

STAFFORD COUNTY PLANNING COMMISSION
September 23, 2020

The meeting of the Stafford County Planning Commission of Wednesday, September 23, 2020, was called to order at 4:30 PM by Chairman Steven Apicella, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center and at remote locations throughout the County.

Mr. Apicella: This is Steven Apicella, I will be participating today from a remote location here in Stafford. I would ask the Commission to approve my electronic participation.

Mr. McPherson: So moved.

Mr. Randall: Second.

Mr. Apicella: Okay, all those in favor signify by saying aye.

Mr. Bain: Aye.

Ms. Barnes: Aye.

Mr. Cummings: Aye.

Mr. English: Aye.

Mr. McPherson: Aye.

Mr. Randall: Aye.

Mr. Apicella: Aye. Opposed? Okay, thank you. I think Kristen needs to do the same thing.

Ms. Barnes: Yeah, give me permission to participate remotely please.

Mr. English: So moved.

Mr. McPherson: Second.

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

Mr. Bain: Aye.

Ms. Barnes: Aye.

Mr. Cummings: Aye.

Mr. English: Aye.

Mr. McPherson: Aye.

Mr. Randall: Aye.

Mr. Apicella: Aye. Opposed? Okay, thanks.

Planning Commission Minutes
September 23, 2020

Ms. Barnes: Thank you.

Mr. Apicella: I have two more points to make. Voting on motions today will be conducted by voice vote and also if we have any technical issues, Mr. English will take over as Chairman. Thank you gentlemen.

MEMBERS PRESENT: Steven Apicella (remote), Darrell English, Barton Randall, Albert Bain, Kristen Barnes (remote), Dexter Cummings, Fillmore McPherson

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Kathy Baker, Mike Zuraf, Lindsey Marr

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification on any agenda item?

Mr. English: I do Mr. Chairman. Just to let it known that I met with the developers in reference to Project Clover that's on the agenda, public hearing number two.

Mr. McPherson: Mr. Chairman, ditto. Same.

Mr. Cummings: And Cummings also.

Mr. Randall: I think they made the rounds through the whole Commission. I also had a chance to talk to them on the phone.

Mr. Apicella: Great. Likewise, myself. I appreciate everybody declaring that. It is not necessarily required but for transparency it is not a bad thing. Okay, moving on are there any changes to the agenda? Okay seeing none, on that I will open the public presentation portion of the today's meeting. The public may have up to three minutes to comment on any matter except the four public hearing items on today's agenda. There will be a separate comment period for each of these public hearing items when they come up. The clock starts when the green light appears. Yellow means there is one minute left. Red means, please conclude your comments. If anyone in the chambers would like to come forward, please do so now. Okay seeing no one, Mr. Harvey were there any comments submitted online?

Mr. Harvey: No sir.

Mr. Apicella: Okay, thank you Mr. Harvey. So, we will move on to the first agenda item. Public hearing on 7-Eleven on Deacon Road. This is a continuation of a public hearing and a CUP.

Mr. Harvey: Mr. Chairman, we have Bryon Counsell here to give a capital projects summary report.

Mr. Apicella: Oh, my fault. I guess I missed that in the agenda. Mr. Counsell, my apologies please.

PUBLIC PRESENTATIONS

Planning Commission Minutes
September 23, 2020

County Transportation Construction Project Quarterly Update by Bryon Counsell, Deputy Director of Public Works Capital Construction

Mr. Counsell: Mr. Chairman and members of the Commission, thank you very much. Bryon Counsell, Deputy Director of Public Works for Infrastructure and Capital Projects. I am here today to give you a pertinent summary of information for the larger Capital Projects we have going on that affect our roads and utilities, and building too. We just don't happen to have any going on right now. But I see I am on the computer, so I will get started. Just a... the project is complete but just to go on the record with the Planning Commission that the Fire and Rescue Station 14 is complete. We are just working through the final changes to the project so we can authorize the final payment. But if you happen to have the chance to go by there and check it out, it is a nice facility and it is complete except for a few stormwater and erosion issues. The last phase for Embrey Mill athletic fields, which we call phase 3, is complete. It is three smaller athletic fields, natural turf athletic field with restrooms. It is complete, similar to Fire Station 14, just awaiting final payment. Under our transportation projects, the three that we have ongoing now in some phase or another, they all happen to be in the design phase still or right-of-way acquisition phase. Berea Church Road safety improvements, which improves Berea Church Road between... pretty much US 17 out to Truslow Road, is in the land acquisition phase. It just began no long ago, we are starting to acquire property. As you can see there on the bullets the construction is anticipated to begin sometime in spring of 2021 and be completed by the end of 2022. The picture on the right there, the cross section just kinda shows that is it going to be widened lanes with a small shoulder and then a small stone shoulder and new reinvigorated ditches.

Mr. Randall: Mr. Counsell, I have a quick question.

Mr. Counsell: Yes sir.

Mr. Randall: How long of a section are you widening?

Mr. Counsell: The entire distance...

Mr. Randall: The entire...

Mr. Counsell: ... between, I think it is Fleet Road, which is just off of 17... just off of Berea Church Road from 17. All the way to just almost to the end where it intersects with Truslow.

Mr. Randall: Intersects with Truslow. Alright. And this is what we would call the wedge widening that has been...

Mr. Counsell: No sir, that would be, that would be a lesser of a project. This is a full widening and minimum shoulder widening and new stormwater management ditches, to make that a much wider navigable roadway.

Mr. Randall: Okay, thank you.

Mr. Bain: But those shoulders are not intended to bike lanes or pedestrian walk ways, are they?

Mr. Counsell: No sir. Right outside our doors here, US 1 and Route 630, Courthouse Road intersection there are some significant improvements going on here. As you may have seen on your way in today or through normal travel around the County, we are demoing... demolishing three

*Planning Commission Minutes
September 23, 2020*

building where we just finished the second one, it still has some subterranean work to be done. But the third building will start to come down in the next two or three days. But once that is over we are hoping that the private utility installers will come in and start relocating their existing utilities that are in the way of the widening of the intersection. As you can see the work extends from... almost near the hospital back to Belle Plains Road and Hope Road along US 1. It is intended to help traffic get through this area a little bit more efficiently with turn lanes and lighting timing, and some additional lane widening. We anticipate that to start in early 2021, the construction of the road and then end by the end of 2022.

Mr. Bain: Just a...

Mr. Counsell: Yes sir.

Mr. Bain: ... curious question. What is going to happen to that bank vault? That looks pretty massive. Oh, is it gone now? I didn't notice.

Mr. Counsell: Yeah, they rolled it out of there yesterday afternoon. And I understand they are going to be strapping it. But that stuff belongs to the contractor, they take possession of that as part of the contract.

Mr. Bain: That looked pretty massive.

Mr. Counsell: We were lucky it wasn't a full steel vault, as some of them in banks have been. But just the door and door frame were steel, in this case the rest of it was concrete.

Mr. Randall: Mr. Counsell?

Mr. Counsell: Yes sir.

Mr. Bain: Those utilities that they are moving, are they going underground?

Mr. Counsell: Yes sir.

Mr. Randall: Okay, thank you.

Mr. Apicella: Mr. Counsell, I have a question as well. If I am seeing the slide correctly, this is at the intersection of Courthouse Road and Route 1, is that correct?

Mr. Counsell: That is correct.

Mr. Apicella: So how is the planned Town Center and potential future project called Fountain Park being programmed into this traffic improvement?

Mr. Counsell: That is a very good question. The planning for the road widening took into account at least the first two to three phases of what Downtown Stafford is kind of planned on paper to be. There could be some additional needed turn lanes at the planned entrances on Route 1, if the traffic demands require that. We have tried to anticipate that, but we did not want to spend unnecessary money to plan for the worst-case scenario there, so we've... we believe taken a very modest and fair look at planning for that additional traffic. Hopefully without spending more money than would be required. I know

Planning Commission Minutes
September 23, 2020

that is kind of a vague answer, it is not meant to be evasive, but there's only so much you can do without really knowing what is coming. I guess is where I was trying to go with. Now, on Courthouse Road, it's much more simple as we anticipate much less traffic being... coming out on Route 360 than we do Route 1. Did that answer your question? I tried as much as I could to answer it.

Mr. Apicella: You answered it the best you could and I do appreciate it.

Mr. Counsell: No problem. And anytime you are interested in seeing how the roadway project is going to compare to what is happening with Downtown Stafford, once fountain project and all that stuff gets going. I would be happy to sit down and I will be coming back in the months ahead, or quarters ahead. However, we work that out, to give you updates on that and to keep you guys in full understanding of how the roadway project is going to support the Downtown Stafford, because I know that is important.

Mr. Randall: Mr. Counsell, one more question with this and then I will let you get on, I promise. Do we expect during this reconstruction or the widening that there will be anytime where we will need to shut down the entire US1 corridor for a period of time to do a particular action on that intersection? Or, will there be some flow of traffic in and out or through that intersection during the construction?

Mr. Counsell: VDOT prohibits us to...other than a daily temporary lane closure, to restrict traffic on Route 1. So, we won't... we will never shut it down completely for any period of time and we won't temporarily long term shut down a lane on Route 1 to do that work. Running on up the road, Route 1 about ten miles or so, is the Route 1/Telegraph/Woodstock improvements. That's intersection improvements in two locations. It is currently in the design phase. It's roughly 50-60 percent complete. We are working through a couple of issue of how to take some vertical challen... I mean horizontal challenges out of a curve there as you approach Taylor's store. We hope for the right-of-way acquisition phase to start fairly soon. And construction to start in 22 and end in 23. Sidewalk project in the... I think it's in the Garrisonville District, I believe this is, along Flatford Road. The design is 90% complete, we are getting ready to start property acquisition. There is only three or four properties we have to work with. We anticipate that going fairly smoothly and construction to start next summer. The last plan to phase, currently planned phase of the Belmont/Ferry Farm Trail, we worked through the Infrastructure Committee and the Board of Supervisors to finalize some alignment challenges as well as how we are going to facilitate pedestrian and bicycle traffic under the CSX bridge along Naomi Road. Now that that has been finalized with a dedicated barrel for traffic and a dedicated barrel for bike/ped. We are starting that final design on that. Hopefully that will be complete by the end of the year. And we will go through right-of-way, which there is hardly any right-of-way to be acquired and we are hoping to start construction late spring or summer, with about a year for that construction to be complete.

Mr. Bain: So, the remaining lane through that bridge/tunnel will be a one way, I presume.

Mr. Counsell: No sir.

Mr. Bain: Oh.

Mr. Counsell: I am sorry about not being clear with that, that was not an accurate or complete description. So, as you are looking at that photo on the file, that is looking towards the boyhood home direction, towards King George. That right lane will be bicycles and pedestrian only. The lane to the left will be a signalized control of traffic both directions. But only one lane of traffic at a time, but signalized on both sides. It was a...

Mr. Bain: *Inaudible.*

Mr. Counsell: There were several options to choose from on that and we presented several options to the Board and that one was chosen for the most efficient way and cost-effective way to keep all types of traffic going through those tunnels.

Mr. Bain: Okay, thank you.

Mr. Counsell: Now on to some of the Utilities projects. You will see several projects in here that we call Clayborne Run. The primary one is what we call the parallel force main, it is a parallel force main to double our capacity to get sewage or waste water from the southern end of the County... well from the airport area down to Little Falls Run Water Treatment... Waste Water Treatment Plant on Route 3. This is the first phase of that parallel force main. Currently almost all the work is done, except for a tie in to the existing line and the parallel line. As reported to the Board about a month or so ago, the contractor filed bankruptcy and has gone completely out of business. They are no longer in existence and we are working with the surety to get that last bit of work complete. We are close to getting a contractor on board to complete some of the tie in work, but as far as the paving of Michael Scott Lane and some other punch list items out there, we are working with the surety to hopefully get that completed by the end of October. That is the first phase, I will say three that are going to address growth projections and capacity issues for our waste water system in the southern part of the County, so this is in response to West Lake and other potential development on the Route 17 corridor primarily. While there may be little odds and ends of infill development on the east side of 95, this is primarily in response to the potential growth out on Route 17. The next project... oh, let me back up for just a second. This particular phase runs from... right where Tylerton is out to the waste water treatment plant. So, phase 1B will complete from near the CSX Railroad tracks along Naomi Drive out to Tylerton. So, this is in the last throws of the design process. We are working with VDOT to finalize a couple of challenges. We are right near the end and that project will be able to start, hopefully next spring for construction. So, this... there's three phases, the next phase of this is what we call the Falls Run force main. Currently, Falls Run Pump Station, pumps to Clayborne Run which pumps to Little Falls Run Wastewater Treatment Plant. So, we're... we've made the decision to make a dedicated parallel force main directly from Falls Run to Little Falls Run. I know I am throwing a lot of falls runs out there at you. But, this is going to become a dedicated line from Falls Run Pump Station and that project right now is... we have to traverse National Park Service property and that is a very lengthy and challenging process to get permission to go down River Road with that. The Park Service owns from Chatham all the way to the river, even the property underneath River Road. VDOT is in charge of maintaining it, but we have to get permission from the National Park Service to occupy their land. So, we are hoping that will be taken care of soon so we can complete these three projects to give some much needed capacity to our wastewater system in the southern part of the County. Another gravity wastewater interceptor that is meant to address capacity for the west side of I-95 is called the Falls Run Gravity Interceptor, this is phase 2. Phase 1 went from 95 down to the Falls Run Pump Station. This improves or increases the pipe capacity in the England Run area all the way to Berea Church Road. And that is in the early design phases... early design phase. The project that is ongoing and is mostly behind trees and out of the public eye it's about 70% complete, it's about a total of 17-million-dollar project to address growth in the Courthouse area. This project right here is driven by potential development in the Courthouse area as well as the potential for whatever happens with the Downtown Stafford area. The Board made a decision a couple of years ago to move this up and to try to provide the infrastructure to make everything ready to go as much as possible for any development for Downtown Stafford. That is... should be... the whole project should be complete next summer, but the pipeline part of it should be completed March/April with the pump station coming online shortly

Planning Commission Minutes
September 23, 2020

thereafter, early to mid-summer. We have four plants, treatment plants here in the County, one is fairly new at Lake Mooney the other three are aging and requiring periodic significant upgrades. So, the first one on our list is the one at Little Falls out on Route 3. We are doing about a 22 to 23-million-dollar total project value for that to repair, rehabilitate and replace some of the major infrastructure at the plant. A lot of concrete work, a lot of technology for water treatment, filters, concrete for the clarifiers, that's early design right now and that is in response to a lot of regulatory requirements, ageing and we will gain a little bit of capacity out of that plant. Moving on a little bit to water, I promise you I've only got a couple more here. I know you guys have a long agenda tonight, 342 pressure zone upgrades. These projects are in our master plan in some of the out years. The Board also made the decision to move these up to help support water demands that are anticipated in the Centreport area for planning... for potential development. This is one of four phases to get water, a certain amount of water up there. This project is about 60 to 70% complete in construction. There are three more projects after that including two pipeline projects and an elevated water storage tank on Enon Road. We are going through those real quick. 346-06 is the second of those projects, it is in the design phase. And then there is the tank that has been designed, it's going through the planning process, through the planning review. We anticipate construction starting fairly soon on that. Hopefully we will put it out to bid by the end of the year. The fourth project in there is what we call 342-15. We have not yet started design on that, that will take water from the tank up to the Centreport road or Centreport Parkway 18-inch waterline. And those are all the projects that I had earmarked for tonight. I would be happy to try to answer any questions you may have.

Mr. Bain: I have two actually.

Mr. Counsell: Sure.

Mr. Bain: The project on Route 1 at Potomac Creek. What is that? I see they are putting piles in, what is that part of?

Mr. Counsell: That is a VDOT project, administered project. That has no County funding or anything like that, but they are widening and replacing that bridge over Potomac Creek at Route 1.

Mr. Bain: Oh, okay. Alright. Second, the water storage tank on Ferry Road. Is that still in service? I know at one time the County was talking about taking that out of service.

Mr. Counsell: They did take it out of service.

Mr. Bain: They did take it out.

Mr. Counsell: It is in the process of coming back into service.

Mr. Bain: Oh.

Mr. Counsell: It's going to help operations for a short period of time due to flushing and other maintenance while we take other tanks off service to do that maintenance work. Then it will... I think the utilities operations group will try to see how it's performing. Because it had low water usage for many years.

Mr. Bain: Yeah.

Mr. Counsell: It just had a short what is call rise and fall cycle on it and it didn't serve a whole lot of purpose the way development and demand has gone. So, it will likely go back out of service.

Mr. Bain: Okay, thank you.

Mr. Apicella: Anybody else? Okay, thank you so much Mr. Counsell. We really appreciate the update. Alright Mr. Harvey. I think we are on to agenda item 1.

