

STAFFORD COUNTY PLANNING COMMISSION
October 14, 2020

The meeting of the Stafford County Planning Commission of Wednesday, October 14, 2020, was called to order at 4:30 PM by Vice Chairman Darrell English, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center and at remote locations throughout the County.

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

Ms. Barnes: I make a motion to allow me to participate virtually.

Mr. English: Okay, any second?

Mr. Bain: Second.

Mr. English: Alright, second by Mr. Bain.

Ms. Lucian: Somebody else besides her should make the motion.

Mr. Randall: Oh, I'll make that motion.

Mr. English: Okay. Mr. Randall made the motion, Mr. Bain seconded. Mr. Randall, will you call roll please?

Mr. Randall: Kristen Barnes?

Ms. Barnes: Yes.

Mr. Randall: Albert Bain?

Mr. Bain: Yes.

Mr. Randall: Darrell English?

Mr. English: Here, yes.

Mr. Randall: Bart Randall, yes. Fillmore McPherson?

Mr. McPherson: Yes.

Mr. Randall: Dexter Cummings?

Mr. Cummings: Yes.

Mr. Randall: Yes, we have 6 yeas and one absent.

Ms. Barnes: Thank you.

Mr. English: Alright, thank you Mr. Randall. Folks, you need to bear with me tonight because this is the first time I've ever run a meeting. So, you've just got to bear with me, okay. Any disqualifications or declarations for the roll call? Anybody?

Planning Commission Minutes
October 14, 2020

MEMBERS ABSENT: Steven Apicella

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Mike Zuraf, Brian Geouge, Joseph Valotta, Doug Morgan, Lindsey Marr

DECLARATIONS OF DISQUALIFICATION

Mr. Bain: Yes, Mr. Chairman... or Vice Chairman. Which would it be tonight?

Mr. English: Vice is fine.

Mr. Bain: Okay. I had an opportunity to meet with the lawyer for Burns Corner, and we... she discussed the project with me.

Mr. English: Okay, thank you Mr. Bain.

Mr. McPherson: Ditto.

Mr. Randall: Yeah, same.

Mr. McPherson: I also met with the legal representative for the Wawa at Port Aquia.

Mr. English: Okay, thank you sir. Okay, I think we've got some changes in the presentations.

Mr. Randall: Mr. Vice Chair, I'd like to make a motion to change the agenda and move item 10 to item number 1...

Mr. McPherson: Second.

Mr. Randall: ... a public hearing on the agenda.

Mr. English: Okay, I've got a motion to move item number 10 to number 1, seconded by Mr. McPherson. Mr. Randall, call roll please.

Mr. Randall: Kristen Barnes?

Ms. Barnes: Yes.

Mr. Randall: Albert Bain?

Mr. Bain: Yes.

Mr. Randall: Darrell English?

Mr. English: Yes.

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

Mr. McPherson: Yes.

Planning Commission Minutes
October 14, 2020

Mr. Randall: Dexter Cummings?

Mr. Cummings: Yes.

Mr. Randall: Six yeas and one absent.

PUBLIC PRESENTATIONS

Mr. English: Okay. The only thing I do need to make a note is that we have... if you've seen the agenda online, everything is still on the agenda but we've moved some things around. So, if you want to get a hard copy, you can do that. At this time, I'm going to welcome everybody here; thank you for attending the Planning Commission meeting. And the Planning Commission appreciates your interest in Stafford County's government and welcomes your participation. The public has two opportunities to comment during Planning Commission meetings: during the Public Presentation portion of the meeting, and during a Public Hearing on a particular issue. If you would like to comment during a Planning Commission meeting, please remain courteous and respectful to the audience and to Commission members. It is also important for you to keep track of your time at the podium. Each speaker is allowed 3 minutes to address the Planning Commission. Once you get up to the mic, speak clearly, slowly, and also make sure you state your name and your address. Please refer to the lights on the podium to monitor the time of your presentation. Green indicates the start of your presentation; yellow indicates that you have 1 minute left; and red indicates that your presentation is complete. Does anyone in here have any public comments other than what's not on the agenda... anything other than what's on the agenda? If not, I see none, we'll move onto item number 1, which is going to be Mr. Morgan in reference to Amendment of Zoning Ordinance.

PUBLIC HEARINGS

10. Amendment to the Zoning Ordinance

Mr. Morgan: Thank you Mr. Vice Chair and members of the Commission. The item before you this evening is for a Zoning Ordinance text amendment for Sec. 28-24 that would remove exemptions for flag poles and monuments under the height restrictions. As you see in your packet, there are two different ordinances. There's an ordinance 20-30 and there's 20-30 Alternative. Both of those have been presented to the Planning Commission at last month's meeting. One would exempt flagpoles and monuments from the height restrictions, therefore making them fall within the Zoning Ordinance height restrictions that they would be placed. Option 2, the Alternative, would be allowing the construction of flag poles and monuments not to exceed 35 feet in residential zones, and not to exceed 45 feet in commercial and industrial zones. It also gives additional provisions for the applicable height limitations for monuments and flag poles that they may not exceed more than 10 feet without the approval of a special exception, and anything over 10 feet would require a conditional use permit. Currently in those zoning districts, the R-1, A-1, A-2 height regulations would be 35; B-1 would be 45; M-1, M-2, B-2 would be 65 feet; and the RBC would be allowed up to 120 feet. So, with those two options there presented in front of you, Ordinance 1 or Ordinance 2 Alternative, I'll be more than glad to answer any questions.

Mr. English: Okay. Does anyone have any questions?

Mr. Randall: I do. So, Mr. Morgan, explain to me what the genesis of the alternative was. I'm not sure I remember exactly why we decided to add this alternative.

*Planning Commission Minutes
October 14, 2020*

Mr. Morgan: So, the alternative was presented to the board because just removing flag pole heights and monuments from the height restrictions would make them fall under the zoning district height regulations. And those height regulations go up to 120 feet. So, that was trying to put a cap on that so that...

Mr. Randall: So, the RBC... I'm sorry, not to interrupt... so, the RBC would allow up to 120 feet.

Mr. Morgan: That's correct.

Mr. Randall: Alright. And so, with the alter... so, with option 2, and I believe, yeah, it's version 2, but, so this would then take away that option and it would only allow the...

Mr. Morgan: Up to 65.

Mr. Randall: ... up to 65 feet.

Mr. Morgan: Oh, 45 feet, I'm sorry. It was 65 in the B-2. It would only allow up to 45 feet in commercial zones. But they can go higher with a special exception or conditional use permit.

Mr. English: Anybody else? So, if somebody wants to decide they want to put a flag pole on the top of their roof, is it from the bottom of the house considered... is that how you do that?

Mr. Morgan: Height would be measured from... yes.

Mr. English: From the ground up.

Mr. Morgan: Correct.

Mr. English: Okay, not from... okay. Anybody else any questions?

Mr. Bain: I'm just... I'm confused by the wording in version 2 on the part that was underlined. The second sentence, it says "the applicable height limitation for any monument or flag pole by no more than 10 feet." Do you mean exceeding the applicable height? It seems like there's a word missing in there or something. Am I misreading it?

