

STAFFORD COUNTY PLANNING COMMISSION

April 24, 2024

The meeting of the Stafford County Planning Commission of Wednesday, April 24, 2024, was called to order at 6:01 PM by Chairman Steven Apicella in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Steven Apicella, Willie Shelton, Jr., Kristen Barnes, Kelsey Caudill, Laura Sellers

MEMBERS ABSENT: Carlos Bratton, Martin Martinez

STAFF PRESENT: Kathy Baker, Lauren Lucian, Stacie Stinnette, Ginny Adams, Mike Zuraf

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any changes to the agenda? Alright, seeing none, are there any declarations of disqualification? Okay, so I'm going to open the Public Presentations portion of today's meeting. The public may have up to 3 minutes to comment on any matter except the two public hearing items on today's agenda. There'll be a separate comment period when those items 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 1 minute left. Red means your time is up. So if there's anyone interested in commenting, please come forward now.

PUBLIC PRESENTATIONS

Mr. Stencavage: Peter Stencavage. Today I stand before you with a grave concern that weighs heavily on the well-being of our community. The proposal to erect a Buc-ee's in our residential area not only poses a threat to our health, safety, and security, but also endangers the lives of those who traverse our streets daily, especially our school buses and young drivers. Let's start with the health aspect. Buc-ee's is known for its massive size, strong and thousands of visitors daily. With that influx of people comes increased pollution, noise and light pollution, all of which can have detrimental effects on the physical and mental health of nearby residents with property lines as near as 500 feet from the proposed Buc-ee's. Studies have shown that proximity to large commercial areas can lead to higher levels of stress, respiratory issues, and sleep disturbances among residents. Is it fair to sacrifice the well-being of our community for the convenience of others when more suitable options are available within Stafford County? Now let's talk about safety and security. Adding a crowded, frenzied, commercial establishment like Buc-ee's near a residential area opens the door to a host of safety concerns, including more opportunities for crime, vandalism, and disturbances. Our once peaceful community could become a target for criminal activity and the presence of such a large amount of people can overwhelm local law enforcement making it difficult to maintain order and respond promptly to emergencies, especially given the proximity to I-95, the exacerbation of the large volumes of traffic that already exist in the area. Perhaps one of the most alarming consequences of this proposal is the impact it will have on the safety of our young drivers. The substantial increase in the number of cars in our area is a statistically significant risk factor for accidents. This increase in traffic volume will directly correlate to a higher likelihood of accidents, especially in areas where young, inexperienced drivers must navigate their way to school. The added congestion, coupled with the stress of rushing to make it to class on time, and drivers rushing through their journeys creates a recipe for disaster. Are we willing to gamble with the lives of our children for the sake of a few more dollars in our coffers when there are less impactful locations available? I also have to express my disappointment in the lack of transparency and community involvement in the decision-making process. This is deeply troubling. It's outrageous that those of us living adjacent to the proposed site were neither notified nor consulted about such a significant change

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that directly impacts our lives. Our voices matter and they deserve to be heard. In conclusion, I implore you to deny this proposal and consider it in a less impactful area. This is a matter of significant health, safety, and security concerns. We cannot ignore the potential consequences it poses for our well-being and the well-being of future generations. I urge you to stand with me, our community, and our youth in opposing this development and protecting the sanctity of our community. Thank you.

Mr. Apicella: Thank you, sir. Is there anybody else?

Ms. Maxson: I agree with speaker number one of the first speaker. A smaller station would be a little bit better. We just had awareness to human trafficking and not that it is related to this fine establishment, Buc-ee's, but it is related to trucks. And oh, my 3 minutes needs to start ticking. Thank you. I don't want to take more time than the average person. 2415545, Staffordshire, consisting of 1076 acres does not come up with the results when searching the number under the business page. That would be 403 of 404 in our packet. The development is misspelled in the county residential projects, 2/12/2024. Exhibit G, Phase 1 and 1B archeological report will not open for RC23154991 Zoning Reclassification, public cannot read it. I find that I need to refresh my page and then click because there's something in the application that doesn't allow multiple files to come up but that wouldn't even work. There's a broken link, 404 Page Not Found, transportation engineering under departments P-Z public works. The whole department link is gone so all the links to the capital design and construction. Transportation Engineering is also gone. May, 12 20... oh excuse me, department, oh, excuse me. US 1 improvement, Stafford Courthouse is under Fredericksburg District Route 1 improvements of Stafford Courthouse and it is cropped out off the south of the design is cropped off so it does not show the complete project. And I want to thank all of you that are helping us and hopefully, we'll work together. Thank you.

Mr. Apicella: Thank you, ma'am. Anybody else who'd like to come forward? Alright. We'll move on to the next agenda item. Ms. Baker.

PUBLIC HEARINGS

1. WAI24155458; Departure from Design Standards – North Stafford Office Park Complex Firestone – A request for a departure from the Design and Construction Standards for Landscaping, Screening and Buffering Manual (DCSL) on Tax Map Parcel No. 19-31J (Property), zoned B-2, Urban Commercial, and partially located in the Highway Corridor Overlay District. If granted, the departure would permit relief from DCSL Sec. 110.0, "Buffer Yards," to allow for deviation from required plant types within street buffer planting areas; Sec. 110.2, "Street Buffers adjacent to Arterial or Collector streets," to allow parallel utility easements within the required planting area for street buffers along Furnace Road; and Sec. 200.0, "Definitions," to allow planting areas within parallel utility easements along Furnace Road. The Property consists of approximately 1.82 acres, located southeast of the intersection of Garrisonville Road and Furnace Road, within the Rock Hill Election District. **(Time Limit: June 23, 2024)**

Ms. Baker: Yes, please recognize Ginny Adams for the presentation for WIA24155458, Departure of Design Standards.

Mrs. Adamss: Computer please. Thank you. Good evening, Chairman Apicella, members of the Planning Commission. Tonight I'm presenting a request for departure from landscape design standards to the Firestone to be built at the North Stafford Office Complex. It is a request for a departure from design standards from the Design and Construction Standards for Landscaping, Screening and Buffering

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in the DCSL manual. The sections are 110.0, 110.2, and 200.0. The location is at the North Stafford Office Complex and it's for the new Firestone location. The Tax Map Parcel is 19-31J. The site area is 1.82 acres. The district is the Rock Hill Election District and the applicant is, I'm gonna mangle the name so I'm just gonna say CEI Engineering Associates, Incorporated. The subject parcel to be developed is for a Firestone repair shop is shown outlined in red on the aerial view. The location is on Furnace Road, south of Garrisonville Road in the North Stafford Office Complex. To further delineate where the site is located, it is south of the Sheetz and west of the Walmart Marketplace. The existing parcel is zoned B-2, Urban Commercial, and a portion of the parcel is zoned for the HCOD and that is the area that is shaded above the purple line. This slide shows the proposed layout for the Firestone building. The building will be a one-story building of approximately 5,798 square feet. To access the site would be from Furnace Road using one of the existing inter-parcel drives serving the North Stafford Office Park Complex. And along Furnace Road there's an overhead easement for the Dominion Power lines. This parallel easement along Furnace Road is the primary reason for this departure request, as there is no room to shift the street buffer to avoid it. In Section 28-82 of the Zoning Ordinance, which requires buffers in accordance with Section 100 of the DCSL. In Section 110.22 of the DCSL, for street buffers adjacent to arterial or collector streets, requires a 15 foot-wide street buffer with a 50-plant unit per 100 linear square feet for all non-residential development, and it must also be exclusive of parallel easements. If the applicant is unable to meet the identified requirements, a departure from design standards is required in accordance to Section 143.0 of the DCSL. The applicant is requesting a departure from design standards to deviate from the DCSL. These sections relate to the same requirement. Required planting areas may not be located within easements that run parallel to the roadway or property line. A departure for the plant mixture requirements is needed due to the inability to plant canopy trees in the Dominion easement. By using understory trees, shrubs, and grasses, the required plant units can be met. This slide shows an overall view of the site with a proposed street buffer adjacent to Furnace Road in orange. The street trees that are going to be along the North Stafford Office Complex, access roads are shown in green. Let's see. The street buffer under discussion tonight is circled in orange. The street trees circled in green are not part of this request. All easements have been included to provide an overall view of where they are located on the parcel and I will go into greater detail on the next slide of the Furnace Road street buffer. Sorry, I keep hitting the mic. The street buffer area along Furnace Road is subjected to a 15-foot wide street buffer which must be exclusive of all easements, running parallel to the roadway. The red outline represents the Dominion Power easement and approximately the same location of the proposed street buffer. There's no place to locate the street buffer outside of the easement due to the property line, sidewalk, and edge of pavement in the parking lot. As proposed, they will meet the plant unit requirements using the combination of understory trees, shrubs, and ornamental grasses. This will satisfy the minimum plant quantity requirement of 100 plant units and they're proposing 104, so they're exceeding it slightly. However, the proposed plantings will be located within the Dominion easement. For the Furnace Road street buffer, the departure request is to allow the street buffer to be located within the parallel Dominion easement and to allow for departure from the required plant unit types. Just as a slight aside, Dominion has a list on their website of what kind of plant they allow. They're all understory trees, shrubs, or grasses. By making the alterations and not using canopy trees, they're making a nice, as far as I'm concerned, selection of trees there to cover the requirements. Section 143.0 of the DCSL permits the Planning Commission to grant departure if the applicant demonstrates a hardship and provides techniques to accommodate the requirements to the maximum extent practicable. The applicant shows hardship created due to the location, the existing Dominion Power easement, and the impacts on developing feasibility if the easement were to be avoided. The total required plant units are being met or exceeded. The applicant has followed the Dominion guidelines for understory trees and shrubs to allow the plantings as proposed. Staff believes that the applicant's request meets the requirements for a departure pursuant to Section 143.0(b) of the DCSL and recommends approval of WAI24155458. Any questions?

