

STAFFORD COUNTY PLANNING COMMISSION

August 27, 2025

The meeting of the Stafford County Planning Commission of Wednesday, August 27, 2025, 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, Kecia Evans, Laura Sellers

MEMBERS ABSENT: None

STAFF PRESENT: Mike Zuraf, Lauren Lucian, Stacie Stinnette, Amy Taylor, Juan Bernal, Natalie Doolittle, Emilie Wolfson

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Ms. Caudill, will you please call the roll?

Ms. Caudill: All right. Chairman Apicella?

Mr. Apicella: Here.

Ms. Caudill: Vice Chairman Shelton?

Mr. Shelton: Present.

Ms. Caudill: Commissioner Caudill, present. Commissioner Barnes?

Ms. Barnes: Here.

Ms. Caudill: Commissioner Sellers?

Ms. Sellers: Here.

Ms. Caudill: Commissioner Bratton?

Mr. Bratton: Present.

Ms. Caudill: Commissioner Evans?

Ms. Evans: Here.

Ms. Caudill: Chairman, we are all present, and we have a quorum.

Mr. Apicella: Thank you, Secretary Caudill. Are there any declarations of disqualification? All right, are there any changes to the agenda?

Mr. Zuraf: No, there are no changes.

Mr. Apicella: Okay. Before we go into public presentations, I just want to say we've got a new system here. We just learned about it or got briefed on it a few minutes ago. I beg everyone's indulgence,

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because I am most likely going to get it wrong several times tonight. So with that said, I'm going to open the public presentation portion of today's meeting. The public may have up to three minutes to comment on any matter except the public hearing items on today's agenda. There'll be a separate comment period when those items come up. This is not an interactive conversation. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. And red means your time is up. So if anyone would like to speak, please come forward.

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

Mr. Apicella: Yes, sir.

PUBLIC PRESENTATIONS

Ms. Maxson: Kristen Maxson. Utilities for Stafford has a meeting scheduled for tomorrow, Thursday, 28th which was cancelled due to content not ready. Power Supply drives data center growth, June 24th, 2025. A journal specified it and utility and energy plans plan to raise the electric bill, which will be paying for the specific costs. There are triggers to development which are placed in the agendas. What is this extent of these triggers to not provide within the hearing, but to place it within the, the paperwork? Does this affect more than just the property? What will be attained of that property with these triggers? The proffers do not establish a cap on temporary portable water use or restricted timeline. How does this affect with triggers? It appears to be understood that on June 17, 2025 with Utilities, the environment, the Environmental Compliance Manager presented a Drought Management Plan stating that a drought emergency has not occurred in Stafford County yet, as there are no current data centers in operation today. Page 115 of 814, August 19, 2025. The financial director presented water and sewer financial concerns. He stated that there is upgrades which include relocation and control building of modifying the central drain pump station. Where are these new locations and the GDP for this design? Is that the missing part to the public hearings? Are these agendas financially tied down to VRA, Virginia Resources Authority bonds of 33 million with 4.75 interest rate and the date is August 29th, 2025 and closing in 30 year bonds. Page 117 of 814. The projects have a continual impact on the 2020... 2055 upon the public if the bonds are to be paid by the tax bill payer or utility bill billing. The data centers will be obsolete by this time, referencing, replacing by others and are projected to be 95% depreciated in five years of use as stated by our Commissioner of Revenue, April 5, 2023.

Mr. Apicella: Thank you, your time's up.

Ms. Maxson: Thank you.

Mr. Apicella: Anyone else? All right, seeing no one...

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

Mr. Apicella: Sir, if you want to speak on a topic that's not related to a specific public hearing, you're welcome to do so. Okay, seeing no one else, I'm going to close the public presentation portion of the meeting move on to the first agenda item. And just to be clear, item 1 that was on proposed for the agenda, that's been deferred at the request of the applicant. So we're going to move on to items 2 and 3.

PUBLIC HEARINGS

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1. RC24155845; Zoning Reclassification – Potomac Church Tech Center Proffer Amendment – A proposal to amend proffered conditions on Tax Map Parcel No. 39-71A, consisting of approximately 49.85 acres zoned B-2, Urban Commercial to modify proffers related to transportation, to incorporate language and requirements relating to the existing Water Infrastructure Agreement, to modify development phasing in relation to utility infrastructure requirements, and to adjust proffers related to water use. Other existing proffers applicable to the Property pursuant to Ordinance O23-27, dated November 14, 2023, would remain unchanged. The Property is located along the east side of Old Potomac Church Road, across from the intersection with South Campus Boulevard, within the Falmouth Election District. **(Time Limit: September 19, 2025) (History – Deferred at the June 11, 2025 meeting to the July 23, 2025 meeting; Deferred at the July 23, 2025 meeting to the August 27, 2025 meeting)**
2. RC24155726; Zoning Reclassification – Cranes Corner Data Center – A proposed zoning reclassification with proffers, from the A-1, Agricultural and M-1, Light Industrial Zoning Districts, to the M-2, Heavy Industrial Zoning District on Tax Map Parcel Nos. 46-10 and 46-8A, consisting of approximately 45.69 acres (Property), to allow for the development of data center buildings, and certain other uses allowed in the M-2, Heavy Industrial Zoning District. In general, the proposed proffers include, but are not limited to, proffers that would: require the Property to be developed in general conformance with the generalized development plan; prohibit specified uses; restrict the number of access points; limit maximum vehicle trip generation on the Property, based on all combined uses; require specified pedestrian improvements; limit the amount of potable water to be used for data center cooling purposes; establish architectural design standards for data center buildings; limit data center building development to no more than 900,000 square feet; establish requirements for tree preservation, landscape buffers, and open space; require the establishment of a construction mitigation plan and emergency action plan; establish requirements for sound mitigation and monitoring; restrict the time of day for the testing of data center generators; and establish requirements for the provision of water and sewer facilities to adjacent properties in certain situations. The Property is located on the east side of Richmond Highway, approximately 1,400 feet north of the intersection with Centreport Parkway, within the Falmouth Election District. **(Time Limit: September 19, 2025) (History – Deferred at the June 11, 2025 meeting to the August 27, 2025 meeting)**
3. COM24155728; Comprehensive Plan Compliance Review – Cranes Corner Electric Substation – A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, of a proposed public utility, specifically an electric substation, on Tax Map Parcel Nos. 46-10 and 46-8A, consisting of approximately 45.69 acres (Property). The Property is located on the east side of Richmond Highway, approximately 1,400 feet north of the intersection with Centreport Parkway, within the Falmouth Election District. **(Time Limit: August 10, 2025) (History – Deferred at the June 11, 2025 meeting to the August 27, 2025 meeting)**

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

Ms. Taylor: Good evening, Mr. Chair, members of the Commission. I'm Amy Taylor with Planning and Zoning, and I'm here this evening to present item number 2 and 3 on tonight's agenda. I am presenting in the absence of Brian Geouge, who was unable to make it this evening due to a personal matter. Tonight's request is a continuation of consideration for the application for Cranes Corner Data Center, which is a zoning reclassification to rezone from A-1, Agricultural and M-1, Light Industrial

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zoning districts to the M-2, Heavy Industrial zoning district, with proffers, including a Comprehensive Plan Compliance Review for placement of an electric substation in accordance with Virginia Code Section 15.2-2232. And all of this is permitted, basically to permit development of a data center. This affects Tax Map Parcel Numbers 46-10 and 46-8A. Total acreage is 45.69 acres located in the Falmouth District. The applicant and owner is GAM 403 Mountain, LLC, and the agent is Clark Leming with Leming and Healy, who is here this evening representing the applicant. The subject parcels are currently zoned A-1 and M-1 with Parcel 46-8A being zoned A-1, Agricultural, as shown here with the green shading, and no proffers exist for that portion of the property. And Parcel 46-10 is currently zoned M-1, Light Industrial, as shown with the light blue shading. And this portion of the property is subject to proffers as established in 1988 per Ordinance O88-13R. The property is located in the Highway Corridor Overlay District, as identified here with the purple line. And surrounding zoning districts include A-1 on all sides, and M-1, which is the light blue to the west on the opposite side of Richmond Highway. And surrounding uses include several single-family detached residences to the south, an auto service use abutting the property to the west, and the Matan Crossroads industrial development across Route 1, also to the west. Future land use within the Comprehensive Plan identifies the property as being within the Central Stafford Targeted Development Area. And Targeted Development Areas are areas of the county where a significant amount of development is expected to occur... or redevelopment is expected to occur. The more detailed land use concept for the Central Stafford TDA, which is shown here, designates this property for Business and Industry use, and data centers are identified as an appropriate use in this area. The Comprehensive Plan also recommends a total of approximately 12 million square feet of commercial development within the Central Stafford TDA, and this TDA is intended to serve as an employment center where Business and Industrial uses are specifically encouraged. Staff does find that the proposed use is generally consistent with the Comprehensive Plan recommendations, as well as recommendations for development within TDAs. The proposal is consistent with the Comprehensive Plan Objective 2.2 as well, which recommends directing growth into the Urban Services Area. As an update to the application, both of these, both of the rezoning reclassification and the Comp Plan Compliance Review applications were deferred on June 11, and a number of concerns were raised at that time primarily related to buffering, preservation of existing trees, water usage, generator specs and operation, as well as noise. The initial deferral date was July 23rd of 2025, but the applicant requested specifically that both applications be scheduled for today's meeting. Following the deferral, the applicant has submitted revised proffers and an updated GDP in response to the concerns raised. And those proffers were received late this afternoon and have been provided to the Commission at the beginning of this evening's meeting. Clark also indicated that there were some additional changes that are being incorporated that I have not seen in printed format yet, but are addressing some additional proffer amendments that they are looking to make at this time. Among those proffer updates, those revised proffers include the following: they will remove references to accessory uses including electric substations. Electric substations would specifically require a CUP for further consideration. They will add fleet parking as a prohibited use. Require that traffic impact studies be conducted if the property develops with a use other than a data center. Specifies that data centers will utilize air cooled systems, closed loop systems, or other low impact non-public water based cooling systems, unless reuse water specifically becomes available to the site. It clarifies that the applicant will be responsible for the cost of extending those reuse lines to the property, if utilized, and establishes a maximum potable water, public water usage of 150,000 gallons per month, or 50,000 gallons per day per data center building, with a cap of 1 million gallons per year per data center building. They would also require 48 hours advance notification to the Utilities Department for any initial fill or refill of the cooling systems. If requested by the county during this period, the applicant would also delay filling by 48 hours at the county's request. Those revised proffers also add a requirement that data center buildings will meet LEED standards. Establishes a maximum lighting level for any development to 15 foot-candles. And also adds a requirement to provide a double row of evergreen trees adjacent to but in addition to the 50-foot transitional buffer, as shown on sheet 10

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of the GDP. The revisions also include many of the standard proffer items associated with other approved data center projects, such as submission of a general development schedule for construction, mitigation and roadway repair, establishing a point of contact for updates on operations, and the option to reimburse the county for costs associated with use of third party contractors for review, permitting, and enforcement. They would also include establishment of an emergency action plan, and additional proffers include a monetary contribution for \$200,000 towards Fire and Rescue facilities, building safety and fire... addressing building and... building safety and fire suppression issues, such as the number of stairwells, standpipe systems and fire sprinklers; limiting low frequency noise to no more than 70 dB(C), subject to a three deci, three decibel reduction for prominent discrete tones; revised language related to monetary contributions and sound monitoring; a requirement to utilize tier four generators; and to restrict testing to the hours of 9 AM to 5 PM on weekdays, excluding federal and state holidays; and an additional proffer to allow the county to access document and conduct ethical salvage of materials from the Beyler home prior to demolition. Updates to the GDP include the addition of a double row of evergreen trees inside the required 50-foot transitional buffer. And the supplemental landscape buffer areas, which are generally located within the open space between transitional buffer and the double row of evergreens, and the proposed site improvements. And for those who may not necessarily be able to see those very well – and I'm not seeing my buttons for the pen, I'm scared to even touch this. Yeah, I'm not seeing the buttons on the bottom of the screen to get the pen to work so. Brian is kind of pointing them out on the presentation here. You see these large red arrows are pointing to on the bottom left hand side of the screen. Oh, there we go. Okay, let's try this now. The double row of evergreens, I think, is pretty obvious. That is shown generally here along that part of the site. And the supplemental plantings that are referenced, the cross-hatching, or the hatching that is shown in the GDP, is not readily visible here on this screen, but it is generally these areas here in the recesses around the buildings. Those are the additional supplemental planting areas, in addition to the double row of evergreens and the required transitional buffer. In evaluation of the application, staff would like to note that Dominion Energy has now obtained a Certificate of Public Convenience and Necessity to establish the final alignment for a new electric transmission line connection to the proposed substation on Centreport Parkway. The transmission line will be constructed adjacent to and through the property, as generally shown on the GDP. The Utilities Department has also reviewed the proffers relating to water usage and has found them to be generally acceptable. And the original staff report previously noted several negative aspects relating to water usage, proffering a CUP use, limiting buffering along the southern property line, and uncertainty of low frequency noise impacts. In regards to the low frequency noise impacts, the applicant has proffered, has proposed an additional proffer regarding low frequency noise. However, it does remain uncertain how low frequency noise might impact the surrounding residential uses. Otherwise, staff does find that the negative aspects originally noted have been adequately addressed with the revised proffers and the GDP. Staff does recommend approval of the reclassification pursuant to Ordinance O25-19 and staff does find that there are several positive aspects to this proposal, and believes that the proposed data center use is consistent with the land use recommendations of the Comp Plan. The Utilities Department also finds that the proposed proffers relating to water usage are acceptable, and staff further finds that the updated proffers have adequately addressed most of the negative aspects originally noted. In regards to the Comprehensive Plan Compliance Review, staff finds that the proposal to be generally consistent with the recommendations of the Comprehensive Plan, and recommends approval of PCR25-11. The routing of the Dominion Electric transmission line has been confirmed, and as noted, would allow service to the proposed future substation. And visual impacts of the proposed substation along... visual impacts of the proposed substation, along with the details of how that substation will connect to the electric transmission line, does remain uncertain at this time. However, a future CUP will be required for the substation, which would allow for evaluation of the specifics relating to the substation and allow for those conditions to be imposed to the extent necessary to appropriately mitigate any

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impacts. That does conclude my presentation, and I will do my best to answer any questions you all may have.

Mr. Apicella: Thank you. Ms. Taylor. Questions for staff? Ms. Barnes? I'm sorry, I didn't see you Ms. Sellers. Go ahead.

Ms. Barnes: Ms. Sellers, go ahead. I always hog the questions.

Ms. Sellers: So in the construction mitigation section, it talks about property damage to the roads. Is... what is... do we know what the the right-of-way looks like, the VDOT right-of-way in this project?

Ms. Taylor: Commissioner Sellers, can you clarify the extent of that question regarding your concern with what the right-of-way looks like?

Ms. Sellers: Yeah, so when they're doing the construction and it shows, it says on here, the proffers specific to bringing supplies. So I guess my question is, are they going to need a VDOT land use permit to do this? And what does the right-of-way look like, because there will be another process involved.

Ms. Taylor: Are you referring to the condition of the, the pavement condition within the right-of-way?

Ms. Sellers: Yes.

Ms. Taylor: Commissioner Sellers, I am not familiar with this project, so I would not be able to speak to that. Obviously, Brian is not present. He may have a better idea, so I would have to defer to the applicant or potentially VDOT regarding condition of that pavement in that area.

Ms. Sellers: Okay, thanks.

Mr. Apicella: Ms. Barnes.

Ms. Barnes: Okay, thank you. So my questions are based on what I had yesterday, not what I had here. So some of them, I'm sorry, may already be answered, but I didn't have time to read this, so I'm just going to go with what I've got. A 100-foot buffer to the south against those two houses, correct?

Ms. Taylor: Commissioner Barnes, can you clarify what proffer you're... are you looking at a specific proffer?

Ms. Barnes: No, I'm just asking in general, the the southern end of the property up against the two houses is a 100-foot buffer, and then the extra trees are inside of that.

Ms. Taylor: They are meeting the 100-foot setback.

Ms. Barnes: Okay.

Ms. Taylor: There is a 50-foot buffer.

Ms. Barnes: Buffer, I'm sorry, I... *inaudible*.

Ms. Taylor: A landscaped buffer is what is being provided.

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Ms. Barnes: So additional landscape buffer is what's being provided to the 50 feet that is required.

Ms. Taylor: Based on what is being shown on the GDP currently and the language in the proffer revisions that have been provided, it is a double row of evergreen trees being provided inside the required 50-foot transitional buffer.

Ms. Barnes: Okay, so there's no extra. We're not getting an enhanced buffer.

Ms. Taylor: They are showing the additional...

Ms. Barnes: Yeah, on there they are.

Ms. Taylor: ... the supplemental landscape plantings, which is again that hatched area and my squiggle red on the GDP there. Otherwise, the proffer language as currently presented does not clarify the amount of plantings to be provided specifically within that supplemental planting area. Staff believes that the language is still slightly unclear for that updated proffer.

Ms. Barnes: Is that something that we can clear? I guess when the applicant comes up, we'll see if they can clear that up.

Ms. Taylor: I would have to defer to the applicant regarding clarification.

Mr. Apicella: Can I jump in, Ms. Barnes? Is there something that you all would recommend to clarify?

Ms. Taylor: Yes. Staff did recommend, I believe it was roughly the equivalent of a Type C transitional buffer coming directly out of the DCSL. That would be 162 plant units per 100 linear feet. But I do believe that Mr. Geouge specifically recommended a reference point per acre here. Let's see if I can find that and I can tell you exactly what was suggested. He was suggesting a recommendation of a planting rate of 1,400 plant units per acre. He referenced that this is roughly the equivalent to the density of a Type C transitional buffer. I do believe that is what he was looking for in those hatched areas for the supplemental landscaped buffers.

Mr. Apicella: Okay, so we just need to see if the applicant is willing to further clarify.

Ms. Taylor: That would be correct.

Mr. Apicella: Okay. I'm sorry, Ms. Barnes?

Ms. Barnes: Okay. I noticed that, and I'm kind of jumping around here just, I just wrote it down as I was reading it, that the testing for the backup generators was what, nine to six, Monday through Friday. But there's nothing in there about federal holidays. Is that something that we could... is that something that's been added or?

Ms. Taylor: Commissioner Barnes, that has been addressed by the applicant. The new hours in the current revised proffers indicate 9 to 5 PM Monday through Friday, except for federal and state holiday.

Ms. Barnes: Okay, my apologies, because I didn't see that in last night's one that I was reading.

Ms. Taylor: Mm-hmm.

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Ms. Barnes: The shared use path out front. Is that connected to anything, or is that just going to be, what is it, a 10-foot path along Route 1?

Ms. Taylor: Commissioner Barnes, my understanding is that is a recommendation coming out of our Bike and Ped Plan regarding a multi-use, shared-use path in that location. At this time, I do not believe there is a shared-use path in that location currently.

Ms. Barnes: So it'll just be right in front of that particular project and whatever that, there's a, there's a little, another little business that's kind of tucked in there.

Ms. Taylor: Correct. Until something adjacent to it develops and would construct continuation of that path.

Ms. Barnes: Okay. So when I'm reading the original staff report, at the bottom it says – let me get to that – it says Utilities does not support the proffer regarding utilities as written. And then under the summary, it says they do support the proffer as written. So I was a little concerned. It was, it was...

Ms. Taylor: Initially, Commissioner Barnes, initially, with the original presentation of the proffers, Utilities did not support them. I do believe, and I can pull what that original proffer language was.

Mr. Zuraf: Mr. Chairman, while Amy is looking at that, looking that information up, just to answer Commissioner Sellers' question, this area of Route 1, US Route 1, you have six lanes undivided across much of the frontage. This is one of the few areas that where Route 1 is kind of the, meets the full recommended kind of cross section for Route 1 through the county, which recommends, the Comp Plan recommends a six-lane divided facility for Route 1. And so you have that across much of the frontage, and then as you get to the northern end of the site, before you get to Potomac Creek, that the lanes transition down to two lanes, or four lanes undivided, where the, where the bridge is.

Ms. Barnes: Okay.

Ms. Taylor: Commissioner Barnes, would you like me to answer the question about...

Ms. Barnes: Yes, please.

Ms. Taylor: ... the water, the water usage proffer. Initially, it appears that the original proffer indicated that they would be, have an allowance of 500,000 gallons per building per year of potable water usage for cooling purposes. That has now been amended. So at first, Utilities was not in support of that proffer language.

Ms. Barnes: Okay.

Ms. Taylor: Going back to the new, revised, modified proffers here... too many papers. Yep, just had them. Got it, sorry.

Ms. Barnes: Okay, go ahead.

Ms. Taylor: New language regarding maximum water usage. Let's see. Well, again, it was on one of the slides. I do believe it's...

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Ms. Barnes: Well, the main part of my question was, is it just that there was, there was just a little bit of a conflict in one section, it says, does not agree with the way it's written and in the new section it said it does agree. And I just wanted to make sure that as of tonight, good to go.

Ms. Taylor: Yes, we are good to go. Based on information provided from Mr. Geouge, Utilities is now agreeable with the proffer language that has been presented regarding water usage.