Mr. Morgan: The applicable height limitation for any monument or flag pole by no more than 10 feet. It could read, you know, differently but it basically can go up to 10 feet of an extension. So, if you're in a residential zone and you want to put up a 45-foot flag pole, then you would be 10 feet higher and that would be a special exception. If you wanted to put up a 46-foot flag pole, you would have to go through the conditional use permit process. So, that's where it says height limitations in excess of 10 feet rather...

Mr. Bain: I understand the intention. I'm just saying that the wording seems awkward where that there might be a word missing. Or maybe it should say if the proposed height for any monument exceeds the applicable height limitation by more than 10 feet, by no more than 10 feet. It's just worded awkwardly.

Ms. Barnes: Can I add something in there? Perhaps if that was encapsulated by a comma on each end, it might make more sense?

Planning Commission Minutes
October 14, 2020

Mr. English: Okay.

Mr. Bain: Say that again, Kristen? Where would the commas go?

Ms. Barnes: If you could... I'm going to have to go over to... if you put a comma on each end of the 'by no more than 10 feet' – does that make sense? If you said the applicable height limitations for any monument or flag pole, by no more than 10 feet, shall require a special exception. Would that be more clear to you?

Mr. Bain: No.

Mr. English: He's saying something's wrong with the wording.

Mr. Bain: I think... the only way I would propose to change it is to say, at the beginning, say if the applicable height limitation for any monument or flag pole is exceeded by no more than 10 feet, it shall require a special exception.

Mr. Randall: The noun is the monument or flag pole, so that needs to be first. If the monument or flag pole exceeds the applicable height limitation by no more than 10 feet, then it's a special exception. Don't tell my daughter I said anything about a noun up here, okay? She's an English major and she'll never let me hear the end of it. But I believe that's probably the best way to do this.

Mr. Bain: I like that, yes.

Ms. Lucian: Planning Commissioners, just a reminder that you also have a public hearing, so you may want to reserve some of your discussion until after that.

Mr. Randall: Thank you.

Mr. English: Did you get some of that Doug?

Mr. Morgan: Yeah.

Mr. English: We'll probably have to go back and revisit this.

Mr. Randall: Right, that's a good point. Let's do the public hearing and then we'll come back to it.

Mr. English: Does anybody else have any questions?

Mr. Randall: Not right now, no.

Mr. English: Doug, are you done for right now?

Mr. Morgan: Yes, sir.

Mr. English: Okay. Anybody have any comments or questions on the amendment of the flag ordinance please come forward. Seeing none, I'm going to go ahead and close the presentation at this time and bring it back to the Commission. So, I guess, if you want to reword that and bring it back to us Doug, or how do you want to proceed with this? Or do you want to just...

Planning Commission Minutes
October 14, 2020

Ms. Lucian: I think if you're able to make a motion to the effect to capture that, as long as it's not outside the scope of the advertisement, I think it's fine to do that in a motion.

Mr. Randall: Do we need to make a motion to discuss it or can we discuss it before a motion is made?

Ms. Lucian: You can discuss it beforehand. It's probably better if you make a motion, but.

Mr. English: Go ahead and make a motion and we'll discuss it.

Mr. Bain: I'll make a motion to change the wording of proposed Ordinance O20-30, Sec. 28-24, Subsection 2...

Mr. McPherson: Al, just to clarify, it's 20.30 Alternative version, correct?

Mr. Bain: Alternative version 2, yes.

Mr. English: Yeah, version 2.

Mr. Bain: And I will ask Bart to restate the wording that he's...

Mr. English: I think she's captured it enough that we can stipulate it and we'll go from there.

Mr. Bain: Okay, to change the wording.

Mr. English: He's made a motion; anybody second it?

Mr. McPherson: Second.

Mr. English: Alright, second by Mr. McPherson. Alright, open for discussion.

Mr. Randall: So, Mr. Morgan, what's your impression of this? Do we need to do version 2? If we just take them off and we add them to the regular list, tell me how this is going to differ for R-1, R-2, A-1; how does that differ to what's in version 2?

Mr. Morgan: What it does is it provides an alternative for a special exception. That's the big...

Mr. Randall: Only for those things that are 65 or 120 feet? But R-1, R-2, A-1, A-2; is there any difference between version 1 and version 2?

Mr. Morgan: No, because currently in A-1, A-2, R-1, R-2 districts, the height limitations in those zoning districts are 35 feet.

Mr. Randall: Are 35 feet.

Mr. Morgan: So, they would be consistent with that in both options.

Mr. Randall: Right. So, the only thing we're talking about for version 2 is limiting the height of the flags in where?

Planning Commission Minutes
October 14, 2020

Mr. Morgan: RBC, B-1, B-2, M-1, M-2.

Mr. Randall: B-2, B-1, M-1, M-2, and RBC. Do we have a problem with that in Stafford? Is there a problem with height... with flags being too high in those areas?

Mr. Morgan: Yes sir, that's why it was brought to the CED... CEDC in July for discussion to see if that was something the Board would want to do. And it went to the Board and they recommended it to the Planning Commission.

Mr. Randall: Right. And if I go back to what we talked about, I believe the only ones that were... I didn't think the numbers were very high for those flag poles in Stafford that were that height?

Mr. English: Well, I think he's kind of staying within those perimeters, right?

Mr. Randall: Yeah, I'm just not sure we want to... it's worth going through all this effort for an extra...

Mr. English: Well, I think it also gets in for the conditional use permit, too, if they want to... *inaudible, being talked over.*

Mr. Randall: Well, no, I understand that. I just hate to... right, you're now going to force a business to come back to us if they want to put in a B-1 area, they've got a new car dealership and they want to put a flag that's 60-foot high. You know, now they're going to have to come to us and ask permission to do that flag where, by the current standards, they would have up to 65 feet, correct?

Mr. Morgan: In the current standards, as it's now adopted and how we regulate it now, there is not a height limitation.

Mr. Randall: Right. But if we did version 1, for example...

Mr. Morgan: If you did version 1, it would be 65 feet in a B-1.

Mr. Randall: Sixty-five feet, right? And so, what we're saying here, if you want to get to 65 feet, you have to come back to us, pay whatever amount of money it's going to be for a conditional use permit for us to say yes, you have a 25-acre dealership and now we're going to allow you to put a flag pole that's higher than 45 feet, or higher than 55 feet.

Mr. Morgan: Correct. It was discussed at the Board and at the CEDC that option 1 was what the Board's intent was; it was to remove it from there so that they could have those heights within those districts and would be consistent with the buildings.

Mr. Randall: Right, I just don't know if we have... right.

Mr. Morgan: After discussion, Mr. Apicella felt that it would be appropriate to have additional language and that's where I drafted this same option.

Mr. Randall: No, I understand that, I understand that. Okay. So, I guess my answer is, is I don't really think we need to put a structure... put a limitation on businesses other than the current limitation of a 65-foot pole in B-1, B-2. I think that's perfectly acceptable. We already have an R-1, R-2, A-1,

Planning Commission Minutes
October 14, 2020

A-2. And so I will probably go no against version 2. I think we just need to take them off the limits and leave it alone, let the current standards run with moving forward.

Mr. English: Okay, anybody else?

