be the Black Rifle Coffee Company and the... *inaudible*. So we are proposing that the project construct the inter-parcel connector per guidelines to allow several access to separate parcels adjacent to it as well, too, which everyone would notice what tried to decrease take the traffic off the main line Warrenton Road. So and we look forward to that particular discussion. And of course, one thing that everyone can keep in mind is that my understanding is that inter-parcel connectors do not cause Stafford County any money. So with that, thank you very much.

Mr. Apicella: Thank you, sir. Anyone else?

Matthew Shilts: Good evening again, I'm Matthew Shilts. I think you need to turn down this conditional use permit as well. So, on the way here today, I actually came down 17. So when you turn off of Hartwood Road, it's seven miles until you get to I-95. For four and a half miles, there's one gas station. The last mile and a half there, there's six gas stations, as you guys already saw on the presentation. Of those six gas stations, we're talking there's two Shells, a 7-Eleven, two Wawas, you know, and then well, the closer Royal Farms to me and then another Royal Farms. Out of those seven gas stations, in the better part of a decade that I've been here, I have not stopped at a single one of them. Not one. Nope. We buy gas over across the bridge, it's cheaper. It's cheaper in Costco. We're not going to stop there and buy gas. We don't stop at any of the businesses there. And there's a reason – the trucks are lined up. You can't get into any of those businesses. You're so, you're constantly looking at tail lights in front of you that you don't get to look up and see what new businesses are there. You got to, you got to find a way, you guys do here in the Planning Commission, you have to find a way to get that traffic off 17. So no, in this case, we don't want any more additional traffic that's not going to serve the residents of Stafford County. It may serve some fall-out traffic off of 95. And I would beg to differ with that either. Because when you're driving down 95, south, if you get off on 95, if you get off on 17, anytime you're on the interstate, you take a right turn, and you're gonna hit the gas stations on the right-hand side first, not the ones on the left. So who's going to be frequenting this gas station? Why do we need a seventh gas station within a mile and a half? We don't. So please turn this one down. I think you got the last one wrong, but you can get this one right. Thank you.

Mr. Apicella: Thank you, sir. Any anyone else?

Kristen Maxson: Kristen Maxon. I just want to remind the Commissioners to take a look about how a semi can get in and out of this compound area easily. Now, we just had a Sheetz put in along Courthouse. And all the curbs that were placed for this particular station are completely ripped out. And it's only a year old. So the design for that particular Sheetz was not taken in account for the big trucks. And the biggest concern is the big trucks that are hauling fuel. And I know truck drivers are very careful and

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they try to do the best job they can. We want to make sure that this plan is thinking about how they're going to maneuver around small cars. Thank you so much.

Mr. Apicella: Thank you, ma'am. Anybody else? Alright, seeing no one else, I'm going to close the public hearing. Would the applicant like to come forward and address the comments?

Ms. Cameron: I am going to try to address these in the order that we received them, the comments were said. So the applicant is providing an inter-parcell connection, if I can have this screen please. The first commenter is the owner of the Super 8 that's located here, located here. So the applicant has shown on their plan and is providing an inter-parcel connection to the corner here that will be constructed, and the applicant will work with the owner at the time of site plan for any easements that are needed for that inter-parcel connection. The applicant is also providing landscaping and buffers in this area. And here, there is shown on our general development plan a fence that goes... sorry, it's a little crooked... but that goes right around here. So we are providing a fence as well. And we'll work with the property owner if they're looking for us to extend that fence. There are sidewalks as I showed you previously that help with that connection to the hotel that are shown here. So we are addressing that comment, as well as the EV comment. To talk about specifically an inter-parcel connection to the north, this site here shows the Black Rifle site plan that is currently under construction. There is a pond in this area in here. And we have some RPA to the rear of the site and this area in here. Black Rifle did not include as part of their approved site plan an inter-parcel connection. And as their site plan is laid out all of their travel and parking essentially is to the front. So just I would say everything is within this area in here. Their driveway... I mess it up again, sorry Stacie, too heavy handed... their driveway has curb and gutter all the way around it. So in order for there to be an inter-parcel connection to the north, that would require site layout for Black Rifle and a site plan amendment in which they've already had their site plan approved, and they are currently under construction. In addition, as part of our traffic impact analysis, we had to look at all of the traffic coming to the site, and that traffic didn't include any inter-parcel connections to the north. And it is likely that additional trips from the north would cause queuing issues at the signalized intersection here. And that would not be accepted by VDOT. So, I wanted to just address that with you all. And then finally, I think as you all know, gas stations are passed, generally pass-by uses. So the folks that are already on the road generally going either to or from work or to or from errands, so the additional trips is minimal compared to the trips that are already on the road, and you're getting on and then coming back off. And I think I addressed everybody's comments, there might have been one, I apologize, on truck circulation. So we did actually take a look at that. So what you see on your screen, the area in red is on-site how the trucks will get on to the site. Generally, the tanks are located in the front in this area in here. And then blue is how the trucks will exit the site. So all of the truck traffic will exit from the right-out only exit point. This truck circulation is also again reviewed at site plan by the County and VDOT. So now I think I addressed everybody's comments if you guys have any other additional questions.