Ms. Barnes: Okay. There's a couple of houses around... there's two immediately to the south, it looks like one I think to the southeast. I did notice that the notifications were sent to them. I saw that in the package. Have we heard anything back from those folks that we had any concerns that we know of?

Ms. Taylor: I am not specifically aware. I would have to defer to Mr. Geouge on that one.

Ms. Barnes: Okay. I did notice in another spot that it says that the buffer within the setback, they are not obliged to keep the, the trees that are already there, that they can clear those. Is that, because I know that with our new, with our new standards, that you know that last, that last night the Board, we're gonna have a public hearing on, that's a part of it is that you leave in the buffer, you leave the trees that are currently there. Is that something that's considered or?

Ms. Taylor: Commissioner Barnes, can you repeat all of that for me again so I can wrap my head around that?

Ms. Barnes: I'm not sure can, but I'll try.

Mr. Apicella: I think you're talking about a tree preservation plan?

Ms. Barnes: No, I know that they have a tree preservation plan.

Ms. Taylor: Mainly just the first part of the question.

Ms. Barnes: So in, I don't know where it is in here, but it says that they are not obliged to keep the the native trees that are surrounding them if they fall within the 50-foot buffer, that they're going to take that buffer down and then replant it.

Ms. Taylor: Commissioner Barnes, you're referring to something that is written in the proffers that indicates that, or is that something in the staff report?

Ms. Barnes: That was in the staff report.

Ms. Taylor: That I am not familiar with. I did not have a chance to read through the entire staff report regarding that. I would have to defer to the applicant regarding what their intent is regarding retention of existing mature vegetation within that buffer area.

Ms. Barnes: Okay, when Mr. Leming gets up, I'll make sure just to ask that one then. Okay, I think that's it for me. Thank you.

Mr. Apicella: Thank you, Ms. Barnes. Ms. Caudill?

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Ms. Caudill: I'll try to make it, make it simple for you. So the, I know we did get the new proffers just a little bit ago. So one of my questions was answered was, which was also Commissioner Barnes' about the federal and state holidays. The other thing was the, I believe the new proffers that were just presented do talk about generators. All generators are now going to be enclosed, correct? I think that's how I read the new, the new one.

Ms. Taylor: Commissioner Caudill, yes, I don't believe it specifically says enclosed. I do believe the language that has been added says, actually it does. The applicant agrees to utilize a sound enclosure and mufflers for all generators.

Ms. Caudill: Okay, perfect. And then the other one I had was, and just for my knowledge, because when I Google it, a couple different things come up. What is a Type C transitional buffer?

Ms. Taylor: A Type C transitional buffer is a 50-foot wide transitional buffer, which is required to buffer the most intense uses. And within that buffer, applicants are required to provide – or not even an applicant – anyone developing or submitting a site plan that would have a use that falls within the appropriate category, who requires a 50-foot transitional buffer, that requires 162 plant units per 100 linear feet. And within that buffer there are specific parameters regarding the plant types and the ratios that they have to provide. So not everything would be all...

Ms. Caudill: Would just be like berms.

Ms. Taylor: Not all evergreen trees, not all shrubs, not all large trees, that there's a, there's a wide variety of a mix of types of plants and tree uses in there.

Ms. Caudill: Okay, all right. And then, let's see, on the new proffers as well, under the construction mitigation plan, kind of piggybacking off of Commissioner Sellers, is there a timeframe further repair if something is, if the road is damaged? So in the new proffers, it says that during construction of the project, the applicant agrees to pay the cost to repair such roads if so damaged. But is there a timeframe like for that, that you're aware of?

Ms. Taylor: Not that I'm aware of, Commissioner Caudill. So that may be something we could request the applicant to include some sort of a time limit.

Ms. Caudill: Okay, all right.

Ms. Taylor: I would like to backtrack, if you don't mind, regarding the proffer language.

Ms. Caudill: Sure.

Ms. Taylor: The DCSL dictates what the specific planting requirements are, but I would like to note that the applicant has also included, at staff's request, I believe, some enhanced planting requirements within that transitional buffer which will require larger trees than what are typically required. And I do believe, if I can find it, large trees that will be planted in that transitional buffer, specifically adjacent to those southern residential uses, will have 12-foot tall trees, evergreen trees, I believe, planted in lieu of the standard requirement that the DCSL would otherwise require.

Ms. Caudill: Okay, all right.

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Ms. Taylor: Typically they would only be, I believe, 8-foot tall trees going in... or actually take that back, evergreens would only have to be 6 feet tall at the time of planting. So they have proffered to provide 12-foot tall trees.

Ms. Caudill: Okay. And then one last question I've got is for, is there anything that you're aware of decommissioning of electric facilities? So if they were, will they be notifying anyone? Does it say they have to notify anyone, anywhere in the proffers or?

Ms. Taylor: Could you repeat the question for me one more time?

Ms. Caudill: So the decommissioning of electric facilities.

Ms. Taylor: Those proffer requirements, which, if they may, if they were in there previously have been removed because a, any electric facility, a substation, transmission lines, things of those nature have been removed from permitted uses in the proffer language. So because they are no longer being included as permitted uses, all references to decommissioning of any such facilities have also been removed.

Ms. Caudill: Okay, all right. Thank you.

Mr. Apicella: Mr. Shelton?

Mr. Shelton: I think we answered the question, but I was concerned about the encasement of the generators. And if you can go back to your picture of the generator placements. Are we locked in on where they're located? Is there an avenue of bringing them in further where they're not exposed to Jefferson Davis Highway?

Ms. Taylor: Commissioner Shelton, I believe we could, but I would have to defer to the applicant on that. The proffer language, I do believe, has standard language which allows them to make adjustments and modifications based on code requirements, state and federal regulations, final site engineering. So I do believe they have the ability to make adjustments, if they would be willing to entertain that.

Mr. Shelton: Thank you.

Mr. Apicella: Ms. Sellers?

Ms. Sellers: There's a, it's not a new proffer, but the one on private wells and drainfields. There's a proffer in here that says that they will agree to replace or fix a drainfield or a well that's been damaged. Does the county... so my concern with that is the enforcement of that, and then how, you know, how long do they have to replace it? And then I guess my follow-on, to throw an idea out there, is I believe the county has some sort of stormwater management program where they help folks. Is there a way to maybe put money towards that? Because I don't know if that's where people come to if their drainfields fail, or how people go about getting that fixed. But it seems that in the long term, to put it towards something, like to have money go towards that program would be better than just language.

Ms. Taylor: Commissioner Sellers, can you clarify that for me? I'm, I think I'm hearing you ask a question as to whether or not money can go towards a stormwater program in relation to failed drainfields.

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Ms. Sellers: Yes. Rather than just language that's included in here, where it's very general, and I, you know, I can't figure out how folks would, would go to get their drainfield or their well fixed based on this language, other than maybe going to court. And you know, if somebody's having trouble with the drainfield, I can't imagine they want to hire an attorney to go to court and fight it out, but.

Ms. Taylor: Commissioner Sellers, it's my understanding, and I would have to defer to Mr. Zuraf potentially, but I believe there have been other sites where they've already been connected. Generally, they would have to provide documentation attributing a basically, the cause of the fail of their drainfield or their well to the adjacent data center, and in turn, would be connected to public water and sewer.

Mr. Zuraf: Mr. Chairman, yeah, that we've had this proffer on some other projects. And you know, it's, since it's within the proffers, you know, if the applicant, if the adjacent property owner has come into any issues, you know, or problems, then we can point to this proffer, contact the operator or applicant, and go through the process, it probably would be getting a, you know, a drainfield kind of installer to go and inspect and, and explore whether, you know, if there's a connection between the impacts between the the data center use, that we can see that that's caused that impact, and then we can consider it a zoning violation in effect. But we'd work with the, you know, to try to get the issue resolved. But you know, it could be it reached a level of a zoning violation if, if there's a, there's an impact that that is not being mitigated.

Ms. Sellers: And have we used that at all? Successfully, I should say.

Mr. Zuraf: I believe there's, through the Potomac Church site, there's been some, the adjacent property owners have actually connected to public water when they were, you know, immediately adjacent to that data center, and the applicant assisted to make that happen.

Ms. Sellers: Okay, so these folks are going to be okay. Because my concern is, you know, in 10 years, 5 years, 10 years, their well goes dry and they're stuck with it. Or, you know, their, their drainfield fails, and now you have, you know, where they either aren't, can't live there anymore, or so cost prohibitive to them. I mean, it's very expensive to fix one of these drainfields. I just want to make sure that we have those folks in mind, because there are some houses that are very close, so.

Mr. Apicella: All right, thank you, Ms. Sellers. Ms. Barnes, you had a question?

Ms. Barnes: Okay, I forgot to ask a question I have on my list as it, the dB(C)s. So in the, in the previous proffer, and I haven't seen it yet here, they proffered no more than 70 dB(C)s. Why that number? Because that's pretty high. Is that still in the, in the proffers, the ones we just got handed? Yeah?

Ms. Taylor: Commissioner Barnes, that is correct. It does still indicate 70 dB(C).

Ms. Barnes: Okay. Well, I might have to direct this towards the applicant; 70 dB(C)s seems pretty high. When I was researching for the data center subcommittee, I did come across some information from the World Health Organization that advised no more than 45 to 50 dB(C)s. Is there any reason why this is, you know, of course, dB(C)s are hard to, hard to pin down, but is there a reason why that's set so high?

Ms. Taylor: Commissioner Barnes, we would have to defer to the applicant regarding that.

Ms. Barnes: Okay. And then, I did find it on the clearing, on the staff report, it says proposed proffers include the requirement to submit a tree preservation plan. Excellent. Love that. However, the clearing

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of the existing trees within the buffer areas is not prohibited. I don't like that part. Is that, is that just something that is dealt with in the proffers, or is that something that the county is, I guess, can the county insist on that?

Ms. Taylor: Commissioner Barnes, we could potentially ask the applicant to proffer no clearing activity within the designated buffers.

Ms. Barnes: Okay.

Ms. Taylor: But the applicant would have to agree to that condition. Generally, it is always staff's recommendation and preference to retain existing mature vegetation as obviously it does a much better job of buffering and screening from adjacent uses. Even under our DCSL, there is no specific requirement to retain, however, so.

Ms. Barnes: Okay.

Ms. Taylor: So I believe the intent there is that they will make every effort to retain in those preservation areas to the maximum extent practical. But there may be areas where they need to clear, in some cases, at which point they will replant in accordance with the DCSL.

Ms. Barnes: Okay. I'll discuss that with Mr. Leming also when we're up. All right, thank you.

Mr. Apicella: So we covered a lot of ground back in June. I'll try not to be too repetitive with my questions. So we have a 45-acre site, which is mostly M-1, Light Industrial, right? If someone were to develop those portions of the site with allowable by-right uses, could the sum total of those uses be as intense or more intense than the proposed data center?

Ms. Taylor: Chairman Apicella, that is a possibility under the existing M-1 zoning district. Some of the permitted uses that are permitted under M-1 include a warehouse, which in many cases, as we've seen throughout the county, include a distribution facility with a lot of heavy trucks coming in and out. It would also allow for development of a convenience center. I did mean to bring the M-1 district with me, with all the other uses, I'm trying to think offhand.

Mr. Apicella: Hotels. Yeah, I think hotels are allowed.

Ms. Taylor: Are they permitted by-right? I kept thinking that they were necessary with a CUP under M-1. They may be permitted by-right, but.

Mr. Apicella: Okay. And, and of those M-1 uses, they could also be in 65-foot tall buildings with lesser setbacks and similar or lesser buffers?

Ms. Taylor: That would be correct. As a, as a by-right development, they would only be required to be, buffer in accordance with the DCSL. So all that would be required would be the 50-foot transitional buffer, none of the double row of evergreen trees, and none of the additional supplemental landscape buffering would be required for any by-right development on that property.

Mr. Apicella: And 65-foot tall.

Ms. Taylor: And 65-foot tall buildings.

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Mr. Apicella: Okay. There, as Ms. Barnes mentioned, there are a couple of homes that are in close proximity, about 300 feet away. Is the applicant doing anything to further mitigate the potential noise and visual impacts?

Ms. Taylor: Other than the mufflers and the, the sound barriers, I believe, around the generator yard enclosures, I do believe that is all that has been offered at this time.

Mr. Apicella: Have they thought about a sound wall for those couple of houses?

Ms. Taylor: There was correspondence with the applica... with the applicant indicating that they were considering, but they there has been no such proffer provided to staff at this point regarding a sound barrier.

Mr. Apicella: Okay. How far away is the nearest residential community?

Ms. Taylor: The nearest residential community is located to the south, Chairman Apicella. I would not be able to tell you proximity or distance at this point, I apologize.

Mr. Apicella: Okay. I think it's at least 1,000 feet, maybe further. Okay. It appears that much of the site slopes downwards, at least the way I see it. How likely is it that someone driving along Route 1, once these buildings are constructed, that they would see those buildings?

Ms. Taylor: Staff would assume that's a pretty high probability, if the site sits at a higher elevation than Route 1, then most vehicles driving along Route 1 would be able to see... *inaudible*.

Mr. Apicella: Actually think it's the other way around. I think it slopes downwards. Is that...? It slopes up. Oh, okay. I got that wrong. So the applicant's proposed potable water usage, are those amounts on par with other county industrial users?

Ms. Taylor: Chairman Apicella, I would have to defer to the applicant. I am not familiar with what other counties currently, or maybe defer to Mr. Zuraf regarding the data center subcommittee research. I am not specifically familiar with what water usage from other localities is at this time.

Mr. Apicella: Okay. So the applicant agreed to tier four generators and to enclose them, restrict the testing hours. But have they limited their use to only for backup and emergency power?

Ms. Taylor: Chairman Apicella, they have not specifically clarified that within the proffer language.

Mr. Apicella: Okay. Since the State Corporation Committee approved the power line alignment, this... that alignment is not contingent upon the approval of this data center; it's going to happen regardless. Is that correct?

Ms. Taylor: Could you repeat the question one more time please?

Mr. Apicella: So Dominion approved some high voltage power lines, the alignment of which would go basically almost adjacent to this data center. But that alignment is not based on the data center. It's based on supporting some other data center sites further away. So again, whether we approve this or not, those transmission lines are going to occur at some point in time via Dominion.

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Ms. Taylor: That is correct. That is staff's understanding that the approved transmission corridor that has been approved by Dominion will be in alignment to go to the proposed substation on Centreport Parkway, not specifically related to this data center.

Mr. Apicella: Okay. As of the most recent version of the proffers that we got tonight, have they proffered enclosures and/or screen, visual screening of the mechanical equipment?

Ms. Taylor: Chairman Apicella, Mr. Leming provided some updated information this evening as he came into the Board Chambers. That information has not been provided in writing yet, but he has provided information indicating that they are, will be providing some additional proffer language relating to building façades, which relates – I will read to you verbatim – any building façade facing Richmond highway or abutting property shall abide by the following: vertical elements, such as wall plane projections or recesses, shall be incorporated into façade designs. In no case shall wall plane projections or recesses be more than 100 feet in horizontal wall length; there shall be no recess or projection at least... there shall be a recess or projection at least 30 feet wide for every 100 feet of wall length; at least two primary colors shall be used for each façade; primary colors shall be low reflectance, subtle and neutral or earth tones; neon tubing shall not be used as an accent feature. And the last item says parapet walls shall not exceed 1/3 of the height of a supporting wall. Specifics regarding whether the intent is to screen rooftop equipment is not clear in that language that was provided.

Mr. Apicella: Okay. And ground equipment as well. So it sounds like what you mentioned were more about architectural standards than they were in terms of enclosing or screening equipment.

Ms. Taylor: Correct. Whether the intent for those parapet walls was intended for rooftop screening of equipment or just general architecture features was not clear.

Mr. Apicella: Okay. Has the applicant committed to not using groundwater for cooling?

Ms. Taylor: Yes, the applicant has included a proffer excluding the use of groundwater.

Mr. Apicella: Okay. So, there are still a couple outliers in my mind, but for the most part, is it fair to say that they've adopted many of the proffers from the previous two rezonings and maybe some of the additional recommendations we had in the Comp Plan Ordinance... I'm sorry, the Comp Plan and proposed Ordinance the Board is considering?

Ms. Taylor: Yes. Staff believes that many of the recent recommendations regarding potential Comp Plan amendments and some of our recent approved data centers have been incorporated into these revised proffers.

Mr. Apicella: Okay, that's it for me for now. Any other questions for staff? All right, thank you very much. Mr. Leming, would you like to come forward?

Mr. Leming: Is this your bundle, Amy? Okay, well, I don't want to mix up your notes with my notes, although it probably would have been helpful a few moments ago. Good evening. I'm Clark Leming. I'm here on behalf of the applicant. Mr. Chairman, Mr. Vice Chairman, members of the Commission, Ms. County Attorney, Mr. Zuraf. Some of you have changed chairs. Okay, I'm, I'm used to looking for...

Mr. Apicella: We're gonna change next time, too, to really mix it up.

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Mr. Leming: Okay, okay. Well, I was just gonna say I'm used to looking for Ms. Sellers on the left, but now she's over on the right, so, okay. I have with me tonight the owner of the property, the principal of the corporation, Mr. Jacob Manevich, and also representing the developer of the property, Starwood, Mr. Justin Hiegel. We have our sound engineer with us, and they're going to tell you about dB(A), (C), whatever you want to know about. And we have our engineering staff. Now, I want to use your time as helpful a way as I possibly can. We have some slides from the last presentation, but it sounds like most of what you want to do is to talk about proffers, and there are a lot of answers to some of the questions. And I was doing a little badly for Amy, because she's seen a lot of this stuff just for the very first time, and a lot of us do, and there's been a lot of movement in the last three days. We had a batch of changes in response to what happened at the June meeting. And then there was a another go around with Mr. Geouge and and the Utilities Department and got that straight. Then there was another little flurry of activity over the weekend. And I have some new things tonight, including the one you asked about that she read, where she read to you the architectural proffer. So what I thought might be helpful, and you all tell me, you all have almost all of the proffers, and I thought it might be helpful if we just quickly went through them, because your questions were all over the place on the proffers. And then there, if there are other issues that you want to discuss, not necessarily related to the proffers, certainly we can do that. But let's, I thought it'd be helpful, since there have been so many changes for us all to be sure we're on the same page on the proffers. So, you know, tell me if you think that, or if you want to see slides, we'll, we'll show you slides. But tell me what you think would be helpful.

Mr. Apicella: Let's go with door number one.

Mr. Leming: Door number one. Okay, proffers was door number one. Okay, all right. Well, let's, let's look at the statement. And I'm, I think this is the one you have before you. And I'm going to move pretty quickly through the first portion of the proffers. We did remove the language where we had originally talked about accessory uses, and Mr. Geouge and I reached something of a compromise there. I was not going to put in the proffer, you know, we have to do a CUP, but I took out the accessory language. And the reason I didn't put that in the proffer, in case anybody was wondering, is simply because, as I think you all know, when these proffers are adopted, I think Ms. Sellers referred to this little while ago, these become ordinances. They're part of the ordinance. So I put in a proffer saying we're going to get a CUP, whatever the new ordinance is, that's what we got to do. So I was silent on it. So if a CUP is required, it's required, but the, but Mr. Geouge was fine with that. Now, moving on down to the other changes on page 2 of your proffers are pretty minor. I don't think you'll have any questions about that. Then moving over to utilities, we did put in the proffer about not utilizing groundwater. So that is prohibited, and that was done just this past, this past weekend. And then moving on down to Roman numeral IV, number B, at this point, we've added language there. The data center buildings on the property will utilize air cooled system, closed loop system, so forth. I think Amy shared that with you. Now, but at the bottom there is something new, at the bottom of B. In such event the applicant agrees it will pay directly or reimburse the county for the cost of extending such reuse lines. So if we do use reuse, we build them to the property. Okay? And that was a pretty recent, that was a weekend change here. Then the, the next series of proffers, C and D, is what we worked out with Utilities. And there was a little bit of confusion and backtracking there, because we went and met with Utilities and they agreed to something, and then apparently Mr. Geouge talked with them, and, you know, he came back with something else. So we went back to them and we are all on the same page. And that is what is reflected in the proffer now over the agreement with Utilities as to the extent of the water use. And somebody asked about whether or not we were on par with what's going on in other counties. I have no idea what other counties are requiring on something like this. If you're in King George County, and I have one of these in King George County, you know, they're on wells. So a completely different situation, depending on which location you're in. But what we do know, if this helps, is that compared

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to a number of the by-right uses that could go on this property that Mr. Apicella was referring to a few moments ago, it's about 40% of the water that could be used, made available to the site based on the size of the buildings, for some by-right uses. So it is a fairly inconsequential number, and was pretty, pretty intense negotiation with the Utilities Department there to come up with a number that everybody thought that they could live with. So, that's where that comes from. Now, the language that Amy shared with you, Miss Taylor, I should say, shared with you, I have that language in writing here, so, so you don't have to just listen and remember it. I will hand that out, and you all can actually follow along here. And this does go, because where we've gotten in the proffers is the, are the architectural and site design criteria. So this would be on that page, and I'm on page 4 now, Roman numeral V, Architecture and Site Design Criteria, and this would become a number 8, Building Façades. Now, we took some, it took some time to get this worked out. We did late this afternoon, and what's going on is Mr. Hiegel, who's here from Starwood, when these issues come up, go back to the corporation to discuss this and see what, what they would agree to and what they're comfortable with. And sometimes that's not a particularly quick process. So we did come up with this this afternoon. We used the Comp Plan. Mr. Harvey was involved in the development of this. So we hope this is satisfactory and addresses the concern that, again, was raised over the, that we worked on over the weekend. So I hope that's satisfactory. Now...