PUBLIC HEARINGS

1. CUP19153008; Conditional Use Permit - 7-Eleven at Deacon Road - A request for a conditional use permit to allow vehicle fuel sales in the B-2, Urban Commercial Zoning District on Tax Map Parcel Nos. 54-126B, 54-126C, and 54-126D (Property). The Property consists of 1.74 acres, and is located on the northeast corner of the intersection of Deacon Road and Leeland Road, within the Falmouth Election District. **(Time Limit: December 4, 2020)**
(History: September 9, 2020 Public Hearing deferred to September 23, 2020)

Mr. Zuraf: Good evening, Mr. Chairman, members of the Planning Commission, Mike Zuraf the Planning and Zoning Department here to present item 1. If I could have the computer please? Sorry for that, had the wrong file there. So, item 1 is a conditional use permit for 7-Eleven at Deacon Road. So, as a reminder on this one, the public hearing was initially held on September 9th and continued to this meeting. There were several questions that were raised during the meeting, in the staff report we provided a... summarized all those issues and provided responses. I'll go through and address those at the right moment through this presentation. Since this is a continued public hearing we typically will go through that same public hearing but I will try to be as quick as possible. Again, requests to allow, request for a conditional use permit to allow vehicle fuel sales in the B-2, Urban Commercial, zoning district. This is over three parcels of land, they cover 1.74 acres, it's in the Falmouth election district. John Nere is the applicant and Rob Beiman as the agent, he was here this evening. So, the site is located on the north east corner of intersection of Deacon Road and Leeland Road and the three properties are highlighted in blue on this location map. Here's an aerial view of the site, an existing 7-Eleven convenience store and vehicle fuel sales site. The facility is already located on the parcel. There was a question last meeting about the size of the existing building, that's approximately 2162 square feet in size. This includes the single-story building and the associated parking, the two parcels to the east are undeveloped and are relatively level with a mix of trees and underbrush and do not include any sensitive resources. There are different uses around the property, there's a place of worship located to the west, there's on the north side a small retail center fronting Leeland Road and also to the north and west a mini storage warehouse facility, to the south across Deacon Road are several residences. Here's a street level view of the current store. So, these properties have been in the B-2 zoning district since at least 1978, there are no proffers that exist on the property, existing convenience store and fuel sales were constructed approximately in 1978 according to Commissioner of Revenue records and a conditional use permit was not required back at that time. So, here's an image of the general development plan, this includes a new 3484 square foot convenience store, a larger fueling area that would expand on to the adjacent properties to the east. The twelve fueling positions would be centrally located under a single canopy, point these out, this is the location of the fueling canopies. There was a question about the fuel tanks, the underground fuel tanks, if they would be relocated or still used and the applicant did confirm as is shown on the GDP that the fuel tanks, the old fuel tanks would be replaced with new tanks and the new tanks, the new underground tanks are basically under the pavement in this location. Customer parking areas will be located along the south and west sides of the building, there's an enclosed dumpster located along the northern property line in this location. The

current site entrances would be reconstructed and relocated farther away from the intersection on Deacon Road. The new access points, access point would be in this location and then on Leeland Road in this location. A full-service entrance is proposed on Deacon Road, that aligns with Jett Street across Deacon and then the right in right out entrance is proposed on Leeland Road. Additional right of way would be dedicated to accommodate additional sidewalk improvements. There's a planned VDOT sidewalk, ten feet wide sidewalk project, along Leeland Road that's planned to occur and then along Deacon Road consistent with our Bicycle Pedestrian plan the applicant would be constructing a ten foot portion of trail along their frontage of Deacon Road. There are transitional buffers proposed on the north and east property lines that would include a six foot tall opaque fence along the northern property line and street buffers, a street buffer with plantings would be included to minimize impacts on residential uses across the street. Also, the proposed conditions would require the site be developed in general conformance with this plan and require the development include no more than 12 fueling positions. So, looking at transportation impacts, a transportation impact analysis was provided to evaluate the overall impacts resulting from the redevelopment. The new project would include up to 2766 vehicle trips per day and then 150 and 182 morning and afternoon peak hour trips into the site. The TIA evaluated the access points into the site and also the Leeland Road Deacon Road intersection. The development maintains acceptable levels of service of A and B at all studied intersections with the new development and also access management exceptions were approved by VDOT for both these entrances even though the applicant is relocating the current access points and they will be farther away from the intersection they're still within typical, they still don't meet typical spacing for new access points so the access management exceptions were required in this case and VDOT did approve those due to the fact that this is improving the current situation. There were a few questions from the last meeting about transportation, one asking if the traffic impact analysis compared the existing 7-Eleven traffic to the proposed 7-Eleven traffic, we have kind of two responses on that. First, explaining how the traffic impact analysis will evaluate the traffic in the future without the new development and in that case, they basically would be assuming what the conditions would be with the current development and what impact that has and then you have the follow up impact evaluation of the future conditions with the new development so you're comparing the two in that way. The applicant also did provide some specific peak hour comparisons and, in the morning, and afternoon it's generally about twice as much traffic or trips anticipated between and comparing the existing store to the proposed store. There was a question how were any VDOT concerns addressed, they had some minor comments in their review of the traffic study just with minor details and those were addressed within revisions of the traffic study, also the main concern addressed, that the applicant addressed, was the need to get the access management exceptions for the entrances and that process has been completed. Also, there was a question about if we know when the four lane expansion project for Leeland Road would be, would occur, according to the capital improvement program that identifies the project to be completed in December of 2024. And then also there were questions about how construction traffic would be handled at the busy intersection without impacting traffic. According to the applicant 7-Eleven's willing to place the construction entrance on either Deacon Road or Leeland Road, in a location acceptable to the County and VDOT, so if they've not made up their mind yet on that but they're flexible and we would note also typically construction entrance details are included on site plans and reviewed and approved by VDOT during the site plan process. So, the comprehensive plan future land use map identifies the site within the recommended commercial node and suburban land use designation. Staff believes the proposed use is consistent with the comprehensive plan recommendations and it's an appropriate location for this type of development. The transportation plan identifies this section of Deacon Road as a future four lane undivided facility. In this location it currently transitions from a four lane divided road down to a two lane undivided road and it does not appear that additional lane widening is needed in this location to accommodate future four lane widening. The comprehensive plan identifies the section of Leeland Road as a future four lane divided

facility and as we've mentioned that project for expansion is already being planned. There's a bicycle pedestrian facilities plan it recommends a ten foot wide shared use path along both Leeland and Deacon roads and as I've noted a VDOT project would construct a ten foot path on the Leeland Road frontage and that project would extend a ten foot trail all the way up to the VRE commuter lot and then also then along Deacon Road there's no immediate plans for any projects there but the applicant through the conditions would be required to build their portion of the ten foot trail along their frontage of Deacon Road. The proposed conditional use permit conditions require the building be constructed in conformance with the style and materials depicted in these renderings and the proposed building design conforms with many of the architectural guidelines in the neighborhood design standards plan. So here's a summary of the conditions requiring the development in conformance with the GDP, limiting access to one entrance on Leeland and one on Deacon requiring the right of way dedication to accommodate the ten foot wide shared use paths, requiring construction of the shared use path along Deacon, permitting no more than 12 fueling positions on the site, requiring building design in conformance with the architectural renderings, and prohibiting fuel canopy fascia from being internally illuminated except for any signage. One of the other questions was if there were any environmental conditions that should be included that we didn't capture and staff is not aware of any additional conditions that have been required on similar applications. The proposed conditions are similar to the most recent vehicle fuel sales conditional use permit that was issued for the Wawa on Garrisonville Road that was approved last year. So, the overall evaluation, the positives, it's consistent with land use recommendations in the comp plan, the use permit would allow for a modern upgrade to business surrounding residents, maintains acceptable transportation levels of service, and improves access into the site. The conditions would minimize potential impacts on adjacent properties, the sidewalks are consistent with the bike and pedestrian facilities plan and the building design is consistent with the neighborhood design standards plan. Staff does not see any negative aspects with this proposal and would recommend approval with the conditions recommended in Resolution R20-294. One other point I want to raise was the desire to kind of reach out to more of the surrounding residents. The applicant, he can speak more to it, he basically reached out to some of the surrounding HOAs and the specific representatives of those HOAs and made them aware of what was happening and that the meeting was continuing to tonight. Also, staff reposted the public hearing sign with this new public hearing date, so with that I'll turn it back to Mr. Chairman.

Mr. Apicella: Thanks Mr. Zuraf. Are there any questions for staff? Okay, seeing none is the applicant there and would they like to come forward?

Mr. Beaman: Mr. Chairman, Mr. Vice Chairman, for the record my name is Rob Beaman, land use attorney with the Troutman Pepper law firm here today on behalf of the applicant. I appreciate Mike's presentation, Mr. Chairman with respect to the questions you ask, I think Mike covered all of them except for possibly one of them. The one I wanted to add is that we did confirm that the existing 7-Eleven store will be demolished before the new one, construction on the new building is commenced. I also wanted just to touch on our additional public outreach efforts. As Mike mentioned we did get in touch with all of the HOAs we could find in that corridor. I spoke with and sent an informational email with the site plan and the building elevations to the Deacon Hill Estates HOA, Heather Hills Section 4, Leeland Station, and then the Woodlawn association as well. So, we did contact all those folks and sent them an informational email and let them know what about this hearing date and also the likely Board of Supervisors time frame as well. We have not received any sort of responses since speaking with those folks and sending that email but certainly happy to stand by for any additional questions as well.

Mr. Apicella: Okay any questions for the applicant. Okay, seeing none I-

*Planning Commission Minutes
September 23, 2020*

Mr. Bain: Excuse me Steve?

Mr. Apicella: Yes, go ahead.

Mr. Bain: Sorry Steve, didn't push the button quick enough. Just one quick one. Parking for the construction workers, can that be restricted to the site? I think there's sufficient area to do that, as we had in the Vistas at Ferry Farm, concern about construction workers parking on neighborhood streets so...

Mr. Beaman: Yes sir, I believe we do have Gary Franks on the line too, Gary correct me if I'm wrong but I believe we intend to provide all parking for the construction folks on the site.

Mr. Franks: Yes, that's correct, everything will be contained on site.

Mr. Bain: Okay, excellent, thank you.

Mr. Apicella: Thanks Mr. Bain. Last call for questions. Okay seeing none I appreciate the applicant coming back. So, the public hearing remains open. Again, this is an opportunity for the public to comment on this matter. Please state your name and address before starting your comments. Green light starts the clock, yellow means there's one minute left, red means please conclude your comments. If anyone in the chambers would like to comment on this item please come forward now. Okay I don't believe I see anybody, Mr. Harvey, while you're standing there did you get any comments online?

Mr. Harvey: No sir, we did not.

Mr. Apicella: Okay, thank you Mr. Harvey. So, I'm gonna close the public hearing on this matter and I'm gonna bring it back to the Commission for deliberation. Mr. English this is in the Falmouth District which I represent so I'm gonna temporarily turn the chairmanship over to you so I can make a motion.

Mr. English: Alright. Mr. Apicella it is in your district so how do you proceed with this?

Mr. Apicella: I would like to make a motion to recommend approval of CUP19153008 Conditional Use Permit for a 7-Eleven at Deacon Road.

Mr. Bain: Second.

Mr. English: Second by Mr. Bain. Any other questions. Mr. Apicella?

Mr. Apicella: Yeah, I just think, first of all I want to say I appreciate the applicant's patience as we waited to see if there were any concerns from the neighborhood. Bottom line here is I think this is a very good improvement for the 7-Eleven and the local community and it's a welcome one so again I'm recommending and hope that this one will pass.

Mr. English: Thank you sir, Mr. Bain?

Mr. Bain: No questions.

Mr. English: Alright I'll call for the, how do we usually-

*Planning Commission Minutes
September 23, 2020*

Mr. Apicella: We're doing a roll call vote, I guess why don't we turn it over to the Secretary.

Mr. Randall: Alright, Kristen Barnes?

Ms. Barnes: Yes.

Mr. Randall: Albert Bain?

Mr. Bain: Yes.

Mr. Randall: Daryl English?

Mr. English: Yes.

Mr. Randall: Steven Apicella?

Mr. Apicella: Yes.

Mr. Randall: Burt Randall says yes. Fillmore McPherson?

Mr. McPherson: Yes.

Mr. Randall: Dexter Cummings?

Mr. Cummings: Yes.

Mr. Randall: Passes 7-0.

Mr. English: Thank you Mr. Randall. Okay Mr. Apicella ,back to you.

Mr. Apicella: Thank you Mr. English, thank you staff, and again applicant.

2. RC20153406; Reclassification - Project Clover - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the M-1, Light Industrial Zoning District on Tax Map Parcel Nos. 37-78 and 37-79, consisting of 119.69 acres (Reclassification Property); and a proposal to amend proffered conditions in the M-1 Zoning District on Tax Map Parcel Nos. 37-30 (portion) and 37-30C, consisting of 58.31 acres (Proffer Amendment Property). Collectively, Tax Map Parcel Nos. 37-78, 37-79, 37-30 (portion) and 37-30C are referred to as "the Property." The Property is located on the north side of Centreport Parkway, approximately 2,600 feet northeast of Mountain View Road, within the Hartwood Election District. **(Time Limit: January 1, 2021)**

Mr. Apicella: So, moving onto the next item on the agenda, item 2, Reclassification of Project Clover.

Mr. Zuraf: Good evening, Mr. Chairman, members of the Commission. Again, Mike Zuraf, Planning and Zoning Department. If I could have the computer please, thank you. So, this is a request for a zoning reclassification, well two parts of this request a zoning reclassification from the A-1 Agricultural zoning district to the M-1 Light Industrial zoning district. There're two properties involved that cover 120 acres for the zoning reclassification and then a portion of the request includes

an amendment to proffer conditions on M-1 zoned property. There are two properties that are currently zoned M-1, that covers approximately 58 acres. The total area is 178 acres for the entire site. The applicant is Steve Green with the BM Stafford LLC. The agent is Jonelle Cameron with Walsh Calucci and Lubeley. The site is in the Hartwood Election District. So, looking at the location of this property it is on the north side of Centreport Parkway, approximately 2600 feet northeast of Mountain View Road into the south of the Stafford Regional Airport. This is the zoning map showing the location of the A-1 and M-1 zoned parcels within the site. A-1 light green shading and M-1 the light blue shading. Much of the surrounding properties are zoned M-1 with the airport to the north just for reference, the airport runway is basically in this location. There are warehouse uses developing to the east of the site and a fleet storage facility to the southwest of the site. To the west is a vacant A-1 zoned property and across Centreport to the southwest is some R-2 zoned property that's associated with the Sycamore Grove project which is currently undeveloped. Regarding the M-1 zoning on the site, in 1989 the parcels were rezoned from the A-1 Agricultural to the M-2 Heavy Industrial and M-2 down to M-1 Light Industrial. At the time of the initial rezoning the property was planned to be a large development known as Centreport. The proffered conditions were crafted to include the entire development as a whole. In 1992 the property was divided up into sections and proffered conditions were amended for each section. The conditions include regulations for protection of wetlands and floodplains, landscaping requirements for development, road improvements including Centreport Parkway and the Centreport Interstate 95 Interchange and dedication for land to the Stafford Regional Airport for the airport construction. The 1992 proffered conditions are under Ordinance O92-11. Last year the Board did adopt a 39resolution to initiate a proffer amendment that would remove proffered conditions from several of the properties that were part of the original Centreport development. This made the proffers contradicted with or have been superseded by updated zoning regulations and were viewed as a hindrance by potential development of this area. M-1 property is subject to this action where part of the request, today the County initiated proffer amendment has not occurred so the applicant is pursuing this amendment with their properties and basically establishing new proffers that would result in consistent proffers across this development project. So, the majority of the site is undeveloped and contains a mix of deciduous and coniferous vegetation. Parcel 37-39 in a small one acre piece in the center of the site, approximately in this location does include a single family dwelling. There's also a flood control dam and small lake that form the eastern boundary of the property. The County maintains this dam. Reedy Branch, a tributary of Potomac Creek follows the northern and eastern boundary lines and drains into this lake. There's a critical resource protection area in wetlands and 100-year flood plain that follow the length of Reedy Branch and surround the lake. The site contains rolling terrain, sloping generally from the southwest to the northeast, there's one archaeological resource on the parcel. The site is a rock outcrop that is known to be called Buzzard's Roost that's covered with inscriptions possibly made by U.S. troops potentially when the army of the Potomac was in winter encampments in Stafford County during late 1862 and early 1863. The resource has not been formally evaluated in terms of eligibility for listing in the National Register of Historic Places. On the GDP though the limits of clearing avoids the resource and the applicant intends to avoid disturbance of the site while it is further being evaluated during the federal permitting process that should determine what level of protection may be required of that. So, the general development plan submitted by the applicant illustrates the potential site layout of the property. It illustrates four large buildings that total over three million square feet in floor area. The specific uses are not identified on the GDP. However, the corresponding traffic study anticipates warehouse distribution as an anticipated use on the site. The parking areas and drive aisles surround the buildings. Access is shown via four full service entrances on Centreport Parkway. Left turn lanes on Centreport Parkway are being proffered at each entrance. There are no inter-parcel connections proposed to adjacent properties. That's generally due to site conditions where you have Reedy Branch and the airport to the north and the lake to the east. And then you have undeveloped A-1 property to the west. The archaeological resource that's mentioned is in this

general location and it's showing how that area is being avoided. The proffering of the GDP allows for future flexibility in site design. This provides the developer flexibility in adjusting the layout for engineering and operational reasons or to meet the needs of specific tenants. The property is within the central Stafford business planning area designation of the land use plan. The land use concept for this area indicates the business and industry development is appropriate. The proposed rezoning to M-1 is consistent with this recommendation, it is consistent with the current zoning and current developing uses around the site. Centreport Parkway is a two lane undivided facility. The transportation plan identifies Centreport Parkway in need of an upgrade to four lane divided configuration. There's currently sufficient right of way along Centreport Parkway to accommodate future widening.

