

STAFFORD COUNTY PLANNING COMMISSION

October 23, 2024

The meeting of the Stafford County Planning Commission of Wednesday, October 23, 2024, was called to order at 6:00 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, Carlos Bratton, Kelsey Caudill, Martin Martinez

MEMBERS ABSENT: Laura Sellers

STAFF PRESENT: Mike Zuraf, Lauren Lucian, Stacie Stinnette, Amy Taylor, Ginny Adams, Danielle Carroll

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Thank you. Are there any declarations of disqualification? Nope. Any changes to the agenda? Nope. Okay, I'll now open the public presentation portion of today's meeting. The public may have up to 3 minutes to comment on any matter except the 1e public hearing item on today's agenda. There will be a separate comment period when that item comes 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 anyone would like to come forward and make any comments, please do so now.

PUBLIC PRESENTATIONS

Mr. Stencavage: Hi, Peter Stencavage, Garrisonville District. Should we care about high levels of insulin in our bodies? Yes, because insulin doesn't bring, just bring your blood sugar down. It stays and affects other systems. In an analogy I read about recently stated that it's like importing 20,000 workers to fix a broken power plant in a city. That city can't run efficiently without electricity. No power for hospitals. Computers shut down. Businesses have to close for days. So the priority is to fix the emergency without thinking about the negative effects of 20,000 additional workers. Yet all those workers are going to have an enormous impact. Overcrowded roads, increased pollution, increased crime, additional demands on first responders. In much the same way, I feel we need to carefully consider the effects of bringing a Buc-ee's to Stafford County. Buc-ee's will bring in some tax revenue, but so will other more community-oriented businesses. What Buc-ee's will do is bring in approximately 21,000 cars a day to a congested area. With those additional vehicles, there will be overcrowded roads, increased pollution, increased crime, slower first responder times, and increased first responder costs through overtime initially, and then by increasing the tax rate to pay for additional first responders. In the analogy I presented at the start, city officials aren't thinking about the effect of 20,000 power plant repairmen. Just get the problem fixed. Full steam ahead. Don't just stand there, do something. Well, regarding Buc-ee's, this would be a time to just stand there, do nothing right away, and carefully consider all of the negative aspects a Buc-ee's would bring to Stafford County. Is this really the type of business that we want to bring to our community? And since I missed the comments the previous meeting, I'll just shortly talk about, have any of you heard of the allegory of good and good government and bad government? I hadn't. These are a series of paintings from the late 1300s by Lorenzetti. Per Wikipedia, the paintings have been construed as being designed to remind the local magistrates of just how much was at stake as they made their decisions. Twenty-one thousand cars. I've talked about all the impacts of a Buc-ee's. And I'll end with a St. Francis of Assisi quote; "Start by doing what is necessary; then what is possible; and suddenly you are doing the impossible." We as community don't have to strive for the last part, the impossible. We only have to strive for the possible. We have Stafford Vision 2040 and

***Planning Commission Minutes
October 23, 2024***

Buc-ee's does not meet most of these goals outlined in Stafford Vision 2040. Much like Lorenzetti, I am reminding you of what is at stake. Please vote against Buc-ee's and vote for community-oriented businesses. Thank you.

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

Mrs. Stencavage: Good evening. I'm Darla Stencavage, Garrisonville District. Tonight I just wanted to talk to you about the study that Miss, Mrs. Smith, Cheri Smith, brought up at the Board of Commissioners, Board of Supervisors – my brain's out right now – meeting last week. Also it was sent to each of you, I believe, in a Voices for a Better Stafford email. And that study showed that the emissions from gas stations is 10 times what had been previously thought they would be. And looked at under those, under that study was large gas stations. Large gas stations had 3.6 million gallons of gasoline annually. Buc-ee's is looking at about half of that each month, and so that it would be more than double that. And I don't think all the implications for that have been looked at. In the study that was done by the University of Pennsylvania, it showed that the effects of the emissions could be as close as 525 feet from the gas station or the vent, and that was, again, with a large gas station. Buc-ee's way exceeds that. And the health implications of that are pretty significant. The cancer risk to children and people, we do have both within 500 feet of the proposed Buc-ee's site. My house itself would be about a thousand feet from that, and so that really greatly concerns me. And especially with an elderly neighbor that, you know, how many implications are that? And for \$1 per gas fill up, it just doesn't seem worth it. The additional health costs that would come to the County, in addition to all the other costs that we've discussed previously, it just seems that this really needs a lot further study before it is approved. And I appreciate your time. Thank you.

Mr. Apicella: Any further public comments? All right, seeing none, I'm going to close the public hearing and move on to the first public hearing, which is Musselman Road Warehouse Zoning Reclassification.

PUBLIC HEARINGS

1. RC23155018; Zoning Reclassification - Musselman Road Warehouse – A proposed zoning reclassification from the B-2, Urban Commercial and R-1, Suburban Residential Zoning Districts to the M-1, Light Industrial Zoning District on Tax Map Parcel Nos. 45-37G; 45C-1-7; 45C-1-8; 45C-1-9; 45C-1-10; 45C-1-11; 45C-1-12; 45C-1-14 (Tax Map Parcel Nos. 45C-1-12, 45C-1-13, and 45C-1-14 are sometimes collectively referred to as Tax Map Parcel No. 45C-1-14A); 45C-1-16; and 45C-1-17, together consisting of 21.052 acres (collectively, “the Property”), to allow for development of approximately 218,400 square feet of warehouse and other light industrial uses. In general, the proposed proffers would: require the Property to be developed in general conformance with the generalized development plan; prohibit specified uses otherwise permitted within the M-1 Zoning District; limit maximum floor area ratio to 0.30; establish architectural design standards for all buildings; require specified transportation improvements; limit the maximum number of tenants permitted; and establish landscaping and buffering standards. The Property is located on the west side of Musselman Road, across from Bellows Avenue and Anvil Road, within the George Washington Election District. **(Time Limit: January 31, 2025)**

Mr. Zuraf: Please recognize Amy Taylor with the staff presentation.

Mr. Apicella: Hi Ms. Taylor.

Planning Commission Minutes
October 23, 2024

Ms. Taylor: Good evening Mr. Chairm, members of the Commission. I am Amy Taylor with Planning and Zoning, and I'm here this evening to present item number 1 on this evening's agenda, which is a rezoning classification for Musselman Road Warehouse. This request is specifically to rezone 21.052 acres from the B-2, Urban Commercial and R-1, Suburban Residential district to the M-1, Light Industrial district. This is affecting 10 separate parcels, all is identified there on the slide. But staff would like to note specifically that for the purpose of this application, Tax Map Parcel Numbers 45C1-12, 13, and 14 are also known or referred to as Tax Map Parcel 45C1-14A. All of these parcels are located within the George Washington Election District. The applicant is Johnson Development Associates, Incorporated, and Charlie Payne, with Hirschler, is representing the applicant. As shown here in red the subject parcels are located along the west side of Musselman Road, across from Bellows Avenue and Anvil Road, and also east of Interstate 95. As previously noted, the property does consist of multiple parcels, with the primary parcel and majority of the site being zoned B-2, Urban Commercial, as shown here in pink, and the remaining, most of the remaining parcels fronting along Musselman Road are zoned R-1, Suburban Residential as shown in yellow. The surrounding zoning districts are primarily residential districts, including R-1, R-2, and R-3 to the east and south, as shown in yellow, orange and gold, with some B-2 Commercial to the northeast, and that is shown in pink. All of the subject parcels have been zoned accordingly since 1978... or excuse me, before 1978 and no proffers exist on any portion of the site. And the Commissioner of the Revenue records do suggest that most of the subject residential properties fronting along Musselman Road were developed in 1979. These are the site's existing conditions. And as shown, those parcels fronting along Musselman Road consist of former residential home sites. Several of the residential structures have already been removed from the property, and the two remaining structures are currently unoccupied. The remainder of the site is currently undeveloped and is open and grassy with newer shrubby overgrowth and very few mature trees. Site topography is generally level, but does slope towards a small wetland area in the southwest corner of the site. Otherwise, there are no RPA or other sensitive environmental areas located on the site itself. The property does abut 95 to the north and to the west, and is largely surrounded by a variety of residential uses to the east and to the south, with a small number of established commercial retail uses located to the northeast, specifically along Thomas Lane, Short Street, and Warrenton Road. And those commercial uses include multiple auto repair facilities, a small shopping center, a motel, vehicle fuel sales, auto towing and recovery, and a trucking business. And these are a few street views of the site. This one is specifically showing the property from the intersection of Thomas Lane and Musselman Road, which is located at the north end of the site. This one depicts the property from Musselman Road near Bellows Avenue, which is located at the approximate midpoint of the site. And this one shows the property, also from Musselman Road, specifically near Anvil, which is located at the south end of the site. And just for clarity, the home that you see in this photo here is not part of the subject property. The GDP submitted by the applicant depicts the site layout for the proposed industrial building, which will consist of a single-story warehouse, approximately 218,000 square feet in size, but proffers would permit the development of up to 275,000 square feet. Truck loading docks and loading spaces will be located on the west side of the building closest to 95. Outdoor storage areas are also located closest to 95, with parking areas provided along the north and south ends of the building. Vehicular circulation is identified around the perimeter of the building. And the proposed site access will be by way of a single entrance on Musselman Road, which will be aligned at the intersection of Musselman and Thomas Lane. A 60-foot wide landscape buffer will be provided along the western property line where adjacent to 95, with a 50-foot wide buffer to be provided along other property lines where adjacent to residential uses. And a proposed proffer will also require additional plant units, 25% above that normally required by current landscaping standards, and would also prohibit reduction of required plant units and buffer yard widths with use of a fence, wall, or a berm. The Comprehensive Plan Future Land Use does identify the site as being within the Falmouth Gateway Targeted Development Area, and with most of the site being designated as commercial for resident, excuse me, for retail and office use, with most of those parcels

Planning Commission Minutes
October 23, 2024

fronting along Musselman being designated as residential. The applicant... as far as the proposed proffers, the applicant is proposing a number of proffers to help offset any potential negative impacts from the proposed industrial warehouse at this location, which would ultimately require the property to be developed in general accordance with the GDP: prohibit specific uses that would otherwise be permitted by-right or by CUP in the M-1 district; limit the overall density to a maximum floor area ratio of 30%; require buildings to be designed and constructed in general conformance with the architectural elevations, which also includes limitations on certain building materials; and require multiple transportation improvements to be completed prior to issuance of the first occupancy permit. And those improvements include signal timing adjustments; repaving all proposed truck routes, including widening Thomas Lane as necessary; modifying the existing landscaped median along Old Forge Drive, specifically to accommodate turn movements for full size trucks; and would also require a 50-foot landscaped buffer along all property lines abutting residential uses, including those additional plant units and prohibiting those otherwise permitted reductions. On staff's evaluation, we have found that there are several positive aspects to the application, such as that the proposed industrial warehouse is consistent with the existing, older pattern of development along Warrenton Road corridor, and is appropriate use along I-95. Proffers would also limit the overall density of the development and prohibit the number... a number of higher intensity and potentially undesirable uses. It establishes a commitment to the general design and appearance of the proposed building. Provides an enhanced buffering and screen... excuse me, landscaping and buffering to mitigate potential onsite visual and noise related impacts; as well as the multiple transportation improvements. However, staff finds that there are also several negative impacts associated with the application that, are that the proposed industrial use is inconsistent with the current residential and mixed-use pattern of development in the surrounding area. The proposal is inconsistent with the commercial retail, office, and residential land use recommendations from the Comprehensive Plan. The TIA does not fully evaluate the full potential development of the site as permitted by the proffers. The proposed use and the reclassification may have negative impacts on residential property values in the immediate surrounding area. And heavy truck traffic along Thomas Lane may negatively impact residential properties, which cannot be fully mitigated. Based on this information, staff is not supportive of the project and does recommend denial of the application. Staff believes that the proposal is not compatible with the existing residential development in the surrounding area and does not meet the Comp Plan recommendations or the long term vision for the Falmouth Gateway Targeted Development Area as a whole. That does conclude my presentation, and I am happy to take any questions that the Commission may have.