Mr. Apicella: Ms. Caudill? I'm sorry, Mr...

Mr. Leming: If you have questions, please interrupt.

Ms. Caudill: Yes, so, I'm just making sure. So in addition, there's 7 of them here. Now this is number 8.

Mr. Leming: This is number 8.

Ms. Caudill: Okay.

Mr. Leming: And what we're going to do, if Ms. Lucian says we can do this, is to we've got clean copies of the proffers and we're going to write them in and initial them, and, you know, they'll be there, and it'll be exactly this.

Ms. Caudill: Okay, thank you.

Mr. Leming: So we'll, you know, do it right here in front of your eyes. Now, the old, the number 7, this was something else that came over the weekend. This was certified LEED standards, and we proffered to that. So that is a new proffer that just came to life over the, over the weekend. All right, now, I'm turning over to page 5, and I'm looking at C, I'm sorry that's E, and new language there. Talk about lighting on the property. And so what we agreed with, there is already a proffer about three foot-candles at the gate areas, so that they'll be safe, but otherwise, on the lighting on the property, no lighting on the property will exceed 15 foot-candles. And that was another one that we did over the weekend here. Now, now let's, there was a bit of confusion on the supplemental trees. And I think the confusion centered on the word "inside," which was not the good word, okay. What the, what the proffer says is that these additional trees, a double row of evergreens adjacent to the 50-foot buffer, so it's inside. When we say inside, we don't mean inside the buffer. We mean inside the property, okay. So it's, it's not in the buffer, it's in addition, and would be, you know, on the adjacent to the 50-foot transitional buffer. And then we also agreed down below, I frankly, what I saw the language that Mr. Geouge had come up with and before I got to the end of... *inaudible*... I was starting to nod off. So what we did do is to, is just say a Type C transitional, but generally equivalent. Take the word generally out, but we're willing

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to do the Type C buffer. And what we know, what Ms. Taylor has told you about the Type C buffer is, this is a pretty intense buffer, and it's made when there are really intense use, when there are really intense uses next to each other. And this would not be required here, because of the zonings here, so this is significantly over in intensity, over and above. But this is what Mr. Geouge was asking for. We just jumped ahead to the, to the buffer.

Mr. Apicella: Mr. Leming, on the adjacent to, again, I see what you're saying.

Mr. Leming: Yes, sir.

Mr. Apicella: I think it's still a little open to interpretation.

Mr. Leming: Okay.

Mr. Apicella: And so if we get a chance, and I don't have the specific words, maybe between staff and counsel, if there's time to make a change, to consider something that might be further clarifying.

Mr. Leming: Well, we could, we can say to the property side of the transitional buffer, you know, so it's clear that what we're talking about is transitional buffer. And then...

Mr. Apicella: So Ms. Barnes has a suggestion. Will you state it?

Ms. Barnes: Ms. Barnes, what I did?

Mr. Apicella: Yeah, you just...

Ms. Barnes: Geographically/

Mr. Apicella: Yeah.

Mr. Leming: What did Ms. Barnes say?

Ms. Barnes: Well, if this is coming from maps and me not good. Was it, could you say geographically inside? That was just what came to my mind, but.

Mr. Leming: Well inside was what caused problems before, because it means what, inside what? The buffer or?

Ms. Barnes: Inside, inside the property line.

Mr. Leming: Okay, engineers. What side, this is in what direction? The buffer is in what direction from the, the trend... this is going to be north. It's to the north, right, of the of the transition of the property line? Maybe the north of the, of the buffer. To the northwest?

Mr. Harvey: North and west.

Mr. Leming: North and west. So maybe we could say that to the north and west of the transitional buffer, you know, because that's inside the property line. That direction is north and west. Okay, is that, does that help? You think, you think that's clear, Mr. Apicella?

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Mr. Apicella: Clear as mud.

Mr. Leming: Okay. Well, you have to have a, you know, you have to look at a map. But I think probably the planners have something that they could.... *inaudible*... north and west? You know, I'm trying to avoid using the word inside, because that's already been susceptible. But if we would say transitional buffer, let's see, double roll of evergreens to the north and west of the 50-foot transitional buffer. And that, remember also, this is, you know, this is really, probably, we're engaging a bit of overkill here. There's a reference, you know, to the, to the GDP.

Ms. Barnes: Okay, that's what I was going to ask. If it's on the GDP, and you have to build it...

Mr. Leming: It's right there on the GDP.

Ms. Barnes: ... if it's on the GDP, that's, is that solid enough to not be able to get out of that?

Mr. Apicella: I'm okay with clarifying language in the proffers, so, just to be clear.

Mr. Leming: Okay. North and west and the, north and west and it's already on the GDP, too. Okay, so I don't think there's... what was the language you used, Ms. Barnes, get out of that?

Ms. Barnes: That's legal language, right?

Mr. Leming: Yes.

Ms. Barnes: Get out of that?

Mr. Leming: That's right, get out of that. You meant us, right? You meant the applicant – get out of that.

Ms. Barnes: That's planning speak, right?

Mr. Leming: Yes, okay.

Ms. Barnes: So while, while we're on that, in the staff report, it says, however, the clearing of existing trees within the buffer, that 50-foot buffer, is not prohibited. That's the one thing that I always want to do, is when you, when, when you're required to have a buffer, 50 feet, 100 feet, whatever, is to leave the trees that are, that are there, because that buffer is going to be right against the parcel line. So is there any way that we can put something in there that says the trees will be, will not be cleared if, if at all possible? I don't, I don't even like putting that in there.

Mr. Leming: Well, let me, let me try to be responsive to that. Note that that language, if you go down to GHI, that's where we have the site plan, and it requires that tree preservation plan at that stage. Now, the reason that's there, and the reason it was written that way, is because at this point, we really don't know whether or not some parts of the buffer will be disturbed during construction. So we're not opposed to preservation, but we can't tell you at this point in time, you know, exactly where that is. Now most of the... in addition to that, the additional plantings that we're doing, all that is along the property line that is closest to any houses. I think Mr. Apicella used the term community. I don't think there's any communities, there are few houses there. Now, if you mean to the nearest... *inaudible*.

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Mr. Apicella: No, there's... I said neighboring houses, and then there's a community about 1,000 foot away.

Mr. Leming: Yes, much further away, yeah. But, yeah, there are a couple of neighboring houses and so, anyway, that's what... and we'll get to your sound wall, because there is a reference to that in the proffers now. So, I mean now, so Ms. Barnes, with regard to we thought about that what we could save, and they looked at the plan, but we're just not that far along on the engineering. And bear in mind, there are a couple of things we don't know about. The power lines, while they're going to come very, very close, maybe even touch the property, you know, we don't know exactly how we're going to have to tie into those, where the substations are going to have to be in relation to that connection. So that's why there has been hesitancy to simply say, oh, we'll preserve all of this area, because it's not that big a site. That's probably an important point, you know. You all looking at these data center applications, I think this will be your smallest one. You know, this is not a big data center, it's just in an industrial area and right by the power lines, which is what makes it attractive, but it's, it's pretty small as, as data centers go.

Ms. Barnes: Okay, let me, let me ask this then. It says, areas preserved to the extent reasonably possible. Who determines reasonably possible?

Mr. Leming: Well, know what I would say, but I shouldn't say this, is that I think, when there's an issue of proffering determination, you know, who gets first crack at that – the Zoning Administrator. Well, he's just the Planning Director, the Zoning Administrator.

Ms. Barnes: I want them to keep the trees. Okay, thank you. I understand.

Mr. Leming: So, you know, I mean, if we're not doing something that under the language of the proffers is subject and that you think we're trying to get out of, then, you know, I think the Zoning Administrator is the best one to go to for the interpretation there, because if we don't like what they say, then we... *inaudible*.

Ms. Barnes: And would you agree with that, Mr. Zuraf?

Mr. Zuraf: Mr. Chairman, yeah, so, you know, if we're looking at the site plan, and they're showing a clearing area, the site plans will show where they're clearing and grading is going to be proposed. If they show clearing all the way up to the property line, but there's no grading needed, then we're going to say, well, wait a second, you, you know, you don't need, you don't need to clear there because you don't need to. If they have to grade an area to make the site work, then that's a reason where they might end up grading into that buffer. But if there's, if there's no reason that, if we don't see the reason, we would make make note of that proffer and ask for that area to be preserved.

Mr. Leming: One other thing that you all are probably are well aware of, there's some new... there's one thing we can't do much about, and that is new ordinances. And where this application will be, you know, when new ordinances get considered, go to public hearing and adopted, you know, my guess right now is is probably not even as good as yours. So anyway, we're not trying to be uncooperative about that issue. Alright, now, now, if we can go on, there are, there are two brand new roman, there's whole new categories here in this set of proffers. And we've gone from 7 to how many full pages? Anyway, it's growing. Construction is number 6. Now the, if you look at B that was already under the construction mitigation plan. But then what we've added, and a lot of these are we paraphrased proffers that have been included with your other data center applications. That's true of A, the development's schedule, yeah, and that's just to keep the county appraised about, you know, where the project is, where things

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are going, how things, quickly things are going to move fast. Let's see. Then, over on the, over on the next page, there is, someone asked about, I think Ms. Sellers asked about, okay, if you damage the road, when are you going to fix it? It says we're going to fix it. Oh, did you...? I'm sorry. I didn't mean to give Ms. Sellers credit for your question. But the answer to that is simply that we... what doesn't make sense is to cause a problem in the road that maybe not be the most serious problem in the world, and then fix it only to have it, you know, have to be redone. So generally with this, I think probably the operative date, you know, we could say within a certain period of time of the completion of construction, because it doesn't make sense to fix it and then keep, you know, unfixing it.

Ms. Barnes: Except if it's a pothole that can fit an F150.

Mr. Leming: Well, yes, if there is a safety issue, you certainly can say, except for safety issues. But, any problem saying that it would be within a certain period of time...

Mr. Apicella: Ms. Caudill?

Mr. Leming: ... after the, after the termination of construction, unless it's something that poses a safety hazard.

Unknown speaker: Yeah, anything that's happened during construction that's a safety hazard, we'll handle that; prior to the completion we'll handle it.

Mr. Leming: Okay, so we'll put that in writing for you, if that addresses your...

Ms. Caudill: Yes, I appreciate that. Thank you.

Mr. Leming: ... concern there. All right, and then third party contractors. This just requires us to pay the county back, if you all have to hire people to help review all of this. And then the applicant point of contact, that's, I'm down to D now, and that one did, we had some of that before, but we added just a little bit about that. Now, Fire and Rescue, Mr. Shelton... I'm sorry?

Ms. Sellers: Mr. Chairman, before...

Mr. Apicella: Please go ahead.

Ms. Sellers: ... those, so the proffer that we have here says the damage is just when bringing supplies? Other proffers for other projects say throughout construction. So...

Mr. Leming: Oh. Well, no, it says, you know...

Ms. Sellers: Or equipment. But other proffer statements say any, it doesn't matter if they're bringing it, if it was happened during the phase of construction, then it's their responsibility.

Mr. Leming: Well, the intent that maybe could be stated better. But it says bring supplies or coming to the property during or to the property during construction of the property. Then we agreed to to fix that. What, what else did you think might happen?

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Ms. Sellers: It could just be anything. I mean, if, if you're having 18 months of trucks going in and out of the road, it can tear up the pavement pretty quickly is the thought, so it doesn't matter if it's bringing supplies, just coming in and out of that area could damage...

Mr. Leming: But that would be equipment. What I can tell you is that this one's verbatim what were in the previous proffers. In fact, we added so there's nothing, we haven't changed anything about this proffer from the others.

Ms. Sellers: Right.

Mr. Leming: Okay, that one we cheated on.

Ms. Sellers: The other projects are just worded a little differently. And so...

Mr. Leming: This came... *inaudible*.

Ms. Sellers: Not with your project, but with other projects that have been approved the wording is differently. And it says throughout, yeah, I'd have to see, but yeah, just it's not so...

Ms. Barnes: Can it say throughout the construction, construction phase?

Mr. Apicella: Well, it says during construction of the project. It is the exact same language as in the Potomac Church and Stafford Technology Center proffer packages.

Mr. Leming: We'll add to the end of this, we'll say that it'll be fixed within a certain period of time after completion of construction... *inaudible*...

Mr. Apicella: Or sooner, if there's a safety issue.

Mr. Leming: ... safety related damage, that that would be repaired immediately. Okay? So that even that goes even in your direction, I think as I understand your question.

Ms. Sellers: No, I'm still a little, I'm still a little iffy on it. But my other question was, do you have to get a land use permit from VDOT as well?

Mr. Leming: Well, the pavement comes right to the edge of the property, so we don't think so, right? Yeah, we don't, we don't think so, because the pavement comes to the, and there's an entrance already there.

Ms. Sellers: Okay, so the county is going to be the one doing the work or the really monitoring it; it's not going to be through VDOT.

Mr. Leming: Okay. If you, if you, if you know, you think of something else, you know, you want us to say, other than bringing equipment in and out and, and supplies, because that's what, you know, would be coming on the roads. And then, if we agree to repair within a certain period of time, and immediately, if there are safety issues, then whatever, I'm not sure what other damage component you might be concerned about.

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Mr. Zuraf: Mr. Chairman, if I can add. During the site plan process, VDOT would be reviewing this. They're going to sign off on the site plan. They have to get a entrance permit from VDOT, and oftentimes, we'll have to include a, an access plan that VDOT reviews to make sure that everything's happening in a safe manner.

Ms. Sellers: Okay. Yeah, you know my, my big concern is, this is Route 1. This is a major highway that people use. We don't have many options around here. And maintain... unlike the other data centers we're seeing who have construction off the major highways, this is on a major highway. And so while they may be able to wait, you know, a pothole on, you know, a secondary or even a tertiary road is not the same as one of our main highways, and so...

Mr. Leming: Potholes are safety issues, aren't they.

Ms. Sellers: ... how... Yeah. So who is, you know, how are we going to make sure that this is, this is done, and if it's the county monitoring it not VDOT, that's my concern is, is, I don't want this to become a bigger problem.

Mr. Leming: We're happy to include something. If you could specifically... I mean, what we're doing is covering equipment coming back and forth, supplies coming back and forth over the road, we're saying they're going to be done within a certain period of time. And if there are any safety issues created, the safety by damage to the road, then that'll get corrected immediately. So if there's another category of damage that you're concerned about...

Ms. Barnes: Well, can I? Couldn't you just take out bringing supplies or equipment and just the vicinity roads are damaged by the applicant?

Mr. Leming: No, you know what happened there?

Ms. Sellers: That's what I wanted to do.

Ms. Barnes: Is that what you want to do? Okay.

Mr. Leming: There used to be red lines. I have just figured out how, if I want to eliminate some redlining to something, what button I now push on my laptop to do that now. So that's what happened there. But no, it's this is still part of the language that was in the other proffers.

Ms. Barnes: So if you just drop that, vicinity roads damaged by the applicant during construction of the process, of the project, if you just took out those specificities of bringing supplies and equipment, then it would encompass any damage during the construction of the project. Is that what you're getting at, Laura?

Ms. Sellers: Yes.

Ms. Barnes: Okay.

Ms. Caudill: Mr. Chairman?

Mr. Apicella: Ms. Caudill?

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Ms. Caudill: So here, here's an idea. Pavement damage to roads, including shoulders and aprons attributable to construction of the project, must be repaired by the applicant within 100 days of issuance of the final certificate of occupancy for the project at the applicants expense. However, if the applicant receives notice from the county's transportation planner or VDOT staff stating that the damage to roads, including shoulders and aprons, has made a road unsafe, the applicant will initiate the process of said repairs within 48 hours.

Ms. Barnes: Where'd you get that?

Mr. Leming: Where did that come from?

Ms. Sellers: From different proffers.

Ms. Caudill: Different proffers.

Mr. Leming: Oh, okay.

Ms. Caudill: Different...

Mr. Leming: Well, if you'll give me, there's no way that I can write down what you just said.

Ms. Caudill: Absolutely.

Mr. Leming: If you want to give that to me.

Ms. Caudill: I'll give it to Mr. Zuraf.

Mr. Leming: Okay, okay. All right.

Ms. Barnes: Isn't easy just to take out...?

Mr. Apicella: Well, I think there's a lot of specificity in what Ms. Caudill read, so I actually like what she has. In fact, I think that is from Potomac Church, yeah.

Ms. Barnes: It is. And more, the better.

Mr. Leming: Okay, are we ready for the next one? Okay, alright, third party contractors. This is language you've seen before. That's, this is just in case the you have to hire somebody to help review this. And then the point of contact. Now, ready for fire and rescue? Okay. Now this turned into a whole category, Mr. Shelton. It was just one proffer before, but now there's a whole Fire and Rescue category, and there are a number of things here.

Mr. Shelton: So noted.

Mr. Leming: Okay, all right, so we have an emergency action plan. Now that was, that was, that was the one pre... there previously. We've come up with a... inaudible... Stafford County Fire and Rescue. Now this was a done on a pro rata basis, based on what the contributions were by some of the big guys to fire and rescue. And then the C, D, and E are all, are all new and were added this weekend. So multi-story buildings, two stairwells, a Napa 14 standpipe system for fire department operation, and sprinklers.

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So those were, those were all added to this proffer. Okay, all right, now we get into miscellaneous and, and here we do get into the sound. And since Ms. Barnes had a question about this, I'm going to wait till she comes back, okay? Okay. Now, what might make sense, and we've, we've spent a lot of time on this proffer. It has evolved and there are two issues we're trying to do here. We're trying to establish the standard, the correct standard for measuring these things. We have our sound engineer with us tonight, and I'm going to ask her to respond to your question about 70 dB(C). And then we also are looking at how this is going to be administered, and for how long this testing goes on. So let me cover the administrative part of this, and that's over on page 8. And you know, we're, we're going to, the first test occurs before the issuance of the certificate of occupancy for the first building, okay? And then with each, there are going to be three buildings here, as we see this now, with each new CO, that resets the clock. So we go another, another period of five, five years, and then the objective here, and if you look down at the next sentence, the testing period will be reset upon the issuance of the certificate of occupancy for each additional building, but in no event will testing period be less than 10 years until 10 years has lapsed from the issuance of the certificate of occupancy for the last data center building. So we're going to do them for five years with each new CO, but then at the end of the process, they're going on for another 10 years. Okay? And that was, that was something else we worked on this weekend. Now, you ask about walls. If you look at the very last sentence in that proffer, it says, in the event the sound analysis – that's what we're conducting for this, for the next two decades maybe – the maximum levels referenced above, if they're exceeded, the applicant agrees to take additional steps to mitigate the excessive sound levels, including the installation of a sound wall, if deemed to be effective. If that's how you get the level down to where it needs to be, then that's what we'll do. We don't think that's going to be an issue at this point, but we gotta, we gotta meet the standard here, and we're doing the testing to ensure that we do meet the standard.

Mr. Apicella: So if, if I were one of the two property owners who lived very near this data center project, 300 feet away from my home, just like they did for Potomac Church, I think I'd want a sound wall and not, and not to wait until three buildings have been constructed.

Mr. Leming: Well, no, it can happen at any time. We have to...

Mr. Apicella: I know but, it could be cumulative. So it could be, I don't know when this thing is going to be built out, but by the third building, say it's a couple years away...

Mr. Leming: Okay, let Mr. Hiegel respond to that.

Mr. Hiegel: So I think what Clark is saying, if at time after construction, there needs to be more sound mitigation done, we'll do it. During design, when we're going to design, and they choose the equipment that's going to be used, the exact equipment, we hire sound engineers that will actually do a model of the building and the topography and everything in the area. And they'll make, they'll at that point tell us this is what we need to do to ensure we do not exceed the maximum sound requirements at the property line. And that could be sound enclosure, sound walls, and where those sound walls need to be placed, and at what height and what design. So there will be those types of things that will be installed and built during the building construction, initially, as recommended.

Mr. Apicella: I hear you, but that's not exactly what it says.

Mr. Hiegel: Well, we can make that modification if, to clear it up.

Mr. Leming: Hmm, well...

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Mr. Hiegel: No?

Mr. Leming: Well, let me ask you, actually it may get a lot closer than you might think at first glance. We're doing the sound analyzes at specific intervals from particular locations on the property, and that happens, and we have to comply with the standards and the noise standards that Stafford has. And if we don't, then we've got to do something else. That's the way I read the proffer now. So anytime, if those noise levels are inconsistent with the standard that's established, they've got to do something else to mitigate that, to bring it down to the required level. So that's...

Mr. Apicella: So again, two things are missing here. So the first thing is timing. I hear what you're saying, and I understand and appreciate it, but it doesn't really say if you find out as part of that sound study, whenever it's done, within X period of time, we're going to build that sound wall, or whatever measure is appropriate for that given circumstance. That's number one, and number two. How would the county know? What's... you're doing your study, you're doing your analysis, but that's internal within your own operation. Again, how is Stafford County going to know if you don't put it on the site plan or?