Mr. Apicella: Thank you. Mr. Shelton?

Mr. Shelton: Can we put some language into a proffer about the tractor and trailers?

Mr. Apicella: Conditions.

Mr. Shelton: Conditions.

Ms. Cameron: A condition regarding overnight?

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Mr. Shelton: Yes.

Ms. Cameron: Yes, the applicant was okay with that.

Mr. Shelton: As I mentioned earlier, you know that as many as 30 or 40 tractor and trailers are on that site all night long. And there's two motels on each side that I'm not sure whether they lay over or are they just there for the rest based upon the DOT requirements that drivers can't stay on the road but a certain amount of time.

Ms. Cameron: The applicant is absolutely willing to add that condition.

Mr. Apicella: So you had mentioned a concern about how that's phrased. Do you have some some language that you would be comfortable with?

Ms. Cameron: Overnight? How is it defined? I don't know; Mike, looking to you. Is it over a certain amount of hours or? I'm okay with overnight so long as Lauren, the County Attorney, somebody wouldn't say somebody that was there for an hour would be considered overnight. So if overnight is the best way to say that, the applicant is okay with that.

Mr. Apicella: Okay.

Ms. Cameron: Or we can say more than two hours.

Inaudible, not at microphone.

Mr. Shelton: Understand extenuating circumstances.

Ms. Cameron: Okay.

Inaudible, not at microphone.

Mr. Apicella: Well, we'll try to noodle it with staff.

Ms. Cameron: Okay.

Mr. Apicella: I do have a couple of questions, but I'll give folks on the panel a chance if they have any other questions. No. So, um, and this is as much for Ms. Keith as it is for the applicant. Normally we have conditions about when you have a drive-through, the speaker volume. So I noticed that the drive-through is on the side closest, I believe it's on the side closest to the motel. We don't have a condition related to the speaker. And I don't know what, I can't remember what the exact language is. Mike, does that ring a bell with you on other drive-throughs?

Mr. Zuraf: Yeah, about, sorry, about the conditions to prohibit or make sure that the drive-through speaker has a noise reducing or volume reducing kind of feature to it.

Mr. Apicella: Right. So...

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

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Ms. Cameron: It is. Our speaker location is facing the woods. So it's here. The hotel is further north. So this is our speaker location here so, and so it faces back here which are woods.

Mr. Apicella: So there's... the interaction between the driver and the facility, the pickup window. There's no, there's no speaker there. It's just...

Ms. Cameron: There is a speaker. But our point was the speaker is further away from the hotel. It's not directly across from it.

Mr. Apicella: Can you pull that GDP back up?

Ms. Cameron: I'm sorry. So what you're saying is, for the pickup window itself?

Mr. Apicella: Yeah.

Ms. Cameron: GDP, sorry. So the question is, is there a speaker here...

Mr. Apicella: Yes.

Ms. Cameron: ... as part of the pickup window? It's a person not a speaker.

Mr. Apicella: Okay, gotcha. Alright, that mitigates my concern on that one.

Unknown speaker: Not a robot.

Mr. Apicella: Not a robot.

Ms. Cameron: Yet.

Mr. Apicella: At least at the moment. Okay. I think that, I think that's it.

Ms. Cameron: Okay. Thank you.