Mr. Bain: Is there any schedule anticipated on that?

Mr. Zuraf: No, there, it's not been identified yet in the CIP. The comprehensive plan also establishes airport impact zones to identify uses that may not be appropriate in various areas surrounding the Stafford Regional Airport. It may be hard to see but the parcels subject to this rezoning intersect with Zone 3 which is referred to as a horizontal flight zone. This map is a map within the Comprehensive Plan land use plan section and highlights the different zones around the Stafford Regional Airport. In our staff report we identify the compatibility of M-1 uses within this zone. There are several uses identified as requiring additional review but nothing identified as incompatible. The plan identifies population density recommendations for uses based on location and type of use. The proposed industrial development is likely to be well below the maximum recommended population density that would be considered compatible with the airport. Staff determined based on the elevation of the site the structure, that a structure if it is was built with a maximum height of 65 feet would not encroach into the airport impact overlay zone. This establishes elevations or ceilings around the airport, which structures cannot encroach, so they're under that. And then also the Stafford Regional Airport does not see any concerns with this rezoning. Transportation impact analysis was submitted with the application. The project is expected to generate 2,296 vehicles per day on the proffer amendment property and 4,718 vehicles per day on the reclassification property. This estimate is based on anticipated development of 1.3 million square feet of warehouse distribution use on the proffer amendment site and 2.6 million square feet of the same use on the reclassification property. Since the ultimate use is unknown at this time the applicant has proffered that the development of the reclassification property will be limited to the amount of vehicle trips anticipated in this traffic study. The TIA...

Mr. Apicella: Hey, Mike?

Mr. Zuraf: Yes.

Mr. Apicella: So, the by-right M-1 area that's got about 22, well it's up there, so the total traffic for the combined parcel would be about 7,000 vehicles per day?

Mr. Zuraf: Correct.

Mr. Apicella: Okay, thanks.

Mr. Zuraf: So, the traffic study evaluated several intersections including the newest Route 1/American Legion Road intersection, several intersections along the entire length of Centreport Parkway and then south to the U.S. Route 1 intersection with Centreport Parkway. Resulting from the TIA several road improvements are recommended to maintain acceptable levels of service. The applicant based the

traffic impacts from the development proposed on the rezoning reclassification property. The development anticipated on the proffer amendment property is viewed as by right development as that land has been zoned M-1 since 1992. This image illustrates the proposed improvements. The applicant's presentation's gonna get into some... zoom in on some of these and have some better images that will make it a little more clear but in summary some of the improvements include construction of left turn lanes at the proposed site entrance along Centreport Parkway, installation of a traffic signal, and extension of turn lanes at the Centreport Parkway Mountainview Road intersection and improved turn lanes along Centreport Parkway at the intersection with Mountainview Road, the I-95 southbound ramps, and U.S. Route 1. The improvements are phased with the development of the site based on when the need is anticipated and these improvements are included in the proffers. The applicant has been working with VDOT through the process. VDOT's latest comments were just provided, we did just receive some comments today, rough comments from VDOT regarding the latest version of the TIA. The Comprehensive Plan policies recommend that traffic improvements with new development should maintain acceptable levels of service or if there's existing deficiencies not further degrade levels of service. The study does find that the proposed development with mitigation measures maintains consistency with this policy at all studied intersections except for the I-95 northbound ramps which a further failing level of service would be further degraded by the development with slight increases in the delays at that intersection. And that's that intersection number five, that point number five on this map.

Mr. Apicella: Mike, before you go on, back to the VDOT comments, based on what you're seeing are there any show stoppers?

Mr. Zuraf: They just asked for... nothing major, they did ask for I guess some of the background information, some of the study details, including one moment let me find that... there has to be a signal justification report for that Mountain View Road, Centreport Parkway traffic signal and I think they needed to see I guess the findings in that report, so just they needed some of the background information there. And the other comment basically is in line with our comment about that northbound ramp, they point out the same kind of increases in delay and suggest that the applicant help towards improving that situation. Those are the two main points that I got out of it. I did just receive it and so it was just still digesting the comments.

Mr. Apicella: Has the applicant seen it and do they have a response to both the VDOT and your recommendation there?

Mr. Zuraf: I did send it over to them, I will have to defer to them to see if they have a response on that.

Mr. Apicella: Alright, thanks.

Mr. Zuraf: Proposed proffers requiring development in general conformance with the general development plan with the ability to modify the site layout at time of final site plan, requiring access to the property as shown on the general development plan with the option to add additional right in right out access points into the property, requiring the phasing of transportation improvements along Centreport Parkway as I've kind of outlined. Also, as part of this, requiring a pursuit of partial reimbursement agreement for the improvements to the Centreport Parkway and Mountain View Road intersection. This is due to the fact that the traffic signal improvement would not necessarily all be the requirement and be driven by the development of this one project, there's other development projects in the corridor and so it'd be fair for the applicant to be, help with a portion of that cost and that's what the agreement would get at. And then if there is no partial reimbursement agreement the applicant

would contribute \$200,000 towards the cost, their portion of the cost of that improvement and that's highlighted because you did receive revised proffers. I believe they were sent out to you yesterday or the day before and so that was one of the changes in the proffers. Also requiring the combined use of the reclassification property shall not exceed 4800 average vehicle trips per day. And then also some of the other changes in those new proffers you received just added a reference to a fourth entrance onto the, into the property and then just clarifying where those entrances are allocated to and... So the overall evaluation there, positive aspects, the proposed M-1 zoning classification is consistent with the land use recommendations and the comp plan, the proposal is consistent with the established development patterns in the vicinity including the Stafford Regional Airport, proffer transportation improvements mitigate most of the impacts on the transportation network, proffers will help to ensure the ultimate development of the property and corresponding transportation impacts will not be in excess of what is envisioned in the traffic study and proffer amendments allow for consistent standards across the site and remove outdated proffers. Negatives, the project does contribute to added delay on the northbound ramp at Centrepoint Parkway intersection which is inconsistent with the comp plan policy which discourages further degradation of failing intersections. But overall staff finds that the positive aspects outweigh the negative aspects and recommends approval of the proposal with, pursuant to Ordinance O20-42. And that ends my presentation.

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

Mr. Bain: Yes I have one, and I didn't pick this up reading this over the weekend, looking at different slides I can't tell if they're proposing three or four access points to Centerview Road and when the proposed proffer, when you mentioned that if they wanted to increase or change them they would have that option later on... is that something though that they would have to petition VDOT for, I would think? To add another entrance off of Centrepoint?

Mr. Zuraf: I think they're still gonna have to meet CDOT requirements for access so...

Mr. Bain: But would they have to have VDOT's permission to cut another driveway access?

Mr. Zuraf: They will because it's a state road.

Mr. Bain: Okay, because like I say I can't tell if there's three or four that's on the, the GDP looks like there's four and it concerns me because two of them look to be without having a scale there, less than 100 feet apart, I mean that just is poor, poor design, but then their traffic impact analysis slide showed three, intersections seven, eight, and nine and then another slide that you showed had seven and seven a I think, I couldn't quite make that out... so I think you know from my perspective that needs to be clarified. I don't oppose the project but that needs to be clarified and I'm really concerned about the two driveways that are shown on the GDP that are so close together. I don't think that's good engineering at all.

Mr. Zuraf: For clarification it is four access points. The one image was out of the last version of the traffic study which when it was still showing three. They want to have multiple access points for public safety purpose, if there's something that causes a blockage at one of the access points they'll want to have that extra point of access.

Mr. Bain: Okay, now this slide that's showing is different from what's presented in the handout that you gave us. Then entrances are not consistent there.

*Planning Commission Minutes
September 23, 2020*

Mr. Zuraf: Okay, yes.

Mr. Bain: So which one is the GDP?

Mr. Zuraf: This one yes, this was the, you also received a revised GDP, I guess it was Monday or Tuesday and so that was the main change is adding that fourth, so the version in the staff report still had the old GDP.

Mr. Bain: So now these driveways are separated better. Follow up question, will traffic on the rezoned site be able to cross over onto the other site without coming back on Centreport Road or will they be essentially separate parcels then with no interconnection?

Mr. Zuraf: Right now, as it's shown it would not. I'm sure that might be something through site plan review we would like to see, but it may depend on the individual users and what kind of security issues they might have so might defer to the applicant as to how, what the likelihood of an inter-parcel connection, how that might work.

Mr. Bain: Okay, thanks.

Mr. McPherson: Mike I have one quick question if I may. There's, in the proffer there was the mention of having the option to create just right in right out. What impact would that have on traffic, because the more entrances you have the more slowdowns there are so I could see that could be adversely affecting traffic on Centreport?

Mr. Zuraf: It could, I guess that's maybe the reason why it would maybe have to be limited to right in right out because you're only maybe impacting the traffic in the southbound direction I guess, because you're not getting additional cross over traffic going the opposite direction.

Mr. Apicella: Other questions?

Mr. Randall: Mr. Apicella I have a question for him. What's the basis of the decision to put a stop light or a traffic light at the intersection three.

Mr. Zuraf: The basis is a result of the projected amount of development, basically partly the current background traffic you already have a good amount of traffic that goes right through there and then this is adding to it and with the additional traffic resulting from the development anticipated on Centreport Parkway it's just gonna make it more of a difficulty to have it as say a four way stop or something like that so...

Mr. Randall: So, I wasn't clear on when that decision would be made who would be making that decision and who would be responsible for the construction of that light, could you expand on that just a little please?

Mr. Zuraf: Yeah, part of it will be, it is phased in, so it's not necessarily going to be a requirement of the first phase of this so as it develops and it's identified as a future phase, you're gonna have some increase in traffic happening along the way and before that trigger hits you know it's written into the proffers so say if there's, the building that's in for review and that building's gonna trigger that requirement for that light the applicant is gonna have to go through the process with VDOT of

*Planning Commission Minutes
September 23, 2020*

determining whether the traffic signal is also warranted, they have to meet certain warrants before they just you know... because maybe conditions change and not as much development happens and it may actually not be warranted at that moment. So, in that case it might be realistic to just collect the 200,000 dollars and then it be built at a future point when it's warranted.

Mr. Randall: Right, so that leads me to the following question, so what's the total cost for that type of an improvement in that area for a light like that?

Mr. Zuraf: In discussions with the applicant, so the Centreport, the Sycamore Grove project, they estimated and proffered also a 200,000-dollar payment so in their discussions it was likely the signal along with the turn lanes it was approximately about a 400,000-dollar improvement in that, of that intersection.

Mr. Randall: So, it's about half of what they're asking for?

Mr. Zuraf: So, they're covering about half, yes.

Mr. Randall: Alright and the reason for that percentage is because of the current LOS with that intersection with all of the traffic that's there currently?

Mr. Zuraf: Yeah, they're estimating that they would maybe contribute to half of the need.

Mr. Randall: Okay, alright, thank you.

Mr. Apicella: Thank you, last call for questions. Alright seeing none, would the applicant like to come forward?

Ms. Cameron: Good evening Chair Apicella and members of the Planning Commission, my name is Jonelle Cameron with Walsh Colucci and I am here today on behalf of the applicant and I have a whole team with me, so I have Taylor Chess and Steve Green with Peterson, I also have Michael O'Shaunassy with Bohler who's the civil engineer and Kevin Sitzman who is with Grove Slade and he's our traffic consultant and Jessica Pfeiffer also with Walsh Colucci so if I can't answer any of your questions I have a team that can. First, I would like to have Taylor come up really quick and just sort of give you a background on Peterson Companies first and then I will briefly go through the presentation. A lot of my slides are repeats of what Mike already did a really good job on but there were some questions pertaining to transportation so I have some exhibits that I will go through with you that will show you what the existing road work looks like today and then what we're improving on to help with that and at the end I can answer any questions you might have.

Mr. Chess: Good afternoon Planning Commission. My name is Taylor Chess, I am President of Development for the Peterson Company and we just wanted to, we haven't done any development down in Stafford County yet, we've owned this property, the property's that referred to as the proffer amendment property and a piece on the south side of Centreport Parkway, we've owned these for over 20 years and we knew at some point we would want to develop them. You might know of Peterson Companies from our development in Northern Virginia and Prince George's County, some of the more notable projects, our office called Fair Lakes, government office complex called Dulles Discovery, or Liberty Crossing or a little city called National Harbor. We do all different types of development from residential to office to retail to lifestyle and in the last ten years we've gotten involved in industrial, industrial being data centers and distribution warehouses. Currently we have 497 acres of industrial

throughout Prince William County, Loudon County, and Prince Georges County, which we're under development with, with both data centers and working on the distribution. As we're watching the marker, and of course John and Rick, Economic Development, are calling all the time saying let's get to Stafford, let's do some development in Stafford, we feel that the time has come and we see this as a great opportunity so we're excited about being able to develop here. Centreport has been set up as a great technology and logistics area and that's what we're calling it, our technology and logistics park, so that we can do either a distribution warehouse or data center or manufacturing, whatever that use that needs to be here. The idea of combining our existing 52 acres with this additional 125 acres is to provide the largest flat surface available in Virginia for somebody to come and do a major project, so what we do, just as we've done recently in Prince William County for a data center center project where we had 125 acres, we clear, grade, bring utilities, set the project up so that when a user comes to the market they can see the actual product and know that that really is an option for them to set up their manufacturing set up their distribution set up their data center. Just giving a little bit of background on why Peterson is talking about both of these projects together, showing a generalized development plan as one project. Those buildings will change, those entrances will change, we will meet all of the guidelines by VDOT on the entrances and the traffic study does allow for the multiple entrances and right ins right outs, he's taken all that into account. I shouldn't be going into this, this is what she's here for, but I wanted to give you a little insight as to the Peterson Company, I'm happy to answer any questions as to the marketing and future development we anticipate here, so thank you very much.

Ms. Cameron: So, the slide in front of you is an aerial slide of the property location, so again it's 178 acres. You can see Route 1, 95, the airport, and the FedEx facility, and also Centreport Parkway. This slide shows our general development plan. This plan is in our proffers. The areas highlighted in blue are currently zoned M-1. These areas are referenced in the proffers as the by-right portion of the property and as Mike mentioned this by-right portion of the property was subject to proffers from 1992 and last year the Board had initiated a proffer amendment to remove those proffers so when we initially came in and spoke with Planning staff they requested that the applicant include the M-1 portion of the property in this rezoning reclassification request, in order to have the properties one, be consistent with what the Board initiated and also to make sure that the development as a whole is under one set of proffers. In the proffer, an applicant is proposing to have four entrances, so there will be two entrances that serve the by-right property and two entrances that serve the reclassification property. These entrances do meet VDOT standards of 445 feet in between the access points. And as mentioned earlier these access points are subject to change at final site plan but we would need VDOT approval and we would need to maintain the minimum of 445 feet between the access points. This slide shows an illustrative of the potential layout of the property so it's the exact same exhibit that is in your Board package that Mike sent out on Tuesday but what we wanted to do was highlight better for you the various areas. So, there's approximately 20 percent of open space for the property so that equates to over 35 acres of the property will be open space and perimeter buffer areas. 25 feet will be provided along Centreport Parkway and that is consistent with your DCSL. The buffer areas adjoining the property, for the property that's zoned M-1 and A-1, those buffers will meet the requirements of the DCSL at site plan and as Taylor mentioned previously the applicant does not have a specific user which is why we are seeking the flexibility but with these types of uses speed to market is very important so the applicant will want to have the property cleared and graded as soon as possible. As part of the development the applicant conducted a traffic impact analysis and VDOT requested that the intersection shown as one through six be evaluated as well as the entrances that are shown here on your screen as seven through nine. Those access points, so seven and seven A are one and one A in the proffers and eight and nine are three and four in the proffers. In the next few slides I will provide a summary of each transportation improvement with an aerial. So to your left of the screen is the site access, so the applicant has proffered to construct a left turn lane into each one of the site access points

*Planning Commission Minutes
September 23, 2020*

as well as a right turn lane into access point nine and as Mike mentioned previously at the intersection of Centreport Parkway and Mountainview Road the applicant has proffered to pay 200,000 dollars towards the construction of a traffic signal, an extension of the left storage bay by 100 feet if a partial reimbursement is not made between the applicant, the County, and Economic Development and if a partial reimbursement is made than the applicant will construct these improvements. These transportation improvements will be triggered prior to occupancy permit for 815 vehicles per day or 450,000 square feet of distribution on the reclassification property. A signal justification report which is one of the comments we received from VDOT is a standard report that is required to be submitted to VDOT at the time of site plan so the applicant was aware of that and will be submitting that report at site plan stage. So at the intersection of Centreport Parkway and the I-95 southbound ramps the applicant has proffered to extend the eastbound right turn lane storage bay by 150 feet, which is shown in the black and red stripes so this improvement... so the applicant will be constructing this portion here, the area that is shown here are the proffered improvements from Sycamore Grove, so in the event Sycamore Grove does not come first, so if they haven't constructed their portion of the improvements so Peterson can finish, the applicant has proffered to construct a 400 foot storage bay and a 200 foot taper within the existing right of way. On the right of your screen is the intersection of Centreport Parkway and Route 1, there is currently a right turn lane and a left turn lane. The applicant has proffered to create a shared west bound left turn lane and a right turn lane, so that way essentially the applicant is creating dual lefts onto Route 1 and in order to do this the applicant will also have to modify the existing traffic signal which is circled in red for you. And both of these improvements are triggered at 3620 VPD or 2 million square feet of distribution center on the reclassification property. And that concludes my presentation so I'm able to answer any questions you may have.