Mr. Shelton: Questions for Ms. Taylor?

Ms. Barnes: Yeah, I have a couple, of course. And thank you very much for the information on that. I do want to just point out a couple of things that I've noticed. There was a house labeled number 16 I believe on the GDP; it looks like that house is not part of the project. I believe in one of your slides, that was the white house, correct?

Ms. Taylor: That is correct, Commissioner Barnes.

Ms. Barnes: Okay. That house is going to be essentially surrounded on all three sides by that development.

Ms. Taylor: That is also correct.

Ms. Barnes: Okay. And because that, that parcel was timbered, basically whatever, whatever buffer that they put in is going to be... what's the words... skeletal. It'll be very, because there will be very

Planning Commission Minutes
October 23, 2024

young trees, very young bushes. What are the requirements for... I know they want to put in, or they're proffering to put in 25% additional, but what are the requirements as far as the maturity of those trees? Because, as it stands, if you put those very young plants, those very young trees in there, it's going to be 10 - 15 years before they do any kind of mitigating on basically residential bumping right up against industrial. So what, what sizes do they put in for that?

Ms. Taylor: Commissioner Barnes, currently the Stafford County Design and Construction Standards Manual for Landscaping and Screening requires that a 50-foot transitional buffer provide, I believe it's 162 plant units for every 100 linear feet along that property line. That consists of a mix of 50% canopy trees, large canopy trees, 30% understory trees, 10% large shrubs, and 10% small shrubs and/or grasses. Those trees, those canopy trees and understory trees, at the time of planting, canopies must be a minimum of 12 feet tall at the time of planting; understories have to be a minimum of 6 feet tall at the time of planting. So that would be a standard requirement, regardless of whether this was something being rezoned or whether this was something coming in by-right. So this proffer would provide an additional 25% of those same plant types, in addition to the 162 already required by code.

Ms. Barnes: Okay. So has there ever been a situation, or is it a possibility that they could plant much more mature trees? I'm not sure how that works. I don't I don't plant trees for a living.

Ms. Taylor: Commissioner Barnes, that the applicant does have the option, but without a proffer requiring them to do so, they would not be obligated to provide trees any larger than what is required by our landscape standards.

Ms. Barnes: Okay. But the, the parcel was timbered in 2020. So at this point, they put that project in, there's just a couple of 12-foot trees between the residents and the, and the project, the warehouse.

Ms. Taylor: Based on the street views that were in the presentation, you do see that if you... if I could get the computer again possibly... you do see that there are some towards the back property line there. And again, it's questionable whether some of those trees are actually on the subject property, whether those are on some of those remaining residential parcels, that is not entirely clear. So there's a possibility there may be some there, but, but obviously the, the vast majority of the site is widely open, so most of that landscaping is going to be immature, smaller plantings, so.

Ms. Barnes: That's unfortunate that it had been timbered. That would have been a nice parcel, a nice buffer for that. So the other thing I wanted to, I wanted to ask is, they mentioned that there would be a floor area ratio of I think it was a point three? Can you explain what that is so that everybody can understand what a FAR is?

Ms. Taylor: Certainly. Commissioner Barnes, the maximum floor area ratio is the maximum floor area permitted based on the square footage of the site. And that would ultimately be 30%. I do believe the M-1 district allows 50% if I'm recalling correctly, standard floor area, the maximum floor area permitted under the M-1 district generally would be 50%. So if you had a 1-acre site, then your building could be 50% of that one acres. So under the M-1 zoning district, they could potentially do 50%. They are proffering 30% of the site as far as being their maximum floor area ratio. And that equates to that 275,000 is what that 30% would be based on the total acreage of that site.

Ms. Barnes: Two hundred seventy-five thousand square feet?

Planning Commission Minutes
October 23, 2024

Ms. Taylor: Yes. And that is shown on I believe it's on page 2 of the GDP. It does show that breakdown regarding what they are proposing, 218 with this building specifically shown. But they are referencing the 275 as being at their 30%.

Ms. Barnes: Okay. And the maximum height of the building they're proffering is what 65 feet?

Ms. Taylor: Sixty-five feet. They are not proffering that I do not believe. I'd have to double check. That is the standard requirement for M-1.

Ms. Barnes: Okay, so they don't have to, that, that's just something that's the requirement.

Ms. Taylor: Correct.

Ms. Barnes: Okay, I do have some more questions, but I will let somebody else get it here.

Mr. Apicella: Can I just piggyback off of that? So the building elevation that I saw, the proposed building elevation shows a 65-foot building.

Ms. Taylor: I believe that it does, yes.

Mr. Apicella: Okay. So if you're one of the neighbors, and again, based on Ms. Barnes' questions about the trees and what's there and what's been removed, if you're in close proximity, are you going to see that building?

Ms. Taylor: Chairman Apicella, yes, that building would be visible to those closest residents over the new plantings that would go in in that buffer.

Mr. Apicella: What's the name of that townhome development that's in close proximity?

Ms. Taylor: The closest townhome development is the Old Forge town homes. And then there's also two newer townhome developments a little further to the south, for Rappahannock Landing, and then there's Cherry View Estates, also further south.

Mr. Apicella: Would any of those townhome developments be able to see that building?

Ms. Taylor: That would be a possibility, yes. They may be able to. Without a sight line exhibit that would be unclear whether that building would be visible, but that is, that is a possibility.

Mr. Apicella: Okay, thank you. Other questions?

Mr. Shelton: I have a question. Ms. Taylor, you talked about the aspect of a 24-foot road improvement and four inch asphalt, and then you mentioned a full size vehicle. Would you clarify for me what you mean by full size vehicle?

Ms. Taylor: Commissioner Shelton, the full size vehicle is referenced in proffers as a WB-67 which is a full size tractor-trailer.

Mr. Shelton: So it's a 65-footer then, at least.

Planning Commission Minutes
October 23, 2024

Ms. Taylor: Yes, that is correct. And yes, the proffers do reference a full pavement overlay of four inches along all three affected roadways. That would be Short Street, Thomas Lane, and Old Forge Drive. And then Old Forge would be the only one to be widened to 24 feet, and that would only occur in those locations where it's needed.

Mr. Shelton: So would that meet the VDOT requirement for a vehicle that weighs 30 tons?

Ms. Taylor: I would have to defer to that. I don't know that VDOT necessarily got into that level of specificity regarding these improvements. We did discuss improvements and the existing pavement conditions along these three roads extensively during the evaluation process, and these proposed improvements were acceptable by VDOT so.

Mr. Shelton: Yeah, I think you mentioned that egress would be via Short Street and Thomas and Musselman. Am I correct?

Ms. Taylor: That is correct.

Mr. Shelton: All three of which are two lane.

Ms. Taylor: That is also correct, Super... or Commissioner Shelton.

Mr. Shelton: Thank you.

Mr. Apicella: Any other questions? All right, I got a couple more. So you mentioned in the staff report and in your comments that the TIA does not necessarily reflect what could go on the property. What, what number would that be if it was maxed out to what would be allowable?

Ms. Taylor: Chairman Apicella, staff did look at that briefly a few days ago, and unfortunately, I forgot to write that information down. The number is not excessive based on the number we're currently looking at in the Transportation Impact Analysis. Currently, the impact analysis references roughly 1,400 vehicles a day. Staff did go through that evaluation for the full square footage, and I do not recall what that number was, and I do apologize that I did not include that with my information this evening. It was not excessive, though. I do not believe that it was more than a few 100 more vehicles a day. However, the one thing staff did note was that the TIA did not reference specifically the volume of heavy truck traffic that would be anticipated based on this size development. Staff did run that number specifically based on the 218,000 square-foot building that is shown on the GDP, and that number for heavy truck traffic equates to over 100 trucks daily.

Mr. Apicella: Okay, I didn't see anything in the documentation about hours of operation. Do we know if this could be a 24/7 operation? There's no proffer associated with hours.

Ms. Taylor: Chairman Apicella, that is on the table at this point. That was discussed with the applicant earlier in the process, and they were reluctant to restrict the business hours not knowing what type of tenants might be looking at locating themselves in this, this building. So they were reluctant to do so. That was not something they were willing to do at that time.

Mr. Apicella: Okay. All right, last call for questions of staff? Ms. Barnes?

***Planning Commission Minutes
October 23, 2024***

Ms. Barnes: Yeah, I just wanted to, just for the public sake, this is a parcel, a project they're requesting is the reclassification to an M-1, correct?

Ms. Taylor: That is correct.

Ms. Barnes: So what do we allow data centers in?

Ms. Taylor: Data centers are only permitted in M-2s.

Ms. Barnes: So if they wanted to eventually do something like that, if it's, if it's that large of a building, they would have to go back for another reclassification to an M-2?

Ms. Taylor: Commissioner Barnes, that is correct.

Ms. Barnes: Thank you.

Mr. Apicella: All right, thank you, Ms. Taylor. Would the applicant like to come forward and make a presentation?

Mr. Payne: Thank you, Mr. Chairman, other members of the Planning Commission. My name is Charlie Payne. I represent the applicant. Hope you're all doing well this evening. I haven't seen you in a while. It's always good to see you and be here. Thank you, staff, for your presentation. We very excited to put forward this project. I think what you heard from staff is something we're a bit surprised by. We've been working on this project for a couple years, quite honestly, and it did start with predecessors in the George Washington District, both in the Planning Commission and in the Board of Supervisors. And I think it's important to note that this property has been undeveloped for, for a very long time. It's been for sale for over 25 years. And I think you'll see in our presentation why we think this is the highest and best use for the property. And we think that we have properly mitigated this site. Now that doesn't mean that we couldn't improve our mitigation in our proffers, and we're certainly open to discussing that and providing additional opportunities for that as well. So, I will start here with our PowerPoint. Just real quick about the developer. I'm not sure if you guys know the developer, the well known developer in this arena. Johnson Development Associates has 35 plus years of development, knowledge, and experience. It is known as a perceptive business insight, extensive market knowledge and skill investment strategy. It has over 130 million industrial buildings consisting... 130 industrial buildings consisting of over 33 million square feet of industrial space all along the Mid-Atlantic. JDA has developed over, has developed four industrial buildings in Virginia; two in Winchester, one in Sandston, and one in Ashland. And, of course, they like this location for many reasons. This is a growing area, and the Washington metro market area is very attractive. So just real quick background on the site. As you can see, it's undeveloped. It literally is immediately adjacent to I-95 that's going north and the Route 17 ramp coming to the east. It's about 21-plus acres. It is in the Falmouth Development Planning Area, in the Urban Services Area. It is, it does sit within the Targeted Development Area, your commercial and retail component. Most of the site does. A small portion of it on the southern end is included in the mixed-use residential component. The property is zoned B-2, so today we could develop the site by-right for, quite honestly, more intensive uses that would generate a lot more traffic under B-2. When we first came forward with this project, we could have easily filed for a CUP under B-2 to have warehouse and storage. But we were encouraged not to do that, to go through the rezoning process because through the rezoning process, you can propose proffers for necessary improvements, including road improvements. And we'll get into those as well. This property is strategically located near I-95 and the Route 17 interchange. That makes it very attractive for this proposed use. This proposed use is 217,000