Ms. Barnes: Yeah, I had a quick question. Can you provide an argument for what the advantages are for version 2, and what specifically or why specifically version 2 would be more advantageous?

Mr. Morgan: For staff, that wasn't our direction. We presented with the option 1. It was desired by other Planning Commission members to add that. I don't know what the advantages would be other than to require, just like Mr. Randall stated, that another application come forward with a conditional use permit for a flag that's in excess of 45 feet.

Mr. McPherson: Well, I'd like to bring up that special exception less than 10 feet is for a resident who wants to build a 38-foot or 44-foot flag pole spends \$1,000 versus \$10,000, special exception versus CUP. So, that's why I'm very much in support of version 2 is that a... for a resident who wants to have a slightly higher flag pole to have to file a CUP I think is not the direction, in my opinion.

Mr. Morgan: I did have staff when they were out on inspections survey their areas to see exactly what flag poles existed and if there were any that were very excessive in those A1/A2, R1/R2 zones. The average was 20 to 25 feet. There's one exception that I think everybody is aware of that's an 80 foot flagpole that I think was one of the catalysts to this whole discussion. So, that's why you don't really see those kind of heights in those districts and if it was Option 1, their building height would be 35 feet so it would be consistent with the surrounding aesthetics of that neighborhood so that's why Option 1 was presented.

Mr. McPherson: Right but for Option 2 though, if most of them are still less than 35 feet then that is not going to be an issue, it's for those who do want to go a little bit higher than 35 feet, version 2 I think it advantageous to people wanting slightly higher flagpole.

Mr. Randall: So the question is, if somebody wanted to pay the \$10,000 for a CUP are you saying that we could allow on a residential in the middle of Stafford a flag pole up to 50, 55, 60 feet high?

Mr. Morgan: Correct, with a conditional use permit.

Mr. Randall: That makes sense.

Mr. Morgan: And even if Option 1, height regulations that are exceeding the minimum district heights does require a conditional use permit.

Mr. Randall: Still? Without having to document that in Version 2?

Mr. Morgan: Correct.

Mr. Randall: Okay. So I'd say that's the only reason why we have version 2.

Mr. English: Any more discussion? Mr. Bain?

Planning Commission Minutes
October 14, 2020

Ms. Lucian: Just a reminder that the motion, I'm sorry I don't mean to interrupt I was just going to remind the Commission that the motion on the floor is whether to change the wording of version 2, if the Commission plans to go in a different direction there's always the option to offer a substitute motion.

Mr. English: Okay. You understand that motion? Okay. Go ahead Kristen.

Ms. Barnes: I was just going to say that I agree with Fillmore on that Option 2, it sounds like it might give maybe a little more flexibility and not having to spend all the money for a conditional use permit if I'm understanding this correctly.

Mr. English: Yes. Alright, so what we're voting on is the wording right now, changing the wording is what we're voting on.

Ms. Lucian: Yes, is there any specificity on how you guys wanted to propose that language to be changed? Just to make the motion clear. You can always vote on whether to change it first and then get to that second.

Mr. McPherson: I have one potential wording, just read, change the second sentence for any monument or flag pole application greater than, no more than 10 feet in height, greater than the limitation to be a special exception, more than 10 feet would be a conditional use permit. I think somebody brought it up before that you start with, for any monument or flag pole you put whether it's 0-10 feet, between 35 and 45. That's just general wording, not the final wording.

Mr. English: Are you adding a substitute motion to add to that or you just wanted the clarification just to add that.

Mr. McPherson: We're just discussing the wording in this one.

Mr. English: Right that's what I mean on the wording, so you just, you're adding more wording to this, to what he's already said?

Mr. Bain: So are you proposing to add that wording to the motion?

Mr. English: That's what I'm asking, yeah.

Mr. McPherson: Yes.

Mr. English: Are you okay with that Mr. Bain?

Mr. Bain: I am yes.

Mr. English: Is that right?

Ms. Lucian: Sure, I'll take that as a second.

Mr. English: Okay, alright. Alright, we'll go ahead and vote, we're voting on the motion for the wording.

Planning Commission Minutes
October 14, 2020

Mr. Randall: Kristen Barnes?

Ms. Barnes: Okay, so let me just make this clear, the motion is just to change the wording, not necessarily whether we're choosing Option 1 or 2?

Mr. English: Correct.

Ms. Barnes: Okay, then I would vote yes.

Mr. Randall: Albert Bain?

Mr. Bain: Yes.

Mr. Randall: Darrell English?

Mr. English: Yes.

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

Mr. McPherson: Yes.

Mr. Randall: Dexter Cummings?

Mr. Cummings: Yes.

Mr. Randall: Six yeas, one absent.

Mr. English: Okay, motion carries. Now we need to vote on what option that we want to go with, one or two.

Mr. McPherson: Mr. Vice Chairman, I would like to make a motion.

Mr English: Okay, go ahead.

Mr. McPherson: I move to recommend approval of Version 2, the Ordinance O20-30 alternative. The one to which we just revised the wording to be clear.

Mr. English: Okay, anybody have a second?

Ms. Barnes: Second.

Mr. English: Kristen seconds the motion. Mr. McPherson, any more questions or comments?

Mr. McPherson: We discussed why I prefer that one for residents.

Mr. English: Kristen, any comments?

Ms. Barnes: None at this time.

Planning Commission Minutes
October 14, 2020

Mr. Randall: Again, the only difference between version 1 and version 2 is now you're putting an excess burden on businesses who want to put a flag in their yard or in their business, that's more than 45 feet high. B-1 and B-2 allows them to go to 65 feet. I'm not sure why 65 feet is too high. That's what it does. They already require a conditional use permit if a resident wants to go more than 35 feet they have to come in with a conditional use permit. The only thing this does in version 2 is keep a business from going to 65 feet and it keeps somebody in the RBC from going to 120 feet. Those are the only two things it does and so I don't know why we would put an onerous requirement on a business that wants to put a big flag at their place of business. Because that's what version 2 does. Version 2 limits them to less than 65 feet unless they want to come in and pay \$10,000 for a conditional use permit and I think that's onerous, I don't think we should be doing that. Residents are already at 35, residents already by the current standard as we've just been told, have to do a conditional use permit if they want to go higher than 35, so why would we put that restriction on businesses?

Mr. McPherson: But for version 2, residents don't have to do a conditional use permit if they want to do less than 45. It's a special exception which is way different than a CUP.

Mr. Bain: When you look at it, 45 feet is the equivalent of a 4-story building, 65 feet is the equivalent of a 6-story building, they're not that many 6-story buildings in the county that I can think of. Most of them are on the border of four or less so I don't really think it would be onerous to limit their flag pole to the height of their building, four stories.

Mr. Randall: There are a lot of businesses out there that have huge flags.

Mr. Bain: Well they are but...

Mr. Randall: And they're much taller than the buildings they're built on.

Mr. Bain: But is that something that the County necessarily wants to promote?

Mr. Randall: Why would we stop the business from doing that?

Mr. Bain: Because I think sometimes things get a little ridiculous.

Mr. Randall: That's why there's a 65-foot limit.

Mr. Bain: What's wrong with a 45 foot limit then?

Mr. McPherson: 45 is pretty high.

Mr. Bain: And let them offer a reason for going to 65.