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Mr. Apicella: Thank you, Ms. Adams. Questions for staff? Ms. Barnes?

Ms. Barnes: Okay. So, when we originally went in and approved Firestone, we had talked about the buffer along Furnace Road because there's a couple of residential houses across the street and we had discussed making it 70% evergreen. Is that still the case along Furnace Road?

Mrs. Adams: Along Furnace Road, there are some evergreens. The predominance, I believe, the predominance of the evergreens are within the interior plantings. I believe the applicant is here tonight and I'll defer to him to answer that question.

Ms. Barnes: Because that was one thing that we had had discussed, and they had agreed to do at least 70%. So, what's my understanding is that they can't do the big trees, the big canopy trees. But that if you do the understory trees and the shrubs that those could still be evergreens and could still possibly provide that year-round kind of buffer that I'm looking for those residential across the street.

Mrs. Adams: Correct. The schedules that they've submitted looks like that they've covered that, but I'll let the applicant answer that question in further detail.

Ms. Barnes: I'll ask you when you get up.

Mrs. Adams: Okay, or anything else?

Mr. Apicella: Other questions? Ms. Sellers?

Ms. Sellers: What's the definition of hardship again? Mr. Apicella, you usually ask that.

Mrs. Adams: In this case, I don't have the exact words of hardship but with the layout of the parcel, and the location of the sidewalk, and the Dominion overhead power lines and the parking lot I don't see where they could put trees anywhere else and they have to be within a certain distance of the pavement anyway. They have to be within 25 feet. It kind of limits what they can do there.

Ms. Sellers: Yeah, but I think a hardship has something to do with they probably knew that going into getting this property and rezoning this property and... I'll look for it when we hear the applicant. But usually Mr. Apicella asks a similar question to this, but you know, it's not just with the sidewalk and the easement, the easement was there.

Mrs. Adams: Correct, and the easement is an overhead easement from Dominion and they do allow understory plantings within that easement, which mitigates in my mind somewhat the hardship because, but the hardship is they can't do the canopy trees within that easement.

Mr. Apicella: Mr. Shelton? Ms. Barnes?

Ms. Barnes: So, I do remember that when we approved this that it actually was presented to us and we were told specifically before we voted for the approval of that there would be a departure from design standards coming to us. So that's something that when we voted for it, that we were aware that that was going to happen. Correct?

Mrs. Adams: In talking to Evelyn, that's my understanding, yes.

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Ms. Barnes: Okay. Thank you.

Mr. Apicella: Other questions? Thank you, Mrs. Adams. Would the applicant like to come forward?

Mrs. Adams: Did you want me to flip it to any of these screens for you?

Mr. Hamula: Yes.

Mrs. Adams: That one work, or would you prefer that one?

Mr. Hamula: No, the other one was great. Okay, thank you.

Mrs. Adams: There is a pen here where you can use this pointer.

Mr. Hamula: Good evening. My name is Todd Hamula. I'm with the development company called Zarembo and we're the developer for the project. CEI is the engineer. They're listed as the applicant. The Dominion overhead power line easement that's existing is a 15-foot wide easement there. The hardship is that we also have about a 10,000 square-foot open green space on the back of the lot that we're not able to develop. It's part of the overall acreage and what it does is it greatly reduces, I guess, the amount of area that you could develop. You can see it. It's the triangular space, kind of on the right-hand of the screen, kind of on the backside of the property. So that's the area of the property that's like internal to the shopping center, where there's AutoZone and there's Walmart. And the other thing is the 15-foot wide easement area, Sheetz, when they developed up to the north of this, they also, they too took advantage or they utilized this 15-foot easement area and they have a planting within the 15-foot area. So, this is consistent and our development is consistent with the landscaping that they have in front of Sheetz on Furnace. We're kind of minimized with, I guess, the square-footage of property that's available. What we're trying to do is, we're trying to develop the property so that what it fronts on Furnace, but also has access points that are internal, and you can see where they line up to the back of the building. The project, when it was approved and the conditional use permit was granted, it was presented that this hardship, that this deviation would be part of the project, so this is not new. And we did agree back then to a 70% evergreen requirement on Furnace Road. So that is, that is proposed. And that is what we will intend on doing so the plantings that you'll see there are going to adhere to that, abide to that, 70% evergreen requirement.

Ms. Barnes: Okay, that word "intent" got me. You are going to do it.

Mr. Hamula: I'm sorry. We will. We'll comply.

Ms. Barnes: So, because it's part of this overall landscape plan, and we're looking at it right here, does that, is that like similar to a GDP that that's what's going in there?

Mr. Hamula: That's what's going in the area in orange, yes. Correct.

Ms. Barnes: Okay. Because I see the dogwood and I see red bud and I don't know what those are but I'm assuming and hoping that those are some evergreens. Now, I know the folks that live across the street they've been living across the street from the Sheetz and the Walmart and everything but why not put some evergreens up there and make it look a little bit better. My other question is, is because that park is over there on the west side, if that wasn't there, you could scoot that over a little bit, you could

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scoot the whole buffer over out of the Dominion easement and have no problem and have those canopy trees. But because that park is there, you simply can't do that. Okay, thank you.

Mr. Hamula: That's correct. So, I'm here tonight to basically just explain that we have not purchased the property. Our purchase/acquisition of the property is contingent upon getting approvals. This is, I understand, the last approval needed before staff can finalize the engineering and the building approval. And we're, you know, we're excited about bringing the project into Stafford, you know, with your approval tonight. If you have any questions, you know, I'm here to answer your questions.

Mr. Apicella: Additional questions for the applicant? Thank you. Looks like you're good.

Ms. Lucian: Mr. Chairman, I did look up the standard of hardship and it simply says the applicant shall show hardship for the departure and show any techniques being provided to accommodate the initial requirements to the maximum extent practical. It's not defined any further than that.

Mr. Apicella: Thank you, Ms. Lucian. Okay, I'm going to open the public hearing on this matter. This is an opportunity for the public to comment on this specific public hearing item. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's 1 minute left. Red means your time is up. So, if there's anyone who'd like to speak on this one, please come forward now. Seeing no one, I'm going to close the public hearing on this item and bring it back to the Commission for consideration. Ms. Barnes, this is in your area. How would you like to proceed?

Ms. Barnes: I'd like to recommend approval of WAI24155458, Departure from Design Standards for the North Stafford Office Park Complex.

Mr. Shelton: Second.

Mr. Apicella: Okay. There's a motion and a second recommending approval. Ms. Barnes, any further comments?