Mr. Apicella: Questions for the applicant?

Mr. Randall: Yeah, I have one quick question. You wouldn't be opposed to an inter-parcel connection between those two units, would you?

Ms. Cameron: No and so this design is designed to be an integrated campus, so essentially what we're doing is putting all of the buffers and the landscaping on the perimeter of the site and having the parcels be really connected into one, so an inter-parcel connection and connections between the property is something that the applicant has already thought of and is a design as part of this integrated campus, so we would not be opposed to that at all.

Mr. Randall: Alright thank you.

Ms. Cameron: You're welcome.

Mr. English: I got one question. If this is approved tonight and it goes to the Board and they approve it, when do you expect to start? Just as soon as possible or...?

Ms. Cameron: Yes, they would be starting as soon as possible.

Mr. English: So, you're talking early next year then probably, right?

Ms. Cameron: Ideally, we would like to have a site plan approved as soon as possible, so early next year if not sooner.

Mr. English: Thank you.

Planning Commission Minutes
September 23, 2020

Ms. Cameron: You're welcome.

Mr. Apicella: Other questions? I'm sorry I've got a question. So, I heard you respond to one of VDOT's comments that was provided today. I'd like to know what your response is to the other comment I think it was about a timing issue and about the applicant helping offset whatever's required to make that happen. So, I don't have the actual comment but I'm curious what your response is to that.

Ms. Cameron: The other comment pertains to the I-95 north bound lanes and can I ask John Holden to address that comment, we were speaking to him earlier today.

Mr. Holden: Members of the Planning Commission, John Holden, Director of Economic Development and Tourism, I just saw that comment again today as well so my initial reaction is thus and I'm certainly not qualified to question the need for that, there may be very much a need for it, however from an economic development stand point this whole development in this area has been planned for some time, quite frankly to ask this applicant to address that issue themselves is not recommended from an economic development standpoint. We have a very positive, successful developer willing to put in millions of square feet, tens of millions of dollars of investment in Stafford, create jobs, etcetera. That said, certainly I pledge my department and myself to work with VDOT, Planning staff, Transportation staff, and Stafford and VDOT to find creative, traditional financing, financial solutions to improve that on ramp as suggested by VDOT. So that's something we need to do, we need to look ahead now, I'm sorry I didn't know that that was an issue at this point but having heard about today, that's something we need to address because there are other developments in this area that meet the long term Comprehensive Plan envision for Centreport as a center of industry and distribution so we need to address that and I pledge my department's support to find creative financial solutions to that. But again, to ask this particular developer to do it, whether it's been other developers there talking, there's others coming, it can be, there's a lot of financial solutions to improve that ramp.

Mr. Apicella: Hold on Mr. Holden, does anybody have any questions for Mr. Holden?

Mr. Cummings: I do. One issue that I had, I'm in favor of this and I think it's a great opportunity for that area and for Stafford and you said tech, you had me at tech, but I am concerned about the traffic, I used to travel that route all the time and so I'd like to see us have some, the applicant be able to address that ramp issue at some point and even if it's a proportional remedy, perspective proportional remedy I think that would be enough for me to be able to put my total support behind it, but I think it's something that we need to do, need to consider.

Mr. Apicella: Thank you, anybody else. Okay, thank you Mr. Holden. If there are no more questions for the applicant or staff I'm gonna open the public hearing on this matter, again this is an opportunity for the public to comment on this particular item. Before starting your comments please state your name and address, the green light starts the clock, yellow means there's one minute left, red means please conclude. If there's anybody in the chambers who would like to comment on this item please come forward now. Seeing no one run to the podium, Mr. Harvey just again for transparency, sorry I see that you were getting ready to sit down, I'm gonna ask this question probably every time, are there any comments that were provided online?

Mr. Harvey: No sir, not for this item or any item on the agenda today.

Planning Commission Minutes
September 23, 2020

Mr. Apicella: Okay that's helpful, thank you very much. So, I'm gonna close the public hearing on this matter and bring it back to the Commission for deliberation and discussion, Mr. English this is in your district how would you like to proceed?

Mr. English: Yes sir, I would like to make a motion to approve RC20153406 Reclassification Clover Hill.

Mr. Bain: Second.

Mr. Apicella: Okay I didn't catch who seconded that, was it Mr. McPherson?

Mr. English: Mr. Bain.

Mr. Apicella: Mr. Bain, okay, thank you gentleman. Are there any comments, Mr. English?

Mr. English: No, I just think it's gonna be a great project and that's what we wanted down there at the airport and I think this is a great start. And then, I'm very impressed with what they've done up north, especially I think it's the Inner Harbor, National Harbor and what they've done so that's again that's why I'd like to approve this project.

Mr. Apicella: Thanks Mr. English. Mr. Bain?

Mr. Bain: I'd like to see them do something like this to totally creep down near me, but in terms of National Harbor not warehouses. I did have one question for Mike real quick, just not really pertaining to the project but, remind me, on the drawing it shows Ramoth Church Road but where it intersects with Rollins it's really American Legion Road. Weren't there improvements proposed there by one of the previous developments that's going in? Because that really... that intersection needs some improvements, too.

Mr. Zuraf: It may be, I think one of them was basically doing signal timing adjustments but I'm not aware of anything more than that.

Mr. Bain: I thought there was gonna be a turn lane improvement or something, okay, if you don't remember I... okay, I'm fuzzy on it but it really doesn't impact my opinion of this project so...

Mr. Apicella: Alright, thanks Mr. Bain, anybody else...? Okay I'd like to just chime in and say I too support this reclassification. I think it'll be great for Stafford County in general and more specifically for that particular area near the airport. It's exactly what we were hoping for and driving to. I hope at least part of the project ends up with a data center; that's something that we've also been looking forward to and I believe we've tried to create some policy to help simulate that as well. I thank the applicant for coming forward with this reclassification project and I think it will be a great help to economic development here in Stafford County. Alright, with that said, I'm going to call for a roll call vote on the motion to approve the reclassification for Project Clover. Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Planning Commission Minutes
September 23, 2020

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Absolutely, yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Okay, motion carries 7-0. Congrats to the applicants and let's hope this project gets moving forward as quickly as possible. Alright, Mr. Harvey, on to the next item. Item 3, Telecommunications Comp Plan Compliance Review in the Hartwood District.

3. COM20153482; Comprehensive Plan Compliance Review - Telecommunications Facilities, CIT/Stafford County Smart Pilot, WI4ME, LLC d/b/a Aer Wireless - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for the placement of up to 40 monopole telecommunication facilities, up to 20 feet in height, including ancillary equipment, to be located on Tax Map Parcel Nos. 25-6A, 25-18K, 25B-1-3, 25B-1-10, 25B-1-36, 25B-1-38, 25B-1-39, 25B-1-48, 25B-1-56, 25B-1-58, 25B-1-75, 26-20C, 26-21B, 33-51, 34-4, 34-29, 34-34, 34-41A, 34-46D, 34-46F, 34-52, 34-55M, 34-59F, 34D-1, 34J-8, 35-4C, 35-5D, 35-6F, 35-6T, 35-8, 35-11, 35-47, and 35-51, along Warrenton Road, Hartwood Road, Richards Ferry Road, Storck Road, Doe Way, Whitetail Way, Hartlake Drive, Porch Lane, Marsh Road, Eley Road, and Omid Place, all within the Hartwood Election District. **(Time Limit: November 22, 2020)**

Ms. Baker: Good evening Mr. Chair, Commissioners. Kathy Baker, Department of Planning and Zoning. Here to present a comprehensive plan compliance review for the CIT Stafford County Smart Pilot AER Wireless. This particular request is a Comprehensive Plan Compliance Review to determine compliance with the telecommunications element of the Comprehensive Plan. This is for the installation of up to 40 poles with telecommunications equipment to provide fixed wireless broadband to unserved residents. You may have... may recall this... you saw phase I of this project at your August 26th Planning Commission meeting. This is phase II, where they are working towards additional poles to be installed. These properties are located generally along Warrenton Road in the vicinity of Hartwood Road, Richards Ferry Road and Storck Road in the Hartwood Election District. And AER Wireless is the applicant and they are also here this evening to assist us with questions. So, again the Center for Innovated Technology received CARES Act funding for a pilot project and this was to provide wireless access to about 30 homes in the vicinity with school aged children. There was additional funding provided by the Economic Development Authority to expand that service to another 90 homes, approximately. There is an existing MOU between Stafford County Schools and AER to utilize some existing internet access in the area. The previous application from August 26th approved

86 poles within Hartlake Estates, Rappahannock Ridge Estates, Hartwood Meadows and Walden Ten neighborhoods. And those were parcel specific where individual property owners would have easements with AER, for the placement of those poles. This application is actually 37 poles that are needed for additional transmission to connect these neighborhoods, more or less. And the new poles would also be located on easements on these private properties. You see generally the overall coverage, the hatched areas are those neighborhoods that I referenced, Hartlake Estates up in the top of your screen. Walden Ten in the middle to the right of the screen. And then Rappahannock Ridge and Hartwood Meadows down in the bottom of the vicinity map. See the green properties are the new properties, where the parcels... poles would be provided. There are some additional lots in Hartlake Estates that will also be included and then the others are generally along Warrenton Road, as you see the green highlighted parcels. You will see a couple of the parcels that have numbers on them, those are parcels where there would be more than one pole installed on that particular property. And this is just an aerial overview showing generally the nature of the development in this area is low density residential. And just a little bit screen zoomed in view of the Hartlake Estates area and Walden Ten with Warrenton Road to the south of the screen. And then Rappahannock Ride Estates and Hartwood Meadows along Richards Ferry Road. So, all of the properties are zoned A-1, Agricultural. The majority do contain single family residences. There is one of the parcels that has a long-time auto repair facility, there is a landscaping business on the one parcel and two of the parcels are undeveloped. Mostly the properties are at least partially wooded, the overall area is wooded with mature vegetation. All the adjacent properties to the subject parcels are also zoned A-1, Agricultural. The last application you had, they were proposing metal poles, they are now using utility...wooden utility poles, will be the same height, 20 feet in height. The pole itself if 25 feet, but above ground would be 20 feet. And to the left you see the solar panel and equipment box that would be mounted on top of the pole. With regard to the Comprehensive Plan Compliance, the application was evaluated with criteria in the telecommunications plan. The goal of the plan is to recognize the need to develop an effective and efficient telecommunications infrastructure which will support and promote public safety and economic development as well as the quality of life of its citizens. There are several siting criteria priority locations. As I stated before a lot of these are in reference to locations of actual towers that are going to be imposing more impacts, but generally colocation on existing buildings publicly owned lands that are occupied or planned for public buildings or parks, locating facilities in overhead powerline corridors, on industrial zoned properties and agriculturally zoned properties. With regard to the design standards spelled out in the Telecommunications Plan, basically to minimize impacts through appropriate setbacks, screening and design as well as limiting lighting on the poles. Again, these poles will look similar to utility poles, basically have minimal vision impact and there is no lighting proposed on the poles. One of the standards discussed as accommodating a minimum of three providers. Again, this is more for your taller poles, your telecommunications towers. There would be no additional providers due to your limited height on these poles. And then, security fencing, there would be no fencing needed, as you would see in a tower situation. Lastly, with the Comprehensive Plan compliance with the Telecommunications Plan, broadband access does specify that special consideration should be given to towers located in the underserved areas. And this would be the potential benefit to citizens, to extend beyond just cell phone coverage. Specifically, with the land use portion of the Comprehensive Plan, all the neighborhoods and adjacent and the particular properties are located within the Agricultural Rural Land Use Designation. There are some strips of resource protection along the areas within the streams, but primarily those would not be impacted. We do find that the application is consistent with siting priorities and design standards of the Telecommunications Plan and it would be part of an overall network that results in the enhanced broadband coverage in this underserved area. And we don't find any negative aspects with this application. We are recommending adoption of proposed resolution PCR20-11. As I said Keith Walker is here,

*Planning Commission Minutes
September 23, 2020*

representing the applicant if you all have technical questions. He would be the best one to answer, but it will be happy to answer anything else.

Mr. Apicella: So, Ms. Baker this is very similar to the previously application that we approved, but for the fact that it is covering and involves a different area.

Ms. Baker: That's correct.

Mr. Apicella: Are there questions for staff? Okay seeing none, would the applicant like to come forward?

Mr. Walker: Good evening Mr. Chairman, fellow Commissioners. Thank you for affording us this opportunity to come before you again. I am sorry Keith Walker with AER Wireless, CEO.

Mr. Apicella: Okay, are there any questions?

Mr. McPherson: Just one brief question. I assume all... *inaudible*... is fiber, right? You are not going to have any microwave antennas on any of these poles.

Mr. Walker: No microwave antennas. All of the equipment is using frequency consistent with 2.4 and 5.8, the frequency designated for Wi-Fi.

Mr. McPherson: Okay, thanks.

Mr. Randall: I have a quick couple of questions. Why you were metal before, now you are going to wood, what was the reason for this switch?

Mr. Walker: Cost savings where I can... where the company would be able to purchase more equipment to support more subscribers that are just bombarding us with calls on a weekly and daily basis.

Mr. Randall: I am sure once the word got out.

Mr. Walker: Yeah.

Mr. Randall: So, what's the transmission range for one of these poles. Is it really just for that house and the neighboring two or three houses or does it have a, you know, a quarter mile range where everybody in that area.

Mr. Walker: These specific poles, where they are similar in structure other than the previous ones were metal, these are wooden...

Mr. Randall: Right.

Mr. Walker: It's specifically for what would be referred to as transport. So, we are taking one gig from the high school and going down Hartwood Road to the Walden Ten community. Then we are connecting equipment at the fire station and going down Route 17, making a left on Richards Ferry and continuing down Route 17 all the way down to Storck, turning left on Storck initially at this stage, going into the Hartlake community. However, later on we are going to continue down Storck to

Planning Commission Minutes
September 23, 2020

provide connectivity for Atlantic Builders and other homeowners out in that area, that have been calling us to include Stonehouse Wooded Estates others.

Mr. Randall: So, in the process of moving these... and installing these poles, will there be any houses that get missed in the process or are we...

Mr. Walker: No.

Mr. Randall: All of them will be covered through this whole corridor of these poles, correct?

Mr. Walker: Correct.

Mr. Randall: Okay. Thank you very much.

Mr. Apicella: I guess I have a similar question. So, for the people who live in these respective areas, do they subscribe? How do they get access to the service?

Mr. Walker: Let me say this because Mr. Holden was here before and Mike Cannon is sitting in the back, David... *inaudible*... is not here. Our initial intent and focus is first to serve those 32 homes.

Mr. Apicella: Sure.

Mr. Walker: Put that to the side. After those homes are served, we are then going to connect and offer services to the... all of the remaining homes in the three communities. That is finished. Then we are coming back and all of the homes that are along Hartwood Road, Route 10, the first left on Richards Ferry, we are coming back and we are going to offer them the opportunity to subscribe for the services.

Mr. Randall: Okay, do we have an idea of what subscription will be? Is it... do you have a... I mean is it relatively consistent with other services that the County would pay for?

Mr. Walker: Correct.

Mr. Randall: Okay. So, it's not... it wouldn't be exorbitant based on...

Mr. Walker: Absolutely not.

Mr. Randall: Okay. Thank you that's the... okay.

Mr. Walker: Absolutely not.

Mr. Bain: But that would require running a wire into the home from a pole?

Mr. Walker: No.

Mr. Bain: Or putting a receiver?

Mr. Walker: No. So, if you go back to the image of the pole, the solar panel. We will have equipment on that pole that weighs about 6 or 8 ounces pointed at the homes to receive service. In some instances, it maybe four homes and one instance in Rappahannock Ridge, it's nine homes that we will

Planning Commission Minutes
September 23, 2020

service from that one pole. But the homes will have a similar piece of equipment on it that is smaller and we will just wirelessly connect the home.

Mr. Bain: So, a receiver transmitter.

Mr. Walker: Correct.

Mr. Bain: That gets back to Mr. Randall's first question. What's the range that those transmitters have?

Mr. Walker: The range of the equipment that is on the home, and there are two different types of equipment. There is the equipment to transmit to the home, that equipment has a range for four miles, give or take the terrain that we have to work with.

Mr. Bain: Sure.

Mr. Walker: The equipment now that you heard me refer to as transport, that has a range of... today 800 meters. And once we flash it, that too will have a range of four miles.

Mr. Bain: Great. Line of sight, obviously.

Mr. Walker: Doesn't need line of sight.

Mr. Bain: Doesn't need line of sight.

Mr. Walker: We just point it in the general direction and the signals on the two pieces of equipment will tell us if we turn, if I am unable to see Mr. English and he has a piece of equipment, depending on how his equipment is angled and ours is angled, we will tell where is the best position to leave it.

Mr. Randall: Like your antenna on your 1970s house, way back when, you had to adjust it...

Mr. Walker: Yes.

Mr. Apicella: Okay, any other questions? I am just going to make a quick comment. I live in a rural area, when I first moved here I had zero internet connection. It was like living in the stone age. So, I appreciate what you are doing and quite frankly you are doing... *inaudible*... work here.

Mr. Walker: Thank you.