Mr. Leming: Yes, the sound analyzes, of course, go to the Zoning Administrator to determine compliance with the sound standard. That happens all the way through the build-out, and then for a period of 10 years after the build-out. And that's what the last sentence would be reacting to if the... inaudible... sound indicates the maximum levels referenced are exceeded. So if we have a problem, then we got to do something.

Ms. Sellers: Mr. Chairman?

Mr. Apicella: Yes, please, go ahead.

Ms. Sellers: To add on to your, I think, your line of thinking. So my understanding, currently, for the Zoning Administrator to say this is a zoning violation, they go out, so how do they determine... what's the process look like to then say this is a, this is now a zoning violation, right? And it triggers that whatever enforcement mechanism is in place.

Mr. Leming: Because what we do is provide the sound analysis to the Zoning Administrator, so that if there's a violation...

Ms. Sellers: Right. So I'm thinking more of like so if we have a car dealership and they're only supposed to have 25 vehicles on the lot, and the zoning gets a complaint, they go out, they look at it, and there's an enforcement mechanism there, you know. What is the time period like once the county has been notified there's a problem, like, how long do you have to remedy it?

Mr. Leming: It's immediately. If we exceed the sound level, then there's immediately a zoning violation, because the proffer holds us to that level. Now...

Ms. Sellers: So does that mean that data center turns off until you put up a sound wall?

Mr. Leming: The Zoning Administrator could do that if they don't feel like they're getting the cooperation that they need to get it fixed, you know.

Mr. Zuraf: Mr. Chairman.

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Mr. Leming: Yes, I mean, that's possible.

Mr. Apicella: Yes, please go ahead.

Mr. Zuraf: Yeah, if it's determined to be in violation of the proffers, you know, we may cite them with the zoning violation. But then if it's an issue where they, it's determined that they need a sound wall, then that's going to take some time to, you know, get that, you know, designed and installed and everything. So we're going to make sure... we would so monitoring how to make sure...

Mr. Apicella: So, how long? What's the...

Mr. Zuraf: It's always depending.

Mr. Apicella: Because I'm looking at Great Oaks which basically took years for them to resolve that problem. So that's not a situation I'd want to see here.

Mr. Zuraf: Right.

Mr. Apicella: What's a reasonable amount of time from the timeframe that they've done their sound analysis, they've provided it to the Zoning Administrator, and it determines that X measure needs to be incorporated. What's a reasonable timeframe to get that completed? Six months? A year? I mean, if you have a specific target, then it's easier for the Zoning Administrator to well you have it, you found it, you didn't address it, this was the timeframe you had to do it. Now I'm going to cite you. To me that's far more specific and actionable than just kind of leaving it open ended.

Mr. Leming: Well this... *inaudible*... were already cited because we're not compliant with the sound level. But Mr. Hiegel has a suggestion, I think.

Mr. Hiegel: Tell me if this maybe helps. I think the way the proffer is written, and it's, I've had to read this so many times, ask Clark. I'm like, what are you saying here? But what if we, instead of, obviously, it's saying, you know, on the anniversary date of our CO we have to produce it. What if we produce a sound study at the time or prior to a C of O? That way we're ensured that we're meeting all the requirements of the proffers and zoning ordinances prior to getting our C of O.

Mr. Leming: Which is required.

Mr. Hiegel: At that point, if the sound study shows the sound wall has to be built, then that holds our C of O up and we have to go build the wall.

Mr. Apicella: Yeah, I'm good with that. Mr. Zuraf, what do you think?

Mr. Leming: I think what you're saying is that if the sound analysis shows a violation of the sound standard, that you'll build a wall.

Mr. Apicella: Prior to the issuance of a CO.

Mr. Hiegel: I think that's the trigger we need to have here. That way there's not this delay, which I think it would be a year before the sound study got done and turned in, and if there was a problem...

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Mr. Leming: Well, that gives them an incentive, and then we don't have to worry about particular timeframes, which are difficult to try to gauge. Does that work?

Ms. Sellers: Mr. Chairman.

Mr. Apicella: Just one second. Let me just... Mike, what do you think of that?

Mr. Zuraf: Yeah, the concern would be doing testing before the certificate of occupancy, that's going to be before you're up and running and operating and using the equipment.

Mr. Apicella: Oh, well, that's true.

Mr. Zuraf: So you really need that sound study after...

Mr. Apicella: That's kind of what happened when we went to go visit that data center in Manassas, which had nothing in it.

Mr. Leming: But you do need that first one just so you have a baseline and what is the background noise that you're dealing with up front.

Mr. Hiegel: Well, before we ever start any construction, we'll do a sound study for pre-construction so we know what those levels are. So we'll have a pre-existing sound study done.

Mr. Leming: Okay.

Mr. Hiegel: But if we can come up with a timeframe of saying we have to do, produce a sound study within so many days of the C of O or something, because, to your point, if it's not fully kitted out and operational at its capacity, it's not going to have the same sound level. That's a good observation. But what timeframe can we come up with that's where we, I mean...

Mr. Apicella: I don't know. How long does it take to design and place the... what's the most significant type of measure that you would have to take? Is that a sound wall? Building a sound wall?

Mr. Hiegel: I mean, for the, that would probably take the most amount of time. But generally, the way it's done is they'll tell... the sound engineer will tell us where it needs to be. I'd have to defer, but usually it's closer to the equipment, the better, because of the angles of... I'm not gonna... *inaudible*.

Mr. Apicella: I get that. I'm just saying, if you had to build a sound wall, how long would it take to put it there?

Mr. Hiegel: That's an engineering question. So it's gotta be, it depends on the height of an engineering...

Mr. Leming: This is Alexis Kurtz from Trinity.

Ms. Kurtz: Trinity Consultants.

Mr. Leming: Okay. Let me ask one question before you speak and explain more to them. Really what the issue here is, and Justin may want to speak to this. I mean, you'd like to see the sound wall right up front, yeah, end of story. And Justin probably has a reason that he could share with you after you hear

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from the sound engineer as to why he doesn't think it's an appropriate thing to do or necessary right up front. But, I don't want to put words in your mouth, Justin, but why don't you tell us a little bit about and remind, also remember Ms. Barnes wants to know more about dB(C).

Ms. Kurtz: Okay, so when we're working with sound producing items such as air handling units for these data centers, what we want to have is that barrier as close to the equipment as we can. Because if we put it far away, the likelihood of sound actually going over it is a problem. When you're looking at highways, and the noise barriers that are on the highways, the house that is actually right up against the barrier has the best, they call it an acoustic shadow. If you're further away from it, you're not getting as much attenuation. And so by having that barrier as close to the equipment as possible, it's actually helping filter the sound upward. And luckily for us, the houses are down on the ground. So having a barrier wall further away isn't usually as helpful as having it on the roof or in the yard or something to then filter the sound in a different direction. And that's all done during the design to make sure that we meet the code.

Mr. Apicella: I get you, but I'm... so you built the building. Now you have the equipment in. Now you really know what the sound is. So you make a projection up front, pre-development, then you put the equipment in, you've got the HVAC system going. That's when you really know what the sound is like. And maybe you have to take some additional measures as a result of that additional noise study. And so my question is, if you find that you're not meeting the sound requirement, and you had to put in a sound wall, wherever that might be, I'm just trying to find out, put a time stamp on that's the solution, how long does it take to get in place?

Ms. Kurtz: The placement I can't help you with. The the modeling of the data center facility with respect to the code, with respect to how far away the property line is, is based on modeling software that takes account of changes. And what we do is we say these are the units that are going to be used. This is how many are going to be used. This is the load at which they're going to be used. And all of them add together and combine and I'd be out of business if I said, this is exactly what you're going to get. We're going to leave, we're going to leave a barrier so that we know...

Mr. Apicella: No, I'm not looking for the specifics. I must be not speaking English tonight. I'm just trying to find out if you had to build a sound wall, how long does it take? So when it says take additional steps to mitigate excessive sound levels, including the installation of a sound wall, if determined to do, to be effective within 180 days, within 360 days. That's what I'm looking for.

Mr. Leming: What I would ask Alexis to address is okay you violate the sound standard. What are, besides the sound wall, what are the other ways that you could come into compliance? Because that, I think, is what Justin wants to hold open. What would be other techniques for dealing with this?

Ms. Kurtz: Typically, when we do the modeling, we measure at, we model at 100% capacity. It's not usually run at 100% capacity, so there's already a barrier built in there, right? We're saying this is the absolute worst case scenario. If we're found to be not in compliance by either ramping down the number of units running simultaneously or the percent capacity that they're running at, that's another way. So a fan that's being run at 100% is louder than a fan that's being run at 70%. I can't answer your question... *inaudible*.

Mr. Apicella: Again, maybe that last sentence needs to be tweaked and not just refer to a sound wall. My point is, whatever measures that you determine need to be made, that those measures are in place within a reasonable timeframe. Again, I'm going to use Great Oaks as the example that it took years for

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them to solve that problem. In the meantime, the neighbors were suffering, sleeping in their basement because of the issues. I'm trying to avoid that extended period of time by putting some reasonable timeframe in here to make sure that those measures, that whatever the sound study proposes, those measures are in place within a certain reasonable amount of time. Does that make sense?

Mr. Hiegel: No, I understand your question. I just, it's not like one plus one equals two. Unfortunately, I wish it did. I guess if we get to what's considered reasonable, is six months a reasonable time period?

Mr. Apicella: I think that's reasonable if you think you can achieve it. I don't know.

Mr. Hiegel: That's the problem. So if I commit to six months, and they say it's three months to engineer and another so many months to build it, is there any mechanism to come back to the county and say, hey, we're... *inaudible*... we're working through the problem, here's our finish date. Are we at six months are you going to say you got to shut off?

Mr. Apicella: Well, I hear you, and I appreciate where you're coming from. I didn't say six months, but I also don't want three years, so.

Mr. Hiegel: No, and I understand that, and I'm trying to, I mean, if there's a way to put language of, I'm trying -- because the problem, like you said, we make this a proffer, then I have to adhere to it.

Mr. Apicella: Right.

Mr. Hiegel: And I'm not an engineer, a construction specialist, unfortunately to say how long this has taken in the past, because I haven't had to do that.

Mr. Leming: Let me suggest maybe, rather than focusing on how long it takes to build a wall.

Mr. Apicella: Again, it's not just a wall. Whatever measure you guys determine...

Mr. Leming: Because right now, Mr. Apicella, what it says is that, you know, if there's the violation, the applicant agrees to take additional steps to mitigate the excessive sound levels, including, and then you get into the different things you could do. But suppose we also say that within 30 days you retest it, you know, and then there can be a further conquest so that, you know, whatever they had, whatever they do, their job is to get the sound level back down to where it's supposed to be, however, whatever it takes to do that. But rather than, you know, getting too specific about that, just when there's the violation, then, you know, you start into a process to be sure that it goes the other way and gets back to where it is by additional measurement, additional sound analysis. So that way you could do that, you know, 30 days, you know, and then another 30 days, and if it's not down, then there's gotta be a consequence. Yeah, no, I'm saying after that first, if it's still up after 30 days, then, yeah, you gotta, we go to another level, so.

Mr. Apicella: Mr. Shelton.

Mr. Shelton: Do I understand you correctly that you're going to do a pre-construction, during construction, and post construction? Is that correct?

Mr. Leming: Right now, the way the proffer is set up, they do their first test before they, before the first CO, and then they do yearly tests after that, I'm sorry, twice a year. And then, then after the next building

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goes up, the whole thing starts all over again. Goes on for another period of five years. Same thing with the third building, but then it gets extended out 10 years from that last CO, so, but it's, it's annually after that. So that's how often it occurs. But it's staggered to go with the development.

Mr. Shelton: Okay, well, Prince William did a lengthy study, and they found out that their dB(C) was undistinguishable. So if we don't do something up front, and then during construction, and then post construction, how do you establish a baseline?

Mr. Hiegel: It's, we are doing one, but before, it's just not in a proffer. That's the only way we can do it.

Mr. Leming: They do them to protect themselves. They're gonna do one so that there's a baseline.

Mr. Hiegel: But we can add that to the proffer because we do it anyway. It's not a... and we'll share that with the county.

Mr. Apicella: So I'm just going to ask you to think about how we might fix this language to clarify the expectation and accountability.

Mr. Leming: It is complicated, but I tell you one thing, I haven't... I've been reading through this proffer again today, I'm going to set it up into two segments, and one that deals with the testing and the sound analysis and what we're trying to do in the standard, and then the second part that deals only with administration. Right now, it's a little bit confusing there now. Now, dB(C), can we talk about, Mr. Shelton brought that back up. Ms. Barnes had a question earlier. And the question Ms. Barnes had earlier was she thought 70 was high.

Ms. Kurtz: Right. In the built environment, usually what we're dealing with is called dB(A). And dB(A), noise is noise. How we measure it is then either with the (A) or the (C) or others. So dB(A) filters the sound, filters the measurement to go along with how humans hear. We don't hear well at low frequencies. We hear very well at high frequencies. So something can be extremely loud at a high, at a low frequency and extremely quiet at a high frequency, and we're actually going to hear it about the same level. Studies were done years and years ago. Bronner in 1983 was the first one to propose it that says this dB(C) level, what it does is it is almost as flat – it's not quite but it's almost as flat as the actual energy level of the sound. So you're not getting that, um, something at low frequency and something at high frequency, it's going to have the same power, it's going to have the same energy level. We don't hear that way, so it's not used often in buildings. Bronner said after years of study that dB(C) is a good indicator of where community noise might be a problem when it comes to industrial things that are operating 24/7. And what's been adopted since about 1983 is 70 dB(C) for things that are operating 24/7, which is what a data center is, in a non residential zone. So this zone is not residential. This is currently a retail... okay. In that zone, 70 dB(A) is what's considered good; 75... oh, sorry... 70 dB(C) is what's considered good, 75 dB(C) is what's considered maximum. If you were to compare dB(A) and dB(C), something operating at 50 measuring, because it's the same noise, measuring at 55 dB(A) is going to be the equivalent of 70 dB(C). So that aligns with the code that's currently there.

Ms. Barnes: Okay. And while you were doing that, I was, I was hitting it into chat and it's coming up with exactly what you just said.

Ms. Kurtz: I wasn't lying. Okay, good. No problem.

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Mr. Apicella: Please go ahead, Ms. Sellers.

Ms. Sellers: While you're here, I have a question.

Ms. Kurtz: Sure.

Ms. Sellers: How far does sound travel, like that energy? How long does it last, how far?

Ms. Kurtz: So sound is energy.

Ms. Sellers: Right.

Ms. Kurtz: Right. And as you get further from the sound, it's it spreads. Like think of a balloon. You have a balloon that isn't blown up. And as you put air into that balloon, the balloon is the same size, right, but now it's, it's spreading because there's more air in it. So as you get further from a sound source, the sound energy is doing the same thing. So the amount of energy is the same; it's just now spread further. When we're doing measurements, when we're doing these analysis, the rule of thumb is, if I'm 10 feet from my sound source, and it's measuring at 80 decibels, if I double that distance, if I move 20 feet away, we're going to go down by half. Now, it's all logarithmic. So half is 6 decibels. So it's going to be 7... it's going to be 80 dB here at 20 feet; it's going to be 72 decibels, right? Now, you double it to 40, right? It's going to go further and further down. So the further you get from a sound source, the quieter it sounds.

Ms. Sellers: But it's spread like this.

Ms. Kurtz: It spreads.

Ms. Sellers: And does it compound on each other? So, if, will, and I don't have the picture right in front of me, but you know, you have these, this equipment that's making this noise, and if each of the equipment produces this much energy to create the sound, does it compound on each other and get louder or travel longer or disperse more?

Ms. Kurtz: So it does increase, right, so if you have one thing making 80 decibels and now you have two things making 80 decibels together at the same time, they're going to make 86 decibels. It's going to sound twice as loud, you have two of them, right. As we, when we do the analysis for any building, we look at what's their worst case scenario, and we look at how we're going to meet the sound level at the property line, right...

Ms. Sellers: Right.

Ms. Kurtz: ... to meet the – so, yes, it compounds. There is a point where it doesn't get much louder because you have these big units, right, and you can't be exactly the same distance away from all of them at the same time once you have you know more than about two, right. So as you move further, I'm 2 feet away from the closest one, but I'm 40 feet away from the second one, right, and so it compounds, but it's not going to be 10 times as loud with 10 units, because there's a distance factor in it.

Ms. Sellers: And do we capture this energy in any way? And like, you know, how they do with water or movement and, and we're going way back into, you know, like high school stuff here, but you know,

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are we able to capture this energy, rather than maybe, you know, dispersing the sound even more? Is there any technology out there that maybe captures it, turns it into some other type of energy?

Ms. Kurt: That would be awesome. Not that I'm aware of. There's a lot of hypotheticals about that, but not for the environment. Sorry. Heat, it turns into heat sometimes.

Mr. Leming: Inaudible... with other things like manure. So, you know, maybe. Jacob, did you want to say something?

Mr. Manevich: I just want to say one thing real quick. Staff did a great job in orienting our buildings and so everything, and we ran this by her as well, everything that makes noise is directed towards 95. And we haven't done the sound study yet, but we did do one on a different project which you guys haven't seen, which is about a mile to the west, near Stafford High School. And what we found when we did the study with Trinity was the sound from 95, even though it was a mile to the west, was higher than anything produced on our site, and that was with noise receptors on every single residence around this property off Enon road. We are one lot off of 95 and that noise, I can't give you 90% assurance, is going to be louder than what we produce onsite. I mean, that's the reality of the location, if you want to...

Ms. Sellers: So then sound travels in one direction, or, generally speaking?

Ms. Kurtz: Ah, no, it doesn't, right. So if we were in, I can't say a vacuum, because sound doesn't travel in a vacuum, if we were able to float sound in the middle, it would go out like a balloon. If we put sound on the ground, that same amount of energy now is hemispherical; same amount of energy, but it's coming up. The way the building is oriented, or all the buildings are oriented – it's almost in a U, I think – and so the buildings themselves are acting as a barrier to that sound. So all of the units within that barrier are now... all the energy is being pushed towards 95 in this case.

Ms. Sellers: Right, okay. So it's going to project it that way, kind of like when you put your phone in a bowl and it...

Ms. Kurtz: Bingo. Exactly.

Ms. Sellers: Okay, okay. All right. Thank you.

Ms. Kurtz: Sure.

Mr. Apicella: So in the in the draft ordinance, we reference for the dB(A) tone reductions, we referenced the ISO 1996-2:2017 Annex K.

Ms. Kurtz: It's D.

Mr. Apicella: D, gotcha.

Ms. Evans: Mr. Chairman?

Mr. Apicella: Just one second. Would you be amenable to adding that reference at the end or where the red line stops, where it says, 2 adjacent third-octave band by 5 dB(A) or more, since this is what I'm proposing, or the measurements as... or as these measurements are identified in and updated by the latest version of ISO 1996-2:2017, NXD for dB(A) and ANSI 12.2: 2008 for dB(C). Just so there's a reference.

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Mr. Leming: Well, if... what I would suggest is this, they're the ones that need to understand the proffer so let her talk with them about what you just...

Mr. Apicella: I can give you the page right here. The thing is...

Mr. Leming: We got, we have the page.

Mr. Apicella: Okay.

Mr. Leming: But you know, we need to, the principals here are going to have to understand what the, what you're saying, and I think hear her advices about whether or not that's something to go in the proffer. Now, of course, if the ordinance gets through first, then it's immaterial. Now, if we could, we'll work on that, okay.

Mr. Apicella: Okay.

Mr. Leming: But if we can go on with the rest of it... *inaudible*.

Mr. Apicella: I just, I got you. Ms. Caudill? No? Ms. Evans?

Ms. Evans: Yeah, I just had one question since we're talking about noise and dB(C)s, what can you compare that to? Like, the noise, like, what is that equivalent to?

Mr. Leming: Okay, you're not done, Alexis.

Ms. Kurtz: I wasn't paying attention, I'm so sorry.

Ms. Evans: So I was going to say, if you can... my question is the dB(C)s, like, what is that compared to, the noise? So I guess, if we're saying 55 dB(A) or 70 dB(C), like, what is that compared to? Is that like a, I guess, like a lawn mower, like, what, like, what is that noise right now?

Mr. Leming: What's your voice right now.

Ms. Evans: Right.

Ms. Kurtz: Having a conversation, not necessarily trying to project to, to all of you, but having a conversation between yourselves without a microphone; 65 dB(A).

Mr. Leming: That's higher than we can go, you know, with this noise.

Ms. Kurtz: I can't tell you dB(C) in a way that you can understand it, because we don't hear that way is the, is the biggest problem...

Ms. Evans: Okay.

Ms. Kurtz: ... with being able to...

Ms. Barnes: I can.

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Ms. Evans: You can?

Ms. Barnes: Elephants. If you've ever been around an elephant and you can hear them, but you can't hear them, and it makes you feel nauseous. That's a dB(C). It's a noise that you know is there, and you're like, what the heck is that? I can't hear it, but you can feel it in your throat and your chest, constantly. And that's what I think, that's what I think the people that are living in some of the neighborhoods, they, that noise is there. I can't quite hear it, but it's there.

Mr. Apicella: I feel it.