Ms. Barnes: Just that I appreciate that the applicant is making an effort to create the best buffer that they can. You know that I'm all about the buffers and the evergreens. That's always the first thing I ask for and they agree to do that. It's unfortunate that they can't put in those canopy trees; that would create a great buffer. But is in the Dominion easement and I understand that Dominion does not let you do that. In addition, that when we did approve this particular project, we were made aware during, before we voted on it and during the application process, that the departure from design standards would be required because of the Dominion easement. And as I said before, a lot of times we catch some flack because we approve these tire stores and things that people are kind of tired of seeing but you know, they all seem to turn a profit and we seem to have some thirsty cars. That's the last, I think that's the last parcel over there. That has been sitting there for a while with some efforts to put many things in there but Firestone seems to be the last man standing so I will recommend approval

Mr. Apicella: So, no pun intended when you said tired. Mr. Shelton? Anybody else? Alright, please cast your vote recommending approval. Okay, that motion carries 4-0 with two absent (*Mr. Martinez and Mr. Bratton absent*). Thank you very much. Next agenda item, Ms. Baker.

Ms. Baker: Yes, please recognize Mike Zuraf for the Comprehensive Plan Compliance Review for Telecom Tower Milestone VDOT at Aquia.

2. COM23155369; Comprehensive Plan Compliance Review – Telecom Tower Milestone VDOT Aquia – A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for the placement of a proposed telecommunications monopole and ancillary equipment, in Virginia Department of Transportation right-of-way (Tax Map Parcel No. 21-ROW), located on the southwest corner of the intersection of Richmond Highway and the Interstate 95 Exit 143A ramp, within the Aquia Election District. **(Time Limit: June 23, 2024)**

Mr. Zuraf: Computer please. Thank you. Good evening, Mr. Chairman, members of Commission. Mike Zuraf, Planning and Zoning Department here to go over the staff report on this item. This is Telecom Tower Milestone VDOT Aquia Comp Plan Compliance Review. So, this is a comp plan compliance review to determine if the location of a telecommunications facility is substantially in accordance with the Comprehensive Plan. The property is defined as Tax Map Parcel 21-ROW. It essentially is an area that's within VDOT right-of-way. It's in Aquia Election District. Milestone Towers is the applicant. Phil Stettler will be presenting for Milestone this evening. Also, as noted, that's in VDOT right-of-way so VDOT does control the land that this tower would be sited on. Typically, this is a use that would, you would see a concurrent conditional use permit, but since this is within VDOT right-of-way on unzoned land there's not a conditional use permit requirement in this situation. But the Comprehensive Plan Compliance Review still applies and still is a required step in the process. So, the site, the property is located on the southwest corner of the intersection of Richmond Highway and the Interstate 95 exit 143A ramp in the spot where the orange circle is located on this map. Here's the zoning of the surrounding area. As noted, the site itself is unzoned under VDOT right-of-way. Surrounding you have B-2, Urban Commercial zoned property to the north, south, and east. That's the pink shaded areas. And then further to the west, across the Interstate 95, you have R-2, Urban Residential zoned land. Here's an aerial view of the location. It's in an undeveloped area to the south of the exit ramp within an area that has an existing stand of trees. Site topography is generally level in this location and does sit at a high point with some steeper slopes to the south and west as you go down the exit ramp back towards 95. There are various commercial uses that surround the site on all sides. The closest residential use is the Aquia 15 apartments, approximately 650 feet away, further to the east within the Aquia Towne Center shopping area. Here's the street view of the property looking from Richmond Highway at the exit ramp. So, the general development plan or site plan depicts how the proposed 165-foot tall monopole tower would be developed on the site. The tower has a potential for colocation of four wireless telecommunication carriers. Verizon would be locating their antennas at the top of the tower. The tower is not proposed to be lighted. It's not tall enough to have that requirement. The blue box on the image is the area where the equipment is, basically the area of the compound, an area that would be fenced. You'd have equipment cabinets for the different providers that would be located in the site. And then the enclosure would be an 8-foot tall chain-link security fence with existing trees providing screening on most sides of the facility. The access is by way of a gravel driveway through the commercial use that's located to the south on Richmond Highway. And the tower is kind of centrally sited within this area from the adjacent roads and property to the south. Some of your setbacks from the tower include 109 feet from Richmond Highway, 169 feet from the exit ramp, and 94 feet from the commercial property immediately to the south. The plan includes an elevation view of the 165-foot tall monopole tower. And that has the potential, it shows how the four wireless providers would be sited on the tower. As noted already, Verizon would locate at the top, and then the other antennas would be mounted at elevations of 150, 140, and 130 feet below that. So, the applicant did provide propagation maps that illustrate the existing and proposed radiofrequency coverage in the proposed location to illustrate how the tower would fill the gap in coverage in this area. This shows the existing coverage in the area. And then this image shows the additional tower and how that would kind of add and fill the gap in coverage in this location. The applicant did provide photo simulations of the tower to demonstrate

how the tower might be viewed from several vantage points around the surrounding area. Many of the sites would be, surrounding area will be screened from view of the tower. However, the photo as shown here, does show that the tower will be visible from Richmond Highway. This slide demonstrates the visibility of the tower from the north at the intersection with Garrisonville Road. And then here's the view from the other end from the south looking up Route 1 towards where the tower would be located. A little less visible from this end but would still be visible. And most surrounding residential areas would be, would be screened from view of the tower. However, the one residential, The Aquia 15 Apartments, would, you know, the tower would be visible from these apartments. So, going over the comp plan evaluation, the application is evaluated for compliance with the criteria identified in this Telecommunications Plan which is an element of the Comprehensive Plan. The Plan provides guidance regarding the siting criteria and facility design standards for new telecommunications facilities. The request is consistent with one of the main siting location priorities identified in the plan at the site. Since the facility will be located on publicly owned lands, that's one of the recommended priorities for the siting communication towers in the county. The request is also consistent with many of the siting criteria listed in the telecommunications plan. The proposed location shows appropriate separation from other facilities, identifies how the site will fill the gap in coverage, rules out potential colocation on other sites, and the facility also will have no adverse effect on historic properties in the area as determined by the State Historic Preservation Office. The staff report notes the site is not too far away from Aquia Church, which is a historical site. But the State Historic Preservation Office didn't feel that this tower would have any detrimental impact on the historic resource. And the NEPA report was included with the application that did identify critical habitats within the immediate project vicinity that is capable of supporting specific bat species that are considered endangered. The report does recommend time of year land disturbance limits to minimize potential impacts to individual bat species. So, the design standards set forth within the plan are intended to address visual and land use impacts of communication facilities on the surrounding area. The request is consistent with many of the design criteria. Since the proposed facility would meet colocation recommendations with the ability to accommodate up to four providers, the applicant is not proposing to paint the tower or proposing any lights on the tower that would cause harm to migrating birds. The site aims to minimize visual impacts. The facility is sited within a stand of mature trees which would screen the lower portion of the tower. The upper portion of the tower would be visible along Richmond Highway as shown in the photo simulations. The tower would not be visible for most nearby residential uses except for The Aquia 15 Apartments located nearby. The tower also would meet health and safety recommendations in the plan. The size of right-of-way area does not allow for the 165-foot tall tower to meet recommended setbacks from property lines. As noted the tower would be as close as 94 feet from a property that is to the south. The applicant did include a letter from their tower engineer that the tower can be designed to have a reduced fall zone to have a fall radius of no greater than 90 feet. And then also, other safety features or recommendations: radiofrequency emissions will comply with all EPA and FCC requirements; the tower and equipment compound would be secured with an 8-foot tall chain link fence; and the VDOT land use permit, which is required, does include tower decommissioning requirements. So that's a standard condition that we would impose, typically impose, from the County but that would be covered under the VDOT process. Looking at the overall evaluation, the facility is generally consistent with siting priorities and design standards of the Communications Plan. The approval of the request would result in enhanced wireless coverage for citizens in the vicinity of Interstate 95, Richmond Highway, and Aquia Towne Center. Adherence to recommended site clearing limitations would minimize impacts to critical habitats. The tower can be engineered to ensure reduced fall zones to avoid impacts to adjacent properties and roadways. And then the tower is designed to ensure the health and safety of citizens as it relates to radio frequency emissions. Staff did not see any apparent negative impacts and does recommend the Planning Commission find the request substantially in accord with the Comp Plan pursuant to PCR24-05.

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Mr. Apicella: Thank you, Mr. Zuraf. Questions for staff?

Ms. Barnes: Mike, I just had one question about the endangered species or was that a threatened species, not an endangered species? The long-eared bat. Yeah, what exactly do they have to do to make sure that they don't impact that?