Planning Commission Minutes
October 23, 2024

square feet of basically warehouse and storage, light flex industrial space. I know the GDP says that we could build up the 0.30 FAR. We're willing to proffer no more than 218,000 square feet. We're also willing to proffer no more than 50 feet in height, versus a 65 that's allowable under M-1. The property does... the project does include about 20% open space, and is, does have significant buffering setbacks, and we'll show that. Again, you can see in this visual here, yes, we are near residential, but you'll also see we're also near some legacy commercial and quasi-industrial properties. The VDOT maintenance and storage facility is right there off Thomas Street. It's been there for a very long time. There's truck traffic along that route on Thomas Street quite often. Near a major large auto repair and towing company. You're near a hotel. You're near a legacy strip center. So this, and again, you're right off I-95 so again, this use is not per se incompatible with surrounding uses in the area. And let's be honest, there hasn't been significant investment in this particular area of the County for some time. And this will be a significant investment in that area. And employer. So the request is from R-1 and B-2, most of the site being B-2, to M-1. Under the current zoning by-right, uses could include building material sales, storage yard, mulch sale, car wash, convenience center, funeral home, indoor flea market, lumber/building/electric/plumbing supply, with covered stores or wholesale business. It could be all of those by-right, which would generate a heck of a lot of traffic. The project will consist... this project will consist of warehouse and other industrial uses. The thinking is is that we will have basically four tenants in the site, and they will be that the client typically leases to tenants who are mid-level sized businesses. They provide supplies and services to other businesses, so it's going to be a business to business development. And as part of that process, it will be a local business, delivery business and supply business as well, and also going north in the Washington Metropolitan Area. Here's a layout of our generalized development plan. What you see in the light green is the open space area, and you see there's quite a bit of buffering, except for the one lot that Ms. Barnes noted out, lot 16. Quite a bit of buffering along the frontage along Musselman Road. You'll see our pattern... there's only one access into the site, one access out of the site. And that access will go to Thomas Lane. We're not planning to travel on Musselman Road, Mr. Shelton, that's not our plan. Our plan is to get to basically to I-95 and Route 17 as quickly as possible. So it'd be mainly to Thomas Lane and then to Old Forge light. You could come in off Short Street, if you're taking your right off Route 17 to get into the site as well. But basically, Thomas Lane will be the main route. And I'll get into a little bit of that as well. You'll see the building footprint here as well. And behind it, we intentionally put the loading dock area to the west of the site, which abuts I-95, so that we can further buffer our neighbors. And you'll see also, we've got a 50-foot buffer around the property, specifically around all the residential uses. And you'll also see that we have maintained and put our parking to the rear of the site as well. We're also willing to have discussion to prevent tractor-trailer traffic from coming across the front of the building that would be anywhere near residential uses. So basically they could come into the back, into the loading area, pick up their, their, their, their their, their load, and then leave the same way they came in. So we could basically avoid having to go and circumvent the entire site. Here's another depiction of the site. It shows the open space areas and the buffering; Ms. Barnes was asking about whether we have mature trees or not. We can certainly have that discussion about whether we should. Now remember, the minimum requirement for buffering is 40 feet when you're abutting anything non... when you're, when you're abutting residential uses. We're actually at 50 feet so we exceed that requirement. We're also planning additional plants, 25% more plants that aren't required. And we'll certainly have a discussion about improving, increasing that percentage as well. So we also, as part of our proffers, have proffered out over 30 uses under M-1. And you can see the uses that are listed here that are typically not very attractive for economic development purposes, and then... and that are not typical in the county for new development. So the proffers. The total square footage of all structures, again, is roughly 218,000 square feet. We're willing to proffer that max. The building exteriors will not be composed of metal siding. We've proffered that. Exterior Insulation and Finished Systems may only be used as secondary building accent materials for the building exteriors. So again, this will be a quality building. You'll see some

elevations here in a second. The property will be consolidated into one parcel. The project may have no more than four tenants at any one time. And we have proffered a 50-foot landscaped buffer to be provided along all property lines abutting existing residential uses unless and until such properties cease to be zoned obviously or utilized for residential purposes. And the plantings within this buffer will be provided, again as I noted, 25% additional plantings versus what is required under the County's design standards. Here are the architectural elevations which have been proffered. Again, we'd be willing to cap the height at no more than 50 feet versus what's allowed under the Ordinance, M-1 at 65. Transportation Proffers. Transportation was a big part, the proffers were a big part of this application. In fact, we met with both VDOT and the County Transportation Department extensively on the transportation proffers. And we basically were looking at four locations. We were looking at the entrance into the site, Short Street, Thomas Lane, and also Old Forge. And unless previously completed by VDOT, we would adjust the timings and the offset at the... signal times and the offset at the intersection of Warrenton Road and Old Forge Road, which should improve traffic flow. We will mill and provide a net four inch asphalt pavement overlaid to approximately 1,065 feet, 1,165 linear feet along Thomas Lane. Where existing pavement is not 24 feet in width, the applicant will further agree to increase the pavement width to 24 feet in all locations on Thomas Lane. So there's not, if there's not, to the extent that there is adequate right-of-way, and this is something we met with the Department of Public Works in the County, we would widen Thomas Lane, for example, to 24 feet that is not 24 feet today. One of the things that we learned, and to Mr. Shelton's question, is that the roads in this area haven't been improved for over 30 years. So they need, they need not only widening and milling and pavement, but they also need additional compaction. So we met with VDOT. We provided an analysis on that, and that's where the 4-inch asphalt pavement came from. And it was based on our use, Mr. Shelton, to address that. We did mill and provide a net... we will mill and provide a net 4-inch asphalt pavement overlay to approximately 679 linear feet along Old Forge Drive. As you all know, the light has been moved from Short Street to Old Forge and, but it didn't come with all the bells and whistles on improvements at that intersection. So this will help improve that intersection as well. We also will mill and provide a net 4-inch asphalt pavement overlay to approximately 610 linear feet along Short Street. Again, Short Street hasn't been improved for over 38 years, which is ironic because the VDOT maintenance facility is right there around the corner. We will decrease the width of the existing landscape median along Old Forge Drive and provide a full-depth payment as necessary to accommodate right turn movements for any tractor-trailers. So for purposes of the tractor-trailer traffic, I think we need to be up front here. It is a small percentage of the traffic at the site. This will be a, you know, a small employment center. We'll have lots of employees there. About 100 250 employees will work out of the site on a 24/7 basis. The traffic study, because we were required in our scoping agreement to use a code 150, showed a vehicle trips per day at 1,469. Quite honestly, this project won't generate even close to that amount. Typically, we use a 130 ITE in all the other jurisdictions that the client works in, and that would generate about 300 trips per day. So again, we're not anticipating a heavy traffic activity here, and remember, for distribution, they don't travel during AM and PM peak hours. There's nowhere to go. They don't go during rush hour. So they load during rush hour, AM and PM, and are not... the tractor-trailers are typically not on the roads during those period of time. So I think we need to also understand that. And typically the reason why we did not want to restrict the hours of operations is distribution is a 24/7 operation. But the core component of that is going to be two 8-hour shifts, though. So I think, I think we just need to understand that this type of business, that's the nature of the business, and not just the nature of the use. And here's a depiction of the areas that the off-site transportation improvements will occur. Again, Thomas Lane, Short Street, of course, our entrance and the Old Forge Drive and intersection. Economic development perspective – this project will generate about \$6.1 million in positive annual impacts, direct and indirect into the County economy and support 32 jobs per year during construction. Estimated that the warehouse will employ about 96 workers in 2026 when fully operational, and the estimated total revenue or sales of the warehouse will be about \$9.2 million.

Planning Commission Minutes
October 23, 2024

In total, the business operations are expected to generate about \$14.2 million economic, positive economic impact for the County, and will support 131 jobs per year at full build-out. The annual real estate tax revenues from the site's about \$228,000 a year. And the personal property tax will be about 7, almost \$80,000 a year. So you'll, the County will net about \$307,000 per year in positive tax revenue. No impacts on schools. Minimal impacts on public safety. And no impacts on parks. And I'm happy to answer any questions you may have. And I know there were a few questions, and I think perhaps our presentation may have addressed those, but if not, I'm happy to answer any questions.

Mr. Apicella: Thank you, Mr. Payne.

Mr. Payne: Thank you.

Mr. Apicella: Questions for the applicant? Mr. Shelton?

Mr. Shelton: In one of your slides, you showed it was a 1-story facility, but you're saying 50 feet in height. Would you clarify that for me?

Mr. Payne: Well, we're... and so typically the 50 feet gives them the additional space for inventory room, for example. So, but typically, when you say it's one story, these are about, you know, could be about 36 feet, typically 36 feet in operational area, but you got 50 feet gives them the flexibility to be able to, you know, add additional workable space and inventory, etc.

Mr. Shelton: Okay, thank you.

Mr. Apicella: Would that include any chillers or HVAC equipment on on top of the building?

Mr. Payne: I don't, I don't believe so. No

Mr. Apicella: So, it still might be above 50 feet, once you factor that in.

Mr. Payne: Well, and for under the Stafford's Ordinance, you can, you can... the base of the roof can be maxed at 50 feet. In this case, 65 under the ordinance. You can put equipment on top of the roof, that's, that's allowed in the county.

Mr. Apicella: Yeah, I'm saying it's not. I'm just asking the question, Mr. Payne. Other questions for the applicant? Ms. Barnes, did you have a question?

Ms. Barnes: Of course. Can you go back to the slide that depicted the buffering along the back of the homes? Oh, I think you just had it.

Mr. Payne: Right there?

Ms. Barnes: Yeah. So it, it looks like you've added a lot of buffering along, it looked like, I'm gonna guess the north side of that. What about those houses to the south? Why is, why is that not included down into there? Are there existing trees?

Mr. Payne: It's existing... existing vegetation is in that area.

Ms. Barnes: Okay. And you're saying that that is 50 feet up to the edge of the the asphalt there.

***Planning Commission Minutes
October 23, 2024***

Mr. Payne: Right.

Ms. Barnes: Okay. Can you...

Mr. Payne: The building's probably set back close to 100 from the property line, round or about.

Ms. Barnes: Okay. Can you go to the slide that depicts the red outline that shows the total area of the project? Okay.

Mr. Payne: Here?

Ms. Barnes: Yeah, oh, either one. That's fine. That actually is different than what I'm seeing in the staff report. It's slightly different. I'm not sure why. Maybe, maybe we'll, we'll get Amy back up here and take a look at it. I'm not the best at reading maps and things like this, so maybe I'm wrong, but it looks different. I do have a question about it looks like there is a right-of-way about halfway down Musselman Road. And you're saying that you're not planning on using that as an entrance point – there it is, thank you. You're not planning on using that as an entrance point so you're not going to have anybody come in down Musselman Road and taking a right into that right-of-way that can go into your property then.

Mr. Payne: No. The only access point is right there at Thomas Lane to the, to the north.

Ms. Barnes: And is that a, is that a proffer, or is that just...

Mr. Payne: It's shown on the GDP so...

Ms. Barnes: It's shown on the GDP. Okay, thank you. And as far as that single little hold-out there on, it looks like lot number 16...

Mr. Payne: Yes ma'am.

Ms. Barnes: ... I do see that you've got some, some, what looks like some... you're not, there's nothing, you're not doing any kind of buffering around that, that lot.

Mr. Payne: You're talking about the buffering to the north and the south, not the buffering to the west, right?

Ms. Barnes: Yes, yes, that one isolated little house there.

Mr. Payne: We certainly could do that, including providing some fencing around that residence as well. We could also provide, I mean, the residence, as you can see, has some trees to the west behind its house, but we could certainly put fencing around that location and put fencing around where the other residential uses are as well.

Ms. Barnes: Have you met with the homeowners on that street?

Mr. Payne: We had... we had initially had a community meeting on this.

Ms. Barnes: Okay. Okay, I'm sure we're going to hear about that later, too.

***Planning Commission Minutes
October 23, 2024***

Mr. Payne: Yep.

Ms. Barnes: Okay. All right, that's it for now.

Mr. Apicella: Can I just piggyback off of that? So again, these, I'll call them two parcels to the front of the proposed warehouse shows us green space. So nothing's going to go there per the GDP.

Mr. Payne: That's right.

Mr. Apicella: And how much acreage is that, those two parcels?

Mr. Payne: So the entire site's 22, roughly 22 acres. I'd say it's about, I don't know, close to maybe six or eight acres around or about.

Mr. Apicella: Okay. Any other questions for the applicant?