Mr. Apicella: Unless there are any other questions I am going to open up the public hearing on this item. Again, this is an ... are there questions? No, okay. Again, this is an opportunity for the public to comment on this matter. Before starting your comments, please state your name and address. The green light starts the clock. Yellow means there is one minute left. Red means please conclude. If anyone is interested in speaking on this matter, please come forward now. Okay, seeing no one I am going to close the public hearing and bring it back to the Commission for discussion and possible a decision. Mr. English, this is in the Hartwood District. How would you like to proceed?

Mr. English: I make a motion to go ahead and approve COM20153482.

*Planning Commission Minutes
September 23, 2020*

Mr. Apicella: Thank you Mr. English. Is there a second?

Mr. McPherson: Second.

Mr. Randall: That was Fillmore.

Mr. Apicella: I can't tell who did that, I am going to say it's Mr. Randall.

Mr. Randall: Fillmore.

Mr. Apicella: Fillmore. Okay, Mr. McPherson. Any further comments, Mr. English?

Mr. English: No sir.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Nope.

Mr. Apicella: Anybody else?

Mr. Randall: Yes, this is Mr. Randall. Just one more thing to echo on to what you said. This is a wonderful thing you are doing. I wish I could just rubber stamp them all from now on. This is great, I really appreciate your efforts to do this. I know it's coming at an effort on your part and I really appreciate you guys doing this.

Mr. Apicella: Thank you, Mr. Randall. I could not agree more.

Ms. Barnes: I enthusiastically agree.

Mr. Apicella: Thank you, Ms. Barnes. Okay, with that I am going to do a roll call vote. Mr. Apicella votes aye on the motion to approve. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Planning Commission Minutes
September 23, 2020

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Great, the motion carries 7-0. Alright, that concludes our public hearings. Mr. Harvey, the next agenda item. Oh, my fault, we do have another public hearing, I guess I ought to pay attention to the agenda. The next agenda item is an amendment to the Zoning Ordinance regarding time limits for commercial site plans.

4. Amendment to the Zoning Ordinance - Proposed Ordinance O20-28 would amend the Zoning Ordinance, Stafford County Code, Sec. 28-251, "Review procedure," and Sec. 28-252, "Approval or disapproval generally," to establish time limits for development plans. **(Time Limit: October 30, 2020)**

Ms. Ennis: Computer please. Good evening Mr. Chairman and members of the Commission, I'm Leann Ennis with the Department of Planning and Zoning and I'm here this evening to present item 4 on the agenda for a public hearing. On June 2, 2020, the Board of Supervisors adopted Ordinance O20-13 which modified the criteria for the review, approval, and denial of the Planning Department applications including conditional use permits, preliminary plans, construction plans, and site plans. The amendment established an 18 month time limit for approval or denial of the planning applications and removed provisions allowing applicants to seek extensions for development. The amendment streamlined processes by eliminating the need for applicants to submit monthly time limit extension requests. These monthly requests required staff to, staff time to process and often resulted in the pending project lingering for years. The intent of the amendment was for the 18 month time limit to apply to all applications, all 42 types of applications that we have, including both residential and commercial development and plan applications. And I'm sorry it wasn't 42, it's like 16. It was later discovered that the language regarding the 18 month time limit was added only to the Subdivision Ordinance and not to the Zoning Ordinance. 18 month time limit is only applicable to residential development plans and not commercial plans. Due to this, there are currently no time limits for any commercial development applications. The proposed amendment would correct this omission by adding the 18 month time limit to the Zoning Ordinance. This is the review procedure and the Section 28-252, the staff review time that we have in 251 and the new time limit for plan approval and disapproval, the proposed amendments are shown here. The amendment proposed is to relocate the language from 28-252 regarding time limit for staff review and submittals to Section 28-251 review procedures where the similar regulations are located. The new language establishing the 18 month time limit for application approval disapproval would then be added to Section 28-252, approval or disapproval generally. This would establish the 18 month time limit for all commercial planned developments. Staff recommends approval of proposed Ordinance O20-88 and staff believes it complies with all compatible ordinance requirements. Any questions?

Mr. Apicella: So, I'm just gonna jump in, when we voted on this last time we thought we were doing this anyhow, in terms of including the commercial side of the house, is that correct?

Ms. Ennis: Yes, sir.

Mr. Apicella: We just missed getting all the right language into the right place.

Ms. Ennis: Yeah, it was inadvertently omitted somehow, we're not really quite sure. But the intent was always to have it on there.

Planning Commission Minutes
September 23, 2020

Mr. Apicella: Any questions for Ms. Ennis? Okay, thank you Ms. Ennis.

Ms. Ennis: Thank you.

Mr. Apicella: I'm gonna open the public hearing on this item as before, before starting your comments please state your name and address, green light starts the clock, yellow means there's one minute left, red means please conclude. If anyone in the chambers would like to come forward and speak on this item please do so now. Seeing no one coming forward, I'm going to close the public hearing and bring it back to the Commission for discussion and a decision. Would anyone like to make a motion to approve the amendments as proposed today?

Mr. McPherson: So moved.

Mr. Bain: Second.

Mr. Apicella: Okay, Mr. McPherson, any further comments?

Mr. McPherson: Nope, this makes very good sense.

Mr. Apicella: Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Anybody else? Okay, seeing nobody else I'm gonna call the roll and please vote on the motion to approve the amendments to the Zoning Ordinance regarding time limits for commercial site plans. Mr. Apicella votes yes. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Planning Commission Minutes
September 23, 2020

Mr. Apicella: Motion carries 7-0. Thanks Ms. Ennis. Okay, now I think we're done with the public hearings, now that I look back at my agenda as I should have done before. I think we're now onto item 5. Mr. Harvey.

UNFINISHED BUSINESS

5. SUB19152950; The Hills at Big Spring Preliminary Plan - A Preliminary Subdivision Plan to create 58 single-family lots on Tax Map Parcel Nos. 38-98, 38-101, and 38-103A, zoned A-1, Agricultural, on 26.88 acres located on the east side of Jefferson Davis Highway north of Big Spring Lane, within the Aquia Election District. **(Time Limit: November 18, 2020)**
(History: Deferred on August 26, 2020 to September 23, 2020)

Ms. Ennis: Good evening Mr. Chairman and members of the Commission, I'm Leann Ennis with the Department of Planning and Zoning. I'm presenting this evening for Eva Campbell. The preliminary plan, it's an update of the preliminary plan for The Hills at Big Springs. The subject project is located on Assessors Parcels 39-98, -101, -103A. It has a total of 54.72 acres and its currently zoned A-1 and it lies within the Aquia Election District located east of Jeff Davis Highway, north of Big Springs Lane. The plan proposes 58 total lots with 50 transfer of development rights. This is the location on the zoning map, shown here in red. This is the aerial map, these are the three parcels where it's located off of Jeff Davis Highway. The project is utilizing transfer of development rights. The transfer of development rights program allows this property to supplement by right lots with development rights to achieve up to 2.25 dwelling units per acre. By right the property can yield eight lots based on the A-1 zoning three acre lot minimum. And the applicant is utilizing 50 development rights for a total of 58 lots at 2.15 dwelling units per acre. There will also be a 50 percent open space requirement which the applicant is providing. So, the Planning Commission at the last meeting asked the applicant to consider a tot lot. The applicant agreed to add the tot lot and the new location is between lots 110 and 111 on McKittrick Drive and here's the location of it in between these two lots. The project is proposing two entrances, one is at the extension of McKittrick Drive and the other is at the extension of Greenstead Drive. All the streets have curb and gutter and sidewalks, the entrances are through the neighboring subdivision which is adjoining Big Springs Estates which the preliminary plan was approved by the Commission on February 27, 2019. That project is also utilizing transfer of development rights with a total of 67 lots. The proposed street layout would allow for future inter-parcel connection to the adjacent parcel to the east. The open space will be privately owned and maintained by the HOA. Covenants and open space restrictions will be provided with the final plat. The minimum lot size for this zoning is 6500 square feet and I just wanted you to see, do you all see where the tot lot is, okay. Alright so I won't draw it again, sorry I touched the pen. Pursuant to Section 28-324, the preliminary plan approval is conditional upon fixing the required, the number of transfer development rights on the property and without the TDRs the plan is void. Proof that the development rights are fixed to the property must be provided prior to the approval of the final plat. So, we'll be tracking that on the plats. Staff recommends approval of the plan and believes that this preliminary subdivision plan complies with all County codes. Any questions?

Mr. Apicella: Thank you Ms. Ennis. Any questions?

Mr. Bain: Yes, just real quick did you say that the lot size, the minimum lot size would be 6,500 square feet?

Ms. Ennis: Yes, sir.

*Planning Commission Minutes
September 23, 2020*

Mr. Bain: Is that, I mean are they all about that size?

Ms. Ennis: It says it's an average.

Mr. Bain: An average of 6,500 so that's about 0.15 acres, okay.

Ms. Ennis: Yes.

Mr. Bain: That's really small.

Ms. Ennis: It's a cluster subdivision.

Mr. Bain: I understand.

Mr. Apicella: Any further questions? Okay, seeing none, if the applicants are here, would they like to come forward?

Mr. Reese: Good evening Mr. Chairman, members of the Commission, my name is Bruce Reese, I'm with Legacy Engineering and I'm representing the applicant this evening. Good to see everybody again. Hopefully we've accommodated the request and I'm happy to answer any questions.

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

Mr. McPherson: I have one question. What would we be putting in the tot lot? What are you planning to build there?

Mr. Reese: They have priced it out, they think they're gonna have equipment between 20 and 30,000 dollars. It's gonna be a slide, monkey bars, and swing set combination.

Mr. McPherson: Any open area? I mean just free area?

Mr. Reese: Well, there'll be an area around that that's gonna have likely rubberized type mulch.

Mr. McPherson: Right, that was my next question, you already answered it, thank you.

Mr. Randall: To that point, I appreciate the applicant putting that tot lot in for us. I remember you were at a little bit of a disadvantage last time we were here. I appreciate that. I would ask also in conjunction with that that the applicant work with the Parks and Recreation department of the County to help finalize and help codify maybe what would be appropriate in that tot lot. They've got some statistics and they've got some studies that probably could help narrow down what exactly would be appropriate there.

Mr. Reese: Sir I think that's a great idea and I'm sure they'll have no problem with that.

Mr. Randall: We've had this conversation several times with Parks and Rec and they're more than willing, I'm sure, to sit down and talk about what could be in there.

Mr. Reese: That kind of issue would be great to be codified somehow.

*Planning Commission Minutes
September 23, 2020*

Mr. Randall: Absolutely.

Mr. Reese: But it isn't and so it's kind of one of these issues where you ask what we're gonna put and we try to tell you...

Mr. Randall: No, it's hard to know, that's why they have all the studies, Mr. Morris is good that way, so I would ask that you're able to do that and talk to him and sit down with him and have that discussion.

Mr. Reese: Absolutely.

Mr. Randall: Alright thank you.

Mr. Apicella: Mr. Randall, to that end maybe we can get something at a future meeting to talk about samples of what would be appropriate in these kind of circumstances.

Mr. Randall: Yeah that would be great, we could just hand it to them without having to redo the wheel every time so I do agree that that would be appropriate.

Mr. Apicella: Okay great, thanks Mr. Randall. Any other questions for the applicant? Okay seeing none, I just want to comment as well that I appreciate your reconsidering the issue of providing a recreational amenity for the community and am very thankful that you decided to do so. Okay so with that said, thank you sir, I'm gonna bring this back to the Commission and I believe this is in Mr. McPherson's district how would you like to proceed?

Mr. McPherson: Mr. Chairman, I move to approve SUB19152950 The Hills at Big Springs preliminary plan.

Mr. Apicella: Thank you, is there a second?

Mr. Bain: Second.

Mr. Apicella: Thank you Mr. Bain. Any further comments Mr. McPherson?

Mr. McPherson: No additional comments, thank you.

Mr. Apicella: Mr. Bain?

Mr. Bain: No, thank you.

Mr. Apicella: Okay anybody else? Alright, I'm gonna go through the roll and ask for your vote. Mr. Apicella votes aye on the recommendation to approve The Hills at Big Springs preliminary plan as provided this evening. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Motion carries 7-0, thank you everybody. Mr. Harvey, on to the next agenda item.

NEW BUSINESS

6. Amendments to the Comprehensive Plan and the Zoning Ordinance - Discuss proposed Resolution R20-81 and proposed Ordinance O20-20 to amend the Comprehensive Plan and Zoning Ordinance for the Implementation of the Board of Supervisors Healthy Growth Strategic Plan Priority.

Mr. Harvey: Thank you Mr. Chairman, the next agenda item was spurred on from a discussion from our last meeting, where the Commission agreed to participate in a joint public hearing with the Board of Supervisors on October 29th, regarding the Board Healthy Growth strategy. The Board adopted its strategic plan on November 7, 2018 and priority 1.1 of that strategic plan is dealing with healthy growth. Pursuant to the Boards strategic plan healthy growth is described as: Stafford County is a well planned community. Healthy growth is channeled into the targeted growth areas allowing the County to focus infrastructure improvements to efficiently serve the citizens of Stafford with levels of service that enhance their quality of life. Additionally, Stafford's approach protects the County's natural and historic resources, open space and farmland preserving the rural nature of the County and allowing it to prosper. Specifically, priority 1.1 says identify and execute growth management strategies to align our Comprehensive Plan and infrastructure. In other words, roads, broadband, schools, water and sewer without negatively impacting taxation. Incentivize growth in the Targeted Growth Areas, also known as the TGAs, and evaluate zoning outside areas served by public water and sewer to maintain the rural character of the County. So, in discussion of Healthy Growth what were the problems that were seen and why are they trying, how are they trying to counteract those problems. Growth in our County is a problem, we're not meeting all of our goals of our comprehensive plan and I'll get to some of those details in minute but some of the impacts that we see from growth that's not matching our plans is that we have a number of rural roads that don't meet modern construction standards but traffic volumes continue to increase and pose safety and other concerns for the community. We have broadband challenges with regard to our rural areas, those challenges, we saw some of that tonight where the County and the EDA having to subsidize the private sector in order to bring those services out to those communities. With schools, in the rural areas we have long school bus routes, the County School Board tries to keep routes to 60 minutes or less. There is a significant cost for providing school buses in the County. Currently we have a situation where our school bus fleet

does not meet the state recommendations of being turned over based on age, we have to turn it over based on miles. Typically that mileage turnover rate is around 200,000 to 250,000 miles for a school bus. And school buses aren't inexpensive either. They range anywhere from \$103,000 for a standard school bus to \$109,000 for a special needs school bus. We also have concerns about the future of having to extend public sewer and water out to areas as we get more and more houses on wells and septic systems that may fail. There are a number of not only cost issues but technical issues as far as being able to provide those services out to far flung areas. With regard to public safety, the areas outside our urban services area are not served by public water therefore they rely on dry hydrants and other sources of water from ponds, that requires the use of tanker trucks as well as pumper trucks so there's an increased equipment cost compared to fire and rescue response in the urban services area. Generally speaking, fire apparatus to serve the rural area costs about \$742,000 to purchase and the annual operating cost is around 2.2 million from a personnel standpoint. What the Board was looking with healthy growth was trying to move or not necessarily move but to refocus growth from happening in the rural areas and then looking into our targeted growth areas. This direction will help us further create senses of place, which a lot of our community has been talking about, for opportunities for the ability to have community focused activities as well as entertainment activities that we are always looking for. Some other background in the Board's review and discussion was looking at our Comprehensive Plan. Our Comprehensive Plan is our 20 year guide for the use of land in the County and where we want to see growth and development occur and how we want to see it occur. The number one goal of our Comprehensive Plan is to manage growth and development in a sustainable manor and the key objectives for it are direct growth into our urban services area, promote infill development and redevelopment, and discourage growth in our rural areas. Some key policies to try to meet those goals and objectives are to implement the Comprehensive Plan with respect to and consideration of private property rights, establish measures to encourage new development in the urban services area, and reduce growth pressure on rural area. Also, one half of our projected growth should be in our targeted growth areas. The targeted growth areas are planned for a higher density development which helps us from a service provision, because you have more people in a more concentrated area, it costs less money per lane mile to reconstruct or add lanes to roads, less cost to extend public sewer and water and other public infrastructure cost savings. The County may adopt financial and other incentives to redirect development into the targeted growth areas. Other policies speak to potentially providing density bonuses in an urban services area or targeted growth areas, being tied to reductions in the residential density in the rural areas. One of the key bellweathers that we monitor in the Comprehensive Plan is that at least 80 percent of our anticipated growth should be occurring in our urban services area, the maximum of 20 percent in the rural areas. In that 80 percent, 50 percent of our future growth would be in our targeted growth areas and 30 percent in our suburban areas. We should take a look at promoting our transfer of development rights program, we currently have a pilot program that serves the eastern part of the County, mainly in the Aquia district. We should also continue to support our purchase of development rights program, both TDR and PDR are instrumental measures that we currently use for growth management.

Mr. Apicella: Jeff, before we move on from that slide, can you go back please?

Mr. Harvey: Yes, sir.

Mr. Apicella: So when we talk about the total number of projected or targeted development units across the County, what's that annual number target?

Mr. Harvey: The annual number of dwelling units is a little over a thousand dwelling units a year, projected over the 20 year time period.

*Planning Commission Minutes
September 23, 2020*

Mr. Apicella: Okay, and so when we talk about an 80/20 split that's roughly 800 in the urban services area and roughly 200 in the rural parts of the County right?