Ms. Kurtz: Yeah. So anything below 20 hertz, which is, you know, low, low frequency, we can't hear. We do internalize it as a vibration, and dB(C)s, like having that limit with the dB(C) is now what's limiting that. Because if we're just looking at dB(A), dB(A) in those low frequencies doesn't even account for that. So by limiting it with the dB(C) level, it makes sure that those low frequencies are attenuated.

Ms. Evans: Okay, thank you.

Mr. Apicella: All right, go ahead. I'm sorry.

Mr. Leming: I'll tell you this that some of you know I live next to Vulcan materials. They've been measuring both for a lot of years. So nothing, nothing new for some industries. All right. Now we were, when we got off on sound, an important issue here, we were on page 8, and that is the answer to everything we've just been talking about. If you look down at the next proffer, which is (b) on page 8, Cash Proffer for Sound Monitoring. Some of you may recall that when we were here in June, the county staff had issues with us, didn't think it was a proffer the county could accept. I never quite understood that, but now they're okay with this. So this is money coming to the county, \$10,000 a year, for the county to develop its own sound monitoring. So that in addition to, the point here is that in addition to whatever testing the applicant is required to do, at some point, the sound may, the county may decide to do its own sound testing. So we're, we're trying to facilitate that, not just for this site, but for anywhere in the county. And that's what this proffer goes to. It was Mr. Manovich's idea. So, so that is, that is, if you look down at C generators. Okay, now we, after the last meeting, we went up to the use tier four generators or better. And then we dealt with an issue of timing. And Ms. Taylor pretty well stated what is going on there. We were asked to go to stop at five o'clock. We had six o'clock. Now we backed up to five o'clock. We excluded holidays, and that the exception to that is when the state is testing, you know, air pollution, and we can't test, we cannot test the generators during the times of these state air evaluations. So that is, if that happens, I mean, we're just blocked. If that happens, then we would be able to do that testing on those days only, between five and nine o'clock on weekdays, and we don't test on any holidays. So, but otherwise, nine o'clock to five o'clock.

Mr. Apicella: Ms. Caudill?

Ms. Caudill: So and maybe you guys, I don't understand that, that part of it. So what, what do you mean? What days between 5 and 9 PM?

Mr. Leming: Any weekday.

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Mr. Manevich: During the summer months Virginia DEQ prohibits testing generators during the day for air quality. So this is a case of where one government agency makes rules that overlaps, you know, what we're trying to do.

Ms. Caudill: Okay.

Mr. Manevich: So if we accept the nine to five, the reality is we can't test that all in the summer, and so that's a safety issue as well. So that's why we've asked for the summer months. On days when DEQ says we can't test generators, we are able to move the time back.

Ms. Caudill: So should that be said?

Mr. Leming: It is said.

Ms. Caudill: Like in the summer months or... because, I mean...

Mr. Leming: Do you know for certain that it's only summer months?

Mr. Manevich: *Inaudible*... summer months.

Mr. Leming: Okay. Now we can, we can certainly... do you want to say particular months?

Mr. Manevich: I think it we, the verbiage is whenever, whenever a state agency doesn't allow us to test.

Mr. Leming: That's the only time that would happen was when the state is testing and we, we're not permitted to.

Ms. Caudill: So maybe just add that part in there.

Mr. Apicella: Yeah, I think it would help to get that language in there.

Ms. Caudill: Just because I thought maybe you meant, like, the next day, like, that's how I read it. So that's why I'm asking.

Mr. Leming: Okay. Okay.

Ms. Caudill: Thank you.

Mr. Leming: Well, what it says now is that the regulations that prevent such testing, and that's the only regulation we're aware of that prevent us from testing. Okay.

Mr. Apicella: So before you move on from generators, again, back to the proposed ordinance, it has another caveat in there that says generators will only be used for back, for testing and for backup and emergency power.

Mr. Leming: Yes, uh huh. And we do, we do... certainly, that's the intent, Mr. Apicella. You see that in the very first sentence it talks about backup generators. So if you want us to be more categorical about that, but yeah, that's, that's the only...

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Mr. Apicella: Yeah, I would.

Mr. Leming: *Inaudible*.

Mr. Apicella: Well, no, because you could, in theory, use backup generators as a power solution.

Mr. Manevich: Again, in this situation, a different agency has already solved it for you. Dominion doesn't allow us to run off of generators as a primary source.

Mr. Apicella: Well, Dominion is, Dominion is not a regulatory agent. So I hear what you're saying, but I'd feel more comfortable because I've read that some data centers, not locally, are using generators as their as, their power source.

Mr. Manevich: In other states, yes. But so in this state... inaudible.

Mr. Apicella: I got you, but, again.

Mr. Leming: So you're okay, we'll just had a provision that says will not be used as a primary source of power.

Mr. Manevich: Yep.

Mr. Leming: Okay, all right, we'll add that phrase, okay. Okay. And then private wells and drainfields. That was there previously that we talked a little bit about that. And this is a, I think, the first time I used a proffer like this was in 1992 when the Augustine golf course was built and there was a concern about that, too. So I have yet to see one of these operable because there's so many reasons that wells go dry. But you know if, if we can make that causal connection, this requires either the replacement of the well or the drainfield, or connection to public water and sewer. Now, somebody asked about, okay, well, how do we know? Well, we only have a couple of neighbors, and you know, they are certainly in a position to know when their well goes dry or when they have a problem with their, with their drainfield. You know, among the first contacts when that happens would be the Health Department. And then, you know, then the call with what caused the problem comes up. But you know, obviously we're talking about damage to wells and drainfields that are caused by the development, not other, many reasons wells fail and septic fields fail. So that, I mean that's about the best we can do. If we caused it, we fix it, or put you on public water and sewer. And then the Byler home, some of this has already occurred, so we, this is just getting the giving access to the county's agents permission to enter and do any documentation they want to. And you know, it goes beyond that in terms of what can happen after that point. If the collection of the ethical salvage is the word that's used for taking things from the home before the home is demolished, if there is something there that some of these experts believe should be preserved. Okay? Now, okay, so we've been through the proffers, and I hope that was helpful. Now there's, there are a number of changes. And so.

Mr. Apicella: Mr. Shelton?

Mr. Leming: Yes, sir.

Mr. Shelton: Would you clarify for me the water consumption? You talked about closed loop, you talked about air cooled, and you were talking about using roughly 150,000 gallons a month. So why that amount of consumption if you're closed loop?

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Mr. Leming: Okay, I will, I'm going to have Jacob or Justin I think can address that, best he can talk about is water needs.

Mr. Manevich: This was in coordination with Stafford water, Stafford Utilities, and they only have the ability to meter it by month, not by day. And so that's why it reverted to a monthly use and for the whole project. And so we cap it at a million gallons a year per building. Just to give you some context, the other applicant who didn't show up today, they're using a million gallons a day. So we're using a million gallons a year. That's the equivalent of essentially what a McDonald's uses. McDonald's is about 3,000 gallons a day. So it is as economically friendly as any project can be. The 50,000 gallons per day is there for we have to fill up the closed loop system. So that's the day we have to fill it up basically.

Mr. Leming: Not done every day. I think Mr. Shelton's question went to more, what are the other water uses? If you have a closed loop system, you know, and that's, you periodically refill that, what is done.

Mr. Shelton: It's a refreshment, right?

Mr. Manevich: If this, like, particulants that get like, that get somehow into the closed loop, you have to drain it; not drained at once, but drained over a couple days, and then you have to replenish it.

Mr. Hiegel: So there's the initial fill; the closed loop system's roughly 50,000 or so gallons, which is why 50,000, it'll never be completely drained, 10% at most at any time for maintenance because you can close off sections of it. So that's closed, that's not our water use. So part of that 150,000 gallons is for the office space and employees. So there's that component of it.

Mr. Leming: Domestic uses.

Mr. Hiegel: Right. I think in a year, I think it was almost 400,000 gallons just for that piece. The other portion is humid, getting the humidity level correct in the data center is really important. So during the winter, when the air is dry, we've got to add humidification to that air. It's not meant for cooling, it's just to keep static electricity down. In the summer will be less because you get more humid air. That's the main component of the water uses.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: The last question I have for you is the neighbors. I noticed that they were notified. Have you been in contact with the neighbors? I think I saw maybe three houses that are relatively close to you.

Mr. Hiegel: There are three houses, one of which we purchased, which is the former David Byler's house that's in the middle, and there's two to the south, southeast...

Ms. Barnes: Yeah, but there's another one that's slightly southeast. That one's about 500 feet away, though.

Mr. Manevich: The two closest ones, yes, we've been in touch with both. They don't want to sell and they don't want to move, which is their right. And so we'll do what we can to protect them.

Ms. Barnes: Have they, have they discussed with you the concerns that they have, and have you been able to address those?

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Mr. Manevich: I've had two calls with one.

Ms. Barnes: Okay.

Mr. Manevich: They, you know, they're both, I believe they're both elderly. The second one has not, not been very communicative. So they haven't addressed concerns. They don't want, obviously, development of any kind. But that's basically it.

Ms. Barnes: Okay, because I don't think any of us have heard from them, so.

Ms. Evans: Yeah, I was just about to ask, has staff heard from them? Have they reached out?

Mr. Zuraf: Not that I'm aware.

Ms. Evans: Okay.

Ms. Barnes: Okay, all right. Thank you.

Mr. Leming: Okay. Now, how would you like to proceed? When I started tonight, I thought, oh, well, we'll just sit down after we talk with the Commissioners and make all these changes before we go anywhere. But there may be a few too many for that and some other things we need to check out, so.

Mr. Apicella: Well, you know, you have the option that we can move on to other business, and you might be able to work with staff on some changes, or we can defer because we have a list of some other things. So I'll leave it up to you to decide which approach you'd prefer.

Mr. Leming: How much... you want to try to make the changes? Okay, how much time do you have on these other matters?

Mr. Apicella: We'll probably be here at least another hour or so.

Mr. Leming: Oh, okay, well, no problem then. I figured, y'all got here early tonight. You want to go home. I'm sorry, I was just reading my own mind.

Mr. Apicella: I just want to make sure, Amy, you feel like you got the list of issues, or do we need to go through them?

Ms. Taylor: I think so.

Mr. Apicella: Okay.

Mr. Leming: We took pretty good notes. So, we'll go...

Mr. Apicella: So I still need to open the public hearing.

Mr. Leming: Of course. I was going to say, we'll go and work on what we need to... *inaudible*.

Mr. Apicella: Okay, if there's, if there's no further questions for the applicant, I'm going to open the public hearing on this item. This an opportunity for the public to provide their views on this particular

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matter. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. Red means your time is up. So if you'd like to comment on this item, please come forward.

Mr. Eastland: Good evening. Jeff Eastland from Rock Hill. I hope all of you have recovered from this grueling summer that we all put you through here on all these many issues. It's a grind. I know, I was here last night for five hours at the Board meeting. I'm beat. But I'm here because it's important. It's important to the county, it's important to us. I just wanted to make a statement, if I could, about this specific area that these data centers are being considered and under construction. When you look at a clear cut construction phase, regardless of whether it's in a M-2 industrial area or not, it's hard to look at. It's such a desecration of the landscape. And what a lot of case in point would be the Eskimo Hill. You know, it's just a abomination. I don't know how else to describe it. But what a lot of people don't realize or understand is that the headwaters and tributaries of all the creeks, the Accokeek watershed, the Potomac Creek watershed that feeds toward Crow's Nest and all the places that we consider to be sensitive ecological areas, all of these headwaters and tributaries lie in these zones, lie in the industrial zones. And we've already seen some damage from the various logging construction, particularly around the Centreport Parkway. I've personally inspected the headwaters of Potomac Creek. And regardless of all the best intentions with the erosion fencing, which is actually too close, and I'm sure they're trying to comply with all the restrictions, there's still a lot of sediment, a lot of silt that is in the rivers, and there's a lot of trash and the slash from the logging. And this is how it happens. The headwaters and the tributaries get degraded here. They get compromised there, and sooner or later, it affects all of it down river, and that's not even to mention the fact that at least seven of these sites completely sever the only wildlife corridor we have in the county. Now I know I might not have that much influence over this particular site, because it's part of the industrial area where they seem to want to put these things. But what I'm saying is I want to put this issue in my pocket to bring up and discuss at future application hearings. Okay, thank you.

Mr. Apicella: Thank you, sir.

Ms. Prokus: Hello. Elena Prokus, Rock Hill. I'm a little confused, like, can I talk about the two projects that were being discussed tonight or?

Mr. Apicella: When you say the two projects, one project was deferred, so no on that one, but if you want to talk about the Cranes Corner project, you're welcome to.

Ms. Prokus: All right. I'm not sure why there needs to be a change in the zoning, and I haven't heard any discussion about that. It seems like all we've been talking about is proffers, and I get that. But isn't there something that's being put up by the developers to change this to M-4? Is that correct? It's what it looks like on the...

Mr. Apicella: Ma'am, it's not an interactive conversation, but the zoning is being changed from M-1 to M-2.

Ms. Prokus: M-1 to M-2, okay. Well, anyway, I just think that if what can be done with the lower industrial designation that that would be helpful, because when you start getting into the M-4 which you're saying is not, the M-4 isn't that, by-right? I'm not asking the question. I'm just stating, and so then would they have more freedom and less restrictions. That's all I can say about Cranes Corner. As far as the location, it's probably one of the lesser imposition on residents. I find it hard to believe that there's only three houses there. I'm wondering if there's a housing development, you know, within a

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certain amount of miles. But anyway, so I know I'm not exactly making sense because of all the confusion, but how many residences are there. And then I just wanted to make one other... nearby, or at least two miles away. And then I just wanted to make another question about wells. When I hear the mention of wells and the possibility that they might go dry, I'm horrified that it's expected of those people to have to go with city water, pay the, you know, to have it installed. Some of us don't want wells. I mean, excuse me, some of us don't want to have to be in city water. And so I think that should be a consideration when you're making these proffers that people shouldn't have to go to city water just because their well has run dry because of the Data Center. Thank you.

Mr. Apicella: Thank you, ma'am. Anyone else?

Ms. Maxson: Kristen Maxson, Falmouth District. Cranes data center and substation, dam break water zones cause issues for these centers, and could be an unwanted feature. Buffer space is less than 50 feet from neighboring properties. There are more than three homes, page 127 of today's agenda today. Airport danger to the electrical substation and data center is a high risk. Check flight paths and the location and the safety of unwanted features. Utility use and distribution rates is unknown for this project. Data assessment for transportation impact, March 15, 2023, is old, and the trips were affected by the end of COVID stay at home with minimum travel and went basically cut and paste. There are new traffic patterns for Centerpark Boulevard today. Utilities off the site. Improvement is not described and stated as needed for the project. Will written limitations be appealed? Impact of this project is large when supplying power to other data centers. This was referenced loosely during hearings. Detail is referenced in the... details is not referenced in the impact statement. Hearing for this project is not complete, and the writing of the proffers are still being written during the hearing today as announced at 6:10 PM today. Many questions not answered today. Have Commissioners, have the Commissioners had time to read all the information? Today's financial impacts is not fully defined. Impact Statement is copied to represent both data center and the substation. More work is needed here. Owner Consent Form is, is an attachment of 37 pages, but not part of the application sequence. Application is not in sequence, so it's within the, the, it's in, within the attachment, but it's not in sequence with the application. Neighboring property owners are not part of the application. Missed it says reference included list, and this sequence might not ensure notice up to the neighbors during the life of the application and more. Buffers are not meant to meet the public health needs as defined in the minutes. June 11, 2025. And the data center Commissioner standards specified in the work session review. August 26, 2025. Utilities are being designed, oh, excuse me, utilities are being designed from Cranes Corner to other data centers, as specified loosely in the past hearings. Privately owned properties have been surveyed without owners consent. And I'm out of time.

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

Ms. Maxson: Thank you so much. Appreciate all your time. Thanks.

Mr. Apicella: Anyone else?

Ms. Halterman: My name is Anne Marie Halterman, and I am the trustee for property IDs, 46-70A, which is on the east side and partly north of the applicant, 46-70C, which is the next plot of 30 acres, and then 46T-Alpha, which equals over 101 acres in Stafford. I first want to thank you for your diligence and what you're doing, because as an engineer, I know the challenges of development and encroachment and water issues and the sensitivities with noise and everything like that. I have to tell you, just for background, I have, I was one of the first DOD Certified Anti-Terrorism Force Protection Engineers, Level 1 and Level 2. So when I look at built assets, and my family bought this property to build a house,

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but when I look at built assets and neighborly situations, I look at this data center from my perspective, my background, and I think in my mind, it's safer for my neighborhood, where my family would be because of the extra security that's happening, the reduced traffic from what it could be from another use, if it's not a data center. And I think that the noise and the appearance are far better than they would be with other type of M-1 or M-2 applications on that site. And realize I do buffer right next to where the data center would be. And so when I look at that, and I look at the site plans, and I actually attended a meeting in I believe it was March where they reviewed the design of the buildings, the layout, what their site plans were, with regret, with respect to the trees, and you know, what visibility the different houses and residents and our properties would have. And I felt that they had considered the existing mature growth, but also talked about how they were going to do mitigation and additional coverage with vegetation to help the noise. And I hadn't really followed everything, but I had for this meeting prepared and that additional 50-foot buffer and the I would call it, in addition that two rows to the buffer, the two rows that were discussed tonight are an extra precaution, and I appreciate that, because I think that a lot of times that's not considered. It's only the minimum that they have, you know, that a developer has to do that they're going to do. And so I appreciate the time that you're taking to look at this and the opportunity that we have as owners in this community to be able to come and share our thoughts. Thank you.

Mr. Apicella: Thank you very much. Anyone else? All right, seeing no one else, I'm going to close the public hearing on this item, and I'm going to withhold action on items 2 and 3 and move on to item number four, but I need about two minutes before we start that if...

Mr. Zuraf: Mr. Chairman?

Mr. Apicella: Yeah, can we... we'll take a five minute break.

Mr. Zuraf: Mr. Chairman?

Mr. Apicella: Yes.

Mr. Zuraf: Sorry. You usually have an applicant rebuttal to comments.

Mr. Apicella: Oh, yes, Mr. Leming.

Mr. Leming: We agree completely with the last speaker. *[Laughter]* Just a clarification on the wells. No one's required to hook up to public water. It's optional. It's either or, so whatever is feasible, a new well may not be feasible. I did want to bring to your attention that we, there was one thing I neglected. There will be one other new proffer added to the site design broad category, and that has to do with screening of mechanical equipment. And I did not, I didn't get back to this, so distracted on sound, so. Mechanical equipment, rooftop or ground level, will be screened with wall by wall panel, solid screen, parapet, or similar physical barrier to reduce noise and visual impacts. So we will add that to the proffers, okay?

Mr. Apicella: Thank you.

Mr. Leming: Okay, all right, but I have nothing else to say in rebuttal.

Mr. Apicella: Thank you. All right, so we're going to take a five minute recess.

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Meeting recessed at 8:18 PM

Meeting reconvened at 8:30 PM

Mr. Apicella: I call the meeting back to order. Moving on to the next item, which is item number 4.
Mr. Zuraf.

4. Amendment to the Zoning Ordinance – Proposed Ordinance O25-18 would amend and reordain the Zoning Ordinance, Stafford County Code Sec. 28-25, “Definitions of specific terms;” Sec. 28-35, “Table of uses and standards;” and Sec. 28-39, “Special regulations” to establish regulations relating to tobacco and vape shop uses. **(Time Limit: September 5, 2025)**

Mr. Zuraf: Please recognize Juan Bernal for the staff presentation.

Mr. Apicella: Welcome, Mr. Bernal.

Mr. Bernal: Good evening, everybody, Mr. Chairman, Commissioners. I am Juan Bernal with Planning and Zoning and I will be presenting number 4 dealing with our vape shops that we had discussed. And as you may recall, we had an issue, the tobacco and vape shops were discussed about two years ago, and the Board of Supervisors brought their Community and Economic Development Committee that had concerns with regarding students and minors having access to vape shops. The Board referred this item to the Planning Commission, which referred to... the Planning Commission created a subcommittee to make and provide recommendations to the proposed ordinance regarding the placement of tobacco and vape shops within the county. The purpose of today is to review these subcommittee recommendations as to move the proposed ordinance to the Board for their consideration. Currently, there are approximately 25, give or take two in there, vape shops within the county. They're primarily located along Garrisonville Road and Warrenton Road, and sparsely around Richmond Highway/Route 1. There was a map in your staff report, attachments 5 and 6, that showed, in red dots, the locations of these. Currently, this use is considered a low intensity commercial retail use, and these uses are permitted by-right in several of our commercial districts and also within our mixed-use and planned development zoning districts. Currently, there are no zoning ordinance requirements, restrictions, or regulations specific to tobacco and vape shops. So, staff reviewed these regulations. From a research standpoint, we reached out to several other jurisdictions and localities who classify, most of them classify tobacco and vape shops as a retail use. Three of these jurisdictions, Chesterfield, the City of Chesapeake, and James City County adopted regulations specific to vape shops, and we did primarily follow their lead on that. So, we came up with these proposed definitions that define tobacco and vape shop, tobacco products, vape products, and tobacco and vape paraphernalia. As part of these recommendations, we also proposed the location of these tobacco and vape shops to be limited in certain locations, to be only located within the B-1 with a conditional use permit, and in the B-2 zoning district as a by-right use. We believe this would help with the proliferation of tobacco and vape shops throughout the county and also minimize some of the potential conflicts with other incompatible uses. So, the subcommittee recommended these special regulations that would require that tobacco and vape shops maintain a minimum setback of 1,000 feet from a childcare center and schools, and with the distance, details of these distances to be measured. We also have a recommendation that's a little bit off the beaten path on this one, because we're recommending that one modification be administered, which would remove the 1,000-foot separation from other similar uses as they're not specifically authorized in the State Code. And so by removing this, would be more in compliance with the State Code. So therefore our recommendation would be to approve the proposed Ordinance, O25-18, with the one modification,

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which would remove the requirement for the 1,000-foot separation between similar uses and as not to specifically, as not to go against the authorized State Code.