Ms. Barnes: I have one question, but it may not be for the applicant. You said it's zoned B-2 right now?

Mr. Payne: Yes.

Ms. Barnes: So what's, and I don't know the ordinance by heart, what's the max height in B-2? Do we know? I'm sorry, it just kind of came up. I'd like to know what the max height of the B-2 as opposed to what the max height is in this aiming at M-1.

Ms. Taylor: Commissioner Barnes, I'm not familiar, I don't remember off the top of my head what the max height is, so I'm hoping that Mike may know. Or Charlie may have it handy.

Mr. Zurf: Mr. Chairman, yeah, that's 65 feet.

Ms. Barnes: So it's the same for B-2 for an M-1. Okay, thank you.

Mr. Apicella: Mr. Bratton?

Mr. Bratton: Question. So you said maximum of four tenants, correct, right?

Mr. Payne: Right.

Mr. Bratton: Do y'all know the potential for clients?

Mr. Payne: Well, they don't have tenant leases signed now, but I will tell you, there's a great demand for this type of space.

Mr. Bratton: So how can you control the maximum flow of traffic, if y'all don't know the tenants, because... and the uses of the space require a different type of transportation. I was just trying to find out who's going to maybe move in, because that's going to demand the flow of traffic. Because you said the roads with the 18-wheelers and some companies may not need it, but other companies might. So I was just kind of trying to understand before you might have a maximum of four tenants, but one tenant might have 18 18-wheelers and one tenant might have one. So that's... do you understand that? And how do y'all mitigate that for the say, if four tenants have maximum use of 18 wheelers on on that road?

***Planning Commission Minutes
October 23, 2024***

Mr. Payne: Right. And one, we'd be very happy to cap the number of trips, because we think it far exceeds what will happen on this site. So right now, the estimated number of trips are 1,469 based on the traffic study, because we were required to use code IT 150 when typically they use a 130 for their business model. Their business model is not a large distribution. Their business model is smaller mid-level tenants who serve typically the local area, or they serve a little bit outside of the regional area. It may be just delivering services. You know, it might not be a whole lot of tractor-trailer action, activity. Likely, we anticipate it to be supplies that'll be provided to other businesses, so that will use, you know, either some tractor-trailer traffic or box truck traffic or other, etc, right? So, we'd be willing to cap the number of trips, because we think the way the traffic study... we were required to do the traffic study. Remember, when we go to scoping for traffic study, we have to, we defer to what VDOT and the County requests us to utilize for ITE. That's the standard to use for this type of use. And like I said, if it's a higher use than my client's accustomed to, because usually it's a much lower impact, like I said, we think that the traffic will be not even half that amount in which the, the, what was determined in the traffic study at 1,469 trips per day. We'll be willing to cap that number in our proffers if that, if traffic is a concern. I think that's what you're raising.

Mr. Bratton: So you saying the clients that are potentially going to use this facility are going to be within that number of...

Mr. Payne: All four.

Mr. Bratton: All four, they're gonna be within that capacity...

Mr. Payne: Can't exceed.

Mr. Bratton: ... so you're not gonna have a company that exceeds that capacity?

Mr. Payne: Right.

Mr. Bratton: Okay.

Mr. Apicella: Ms. Caudill?

Ms. Caudill: When was the, was the... am I correct in saying that the traffic study was done in 2023?

Mr. Payne: It's been updated several times.

Ms. Caudill: Okay.

Mr. Payne: I can tell you. Let me put my glasses on.

Mr. Apicella: Welcome to the club.

Mr. Payne: Twenty years ago I could have told you like that.

Mr. Zuraf: I have the answer, if it'll help. April 7, 2023.

Mr. Payne: And it's been updated, I think, several times to address, basically to address the compaction and the improvements on Thomas Lane at Old Forge, so.

***Planning Commission Minutes
October 23, 2024***

Ms. Caudill: Okay. Thank you.

Mr. Apicella: Any other questions? All right, Mr. Payne, I've heard you mention a willingness to consider, I would call them four different proffer revisions or additions: willing to proffer a cap of no more than 218,000 square feet; willing to cap the building height to no more than 50 feet; enhanced tree height and further additional plantings; and cap the number of vehicle trips per day. We're about to go into a public hearing so I would ask you to consider what that language might look like. I don't know what the Commission is ultimately going to do but, you know, that's something we'd certainly entertain.

Mr. Payne: Okay.

Mr. Apicella: All right. Thank you very much.

Mr. Payne: Thank you.

Mr. Apicella: All right, so I'm now going to open the public hearing on this matter. This is an opportunity for the public to comment. Before stating your thoughts on this item, 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 now.

Ms. Rivas: Hi. My name is Kathy Rivas. I live in the Rappahannock Landing sector. You guys mentioned the traffic study was done in 2023. Since then, there has been increase of home, finished homes already. So from the study, there was a, there was a phrase that said the Rappahannock Landing was only 51 single homes, townhouse, or whatever. It is over 67 of members of townhouses, single homes. Our last bundle of homes were done this year, beginning of this year. So the traffic flow for me is a major concern. I live at the end of Rappahannock Landing so I get to hear 395 traffic. I get to hear the train. Believe it or not, I get to hear the train. So by them telling us that there's going to be a loading dock with trucks and everything, that is going to have a major impact, especially if they don't have a cap time, it's a 24-hour facility where I'm going to hear this constant trucking, besides 395, besides the train that I hear. Also, mind you, it is a large community, Rappahannock Landing. We have townhouses in front of us. We have these little houses next to us as well, which indicates that we have kids in our community. We have a lot of kids that don't have sidewalks, that go on their bicycles on the streets. They're talking about how it's a two-way street; it actually isn't, right. So you barely have two cars going through. So what does that mean? Are you gonna take property from the aligned, you know, houses and the company beside it to make this road bigger? It's just, I prefer to have it as a residential. We have a lot of residential. Yes, we have commercials, but they're in the front of our communities, which is not a lot of traffic flow for the rest of us. But with this one, it is going to be a whole lot of traffic. We have schools that are going and operating school busses at six, seven in the morning, coming back from schools at three, four o'clock. High school students have after school activities. So how much of impact this is going to be for our community. Thank you.

Mr. Apicella: Thank you, ma'am. Would anyone else like to comment?

Ms. Thibodaux: Hi, my name is Phyllis Thibodaux. Let me bring it up a little bit. And I'm also Rappahannock Landing resident. I've been a Rappahannock... I've been a resident of Rappahannock Landing for about 6 years now. And my major concern is also the traffic and the motel is surrounding Rappahannock Landing. There's high traffic, high crime areas around there, and the old townhomes there, Old Forge, there's a high crime area around there as well. And we do hear a lot of noise from 95, from I-95. So now we're talking about having a warehouse there with tractor-trailers. And I think we

Planning Commission Minutes
October 23, 2024

should be more focused on getting rid of the motels around there. That's, that was my main concern is, you know, getting rid of the crime there and the high traffic area. I thought we was going to build, I guess they were wall barriers to try to reduce the noise, and now we're talking about bringing more noise with the, with the tractor-trailers. So yeah, I would think that bringing more traffic with the tractor-trailers is only going to bring the value of our homes down, decrease the value of our homes, instead of increasing the value of our homes. That was my main concern. Thank you.

Mr. Apicella: Thank you, ma'am.

Mr. Whitehurst: My name is Reginald Whitehurst. I also live in Rappahannock Landing. I've been there ever since, like, 2013 when it first started, right. So I am very hip to all the loud, all of the loud noise, right. But the one thing I want to say is controlling traffic, right, like during the time... I used to work at the warehouse, right, so I know how that volume is. We did not adhere to any type of traffic flow rules during any time of the day. We went through... I used to drive a box truck, right. I went through that road any time, any day, and it was right next to a residential area, right. So there was a lot, there was always complaints, right. But, what I'm trying to say is, how will they control that? There's no control in that. That's, that's the truth. Like, at least be honest and say we're not able to control that. Who's going to police that? No one. That's the truth. So that was one. The second one... sorry... the second one is hazardous waste, right. So you're going to have a warehouse there, right. I want to make sure that there's no hazardous waste impacting, polluting the area, right. So you have that. So you have noise, you have traffic, no policing that traffic. You also have hazardous waste, right. And also ensure that the zone that's being redistricted is not impacting Rappahannock Landing. So that's my concern. Did you have any concern?

Mrs. Whitehurst: I support what you said, and I also have the concern about the children walking around there, like she has said earlier. There's no sidewalks for them to walk. There's constant traffic with pedestrians, with no area, safe area for them. So widening the road, they're just widening it just to get their their vehicles through? Are they going to make a safety area for the children? And also, there's only one traffic light for us to enter and exit out the neighborhood. There's two entrances and exits, but it's just that one traffic light that everybody just generates and flows to because they want to turn left to get onto the highway. So that's one of my concerns.

Mr. Whitehurst: Yeah. And right now I telework, but as soon as I go in, the traffic is going to be a nightmare for me. So I'm just frightened at that. So that's it.

Mr. Apicella: Thank you, ma'am. Can you just give us your name?

Mrs. Whitehurst: Rachel Whitehurst and we live in the new single-family homes that they built. So that's additional residence.

Mr. Whitehurst: Yeah. So we moved from the townhomes from Rappahannock Landing to the single-family homes of Rappahannock Landing, so we've been here for some time.

Mr. Apicella: Thank you very much.

Mrs. Whitehurst: Thank you.

Mr. Apicella: Anyone else?

Planning Commission Minutes
October 23, 2024

Ms. Hanson: My name is Karen Hanson, and I've lived here since the development. I bought one of the first houses that was built in Rappahannock Landing. So I've seen a lot of changes over like the 11 years that I've lived there. My concern is the property values. As soon as you start changing it to light industrial, that changes property values. Most people who would want to buy a residential home and have young kids do not want to come into a development when they're going to be zoned as light industrial. That could mean any kind of business could come into that development. The other concern I share with them is crime. The development in Old Forge already has an issue with cops constantly in there going after bad people. There are good people and there are bad people; there are more cops in there. I've seen my share of cop raids over there since I've been there. And the minute you bring warehouses in there, you bring more crime in there, because more people are going to want to hang out and the working late at night, doing all kinds of other activities. And typically, that's what happens with warehouses. Again, my concern, like his, was with traffic. When they took out the one light, that was to turn onto Thomas Lane and made it to go into Old Forge, that was supposed to help with the HOV. All that's done is make it impossible for you now to get out of a crowded subdivision, even more impossible. In high traffic mornings like rush hour, it's impossible to make that left turn out of that development without waiting sometimes for three or four cycles to turn left, turn left or right. It's just a lot of traffic. By bringing the business in there, it's going to increase that traffic volume. That road, even though he says he's not going to go down Musselman, there will be sometimes where they're going to have to go down. That road as thin as it is, and when it snows, they don't plow that road. And so there's only really one way for us to get out of that development, and that is through Old Forge. That's thin. They did come in at one point and try to do the, the ease that they had to try to widen it a little bit. It's still you can really only get one way down. And most people don't even go out it anymore. They just come in it, because they don't want to have to wait to turn that right at the light. So those are my concerns. You know, if I get ready to retire, say, in a year from now, and they already know that this is light industrial, my property values are going to go down. They're not... I'm not going to get what the full value from my house is now in a year or two from now.

Mr. Apicella: Thank you, ma'am. Anyone else like to make any comments on this item?