Mr. Apicella: Thank you. Alright, so I'm gonna, I'm going to bring this back to the Commission, but I think what we'd like to do potentially is entertain a couple of additional conditions and I think Mr. Shelton has one on trucks. I have one on maximum number of EV charging stations. So do you have some language?

Ms. Keith: For the trucks, and I'll check with our counsel, but there shall be no, no overnight parking of commercial vehicles on the property. It's pretty general.

Mr. Zuraf: Yeah, Mr. Chairman, that's, just kind of to interject on this one, that kind of might fall under the category of one of those conditions that's very difficult for us to enforce. Because when, if there's any violation of a conditional use permit condition, it involves our zoning inspectors going out and making sure that there's an actual violation. We typically don't do overnight, kind of middle of night, you know. It's gonna, it's gonna require some extensive monitoring...

Mr. Apicella: C'mon Mike, we're going to be calling you at 2 o'clock in the morning saying there's a big Mack truck sitting there.

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Mr. Zuraf: So.

Mr. Shelton: Could we say that the applicant will monitor?

Mr. Apicella: Yeah, that's probably just as difficult to enforce. That's probably even harder to enforce than. I, you know, my sense is it's in the applicant's interest not to have trucks there and the site design really kind of precludes it from happening pretty, pretty often. So can you live with that, Mr. Shelton, if we don't have a condition?

Mr. Shelton: I'm agreeable.

Mr. Apicella: Okay. I would just like to add at the end of the condition that speaks to fueling stations, and no more than 10 EV charging stations, assuming my colleagues are okay with that.

Ms. Keith: That's good. Do you, would you like me to read the entire condition now?

Mr. Apicella: No, I think we're, I think we're good. That's the only one we've added so.

Ms. Keith: Yes.

Mr. Apicella: Alright.

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

Mr. Apicella: Okay.

Ms. Sellers: Just... so I see where you're going with it. But there is, there are federal programs that are starting to invest in EVs, and this is within a mile of the interstate. And so it's going to fit in this national program. And if we limit that, let's say there is a whole bunch of money and more people do drive Evs, in order for Sheetz, this particular location, to be competitive, they would have to come back for a condition amendment, right? They couldn't just add more as the economy changes. That would be my only concern. There are federal dollars, it is within a mile of the interstate. So this is a good location for it. I don't know why we would limit, I don't know why we would limit this business from that potential revenue stream.

Mr. Apicella: I don't disagree. I just, again, my concern is, and maybe again it's another sort of self-regulating issue about potential queuing and that, that interrupting other traffic movement within within the site. But if you guys think that that's... I think probably one of the other self-regulating measures would be there's got to be a certain number of parking spaces to the general public who visit the station. So how many, do we know how many that would be?

Ms. Keith: Fifty-nine is maybe the site requirement and they are proposing maybe 65?

Speaker from audience: *Inaudible, not at microphone.*

Ms. Keith: They're proposing more.

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Mr. Apicella: That's it? That kind of solves the problem. Alright. Well, I can I can also live without that. So forget that I've recommended that. Ms. Caudill, this is in your district. How would you like to proceed?

Ms. Caudill: Motion to recommend to the Board, approve.

Mr. Shelton: Second.

Mr. Apicella: Motion to recommend approval by Ms. Caudill, seconded by Mr. Shelton. Any further comments? Ms. Caudill?

Ms. Caudill: No.

Mr. Apicella: Mr. Shelton?

Mr. Shelton: No, sir.

Mr. Apicella: Anybody else? I would just add, I know there was a concern about the number of gas stations. I don't necessarily think of the Wawas and the Sheetz just as a gas station. It sells food, kind of like the Hardee's. It's a convenience store. So I think not just people buying gas, but people from the motel, what have you, might want to visit the Sheetz; they have pretty good food, again, just like Wawa – not taking any preferences here. And the other thing I would say when we look at conditional use permits or rezonings in general, well, probably more so conditional use permits, the criteria doesn't really allow us to say, well, you've got X number of gas stations or X number of 7-Elevens or X number of whatever as a criteria for saying no. So I appreciate the concern that some folks might think we're saturated with gas stations, although again, this is close to interchange. It's not, it's not a criteria, at least the Planning Commission normally considers in deciding whether or not to move forward with a specific project. So with that in mind, there's been a motion made and properly seconded. Please cast your vote. Motion carries 6-0 with one absent (*Ms. Barnes absent*). Thank you very much. Alright, moving on through the agenda, the Clift Farm rezoning and CUP have been deferred to February 28th. So we're going to move on. There's no Unfinished Business. New Business, Mr. Zuraf.