Mr. Apicella: Thank you, Mr. Bernal. I just have a question.

Mr. Bernal: Yes, sir.

Mr. Apicella: Under the definitions of specific terms, tobacco products, products made of tobacco, to include cigarettes, cigars, pipe tobacco, and smokeless tobacco. But there may be some other types of products that fit into that category. So, I was wondering if we, if we changed it slightly to say products made of tobacco, to include, but not limited to – those are the new words proposed – but not limited to cigarettes, cigars, pipe tobacco, and smokeless tobacco.

Ms. Barnes: I actually just thought about that. Those Zyns aren't, they're not tobacco.

Mr. Apicella: They're not tobacco.

Ms. Barnes: They's zero tobacco in them. They're just nicotine dust.

Mr. Shelton: Nicotene dust.

Ms. Barnes: Flavored nicotine dust, for our middle schoolers to enjoy.

Mr. Bernal: May I make a recommendation?

Mr. Apicella: Sure.

Mr. Bernal: We were thinking, because we did sort of talk about this, in the definition of tobacco and vape shop, a retail facility where the principal activities related to the sale of tobacco and nicotine products...

Ms. Barnes/Mr. Shelton: There you go.

Mr. Bernal: ... and then also in tobacco products, we would add tobacco and nicotine products.

Mr. Apicella: Okay, but could we still include that but not limited to just in case there's something in the future that we're not aware of that...

Mr. Bernal: Okay, can you repeat that for me?

Mr. Apicella: Yeah, so under tobacco products, what you've said is products made of tobacco... well, let's see, products made of tobacco and nicotine, to include, but not limited to, cigarettes, cigars, pipe tobacco, and smokeless tobacco.

Mr. Bernal: Yes sir.

Mr. Apicella: And then just to restate what you said under tobacco and vape shop, retail facility where the principal activity is related to the sale of tobacco and nicotine products, vape products, and tobacco/vape paraphernalia. Okay, questions? No one? Wow, okay. E veryone comfortable with those

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changes? All right. Well, there's not an applicant, per se, just us, the county, so I'm going to thank you, Mr. Bernal. I'm going to open this up for a public hearing. This is an opportunity for the public to provide their comments on this item. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. Red means your time is up. So if anyone would like to speak on this item, please come forward.

Ms. Maxson: Kristen Maxson, Falmouth District. There are four shops that are close to high schools within... the bubbles sort of clash in, and so are they grandfathered, or are they going to have to move? That would be a concern. And I appreciate your time. I know you work very hard. I'll give you the minutes of rest.

Mr. Apicella: Well appreciated. Anyone else? Alright, seeing no one else, I'm going to close the public hearing on this item, bring it back to the Commission for discussion and potentially a motion.

Ms. Sellers: Mr. Chairman, I'll make a motion to approve it.

Mr. Bratton: I second it.

Ms. Sellers: With your change.

Mr. Apicella: Okay, excluding (bb)(2), as recommended by staff.

Ms. Sellers: Yeah, the recommended version.

Mr. Apicella: Okay. Who seconded that? I'm sorry?

Ms. Evans: He can second.

Mr. Apicella: Okay. There's a motion made by Ms. Sellers, seconded by Mr. Bratton to accept the revised language and excluding the particular section that staff recommended. All right, now here comes the hard part. So, take a vote on this. All right, please cast your vote. Everyone voted. Okay. Why am I not getting a tally here? Okay, that motion carries unanimously, 7 to 0. Thank you everybody. Thank you, Mr. Bernal. All right, we're going to move on to the next item, item what was number 5. Ms. Doolittle, welcome back.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

5. WAI25156578; Staffordshire Waiver - A waiver request of Subdivision Ordinance, Sec. 22-156, Block length, for a preliminary subdivision proposing 336 lots located on Tax Map Nos. 36-39A, 36-66, 36-67, 37-5, 37-6, 37-7, 37-8, 37-9, and 37-10, zoned R-1, Suburban Residential and A-1, Agricultural, consisting of 1070.62 acres, located on the west side of Hulls Chapel Road north of the intersection with Lake Breeze Way, within the Hartwood Election District. **(Time limit: October 26, 2025)**

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Ms. Doolittle: Good evening, Mr. Chairman and members of the Commission. Item number 5 is for a Waiver of the Subdivision Ordinance, Section 22-156, Block length. The waiver request is for the proposed Staffordshire subdivision on Tax Map Parcel Numbers 36-39A, 36-66, 36-67, 37-5 through 37-10. The site is 1,070.62 acres within the Hartwood Election District. The applicant is Rich Ward with Ward Corporation. The general location of the site is shown here and is located at the terminus of Hulls Chapel Road west of Abel Lake. The Planning Commission is to consider a request for a waiver of the Subdivision Ordinance, Section 22-156, Block length, to allow for multiple streets and street segments within the proposed Staffordshire subdivision which exceed the maximum block length requirements. Section 22-156 states no residential blocks shall be longer than 1,200 feet. Blocks in Agricultural zoned subdivisions shall not be longer than 2,500 feet. And the greater dimension of the blocks adjoining a major street shall, wherever practical, be parallel to such a major street. This exhibit highlights the seven streets or street segments that exceed the maximum block length of 1,200 feet for residential zone property as proposed by the preliminary subdivision plan. Those proposed lengths range between 1,234 feet and 2,136 feet, which exceed the maximum block length requirement by 34 feet and 936 feet, respectively. The property was rezoned in 1992 pursuant to Ordinance O92-05. Portions of the property are zoned R-1, Suburban Residential, shown here in the light purple, for up to 336 single-family detached lots, and the remaining portions of the property are zoned A-1, Agricultural, shown in yellow, to be used for a golf course and open space. Pursuant to the proffers, the property is to be developed in general conformance with the generalized development plan and the zoning lines shown on the GDP are in a fixed location and generally follow the alignment of proposed streets and lots. There has been a preliminary plan previously approved with very similar street and lot layout. However, that plan has since expired, and a new preliminary plan application has been submitted for review and approval. State Code recently changed effective July 1, 2025, which changes the approval authority for preliminary plans from the Planning Commission to the subdivision agent. However, a waiver of the Subdivision Ordinance must still be approved by the Planning Commission. Section 22-241 of the Subdivision Ordinance requires that the following two conditions are met in order to grant a waiver. One, the minimum requirement, if applied to the proposed subdivision, would impose an unreasonable burden upon the sub divider. And two, the granting of such waiver will have no substantially adverse effect on the future residents of the proposed subdivision, nor upon any property adjoining such proposed subdivision. Staff recommends the Planning Commission make findings relative to the criteria for granting waivers. And this concludes my presentation. Mr. Jeff Harvey, with Legacy Engineering, also has a presentation, and I'm happy to answer any questions.

Mr. Apicella: Thank you. Questions for staff? Ms. Sellers?

Ms. Sellers: So do we look at each one of these individually, or do you take them as one big project or one big waiver? Could we say, yeah, well, we can get on board with this waiver, but maybe not that one.

Ms. Doolittle: I'll have to defer to Ms. Lucian.

Ms. Lucian: I don't think you can do this in part.

Ms. Sellers: So it's either all or nothing.

Ms. Lucian: They're asking for a waiver of a particular provision in the Subdivision Ordinance, so it's an up or down. I can't envision a way it could be done in part.

Mr. Apicella: Ms. Barnes?

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Ms. Barnes: Okay, what constitutes, I don't know, what is it, is it hardship or? What's the language in there? What constitutes, what's the language that they use?

Ms. Doolittle: Unreasonable burden?

Ms. Barnes: What... thank you... what constitutes an unreasonable burden? Is that the fact that they can't build as many houses, is that an unreasonable burden? Because that's just the way the cookie crumbles or the topography lays? Does that consider it an unreasonable burden?

Ms. Doolittle: I may have to defer to Mr. Zuraf maybe?

Mr. Apicella: Can I just piggyback off of that? So I would think that they still, whatever happens tonight, they still have the ability to build, what is it, 336 units, because that's what was approved in 1992, right?

Mr. Zuraf: Right.

Mr. Apicella: Okay. I didn't mean to...

Ms. Barnes: But not in the configuration that they're, that they've got it that we're showing tonight with those extra long cul-de-sacs in the roads.

Mr. Zuraf: There needs to be some modification.

Ms. Barnes: Okay.

Mr. Zuraf: But as far as unreason, you know, in this case, you do have a situation... a situation with the oddity of the zoning following the location of the streets and lots and that, as it was rezoned in, you know, way back, many years ago. And so that kind of makes things maybe difficult for them to kind of make that happen, you know, with the way the development was approved, you know, at the time of original rezoning, so.

Ms. Barnes: That development is no longer, that plan is no longer, that's in the review so far, we're not even considering that, correct? I mean, it was like 1990.

Mr. Zuraf: Right. But they're following through and trying to develop in that, in accordance with that... *inaudible*.

Ms. Doolittle: It is an approved GDP, though, or approved rezoning.

Ms. Barnes: Yeah. And that's my other question, because a lot of people this, we get this from a lot of people. When those houses start going up, why in the world did you guys approve this? Let's make it clear, 1992. We got some people up here that were born in 1992, right?

Ms. Caudill: I was born in 1992.

Ms. Barnes: Okay.

Mr. Apicella: I'll say I was born in 1992. [*Laughter*]

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Ms. Barnes: Sure, sure. Okay, so that, that's just to make this clear, because I know people are going to ask, this was approved in 1992 and once it's rezoned to, is it R-1, right?

Ms. Doolittle: Yes.

Ms. Barnes: It's R-1 in perpetuity, regardless of what they do with it, or, in this case, don't do with it.

Ms. Doolittle: Correct.

Ms. Barnes: Okay. One of the other things I read in there, it says that in order to preserve Abel Lake, we need to build more houses up on the ridgeline so that we don't creep towards Abel Lake. We hear this a lot. We hear, you know, we're going to give you enhanced setbacks, because we're just, you know, really, we really want to conserve. I paddled over there. I live on Abel Lake. They can't build there. It's a... right there on Abel Lake, that is cliffs straight up. So I'm not sure that that's necessarily true, that they, you know, otherwise, they'll have to build closer to Abel Lake if they can't build on that ridgeline. I, you know, from what I saw, I couldn't even walk up the thing. I didn't try, I didn't trespass, I didn't get out of my kayak. So just, that's just kind of an FYI. I don't, I don't see that that's necessarily a reason for having to build more on the ridgeline so that you can save or conserve more land towards Abel Lake. And also, what's up with the golf course? Is that ever...?

Ms. Doolittle: It's still proffered.

Ms. Barnes: Okay, that's all I wanted to know. All right, thank you.

Mr. Apicella: Mr. Shelton.

Mr. Shelton: I have a concern, because I don't think they justified hardship. The second part is, I think we are going to, if we were to pass this, we're going to set unwarranted precedent for future sites. And you know, if it was 100 feet, but we're talking 900 on one street. I just think that's entirely too much. That's my two cents.

Mr. Apicella: Ms. Barnes, second bite?

Ms. Barnes: On a couple of those, I don't have the map up in front of me, but a couple of the ones that are, they want that that waiver on, those are cul-de-sacs, correct?

Ms. Doolittle: Correct.

Ms. Barnes: So if they just shortened those cul-de- sacs, they'd be in line with the Ordinance?

Ms. Doolittle: Possibly.

Ms. Barnes: Built a few less houses?

Ms. Doolittle: Possibly.

Ms. Barnes: Okay. All right, thank you.

Mr. Apicella: Other questions? Ms. Sellers?

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Ms. Sellers: How many, how many entrances to this neighborhood?

Ms. Doolittle: I believe, is it four? I may have to verify with Mr. Harvey.

Ms. Sellers: Four?

Ms. Doolittle: So four. There's so many.

Mr. Shelton: Isn't one of those a dirt road?

Ms. Doolittle: Are you referring to Hulls Chapel?

Mr. Shelton: Yes, ma'am.

Ms. Doolittle: Yes, yes. It is state maintained, but I understand that it's not in great condition.

Mr. Shelton: Okay, well, I've been in Stafford all my life. That road is not big enough to cuss a cat on.

[*Laughter*]

Mr. Apicella: Can you, can you repeat that please?

Ms. Barnes: That's a first, woo.

Mr. Apicella: Other questions for staff? Mike, can you just, just so I understand what you said earlier, can you do a deeper dive?

Mr. Zuraf: On the original approval of this?

Mr. Apicella: Yes. You said something about the zoning and the GDP... *inaudible*.

Mr. Zuraf: Right. The property was rezoned way, way back in the '90s, in 1992, and there's a General Development Plan linked with it. But also the uniqueness of this project is the limits of the zoning district, the R-1 zoning district basically follow the alignment of the lots, the proposed lots and streets within the neighborhood.

Mr. Apicella: Take that a little bit further, because I'm not quite... I'm trying to wrap my head around head around what you just said.

Mr. Zuraf: So it was like laid out this way, way back in 1992 with the longer, you know, street lengths, street segments, block lengths.

Mr. Apicella: Because that's what was allowed then?

Mr. Zuraf: I'd have to go back to see what the regulations were back at that time. And regardless, you know, we have that regulation in place now.

Mr. Apicella: What regulation?

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Mr. Zuraf: Of the block length limits that they're not meeting.

Mr. Apicella: Okay. So they're not, they're not grandfathered.

Mr. Zuraf: No.

Mr. Apicella: Okay. When... so this project was approved about 33 years ago. When was the last, was it site plan? Preliminary plan?

Mr. Zuraf: It was a preliminary subdivision plan.

Mr. Apicella: Yeah, when was that submitted?

Mr. Zuraf: Well, that was approved in 2004.

Mr. Apicella: Okay, and did they take any action after that?

Mr. Zuraf: There were some construction plans submitted, but they've, they have since, I believe the last one expired, and actually the preliminary subdivision plan had been extended over and over, through State Code, and that...

Mr. Apicella: Not through their action, but because of the State Code.

Mr. Zuraf: Through the State Code regulations that extended State Code... extended preliminary plans that had been approved previously and that just expired this past July.

Mr. Apicella: So in terms of their engagement with the county, nothing has happened in the last almost 20 years.

Mr. Zuraf: Oh, there, there's been...

Ms. Doolittle: There's been plans, yeah.

Mr. Apicella: What was the last thing that they did with, with respect to, before pursuing this latest revised plan?

Ms. Doolittle: They had submitted a construction plan for one of the sections.

Mr. Apicella: When, when was that?

Ms. Doolittle: It's been a couple years, but probably within the last three years maybe. My memory is not too good, but I know...

Mr. Apicella: My memory is probably worse, but.

Ms. Doolittle: ... it's more recently, it's not too, too long ago.. Okay, my memories probably worse, but too, too long ago.

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Mr. Apicella: Okay, so I'm just gonna go back. Between 2004 and... I'm just trying to understand the sequence of events and what they've done to pursue this project since 1992. Do we fully understand or capture that?

Mr. Zuraf: I'd really have to go back and there may have been other applications that maybe, maybe were submitted in between 2004 and now; I'd have to go back and check to see if there were any plats. But they, if so, they're expired.

Ms. Doolittle: Yeah. I know they've submitted plats and some plans. I don't know that they were, they all, you know, were approved. They may have expired before they were approved, or.

Mr. Apicella: I guess my real question goes down to were they really pursuing this, or were they just relying on the state to extend their plan?

Mr. Zuraf: I'd really have to kind of look at all the details before I can kind of just make a definitive, I guess, recommendation on that.

Mr. Apicella: Okay.

Mr. Apicella: Yes, Ms. Sellers.

Ms. Sellers: Reading these proffers, what is Falmouth bypass? What is that?

Ms. Barnes: Something that obviously didn't happen.

Mr. Zuraf: That's the outer connector. That's the, the outer connector, the northwest quadrant of the outer connector.

Ms. Sellers: Okay.

Mr. Zuraf: Basically, it runs from Centreport Parkway around to the west to Route 17. And then just part of an overall, there was a concept for a full outer connector many years ago.

Mr. Shelton: It was a pipe dream.

Ms. Sellers: I'll save my comments. And so they don't have to provide these proffers anymore, because it's been 15 years.

Mr. Zuraf: I believe that one had an expiration. I'd have to look at the proffer, but I believe it did expire.

Ms. Sellers: Yeah, just kind of, just kind of like looking through them to see, you know, what did they agree to. Because some of these Supervisors are no longer living. Maybe it might be better to look and see who is still living. But, you know, like some of them, I just have questions. And so when we look at hardship, you know, they could re engineer it. They're getting out of a couple of proffers here, and they could find a way to make less units. But, my opinion.

Mr. Apicella: Ms. Evans, did you have a question?

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Ms. Evans: Yeah, I was about to say that was going to be my question. Like, if we don't, if this doesn't get approved, is it that they can't build the units?

Mr. Zuraf: It might, yeah, might be best to kind of ask the applicant that.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Okay, just as an example, I'm going to look at Gretna Court. Gretna Court is the light, is the green. And over here, Gretna Court from Hulls Chapel Road to southern terminus, they want 1,234 feet. The limit is 1,200 so they overshoot by about 34 feet. Can't they just take a couple of houses off the end and get to the ordinance?

Ms. Doolittle: It's a possibility.

Ms. Barnes: Okay, so that's, that's where it gets me. It looks like some of this is pretty easily solvable. I'm sorry that they can't build as many houses, but if you've got cul-de-sacs that are too long, you shorten the cul-de-sac, don't you? And what's the reason for this 1,200 anyway? Is this just an arbitrary number, or does this have something to do with public safety, Billy, 1,200 feet? I don't know what, I don't know what the reasoning behind it is. Nevertheless, it is 1,200 feet. Okay, thank you.

Mr. Apicella: Any other questions? Ms. Caudill.

Ms. Caudill: So what was it, back in March of 2024, there was a TRC submission for this Staffordshire. Does that have to do with this, too?

Mr. Zuraf: Well, there was a request or an application submitted for a proffer amendment around that time and that was withdrawn soon after.

Ms. Caudill: Okay, all right, thank you.

Mr. Apicella: Mr. Shelton?

Mr. Shelton: Wasn't that to connect through one of the other subdivisions, the one in 2024, as an entrance?

Mr. Zuraf: I believe it had something to do with access.

Mr. Shelton: Okay, thank you.

Mr. Apicella: Anyone else? Thank you, Ms. Doolittle. Mr. Harvey, it's been a while.

Ms. Barnes: Welcome back.