Mr. Zuraf: Yeah, that basically is a time of year clearing. So, whenever they get in and do any land clearing, there's time of year limitations, there are months that they cannot clear.

Ms. Barnes: Based on migratory patterns? Based on...?

Mr. Zuraf: I'm not certain what the basis is, but those are established and that's standard. That's found in many, many development sites across the county.

Ms. Barnes: Okay. Yeah. And probably a question for him, but I'll ask you – how much of that land is going to be cleared? I mean, they're leaving some trees that says there's going to be some, some shielding or some buffering, but that's not a real big lot. So, I mean, are they going to be clearing a lot of those trees or maybe again, that's a question for...?

Mr. Zuraf: Yeah, I believe it's around a 2,500 square-foot area of clearing, maybe a little bit more.

Ms. Barnes: So, we'll have to see how much trees are there going to be left to shield anything at all from around there? That's such a small... is it going to be cleared and then replanted? Or are we going to leave some of those native trees that are there?

Mr. Zuraf: The way it's shown on this plan is they would just clear the area needed for the compound. Since it is a level site, there should not be the need for too much more clearing to kind of level the site. The site's already level.

Ms. Barnes: When the applicant comes up he can show us exactly where it is on. I'm looking at the County GIS and that's why I'm just asking because it doesn't look like there's a lot of trees there. But I'll ask the applicant when he comes up. Thanks.

Mr. Apicella: Mr. Shelton was first.

Mr. Shelton: I have a question on the fall zone. You mentioned in your terminology “can be designed.” That bothers me a little on the “can be.” I'd rather hear “will be.” “Can be” is... maybe that's a question for the applicant?

Mr. Zuraf: And I just may have used the wrong word there. The letter from the, so, again, this does not, if this included a conditional use permit, we could require that as a condition. But so basically, your action tonight is a yes or no and it's kind of taking kind of the word of the applicant that whether that can be done or not.

Ms. Baker: And it's also going to be subject to the VDOT land use permit. So, they would most likely, I don't know if Mike had looked into that, they're gonna have their own requirements about not letting a tower fall within a roadway that's within the right-of-way.

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Mr. Apicella: But I'm more concerned about a falling on the structure nearby. So, there's no safety standards associated with towers? There's only a four-foot margin of error here.

Mr. Zuraf: So yeah. And well, I'll let the applicant speak to this but I know they will probably tell you that these towers are designed to withstand pretty hefty wind kind of speeds.

Mr. Apicella: I got that part. I'm just going back to Mr. Shelton's point. And I guess your point that we don't have a lot of authority here, but I'm just wondering, there's no national standards that would require that they do, in fact, build a structure that has a 90-foot fall radius, not anything greater. So again, that's more of a question for the applicant, I guess. Ms. Sellers.

Ms. Sellers: Yeah, I'm seeing a letter from VDOT but you said something about a VDOT process. What is that VDOT process?

Mr. Zuraf: It's a specific, it's a land use permit process through VDOT where they basically have to, you know, basically submit their plans and their full development plans to VDOT and to be able to develop on within their right-of-way.

Ms. Sellers: And do you know who approves that?

Mr. Zuraf: I did not bring that. I didn't look at the full process and who approves.

Ms. Sellers: I should have looked that up this weekend. I'm sorry.

Mr. Apicella: Mike, I'm all for expanding coverage. As I drive around Stafford and other localities, you do not normally see towers this close to a road's edge. So, I'm not really thrilled with this location. I understand that there's a need here. So why in this specific location as compared to other areas in the nearby vicinity? And were other locations considered?

Mr. Zuraf: Yeah, my guess, we have limitations to what zoning districts allow telecommunication facilities in the County. They're limited to the A-1, A-2, M-1, M-2, and P-TND zoning districts and so there are, in this specific area, pretty much fully developed area. And you just really don't have any A-1 or A-2 zoned property, or M-1 and M-2 zoned property. There's the P-TND property, but that is the Aquia Towne Center. And so, I don't know if the applicant looked to that site but that would bring the tower closer to residential uses. And that site is generally out in the open as well. So, there's, I guess, challenges to probably meet their coverage kind of goals and maybe I'm sure some of that has to do with capacity as well. So that probably leads them to look at right-of-way. And so, you know, like further to the south, you have other commercial properties, but the commercial properties would not allow a communication tower at all under our zoning.

Mr. Apicella: But you could rezone even a portion of what is currently a commercial property.

Mr. Zuraf: You could.

Mr. Apicella: Alright. Thank you. Other questions? Please go ahead.

Ms. Caudill: I've got two questions for you. And it may be for the applicant as well. My first question is, what is the required maintenance on the cell towers? Like, is someone going to be inspecting those towers to make sure that they're up to par? Every couple of years? Every year? Every couple of months?

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Mr. Zuraf: Yeah, I would defer to the applicant on maintenance.

Ms. Caudill: Okay. And then my second question is, what have we done to make sure that it's not going to affect the telecommunications network for the Sheriff's Office or Fire and Rescue?

Mr. Zuraf: That, I would also have to defer to them. I'm assuming that we typically would, you know, have conditions in previous cases that would even allow the County to locate on these towers. So that's a typical condition on other towers that are constructed. So, I think they typically work with the Sheriff's Office to help support them.

Ms. Caudill: Okay. Thank you.

Mr. Apicella: Thank you. Any other questions? Please go ahead.

Ms. Sellers: Is, I can't find the Transportation Plan, but is there a plan to do a study south of Corporate Drive? I know we have a Star study looking at the northern part of Route 1, but is there any, and then we're doing the Courthouse part of Route 1 but there's this, between kind of that Griffis-Widewater and then Courthouse, are we ever going to study this area? Maybe road widening or looking at the interchange?

Mr. Zuraf: I'm not certain if that's something that's being worked on. I can't speak to that right now.

Ms. Sellers: Okay.

Mr. Apicella: Anyone else? Thank you, Mr. Zuraf. Would the applicant like to come forward?

Mr. Stetler: Sure, thank you, Mike.

Mr. Apicella: Computer, please. Do you, can do you have a presentation?

Mr. Stetler: I do, yep. Should be pulled up right now. Good evening, Commissioners. My name is Phil Stettler, representing Milestone Towers, the applicant. I think I might go off script a little. Why don't I answer your questions first before I blow through a presentation, see if I can get an order. Commissioner Barnes, you had the first questions. Would you mind reciting them for me?

Ms. Barnes: If I can remember what they were. Okay, so of course, I'm always going towards the threatened and endangered species in the trees. So how many trees are you going to be clearing on this? I'm looking at this kind of a pie shaped parcel and a part of the exit's on there. It doesn't look like a lot of trees. So, you know, how much you're gonna be able to leave? And if it is a true screening, you're gonna have to leave some but I can't imagine...

Mr. Stetler: So, pulled up on the screen right now the blue shaded box is the fence line for the compound. It's roughly 2,500 square feet. That would be the only tree clearing happening here. No more, no less. Wouldn't go outside that box.

Ms. Barnes: And your ingress and egress, you're not going to have to clear for that?

Mr. Stetler: That's correct.

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Ms. Barnes: Okay. And as far as the timing for the long-eared bat, how does that go?

Mr. Stetler: So, I just went through this this last winter. So, the northern long-eared bat heads south for the winter and they're normally gone by November 1. So, your construction window, and it has to do with tree removal only, so if there's a cellular site that's proposed in a location that requires any tree clearing, your window is November 1 until March 30, March 31. Okay, and you have to be done by then because the bats are coming back.

Ms. Barnes: Well, are they going to be coming back? Or are they going to roost on a telecom tower? Oh, well, that was kind of rhetorical. I'm sorry.

Mr. Stetler: They may, I don't know they might. What I do know is that they noted in the NEPA report that to the southwest of the proposed tower location, same parcel, but in the wooded area to the southwest is where they saw more evidence of bats. So, they would have somewhere to come back to.

Ms. Barnes: Okay. I'm always for saving as many trees as possible. I like the trees in the area. Thank you.

Mr. Apicella: Can I piggyback off of the tree issue? So, as I look at the part of the compound that's closest to Route 1, it's pretty, it's not very robust, I guess I would say, and we certainly can't require it but I guess I would ask, to the extent that the compound is visible, would you all consider putting some more trees there or something so that you're not... again, it's already a huge tower which concerns me in a place that's going to be very visible. So, I think, at least not having to see the compound would make it a little bit better. So would you all consider that?