3. RC20153640; Zoning Reclassification – Clift Farm – A proposed zoning reclassification, with proffers, from the A-1, Agricultural Zoning District to the R-2, Urban Residential – Medium Density Zoning District on Tax Map Parcel Nos. 46-79, 46-79H, and 46-80, together consisting of 56.91 acres (collectively, “the Property”), to allow for the development of an age-restricted residential community. The proposed proffers would restrict the permitted use of the Property to no more than 141 age-restricted single-family detached dwelling units; install transportation improvements; provide cash contributions to mitigate impacts; install necessary utility infrastructure to serve the site; provide community amenities; install specific landscaping and screening; commit to specific senior housing and neighborhood design standards; and require additional analysis and recognition of archeological resources located on the Property. The Property is located along both sides of Clift Farm Road, north of the intersection with Leeland Road, within the Falmouth Election District. The Property is subject to a concurrent request for a CUP for retirement housing in the R-2, Urban Residential – Medium Density Zoning District. (Time Limit: April 19, 2024) (History: **Deferred at the January 10, 2024 meeting to the February 28, 2024 meeting**)

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4. CUP22154813; Conditional Use Permit – Clift Farm – A request for a conditional use permit (CUP) to allow retirement housing in the R-2, Urban Residential – Medium Density Zoning District on Tax Map Parcel Nos. 46-79, 46-79H, and 46-80, together consisting of 56.91 acres (collectively, “the Property”). The retirement housing would consist of up to 141 single-family dwellings. The Property is located along both sides of Clift Farm Road, north of the intersection with Leeland Road, within the Falmouth Election District. The Property is subject to a concurrent request for a reclassification to the R-2, Urban Residential – Medium Density Zoning District. **(Time Limit: April 19, 2024) (History: Deferred at the January 10, 2024 meeting to the February 28, 2024 meeting)**

UNFINISHED BUSINESS

NONE

NEW BUSINESS

5. SUB22154532: Mainline Townhouses Preliminary Plan – A Preliminary Subdivision Plan to create 114 townhouse lots on Tax Map Parcel Nos. 45-67, 45-67A, 45-69, 45-94, 45-95, and 45-96 (portion), zoned UD-3, Urban Development – Residential Mixed Use with proffers, on 14.74 acres, located on the north side of Warrenton Road, approximately 1,020 feet east of RV Parkway, within the George Washington Election District. **(Time Limit: March 24, 2024)**

Mr. Zuraf: Please recognize Natalie Doolittle for the presentation for this one.

Ms. Doolittle: Alright. Good evening, Mr. Chairman and members of the Commission. Item number 5 is a request for approval of a preliminary subdivision plan for Mainline Townhouses, SUB22154532. Next slide please. I don't know why it's not working. Thank you. Before I get into the details of the application, I'll go over what a preliminary subdivision plan is, and what the state and county code say about them. A preliminary plan is a – did I do that? Thank you. A preliminary plan is a proposed schematic representation of the subdivision. It is reviewed by County staff and VDOT prior to coming before the Planning Commission for final approval. The plan is approved prior to submission of the engineered construction plan. Stafford's Subdivision Ordinance requires the Planning Commission to review and approve preliminary subdivision plans. State Code requires the submission of a preliminary subdivision plan if it is proposing more than 50 lots. It is optional if proposing 50 or less lots. If the Planning Commission does not approve the preliminary plan, the Commission shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval by the Planning Commission. Disapproval must be based on ordinance requirements not being met. The subdivider may appeal disapproval to the Circuit Court. Continuing on with the application for Mainline, the proposed subdivision is located on a portion of several parcels on Tax Map 45, on the north side of Warrenton Road approximately 1,020 feet east of RV Parkway. The total acreage for the site is 14.74 acres, zoned UD-3, Urban Development Mixed Residential, Residential Mixed-Use. The plan proposes 114 single-family attached townhouse lots served by public water and sewer. And the owner and applicant is Mainline Holding Company, LLC. Here's a map showing the location of the proposed subdivision subject to the preliminary plan, shown with hatching. As previously stated, it's located along the north side of Warrenton Road, east of RV Parkway. The site is adjacent to B-2 and M-1 zoned properties to the west, R-1, M-1, B-1, and B-2 to the east, R-1 to the north, and B-2 and M-2 to the south on the opposite side of Warrenton Road. And here's an aerial map showing the site outlined in yellow with the preliminary plan area shown with hatching. The northern portion of the site is currently wooded with Falls Run to the north, and the southern portion of the site is open area with existing buildings that