Mr. Abney: Good evening. My name is Tom Abney. I'm a resident at Rappahannock Landing since 2018. I have a nice townhouse, put a zen garden in the backyard, just kind of real peaceful back there. I could tell you, when you get up in the morning and you're during rush hour, you can hear everything as if the cars are right in front of you. You can hear the interstate as clear as day. It goes through the windows. Doesn't matter where you are in the house, you can hear it. I work from home. I can hear it. It can be on the speaker if it's rush hour, you can hear that. Now, imagine that, and they're going to add on a warehouse. We're going to hear trucks backing up. You know they make sounds. They have to, by law, so they're going to back up. You're going to hear that. You're going to hear them run on the engines. And they're going to be on those streets. You're going to hear all that. There's nothing shielding the sounds from the interstate coming there. Now here, let's fast forward to let's say that warehouse is built. So on the west side of the community, that's where they want to build the warehouse. Now, what nobody's brought up yet is that there also is a project... I'm going to bring it up real quick just to tell you what it is. There's a project called the Old Forge Drive Park and Ride Route 17 improvements in Stafford County. And what they want to do on the northeast of the area coming in Old Forge, is they're going to take away all the trees there, and they're going to put in a commuter lot. So on top of the warehouse, they're going to have a commuter lot that we had to fight to get out of Old Forge. So you can imagine the traffic nightmare that's going to ensue when you have a commuter lot and you have a warehouse. How are you going to be able to get out of your house? How are you going to be able to get into the community? On top of that, you have the businesses. Let's talk about the businesses that are right at Old Forge. There's a car dealer there that will usually offload their cars at night, and sometimes they'll,

Planning Commission Minutes
October 23, 2024

they'll do all sorts of weird things. It's, it's an accident waiting to happen, if it hasn't already happened. But these businesses, they're, they're encroaching on that residential property, they're making it very difficult to enjoy the property that we all paid for. We like our community. That's what we came together today to talk to you hopefully in civil discourse to disagree with this project. But I live in Rappahannock and hopefully I get to stay there. Thank you for your time.

Mr. Apicella: Thank you, sir. Anyone else? Okay, I'm going to close the hearing, public hearing on this item, and bring it back. I'm sorry. Mr. Payne, would you like to make any comments?

Mr. Payne: Thank you, Mr. Chairman. Again, Charlie Payne, I represent the applicant. Appreciate your time this evening. On the noise front, we did perform a noise study in regards to basically the background noise in the area and with the building, how would that impact the immediate area. And the noise study demonstrated that the noise level, as you heard from the, from the community, a lot of that noise is being generated by I-95. I-95 is generating the noise in that immediate area. With the building in place, it actually buffers the noise and reduces the dBA from I-95. So actually, the building is providing a benefit in regards to the noise, notwithstanding the fact that people are concerned about potential noise on the site. I think it's also important to know this is a 25 plus million dollar investment in the area. Like I said, this, this area has not had a whole lot of commercial investment for some time. It has a lot of legacy commercial uses, some quasi, quite honestly, industrial uses that are, as staff had noted in their report, are non-conforming, are not going anywhere anytime soon. This type of use does have the opportunity to encourage other investment in the area as well. And I think that's a, that's a strong benefit. Remember, this, most of this site is zoned B-2 and the permitted B-2 uses could have a greater impact to the immediate community, including more traffic and without having to improve roads. That's a big plus for this project is the fact that it will improve several roads in the immediate area that citizens are complaining aren't wide enough and don't provide enough appropriate access. So again, this is a plus for this area. It's a job creator as well, not only for the area, perhaps for the immediate area, for folks who live in the immediate area, who could work there and, and also live close to the to the site. We are, as we noted earlier, willing to proffer some additional proffers, if you will, make additional proffers, if you will, to further mitigate impacts. And I'm happy to go through those again, Mr. Chairman, if that would be helpful.

Mr. Apicella: Please.

Mr. Payne: One of the... I'll just go through this, and you can correct me if I missed anything, but we're willing to cap the number of trips at 1,469 and that's for all tenants, Mr. Bratton, and cap the height at 50 feet. And I did confirm with my client, Mr. Shelton, we need, we do need the 50 feet, which is very typical, by the way, for a small distribution warehouse area to be at 50 feet. And we would obviously increase the number of plantings, Ms. Barnes. I know that was an issue. And we also are willing to put fencing up that adjoins the residents.

Ms. Barnes: Please specify what kind of fencing.

Mr. Payne: What's the max height, 6 feet? Typically board on board, I don't know if the max...

Ms. Barnes: But not chain link.

Mr. Payne: No.

Ms. Barnes: Okay, it might be something to specify for that.

Planning Commission Minutes
October 23, 2024

Mr. Payne: It would be, it would be utilized for screening, just to make sure that's okay with the client. Yes. Eight feet? We could go to 8 feet, is that okay? Board on board? We would be willing to screen the rooftop equipment, Mr. Apicella. We could increase the height of the plantings so the trees, Ms. Barnes, 25% above whatever the requirement is for the County. We are willing to proffer no hazardous materials to be stored in the, in the building, or any of the buildings, and the units. We're willing to cap the square footage at 218,000 square feet as shown on the GDP. And we're willing to prevent access to tractor-trailers along the frontage, that they would only be able to access clearly off Thomas Lane, go to the loading dock area and then go back out the same way they came in and not come across the frontage where they would be closer to residential uses.

Ms. Caudill: How would you enforce that?

Mr. Payne: Well, it'd be a proffer. So if we violated that proffer and a neighbor called and said we're violating the proffer, the county could issue a zoning violation. But we would, we would make it, but we would make it an operational requirement for sure.

Ms. Caudill: So that would be someone from the County or the Sheriff's Office having to sit out there to make sure that that's not happening?

Mr. Payne: Well, they wouldn't have to sit out there. I'd let the, I'll let staff discuss how the complaint process works. But typically, there's a complaint, they investigate the complaint, and if we're violating the proffer, we'll get a letter that says you're violating a proffer, stop violating the proffer, and if we continue to do so, then they'll file a zoning action against us. I mean, you have enough authority, because the proffers are an ordinance whereby you could arguably shut the place down if it keeps violating that proffer. And Ms. Lucian can correct me if I was wrong about that. I think that's everything that we, we said that we would proffer additional, in addition to what we've already proffered. And again, not only I think it's a new investment in the area that would be a benefit to the immediate area, but also the road improvements are quite significant. And like I said, there hasn't been any road improvements in this area probably for 30 plus years.

Mr. Apicella: So I just wanted to clarify. You mentioned the vehicle cap at 1,469; if I heard it correctly, the TIA says 1409.

Mr. Payne: 1,409, whatever the, whatever the cap is.

Mr. Apicella: Okay. But it's not a, you're not proffering to reduce it below what the TIA.

Mr. Payne: That, a thousand is we're fine with because, again, that number is so extraordinary for their typical use, so we're willing to cap it at a thousand.

Mr. Apicella: Okay, do you have the language already drafted, or is that something you still need to work on?

Mr. Payne: It's all up here, right. I'm willing, I'm willing to add it to the proffer if the Planning Commission deems appropriate.

Mr. Apicella: Well, we need to have the language to be able to accept any proffer changes tonight so.

Mr. Payne: Give me a couple of minutes and I'll put it together.

***Planning Commission Minutes
October 23, 2024***

Mr. Apicella: Okay.

Mr. Payne: That's okay?

Mr. Apicella: So what I'll do... how many minutes you think it might take? Five minutes? Ten minutes? Because we could take a quick break.

Mr. Payne: Take five minutes?

Mr. Apicella: Okay, five minutes.

Mr. Payne: Ten if you want it.

Mr. Apicella: I'll take 10.

Mr. Payne: You got it.

Mr. Apicella: Thanks.

Mr. Payne: Thank you.

Break: 7:09 PM – 7:19 PM.

Mr. Zuraf: Mr. Chairman, we have modified proffers from the applicant. I'll go ahead and read the changes. There are new proffers being added. So this would be under 8, new proffer 8. It says additional proffers, the applicant proffers the following conditions, and you have 8a, the project will not generate more than 1,000 vehicle trips per day. Proffer 8b, the building shown on the GDP shall not exceed 50 feet in accordance with the County's ordinance. Proffer 8c, the applicant will increase the size of tree plantings 25% above minimum requirements. Proffer 8d, the applicant will screen all rooftop equipment. 8e, no hazardous materials shall be stored on the property. 8f, the maximum square footage for the building constructed on the property shall be no greater than 218,000 square feet. And 8g, no tractor-trailers shall access across the frontage of the building. And then the applicant also deleted proffer 2c, which is the, was the proffer regarding the maximum FAR of point three, because the new proffer setting the, capping the size of the building to 218,000 square feet, that's in conflict with the point three. So 218,000 square feet, that's an actual lower FAR. So it's just, they removed the FAR to avoid that confusion.

Mr. Apicella: Did I miss a proffer on fencing? Did you say something about it? Fencing.

Mr. Shelton: Fencing on that residential lot 16.

Mr. Payne: Sorry.

Mr. Apicella: No worries. This is how sausage gets made in Stafford County.

Mr. Zuraf: Okay. New proffer 8h, the applicant shall provide fencing of eight feet in height in areas that adjoin residential uses.

Planning Commission Minutes
October 23, 2024

Mr. Apicella: All right. Thank you, Mr. Zuraf. Is there a motion to accept the modified proffers, as read by the Planning Director?

Ms. Caudill: Accept.

Mr. Apicella: Is that a yes?

Ms. Caudill: Yes, I will accept the proffers.

Mr. Apicella: Okay. Is there a second?

Mr. Martinez: Second.

Mr. Apicella: Okay, thank you. So there's a motion to accept the modified proffers made Ms. Caudill, seconded by Mr. Martinez. Any further comments on that? All right, seeing none, I'm just gonna do this by voice vote. All those in favor say aye.

All members present: Aye.

Mr. Apicella: Opposed? Okay, that motion carries. Ms. Caudill, this item is in your district. What would you like to do about the reclassification?

Ms. Caudill: So I appreciate you doing the proffers with us. I know that you had said earlier that this project started with previous Board of Supervisor and previous Commissioner, and I do think that this project does have potential. However, I do also feel for the residents with the noise. The noise really has... if I lived there, I would not want that noise, and I know that I would not want that. They are also correct about it being a high crime area, especially Old Forge and that Red Roof Inn. So for right now, I am going to deny the rezoning.

Mr. Apicella: Okay, so that's a motion recommending denial. Is there a second?

Ms. Barnes: I'll second that.

Mr. Apicella: Okay. A motion has been made to deny the rezoning application, made by Ms. Caudill, seconded by Ms. Barnes. Any further comments, Ms. Caudill?

Ms. Caudill: No.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: No.

Mr. Apicella: Anyone else? Okay, I'm just going to chime in and say I do greatly appreciate the modified proffers. I do think this makes it a better project. That said, I still have concerns. I think the proposed warehouse is very close to neighbors along Musselman Road, both the single-family homes and the townhomes. I do appreciate the reduction of the overall height of the building to 50-foot and the screening. I am concerned, even despite the reduction in the number of vehicles per day that we could have up to a thousand, maybe not exactly a thousand because I know some of that number is going to be people who work at the warehouse who aren't going to be driving trucks, but I think a significant number

Planning Commission Minutes
October 23, 2024

of those vehicles per day are going to be trucks, heavy trucks, and potentially 18-wheelers, which I think will have an impact on local roads, even despite the road improvements that there are being made. I know we're still not sure about hours of operations. So this could potentially be a 24/7 operation, which would be that much more impactful to the residents nearby. And the bottom line for me is, while I appreciate what the applicant wants to do here, and from their perspective, that might be the the best use from their vantage point, I don't believe that industrial warehouse in this specific location is a good fit for this specific area. So I'm going to support the motion to deny the rezoning. All right, with that said, please cast your votes.

Ms. Caudill: Oh, I messed up.

Mr. Apicella: Okay, how do we?

Ms. Lucian: Can they clear the count please?