Mr. Stetler: I hear your concern. They are second generation trees, so they have a decent size to them. And the front of the compound that would front Richmond Highway we'll leave some decent sized trees around the fence line so, you really wouldn't see much of anything other than that direct line to the gate itself.

Mr. Apicella: I hear you. I'm just asking if it comes to pass that that's not the case.

Mr. Stetler: Yes, the applicant would agree to that.

Mr. Apicella: Okay. So other folks had questions as well. Mr. Shelton?

Mr. Shelton: I have a couple, excuse me, a couple of questions. Again, I'm a little concerned on the fall zone. I know you're saying that you can be designed. The closest facility is 94, your recommended engineering is less than 90 feet. So, are you building a monopole with another layer of steel where you weld it around so that that's your fall zone?

Mr. Stetler: Sure, so, I'm not an expert in this field. However, I don't know if you remember, I believe it was last fall, when I was here for a different Milestone Tower site.

Mr. Shelton: White Oak Road.

Mr. Stetler: Yes, that was 56 feet from the right-of-way and we had the engineers design it so that it would collapse on itself within a 40-foot radius. So, in this case, 90 feet was chosen simply because, so it's 90 feet from the property line, not from that structure to the south. It was chosen because of the

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setback distance. In theory, it could be less than that. And the way that the engineers design a pole in this manner is with a, it's called a breakpoint within the pole itself, so that in the event of a freak storm, or some something of that nature, the pole would collapse on itself essentially, straight over and wouldn't endanger the roadway or anybody in the vicinity.

Mr. Shelton: Okay, battery storage. You allude to the fact that you're going to have an encased facility. Can you tell me what type of batteries?

Mr. Stetler: So, the only batteries that would be on site are within the carrier's cabinets. And the only time those would be used, it would be in the event of a power outage when the diesel generators would kick on for. And I should also mention this. While Verizon is on this tower, since the time of application, AT&T has also agreed to jump on this tower. So, it would start off with two carriers. And they both use a triple encased diesel backup power generator in the event of an outage. And those would turn on the batteries to power the site.

Mr. Shelton: And do you have an idea of what type of batteries? Are they lithium ion? Are they acid filled? Or?

Mr. Stetler: I don't know the answer to that.

Mr. Shelton: Where I'm going is from the fire protection standpoint. Lithium ion has a tendency to run away, they heat up on their own. And, again, one of the things I'm going to mention also is an Knox Box to allow Fire and Rescue access to the facility. The problem with lithium ion is it's very difficult to extinguish unless you have large quantities of water. So, a lot of people that have EV's have a potential bomb laying on their chassis and don't know it.

Mr. Stetler: Sure, sure. I don't think this will be lithium ion but again, I don't know that for certain. So, I don't want to state that as a matter of fact.

Mr. Shelton: Okay. Next question, 8-foot chain link fence.

Mr. Stetler: Correct.

Mr. Shelton: From my venue, from my standpoint dealing with emergency management, a straight up 8-foot fence without some type of anti-intrusion on the top of it, young folks, terrorists have a tendency to, have a tendency to do things to infrastructure. I know that Dominion Virginia is looking at that very closely. Our gas line companies are looking at it. And basically, we're talking about sabotage. So, is there any consideration to something on the top? I call it constantine wire that we're using on our southern border or anti-intrusion that's on a 45-degree angle.

Mr. Stetler: So, the type of chain link fencing that we typically use is about an inch wide. It's pretty tight. And then it includes green privacy slats as well. It's pretty... I don't have any experience climbing chain link fences, I just want to put that on the record... but, I think it would be pretty difficult to climb a fence built in that manner. Typically, Milestone doesn't put any type of security wire on the top of the compound. We haven't seen the need for it in the past. But certainly, we monitor the sites. And if it seemed like there was any kind of a threat, we would absolutely consider securing the site in that manner.

Mr. Shelton: Just a suggestion. An 8-foot stepladder would give you access to your compound. That's all my questions sir.

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Mr. Apicella: Ms. Sellers, you had some questions?

Ms. Sellers: Yeah. What is the land use application from VDOT?

Mr. Stetler: So, it's an LUP. It's a land use permit.

Ms. Sellers: Okay.

Mr. Stetler: And it's handled locally. So, I believe this is considered the Fredericksburg district...

Ms. Sellers: You're correct.

Mr. Stetler: ... for VDOT, and...

Ms. Sellers: My question is, this is not one that has to go to Richmond or the Commonwealth Transportation Board?

Mr. Stetler: No.

Ms. Sellers: Okay. And this is VDOT owned property?

Mr. Stetler: Correct.

Ms. Sellers: Okay.

Mr. Stetler: And so what Mike said was roughly correct. So, once we're through this portion of the county process, then we approach VDOT; obviously, we've already approached VDOT, to go through their land use permit process. They have staff engineers that will review the site plan, permitting materials, give their stamp of approval, rather than Stafford County, for instance.

Ms. Sellers: And what are your... what is the question? So, looking at this interchange, right, we have Aquia Towne Center that hopefully one day will not be what it is today, right? Maybe one day it will...

Mr. Stetler: Oh, it's a nice parking lot.

Ms. Sellers: Right. Maybe one day it will have things that will go, be going for it, and this interchange here could be problematic. So, my question would be, what happens to this tower at that point, right? What's our contract, what's the VDOT contract look like with you when VDOT has to come and say, you have to vacate our property?

Mr. Stetler: I would say that is above my paygrade. I do have someone here that may be able to tackle that one specifically.

Ms. Sellers: Yeah, that's... and like, looking at this, and like these buffers are gonna be an easement and there's not a lot of room here as it is.

Mr. Forkas: Yeah. Thank you, Commissioner Sellers. My name is Len Forkas, I'm the owner and founder of Milestone. So, the VDOT permits are 10-year permits. But they have the opportunity to renew so long as we're not in the way of future development or growth for the VDOT right-of-way. So,

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so we would build the tower and that's obviously at our risk, but the notion would be that if for some reason they needed the right-of-way for some future use, then we would find another location on the site or approximate to the site to relocate it. But at this time, VDOT has not indicated they have any plans in the short term or long term to change this parcel at this juncture.

Ms. Sellers: Right. So, and the way the process works is the County is the one who would initiate that. So, the County has to say, hey, the counties or localities are the ones who say we want this project and then VDOT will react. So, what I'm hearing is this will put it towards at least 10 years before that can even be a consideration.

Mr. Forkas: That's correct.

Ms. Sellers: Because we would, VDOT would be under a 10-year contract...

Mr. Forkas: That's correct.

Ms. Sellers: ... with you guys, so. And would that contract start from the initiation of that permit? Or so like if the permit was granted today, it would be from that day 10 years? Or?

Mr. Forkas: That's my understanding, yeah. Once the permit is issued, the clock starts.

Ms. Sellers: Okay, so that's a different, and I don't, yeah, that's a different consideration of. And I don't know what they're going to do there, but again, if just considering if Aquia Towne Center does come up, and we have all this stuff to the north, we do have a transportation study going on and to the south we have a transportation study going on. Just throwing that out there. So, thank you.

Mr. Apicella: I'm gonna piggyback off of that. So, it may be the same question, but I think it's a little bit different. What if they added, someone wanted to add another lane southbound, how would that impact your facility and its continued use?

Mr. Forkas: I mean, this will be our third site with VDOT. We have two more coming up in Loudoun County. And again, we work with the staff to determine the plans, and what the future uses are for the property. So, it's a big investment that we make to build the tower in this location. But the agreement we have with VDOT is, we will totally cooperate with whatever the schedule is that they have in terms of the facility. And if we need to move the facility, we will work with VDOT to move it so. At this juncture, this was the location they selected for us to locate. They felt this was an appropriate location based on our conversations with the staff.

Mr. Apicella: Okay, thank you. Ms. Caudill, you had some questions?

Ms. Caudill: The required maintenance on the cell tower was the was the first question I had. Is there gonna be any or?

Mr. Stetler: So typically, a representative of the tower developer is there at least once a year, but the carriers are there a few times a year checking in on their equipment, status of everything on the ground, taking a look up. And then you don't see anybody climbing the tower unless they're swapping out antennas and equipment.

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Ms. Caudill: Okay. And then my second question has to do kind of more so with public safety. The 911 system that we have with our radios and all, that's not going to affect this, is it?

Mr. Stetler: No.