are to be removed. The Ordinance allows up to 12 units per acre for townhouse developments in the UD District and the plan proposes a density of 7.74 dwelling units per gross acre. The preliminary plan is for the townhouse portion of the development only. A major site plan application has been submitted for the multi-family portion of the development that was also approved as part of the rezoning. The preliminary plan proposes 114 townhouse units. The main entrance into the development will be from Warrenton Road at Glen Alice Lane. No amenities are proposed with this preliminary plan; however, the apartment major site plan proposes the proffered amenities to include a clubhouse, fitness center, swimming pool, two grilling and dining areas, a firepit area, playground and tot lot area, half-court basketball court, walking trail, multi-purpose game area, dog park, community garden, pickleball courts, and bicycle racks. The clubhouse, fitness center, swimming pool, two grilling and dining areas, and a fire pit will be completed prior to the issuance of the first residential certificate of occupancy permit. All the remaining amenities will be completed by no later than the issuance of a certificate of occupancy for the 144 multi... 144th multi-family unit or the 50th townhouse unit, whichever occurs first. And the applicant requested modifications to the townhouse building type at the time of the rezoning, which were approved. The requested modifications included reducing the minimum lot width from 24 feet to 22 feet, reducing the maximum or the minimum lot size from 2,400 square feet to 2,000 square feet, and changing the primary street Build 2 zone from a maximum of 15 feet to a maximum of 30 feet, as well as having the parking setbacks match the layout shown on the Generalized Development Plan. The applicant also requested to provide perpendicular parking, which is an alternative parking angle to what is provided in the code for the UD District. The request was approved by the agent and also matches what was approved on the master plan. The majority of the streets will be state maintained and the remaining streets will be ingress/egress easements and privately maintained per Section 22-177 of the Subdivision Ordinance. All new roads will include curbs, gutter, and sidewalks along both sides. An inter-parcel connection with – I can't say it – Schnabel Terrace is proposed with Tax Map Number 45-93 to the east, and I'll try this, which is here. And an ingress/egress easement will be dedicated along Bellmouth Place to the property line adjacent to Tax Map 45-92 to the east, which is here, for a potential future connection not being constructed with this project. A portion of this... oh, sorry, wrong slide.

Mr. Shelton: Mr. Chairman, could I ask a question?

Mr. Apicella: Please.

Mr. Shelton: Would you back up to the previous slide please? You say a majority of the streets are state maintained. Who maintains what's not maintained by the state?

Ms. Doolittle: The HOA would be maintaining that.

Mr. Shelton: But do they meet state criteria?

Ms. Doolittle: I believe so; I might defer to the app... or the engineer.

Mr. Shelton: Okay, thank you.

Ms. Doolittle: Alright. A portion of the site lies within the 100-year floodplain and Critical Resource Protection Area along the northern area of the development associated with Falls Run. No development is proposed within the 100-year floodplain or the adjacent Critical Resource Protection Area. There will be minor impacts to the wetland area in the southeast corner of the site. The open space will be dedicated to the Homeowners Association for common use to benefit the property owners. The proffers for the development allow a maximum number of residential townhouse units not exceeding 114. Some proffers

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only apply to the multi-family portion of the project and are not applicable to this preliminary plan. In addition to the proffered amenities being constructed with the major site plan for the apartments, the proffers include cash proffers for schools and public safety. Also, per proffer 5.c., the applicant shall deposit \$100,000 in a third party escrow account to assist persons purchasing a town house unit who is deemed a hometown hero – active military veteran or a Stafford County government employee – with a maximum amount of \$5,000 per applicable townhouse unit purchased by a hometown hero. Staff recommends approval of this preliminary subdivision plan and finds that the plan is in compliance with all applicable ordinance requirements. And that concludes my presentation. I'm happy to answer any questions. And the engineer and applicant are here to answer your questions as well.