Mr. Randall: Again, we should be encouraging businesses and not making more limitations to them doing what they want to do as a business, so again, if we want to choose to say that a resident can go to 45 and pay \$1,000 versus a business who wants to go to 55 and pay \$10,000. That's your choice, I'm just saying it doesn't seem like you would be beneficial to put more restrictions on businesses that we want to come into Stafford.

Mr. McPherson: Bart I do hear what you're saying but in my opinion the height of a flag pole in a business is not very critical to how successful they're going to be.

Planning Commission Minutes
October 14, 2020

Mr. Randall: Okay, I'm sure the Toyota Stafford here that flies that American flag would probably disagree if you told them they had to cut it down 20 feet.

Mr. Bain: Mr. Morgan?

Mr. Morgan: Yes, sir.

Mr. Bain: Did you have any statistics on how many business flag poles are 65 feet in the County?

Mr. Morgan: With the Option 2, we did survey what flags would possibly be non-conforming, they would still be able to remain, and there were six of those that would be non-conforming.

Mr. Bain: So six in the entire County?

Mr. Morgan: Correct.

Mr. English: What were the heights?

Mr. Morgan: 85, 65, 60,...

Mr. English: So you had one 80 feet and the rest of them were like 60 you said?

Mr. Morgan: Correct, and the one that we had that's 80 feet is in an agricultural zone so, and the ones that would be non-conforming by Option 2 are in commercial zones.

Mr. Bain: So the businesses in the county aren't clamoring to build 65 foot...

Mr. Randall: Not the current businesses that's correct. How many residents do we have that have a flag pole over 35 feet, do you know?

Mr. Morgan: I do not know the exact number but like I said, we did survey the areas when my inspectors were out to see what the average was and the average flag pole in residential zones are 20-25 feet.

Mr. Harvey: Mr. Chairman, as a point of clarification, this proposed amendment affects more than just flag poles, it also affects if someone wanted to build a monument for whatever purpose.

Mr. English: Okay, any more discussion? If not call for the vote Mr. Randall.

Mr. Bain: Can you repeat the motion please?

Mr. McPherson: Yes, just to be clear I move to approve Resolution O20-30, the alternative version, version 2.

Mr. Bain: Thank you.

Mr. English: Okay, go ahead Mr. Randall.

Mr. Randall: Kristen Barnes?

Planning Commission Minutes
October 14, 2020

Ms. Barnes: Yes.

Mr. Randall: Albert Bain?

Mr. Bain: Yes.

Mr. Randall: Darrell English?

Mr. English: Yes.

Mr. Randall: Bart Randall is no. Fillmore McPherson?

Mr. McPherson: Yes.

Mr. Randall: Dexter Cummings?

Mr. Cummings: Yes.

Mr. Randall: Passes 5 to 1, with one absent.

Mr. English: Alright thank you. Thank you Mr. Morgan.

Mr. Morgan: Thank you.

Mr. English: Alright, next on the agenda is going to be Mike Zuraf with the Telecom Tower Milestone Widewater and their CUP is number 2. We're going to combine those together Mike? Okay.

1. COM20153286; Comprehensive Plan Compliance Review - Telecom Tower Milestone Widewater - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for the placement of a 164-foot tall telecommunications facility, including ancillary equipment, on Tax Map Parcel No. 22-22, located at the terminus of Den Rich Road, approximately 2,400 feet east of Telegraph Road, within the Griffis-Widewater Election District. Milestone Communications is the applicant. **(Time Limit: December 13, 2020)**
2. CUP20153287; Conditional Use Permit - Telecom Tower Milestone Widewater - A request for a conditional use permit (CUP) to allow a 164-foot tall telecommunications facility, including ancillary equipment, on Tax Map Parcel No. 22-22, zoned A-1, Agricultural Zoning District. The Property consists of 202 acres, located at the terminus of Den Rich Road, approximately 2,400 feet east of Telegraph Road, within the Griffis-Widewater Election District. Milestone Communications is the applicant. **(Time Limit: January 22, 2021)**

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. Mike Zuraf with the Planning and Zoning Department. If I could have the computer please. So, these two items, it's a proposal for a Comp Plan Compliance Review and Conditional Use Permit for a telecommunications tower called Milestone Widewater. So, the two requests include first a review to determine if a 164-foot telecommunications facility is in compliance with the Telecommunications Plan element of the Comp Plan, and the second is a conditional use permit to allow a telecommunications facility in the A-1, Agricultural Zoning District. This is on one property that covers 202 acres, with Milestone

Communications as the applicant. It's in the Griffis-Widewater District. So, the parcel subject to the applications is shaded in blue on this zoning map. The property is located at the terminus of Den Rich Road. It's approximately almost a half a mile east of Telegraph Road. The adjacent properties are zoned generally A-1 to the east of the site, and R-1, Suburban Residential, and A-2, Rural Residential, generally to the west of the site. The total area of the site is, as mentioned, 202 acres. The location of the tower is proposed near the northeastern property boundary. The property boundary is in blue. The vicinity of the proposed tower has previously been cleared of trees and does not include any sensitive resources. The remainder of the property is heavily wooded with mature deciduous vegetation. The residential uses are located to the west of the site, including Brentsmill and Aquia Harbour subdivisions. You have Widewater Elementary School located to the northeast of the site that you can see at the top of the screen. The general development plan depicts how the proposed tower would be developed on the site. The circle highlights the location of the tower here. A 2,500-foot compound and lease area would house the ancillary equipment cabinets for the providers locating on the tower. And it would be enclosed by an 8-foot tall chain link fence with privacy slats, and also screened with landscaping. The tower is located 65 feet from the closest property line. There are mature trees located between the tower compound location and the property line. There's a gravel access road that would be constructed from Den Rich Road. It would traverse a public right-of-way and another parcel under the same ownership of the subject parcel, so that yellow area highlights the public right-of-way that they would have to go through. I will note that the applicant will need to obtain a use agreement approval from the Board of Supervisors as a separate action to traverse that public right-of-way area. The plan includes an elevation view of the 164-foot tall monopole tower, with a potential for colocation of five wireless carriers. Verizon Wireless would locate their antennae at the top of the tower. The tower is not proposed to be lighted since the FAA does not require lighting for a tower of this height. So, the Telecommunications Plan is an element of the Comp Plan. It provides guidance regarding the siting criteria and facility design standards for new telecommunication facilities in the County. The tower is consistent with many of the guidelines. There's primary siting criteria. The highest priority is to collocate on existing structures. Note that there are no other structures available that would meet the coverage objectives of the applicant. Locating on agriculturally zoned properties is one of the location priorities, so they do comply with that. There are several other siting criteria to ensure minimalization of impacts. There are no County historic districts in the vicinity. And federal review through the Natural Environmental Policy Act, or NEPA, that requires review of new towers by the State Historic Preservation Office and they determined that there would be no adverse visual impacts to any historic districts or properties. The site is not located near any airports. The proposal was sent and evaluated by Quantico Marine Corps Base, which they have aircraft operations not far away, and they determined there would be no adverse impact to their operations. The potential to locate in a major power transmission corridor to the west was explored, but the applicant determined that either the specific towers either did not meet the coverage objectives or lease agreements could not be reached with the underlying landowners. The towers also should be located away from residential concentrations. The closest residential concentration is the Brentsmill Subdivision which is 800 feet to the east of the site. There's also a priority to locate interior to a parcel. The tower, as mentioned, is located only 65 feet from the property line. Widewater Elementary School is adjacent to the tower. The tower site will maintain the existing stand of mature trees that are between the tower and the school, so that will limit the visual impacts. In addition, staff notes that locating the tower internal to a 202-acre property may limit the potential future use of that site and possibly also reduce signal levels to the closest residence. Because that would mean kind of going a little farther away from the closest residence. On the last point, the NEPA review process does consider impacts to wetlands in the tower compound, and an access road would avoid impacts to wetlands. So, the Telecommunications Plan also recommends new facilities be sited an appropriate distance away from existing facilities. This image shows the existing Verizon Wireless signal strength. Blue represents the highest signal levels,