Ms. Caudill: Because I know in one of this, the Attachment 5, it says that it will not interfere but what have you, I guess, what has the applicant done or you done to make sure that it's not going to interfere?

Mr. Stetler: So that's actually a great question. And it's a carrier question. So, in this case, Verizon, AT&T, they're under a federal mandate to not interfere with e911 or any emergency services. And actually AT&T has an agreement with FirstNet for first responder equipment, and so AT&T will be on this tower. So, you can expect that here as well.

Ms. Caudill: We can expect the Sheriff's Office bill to go up for AT&T then. *[Laughter]*

Mr. Stetler: I don't know. I don't know about that.

Ms. Caudill: Thank you.

Mr. Apicella: So, I think you kind of heard my concern. I definitely appreciate the need for enhanced coverage. I'm just gonna go back to this is going to be the biggest game in town. It's about 100 feet taller than most of the commercial buildings that we have, certainly in that area. So, why here and why not somewhere else to fulfill the same need?

Mr. Stetler: So, a couple of reasons and I can just run back through. You've already heard everything so I'm not going to belabor. So, at this point, this would be site number 8 within Stafford County for Milestone. And this particular location, I would point you to the third bullet point that I have pulled up right now, that within the County Telecommunications Plan, it's in the Comp Plan from 2011, one of the things that's stated directly is priority being given to sites located within the VDOT right-of-way along Interstate I-95 at interchanges. This seems to fit that bill pretty well. And I think... I don't know if I actually have it in a slide but one of the data points that we pulled was that on any given day, there are roughly 168,000 vehicle trips passing this site between I-95 and Route 1. That's a lot of cars and a lot of usage. And for Verizon and AT&T, they both had a critical need for both to cover the area and add additional capacity due to that overloading of other existing sites. And to what Mike had said as well, some of those more commercialized tracts just to the south of this site could be appealing potentially but, at this time, that's not possible in Stafford County due to the zoning. And like you said, could they be rezoned? Possibly. But this parcel doesn't need to be rezoned because it's already set up for it. So, when the carriers did their scrub of the area and search for the ideal location to site a tower, this is where they both landed. So that's roughly why we're, why we're here.

Mr. Apicella: So, no one knows what the future holds and how technology changes. If it comes to pass 10 years from now that a shorter tower would accommodate the same requirement, coverage requirement, is that something you all would consider doing? Reduce the size of that tower?

Mr. Stetler: I'm sure, I'm sure they'd be open to it. Yes.

Mr. Apicella: Okay. I just, my concern is the viewshed. And I think again, this is going to stand out. You just mentioned 170,000 cars go by this area. I don't know how much of that is on Route 1. It is a

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commercial node, but again, it's gonna, it is definitely gonna stick out for people driving along that roadway.

Mr. Stetler: Sure.

Mr. Apicella: And I particularly, I personally don't like seeing towers right there at the, at considered to be at the road's edge. I'd probably have less of a concern and I realize it couldn't be moved a little bit further south because those are commercial zoned properties but I just personally don't like having them right there, right at the road's edge as you're driving past it.

Mr. Stetler: Sure. No, I understand. And, you know, my drive down here from Baltimore today all I-95 the entire way, it's nonstop cell towers everywhere.

Mr. Apicella: Oh, hey, put it on I-95, I don't have a problem with that. It's the part that's close to Route 1 that concerns me.

Mr. Stetler: Yeah.

Mr. Apicella: It's our drivers who are gonna see it every day. Our people who live in this area are going to see that tower. It's going to be very noticeable to them. I appreciate it.

Mr. Stetler: Sure.

Mr. Apicella: Thank you. Alright, any other questions, comments? Thank you, sir. So, I'm going to open the public hearing on this matter. It's an opportunity for the public to comment on this particular public hearing item. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's 1 minute left. Red means your time is up. If you'd like to speak on this item, please come forward.

Ms. Maxson: Kristen Maxson. Thank you for your consideration. In respect to Stafford County and the Federal communications there are some points to consider. The Stafford County GIS shows 27 parcels duplicating for the Tax Map 21-ROW and it's identical in the public eye. Maybe not identical, if not public, but we can, we see the same duplication. So, 21-ROW is used as a tax map entry and should be unique ideally. It is not assigned to a LRSN number but it does say telecommunications plan monopole. Mono meaning one. I would think a point rather than a ROW. Property address I-95 N at North and Route 1. Supervisors district is marked not applicable, but it is in Aquia. The parcel is 2 acres approximately when you compare it to other acres, but in the GIS it's defined as 4.1 acres. So, the volume is not matching up. The title Stafford ROW brought only one reference in searching the whole Stafford document volume on the web page. There was no date but the title is called Statement of Justification. It's not accessible through the search area. The file, I think, can be accessed under the Planning and Zoning long range 2024 February assignment and not under the search routine. This study is also known as Telecommunication Tower Milestone VDOT Aquia. When typing in ROW to Stafford GIS in the assignment, it returns 1,000 hits. I believe this is the limitation number. When referencing within quotes, it only returns one document, as I stated. Property owners are in the design packet but the listing adjoining property owners are not in the application which does not ensure proper contact at an early date, or at least can be separated from the application accidentally. You can see this in page 366 of 404 in today's packet, or Attachment 12, page 9 of 11. Page 321 of 404 is cut off and not complete in today's packet. And I'm very close to my minutes being done so I want to thank you for your consideration.

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Mr. Apicella: Thank you, ma'am. Anyone else? Seeing no one else, I'm going to close the public hearing on this item. Mr. Martinez is unfortunately not able to be here tonight. So, would anyone else like to make a motion on this?

Mr. Shelton: I would, sir. I'd like to make a motion to approve COM23155369 Telecom Tower Milestone.

Mr. Apicella: Thank you, Mr. Shelton. Is there a second?

Ms. Caudill: I'll second.

Mr. Apicella: Thank you, Ms. Caudill. Any comments, Mr. Shelton?

Mr. Shelton: My only comment was what I addressed. I would like the applicant to make some consideration of those areas. Again, I think in the northern part of Stafford, I am, I'm a southern boy so I have fairly good coverage there. I would see an enhancement to cell coverage and everything with this tower.

Mr. Apicella: Thank you, Mr. Shelton. Ms. Caudill? No comments. Anyone else? Ms. Sellers?

Ms. Sellers: Yeah, I'm not gonna support this motion. And my concern has more to do with kind of the future. And when you look at the Comprehensive Plan and what's there with Aquia Towne Center, and the potential of Aquia Towne Center and what it's supposed to be, that interchange and what's there is going to eventually need some sort of transportation improvements. We know that. And the way that transportation works is that the County has to put in the application. And here in Virginia, there are criteria to get into two major programs the County's applying to, District Grant Programs and the High Priority Program. And here in Stafford, we only have three roads that qualify for the High Priority Program; Route 1, 17, and I-95. And with this tower, putting it here where you have, you meet a lot of criteria in this location, we're going to limit ourselves by putting it in to a 10 year contract that we're not going to even be able to consider widening that area. And you're going to be limiting ourselves to any potential for the next 10 years if this goes through. That's my concern. It's my concern for that area. And I just don't, I think there's better alternatives. We've got a commuter lot that's underutilized right across the highway. Why can't we put it there? Or something else. There's gotta be something better than right here. And so that's my concern. Hopefully, the Board of Supervisors will take that into consideration and not support this, because this, this, this would not be a good location for the long-term plan of the County and transportation. So, I will not be supporting this.

Mr. Apicella: Anyone else? So just to clarify, I think this stops with us, right? We're the ones who make a decision one way or another. The applicant could appeal, I'm not sure if it's the Circuit Court or to the Board, but...

Ms. Lucian: The appeal is to the Board.

Mr. Apicella: Okay, thank you.

Ms. Sellers: Well, with that, then I would greatly request you guys to consider the Comprehensive Plan as a whole. And what it means to be in compliance with the Comprehensive Plan. And as it is as a planning document. And think of yourself as somebody who lives in Aquia Harbour in that area and has watched just this underutilized area and now to hear that we're going to take a vote and say, yes, this

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would be a great location to put a 10-year contract. So, we're essentially telling them that for another 10 years, we could be okay with not seeing any more investment there. I would not be happy if I lived in Aquia Harbour to hear that. And so, I would request that people consider that and vote this... and say no. This is not a good location for this tower in terms of the greater Comprehensive Plan.