Mr. Apicella: Thank you, Ms. Doolittle. Questions for staff? Just for context, this is one of the few things that's solely within our purview. We're actually not just making a recommendation. We're actually approving...

Ms. Doolittle: Correct.

Mr. Apicella: ... or disapproving the plan. What's, what's the consequence if we deny it?

Ms. Doolittle: Well, you would just need to make, you would need to put in writing what the deficiency with, the deficiencies with the plan are, what code requirements it's not meeting.

Mr. Apicella: Again, since we have some new members, I just kind of want to frame this in a broader context. And if, if we were again to disapprove it, and we indicated what our issues were, what would the next step be for an applicant? Can they, do they appeal it to the Board or do they appeal it to the court?

Ms. Lucian: They appeal it to the Circuit Court.

Ms. Doolittle: Yeah, to the Circuit Court.

Mr. Apicella: Right. I just again, I just wanted to get it out there so folks understand how this process works. Alright. No questions?

Mr. Shelton: I have one.

Mr. Apicella: Alright, go ahead, Mr. Shelton.

Mr. Shelton: The floodplain that you're talking about, if I'm remembering the site, there's a drop-off that goes down to Falls Run Creek, probably 7,500 feet. How do we get that in the floodplain?

Ms. Doolittle: I may defer to the engineer.

Mr. Shelton: Okay, thank you.

Ms. Doolittle: Yep, no problem.

Mr. Apicella: Thank you. Alright, would the applicant like to come forward?

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Mr. Pyle: Good evening, members of the Planning Commission. My name is Bill Pyle, with Bowman Consulting. The question regarding the streets. Yes, the private streets are still constructed to VDOT standards. I'll probably do even worse than everybody else, if I...

Mr. Apicella: Computer please.

Mr. Pyle: I might mess this up. Am I good? Yes? Okay, thank you. The only private portions of the streets for the preliminary plan are here and here. So everything else shown on the preliminary plan portion of this are the public streets. The question, can you rephrase the question about the floodplain?

Mr. Shelton: Well, as a young man, I grew up in Falmouth, and there was a dump there. And of course, I got the privilege of shooting rats. And there is a fall as you get to the end of that property that shoots down to the Falls Run. I see that, if my memory serves me correctly, about a 75 foot drop. How do we flood 75 foot of Earth?

Mr. Pyle: Well, FEMA comes up with the floodplain line and it's typically based on very high level, high level like vertically, like elevation photogrammetry. And they, they, they project a line. And the line is based on large scale flow calculations. And they kind of project a width over certain cross sections. And one of those cross sections might be pretty flat. And if they calculate it there, and it says it's a certain width, and then you get to a spot where it's, you have 75 feet of fall, clearly, it's not going to get up that hill, but they just project that line. And none of our, none of our improvements are in... excuse me... are in that floodplain. But I think that's, that's how FEMA generally comes up with this.

Mr. Shelton: Thank you very much.

Mr. Apicella: Other questions for the applicant? Thank you, sir.

Mr. Pyle: Thank you.

Mr. Apicella: It's the George Washington show. So Ms. Caudill, this is in your district. Again, what you would potentially do is make a motion either to approve or disapprove the proposed preliminary subdivision plan.

Ms. Caudill: Do I have to do that? Or can I defer it?

Mr. Apicella: You can defer it. I would like to defer it just to look into this and the approval of everything and kind of know where I'm at with it. Because this is the first time I'm kind of hearing about it, just from Friday. So I don't want to make a decision on that.

Ms. Sellers: I'll second.

Mr. Apicella: So it's a, defer to the second meeting in February, although that's pretty, pretty jammed up, I think. Mr. Payne?