Mr. Harvey: Correct.

Mr. Apicella: And when we say it's, in the nearer term, cause when we look at the annual numbers per year it hasn't always been this way but, there has been an uptick, it's gone from 20 percent to roughly 30 percent so that split is now about 300 units, right, versus 200 units in the rural area, is that right?

Mr. Harvey: Yes, that's been the trend that we've been seeing occur and what might be in the projected future based on what's already been approved in the County and I'll get to a slide that kind of describes it in a little bit more detail later.

Mr. Apicella: Right. I just want to get some context, so this whole thing is about 100 extra units being built in rural Stafford than the target, is that correct? Per year?

Mr. Harvey: That's correct from a numbers perspective but also the issue of the future long term, being able to maintain the rural character is a key aspect of the Comprehensive Plan as well as some of the discussions that the Board is having with regard to healthy growth.

Mr. Apicella: I understand, I just think the context is important, we're talking about an extra 100 units throughout the entire A-1 district outside the USA (urban services area) per year.

Mr. Harvey: Yes.

Mr. Apicella: I'm sorry, you can go ahead I just wanted to give some context there.

Mr. Harvey: And this slide shows our land use map for the County. The red outline is our urban services area with the dark brown hash area as being our targeted growth areas. Our targeted growth areas are focused mainly along transportation corridors, Interstate 95 and Route 1, Courthouse, Centreport, and Southern Gateway or Warrenton Road area, and also we have a concentration at the two rail stations at Leland and Brook. The area that's outside of the red line is considered to be our agricultural/rural area of the County. With regard to the status of where we are, the County Comprehensive Plan suggests that we track growth and development. Staff does that on a semi-annual basis, every six months we evaluate the active projects that we have in the County that are proof of residential development. We look at how many houses have been approved with each one of those projects as well as how many have been built and what are left to be built. Since 2017 the number of future lots available for residential development in the rural areas is increased from 24.6 percent to 29.4 percent. Again as the Chairman had mentioned, 20 percent is projected. Approved units in the targeted growth areas, which were intended to be 50 percent or have only comprised 8.2 percent. So, we're not growing as we envisioned in our Comprehensive Plan. With regard to looking at the supply of lots that are available based on what's been already approved, the supply is skewed. A 1.4 year supply in a target growth area is 12.24 year supply in the suburban areas and then rural is 9.39 years. Now, from...

Ms. Barnes: Jeff, can I ask a quick question, I'm sorry to interrupt.

Mr. Harvey: Please.

*Planning Commission Minutes
September 23, 2020*

Ms. Barnes: So, I'm looking at this, the TGA is a 1.4 year supply, the suburban is a 12.24 year supply, the rural areas are a 9.39 year supply, so when I look at those numbers here it tells me that we're focusing on these rural areas as being very far ahead or way too much in development but it looks to me like the suburban areas are where we've got even a bigger possible issue, with a 12.24 year supply. Am I reading the numbers correctly?

Mr. Harvey: Yes, both suburban and the rural areas are not meeting our projections, and that's something that will need to be addressed. Right now the focus that the Board has taken has been on the rural areas. And they've looked at some options to try to incentivize growth into the targeted growth areas but right now have not chosen to pursue those at this point in time.

Ms. Barnes: Okay, thank you, sorry.

Mr. Harvey: No problem.

Mr. Apicella: Jeff, I think it would be helpful again for some context to give some numbers behind the percentages. Can you bring the slide back up? At least I can't see it on my end.

Mr. Harvey: Mr. Chairman?

Mr. Apicella: So when you say one point whatever for the targeted growth area what does that mean in terms of real numbers when you talk about 12 point something for the suburban, that's gotta be thousands of units and when you talk about the 9 years plus for rural, that's gotta be what about 2050 units, somewhere thereabouts. Again, I just think context is helpful when we're talking about what's really happening and the specific numbers that are behind these percentages and over time.

Mr. Harvey: Certainly, I can modify the slide or provide more information to the Commission, again the targeted growth areas supposed to have about half of our growth so as you see on the third bullet when you look at the comprehensive plan numbers it works out to 1,042 units a year projected. So if half of that is supposed to be in a targeted growth area, that would be 521 units, so a 1.4 year supply would be probably around 800 units or something like that. Relatively speaking, the suburban areas are 30 percent, so that would be roughly 350 units a year, so that by 12 is 3600 units relatively speaking, and similarly with the rural areas that would be about 1800, 1900 units.

Mr. Cummings: Let me ask a question, it may be bringing us back to the beginning which I often do, I just want to make sure why do we think that that's happening. Why do we think that we're not getting the growth that we want in the urban areas. I'm just trying to understand what we think is happening based on the numbers that we see here right now.

Mr. Harvey: Well some of the reason why we're not getting some of the growth that we're anticipating is our current zoning scheme. Our targeted growth areas currently in many cases don't have the zoning, it's anticipated to have, promote the higher density development, so people will have to come through and rezone property in order to meet those goals, specifically for town house and multi family developments. We also have a situation in our County where in the late 1970s the County zoned to it's Comprehensive Plan and then continued to add on to our urban services area, so we created a situation where our zoning allowed much more development than our plan had contemplated. So that set up a situation where as most developers would prefer, they prefer timeliness and certainty and by right development can give you both timeliness and certainty, whereas a rezoning doesn't necessarily give you as much of either because rezonings are ultimately subject to a Board of Supervisors approval and

*Planning Commission Minutes
September 23, 2020*

that time period to rezone usually takes a long period of time, a year to two years. So again, also to with regard to the year supply of lots, generally throughout the development process to get rezoned, get your engineering plans approved and everything from the start to finish, you're looking at three to four years so it may be beneficial to have a multiple year supply of housing to be able to deal with the necessary flow for construction purposes.

Mr. Randall: So Mr. Harvey, quick question for you, so I've seen a number of about 77-, 7800 lots that have already been approved that have not been built and my guess is that that 7700 number is broken down into these numbers. What's the oldest that we've approved a house currently that's not been built? How long ago would that have been? Could it conceivably be 20 years ago that the County approved a subdivision to be built and it's still not built to this day?

Mr. Harvey: Yes, we have some property in a project called Westlake. That development was rezoned in 1989, so we're in year 31 since it's been rezoned and it has not developed. We also have a similar property in Centreport, we discussed the industrial part of Centreport today but the residential part also was rezoned in 1989, 1990 timeframe, so again that's been 30 years and that area has not developed.

Mr. Randall: But those numbers are included in that total amount of lots approved that have not been built?

Mr. Harvey: Some of them are, the ones that have gone through and had a subdivision approval like Westlake, but in Centreport they're not included because they've not received any approvals.

Mr. Randall: They've just been rezoned.

Mr. Harvey: Yes.

Mr. Randall: Okay.

Mr. Bain: Yes, but divisions like Westlake, they're causing serious problems because they have no proffers for any of the things, any of the services, so that's where the problem lies, it's not in the development, the other part of the problem is if it takes so long to get approval for rezoning maybe we should look at changing that strategy to further encourage developers to look inside the USA (urban services area) rather than penalizing people in the rural areas.

Mr. Harvey: Yes, that's logical and I'll explain that on another slide, that's one of the items that the Board had discussed.

Mr. Randall: Right, is it, Mr. Harvey one more question I'm sorry. Would it be fair to say that those in the rural areas are all gonna be by right?

Mr. Harvey: Correct.

Mr. Randall: Okay, those are all by right which means the County doesn't get any money for them, they don't get any school proffers, they don't get anything associated with those by right developments, correct?

Mr. Harvey: Correct, and some of those properties in the suburban areas are a combination of by right and rezoned. In the case of Westlake there were some proffers with regard to that project, some of the

units pay a per dwelling unit contribution to offset their development impacts, some may not and we find that in the urban services area as well, for suburban areas where some projects may have been rezoned and had proffers others go back to that late 1970s zoning where the County rezoned it therefore there were no proffers. So that's been contributing to some of our infrastructure issues in the County.

Ms. Barnes: Can I just push back a little bit on what Al said about encouraging or streamlining rezoning for areas inside the urban services area, I would maybe clarify that it is inside the targeted growth area because clearly the area inside the urban services area yet outside of the targeted growth areas is, when I'm looking at these numbers, the most challenged of the areas in which we have a supply or maybe even an overgrowth. So I would maybe just clarify, not just saying inside the urban services area but inside the targeted growth areas.

Mr. Bain: I fully agree, yes, yes you're right Kristen.

Mr. Harvey: And in general we've seen that our growth is been both in the urban services area and in rural areas exceeding our projections for the most part. At least since 2015. As I mentioned, the Planning department based on the recommendations of the Comprehensive Plan tracks residential development projects. The map on the right hand side is from our web page and there's also a listing of the projects, you can see at the bottom of the page here and analyzing that spread sheet we look at the approved units that have been built and the units to be built, and again within the USA (urban services area) we recommend 80 percent, on the units to be built it's closer to 70 percent and with the rural areas we project 20 percent and it's closer to 29 percent. Overall as discussed we have about 6.26 years worth of projected growth already approved and the rural areas are growing faster than projected and overall the County is in our targeted growth areas are underperforming. So some more background about our healthy growth, the Board, as I said earlier, started this process in 2018, considering our rate of growth both inside and outside the urban services area. The Board had a number of meetings that, where they discussed their healthy growth initiative throughout the last two years, there were 14 separate Board meetings where this has been discussed. In April of 2019, the Board conducted stakeholder meetings, it also had two round table discussions, two community forums and received online comments. The summary of the online comments and all the interaction the Board got was that the public in general would like to see us maintain the rural character of the County, fix our stretch services within the County, schools, roads, and other infrastructure, reduce growth related tax burden on the existing home owners of the County, they're feeling that new development is costing the County more money and therefore it's impacting their taxes. There's more need for shopping opportunities in the County and potential event venues and places where people can gather and have fun and do things. That goes to our concept of downtown Stafford and having those kind of visions for our targeted growth areas. The public did not support changing the minimum lot sizes in the rural areas. And also the supported expanding the transfer of development rights. After the Board received all that information in May and digested it, they continued to have work sessions throughout June, July, August, and September. In November of last year looking at different options and possibilities for incentivizing growth in the targeted growth area and expanding TDR and then ultimately the Board chose to focus on the zoning changes for the rural areas first. With regard to the healthy growth options that were discussed, they did discuss the possibility of streamlining rezoning applications in our targeted growth areas to allow higher densities. We talked about incentivizing desired development and what kind of offsets the land costs could be done for developers and how to increase our tax base for the targeted growth areas and also promote walkable communities. The County, the Board talked about County initiated rezonings and looking at doing more small area plans for the targeted growth areas, the idea being if you have a small area planned that's more detailed that may give property

Planning Commission Minutes
September 23, 2020

owners more of a comfortable feeling of what the County may support if they were to file a rezoning application.

Mr. Cummings: I'm listening, I know this is a recap, right and I'm the new guy so I'm gonna claim new guy privilege or ignorance. It seems a little bit schizophrenic or that they're... what we hear from the community was something that was, there were inconsistencies right, and that's to be expected and I think that you know the rezoning of where we decide to focus our energies first, should be driven by the type of community that we want. And the, and I don't think there's been a big enough, I don't see that in the strategy that we've adopted in terms of tackling the rural rezoning first, because of what the tax base is, the cost to our households and to citizens is rising because of the pressures placed on by the lack of proffers and the increased growth in the areas where there is no services potentially, I'm just surmising. But, there doesn't seem to be, it seems like we've gotten things out of order. What's your take on it.

Mr. Harvey: Well Commissioner Cummings I think you raise some really good points. Part of it is setting the road map for developers as to what the County will accept and what's our desired growth pattern in these targeted growth areas in particular. The courthouse area, that's where we currently have a more complete vision of what we want it to look like. That has not been done for the other targeted growth areas. So, people that are filing applications in those areas have more of a guessing game as to what the Board may accept in certain parts of the different targeted growth areas.

Mr. Cummings: Is there anything that, so this is just to give us an idea of how we're supposed to move forward in terms of planning with the Comprehensive Plan and everything else moving forward?

Mr. Harvey: Well again this presentation's intended to give the Commission some background on what information the Board received and how they got to their recommendation for their Healthy Growth initiative that will be subject to the joint public hearing.

Mr. Cummings: Thank you, very informative, thank you.

Ms. Barnes: Hey Jeff, can I just piggyback on a little bit of what Dexter was saying, he talked about, I liked your term, the use of your term as a schizophrenic kind of result, I always call that a bipolar electorate in that we had people that said we want to maintain the rural character of the County, especially outside of the urban services area but then when you pulled all of the, I think you called them stakeholders, but they didn't want to downzone basically, and I've been following this for many years and I was at many of those meetings and one of the reasons I think that that happened is because those meetings and the round table discussions and the one on one discussions, it was a bit of an echo chamber. There were, when I looked at the attendants and when I was there, it was the same people over and over at each event. So I think that, I think you're talking about it, it was a little bit of a bipolar result and the dichotomy of that, I think that's where the echo chamber might come in and that might explain why that result seems so off.

Mr. Cummings: Just to clarify my point, I agree with you and I can see that in the comments, but in the decisions that we made or the Board of Supervisors made and I'm just gonna say how I feel, I think that we may have gotten things out of order if we're trying to stay within the Comp Plan numbers that we're trying to direct, where we're trying to direct things and I welcome the discussion to see how we can figure out or come to an agreement about the division for Stafford in a line that the actions are the first steps, the order of operations, what we need to tackle first, to make it clear for what type of Stafford we want to see. I think that within that the economic impact is if we get it right, we'll see the

benefit and we'll see not so much of an increase in taxes and things of that nature. At least that's my hope.

Mr. Harvey: That's all of our hopes is that we do a good job in planning and we have the County prosper. Other things that the Board had discussion about was opportunities to expand our PDR program and incentives for agribusiness. At this point in time the Board chose not to move forward with any specific issues, items with these options that were discussed but again chose to move forward with the rural strategies first. This is a map that shows what the various localities around us, especially in the I-95 related corridor had for their rural land areas. Ten acres is the predominant agricultural lot size, or largest minimum agricultural lot size for most of the localities. Stafford at three acres is the most attractive for housing, because right now under our three acre zoning, in the agricultural zone you can convert it to a residential neighborhood. Some jurisdictions do not allow subdivision for that purpose in ag zones, so again it reflects some of the things we're seeing in the County as far as growth pressure to convert agricultural land to housing.

Mr. Apicella: Jeff, I think before we move on from that slide, I just think to be fair and I think Al can chime in on this, when we say when we give an example of a specific jurisdiction and we say the maximum lot size is ten acres, that may or may not be completely true and I'm gonna use the King George example, they have three different zoning categories in their agricultural district, the smallest one being their A-1 which is I think one acre, their A-3 I think is ten acres, and their A-2 is two acres. I might have them slightly mixed up but in terms of their biggest geographic area the minimum lot size is two acres, so for their biggest portion of their County, they're only requiring a two acre minimum lot size and I think that's somewhat true for some of these other districts too. So we're comparing apples and oranges when we look at Stafford's three acre A-1 zoning district compared to some of these other localities that have a multiple of agricultural zoning districts, we only have two. A-1 which is a three acre minimum and A-2. Some of these jurisdictions have multiple different agricultural zoning districts.