Mr. Harvey: Good evening, Mr. Chairman and Commissioners. Hopefully I'll answer some of your questions as we go through the presentation and discussion. Again, my name is Jeff Harvey with Legacy Engineering. Tonight we're talking about the waiver request for Ward Corporation. Ms. Doolittle did a great job of explaining it and trying to give some background, but I'll hopefully add a little bit more flavor to it. We do have seven street segments that need to get a waiver of the 1,200-foot length, block length requirement in Section 22-156. In preparation for this discussion tonight, I did look through the

code to try to determine when that 1,200-foot length was established. From what I could tell, it was established in 1984 when the overall Subdivision Ordinance was re-codified. So that 1,200-foot block length was in place at the time that the property was rezoned in 1992 and with subsequent preliminary subdivision plan approval in 2004, and then also two other technical changes that occurred after that. So it's been consistent that this project has been exceeding the block length, and all of its designs that have been proffered, as well as previously approved for subdivision planning. As kind of was mentioned by Natalie, in 1992 we were looking at things a little bit differently than we are today. At that point in time, the property zoned A-1, Agricultural in its entirety, and the Zoning Ordinance allowed for 3-acre lots by-right. It's my recollection that the Board of Supervisors had concern about 3-acre lots with wells and septic systems and extensive road networks being built close to Abel Lake, which was one of the County's drinking water reservoirs. So that's why they entertained a rezoning for essentially the same number of lots, but on a more environmentally sensitive layout design. In particular, the houses and streets are focused on the ridgelines where there's less impact for grading, less impact for wetlands, and steep slopes draining down to Abel Lake. There's additionally proffers that speak to setbacks to ensure that there's not going to be development encroaching towards the lake, as well as additional buffers beyond anything that the county code currently requires. There's 239 acres adjacent to the lake that's going to be put in conservation in perpetuity, that would be either conveyed to the Virginia Outdoors Foundation, a similar organization, or it could be maintained by the Homeowners Association. There's a commitment to a golf course. At the time of the rezoning, the Board of Supervisors wanted some assurance that there would be some non-residential activity that could kind of help offset the fiscal impact of the units that might occur there. So there was a commitment to provide a golf course, and there's a sequencing requirement. That golf course has to be built before 160 units are occupied, essentially before they move into the second section of the project. There are monetary contributions, a requirement for a clubhouse and a tot lot, and conformance with the generalized development plan. The generalized development plan specifically requires that lots be served by public water and sewer, and that's one of the factors that's affected the timeline for development. The A-1 zoned properties will be used for golf course and conservation areas. And there was, and as Ms. Sellers was commenting about the Falmouth bypass and Mr. Zuraf mentioned, it was also known as the outer connector. It's currently in our Comprehensive Plan for the county as the Berea Parkway. It's been discussed a number of times with the Board of Supervisors. In fact, one time, the Board of Supervisors conducted a toll road study to see if they could provide funding to build that section of the road. Unfortunately, none of those initiatives moved forward. However, the proffer has expired with the overall development because it stipulated that at 15 years from the time the properties rezoned in 1992, in other words 2007, the county would have to ask for the right-of-way, and the county never did. However, the county's code requires, as we do subdivision development, that we have to set aside areas for future right-of-way dedication per the Comp Plan, and that's going to be accommodated with the preliminary subdivision plan. And building setbacks have to be offset from that to ensure that there's not any development that's going to encroach into that necessary right-of-way area. Also, there was a stormwater mitigation area that was proposed for the road right-of-way, and that will end up being open space or golf course with the project. With the preliminary subdivision plan as currently configured, we'd have 158 lots in the first section and 178 in the second. There are four street connections to existing roads. And to Commissioner Shelton's concerns, that was one of the review comments and concerns that VDOT had with access to Hulls Chapel Road. And prior plans had connection to Hulls Chapel Road, another connection off the proposed Parkway, and then a potential third connection. But since that time, the county has updated its ordinances. So based on the current Subdivision Ordinance with the 336 lots, there needs to be five connections. So we have four physical connections and a fifth stub to an adjacent property to the west. VDOT has been... they feel a little bit better about the current plan because the applicant has provided a connection from Rogers Glen Drive, as well as a new road they're going to build that would connect into Liberty Hall Estates, which will be called Bennett Drive. So with those two additional roads, that

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takes a lot of the pressure off of people wanting to access off Hulls Chapel Road. In fact, they will be more direct connection and would be a disincentive for most people to want to take Hulls Chapel Road, unless they wanted to have a scenic drive. All the streets within the neighborhood would be public streets. And the golf course would be filed under a separate site plan, but again, would have to be approved for construction before first, before occupancy in Section 2. On the diagram you see on the screen, the purple areas are the conservation areas that are committed to in the proffers. In the green areas, the golf course and open space area surrounding the golf course, and the common areas and stormwater ponds for the community here in the yellow color with the actual potential pond location shown in green. Some other features with this layout is there's going to be a pump station in the yellow area off of Crits Court. That's in the county's Master Plan for the Public Water and Sewer Plan. And that's one of the things that has taken a while for this project to move forward. As time has progressed, public water has moved closer to this project. Liberty Hall Estates has recently been built, which has a public water line that comes very close to the property line. Rogers Glenn neighborhood is currently under construction now, and they are extending the water line. Also, it's taken in a number of years for the applicant to acquire necessary sewer easements to connect the public lines to existing lines off of Berea Church Road. As mentioned about prior approvals, the last time the preliminary subdivision plan was approved was in 2004. There was a technical change approved in 2008, another technical change approved in 2016. There has been also other technical changes that have been submitted, one in 2023 or 2024 that has not been approved. There was also a proposal for another preliminary... well, this preliminary subdivision plan, which was filed in 2024. So there have been a number of plan attempts, and as Ms. Doolittle and Mr. Zuraf noted, there was a proffer amendment at one point in time that was filed but not move... did not move forward. I'm also aware of another attempt for a proffer amendment years prior to that, but it was never filed. And a lot of it dealt with the construction of the golf course and the timing of that relative to the build-out of the units. This is a diagram on the right with a chart. I tried to add a bigger chart so it was more easy to read, with regards to the difference in the lengths of the streets. As was stated by Mr. Zuraf, the zoning lines are fixed, so the applicant doesn't really have an opportunity to avail themselves of providing a cross street between the zoning lines to provide areas for the breaking up the blocks. It gets to be quite difficult.

Mr. Apicella: Jeff, what does that mean?

Mr. Harvey: So the zoning lines follow the edge of the property line. So it's kind of interesting. The zoning lines in the south part look like an eye with a eyelashes coming off of it, whereas the one in the north or western part of the project looks almost like a dog or a cat.

Mr. Apicella: A horse, maybe.

Mr. Harvey: Yeah, and when, and when you look at the zoning plat, it's, it looks, it looks like a series of spaghetti strings. Again, they follow the ridgeline, so the areas that where you don't see development, that is typically valleys and slope areas which some of the golf course will be meandering through, which, you know, in golf courses, it's kind of common to play with hills and dales, but they're not necessarily the best place to build streets and put lots.

Mr. Apicella: I still don't understand what zoning lines mean.

Mr. Harvey: So when you rezone property, you set the limits of where a project can be built based on zoning requirements. Sometimes the zoning line can be the entire property. Sometimes it can be a portion of the property. In this case, it's portions of this property in this configuration. So the area where it's showing the streets and lots is zoned R-1, the area outside of that zoned A-1.

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Mr. Apicella: But what, what precludes, what precludes the applicant from readjusting the configuration to still fit within the zoning lines?

Mr. Harvey: There can be some reconfiguration, as far as adjusting the streets a little bit and the lots a little bit. In fact, in the area of Hulls Chapel Road, where you see on this diagram, the term Hulls Chapel Road 60-foot wide right-of-way, you'll see a couple of gaps in the lots below the street, and that street got shifted a little bit to the north to help alleviate wetlands impacts, because those two vacant areas have wetlands in them. So you can make some adjustments of the streets and the lots within that box of the zoning lines, but you can't really go out of it for creation of the lots.

Mr. Apicella: Okay.

Mr. Harvey: So going to the justification, again, the code says we have to look to see if the minimum requirement, if applied to the subdivision, would pose an unreasonable burden to the, on the subdivider. So these are the things that the subdivider believes are reasons why it's unreasonable if the waiver is not granted. So again, the R-1 boundaries are fixed with the locations of lots and streets, not really allowing for any additional flexibility in the subdivision design. The subdivision design minimizes environmental impacts, the wetlands and steep slopes, saving development costs. If there was a different... if they're forced into a different configuration, the development costs would likely be higher. The proffers require conformance with the generalized development plan that shows the streets that were approved with the rezoning exceeding the block length. Also, past approvals of the preliminary plan were based on similar configurations that exceeded the block length. And the applicant believes that denial of the waiver will require them to rezone the property to accommodate redesign, and is not a reasonable request. Also, the code requires that there be a finding that granting the waiver will not have substantial impact on future residents of the subdivision or upon adjacent adjoining properties. The applicant believes that this configuration helps to maximize the value and privacy for lot owners within the subdivision, because right now, all the subdivision lots, for the most part, will be abutting a golf course area or an open space area. Whereas, if things are reconfigured, it may have lots that are more interior and they may be facing other lots, so they feel like that it allows for maximum value and also privacy for the future lot owners. And looking at impacts to adjacent subdivisions, all the streets that need the waivers are all internal and do not affect any of the inner-parcel connections or street connections to adjacent areas.

Mr. Apicella: Questions for Mr. Harvey? Ms. Barnes.

Ms. Barnes: Okay, as I'm looking through this, I looked at the cul-de-sacs. I noticed that the cul-de-sacs are, there's a whole bunch of those in there that need to be, that need the waiver. But there are some in like Hulls Chapel Road is not a cul-de-sac. What else is not? Reiner Drive, the green down there, that section, that's not a cul-de-sac. But Reiner Drive at the eastern end, that's a cul-de-sac. Crits Court, that's a cul-de-sac. Dante Court, that's a cul-de-sac. Gretna Court, that's called a cul-de-sac. Yukon Court, that's a cul-de-sac. I would be a whole heck of lot more inclined to understand the need for a waiver if those, if there was an effort to make, you know, to shorten those cul-de-sacs to come into compliance. And I understand it'd be real hard to shorten Hulls Chapel, because that's, you know, you just can't clip a couple of houses or a couple of lots off the end. But the rest of them, it looks, I mean, depending on which one it is, it looks like you could take a couple of lots off the end of those cul-de-sacs and be in compliance. It looks, that doesn't look complicated. I mean, if I can understand that, it's not very complicated. So, you know, I understand, you know, why the applicant wants to build as many houses as he can. That's, that's the nature of the beast. But it looks to me like some of this can be handled, and if those cul-de-sacs weren't on there, and it was just a couple of those roads, like Hulls Chapel, I would be a whole heck of a lot more understanding of this. I do remember a couple of years

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ago when we had, we've had two of these that I remember, one was for Greystone at Abel Lake, and one was for that, that development down by Del Webb that had all the candy names. Remember that one?

Mr. Apicella: Yeah.

Ms. Barnes: Yeah. That was, those were both for waivers of the length of the street. The one in Abel Lake, the reason why they had to change it is because in order to put, in order to, in order to be in compliance with the ordinance, they had to put the entrance to that neighborhood down at the very bottom of the hill right next to the to the bridge, right at the fastest point of that road. So they wanted to move that up and make it a much safer entrance and exit, and I agree, that's a good reason to, you know, and it changed the length of that of the street. That's a good reason to change the length of a street. I'm not seeing a good reason to change the length of some of these streets, especially the cul-de-sacs. Am I making sense? It's getting late.

Mr. Apicella: I don't know if you wanted to comment on that or not, but...

Ms. Barnes: I can put a question mark on the end there. Is that true?

Mr. Harvey: I would, Mr. Chairman and Commissioner Barnes, I will say this becomes a question of compliance with the GDP. The GDP references that the lot should be an average of a half acre in size. So if you try to squeeze the lots down too small, we'd have to have a discussion with staff as to, are we still complying with the GDP...

Ms. Barnes: Well, I'm not tal...

Mr. Harvey: ... to make the cul-de-sac shorter.

Ms. Barnes: I'm not talking about squeezing the lots down. I'm talking about taking a couple of lots off. Like, you know, at the end of Yukon Court, you know, I don't know how many... Yukon Court, how long is that? That's too long by 266 feet, so however many houses have to be removed to subtract 266 feet so that you can get to 1,200. That's my Commissioner math. I'm not sure if it's making sense, but I don't... Why is that not a possibility?

Mr. Harvey: Well, the applicant is wanting to proceed as they've had prior approvals. They're wanting to continue with the project as previously submitted and contemplated, and feel that their request for the waiver is reasonable.

Mr. Apicella: Can you, can you go back a couple of slides on the activity associated with the project? So why was there no further action on the preliminary plan between 2016 and, when was it, 2023 you said?

Mr. Harvey: That's something I'm not privy to as to what all other actions were going on with the client. Some engineering was likely occurring with regards to the acquisition of sewer and water easements, but I don't know to what extent that occurred during that timeframe.

Mr. Apicella: For seven or eight years? That's a long time. Mr. Shelton?

Mr. Shelton: Mr. Chairman, I'd like to make a motion to deny the waiver request.

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Mr. Apicella: Well, okay, was there any more questions?

Ms. Evans: I had a question.

Mr. Apicella: Yeah, do you mind for stalling that just to...?

Mr. Shelton: I'll hold off.

Mr. Apicella: Thanks. Ms. Evans?

Ms. Evans: Yeah, I just wanted to ask you, I had asked staff, if this doesn't get approved, how many homes would this effect of not being built, one. And then two, I see in the proffers number 8, when it comes to the monetary contribution, you guys are supposed to give like, you're going to give \$100 per unit. Is that still so, or is that not so?

Mr. Harvey: Mr. Chairman and Commissioner Evans, the proffers are still in effect, so they would pay that dollar figure per unit that's built.

Ms. Evans: Okay. So, yeah. So right now, if it was to get approved, you will be paying the Board of Supervisors \$33,600?

Mr. Harvey: Yes.

Ms. Evans: Right? If it doesn't get approved, and, then that means you would, it would be less.

Mr. Harvey: Less.

Ms. Evans: Is that accurate? Okay, just want to make sure.

Mr. Apicella: Well, just to, just to be clear, it would be less if they cut out some houses, but you still could pursue a project here. Nothing about what we're doing tonight preclude you from moving forward with a different preliminary plan, if that's the way this ends up. You'd have to do a new, is it a new rezoning or a new GDP? How would all that work? What would, what would, what's the consequence if this doesn't get approved?

Mr. Harvey: Well, Mr. Chairman, that would, if there was to, if the applicant was to reduce the number of lots and shorten the streets, we'd have to have that discussion with staff to see if we're still in compliance with the generalized development plan. Otherwise, the applicant would be forced to rezone the property, to amend the proffers, or reconfigure the lots.

Mr. Apicella: Okay. Ms. Caudill?

Ms. Caudill: I think Ms. Sellers' hand was up before mine. You wanna go?

Ms. Sellers: Yeah. Do you know where you're starting, they're planning to start the construction, on which end?

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Mr. Harvey: They're looking at starting, it's with Section 1. So it's this area east of, north and east of Bennett Drive, and also Hulls Chapel heading north. So it's the first cluster of lots that, it was, we might call the eye and the eyelashes.

Ms. Sellers: Okay, thanks.

Mr. Apicella: Ms. Caudill?

Ms. Caudill: Can you go back to your first slide that popped up, or that you...?

Mr. Harvey: This slide?

Ms. Caudill: Yes. What is this first one? It says it's under review.

Mr. Harvey: That's a preliminary subdivision plan that's currently under review with staff. Staff commented that a waiver of the block length was necessary to approve the preliminary subdivision plan. So that's why we're here tonight.

Ms. Caudill: So wasn't that the same thing from March of 2024? That, it's the exact same number, that's why I'm asking; 24155545, and then it was on our agenda on March 27, 2024.

Mr. Harvey: I believe that, Commissioner Caudill, I believe you're correct, because this preliminary plan review expires on September 20th. If the plan is not approved by September 20th of this year, they'll have to reapply to continue the review process.

Ms. Caudill: Okay, thank you.

Mr. Apicella: So I'm going to re-ask Mr. Shelton's question. I might not do it as well as he did, but help help us understand how we would not be setting a precedent in this case, especially given the vast length of that one particular road that's well in excess. I think it was over 900 feet beyond the 1,200. So, from your vantage point, how would we not be setting a precedent if this was to go forward?

Mr. Harvey: Well, Commissioner, excuse me, Chairman Apicella, in my opinion, it's not setting a precedence because the precedence has already been set with this project. When it was rezoned, the generalized development plan showed streets that had violated the ordinance at the time. Subsequently, in 2004 the plan was approved with the streets exceeding the block length requirement. And additional technical changes have been approved. At no time did the county ever say that it was not appropriate to have longer streets in this project.

Mr. Apicella: So the first time is with the new preliminary subdivision plan. The one that's now under review.

Mr. Harvey: This is a reconsideration of the issue, but technically, it's been approved four other times prior to this.

Mr. Apicella: With the latest time being when again?

Mr. Harvey: It was 2016.

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Mr. Apicella: Again, some time ago. All right, thank you, Mr. Harvey. All right, thank you.

Mr. Harvey: You're welcome.

Mr. Apicella: That was the applicant's representative.

Ms. Caudill: Not representative, but the actual applicant is not here. (*Inaudible, microphone not on.*)

Mr. Apicella: All right, Mr. Shelton, this is in your district. How would you like to proceed?

Mr. Shelton: Motion to deny the waiver request, based upon, I don't see, is it hardship? I think it's setting up...

Mr. Apicella: You can wait to give your comments.

Mr. Shelton: Okay.

Mr. Apicella: Is there a second?

Ms. Barnes: Second.

Mr. Apicella: Okay, there's a motion to deny the waiver request made by Mr. Shelton, seconded by Ms. Barnes. Any further comments, Mr. Shelton?

Mr. Shelton: I just don't see a hardship. And likewise, I think we're setting a precedent, and I'm concerned. I went on Hulls Chapel Road and I think would have adverse impact upon those people that live on Hulls Chapel now, because their yards are not wide enough. And then go in and widen the roads out, they don't have a house.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yeah, it seems simple to me, then again I'm not an engineer, but it just looks to me like I would really like to see an effort to bring some of those into compliance. I can understand why you can't necessarily bring all of them into compliance. But you've got seven here, and it doesn't, it looks to me like a couple of those could, could easily be brought into compliance, and, you know, maybe less houses. But that's, that's the way that the topography bounces. It just, that's a, there's a lot of topography on that lot, and it looks to me like with that ordinance, you just can't build this many houses.

Ms. Sellers: Mr. Chairman, I have a comment.

Mr. Apicella: Ms. Sellers?

Ms. Sellers: I'm not going to be supporting the motion. I think the precedence that you're setting in that is for future Planning Commissions to undo or override what a Board of Supervisors supported at the time, and that doesn't seem right. You know, this Board of Supervisors voted for it. They accepted a GDP, and there was an agreement made between the county and the applicant, and I feel it's wrong for us to now back out of it, especially knowing that the ordinance was in place when the GDP was approved through the rezoning, and it's been approved subsequently. So while there may not be a hardship in the sense that they have to, you know, show some sort of hardship, the hardship, to me is the agreement was

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made with the Board of Supervisors who has the authority to do that, and we need to carry that out. That was the vision at the time. And if, you know, if... we need, we need to stand by it. So I won't be supporting the motion.

Mr. Apicella: Other comments? You have a question?

Ms. Barnes: Yeah.

Mr. Apicella: Okay.

Ms. Barnes: Yeah, Laura makes a good point. I'm not sure that's necessarily what, what we're considering. That sounds like there's, that's a, that's a really sticky wicket between the applicant and the county, the fact it, yeah.

Ms. Sellers: No, I disagree with that. And the reason I disagree with that is because the GDP was proffered, which means that they showed what this was going to look like at the time when the Board of Supervisors voted on it. They knew what they were agreeing to, and the ordinance of 1,200 feet stood at the time, so that Board of Supervisors knew what they were getting into, and they agreed to it. And they, the Board of Supervisors is the one who gets to make decisions for the future of the county. It's not the Planning Commission. And I just think it's a really, it's just a really bad precedence to now have a Planning Commission come in and say, well, we don't like what they did back in the '90s, so we're going to undo it through this, this almost administrative type process, you know. If the Board of Supervisors wants it to be rezoned, it would be different. But, you know, and if this was going to the Board of Supervisors, I may feel different, but we are not the Board of Supervisors. I do not believe that the Planning Commission should be, should be trying to override what a previous board did. And that could be because I was on our previous board, and it does bother me when I see, you know, future things stand in the way. So the agreement was made, the Board of Supervisors acted on it, and I think we have to support their vision of in the '90s, so.

Mr. Apicella: Any other comments?

Ms. Barnes: What is their... if we, if we deny it, they can take this to the Board of Supervisor to overturn it, can't they? Isn't there a...? So if we say yeah, we say yeah, we understand that you, you know, like Laura makes very valid points, but that's, you know, we're just making a decision whether or not it, you know, it should get a waiver, and if we say no, they can then take it to the Board of Supervisor, and Board of Supervisors can overturn us if they choose to, correct?

Mr. Zuraf: Yes.

Ms. Barnes: Okay. Thank you.

Mr. Apicella: Anyone else? I'm conflicted on this one. I hear what Ms. Sellers says, and I hear what Ms. Barnes says. The bottom line is there's two criteria for us to evaluate this request. The first is whether there's a hardship, and the second is whether there's any adverse impact to the nearby community. I don't think there is to the nearby community, but I'm not persuaded that there's a hardship. The part that I'm conflicted about that this was approved back in 1992 and it was incorporated into the GDP; however, they've had multiple opportunities to pursue this project, and there was a sometimes these things become stale without the applicant taking any action. Seems to me that this thing lagged from 2016 to 2023 and they, I think there was some over reliance on the state to kind of give them some

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additional time when they could have, and probably should have, taken more action, they chose not to. The fact that there's a financial issue, to me, is not a persuasive hardship argument. So I do appreciate their request. I wish they would have pursued this more diligently. I'm not convinced that they did. I think they do have some options that may not be as preferable as they would like, but they can move forward with making some adjustments, as Ms. Barnes suggested. And again, the one thing that sticks out to me is that one really significant block length that I think is way too much. So with that said, I'm going to call for a vote and let me see if I can remember how to do this. So, the motion was to deny the waiver request. If you agree, you would say yes, and if you disagree, you would say no, with the motion. Everyone voted? Has everyone voted? Ms. Caudill, have you... I'm sorry, Ms... Okay, there you go. All right, that motion carries by a vote of 4 to 3. Thank you very much. All right, we're going to move on or move back to items number 2 and number 3, which are the Cranes Corner Rezoning and Comp Plan Compliance Review.

2. RC24155726; Zoning Reclassification – Cranes Corner Data Center
3. COM24155728; Comprehensive Plan Compliance Review – Cranes Corner Electric Substation

Ms. Taylor: Commissioner Apicella... Chairman Apicella, excuse me. Amy Taylor again with Planning and Zoning. We did work with Mr. Leming to revise the, make the requested changes to the proffers. Staff is actually going to defer to Mr. Leming to read through the changes. They were quite extensive, and there is a handwriting issue; I may not be able to interpret all of his handwriting, so I'm going to defer to Mr. Leming to go through those changes.