Mr. Payne: Thank you, Mr. Chairman, other members of the Planning Commission. Charlie Payne, I represent the applicant. I'm typically not here for a preliminary plan review and thank goodness the engineer was because he was able to answer the RPA question. I'm very familiar with that location as well, being a Falmouth Bottom boy myself. But time is really of the essence, and I appreciate and respect Ms. Caudill's position about getting caught up on this. We're in the middle of borrowing money and

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starting construction, and that process has started. So further delay would have, it would have an impact on the client. So I just wanted to share that with you. So the sooner, if you are going to defer this, the sooner we can get back to the Planning Commission, we'd really appreciate that.

Ms. Caudill: Mr. Chairman?

Mr. Apicella: Thank you, Mr. Payne.

Ms. Caudill: Can I request a five minute break just to look at this before we defer?

Mr. Apicella: Sure, we can take a five minute break.

Mr. Payne: Thank you.

Break – 8:38 PM

Reconvened – 8:45 PM

Ms. Caudill: Sorry about that. I am going to make a motion to defer to one of my...

Mr. Apicella: Well, you can just defer to and then you don't have to make a motion.

Ms. Caudill: Defer to someone to make a motion.

Mr. Apicella: Is there someone else who would like to make a motion?

Ms. Sellers: Mr. Chairman, I'd like to move approval.

Mr. Martinez: Second.

Mr. Shelton: Second.

Mr. Apicella: I'm going to, I'm gonna give it to Ms. Sellers and then to Mr. Martinez. Thank you. There's a motion to approve the proposed preliminary subdivision plan, seconded by Mr. Martinez. Any further comments, Ms. Sellers? Mr. Martinez?

Mr. Martinez: Nope.

Mr. Apicella: Anybody else?

Mr. Shelton: No sir.

Mr. Apicella: Alright. Please cast your vote. It's not a public hearing. Okay, that motion carries 5... I'm trying to read this... that motion carries 5 with 1 abstention (*Ms. Caudill abstained*) and one absent (*Ms. Barnes absent*). Thank you. Okay, we're gonna move on to the next item, item number 6. Thank you, Ms. Doolittle.

6. CUP23154899; Conditional Use Permit – Aquia Towne Center Starbucks – A request for a time extension pursuant to Stafford County Code Sec. 28-185, “Conditional use permit.”

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Mr. Zuraf: Mr. Chairman, I can cover this item. So we added this item to the agenda. We have... this issue is a consideration for a time limit extension for a conditional use permit application for a project that's in with the County. It's known as Aquia Towne Center Starbucks; it's a conditional use permit. So just kind of for some background, the County Zoning Ordinance does specify that any conditional use permit that exceeds 12 months from the date of submittal of a complete application may only be extended by a written request to the applicant, subject to approval by the body currently considering the application, either the Board of Supervisors or the Planning Commission. So since the Planning Commission will be the first to consider this application, you guys will be the group to consider this extension request beyond 12 months. So, so Starbucks, they filed the application for the use permit. It's to allow a drive-through in B-2 zoning in the Highway Corridor. It's a site within Aquia Towne Center. The application was deemed complete back on February 16, 2023. So the 12-month time limit, that falls on February 16, 2024. And so, you know, over this past year, the applicant's been working to address all the staff comments. And at this point, you know, sometimes the applications take longer than, than we'd like, for one reason or the other. So this one has, and it actually will soon be ready for, to be scheduled for a public hearing, potentially as soon as in February. So it's kind of progressing. And and so also, the request is to extend the time limit to July 1st of 2024. And so staff does support the adoption; it would be adoption of Planning Commission Resolution 24-01. So, and I think also another point as why we support it is the extension to July 1 would give the Commission adequate time to consider the application, it would give you the full 100 days that is allotted to the Commission to consider the application.

Mr. Apicella: Thank you, Mr. Zuraf. Just to be clear, we've not done this before. You guys are sure that we have the authority on our own to grant an extension without going to the Board and seeking their permission?

Ms. Lucian: You do because the application has not gotten to the Board yet. And the way the code reads, it's in the Planning Commission's hands at this point. We've seen these at the Board level, but it's typically already after you've seen it that the deadline has passed.

Mr. Apicella: Gotcha. Thank you. Any questions for staff on this?

Mr Martinez: Mr. Chairman, just a quick question. Does the applicant believe he can, they can meet all those, all the communication and answer all the questions that Planning staff have and be ready to go? I think you said February?