Mr. Apicella: Okay, everybody, please, please revote. Again, the motion is recommending denial of the rezoning application. So if you're in favor of the motion, you vote yes. If you're not in favor, you vote no. Okay, that motion carries 6 to 0 (*Ms. Sellers absent*). Just as a reminder for the public, we're just making a recommendation to the Board of Supervisors, who will make the ultimate decision on what they want to do with this project. Thank you everybody for your participation. We're going to move on to the next agenda item, which is Unfinished Business; we have none. We do have three items under New Business, which are waivers. Mr. Zuraf.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

2. WAI24155857; Hampstead Subdivision Waiver – A waiver of the Subdivision Ordinance, Stafford County Code, Sec. 22-144(a), “Lot frontage,” to allow for lots which do not front on an existing state-maintained street or a street meeting the requirements of the Subdivision Ordinance, Sec. 22-179, “Dedication of streets,” to allow for streets to not be dedicated to public use, and Sec. 22-186, “Adoption of state highway department standards,” to allow for private streets which do not adhere to the design standards of the Virginia Department of Transportation, all associated with a proposed 90-lot subdivision on Tax Map Parcel No. 26-45. The property is located on the west side of Poplar Road, north of Stony Hill Road, within the Hartwood Election District. **(Time Limit: December 22, 2024)**

Mr. Zuraf: For item number 2, please recognize Ginny Adams for the staff presentation.

Mr. Apicella: Hi Ms. Adams.

Ms. Adams: Good evening. I'm glad Amy was first; she set this up for short people. Good evening Chairman and members of the Planning Commission. Item number 2 is a request for a waiver of lot frontage, dedication of street, and VDOT standards for Hampstead subdivision. The waiver request is for Sec. 22-144(a), “Lot frontage,” Sec. 22-179, “Dedication of streets,” and Sec. 22-186, “Adoption of VDOT standards.” We're looking at Hampstead subdivision, specifically lots 1, 2, and 3. The total area of those three parcels is approximately 10 acres. This is part of a 90-lot subdivision which is off to the

west of these three parcels. It's in the Hartwood Election District. The applicant is Karen Carr with Atlantic Builders. The owner is Hampstead Development. So again, the waiver is for Tax Map Number 26Q-1-1 through 26Q-1.3. They're all zoned A-1. The surrounding parcels are also zoned A-1. It's located on the west side of Poplar Road, north of Chriswood Lane. The remainder of Hampstead is to the west of these lots. The parcels all have a front on Poplar Road. The three lots will be served by the proposed private street off Hampstead Farm Lane through lot 26Q-1-3. This lot shows the existing conditions. As you can see, you have here in the front this is tax map number or lot number 1. This is 2. This is 3. They're proposing to come in in this direction off Hampstead Farm Road... pardon me, Lane. This shows the existing conditions on the original proposed subdivision layout. As you can see, there's the three parcels. The two lots, lots 1 and 2, are currently proposed to be served on the original design by a shared driveway off of Poplar Road. Lot number 3 had a driveway that was going to come off Hampstead Farm Lane. My next slide is going to show you what they're proposing. The shared driveways on lot number 1 and 2, as you can see, are no longer here. The changes to a private street, which is enter off Hampstead Farm Lane, continue through lot 3 to join lot 2 and lot number 1. The lots would be considered as fronting on, not fronting on a state maintained road because they are now fronting on this private road. And that is the waiver for state maintained road frontage, which is code number 22-144(a). They will still have a frontage on Poplar, but no access. Let's see. Lost my train of thought here. The private road will not be dedicated to public use, which is required by Code Sec. 22-179. And Sec. 22-186 requires all roads to be paved, constructed, and adopted to VDOT state standards with drainage swales, pavement of 50-foot right-of-way width and all to be dedicated to public use. Since this is a proposed private road, it will not meet VDOT standards and will not be dedicated to public use as required by Code 22-186. They're also proposing that the private road will have a 20-foot... sorry, 25-foot wide easement with an 18-foot wide access road, approximately 730 feet long. And that 730 feet is going to take it to here, to approximately here, and then it'll change to a 12-foot wide basically driveway for lot number 1 to access lots, access, provide access to all three lots. The waiver the three codes are being requested, and I'll go into more specific detail on the next slide. To predicate all of this, you really need to know what the definition of a street is. The definition of a street is "Any means of property access that serves three (3) or more distinct properties," and defines private street as "Any means of access to land which the public may not use without the permission of one or more owners of the land served." Since the proposed easement would serve at least 3 properties, it is considered a private street by definition. The following 3 sections of the Subdivision Ordinance relating to streets apply to this request. Sec. 22-144(a), Lot Frontage – that requires that all lots be front on an existing state-maintained street or a street meeting the requirements of this chapter. The exception to that is family subdivision lots. The proposed lot frontage for lots number 1 and 2 would front on the proposed private road. And, of course, the definition of a street is for 3 or more parcels, and there are 3 dwellings served by this street. And then we talk about the definition of streets... I'm sorry, the dedication of streets – all streets shall be dedicated to public use on the final plat unless otherwise specifically provided in this chapter. So, the intent of this particular waiver is to establish the private road for these 3 lots use only. And then Sec. 22-186 is Adoption of state highway department standards. And again, the exception for that is for serving a family subdivision or minor subdivision serving two (2) properties or less, all design standards of the Virginia Department of Transportation are hereby adopted by reference, including the subdivision street requirements and related references, and shall apply to all streets serving three (3) or more properties whether the streets are dedicated to public use or are to be maintained by an association of the property owners. So the waiver request is that the applicant formally requests that the Stafford County Planning Commission consider is Sec. 22-144(a), 22-179, and 22-186. In the applicant's request letter they state that VDOT has long advocated for the minimization of access points on state roadways. Making the proposed change will provide fewer access points and potential places of conflict. They also state that it will eliminate the need to clear existing vegetation that is providing a natural buffer along Poplar Road. Section 22-241 of the Subdivision Ordinance specifies that criteria must be met in order

***Planning Commission Minutes
October 23, 2024***

for a waiver to be granted by the Planning Commission. The applicant must prove that the application of the ordinance requirements would impose an unreasonable burden on the owner and the waiver would not have any substantial adverse effect on future residents of the subdivision or adjoining property owners. Staff recommends the Planning Commission make findings relative to the criteria for granting waivers. And now we're at any questions?

Mr. Apicella: Thank you. Just one second. Can you tell me what is the speed limit on Poplar Road?

Ms. Adams: Hmm... I'm trying to remember. My recollection is 45 on that particular section.

Mr. Apicella: And if I read the applicant's request letter, the bottom line from, from their perspective, and I presume from VDOT's perspective as well, is that it would promote public safety by minimizing the access points along Poplar Road.

Ms. Adams: Correct. And if you look at where that driveway is, it is in a curve.

Mr. Apicella: Okay. Ms. Barnes?

Ms. Barnes: Real quick, the new road that's going to go in and serve the three houses, is it going to be paved, or is it going to be a gravel road?

Ms. Adams: My understanding, it's going to be paved.

Ms. Barnes: Okay, and did they already clear the entire lots? Did they clear all those trees along Poplar? Because I know one of the reasons why they said they wanted to do this was to, it would, it wouldn't disturb the tree line as much, but it looks like they already cleared it all the way up to the, to the edge of the road there.

Ms. Adams: I'm going to defer somewhat to the applicant. However, I will be bold enough to say, a few weeks ago, my husband and I did drive in there, and it appeared that along the road was still had vegetation.

Ms. Barnes: Okay. Thank you.

Mr. Shelton: Mr. Chairman?

Mr. Apicella: Mr. Shelton.

Mr. Shelton: I toured the the area on Monday, and the vegetation is still there on Poplar Road. That section of Poplar Road is only two lanes, and it is, let's just say, nice and curvy. So what VDOT is recommending is not to egress on Poplar is a wise move from a public safety standpoint.

Mr. Apicella: Isn't that the standard in Stafford County? Curvy roads?

Mr. Shelton: Well, it was a snake that they used.

Mr. Apicella: Okay. Any further questions for staff? All right, thank you very much, Ms. Adams. Would the applicant like to come forward and make a presentation? Well, I don't know if there are gonna be any questions so.

Planning Commission Minutes
October 23, 2024

Mr. Brown: Good afternoon. Thank you, Mr. Chairman, members of the Planning Commission. My name is Gene Brown. I'm a representative for both Atlantic Builders and Hampstead Development, Inc. Thank you, Mr. Shelton, for taking the time Monday to tour it with me. Basically, we showed an area where the shared driveway would access onto Poplar Road, realizing that it was a safety issue. There's a reason for us granting a waiver and mine and Mr. Shelton's discussions, he did ask the question why we were necking it down to 12 feet. We agreed to keep it 15 feet, where it goes from 18 to allow for safety equipment to access the final home easier or better. And then he also asked the question of how this would be maintained. Since it's essentially a private street, I want to say, a very nice driveway, there will be a shared maintenance agreement that's in place with the three residents for these three homes.

Ms. Barnes: And it will be paved.

Mr. Brown: Yes, ma'am.

Ms. Barnes: Thank you.

Mr. Apicella: Other questions for the applicant? All right, thank you, Mr. Brown. Did you have a question? No, okay. Thank you, Mr. Brown. All right. Mr. Shelton, this is in your district. How would you like to proceed?

Mr. Shelton: Motion to approve the waiver.

Mr. Apicella: Okay, is there a second?

Ms. Caudill: Second.

Mr. Apicella: Okay, motion has been made to approve by Mr. Shelton, seconded by Ms. Caudill. Any further comments, Mr. Shelton?

Mr. Shelton: No, sir.

Mr. Apicella: Ms. Caudill?

Ms. Caudill: No.

Mr. Apicella: Anybody else? All right, please cast your vote on the motion to approve. All right, that motion carries 6-0 with one absent (*Ms. Sellers absent*). Next agenda item?

3. WAI24155544; Leland Heights Lot 50 Waiver – A waiver of the Subdivision Ordinance, Stafford County Code, Sec. 22-144(a), “Lot frontage,” to allow for lots which do not front on an existing state-maintained street or a street meeting the requirements of the Subdivision Ordinance; Sec. 22-179, “Dedication of streets,” to allow for streets to not be dedicated to public use; and Sec. 22-186, “Adoption of state highway department standards,” to allow for private streets which do not adhere to the design standards of the Virginia Department of Transportation, all associated with a major subdivision, on Tax Map Parcel No. 54R-1-50 in Leland Heights. The property is located on the north side of Amherst Drive, between Linwood Court and Pecan Drive, within the Falmouth Election District. **(Time Limit: December 22, 2024)**

Mr. Zuraf: Mr. Chairman, for item number 3, recognize Ginny Adams again for the staff presentation.

***Planning Commission Minutes
October 23, 2024***

Mr. Apicella: Hi Ms. Adams, it's been a long time.

Ms. Adams: I know, it's been forever. Sorry. Come on, Stacie; there we go. All right this... Good evening Chairman and members of the Planning Commission. Item number 3 is a request for waiver of lot frontage, dedication of street, and VDOT standards for Leeland Heights Lot 50. This waiver request... good idea if I advance my slide... this waiver request for Section 22-144(a), Lot frontage; and Section 22-179, Dedication of streets; and Section 22-186, Adoption of VDOT standards. It's for Leeland Heights Lot number 50, also called Tax Map Number 54R-1-50. It's on approximately 2.96 acres in the Falmouth Election District. The applicant/owner is Gary Kurucz. The waiver request for this lot is zoned, where the lot is zoned R-1. Also surrounding parcels are also zoned R-1. It's located off Leeland Road, and Leeland Road is right in this area. It's in Leeland Heights. Leeland Heights is here and continues down this way. It's on the north side of Amherst Avenue, between Lynwood Court, which is here, and this one is Pecan or Pecan Drive, depending on how you like to pronounce it. The current lot has frontage on Amherst Avenue, and the two proposed parcels will be served by the private access easement, which is going to come up in this general area here through the parent lot. This is an aerial photo showing the current conditions. The existing driveway for the existing home is here, and the existing home is here. The private access should be coming in through this area. I need to give you a little background on this parcel, because there's been a few changes, and this is to give you a better understanding as to what he wants to try to return it to. Originally Tax Map 54R-1-B, which is back here, was designated as green space. The Board vacated the green space designation in late 2020, creating a buildable lot that was later purchased by Mr. Kurucz. Mr. Kurucz then subsequently consolidated his lot 50, which was here, and the 54R-1-B. The lot lines that were vacated are shown in yellow, and the next slide is going to show you what he proposes to do. I do want to note that this lot shows the proposed changes that were submitted with the application. The application for these changes have not yet been submitted. It's my understanding he wants to hold off to know if this is approved before he proceeds further. The application is to provide two lots for his daughters. The portion of the parcel shown is proposed parcels A and B will establish two lot, new lots behind his lot. He will divide it up by creating a new property line in this area, and then he plans on dividing the half back roughly in half. And the access to the two newly created lots will be through this private access easement... I'm sorry, private street. I can't call it private access easement. And it'll be through lot 50. The proposed private road is 20-foot wide and is approximately 150 feet in length to accommodate access to the lots behind his. Section 22-186 requires all roads to be paved, constructed, and adopted to VDOT state standards, with drainage swales, pavement with a 50-foot right-of-way width, all to be dedicated to public use. And the new parcels will not front on a state maintained road as required by Code 22-144(a). They will be served by the private road covered by 22-179, and that's because it's going to be for private use, not public use. And because it is a proposed private road, it will not meet VDOT's required standards by Code 22-186 and a waiver of all these codes is requested. So again, to understand this, you need to understand the definition of street. Do you guys need me to read it again?