Planning Commission Minutes
October 14, 2020

so, and then coverage... signal levels and coverage in red is where you have the lowest signal strength. The proposed tow... well, you'll see. So, the applicant provides an existing and a proposed. So, this next slide then shows, for comparison purposes, the proposed signal coverage with the tower in place so you can see where before and after this tower would fill a gap where there's lower signal strength. This image just represents the setbacks from the tower location to the closest property line of 65 feet, and then the other structures nearby, which is 280 feet to the Elementary School and 500 feet to the nearest residence along Den Rich Road, and 800 feet to Brentsmill. So, the proposal then also conforms to the facility design guidelines which focuses on the details of the tower and compound. The tower height does not require any lighting. Not having the lighting would minimize impacts to migrating birds, and also visual impacts to surrounding properties. The plan does recommend towers be designed to accommodate at least up to three providers; so, the tower does meet this because they're providing up to five... space for five providers on the tower. The plan also recommends facilities should be designed to minimize visual impacts on the surrounding area. The existing stand of mature trees will be retained to screen the compound and lower portion of the tower from the closest residence. The applicant submitted photo simulations of the tower from several points around the site. The area where the tower may be most visible would be from the school and locations at the end of Den Rich Road. So, this is a view from one of the drive aisles in front of the school, so you could see where the tower would... how it would appear if it was built in that location. So, looking at the overall evaluation for the Comp Plan review, there are several positives. The proposed facility is generally consistent with the siting priorities and design standards of the Telecom Plan, with the exception of the setback recommendation from the property line. Approval of the request would result in enhanced broadband coverage on properties east of Telegraph Road. And the tower is designed to ensure the health and safety of nearby residents. Staff does not see any negative aspects, and does recommend approval of the Comp Plan Review pursuant to Resolution PCR20-13. And quickly, on the conditional use permit, staff is recommending several conditions. Here's a summary: it would limit the site to having only one tower of monopole-type construction and with it being no higher than 164 feet; the location of the tower would be in conformance with the plan as provided; land clearing would be limited as shown on the plan; and also it would be a requirement that there would be no lights on the tower unless it ends up being required by the FAA; required security fencing and screening of the compound is another condition; and also, a condition that the mature trees be preserved between the tower and the adjacent property. Also, the tower should be designed to accommodate at least five carriers. And then there's standard language that we have on most of these applications regarding signage limitations. Also, a condition that the tower would have to be removed if... once it's discontinued in the future. And then also avoidance of 9-1-1 communications.

Mr. McPherson: Mike, can you please clarify what they mean by avoidance of 9-1-1 communications?

Mr. Zuraf: So, the signals that 9-1-1 has in their network for communicating with first responders. I guess in some manner, some of these signals could actually interfere, and so they can be designed to not interfere with 9-1-1 communications throughout the County.

Mr. McPherson: Avoidance of having issues for the 9-1-1 communications, okay.

Mr. Zuraf: Excuse me?

Mr. McPherson: So, it's not avoiding 9-1-1 communications, it's avoiding...

Mr. Zuraf: Avoiding interfering with...

*Planning Commission Minutes
October 14, 2020*

Mr. McPherson: ... interference with 9-1-1 communications.

Mr. Zuraf: Yes, yes.

Mr. McPherson: Okay, thank you.

Mr. Zuraf: Sorry.

Mr. Randall: So, Mr. Zuraf, is this only... are these the only conditions, proposed conditions, or are there separate conditions for the...? You have the conditional use permit and I see in the staff report we have several more conditions that are listed.

Mr. Zuraf: Yeah, this is a general summary of the main conditions.

Mr. Randall: Ahhh, that's why. So, in our... in the proposed conditions, do we think it's a requirement to specify what kind of security fencing and how high the security fencing? Or is that going to be covered somewhere else? It's says a security fence...

Mr. Bain: *Inaudible, microphone not on.*

Mr. Zuraf: It's specified in the plan, so... but, I know the fencing is not speci... it's not specified necessarily in the conditions, so that could be something that could be added in accordance with... *inaudible, being talked over.*

Mr. Randall: That, and also I know that in... it also says that shall install and maintain evergreen vegetation to screen the base of the tower from adjacent properties where existing coverage does not exist. Is that going to be in compliance with our landscape standards?

Mr. Zuraf: That's a design standard requirement, so I would prefer to leave that open because then that gets evaluated at the time of site plan to determine where that was best required.

Mr. Randall: Alright, that's all I have. Thank you.

Mr. English: Are you finished, Mike?

Mr. Zuraf: Not quite.

Mr. English: Alright, I'm going to let him finish before I ask any questions. Go ahead, Mike.

Mr. Zuraf: The last slide. Yeah, just going over the positives with the proposal for the conditional use permit. It meets the standards of issuance for review; also, the approval of the request would result in enhanced coverage of wireless broadband service to an underserved area; conditions would offset negative impacts as well. No apparent negative aspects are seen, and staff also recommends approval of the conditional use permit subject to approval of the Comp Plan Compliance Review.

Mr. English: Okay. Anybody have any questions for Mike?

Planning Commission Minutes
October 14, 2020

Mr. Bain: Just one. I was trying to figure out the access road to the site. And the only thing I saw that indicated anything was your slide that showed tower location. Yeah, that one. Where it says Den Rich Road, are they acquiring that property? I think on one of the slides, it looked like that was an empty lot.

Mr. Zuraf: The property owner of the subject parcel also owns this parcel.

Mr. Bain: Ah, okay.

Mr. Zuraf: So, that's why they're going in this direction. They do not have any... they do not own this piece so they ended up having to snake around.

Mr. Bain: To go around. Alright, that was my concern. Did they also have to buy that property. Okay. That's good.

Mr. Cummings: Yeah, hey Mike. So, Mike and I had a little conversation, you know, and he provided some comments back to me about the health and safety aspects; I think location and the health and safety aspect. And the Comp Plan says we discourage, you know, locating these towers by schools. And so, I want to see how that sort of is juxtapose or weighed against potential benefits, number one, and then also in the materials I saw that there was an environmental plan and the engineer or the firm that did it indicated that the... I guess the company was going to have another impact study or analysis done separately from the environmental piece and the pass environmental... *inaudible*... I think that was potentially in harms way. But the... so, I just want to follow-up on those two pieces; the location, alright, juxtaposed against what's in the Comp Plan, and then two, and how is that analysis done and how does the benefit outweigh the potential risks, and then to see the results or understand more about the risks, the health and safety risks. And the analysis that was sent.