Mr. Zuraf: Yeah, I think we're very likely that it may be scheduled for February 28th meeting. I'm not positive, but I think it's very much close to that happening.

Mr. Martinez: Okay.

Mr. Apicella: Alright. No further questions? Mr. Martinez, this is in your area. Would you like to make a motion?

Mr. Martinez: I'll make a motion to approve the extension.

Mr. Shelton: Second.

Mr. Apicella: Okay. Any comments, Mr. Martinez?

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Mr. Martinez: No.

Mr. Apicella: Mr. Shelton?

Mr. Shelton: No, sir.

Mr. Apicella: Nobody else. Please cast your vote on the motion to approve the extension of this application until July 1st. Motion carries 6-0 with one absent (*Ms. Barnes absent*). Thank you everybody. Planning Director's Report, Mr. Zuraf.

PLANNING DIRECTOR'S REPORT

7. Project Pipeline Report (For Information Only)

Mr. Zuraf: Mr. Chairman, the only item to share... *inaudible, microphone not on*... the PC Pipeline Report. Sorry. So yeah, the only item I have to talk about this evening is the Planning Commission Pipeline Report that you have received. And I'll note that there are no items scheduled for the next meeting.

Mr. Apicella: So was that a hint-hint recommendation to cancel the February 14th meeting, which I know everybody will be crushed, that we cancel that meeting if that's what we decide to do?

Mr. Zuraf: Yes, sir.

Mr. Apicella: Is there a motion to that effect? I'm sorry?

Ms. Sellers: I move to cancel the 14th.

Mr. Shelton: Second.

Mr. Apicella: Alright. Please cast your vote on canceling the meeting. Shocking, I can't believe that passed, 6-0 (*Ms. Barnes absent*). I know our spouses will be very thankful and our significant others. County Attorney's Report, Ms. Lucian.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: I can't believe you canceled that meeting; I had a report planned. No, I don't have any report. Thank you.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Mr. Apicella: Thank you, Ms. Lucian. Chairman's Report. The only thing I want to bring up is just a reminder that your state ethics forms are due by February 1st. Who do they get those two?

Ms. Lucian: County Administration.

Mr. Apicella: Okay.

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Ms. Lucian: Or Stacie.

Mr. Apicella: Okay. And just a reminder, if you don't get it on time, there's a potential what, \$250 fine? So please, please take care of that. Other Business – none. Approval of Minutes. Anybody want to make a motion to approve the December...?

OTHER BUSINESS

8. New TRC Submissions - *None*

APPROVAL OF MINUTES

9. December 13, 2023

Mr. Shelton: Motion to approve.

Mr. Apicella: Second somebody?

Ms. Sellers: Second.

Mr. Apicella: Alright. Please cast your vote on approving the minutes. Motion carries 6-0 (*Ms. Barnes absent*). And with no further business...

Ms. Sellers: I have one thing to add.

Mr. Apicella: Okay.

Ms. Sellers: I wanted to bring it up. I mentioned it during that one public hearing. But would there be an interest to sit through a presentation by the Port of Virginia and to see, because what the Port has done is actually put together a model of where they need distribution centers, fulfillment centers. And they talk about what the difference is and how it's, what it, the impact of the things going on at the port that impact the communities in Virginia. And I don't know if you can bring that up with the Chairman of the Board of Supervisors when you guys talk, but maybe have a joint session, like a town hall or something where we bring them in and all... inaudible... hear their presentation, even potentially with the EDA because we are seeing a lot of what these fulfillment and distribution centers are coming from the port. And once we widen that channel in the next few years, and complete that project, it's only going to get bigger. So I think it would be helpful.

Mr. Apicella: What do folks think?

Mr. Shelton: I think it's an excellent idea.

Mr. Apicella: So can you raise it to the Board as well and see if they'd be interested in doing a joint meeting and if not I think we'd be fine doing it on our own. But if we do it on our own, not on a day when we have a lot of other business.

Mr. Zuraf: Yes, Mr. Chairman, we'll raise this issue with County Admin.

Mr. Apicella: Great, thank you. Alright. No other business? Meeting adjourned.

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ADJOURNMENT

At 8:54 PM, Chairman Apicella adjourned the January 24, 2024, Stafford County Planning Commission meeting.