Mr. Apicella: Thank you, Ms. Sellers. Anyone else? I too don't like this location. I'm hoping that the 10-year contract doesn't necessarily mean things can't change the... *inaudible*... period. Like I mentioned during my comments that if something changes, like we need to expand Route 1, that that contract wouldn't be a stumbling block to making that happen, although it will probably take longer than 10 years to build another lane. Even though I don't like the location, you know, there's obviously tradeoffs. And the tradeoff is that the people who live in that area will benefit from the expanded coverage. So, given that consideration, I know if I was in their circumstance and I didn't have good coverage, I'd probably, I'd probably put up with seeing a big tower there as compared to not having the coverage that I would like to have in that particular area. So, for that reason, I'm going to support the motion. Alright, please cast your vote on the motion to approve the Comp Plan Compliance Review. Okay, that motion carries 4 with 1 no (*Ms. Sellers opposed*) and 2 absent (*Mr. Martinez and Mr. Bratton absent*). Thank you very much, gentlemen. Alright, moving on to the next agenda item. There's no Unfinished Business but we do have some New Business. A time extension on a couple of items that are going to be coming in front of us at some point in time. Ms. Baker.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

3. Application Time Extension - A request to grant time limit extensions for action on multiple zoning reclassification and conditional use permit applications, pursuant to Stafford County Code Sec. 28-162, "Review and requirements," and Sec. 28-185, "Conditional use permits," for Musselman Road Warehouse, Attain at Stafford, and The Arbors at Stafford.

Ms. Baker: Yes, Mr. Zuraf will also discuss this item.

Mr. Zuraf: Good evening again. So, this item, the Commission is to consider granting time extensions for multiple zoning reclassification and conditional use permit applications, specifically, for three projects; the Musselman Road Warehouse Rezoning, the Attain at Stafford Rezoning, and Arbors at Stafford which include a rezoning and conditional use permit. The code requires any zoning reclassification or use permit application be pending beyond 12 months from the date of submittal of complete application may only be extended by a written request by the applicant and subject to approval of the body currently considering the application, either the Board of Supervisors or the Planning Commission. Since these applications have not made it yet to the Planning Commission, the Planning Commission is the appropriate board to consider the request. Resolution R24-139 would extend the time limits for all of the subject applications under that one resolution. The resolution spells out the new time limits as requested by the applicants. So just to be specific for the Musselman Warehouse project, the 12-month time limit actually expires today. The request for the extension is to October 24 of 2024. For the Attain at Stafford project, also same with a 12-month time limit that that expires today, they have the same request out to October 24 of 2024. And then for the Arbors at Stafford for both the rezoning and conditional use permit, their 12-month time limit expires May 12th and their request is an extension to November 12, 2024. Staff does support adoption of this resolution to extend the time limits. We believe

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the applicants have diligently pursued the applications in good faith and the requested time extension will provide the Commission adequate time to consider the applications when they eventually get to you.

Mr. Apicella: Thank you, Mr. Zuraf. Questions for staff? I do have a quick... did you have a question Mr. Shelton?

Mr. Shelton: No, I'm okay with it.

Mr. Apicella: I do have a question. I'm going to support the motion... not the motion, I support the concept of extending the time on these. I just want to be clear that if it comes to... this is six months, not just for us, it's six months for the Board, too, that the six months isn't going to impact our timeframe, the timeframe, we normally have to review rezonings, that we're not going to be pushed up against a, you know, artificial barrier that says, okay, you only have one month to review this, because you're coming close to your six-month time extension.

Mr. Zuraf: It could. That new time limit would be the time limit for any, for complete action of the case. So, because the 12 month is actually for full consideration by the Board. So that will have to be a consideration, I think as you know, if several months go along, and they still don't get to the Planning Commission, and you're left with, yeah, I can see a month to consider, you know, when you typically have 100 days, then I think, you know, that's something that will have to be a consideration with and maybe a discussion with the applicant to allow for additional time.

Mr. Apicella: So only the applicant can choose to request an extension of time? The Planning Commission doesn't have any authority to extend the time on its own?

Mr. Zuraf: Right.

Mr. Apicella: Are we stuck with the six months? Can we can we decide on our own that we want to change it to 12 months? Or is that again, we're bound by the applicant's request for this extension? I just again, these are some of the... two of these are pretty big projects and I don't want to be pushed up against an artificial time barrier.

Mr. Zuraf: Well, the representative of the applicant is here.

Mr. Apicella: Okay.

Mr. Zuraf: So, the request, the time limit, yeah, you cannot just change it on your own. You'd have to get concurrence from the applicant. The applicant has to make the request.

Ms. Barnes: Mike, can I ask you a question before the applicant comes forward? Maybe I missed it when I wasn't paying attention, but why, why are these taking so long? What's going on? Is it a staffing problem? Is it an applicant dragging their feet? What? Which? How did we get here? Because normally this does not happen.

Mr. Zuraf: It's um, yeah, it's well, it's some, some staffing. There are a lot of cases and but then also it is they, these are, have complexities. That each one has complexities in different ways that are taking a while to work through. We work to really try to make sure the proposal is kind of all the issues are taken care of upfront before we're bringing a case to the Planning Commission that may be riddled with issues

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and problems. So, we spend a lot of time with working on the application and the project and what you see and these are taking longer than normal.

Ms. Barnes: So, is it the case that most applications get through in the time limit? These two or these three are outliers? Or are we finding that we don't have adequate time for many applications?

Mr. Zuraf: This is now coming more of an issue. This is actually a more recent ordinance. So, there are probably older cases that may have had this issue, but it wasn't... they weren't subject to this newer ordinance that has this time limit. And the previous requests actually we had taken to the Board where maybe some of those requests actually should have come to the Planning Commission, so. It's kind of a, we actually switched how the actual read of what the ordinance said, and so that's why you're kind of, you're seeing some more of these because we took a closer look at the language and said, oh, well the Planning Commission should actually be seeing this. So, there are other ones that have gone on and requested extensions.

Mr. Apicella: For my own learning, not specific to this request, if the Planning Commission said no, what happens? Can they go to the Board and ask for more time there? Can they appeal it? Is there some process where they can undo what the Planning Commission chooses to do?

Ms. Lucian: I'm looking at the language now. I don't believe there's an appeal process.

Mr. Apicella: Yeah, I'm just curious because on most things in some way, shape or form, we can be overruled by some higher authority; either the courts or the Board of Supervisors. It's not clear to me what happens when we, if we were to say no to a request for a time extension.

Ms. Barnes: Do they have to start from ground zero and do it all again or?

Mr. Zuraf: We'll have to check with the...

Ms. Barnes: What are the consequences?

Ms. Lucian: If you can give me a couple of minutes, I'll look at it. If you have any other questions to discuss in the meantime.

Mr. Apicella: I'm trying to remember, do we... I want to hear from the applicant. Do we normally, on New Business, hear from an applicant? It's kind of a discretion kind of thing? Okay, so would you like to come forward?

Ms. Brunette: Sure. I'm Logan Brunette from Hirschler, representing all three projects. So, any questions you guys have?

Mr. Apicella: My concern, again, I think I articulated that if it wasn't clear is, if this is still working through the staff, we normally have, I think it's 100 days, that we have on rezonings and so that if we took our full 100 days, that would leave the board with 80 days if we're talking about six months. But it still could take another two or three months before these projects are, some of or all of these projects, are fully baked. And then we don't get our 100 days. We only get 60 days or 30 days. Where are we going to be if that happens on these cases? Because I don't like being rushed, especially on big projects.

Ms. Brunette: Right. And it's certainly not any of the applicant's intention to rush the Planning Commission. So, I would expect if, let's say it ended up taking longer, I do believe the 100-day tolling

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does start with the first public hearing, and please correct me if I'm wrong, but our intention is not to rush through this process. We've been working with the staff very diligently, with VDOT very diligently. We've actually been preparing resubmission materials as of today. So, we're actively working in good faith with the staff to address these issues. As you guys know every project is different. Every property is different and has its own complications along the way. Your staff's doing a great job of finding how we can best mitigate the impacts here and I think once we get to this level, you'll be very happy with the package that we're bringing forward. But it's certainly not our intention to rush through the process and if we needed a longer extension, I'm sure we'd be more than amenable to either come back in front of you guys and request another extension. Or if you guys decided you wanted to do the 12-month extension, that would be acceptable.