Mr. Leming: Well, I would have written slower if I knew I had all this additional time, so. But we, I think we covered 98% of what we talked about. So now, so either Ms. Barnes or anybody else will be concerned we're trying to get away with something, absolutely not. Let's see, Ms. Taylor has a copy of what we changed, and so she can hold me to it. There are a couple of things that we incorporated by reference to because that was easier and less writing on my part. Now, do you still have your red line proffers that we went through previously? Okay, let's go back and be glad to hear we don't have to go to page one. We can start all the way over on page, I'm sorry, I wrote over the page number. It's the fourth page, fourth page, and starting with Architectural and Site Design Criteria. If you look at the first one, (a) and there were listed seven component parts, there are now nine component parts. Number 8 is the building façade proffer that I passed around, and we use this exactly as I had passed it around, which commits to those façades. The new number 9. This is mechanical equipment, and I'll read it to you. It's not long. Mechanical equipment, rooftop or ground level, will be screened, if not enclosed, by wall, panel, solid screen, parapet, or similar physical barrier to reduce noise and visual impact. So that becomes number 9, okay. Now, turning to the next page, and I'm going down to the buffer proffer, this is (g). And what we did was right before the word adjacent, which we've, row of evergreens to the north and west of the 50-foot transitional buffer, okay. Oh, and bear in mind, this is also shown on the GDP, and there's a reference to it in the proffer, the reference to sheet 10. Then at the end, just for clarification, Ms. Taylor suggested this, otherwise, the applicants, we just had buffer plantings, we said we're going to say supplemental buffer plantings, so it's clear which ones we're talking about here. Okay, and that's where you get your Type C transitional buffer.

Mr. Apicella: Where's that word, supplemental?

Mr. Leming: Yeah, supplemental goes right before buffer in the very last sentence. Applicant's supplemental buffer plantings. So the supplemental is the single word that's added to that. So it's clear we're talking about the supplemental plantings here, not just any old plantings. Okay, now we didn't do anything else with that. We've got the Type C, and didn't see a great advantage in going much

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further than that. So I hope that is satisfactory. Now, if you go over to page 6, now this is, let's see, this is the, this is the, this is the Laura Sellers proffer we've renamed it. Okay, so what we what we did here, okay, okay, well, she's the one which she wanted. Yes, no, but we use your language, okay, yes. And what we did was incorporated, but we did two things here. Number one, we simplified, and I remember, I better be careful who I give credit to this to now, right? Applicant's vehicles, now, we took out the next few words, damaged by Applicant or Applicant's vehicles during construction, and all that stuff in between goes. So it's anything during construction. So it's broader than it was before. It's not limited to anything like equipment or supplies or anything like that. It's just if we damage it, we fix it. During, and then it goes back to during construction of the project, the Applicant agrees to pay the cost to repair such roads, if so damaged. Then we've added, such repair shall occur within 120 days. And this is, we were going over to the other proffer now that yes, you, you shared with us, so of the final within 120 days issuance of the final certificate of occupancy for the project at applicants expense. Then we, there's one other sentence that we are incorporating here. Let's see. Let's see, however, the applicant received notice – this is the deal with the bigger problem that needs to be fixed more quickly. If the applicant receives notice from the County's transportation planner or VDOT staff stating that damage to the roads, including shoulders and aprons, has made a road unsafe, the applicant will initiate the process of said repairs within 48 hours. So we took the language from the other the proffer verbatim. So my apologies. Which one is this? Is this Charlie's? Okay, okay, he copies me all the time anyway. Okay, sorry. All right, all right. So, so that's what we've done to that one to address the concern about getting the damage done, you know, within a certain time period, and better defining what all is covered. Now, it's very, it's broader, I think. Okay, now the sound proffer, and this is, if you go over to Miscellaneous, Sound Mitigation proffer, what we've done is to insert the particular references that I think Mr. Apicella requested. Now the first one comes in, if you read down, go down to the first parenthetical, the Sound Standard, and we've added to that, consistent with ANSI 12.2:2008. So that's our first reference. Now we already have one of the references already built in, but these go to different issues. Now what we did with the other reference, it's not too often I have problems with footnotes, but this one does, because we're getting pretty specific. But if you look down at the footnote, that's where we talk about the term prominent discrete tone, what we've added is a clause, it's a preamble to that. So the preamble is, Per ISO 1996 there's 2:2017 Annex D. The term prominent discrete tone, and then we get into the technical language that we already had in the footnote. But we've crossed-reference to the source. So we now have three source references within the proffer. So those are the ones that were brought to our attention. So I hope that covers that part of the issue. Now there's more, but the point of that was to document the source for these things. Now, the other issue that came up was, what do we do with if we have these excessive sound levels? Now I can tell you, my clients do not believe it'll ever happen, but if it does, here's what we've done. I've taken out in the last new sentence that had been added, which started, In the event the sound analysis indicates the maximum levels referenced above are exceeded, the applicant agrees – well, stop there. New train. The Applicant agrees to submit, we tried to build in some timeframes here, to submit a corrective action plan to the Zoning Administrator within 90 days. Upon approval by the Zoning Administrator, the applicant will commence implementation of the corrective action within 60 days. The applicant shall conduct an additional sound analysis within 30 days of completion of the corrective action. So we've tried to build in some phases there and keep the, if this happens, keep the then owner of the data center focused on getting it taken care of. Now, this could overlap with the regular sound analysis that we're doing on a regular basis anyway, but there's an, if not, there's another sound analysis that's required at the end of this process to ensure that. And one of the, one of the, and one thing to remind you about, I think our sound engineer talked about how the buildings are actually configured so that the likelihood of this happening is pretty slim. But if it does, there's a process to get it fixed and address the problem and get to where they need to be. So I hope that's satisfactory. It's a fairly complicated issue and, you know, a lot of speculation about what's going to happen when and then what should be done. But we hope that addresses the concern. Now, down at

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the, below that, at Generators and Testing, we've added a sentence. The applicant agrees that it will not utilize generators as a primary source of power. That's a categorical statement there. Okay, and what we were requested to do. Now, those are the changes and we used both my notes and Ms. Taylor's notes, so we're, I'm hopeful that we covered. Yes, did we forget something?

Ms. Caudill: You did. Just the little sentence under Generators and Testing, about the federal and state when you can't test during the state holiday or summer.

Mr. Leming: Yes. We discussed that. The problem with that is that we don't have any control over when the state prohibits the testing. Right now Mr. Hiegel indicated that they're doing it from May through September. Now it could change, so. And when I originally wrote this, you know, that's why I simply said when they can't do this between nine and five because due to federal or state regulations that prevent such testing. So, I mean, we tried to be as broad but as equitable there. But, you know, it's the ozone testing that requires, that causes the problem and prevents us from testing, okay.

Mr. Apicella: Can I offer a suggestion then? I hear what you're saying, what I would... so I think Ms. Caudill's concern is that caveat, as currently written, would allow you to do five to nine, basically any weekday throughout the whole year. So I would just add, applicant may conduct testing between the hours of 5 PM and 9 PM weekdays during state testing periods.

Mr. Leming: Okay. Well, I think we can say that. I thought that's what we said, but we can say it that way. Okay, between the hours of seven and nine weekdays during state testing periods?

Mr. Apicella: Yes.

Mr. Leming: Well, what, what... Yeah, it's a little, I mean, it's a little generic.

Mr. Apicella: Okay, but understand where we're coming from. So again, it's currently written you could do it every day of the week from five to nine, except for federal and state holidays throughout the whole year.

Mr. Leming: Well, we said when, when federal and state regulations prevent such testing. I mean, we could say... *inaudible*.

Mr. Apicella: Oh, I didn't hear that part, so read that again.

Mr. Leming: When it prevents such testing, that's the only time we can do this... *inaudible*.

Mr. Apicella: All right, where... all right, read the whole thing for me. So start with, In the event testing cannot be conducted between the hours of nine to... okay, I gotcha.

Mr. Leming: Okay, due to federal and state regulations that prevent such testing. I mean, I think we're trying to get to the same thing here. But, you know, that was how we had done it previously. But that's the only time, when you have a federal or state regulation that keeps us from doing the testing.

Mr. Shelton: It's a DEQ call.

Mr. Apicella: I gotcha. I see it. Yep, yep.

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Mr. Leming: I mean, I think that... I don't think that's, this is a little broader language than what you suggested, but, but I think it gets to the same issue. I mean, the only reason we can use the alternative hours is if there's a state reg, in this case, in place that keeps us from doing that.

Mr. Apicella: Okay.

Mr. Leming: Everybody should understand it's critical that this testing be done. I mean, it becomes a safety issue, if you know so at some point, there's got to be a way to be sure that it gets done. And we don't... we want to be as compatible as possible, because they... But also bear in mind, how many generators are we going to have with three buildings?

Unknown Speaker: *Inaudible, not at microphone.*

Mr. Leming: Okay, so compared with and my point is compared with some of the bigger data centers, we got three data center buildings here, so it's just the generators associated with three buildings and they don't test them all at the same time anyway. Okay, are you good with that?

Mr. Apicella: That captures everything that I was hoping for, and I think the other ones that were mentioned by my colleagues.

Mr. Leming: All right. Any of the rest of you, anything that you think we talked about and then omitted?

Mr. Apicella: No, I thank you and staff for working through those additions.

Mr. Leming: And you got two votes to do.

Mr. Apicella: So again, it's back at the Commission level for deliberation. I'm going to pass the Chairmanship over to Vice Chairman Shelton.

Mr. Shelton: Thank you, sir. Mr. Apicella, since this is in your district, how do you want to proceed on RC, let's see, 24155726?

Mr. Apicella: Okay with the rezoning of the Cranes Corner area, I would first of all like to accept the proffers as amended by Mr. Leming as he just read those. So that's my first motion.

Ms. Barnes: Second.

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

Mr. Apicella: Just again, I appreciate everybody working through this. It was a good team effort to get us where I think we needed to be on this one.

Mr. Shelton: Ms. Barnes?

Ms. Barnes: Nope, I'm good.

Mr. Shelton: Ms. Evans?

Ms. Evans: Nope, I'm good.

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Mr. Shelton: Ms. Caudill?

Ms. Caudill: I'll just say I would, I would, I will also be supporting this. I would like to thank you for your cooperative approach and your willingness to offer up those changes. It's nice to have that dialog back and forth, and thank you, staff, for all of your hard work as well.

Mr. Shelton: Mr. Bratton?

Mr. Bratton: No.

Mr. Shelton: Ms. Sellers?

Ms. Sellers: No comment.

Mr. Shelton: Chair appreciates the time and effort of staff as well as the applicant, and we're ready to cast the vote.

Mr. Apicella: I could do it.

Mr. Shelton: Looks like that passes 7-0. All right.

Mr. Apicella: Mr. Chairman, on the underlying question of the Cranes Corner Rezoning, I would make a motion to approve it.

Ms. Sellers: Second.

Mr. Shelton: Motion and second. Any additional comments, Mr. Apicella?

Mr. Apicella: Yes, I have some comments. While this is not perfect location for a data center, and I'm not sure there is one in Stafford, it is being sited on what is largely a commercial property, soon to be right next to high voltage power lines. This area could be developed by-right, with buildings as tall the as these, and with uses that could be as intense or more intense, including those with noisy HVAC systems and much higher allowable decibel levels. The applicant has proffered numerous measures to mitigate their impacts, and I greatly appreciate their incorporating several additional provisions that the Commission has requested over the last several days and tonight as well. I think it makes it a much better project going forward. They have essentially mirrored the pertinent proffers from the Potomac Church Tech Center and Stafford Technology Center, and they've incorporated several of the provisions we recently proposed to the Board as changes to both the Ordinance and Comp Plan related to data centers. So I'm supporting this proposed rezoning from what is mostly an M-1 parcel to an M-2 zoning to support a data center campus.

Mr. Shelton: Ms. Sellers?

Ms. Sellers: Yeah, I echo that. It is an industrial area. I think it's an appropriate place for a data center right there with the other data centers, unlike some of the other applications that may be coming before us. The impacts to local residents are minimal, and with one resident coming forward and saying that she does support it, you know, that does kind of sway things. So I will be supporting this one.

Mr. Shelton: Ms. Evans?

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Ms. Evans: No comment. I will be supporting.

Mr. Shelton: Ms. Caudill?

Ms. Caudill: No comment, just reiterate thank you, and I will be supporting.

Mr. Shelton: Ms. Barnes?

Ms. Barnes: Of course I have comments. This has been a really hotly discussed topic over the last couple of months. There's a lot of people who really don't want to have these in Stafford, and it would be great if when these guys came a-knocking, we said, thank you but no thank you because we have all the money in the world, and our students have the best of everything, and our schools are a-okay; but that's not the case. So when you take a look at this, this is in a, this is a relatively small project. It's right up against Route 1 and Centreport Parkway. It's not, it's not in prime agricultural land, and it sounds like it has very little or very minimal impact on the surrounding community. Judging from, like I said, the one speaker it was, it was nice to actually have a speaker come and say, this is not such a bad idea. So it's, you know, no project is perfect, but if, if, if I was going to pick a place to put a data center, this is, this is probably one of the ones that I would choose, and for that reason, I'll support the project. Thank you.

Mr. Shelton: Mr. Bratton?

Mr. Bratton: No comment. I'll just repeat myself from everybody else.

Mr. Shelton: All right, let's call for the vote. Looks like we passed 7 to 0. Congratulations Applicant. We appreciate your efforts.

Mr. Leming: Thank you for working with us.

Mr. Zuraf: Mr. Chairman, you have one more item to act on.

Mr. Leming: There's a Comp Plan issue to... *inaudible*.

Mr. Zuraf: Comp plan.

Mr. Apicella: We do have a Comp Plan Compliance Review. So Mr. Chairman, I'd like to make a motion to approve the Comp Plan Compliance Review associated with Cranes Corner.

Ms. Sellers: Second.

Ms. Evans: Second.

Mr. Shelton: Motion and a second. Any discussion, Mr. Apicella?

Mr. Apicella: No sir.

Mr. Shelton: Ms. Sellers?

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Ms. Sellers: I just, yeah, I'll be supporting this. And it's helpful to see that the power lines, that we're getting more information on where they're putting those. So that's helpful.

Mr. Shelton: Thank you. Ms. Evans?

Ms. Evans: No comment.

Mr. Shelton: Ms. Caudill?

Ms. Caudill: No comment.

Mr. Shelton: Ms. Barnes?

Ms. Barnes: Good to go.

Mr. Shelton: Mr. Bratton?

Mr. Bratton: No.

Mr. Shelton: No additional comments from me. Let's cast your vote. Everybody voted? Seven to zero. Again, congratulations again.

Mr. Leming: Thank you.

Mr. Shelton: Mr. Apicella, it's back to you.

Mr. Apicella: Thank you, Mr. Shelton. All right. Next item on the agenda is the Planning Director's Report.

PLANNING DIRECTOR'S REPORT

6. Project Pipeline Report (For Information Only)

Ms. Lucian: You can skip over that for a second. He went to speak with the applicant about something. He'll come back.

Mr. Apicella: Okay. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Planning Commissioners, I have no report. Thank you.

Mr. Apicella: All right, thank you. Chairman's Report. I have none. TRC business. Looks like we have some TRC meetings related to Hartwood and Garrisonville, and those details are posted online. Moving to the approval of minutes. Is there a motion to approve?

COMMITTEE REPORTS

CHAIRMAN'S REPORT

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OTHER BUSINESS

7. New TRC Submissions

- [25156636](#) - Stafford Co Musselman Park
 - A major site plan for the construction of a county park with site amenities to include restrooms, pavilions, trails, etc., located on the east side of Truslow Road between Enon Road and Ivan Lane, across from Havenwoods Way, on TM #s 45-127G and 45-127K, zoned A-1, consisting of 40.82 acres, within the Hartwood Election District.
- [25156603](#) – The Garrison at Stafford
 - ***PRIORITY PROJECT*** A continuation of major site plan (ap#23155006) for 4 commercial retail, residential restaurant buildings private roads, parking & associated infrastructure located on Garrisonville Road at the intersection of Travis Lane on TM #s 20-130, 20-AC-1-1, 20-AC-1-2, 20-AC-1-3, 20-AC-1-4, 20-AC-1-5, 20-AC-1-8, 20-AC-1-9, 20-AC-1-10, 20-AC-1-11, 20-AC-1-12, 20AC-1-13, zoned P-TND, consisting of 44.58 acres within the Garrisonville Election District.
- [25156648](#) – White Tail Est
 - A subdivision construction plan for the creation of 18 lots located on the west side of Hartwood Road, between Estates Drive and Richland Road, on TM #s 35-1 & 35-1A, zoned A-1, consisting of 109.59 acres, within the Hartwood Election District.

APPROVAL OF MINUTES

8. June 11, 2025 Planning Commission Meeting Minutes_DRAFT

Mr. Shelton: Motion to approve.

Ms. Evans: Second.

Mr. Apicella: I need to at least say what, what time period. So motion to approve the June 11, 2025, PC minutes.

Ms. Sellers: Motion.

Mr. Apicella: Second?

Ms. Caudill: Second.

Mr. Apicella: Okay, all those in favor say aye.

All Commissioners: Aye.

Mr. Apicella: All opposed? That motion carries. Approval of minutes for the July 25, 2025 meeting.

9. July 23, 2025 Planning Commission Meeting Minutes_DRAFT

Ms. Sellers: Motion.

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Ms. Caudill: Second.

Mr. Apicella: All right, all those in favor say aye.

All Commissioners: Aye.

Mr. Apicella: Opposed? That motion carries unanimously. Last order of business, Mr. Zuraf.

Mr. Leming: Are you going home... now?

Mr. Shelton: No, we're going to spend the night.

Mr. Leming: Okay. Well, I used and incorporated part of this, so can we have Ms. Taylor make a copy of it for me? Because I referenced, I incorporated. I didn't know it was your personal copy. It doesn't have your name on it. Can you do that? Thank you. Okay. So she'll make, give me a copy and then we'll get this back to you. Thank you for sharing that with us.

Mr. Apicella: Mr. Zuraf.

PLANNING DIRECTOR'S REPORT

Mr. Zuraf: Okay. So, all right, now that we have that solved. So I want to introduce the Planning Commission to a new employee in our Planning and Zoning Department, Emilie Wolfson. She's in the audience. She's our newest Principal Planner in the Long Range Division. She previously worked with the City of Alexandria and Prince William County as a Planner in those localities and previously in the private sector. And so you'll be seeing her at future Planning Commission meetings.

Mr. Apicella: Welcome aboard.

Other Commissioners: Welcome.

Mr. Zuraf: And also, we'll make the Commission aware that Olivia Mills, she was hired on last month as our new land Conservation Specialist. She, her role is to administer the Purchase of Development Rights Program, Transfer of Development Rights, other county land conservation efforts, basically taking over for a lot of work that Kathy Baker did before she retired. Her work will not intersect too much with the Planning Commission, but just to let the Commission know that she's on board. And of course, let the Planning Commission know that last night, the Board of Supervisors voted to initiate a joint public hearing with the Planning Commission and the Board. That is scheduled to be on October 21st, Tuesday, October 21st at 6:30 PM. That would be to consider adoption of the Data Center Comprehensive Plan and Zoning Ordinance Amendments that this Commission had worked on. Just let the Commission know that the main modification of the Ordinance that the Board worked on, and modifying the Commission's work was to recommend a 1,320-foot setback for primary buildings from residential uses, schools, Potomac River, Rappahannock River, that first, that first section. And the thought there was to advertise the high end and then possibly adjust down as they get into the deliberations. So yeah, in these situations, typically we'd like to poll the Commission just to find out we know if, to find out if there are any scheduling conflicts so we can let the County Administration know if there's any concerns with quorum.

Planning Commissioners: I will be there.

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Mr. Zuraf: All right, that's more than four. Thank you. And lastly, you had received the Planning Commission Pipeline Report. You'll see that there are no scheduled public hearings for September 10th.

Mr. Apicella: Is there a motion to cancel the September 10, 2025 meeting?

Ms. Barnes: Motion to cancel.

Ms. Evans: Second.

Mr. Apicella: All those in favor say aye.

All Commissioners: Aye.

Mr. Apicella: Opposed? That motion carries.

Mr. Zuraf: And last, on that the pipeline report, I did want to ask the Commission if, if you all got any value out of the list. I know that the intent when we originally kind of created that was to look out like three months ahead and see what, you know, projects might be coming along. But you will see that in these latest lists we don't really, it's difficult to forecast out that long because we don't know, there's a lot of different factors, and we don't really know what's going to be coming really until a month ahead of time. And so you kind of just see what the immediate projects coming forward. We can still provide the list and provide that. But just wanted to, you know, see.

Mr. Apicella: I think it's a very good product. It's very helpful to me, and it keeps things on our radar screen. And not just us; it keeps the public aware of what's coming down the pike.

Mr. Zuraf: All right, we'll keep it coming. And that concludes my remarks.

ADJOURNMENT

Mr. Apicella: Thank you, Mr. Zuraf. With no further business before the Commission, we are hereby adjourned.

At 9:58 PM, Chairman Apicella adjourned the August 27, 2025, Stafford County Planning Commission meeting.