Mr. English: Mike, can the applicant address that or is that something that...?

Mr. Zuraf: I can generally provide some of our discussion, but I'm sure the applicant will be able to expand on some of my comments.

Mr. English: Okay.

Mr. Zuraf: So, yeah, with the location, I think the Comp Plan... it does discourage it against residential but not necessarily schools I don't believe. But regardless, there's still the issue of the recommendation about the towers being located internal to the site to, I guess, you know, you're limiting impacts to adjacent properties and I guess that there's the, and what I noted in one of the slides, you know, the distance from the closest school building is approximately I think I mentioned 280 feet. So, that exceeds the height of the tower of 164 feet, but, what could be done in addition to what we have here is consideration of fall zones. The towers could be... the tower could be designed in a manner to cause it to limit the... so, it actually can be designed to have break points so it doesn't just fall out 164 feet out in one direction. It can basically fall within a smaller radius. So, that could be designed, and also it could be designed to fall in a specific direction. So, the bottom line, there could be a condition that the tower be designed so if it falls, it would not fall outside of this subject property. That could be an issue to address potential safety concerns with the proximity or location of the tower being close to the edge of the property. And then, with the other issue with exposure, my understanding is the radio frequency exposure is there. Any wireless provider there, they're under the purview of the FCC and they have to meet their requirements. So, they're under some federal mandates there and they're going to have to meet certain emission levels that get measured at ground

Planning Commission Minutes
October 14, 2020

level. And so that's going to be required regardless of what land uses are around. But that's something that is handled at the federal level through the FCC.

Mr. Cummings: There's no independent study that's been done by the applicant to... that we can... as part of this application?

Mr. Zuraf: I would have to... it's nothing that was provided. I know that the NEPA review document did mention that they in the future... I believe it was something that they will need to do is do the measurements I guess and make sure that it's designed to meet those guidelines. And they could probably expand on what's been done, if anything.

Mr. Cummings: Yeah, that'll be good.

Mr. McPherson: And Mike, it's my understanding that radio frequency from cell towers is non-ionizing radiation which means it's not carcinogenic. I'm not sure if the applicant's here or if there's an RF expert who can speak to it, but that's not a consideration having been in the telecom business for a long time; but I'm not now, just to be clear.

Mr. Zuraf: An RF expert is available to help and clarify these things if needed.

Mr. English: Any more questions? If not, can we have the applicant come forward?

Mr. Donohue: Thank you Mr. Chairman, members of the Commission. My name is Ed Donohue, I'm local counsel for Milestone Communications. And I want to start by saying I certainly appreciate staff's patience with all this. When I look back at my notes, we had a pre-application meeting with staff in February... February 6. A few things have happened between then and now, but we certainly appreciate Mike's diligence in all this and it's take a while to get here. We're grateful for your time, but I want to acknowledge staff's work on this. And both staff reports, the Comp Plan and the CUP one are really very excellent and we appreciate that. It makes our job easier to try to answer your questions because he's done so much of the legwork for us. Just a couple things I want to mention that Mike went through quickly, which I certainly understand. In an effort to try to do outreach in this environment, we did a virtual meeting with sort of the neighborhood of the greater school community. We did a balloon fly which we notified over 300 households a couple different times about the meeting that was held; it was a zoom meeting but we did host that in early September. And it wasn't terribly well-attended. In fact, it was only a handful of people. But I believe Commissioner Cummings was on the call. And a couple of things did come up, and then that gets into my next... *inaudible*... but I wanted you to be aware of that. In trying to site a facility like this, particularly in an area that's heavily residential/agricultural, it's challenging. There just aren't the tall structures, there aren't the water tanks, there aren't the support features that allow us to we call collocation. We put the antenna on the side of the building, on the side of the water tank, and move on. So, this is the most challenging one there is. So, we really do spend a good deal of time trying to find the right site, a willing landlord, a large parcel, tree cover, these kinds of things. But what you end up coming down to is proximity. What are you near and who are you affecting. But proximity goes both ways, because we're really trying to cover the residential areas because everybody's working from home, the students are studying from home, people are using their mobile devices far more than landline, so we're trying to cover the residential areas. Additionally, and as it pertains to this site, we want to be as close to the northeast here if you will because part of the coverage objectives is to get Route 1 and then 95. There's some challenges there; you've got a little bit of traffic on this part of 95 and so we're trying to offload some of the congestion on the network, so we need to be as close as we can up that way. It also takes

advantage of some tree cover up in that part of the property. It is a large property, but the man intends to develop it I think down the road and so we're trying to be up to where we want to be but also allow for future use of the property. So, that's some broad discussions about that. In terms of RF emissions and the question about the levels Commissioner Cummings had asked earlier, you know, there's a couple things. One, the standards that we all have to abide by are set by the federal government. And the federal government and FCC regulates all of the carriers that may go on this tower. And so, even combined, they've all got to meet and they do routinely meet this and far below the federal levels that are set. But part of that is the federal government said this is not the purview of Planning Commissions or Board of Supervisors; these are federal numbers. But we are happy to share those with you. We did that during the community meetings and we can do so with staff. We can run some projections from what Verizon would be doing at this particular site. We can also run projections with all five carriers. We can kind of guess who they're going to be and where they're going to fall. And we can run those numbers and we can provide them to you and you can look at the math and you'll find that we're far, far below what's deemed to be a safe level of emissions. Finally, we can do a post construction testing. We've done this in a number of jurisdictions, particularly on or near schools. Run the numbers that we looked at, that we projected that we were going to do, and then run the numbers which are actually coming from the site, and you can compare the two and see, you know, that we fall far within the safe zone there as well. Milestone Communications operates... they're based in Reston, but they operate throughout the area. Their business motto really is to develop property, municipal properties, parks, Board of Supervisors properties, schools. Dozens of school sites in Fairfax County. Dozens of park sites in Prince William County. Some sites within Stafford County. It's really a good solution, because it allows back to my point – I'm not trying to cover the residential areas – it allows us to be on an institutional property, typically a large property, often times with heavy screening and some setbacks, it allows us to cover the residential areas but also be on a municipal property. It offers the control of the County and offers some revenue to whoever owns the property so that it can be a real win-win solution. We mentioned the coverage objectives just briefly. I will say this does help with the broadband initiative that the County is so diligent about. I know that there is somewhat of a digital divide; this does help with broadband deployment. We build with any carriers and email and wireless internet service providers whomever want to go on there, in addition to County services as needed. So, that, Mr. Chairman, is my elevator speech. We do have a couple of witnesses available on zoom and also here. Matt Penny is with me from Milestone Communications. He's the project manager. And on the call is Mark Mazula who is our civil engineer, and Paul Dugan who is the RF engineer, as needed.

Mr. English: Okay sir. Anybody have any questions for the applicant?

Mr. Cummings: I mean, I'd like to hear from the RF engineer about the levels. And you mentioned that there's going to be some studies pre and post, right? And are those part of the... that's what you guys do pro forma, right, and they're part of the...

Mr. Donohue: They've not been done at this time but we can do them, sure thing.