Mr. Apicella: Is that something we can do on the fly? Can we change the request?

Ms. Lucian: I think you can grant them additional time. You do have the applicant here to say that she's okay with it. I would also note that there's no clear appeal process outlined in code, but this must still be read in conjunction to state code. So, I don't think it replaces any requirements there regarding the 100-day requirement. And typically, we've seen these before the Board before where they've had to grant additional extensions. So that's typically what happens. If there's a scenario where the Board would not be able to meet their own requirements under state code, the applicant will submit another extension request. So, we have seen that in the past, it's not uncommon.

Mr. Apicella: But they don't have to, they don't have to submit a request for additional. I'm not saying they would or wouldn't.

Ms. Brunette: There wouldn't be a reason for us not to.

Mr. Apicella: I get it. I'm just kind of noodling it here again, on the fly, whether, and I appreciate my colleagues' thoughts on this, whether we should maybe just go ahead and shoot for our 12 month versus a six month. Again, these are potentially, two of these if not all three of these, are pretty big projects and I don't want to push anybody, including staff or the applicant, to move quicker than they need to or not have enough time when it comes to the public body for deliberation.

Ms. Barnes: Who came up with the six months and why is it?

Ms. Brunette: We did, and that's just generally what we normally do. That's the just, in my experience, we asked for six-month increments, just because it's generally wrapped up in that timeframe. And if it's not, those are far and few between. But again, the 12 months would be fine, because we expect to be resubmitted and working with staff and before you guys sooner than that. So that would really just be our outside barrier. And I think that would be fine for us. But in my experience thus far, six months has been enough time for us to work through these remaining issues, because you have to think we've been working through this for a year already. So usually six months is sufficient for us to address any outstanding concerns with staff and to move through the process.

Ms. Barnes: If the applicant wants six months I'm fine with giving them six months.

Mr. Apicella: Let me ask a different way. Is anyone opposed to...

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Ms. Caudill: I agree with the 12 months just because it's already taken a year. So, if we're running into complications with short staff, or there are things we're trying to mitigate, then I would be okay with the year but if they're done sooner than that then...

Mr. Apicella: Right. That would be great. If it comes in in the next 60 days, that'd be great. But if it doesn't, at least we all have more time to do our due diligence here. So, I'm kind of hearing that, I'm not hearing anyone's opposed to it. So, what do we need to do? Is it part of the motion then that someone makes to grant them a 12-month extension?

Ms. Lucian: I would just make it a part of the motion. The one thing I would note is that there's an additional deadline in county code that's 18 months from the date of filing. And that requires them to request an extension at that time. So, I would not go beyond 18 months. So, if adding additional six months doesn't go beyond that I think it's fine. But I do need, I think we need to cap it there. Because otherwise we're granting an additional extension beyond what they've requested.

Ms. Barnes: One of them is exactly one year.

Ms. Caudill: The first one is exactly, exactly one year today.

Ms. Lucian: So, they have 18 months total, before their application is administratively closed. So, my recommendation is just not going beyond that 18 months. So, you can extend that but that's where I would limit it.

Mr. Apicella: I'm sorry, I'm lost. Are you saying we can't do a 12-month extension?

Ms. Lucian: I'm saying you can do an extension, but you want to make sure that you're not going beyond 18 months total since the application was filed because there's a separate requirement in code regarding an 18-month deadline.

Ms. Barnes: So yeah, so the Musselman project, 18 months would be six months from today. So, if we gave them a year, that would be...

Mr. Apicella: Over the 18 months.

Ms. Lucian: Right. So that's what I'm saying you need to cap it total 18 months because there's a separate provision I can read that just says any application that's pending more than 18 months from the date the application was filed shall be administratively closed by staff. The applicant may request a time extension in writing prior to the deadline, which may be granted by the Board of Supervisors. So, we don't have the authority to grant something beyond what the Board of Supervisors has jurisdiction over.

Ms. Barnes: So, if we're doing all three of these together, we got to stick with one figure.

Ms. Lucian: So, if we need to take a recess for a couple of minutes to make sure we're not going beyond that date I'd recommend it.

Mr. Apicella: Yeah, let's do that. Let's take a five-minute recess and kind of collect our thoughts on what's the best way to head on this one?

Mr. Shelton: Could I ask a question of the applicant first?

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Mr. Apicella: Sure.

Mr. Shelton: What percentage of these three projects do you have complete?

Ms. Brunette: I would say we are close. But again, that's going to, that's always the magic question. It depends on, of course, when we get it in, when the staff has time to review, but I think we're, all three are close to being ready.

Mr. Shelton: So, tell me what close means. Close only counts in horseshoes and hand grenades.

Ms. Caudill: Does that mean 75% or more like 50%?

Ms. Brunette: Over 50%. I would say it really depends on, I think staff review. I would say, yeah, Mike is saying about two months.

Mr. Shelton: Thank you. Thank you.

Mr. Apicella: I'd still like to take the five minutes and see where we want to go with this. Where we can go with this actually.

Recess: 7:32 – 7:36 PM

Mr. Zuraf: The 6-month extension request for each item, that basically puts each item at the 18 months.

Ms. Barnes: So we're stuck with that?

Mr. Zuraf: Yes.

Mr. Apicella: Okay, so Ms. Sellers started to make a motion. You want to go ahead and repeat that Ms. Sellers?

Ms. Sellers: Yeah, I move for approval. *Inaudible, microphone not on.*

Mr. Apicella: It's, no, granting them an additional six months. I think that's the way.

Ms. Sellers: Yep, I move approval.

Mr. Shelton: I second that.

Mr. Apicella: Okay, any further comments Ms. Sellers? Mr. Shelton.

Mr. Shelton: No sir.

Mr. Apicella: Anyone else? Okay, motion to approve the additional six-month extension for each one of these projects. Please cast your vote. The motion carries 5 with 2 absent (*Mr. Martinez and Mr. Bratton absent*). Thank you everybody for working through this with us. Alright, next item on the agenda, Planning Director's Report.

PLANNING DIRECTOR'S REPORT

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4. Project Pipeline Report (For Information Only)

Ms. Baker: In your package, you do have the Pipeline Report for tentative dates for public hearings, and I will point out that the three that you just talked about are anticipated in June, at the two June meetings, but we'll see how they progress. The other thing I just want to note is that in the 2025 budget that was just adopted by the Board earlier this month that Planning and Zoning is getting to new long-range planner position. So we have to fill those.

Mr. Apicella: That is awesome news.

Ms. Baker: Hopefully that will help with this somewhat of a backlog of the land use cases. That's all I have. Thanks.

Mr. Apicella: Do you want to give us a heads up on May 8th? It looks like there's no public hearings and perhaps no other business? Can we consider canceling that meeting?

Ms. Baker: We do not have any public hearings scheduled and, as far as I know, no new business.

Mr. Apicella: Is there a motion to cancel?

Ms. Barnes: So moved.

Mr. Shelton/Ms. Caudill: Second.

Mr. Apicella: Okay. I don't know who made that motion.

Ms. Barnes: That was me.

Mr. Apicella: And I think it was Mr. Shelton that seconded. Please, we'll do that by voice vote. All those in favor of canceling the May 8th meeting signify by saying aye.

All Commissioners: Aye.

Mr. Apicella: Okay, oppose. I don't hear anybody. That meeting is hereby cancelled. County Attorney's Report. Ms. Lucian.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Was this meeting really so bad that you were rushing to cancel the next one? [*Laughter*] I don't have any report. Thank you.

Mr. Apicella: Thank you, Ms. Lucian. Appreciate your help tonight. Chairman's Report; I have none. No Other Business. Looks like the last item on the agenda is approval of the March 27, 2024 minutes. Is there a motion to approve?

COMMITTEE REPORTS

CHAIRMAN'S REPORT

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OTHER BUSINESS

5. New TRC Submissions - *None*

APPROVAL OF MINUTES

6. March 27, 2024 Planning Commission Meeting Minutes

Mr. Shelton: Motion to approve.

Mr. Apicella: Is there a second?

Ms. Sellers: Second.

Mr. Apicella: All those in favor say aye.

All Commissioners: Aye.

Mr. Apicella: Opposed? The motion to approve is cast. With no further business before the Commission, we are hereby adjourned.

ADJOURNMENT

At 7:39 PM, Chairman Apicella adjourned the April 24, 2024, Stafford County Planning Commission meeting.