Mr. Apicella: I think we're good, thank you.

Ms. Adams: Okay, thank you. The front lot and the two back lots... the lot frontage of the two back lots would not be located on the state maintained road. That's to talk about Section 22-44(a). We also talked about 22-179, Dedication of streets. The proposed to keep this as a private street just for the use of the two back parcels. He will also have access to it since it goes through his parcel. Lot 50, what was old lot 50, is not affected by the lot frontage request because he does front on a public road. And the adoption of highway standards, again, it's because the proposed access road is not to VDOT standards in width nor in the fact that it is a public, dedicated to public use. And the applicant formally requests that Stafford County Planning Commission consider the waiver request from Section 22-144(a), 22-179,

***Planning Commission Minutes
October 23, 2024***

and 22-186. In the applicant's request letter, they state their intention is to provide lots for their daughters to build homes upon. And Section 22-241 of the Subdivision Ordinance specifies that criteria must be met in order for a waiver to be granted by the Planning Commission. The applicant must prove that the application of the ordinance requirements would impose unreasonable burden on the owner and the waiver would not have any substantial adverse effect on future residents of the subdivision or adjoining property owners. Staff recommends the Planning Commission make findings relative to the criteria for granting waivers. And now we're at any questions.

Mr. Apicella: Thank you, Ms. Adams. Will the road be paved or gravel?

Ms. Adams: I am not sure. I will defer to the applicant on that.

Mr. Apicella: Okay. So if I understand the sequence of events as laid out in the staff report, the Board would have allowed parcels A and B to be developed. That was their intent back in 2020.

Ms. Adams: My understanding, from reading the notes on the project that took it out of green space, is because, and I'll draw it on here, the previous green space actually had a width here that went back to this area back here. It was not subdivided. Because this was basically what we call a flag lot, the area along Amherst Avenue did not fit the current requirements for road frontage, so it was considered a non-conforming lot.

Mr. Apicella: Would it have met the requirements back in 2020?

Ms. Adams: For one house.

Mr. Apicella: For one additional house.

Ms. Adams: Mm-hmm.

Mr. Apicella: Okay. And then Mr. Kurucz purchased the parcels in 2022...

Ms. Adams: It was sometime prior to 2022.

Mr. Apicella: Okay. And could have developed that second lot.

Ms. Adams: Correct.

Mr. Apicella: And but instead he decided to consolidate...

Ms. Adams: Correct.

Mr. Apicella: ... the parcel. And now he wants to subdivide Lot 50 to three parcels, and as you said, develop the parcels A and B for his daughters.

Ms. Adams: Correct.

Mr. Apicella: What's the average lot size in Leeland Heights?

Ms. Adams: Less than an acre.

***Planning Commission Minutes
October 23, 2024***

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

Ms. Adams: Yeah.

Mr. Apicella: Right, so the three lots would be at least equal to the size of, if not greater than, the size of the surrounding parcels.

Ms. Adams: Yes, yes. I mean, if you look at his lot alone prior to the subdivision, it was a half acre lot.

Mr. Apicella: Okay. That's it for me. Ms. Barnes?

Ms. Barnes: So, is he creating a family... it sounds to me like he's creating a family subdivision, or maybe not, because that's, because the density would allow it.

Ms. Adams: It does appear that way. However, because he consolidated the lot, it no longer was considered as being owned by him for five years, so it couldn't go through a family subdivide.

Ms. Barnes: Okay. So he could, we could approve this tonight, and he wants to build it for his daughters. Is there any way, I mean, I'm not accusing anyone of anything, but he could sell it to anybody. Once we subdivide it, he could then just go and sell those parcels?

Ms. Adams: He could, because it's not a family subdivide.

Ms. Barnes: Yeah, that worries me. Okay, thank you.

Mr. Apicella: Other questions? All right, thank you, Ms. Adams.

Ms. Adams: The applicant is here if you want to ask him any questions.

Mr. Apicella: Yep, I would going to invite him up.

Ms. Adams: Okay.

Mr. Apicella: Mr. Kurucz, would you like come forward?

Mr. Kurucz: Good evening. I don't have a presentation or anything lined up, but she pretty much nailed it. I bought the lot that was behind my current house and got some bad advice and foolishly combined them and vacated the boundaries. And I'd like to just put it back now, because it's just... I can't do anything with it. I can't build, I can't, I can't really do anything with it.

Mr. Apicella: Gotcha. Questions for the applicant?

Ms. Barnes: So you, your intention here is to build or to have those lots for your daughters at some point, or immediately?

Mr. Kurucz: No, at some point, not right now.

Ms. Barnes: Okay.

Planning Commission Minutes
October 23, 2024

Mr. Kurucz: I'm not in the position to build two homes, but I'd like to have it to where I could, you know, eventually down the road as they get older, or even just hand them the property down the road. Because adding it to my current lot, making it almost three acres, it's so much bigger than anything else in the neighborhood. There's no comps. I mean, I pretty much just lost that money. It might have raised the property value a little bit, but it's like I said, it's just wasted at this point.

Ms. Barnes: Okay, thank you.

Mr. Apicella: All right. Any other questions? Thank you, sir.

Mr. Kurucz: Okay, thank you.

Mr. Apicella: I do have a question for Ms. Adams. Whether it was one or two lots, the one lot still would not be fronting a major road, so they'd still need a private road to get to that side.

Ms. Adams: No. Well, he can't return it back to what it was, the configuration of the original green space, because it would be creating a non-conforming lot. And we can't create a non conforming lot.

Mr. Apicella: Right. My point is whether it's, whether he adds one lot or two lots, he'd still need a waiver.

Ms. Adams: Correct. Yeah, if he drew a line across and had one back there, he would still need a waiver to put a road back there.

Mr. Apicella: Yeah, I'm just kind of going to Ms. Barnes' concern that he's going to have potentially two lots to sell if he decides not to move forward.

Ms. Adams: Right.

Mr. Apicella: But nonetheless, again, even if it just was one lot, he'd still need a waiver.

Ms. Adams: Right.

Mr. Apicella: And we're not making a decision about whether he's going to turn it into one or two additional lots.

Ms. Adams: Correct.

Mr. Apicella: We're only granting the waiver.

Ms. Adams: Right.

Mr. Apicella: Okay. Thank you. Could he, well, he couldn't do more than the... could he? How many lots could he do back there?

Ms. Adams: To be honest, I haven't explored that. He could probably do more. I mean, it would have to have the road come back and I'm not a developer, but I can probably think about the ways he might be able to come up with four lots back there. I don't know.

***Planning Commission Minutes
October 23, 2024***

Mr. Apicella: And we can't, we can't put conditions on waivers, right?

Ms. Adams: Not that I'm aware of. Mike, can we put conditions on a waiver? I put Mike on the spot.

Mr. Zuraf: Yeah, you cannot condition.

Mr. Apicella: Okay. All right. Thank you very much.

Ms. Adams: You're welcome.

Mr. Apicella: All right, this is in my district. I'm going to hand the gavel to Mr. Shelton. I mean, that's a little bit of new information to me about the potential additional density besides the two. That said, I believe that the applicant just wants to take this back to what he potentially could have done before. So I'm going to make a motion to approve the waiver.

Ms. Caudill: Second.

Mr. Shelton: We have a motion and a second. Any additional comments, Mr. Apicella?

Mr. Apicella: Yeah. Whether he turns it into one or two lots, maybe even three lots, it doesn't give me a lot of heartburn because it's not going to be any smaller, the lots aren't going to be any smaller than the surrounding parcels. I think he's probably genuine in his desire to turn this into a de facto family subdivision. And it does appear to me that at least the Board had intended the parcels A and B to be developed, or at least for one additional lot. So with that in mind, I think it's not... I don't have any concerns with moving forward on this waiver.

Mr. Shelton: Any additional comments from other Commission members? If not, cast your vote. Tally the vote. Vote passes 6-0 with one absent (*Ms. Sellers absent*).

Mr. Apicella: Thank you, Mr. Shelton. Thank you, sir. All right, we're going to move on to the next agenda item, which is also a waiver.

4. WAI24155917; Neirman Division Waiver – A waiver of the Subdivision Ordinance, Stafford County Code, Sec. 22-144(A), “Lot frontage,” to allow for lots that do not front on an existing state-maintained street or a street meeting the requirements of the Subdivision Ordinance; Sec. 22-179, “Dedication of streets,” to allow for streets to not be dedicated to public use; and Sec. 22-186, “Adoption of state highway department standards,” to allow for private streets that do not adhere to the design standards of the Virginia Department of Transportation, all associated with a proposed subdivision to create one new lot on Tax Map Parcel No. 59-56 The property is located on the north side of Forest Lane Road, east of Caisson Road, within the George Washington Election District.
(Time Limit: December 22, 2024)

Mr. Zuraf: Mr. Chairman for item 4...

Mr. Apicella: We're getting waived by waivers.

Mr. Zuraf: ... please recognize Danielle Carroll for her first Planning Commission presentation.

***Planning Commission Minutes
October 23, 2024***

Ms. Adams: Bear with me just a moment. I need to show her a couple things.

Mr. Apicella: Welcome aboard. We'll try not to be too tough. Expect about an hour of questions.

Ms. Adams: Please take it easy on her.

Ms. Carroll: Thank you. Good evening, Mr. Chairman and members of the Planning Commission. As Mike said, I'm Danielle Carroll with the Planning Department. I'm presenting item number 4, which is a request for a waiver of lot frontage, dedication of street, and VDOT standards for the Nierman subdivision. This is an application for a waiver request for Subdivision Ordinance, Section 22-144(a), Lot frontage; Section 22-179, Dedication of streets; and Section 22-186, Adoption of VDOT standards. The Nierman subdivision, Tax Map 59-56, is on approximately 16.32 acres in the George Washington Election District. The applicant is Frederick Edwards of Edwards Law Firm, and he's representing the owner, Jessica Nierman and Elliott Nierman. This waiver request is for 59-56 which is the lot with the star, and it will affect the lot 59-56D and 59-56B. They are all zoned A-1, and all surrounding parcels are zoned A-1. This lot is located on the north side of Forest Lane Road, east of McCarty Road, across from Springfield Lane. This is an aerial showing the existing conditions of Tax Map 59-56, with Forest Lane Road to the south. This shows the recorded plat from April of 1987 showing a 15-foot wide easement here in yellow.

Mr. Apicella: If you break it, you buy it.

Ms. Adams: She broke it.

Ms. Carroll: I did. The batteries popped out.

Ms. Adams: You're making her nervous.