Mr. Cummings: Again, and I must say, I'm in favor of broadband and in favor of this, it's in my district. I would love to see those people connected. I just want to make sure that we're doing everything that we can to make it... you know, that's it's ensuring that it's safely done.

Mr. Donohue: We've got some time between Planning Commission and Board of Supervisors, so all of that can be done, it can be submitted to staff, it can be circulated to the Commission, and again, the

Planning Commission Minutes
October 14, 2020

post construction which I suggested, that's something we can do as a follow-up and we can come back and tell you how it went.

Mr. Cummings: Oh, no, I think that's great. And if the engineer could just really talk me through it, I think that will be very helpful and I think illuminating for everybody. Except for Mr. Fillmore who is a... *inaudible*.

Mr. English: Okay.

Mr. Donohue: So, Paul, do you understand the question?

Mr. Dugan: I believe so. Can you hear me?

Mr. Donohue: Yep.

Mr. Dugan: Okay. Yes, my name is Paul Dugan. I'm a registered professional engineer in the Commonwealth of Virginia with 37 years of experience in wireless telecommunications. I have been performing RF safety certifications for 25 years, including measurements around the base of structures, calculations, and modeling. My first priority as a registered professional engineer is the whole paramount of the health, safety, and welfare of the public. The FCC has sole jurisdiction over the regulation of electromagnetic fields. The FCC guidelines for operating wireless networks are based on the recommendations of several national and international health and safety agencies. The FCC has reaffirmed the existing exposure limits on more than is sufficient for the diverse makeup of demographics, including children and the current next generation future deployment of low power wireless networks. It is my opinion that too much misinformation is circulating regarding possible health effects from wireless antenna emissions. There are conspiracy theories that even suggest 5G may be responsible for the Coronavirus. The World Health Organization states that no evidence...

Mr. Cummings: Excuse me, Mr. Dugan... Mr. Dugan, respectfully, respectfully. I understand, this is not an opportunity for us to litigate it or... so what I would prefer is just give us information about this site and what your professional opinion is about this site, so that the citizens can breath a sigh of relief.

Mr. Dugan: Sure. The proposed antennas from Verizon are proposed at an antenna centerline of 160 feet. At that height, there's so much horizontal and vertical separation from any of the uses on the ground level that the exposure levels, composite exposure levels, and I've measured these for 25 years, are going to be substantially below 1% of the FCC safety standard. And again, I've been performing these measurements. Fairfax County Schools has hired third party engineers to measure around school facilities to prove that the ground level exposures are what they say they are.

Mr. Cummings: And I'm going to ask staff, I guess, and this is part of the overall application conditions of the application?

Mr. Zuraf: Are you inferring to the pre-imposed readings?

Mr. Cummings: Yes.

Mr. Zuraf: Not necessarily. No, there are not any conditions that would require those be provided to the County.

Planning Commission Minutes
October 14, 2020

Mr. Cummings: Well, for health and safety, I think if they're... if the applicant would be so inclined to include those as he stated, I think that would... that would be greatly appreciated.

Mr. Bain: Are they required to submit those to the government, federal government at this time?

Mr. Donohue: No sir, not on an individual basis. The term of art is categorically exempt. The height is such that the distance is so far from the human environment that this one wouldn't require a filing. But it's not to say that we couldn't provide it to staff; I mentioned in the outset. And whether it's a condition or not, we'll do it. Mike will have it and he can circulate it to you folks.

Mr. Cummings: Since it's in my district, I think it would make me feel better in that we're doing everything that we possibly can. I appreciate it.

Mr. Donohue: We'll do it.

Mr. Cummings: Thank you.

Mr. English: Any other questions for the applicant? Okay, you can have a seat sir.

Mr. Donohue: Thank you sir.

Mr. English: Alright, at this time I'll open the public hearing up. Anyone have any comments or questions in reference to this? Anybody on my right? On my left? If not, I will... Mr. Cummings, this is in your district... Do you want to close the public hearing on this since it's your district?

Mr. Cummings: Yes, I believe so.

Mr. English: Alright, at this time I'll close the public hearing on this one, and then I'll bring it back to the Commission. So, it's in your district, Mr. Cummings, so how do you proceed?

Mr. Cummings: Yeah, joining them together, I'd like to make a motion that we approve COM20153286 and CUP20153827...

Mr. English: Can we do those... separate...

Ms. Lucian: You can do them together but it's probably better if you do them one at a time.

Mr. Cummings: Okay.

Mr. English: Just do it separate.

Mr. Cummings: Alright. So, again, I make a motion to approve COM20153286.

Mr. McPherson: Second.

Mr. English: Alright. Any comments Mr. Cummings? Mr. McPherson?

Mr. McPherson: No.

Planning Commission Minutes
October 14, 2020

Mr. English: Anybody else? If not, Mr. Randall, go ahead and call roll please.

Mr. Randall: Kristen Barnes?

Ms. Barnes: Yes.

Mr. Randall: Albert Bain?

Mr. Bain: Yes.

Mr. Randall: Darrell English?

Mr. English: Yes.

Mr. Randall: Bart Randall is yes. Fillmore McPherson?

Mr. McPherson: Yes.

Mr. Randall: Dexter Cummings?

Mr. Cummings: Yes.

Mr. Randall: The vote is 6 for and 1 absent.

Mr. English: Alright, motion carries. Back to you Mr. Cummings.

Mr. Cummings: I'd like to make a motion to approve CUP20153287, as amended.

Mr. English: Okay. Do we have a second?

Mr. Bain: Second.

Mr. English: Alright, second by Mr. Bain. Mr. Cummings, any more comments?

Mr. Cummings: Yeah, I do. I would like to thank Verizon, thank the Planning Commission for working so diligently on it, particularly during tough times, COVID. I just want to confirm for the applicant that it is something that we're very, very supportive of. Our Comprehensive Plan is up for review and these are all the considerations that we're looking at and hopefully looking to partner with, organizations like yours that are willing to come in here, invest, and put... and give the citizens of Stafford access, which is so critical now moving forward. So, again, very supportive of the application and the work that's being done.

Mr. English: Thank you. Do you have something, Mike?

Mr. Zuraf: Just for clarification, you mentioned in your motion as amended. That's just to clarify referring to the pre-imposed readings?

Mr. Cummings: Yes. Thank you, Mike.

Planning Commission Minutes
October 14, 2020

Mr. English: Okay, Mr. Bain? Do you have any comments?

Mr. Bain: No.

Mr. English: Alright, Mr. Randall.

Mr. Randall: Kristen Barnes?

Ms. Barnes: Yes.

Mr. Randall: Albert Bain?

Mr. Bain: Yes.

Mr. Randall: Darrell English?

Mr. English: Yes.

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

Mr. McPherson: Yes.

Mr. Randall: Dexter Cummings?

Mr. Cummings: Yes.

Mr. Randall: Six yeas and one absent.

Mr. English: Alright, motion carries. Alright, Mr. Zuraf, the next two?