Mr. Harvey: That is correct. So, with regard to our rural zoning, if we changed it will it make a difference? Right now we estimate there's about 11,000 homes currently in our rural areas outside the urban services area. Staff has done some work with our GIS department to analyze if we kept on the three acre path and every person that owned property in the A-1 zone subdivided their land to the maximum extent they could, it could create more than double what we currently have. We estimate 12,260 lots. For the A-2 zoning it could be a little under 3,000 more lots. So the Board studied TDR as a potential option, transfer of development rights, as a potential option with the rural zoning change. When they looked at it they had three different options, one was to look at transfer of development rights for all land outside of our urban services area, both zoned A-1 and A-2. Also looked at transfer of development rights outside our cluster approved area, which is a smaller area than the entire area outside the urban services area. Then also could they incentivize development to go into target growth areas by giving a density bonus with transfer of development rights. This is the chart staff prepared, it looked at the Comprehensive Plan and what it projects for growth in our targeted growth areas and this is the number of dwelling units on the chart. Basically it recommends just under 10,000 dwelling units in our targeted growth areas. If the County kept the TDR based on the three acre density, the state code requires us to plan for, in our receiving areas, all the development rights that could ever potentially be severed, so that's why we have numbers that our fairly high. So again, all outside the urban services area would equate to almost 18,000 dwelling units. With regard to the area outside the cluster approved area it'd be 11,000 units and then with the density bonus for outside the cluster area it'd be 16,000 units. The Board was very concerned about how that could work itself out because transfer of development rights is by right so there is no zoning change, there is no public hearings, there is no

opportunity for the public to weigh in on how that could play itself out and also too there's no guarantee that it's gonna match the goals and vision we have in our Comprehensive Plan. So the Board chose not to move forward with the transfer of development rights on the broad scale at this point in time. They're happy with seeing how progress is transpiring with our current pilot program in the Aquia District. Some other options that the Board looked at was a dwelling unit density of one unit per 15 acres. That was based on information that staff had done in an analysis of looking at what's already been approved in A-1 versus what our Comprehensive Plan is projecting for over the 20 years. So in order to meet that number projected for 20 years we had to slow down growth in the A-1. So trying to balance those two out, the acreage size would be between 15 and 17 acres so we talked to the Board about a 15 acre density option. Also one dwelling unit per six acres. That's based on the current land use taxation program where if you have land in active agricultural production and you have six acres, one acre for the house site, five acres could be in ag production and you get a land use tax reduction from your fair market value. Also looked at again what the peer localities do and the tendency for ten acre lot sizes and in the example with Spotsylvania where it limits no more than ten lots in a subdivision. With regards to the 15 acre option, as I mentioned we looked at the build out based on the Comprehensive Plan and if the Board went with the 15 acre option it would be an 80 percent reduction in the future number of dwelling units that could happen in the agricultural zone. Again when the Board was looking at this it was talking about keeping the three acre lot size the same but going with the density of 15. The purpose of keeping the three acre lot size the same and the one and a half for cluster is to minimize non conformities, to minimize the impact to the existing lot owners of those small lots. Again the second option with the six acre, it was noted that six acres in and of itself is not gonna support what we refer to as traditional agricultural production. It could reduce the number of lots in the A-1 zone by 50 percent and with regard to get implementation the idea was to keep the minimum lot size the same but going with the density. They looked at various different localities and what their largest agricultural zone acreage is and they also discussed Albemarle and Fauquier Counties with regard to their sliding scales. Both those counties do allow smaller lots within the sliding scale but your number of lots that you yield over, it decreases as a percentage as the lots, the parent tract gets larger. And then again Spotsylvania County limits ten lots within the rural A-3 zone and specifically it says under zoning categories, it's not intended for creating residential subdivisions. They wanted to dive a little bit deeper into Spotsylvania what they were doing and we pulled up the public hearing notice from 2003 when they adopted the amendments and they changed a number of things with their agricultural zones. They increased the lot sizes in A-1 from two to three acres, from A-2 from three to five, and then from A-3 from five to ten. At that time they created a resort agricultural zone, or modified the resort agricultural zone which reduced it from five to two acres. They also at that point in time implemented their ten acre maximum lot cap. The only way you can get past ten lots for a residential subdivision in the A-3 zone in Spotsylvania County is to rezone it to some other zoning category. The commentary in my discussions with the Director of Planning in Spotsylvania was that a combination of changing the lot sizes and capping the number of lots that could be yielded by a subdivision was very effective. The Board of Supervisors also looked at other options for the rural density changes, and what would those options have, or what effect would they have on different services of the County. They looked at scenarios of no change, 6-acre density... or 6-acre lots and 10-acre lots. And you can see from the chart that, as we projected earlier, the maximum amount of 3-acre lots could be 12,260. If you went 6-acre lots, that would cut that in half. And then 10-acre lots would be even less. But it relates to the number of vehicle trips per day that you could see on the roadways, the number of potential students you could see in those areas. And, in generally speaking, going with the 6-acre lot was roughly a 57% reduction and a 70% reduction for 10-acre.

Mr. Apicella: Before we go one, so, when you reduce the potential for the number of lots in the rural area, and you have a projection of 1,040 number of units that are probably going to be built in Stafford

Planning Commission Minutes
September 23, 2020

every year, when you do a 50% or a 70% reduction, was some analysis done to show that that number, that 1,040 changes? Does it get reduced or does that delta just move from the Rural area to the Urban Services Area?

Mr. Harvey: The 1,042 units per year projection would be still moving forward with both the Urban and Rural. It would be trying to put more units into the Urban Services Area.

Mr. Apicella: Right. So, you're just moving houses from the Rural area to the Urban Services Area, is that correct?

Mr. Harvey: Correct.

Mr. Apicella: And so, in terms of the capital implications, you're still going to need more schools, you're still going to need more roads, you're still going to need more services. At some point in time, those things... you're going to trigger the need for those things within the Urban Services Area. Is that not true?

Mr. Harvey: That would be correct if all those units did appear in the Urban Services Area.

Mr. Apicella: Well, they would, right, because again, if your projection is 1,040 and you reduce the number of potential lots that could be built in the rural area, that growth has to go somewhere.

Mr. Harvey: Correct.

Mr. Apicella: So, you're still...

Mr. Bain: Steve?

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

Mr. Bain: I tend to disagree. I think what we'll see is the developers will move to other counties. Because it's still going to cost them significantly more to develop in the Urban Services Area regardless of what the lot size is in the rural area. And look at Spotsylvania County. They are experiencing tremendous growth, high density growth. Why isn't that happening in our Urban Service Area? What's the difference between Spotsylvania and us? It's the cost and the time that it takes to do the rezoning. So, I think the developers are just going to move away.

Mr. Apicella: That's only partially true. I mean, if you look at what's happening in Spotsy, they've approved a ton of rezonings. So, they have a different kind of approach in Spotsy than we have here.

Mr. Bain: I know.

Mr. Apicella: I'm going to go back to the earlier number. Jeff indicated that there's 12+ years of development... *inaudible, being talked over.*

Ms. Barnes: Thank you, Steven, that's where I was going with that.

Mr. Apicella: I'm just talking about numbers, okay. So, you're just... *inaudible.* You're just moving growth from the rural area to the Urban Services Area because there's so much that's already been

approved. So, I'm just wondering how much this is really going to... if you take away peoples' ability to build in the rural area, you're not necessarily completely reducing the cost associated with growth. You're just moving it from one part of the County to another part of the County. You still need school seats for these people. You still need school buses. Those buses are gonna be filled up, you're gonna need more buses to accommodate those people. Yes they may drive fewer miles but you're still gonna need that infrastructure that doesn't currently exist, that's already almost maxxed out in the urban services area. I just think that, what I'm trying to say is you're only looking at part of the picture here when you're kind of going back to what Dexter was talking about, you're only seeing a piece of the puzzle, you're not seeing the full puzzle and what the implications are because when you move growth from one area to another area, there are consequences. Roads that are already maxxed out are gonna need more roll around. Schools that are already at capacity is gonna necessitate the need for more schools. So we haven't projected on an economic basis what the implications are by downzoning in the rural area and moving that growth, in my opinion, to the urban services area.

Ms. Barnes: Steven can I chime in there too, that's exactly that, the unintended consequence that I'm really worried about, if we looked at those numbers from earlier when we saw, it seems to me like, and you know what's a good saying here is we're robbing Peter to pay Paul in some kind of way and then we're gonna move all that pressure into the urban services area or the suburban area possibly that has even more of a problem, or even more of a supply that's grown too fast with too much than the rural area and that's what concerns me the most is we're going to just shift an even bigger problem to another part of the County then that is outside of the TGA but inside of the USA.

Mr. Randall: You know to the points that are made I would, I agree we are shifting it but I also think if you look at the, and again we're talking maximum amount, because this is what we're talking about, the total amount, we're talking about 12,000 students versus 3,700 students. We're talking about three new schools versus ten new schools. Yes, those three new schools will be inside or four new schools may be inside the USA, I don't disagree, but it's versus the ten new schools that will need to be built, many of them probabaly have to be outside the urban services area with Hartwood Elementary School problems, because we don't want people having to travel, remember one of the goals was nobody's gonna be on a bus more than 60 minutes. They're already there and the more we build outside the USA, the more those students are gonna be on a bus more than 60 minutes. Yes, it's gonna be pushing them all in, I totally agree, but if you look at where that the benefit is, and again to Jeff's point, we don't want them all to be in the USA only. We want them to be in the USA and the targeted growth areas and we all know in the targeted growth areas we have tons of room for residentials, for schools, we have lots of room for those things. But I can't look at the 12,000 number of students versus a 3,700 new students and think that that's beneficial for the County in any way over the next 20 years. So, just a thought.

Mr. Bain: But that's where the table is misleading. There's still 12,000 students no matter what, it's just that with the ten acre lots 3,000 of them are out in the rural area the other 9,000 are in urban services and targeted growth and you still need ten schools, you still need buses, you still need other services.

Mr. Cummings: So let me try this...

Mr. Randall: We're just talking about A-1, we're not talking about R-1, we're just talking about A-1, these are only the A-1 lots, not the R-1 lots that are already zoned that way. So we're not talking 12,000, we're not talking about 12,000 for everything, we're talking about 12,000 just for the A-1 lot. It is a reduction in 9,000 students regarding the A-1 lots only.

Planning Commission Minutes
September 23, 2020

Mr. Bain: It's a transfer of the students because if the growth is there to fill 12,000 houses and we take away 9,000 of those houses the people are gonna, if the growth projection is still consistent the people are now gonna be in another area, they're still gonna be there they're still gonna demand services, right?

Mr. Apicella: Yeah, you're just moving them to the TGAs, that's the construct and again I disagree, there may be land for a school in a TGA although I don't think that's always true, but there's still gonna be the cost of building that school. It's just a transfer of numbers from one part of the County to another part of the County at the end of the day.

Mr. Cummings: Let me ask a question, because I got lost somewhere in the middle, somewhere towards the end. The projections that we have here are based on the number of units that can be built with the current zoning, right. It's not based on sort of a econometric table of what's going on now?

Mr. Harvey: Correct Mr. Cummings, this is not a market analysis, this is a scenario if everything, what worse case scenario.

Mr. Cummings: Right, and so I think that that's part of the issue that I'm having and then the second part of it and probably the most important part is, like you said, where do we find the equilibrium, and I think the schools that we're talking about having to build will kind of, that's not gonna change right based on the way that we're growing in real time and market conditions as you would say, right. And it could improve based on how we rezone or get in certain areas but we get to control that to a certain degree and so the solutions I think really in terms of how we accommodate for that can be managed better rather than what we have right now if we, as I said before sort of figure out what we want to do first and second and that's driven by how we see ourselves, and I think we want to go targeted growth areas and urban service areas and that's the key but we've been focusing on the wrong thing at the wrong time I think, that's my personal opinion, I haven't dug into the numbers, I haven't seen I don't know it as intimately as some of my esteemed colleagues here, but I think that the opportunity to have the board sort of look at that issue and see what's happening really in real time might be, and it's gonna be driven by what we really want to look like to be honest with you, but I think that there's a solution here I think there's a balance that we can strike and it's gonna come down to sort of looking at real world numbers and the incentives, the things that we can do to offset those costs associated with schools and all the stuff, the infrastructure that we need to build.

Mr. Harvey: Yes and Commissioner Cummings, to your point on the 1,042 units projection per year throughout the 20 year planning cycle is based on the prior 20 years of occupancy permits. In our Comprehensive Plan you can see how we've tracked occupancy permits and it follows a bell curve and we've projected that bell curve out for 20 years. Our current comprehensive plan was done in 2016, where we are today we're pretty much spot on with what Weldon Cooper says our growth should be, so we've fairly accurately predicted it over the past four years. If we've accurately projected it over the next 16 years that would keep us in line with an average of 1,042 units a year. Going back to the slide, this example was where the Board studied how a no change, six acre change, and a ten acre change could affect the County if it made a modification to A-1 zoning outside the entire urban services area. And then they similarly looked at just the outside the cluster approved area, so you'll notice that these numbers show less of an impact because more lots can be developed because it's assumed that in the cluster approved area you could still do the three acre lots at the current zoning scheme. The Board heard all those options and considerations and at their planning session in February this year they gave direction to staff. The direction that we were given was that we should look at, consider amending the Zoning Ordinance to change the density in the A-1 zoning district to one dwelling unit per ten acres.

Planning Commission Minutes
September 23, 2020

Again maintaining the current minimum lot size of three acres for conventional subdivisions and one and a half acres for cluster subdivisions to try to minimize situations of creating non-conforming lots. When you create a non-conforming lot that could potentially create some hardships for property owners because if we went to a ten acre lot size we'll probably have to increase set backs and things of that nature which could adversely impact somebody if their house encroached into that new set back standard. Again after extended discussion with staff and consideration, they chose not to expand the TDR program at this time, again the concerns with expanding the TDR program to potentially all the area outside the targeted growth area, excuse me, urban services area or that area outside the cluster approved area was again the concern about the number of units and them being by right, that we couldn't have proffers to offset public facility impacts, there would be no community process in how that by right development would occur and we may not get a match to what our Comprehensive Plan vision was for those targeted growth areas.

Mr. Apicella: Jeff, again, before we move on because I think most of us were at the meeting where the TDR was being pushed and as I recall it, the reason why it was put forward was at least in part to make property owners who would be adversely impacted by downzoning, I don't want to say completely whole but somewhat whole, is that not correct?

Mr. Harvey: That was a lot of the discussion, yes, but ultimately the Board did not...

Mr. Apicella: So now by eliminating that, and without any other proposal to make people whole, then clearly that's not one of the outcomes here.

Mr. Harvey: Correct.

Mr. Apicella: Okay.

Mr. Harvey: So again, we feel like there needs to be some modification to the Comprehensive Plan because it does currently reference three acre lot sizes in the ag zones, so there's a proposed amendment to the Comprehensive Plan and as pursuant to Resolution R20-81 and then the Ordinance is referenced as O20-20. It's based on allocated density rather than lot size, allocated density is how determine the number of dwelling units you can achieve in our residential zones in the County, so this would put the A-1 zoning category in parody with our residential zones and essentially that requires you to do an environmental analysis and you come up with a net area and your density is applied against your net area so giving an example here of a 100 acre parcel without any environmental constraints you'd get ten dwelling units. You could have an initial subdivision say five lots with one 88 acre parcel and four three acre parcels. That 88 acre parcel could be further subdivided with four more lots making a total of five, excuse me five lots with five three acre lots and one 73 acre lot. Then the 73 acre lot can no longer be subdivided so giving the opportunity for people to have the three acre lot size and the one and a half acre lot size it allows someone who owns a large tract of land the ability to still have areas saved for farming and forestry and open space. So it does give the property owner also some flexibility in that if they want to cut off one or two lots they could still do that without adversely impacting the overall use of the property. It will change though, owner of land in the A-1 zone would have to have at least 20 acres in order to subdivide and it may be more than 20 acres based upon the environmental constraints on their property. The Board talked about it again in March of this year but held off on action due to the covid concerns that we were dealing with, but now that we are able to have public hearings and the public can come in person and/or present their comments in writing the Board has decided to move forward with the hearing and as I mentioned earlier September 1st they set forward Resolution R20-79 and R20-80 for the joint public hearing. The Board had some questions

Planning Commission Minutes
September 23, 2020

about what plans would be in process and how they could be impacted, the current draft of the Ordinance does not grandfather people that have plans in, so this was the information we had as of September 1st. There were six major subdivisions that were under review and that equated to 352 lots. There were 32 minor subdivisions which equated to 54 lots and two family subdivisions which could result in five lots. That was a total of 411 lots that could be impacted if the ordinance went into effect. Now there's potentially more lots, the General Assembly had legislation that carried through to July 1st of this year which grandfathered plans that had been valid as of 2009. That legislation expired, there's another bill in the General Assembly to try to revive that if it did that could add another 875 lots for the ag zones if that was to go forward. The Planning Commission asked a number of questions and they asked that we include that in our background material and we received comments from a number of commissioners and the questions that we received were, "What's the impact of the proposed Ordinance on A-1 property owners?", "How will this impact family subdivisions?", "How many family and minor subdivisions have been applied for in the County?", and then "How many lots would be impacted by the Ordinance Amendment?", "How many property owners own all those lots that would be impacted?", "What are the agricultural lot sizes in other counties?", and "How do other counties determine lot yield for their agricultural zones?". So in your staff report there was a response to those, it's been updated since then to include the last two questions on this slide, and I'll be happy to go over those responses if you would like me to or give you more details. Okay that's the summary of the, how the Board got to where they're at with Healthy Growth and again I'll be happy to answer any questions.

Mr. Apicella: Alright so, questions for Jeff? No questions?

Mr. Bain: Not a question but since you've been using other counties with varying densities or minimum lot sizes, would it be possible for staff to go back to those counties and ask how many acres are associated with each of those zoning categories? I think you had some of that information for the committee earlier, but it wasn't complete. I think that would be interesting to find out because I do think that the numbers that you have put up are somewhat misleading and I think to be clearer on it, it would help to do that.

Mr. Harvey: For informational purposes, Commissioner Bain is referring to a Healthy Growth Committee that the Planning Commission has that's been actively meeting and we'll give a report tonight and there's a discussion about possibly having a work session to discuss their findings.

Mr. Apicella: Right, Jeff I would like to go through some of the numbers just so we're all on the same page, you've mentioned a subcommittee, we've been trying to understand the math and ensure we're all working with the same data sets, baselines, and numbers. So I'm gonna start with, again just so we all understand and appreciate the context here, how many total parcels are there in the A-1 district outside the USA?

Mr. Harvey: We estimate that there's 1,987 lots that are zoned A-1 that are six acres or greater.

Mr. Apicella: Okay, my question is a little bit different, I'm talking about total parcels, so the number I thought I saw in the data was that there were 9,800 parcels, total parcels in the A-1 district outside the USA. Is that not correct?

Mr. Harvey: I'd have to get back to you on that specific... well I've been told that is correct.

Mr. Apicella: Okay, and how many A-1 parcels are there outside the USA that are less than six acres?

*Planning Commission Minutes
September 23, 2020*

Mr. Bain: Seventy-eight hundred roughly.

Mr. Apicella: Right, so the reason why I mentioned the less than six acres, because that's kind of an important piece of information so can you explain why parcels less than six acres would not be affected or I guess I should say how would parcels less than six acres be affected by the proposed Ordinance?

Mr. Harvey: With regard to the proposed Ordinance they would not be affected because they are too small to be subdivided. Parcels less than six acres today are too small to be subdivided in the A-1 zoning category.