Ms. Carroll: It's not that; they didn't put that for left-handed people. Okay. So this is included just to reference what the current layout is. The next slide is going to show what they propose to do. This is a view of the proposed revised plat included with the application. Lot 1 is a proposed subdivision currently under review, shown with the pink line to create one new lot from Tax Map 59-56. The new lot will have 4.125 acres and Tax Map 59-56 will have 12.198 acres remaining. The current easement is 15 feet wide and will be widened to 50 feet to conform to current county code, which is shown with the yellow line. The proposed private road will have a 50-foot wide easement and have a 20-foot wide access road, approximately 887 feet long to accommodate access to the four lots. At approximately 325 feet in from Forest Lane shown here, it will branch off and change to a 25-foot wide easement for Tax Map 59-56 and for lot 1 to accommodate access to lot 1. Access will be a private street off of Forest Lane Road to serve lot 1, Tax Map 59-56, 59-56D, and 59-56B. The private street has a proposed name of Magnolia Springs Road. The location of the new easement branch serving lot 1 is to avoid the wetlands and Resource Protection Area, which is shown with the blue lines; to avoid removing trees and natural vegetation; and is the most cost effective. Lot 1 will have frontage on Forest Lane Road, but will not directly access from it. The four parcels will be served by the proposed private street off of Forest Lane Road through parcel 59-56. Section 22-186 requires all roads to be paved, constructed, and adopted to VDOT state standards with drainage swales, pavement, and 50-foot right-of-way width, all to be dedicated to public use. The four lots will not front or directly access the state maintained road as required by Code 22-144 and will be served by a private road, 22-179, that will not meet VDOT standard requirements required by Code 22-186. A waiver of these codes are requested.

***Planning Commission Minutes
October 23, 2024***

Mr. Apicella: I'm gonna give you a break here. You don't have to read that.

Ms. Carroll: Thank you. So the applicant is requesting the waivers for 22-144, let's see... So the proposed lot frontage fronts on an existing PAE. The definition of a street is three or more parcels, and there are three parcels served by the existing PAE. Therefore, with the additional lot, a street would be appropriate. For Section 22-179, Dedication of streets, the intent of the waiver is to widen and add an addition to the private road for all three parcels it currently serves, plus the one additional proposed lot on the minor subdivision currently under review. And for 22-186, except for access serving family subdivisions or minor subdivisions serving two or less properties, all design standards for VDOT are hereby adopted by reference, including the subdivision street requirements and related references, and shall apply to all streets serving three or more properties, whether the streets are dedicated to public use. And these will not be dedicated to public use. The applicant formally requests that Stafford County Planning Commission consider the waiver request from Section 22-144(a), 22-179, and 22-186. In the applicant's request letter, Mr. Edward states that Jessica Nierman's intention is to provide access to a new lot, which is currently under review, so that she can build a house next door to her ex-husband so that she can easily co-parent. The primary benefit of this is intended to be for the children. Section 22-241, of the Subdivision Ordinance specifies that criteria must be met in order for a waiver to be granted by the Planning Commission. The applicant must prove that the application of the ordinance requirements would impose an unreasonable burden on the owner and the waiver would not have any substantial adverse effect on future residents of the subdivision or joining property owners. Staff recommends that the Planning Commission make findings relative to the criteria for granting waivers. Any questions?

Mr. Apicella: Thank you. And again, just as with the other waivers, we're not approving the configuration that we saw. We're just approving the waiver from the requirements.

Ms. Carroll: Yes

Mr. Apicella: Okay. Questions for staff? Mr. Shelton?

Mr. Shelton: No, I think I'm okay. Thank you.

Mr. Apicella: Oh, okay. Ms. Barnes?

Ms. Barnes: So basically, instead of creating a whole brand new driveway directly off of Forest Lane Road, you're going to, you're not going to be, you're not going to have to clear all those trees and cross that RPA, you're just going to fork off of the existing road.

Ms. Carroll: Correct.

Ms. Barnes: Okay. Thank you.

Mr. Apicella: Any other questions? Well, awesome job for your first appearance before the Commission.

Ms. Carroll: Thank you.

Mr. Apicella: Thank you. All right, would the applicant like to come forward? Good evening.

***Planning Commission Minutes
October 23, 2024***

Ms. Nierman: Yes, sir.

Mr. Apicella: Name and address?

Ms. Nierman: Jessica Nierman, 417 Forest Lane Road.

Mr. Apicella: Okay. It's your call if you want to make a presentation or just answer any questions that folks have.

Ms. Nierman: I can answer questions.

Mr. Apicella: Okay, any questions for the applicant. Ms. Caudill?

Ms. Caudill: I've gotten your email, and I responded back this afternoon. I apologize for the delay on, on responding back. The one that was just presented. Are there other people living in the 56B or 56D? Like you're not going into anybody else's...

Ms. Nierman: No.

Ms. Caudill: Okay.

Ms. Nierman: Those are the Changs, and they actually access our driveway to get to their lot. So it's going to be the same people using the same driveway.

Ms. Caudill: Okay.

Ms. Nierman: I'll just, versus branching off to your left, I'll now branch off to your left right and keep going straight.

Ms. Caudill: Okay. And then, as far as I seen where you're just, you're trying to just co-parent, and I'm assuming both of you own this land. He, your ex-husband is okay with this?

Ms. Nierman: Yes, that's why we hired the attorney and put in building permits and all that.

Ms. Caudill: Okay, perfect. I just want to make sure. Okay, well, thank you, appreciate it.

Mr. Apicella: All right, no other questions. Thank you very much. Ms. Caudill, this is in your district. How would you like to proceed?

Ms. Caudill: I would like to proceed approve this waiver.

Mr. Shelton: Second.

Mr. Apicella: All right, there's a motion, sorry, there's a motion to approve the waiver request made by Ms. Caudill, seconded by Mr. Shelton. Any further comments, Ms. Caudill?

Ms. Caudill: I wish you luck.

Mr. Apicella: Mr. Shelton?

Mr. Shelton: No additional comments.

Mr. Apicella: Anyone else? All right, please cast your vote on the motion to approve the waiver request. All right, that motion carries 6-0 (*Ms. Sellers absent*). Thank you very much. All right, moving on to Planning Director's Report. Mr. Zuraf?

PLANNING DIRECTOR'S REPORT

5. Project Pipeline Report (For Information Only)
6. Board of Supervisors Resolution R24-305, referring amendments to the Zoning Ordinance, Index of Official Road Names, to consider naming an existing unnamed private road off of McCarty Road to the Planning Commission for public hearing. **(Time Limit: December 22, 2024)**

Mr. Zuraf: Yes, Mr. Chairman, so under the Planning Director's Report, you received the Project Pipeline Report, and we do have some potential... we're going to definitely have hearings for the next meeting in November, and then potential items for public hearing in December. So that's for, for information only. The next item on the Planning Director's Report, you received referral for an upcoming public hearing for a hearing to basically consider naming an unnamed existing private road off of McCarty Road, and that requires a public hearing with the Planning Commission and Board. And that is already scheduled for the November 13th public hearing.

Mr. Apicella: So we don't need to take a vote, that's already in the game.

Mr. Zuraf: It's already set, yeah, because it's a set action on naming a street.

Mr. Apicella: Gotcha.

7. Board of Supervisors Resolution R24-306, referring amendments to the Subdivision Ordinance relating to family subdivision standards and updated references to Chapter 11 – Erosion and Stormwater Management to the Planning Commission for public hearing. **(Time Limit: December 22, 2024)**
(Authorize for Public Hearing by: November 13, 2024)
(Potential Public Hearing Date: December 11, 2024)

Mr. Zuraf: And then, but then the next item, item 7, I have some more information to provide you on that. And you received updated information for item 7, updated referral resolution and updated ordinance. So on this item, you know, the Board referred to the Planning Commission amendments to the Subdivision Ordinance, regulations to allow for administrative reductions of the time period of ownership requirements for family subdivisions. And the ordinance also includes other family subdivision standards to ensure compliance with state code requirements. Another part of the of the proposed ordinance, it's kind of was packaged together, include some other amendments to update old references to Chapter 11, Erosion and Sediment, Erosion and Stormwater Management Chapter throughout the Subdivision Ordinance. It was due to recent ordinance that updated, a recent ordinance update that eliminated Chapter 21.5 of the County Code. So that's more of a housekeeping item. But just to highlight the main intent of this family subdivision ordinance amendment, currently the code does allow for the Board of Supervisors to waive ownership requirements that are required prior to and after a family subdivision occurring. The amendment would transfer this waiver requirement to the agent... waiver approval to the agent with specific waiver submittal requirements and standards to follow, and

Planning Commission Minutes
October 23, 2024

the amendment allows the agent to grant a reduction in cases of family care or financial hardships. So the Board, in the referral, did request that the District Supervisor be notified of any waiver requests that come in, and then also that staff provide an informational report of such applications to be provided to the Board periodically, since they wouldn't be seeing these. And these requests that I just mentioned were added to the Whereas clauses in the proposed ordinance, in the draft ordinance. You also did receive the revised referral resolution. The Board, when they took their action in the referral, did grant the Planning Commission the ability to make changes to the proposed ordinance. That language wasn't in the initial version that you received, and we caught that error. So you do have the ability to make adjustments. The Commission does have the option of initiating public hearing for your next meeting, or you could choose to discuss the ordinance under New Business at the next meeting if you choose. The last potential public hearing date would be December 11th.

Mr. Apicella: How certain are you that we're going to have those items on December 11th? I'm just trying to kind of spitball whether we should take, since you've now said we have a chance to make amendments, I'm wondering if we want to take up our time with it, but if it's going to force us into a meeting that we might not otherwise have. I know it's hard to be sure, but do you have some sense? Well,

Mr. Zuraf: Well, yeah, it's, it's hard to tell what might happen. Because I don't know if those specific projects are set in stone that we had set for December 11th in our report. I guess an option would be to initiate the hearing, and if you see things that maybe need changing that would require a follow-up hearing, then we could do that again on December 11th. But if everything is good on November 13th and you don't see any changes, then it's, then it's all set.

Mr. Apicella: Okay. So I kind of like that idea. Do we need to take a motion to put this on the agenda for the November 13th meeting?

Mr. Zuraf: Yes.

Mr. Apicella: Okay, is there a motion to that effect?

Mr. Shelton: Motion.

Mr. Apicella: Is there a second?

Mr. Bratton/Ms. Barnes: Second.

Mr. Aicella: Okay, I'm gonna give it to Mr. Bratton. Can we do this one by voice vote? All right, there's been a motion made to put this agenda item regarding family subdivisions on our public hearing schedule for the November 13th meeting, made and properly seconded. Any further comments? All right, seeing none, all in favor say aye.

All Members: Aye.

Mr. Apicella: Opposed? Okay, that motion carries anything else, Mr. Zuraf?

Mr. Zuraf: That ends my report.

Mr. Apicella: All right, County Attorney's Report.

Planning Commission Minutes
October 23, 2024

COUNTY ATTORNEY'S REPORT

Ms. Lucian: I have no report. Thank you.

Mr. Apicella: Chairman's Report - I have nothing at this time. Other Business - I've got a TRC item. Again, how do I access that information? Stacie or Mike?

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

6. New TRC Submissions
 - [24155935](#); Synan Ind Pk B.I.G. Industries
 - A major site plan for two industrial buildings and grading located at the north end of Synan Road on TM # 54-26, zoned M-2, consisting of 14.90 acres, within the Falmouth Election District.

Mr. Zuraf: I will find out and let you know.

APPROVAL OF MINUTES

7. September 25, 2024 Planning Commission Meeting Minutes_DRAFT

Mr. Apicella: Okay. Last item on the agenda is Approval of Minutes. Is there a motion to approve the September 25...

Mr. Shelton: Motion to approve September 25th minutes.

Mr. Apicella: Is there a second?

Ms. Barnes: Second.

Mr. Apicella: All right, please signify your approval by saying aye.

All Members: Aye.

Mr. Apicella: Opposed? That motion carries. With no further business before the Commission, we are hereby adjourned.

ADJOURNMENT

At 8:12 PM, Chairman Apicella adjourned the October 23, 2024, Stafford County Planning Commission meeting.