Mr. Apicella: Right, so 7,800 of the 9,800 are about 80 percent of the A-1 parcels would not be affected by the Board's proposal, is that correct?

Mr. Harvey: Correct.

Mr. Apicella: And of those 7,800 less than six acre parcels, how many already have a dwelling on them?

Mr. Harvey: We estimate 6,178.

Mr. Apicella: So about 6,200, right?

Mr. Harvey: Yes.

Mr. Apicella: And those property owners could rebuild their dwelling if they wanted to, but in reality if they did that wouldn't really add to the net number of new dwellings that could be built which is really what we're talking about, is that correct?

Mr. Harvey: Correct, if someone tore down their existing dwelling or moved a manufactured home and rebuilt a house on this property the number of dwelling units in the County would not change.

Mr. Apicella: Okay, so that leaves around 1,600 new development units that could be built on parcels less than six acres but these additional potential 1,600 units, again, they're not impacted by the proposed changes, is that correct?

Mr. Harvey: Correct.

Mr. Apicella: Alright, again I'm just trying to get to the same number so we're working on the same page. So again if I have the same numbers right there are about 2,000 parcels above six acres that would be affected by the Board's proposal, I think you said it was 1,987 is that right?

Mr. Harvey: Yes.

Mr. Apicella: Okay, so and while the gross base line of new development units is 12,260 once we account for the 1,600 development units that could occur on less than six acres the real net number of development units that could be affected by the proposed Ordinance, it's not really 12,260 it's 10,640 is that right?

*Planning Commission Minutes
September 23, 2020*

Mr. Harvey: I'm trying to recall if the 12,260 was the number of lots that could be created or it was number of dwelling units.

Mr. Apicella: It's the number of new dwelling units, again you have to discount the number of dwelling units associated with the under six acre parcels so when you take those six acre parcels out of the equation you're down to 10,640 close to that number. That's based on information that you provided to me today I just want to get it out on the table.

Mr. Harvey: Okay.

Mr. Apicella: Okay, and I think that you also indicated based on my question for those around 2,000 parcels there are 1,776 separate A-1 parcel owners who would be impacted by the Board's proposal is that right?

Mr. Harvey: Correct.

Mr. Apicella: Okay. Kind of going down a different train of thought here, currently the County allows for family subdivisions in the A-1 district, roughly how many family subdivisions were created in Stafford over the last 11 years?

Mr. Harvey: From 2010 to current which is not the complete year there were a total of 73 lots created through family subdivision. Now with family subdivision it's not strictly limited to the A-1 zoning category, it could be A-1, A-2, any of our residential zones. So staff has broken out for the ones that were outside the urban services area versus inside the urban services area. There was 54 family subdivision lots created outside the urban services area versus 19 within. So the average rate per year is just under five family subdivision lots created per year.

Mr. Apicella: So it's a very small number.

Mr. Harvey: Correct.

Mr. Apicella: And does the Board's proposal have any special provisions for family subdivisions?

Mr. Harvey: No it does not. As of today with current A-1 zoning it's got to meet the minimum lot size and density requirements and everything.

Mr. Apicella: So based on current trends, if the County decided to provide some relief to family subdivisions, it wouldn't have a big impact on growth in rural Stafford based on current trends?

Mr. Harvey: Correct, it wouldn't have a big impact on anywhere in the County.

Mr. Apicella: Okay, well I mean it's food for thought again as we move forward and make suggestions that perhaps the county might want to think about giving some kind of special relief for family subdivisions where it doesn't currently in the proposed Ordinance change. Just a couple more points. In the information that was provided to us, it indicated that you identified some alternative options at the November 2019 meeting, I went through the slides and I went through the minutes and I'm curious when you briefed the sliding scale approach, which is currently in place in Albemarle, Fauquier, and Hanover, although Albemarle is quite confusing when you kind of try to understand it, how much detail did you go into and did you give an example of how it might be applied in Stafford?

*Planning Commission Minutes
September 23, 2020*

Mr. Harvey: There was generally a high level discussion. I don't recall us having any specifics about how it could be applied in Stafford, I'd have to go back and look at the minutes to see if there was any discussion.

Mr. Apicella: So it was just kind of 50,000 foot level discussion about what's happening elsewhere it wasn't a detailed brief on sliding scale, especially the one that's in place in Fauquier County right?

Mr. Harvey: Correct, it's the nature of these work sessions looking at multiple options, you take sort of a high level view of all of it.

Mr. Apicella: Right, I don't mean that as a criticism I'm just, someone asserted that these proposals have been in front of them and my view of the world is that they got a very high level overview but they didn't get a lot of specifics so it's kind of hard for them to evaluate how the sliding scale would work in Stafford because it wasn't a detailed proposal that was put in front of them. Is that fair to say?

Mr. Harvey: I would say that there was some resistance to sliding scale and I think the comment I recall hearing that it could be confusing to the average landowner.

Mr. Apicella: Right but it said that in place in Fauquier County for some years and they haven't changed it so in the absence of them making a change one has to assume that it's working there and it's not all that confusing, right? Am I still on?

Mr. Harvey: Yes, yes. I wasn't sure if that was a question or a statement but yes.

Mr. Apicella: Okay, sorry. Kind of the same thing about Spotsylvania's cap and zone approach, did you go into a lot of detail or again was it a pretty high level overview?

Mr. Harvey: It was a high level overview, yes.

Mr. Apicella: And I think you mentioned that the Planning Director there expressed that the, that cap was part of a combined effort or comprehensive approach was an effective tool towards growth management was that correct?

Mr. Harvey: Yes.

Mr. Apicella: Okay, that's it for questions from me. I appreciate the extensive briefing, there's a lot here to digest. In my opinion, this is probably the most important thing that we've dealt with and will be dealing with in my time on the Planning Commission so again I thank you for this information and I hope we can continue to kind of look at this a little bit further and think about how we want to inform the Board as they move forward and as part of the public hearing on the 29th. Unless anybody has any additional questions we can move on. What else do you have on your plan to talk about tonight Jeff?

PLANNING DIRECTOR'S REPORT

7. Amendment to the Zoning Ordinance to Amend Cluster Subdivision Requirements – *BOS Referral (Time Limit: March 14, 2021)*

Mr. Harvey: Mr. Chairman, I was gonna now move to the Planning Director's report. You may recall the Planning Commission and Board had considered changes to our Cluster Ordinance in 2018. There

Planning Commission Minutes
September 23, 2020

was litigation filed and basically the court ruled that due to our regulations it affected lot yield and we should have provided notice to all the A-1 property owners in the County, so that Ordinance has been void and is no longer in effect. So the Board has sent the Ordinance back down to the Commission to consider whether it should be re-adopted and/or if there's any other modifications that should be considered for cluster development. And the Board gave the Commission six months to work through this. Staff's recommendation would be for the Commission to consider establishing a subcommittee to work through cluster development.

Mr. Randall: I have a quick question for Mr. Harvey, was there any sense from the Board that the Ordinance that was sent to the Board from the Planning Commission's prior subcommittee was in any way deficient or in any way needed to be changed or any way that we need to do other things with the proposed Ordinance or was it simply because there was not enough notification made and that's why it was brought back down to us?

Mr. Harvey: The court ruling was on notice, the referral back to the Commission there's been some minor modifications for legal purposes to the draft Ordinance, but they're not substantive. The Board didn't give me any specific areas where they felt it was deficient but the Commission may recall that when we were looking at cluster development regulations two years ago there was a three stage approach. This Ordinance was stage two and stage three was gonna come back and look at clusters in more broad context and further define how we get to some of our issues and concerns like recreation and other things with cluster development.

Mr. Apicella: Mr. Harvey, as I recall again we had a cluster subdivision subcommittee, I think Mr. Randall chaired it and if my recollection is correct and it could be wrong, I want to say that Mr. McPherson and Mr. Bain were on that subcommittee so what I'd like to do given that we have at least six months to work on this, doesn't have to be six months, but to reconstitute that subcommittee and I would just ask if Mr. Randall, Mr. McPherson, and Mr. Bain are willing to serve on it and if Mr. Randall is willing to again serve as the Chair.

Mr. McPherson: Answer is yes for me.

Mr. Randall: Yeah, that would be fine I just, I just need to understand I guess what our first meeting is, kind of scope the breadth of our efforts, whether we really want to get it to Phase III or whether we want to get this back to the Board as soon as possible so they can get it into the Ordinance, make it an ordinance and then readjust, you know, the phase. I'd hate to wait six months, if this hasn't been in effect I'd hate to wait six months to actually get something on the books rather than get it there quickly. But yeah I'll be willing to chair that.

Mr. Apicella: So I appreciate that, I heard Mr. McPherson say yes, Mr. Bain are you willing to serve on a subcommittee again?

Mr. Bain: Yes, I said I would.

Mr. Apicella: Okay, I'm sorry, I can't hear or can't distinguish who's necessarily talking so I apologize. Okay so let's go with that. I think you're maybe headed out of town Mr. Randall so if you could work with staff on scheduling the first meeting that works with your schedule and those of the other participants, I would greatly appreciate it. Anything else on that Mr. Harvey?

Mr. Harvey: On that item no Mr. Chairmain, I do have one more item on my report.

8. Courthouse Planning Area – Time needed to review and make recommendations

Mr. Apicella: Okay, please go ahead.

Mr. Harvey: That pertains to the Courthouse Planning Area. The staff has been working with the Board of Supervisors on the vision for the Courthouse Planning Area in a more refined vision. We have in our Comprehensive Plan a small area plan that dates back to 2012 which had some ideas of how that area could be developed with specific street grid network and use types identified. Since that time we've had the new interchange built and it's redefined the area so we need to adjust our Comprehensive Plan to reflect the current reality and project what our new vision is based on some other factors like the location of a future courthouse will be instead of across Route 1 it will be at the edge of our parking lot and some other factors similar to that. Also the Board's contemplating a proposed change to our UD-4 and UD-5 subzones to add more density to meet their vision of having buildings, multi-story buildings that could serve for garage parking. And then we're also looking at potentially rezoning the County's own property roughly 25 acres on the south side of Courthouse Road to a UD zone. So the Board's contemplating referring that to the Commission next week. Based on state code there's different timelines for completion of those various tasks. The Comprehensive Plan amendment, regulations in the state code give the Planning Commission 60 days unless the Board grants additional time. For a Zoning Ordinance amendment the Commission has 100 days and for the rezoning it's typically 100 days after the Commission holds its hearing. So we have potentially three different items and for timing so the Board wanted to get some guidance from the Commission or feedback from the Commission as to does the Commission feel like it needs more than 60 days and does the Commission want to try to package this all together as one concerted effort and one sequence recommendation?

Mr. Apicella: Mr. Harvey, others can certainly chime in but when we've had multiple different packages on different glide paths but they intersect to the point where it doesn't make sense to handle them on separate timelines, my strong recommendation is that we look at it all in a comprehensive way rather than piecemeal and at different time intervals. I don't think it's very efficient and it can turn out to be ineffective if we handle it in another way, plus I think we have a lot on our plate in the next 60 days, especially looking at the next Planning Commission meeting I think we have a lot on our plate then as well so that would be my strong recommendation but I'll let others chime in as well. What do other Commissioners think?

Mr. English: I'm with you Steve I concur that we ought to wrap it into one package and if we can give it a little bit more time that would work.

Mr. Apicella: Anybody else wanna chime in?

Mr. Cummings: I agree whole heartedly, this makes more sense.

Mr. McPherson: I agree too.

Mr. Apicella: Okay, Jeff can you pass that feedback along back to the Board.

Mr. Harvey: Yes, Mr. Chairman but is there a specific time frame the Commission would like to have, say 100 days for all of it?

Mr. English: At least 100.

*Planning Commission Minutes
September 23, 2020*

Mr. McPherson: One hundred.

Mr. Bain: Do I hear 200?

Mr. Apicella: How about two years? No, can we start with 100 and then at least reserve the right to ask for more time if we need to? I'm sure they want us to get it right so...

Mr. Harvey: Mr. Chairman it seems to be the consensus of the members here that 100 days is the good target so I will pass that information on to the Board next week. Or I should say October 6th.

Mr. Apicella: Great, thank you.

Mr. Harvey: That concludes my report.

Mr. Apicella: Thanks Mr. Harvey. Ms. Lucian, is there a County Attorney's Report?

COUNTY ATTORNEY'S REPORT

Ms. Lucian: No, I don't have a report, thank you.

Mr. Apicella: I don't think you've spoken enough tonight, can't you come up with something?

Ms. Lucian: I'm limiting myself to 15 words.

COMMITTEE REPORTS

9. Land Conservation Subcommittee
Next Meeting – TBD

Mr. Apicella: Okay, on to Committee Reports, the first one is the Land Conservation Subcommittee, I think Stacie passed along the minutes from that as well as the minutes from the other two subcommittees, do we need to take a vote on those or can we just accept those as is?

Ms. Lucian: What were you asking about Mr. Apicella, I'm sorry I missed that.

Mr. Apicella: So we have three subcommittees in play at the moment, each one has minutes that have been prepped, quite frankly I can't remember how we've dealt with that in the past, do they need to be approved by the Commission or is it just for information?

Mr. McPherson: We've never voted before.

Mr. Randall: I don't think we voted on them before.

Ms. Lucian: I've never seen you vote on it so I don't think that that's an issue. If it is we can always bring it back at another meeting.

Mr. Apicella: Okay, I just wanted to be sure. So, with regard to the Land Conservation subcommittee we had our first meeting on September 16, I think it was primarily just kind of an orientation on getting to know the different programs that are in place and others that we might be wanting to look at. Our

Planning Commission Minutes
September 23, 2020

next meeting is on September 30 at 3pm in the Activities Room so with that I'm gonna ask Ms. Barnes the status on the Minor Proffer Amendments subcommittee.

10. Minor Proffer Amendments Subcommittee
Next Meeting – TBD

Ms. Barnes: Real quickly, we met, it seems like just a couple days ago, and as far as going forward I think we've got snother meeting on October 1st at 4:00 and we've asked staff to go into more detail list of what could possibly qualify as a waiver for a minor proffer amendment without public hearing. That's it.

Mr. Apicella: Great, thank you. Mr. Bain the Healthy Growth subcommittee?

11. Healthy Growth Subcommittee
Next Meeting – TBD

Mr. Bain: Yes, we've had several meetings since the last Planning Commission. We're trying to establish a working session, set a date for that as our next meeting. It had been proposed for September 30 I believe but that's not gonna work out due to several people on the Commission being out of town. We've been working with staff trying to reconcile the numbers using the database they had provided and finally yesterday got things squared away, so we weren't able to prepare a consolidated report but staff has been working on that and Mr. Harvey told me are sending or have sent some further information to us that we will very quickly review and distribute to the committee members and then to the rest of the Commission in anticipation of getting that working session scheduled.

Mr. Apicella: Okay, so I think what I hear from you Mr. Bain is a motion to establish a Planning Commission work session on October 7th, either at 6 or 6:30 start time, whichever staff can make happen for the full Commission to look at these proposals and get us to point where we're finalizing them for consideration going forward. Is that kind of the motion you were thinking about?

Mr. Bain: Yeah, very good hearing, because I didn't say any of those words, but yes I wasn't sure where we were with the consensus on a date because Mr. Harvey was looking further into who would be available so that we would have a quorum actually in attendance. So Mr. Harvey?

Mr. Harvey: Yes, Mr. Chairman and Commissioner Bain, it appears that we can have a quorum for October 7th. We're still working on a time when we can have that meeting some Commissioners have indicated earlier is better. We're needing to verify when this room can be available because many days during the week it's scheduled to be used by the court system, so we need to know when they potentially would be vacating so we can move in for our meeting.

Mr. Bain: Okay thank you. So we'll notify members as soon as that is finalized.

Mr. Harvey: Yes sir.

Mr Apicella: So is there a second to hold that work session with the actual time to be determined and worked by staff.

Mr. Bain: That's my motion yes.

Planning Commission Minutes
September 23, 2020

Mr. English: Second.

Mr. Apicella: Okay, so there's a motion to hold the work session on the 7th of October made by Mr. Bain, seconded by Mr. English, just do a quick roll call, Mr. Apicella votes yes, Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yeah.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Great, okay, that motion carries unanimously. Moving on to the Chairman's report, first I'm going to apologize if I reference the wrong person tonight who made a motion or a second and I also apologize for missing a couple things that were on the public hearing agenda but we were able to get through those. I also want to say again since calling in and participating remotely pursuant to our by-laws I am hereby authorizing the Vice Chairman to sign any documents in my absence. I have nothing further to discuss under Chairman's report. Other business, TRC, hopefully Mr. English you have gotten or will get your material. The last item of business is approval of the minutes, is there a motion to approve the July 22, 2020 minutes as is?

CHAIRMAN'S REPORT

OTHER BUSINESS

12. New TRC Submissions
 - * Enon Elevated Water Storage Tank – Hartwood Election District

APPROVAL OF MINUTES

13. July 22, 2020

Mr. Cummings: I make a motion.

Planning Commission Minutes
September 23, 2020

Mr. Bain: I'll second.

Mr. Apicella: Motion made by Dexter, seconded by Mr. Bain. Just a quick roll call vote, Mr. Apicella votes yes, Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Great, minutes approved. With no further business before the Commission we're hereby adjourned. Thank you everybody.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:05 PM.