3. COM20153293; Comprehensive Plan Compliance Review - Telecom Tower Dunbar Drive Verizon - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for the placement of a 195-foot tall telecommunications facility, including ancillary equipment, on Tax Map Parcel No. 17-49G, located on the south side of Dunbar Drive, approximately 800 feet west of Alderwood Drive, within the Hartwood Election District. Smartlink LLC, on behalf of Verizon Wireless, is the applicant. **(Time Limit: December 13, 2020)**
4. CUP20153292; Conditional Use Permit - Telecom Tower Dunbar Drive Verizon - A request for a conditional use permit (CUP) to allow a 195-foot tall telecommunications facility, including ancillary equipment, on Tax Map Parcel No. 17-49G, zoned A-1, Agricultural Zoning District. The Property consists of 23.56 acres, located on the south side of Dunbar Drive, approximately 800 feet west of Alderwood Drive, within the Hartwood Election District. Smartlink LLC, on behalf of Verizon Wireless, is the applicant. **(Time Limit: January 22, 2021)**

Mr. Zuraf: Okay, Mr. Chairman, members of the Commission, again, Mike Zuraf with the Planning and Zoning Department. So, these next two items, another request for a telecommunications tower; it's a conditional use permit and Comp Plan Compliance Review. And if I could have the computer

please? So, this is a telecommunication tower on Dunbar Drive and, similar to the last case, the request included the review to determine if a 195-foot tall telecommunication facility is in compliance with the Telecommunications Plan and a conditional use permit to allow a telecommunications facility in the A-1, Agricultural Zoning District. This is on one single parcel that is 23½ acres. You have Cellco Partnership for Verizon Wireless as the applicant here. And this is in the Hartwood Election District. So, the parcel is shaded in blue. The site's located on the south side of Dunbar Drive, approximately 800 feet west of Alderwood Drive. All the adjacent properties surrounding this site are A-1, Agricultural. The tower is proposed to be centrally located on this... on the property. The area in the vicinity of the proposed tower had previously been cleared of trees. The remainder of the property is generally wooded to the south of the tower site, and open fields to the north of the tower. There's a perennial stream and 100-foot RPA buffer at the bottom half of the site along the southern property line. Then also, there is a residential dwelling located on the property approximately 250 feet to the north of the tower site. There are residential uses located around the property. The general development plan shows the proposed 195-foot tall monopole tower and how it will be developed on the site. The site includes a 2,500 square-foot compound and lease area, with ancillary equipment cabinets for the providers located on the tower. It also will have an 8-foot high chain link fence enclosing the structure, and also that will be screened with landscaping. The tower is located 355 feet from the closest property line. The existing gravel driveway off of Dunbar Drive will be upgraded by a 12-foot wide gravel travelway to the tower as required by code. This is an elevation view of the 195-foot tall monopole tower, with a potential collocation of four wireless carriers on this one. Verizon Wireless will also locate their antennas at the top of the tower. Also, with this one, the tower is not proposed to be lighted as the FAA does not require lighting for a tower of this height. Similar to the last case, we reviewed the proposal against the Telecommunications Plan. There are the primary siting criteria, the highest priority to collocate on existing structures is not available. Siting the tower on agriculturally zoned property does meet one of the location priorities in the plan. Reviewing the other siting criteria, there are no County historic districts in the vicinity and the NEPA review determined no adverse visual impacts upon historic districts or properties. The site's not located near any airports, and also this proposal also was evaluated by Quantico Marine Corps Base. They do have some aircraft operations in the vicinity and determined also that there wouldn't be any adverse impacts to them resulting from this tower. There are no major power transmission line corridors in the vicinity to provide opportunities for collocation. Although there are residences surrounding the site, the rural nature of the area would not classify as residential concentrations. That's going to be more so residential areas inside the Urban Service Area. Priority to locate interior... priority is to locate interior to the parcel. This tower is located 355 feet from closest property lines. They do meet this. And on the last point also, the NEPA review process did determine the tower compound and access road would avoid impacts to wetlands. So, again, with this, regarding the recommendation for facilities to be sited appropriately away from other existing facilities, here's the existing Verizon signal strength. Here, green represents the highest signal level, with red as the lowest signal strength. And here's the proposed signal coverage with the tower, and existing and proposed. So, this image represents the setbacks from the tower to the property line, and then closest onsite residence and offsite residence. The proposal conforms to the facility design guidelines which focuses on the details of the tower and compound. The tower height does not require any lighting, minimizing impacts to migrating birds and visual impacts to surrounding properties. The plan does recommend towers be designed to accommodate up to three providers. This one would provide up to four. The plan recommends facilities be designed to minimize visual impacts on the surrounding area. The existing mature trees on the site would add to... would act to screen the compound and lower portion of the tower. Again, with this, the applicant also submitted photo simulations from several points around the site. The area most visible would be from Den Rich Road; this is near the intersection with Alderwood Drive. You can see the top of the tower across in the distance. Generally, the wooded nature of the

Planning Commission Minutes
October 14, 2020

area does minimize the potential for view of the tower from most locations that were provided in the photo simulations. So, evaluation of the Comp Plan Review – similar with several positives with the proposal generally consistent with the siting priorities and design standards of the Telecommunications Plan element of the Comp Plan. Approval of the request would result in enhanced broadband coverage in the area, and the tower is designed to ensure the health and safety of nearby residents. Staff does not see any negative aspects and recommends approval of the Comp Plan Review. With the conditional use permit, again, here's general conditions. You can see the Resolution includes a more detailed list of all the conditions proposed. But, generally here, it's no more than one tower of monopole type construction. And the height of that tower cannot be more than 195 feet. The location of the facility on the site will be in conformance with the plan. Land clearing limits would be as shown on the plan. There'd be no lights on the tower unless required by FAA. Require the screen fencing... security fencing and screening of the compound. And the tower shall be designed to accommodate at least four carriers. And then, the standard language similar to what was mentioned in the last presentation. The same similar positives with the proposed facility meeting the standards of issuance for review of a conditional use permit. Approval of the request would result in enhanced coverage in the area. The conditions would also offset negative impacts, and staff does not see any negative aspects with this proposal and would recommend approval of the conditional use permit subject to approval of the Comp Plan Compliance Review.

Mr. English: Thank you, Mike. Anybody have any questions for staff? I've got applicant questions. Thanks, Mike. Would the applicant come forward please?

Mr. Donohue: Mr. Chairman, Ed Donohue on behalf of the applicant, Verizon Wireless.

Mr. English: Okay. One question – if Fire and Rescue or Sheriff's Office or whatever needed it for communications, is there room for that?

Mr. Donohue: Yes, sir.

Mr. English: There would be a fee for them to put onto that, right?

Mr. Donohue: So, we haven't been approached by Fire and Rescue, but...

Mr. English: Hypothetical then.

Mr. Donohue: So, I'll answer candidly.

Mr. English: Okay.

Mr. Donohue: Each of the carriers will work with Fire and Recsue, with Emergency Services, with whomever is needed, and that goes across the Board. Verizon, in particular, does an excellent job about that. So, I'm quite sure if there's a need, we can take care of it.

Mr. English: Okay, that was my question.

Mr. Donohue: Yes, sir.

Mr. English: Thank you. Anybody have any questions for the applicant? Okay, thank you sir.

Planning Commission Minutes
October 14, 2020

Mr. Donohue: Thank you, sir.

Mr. English: At this time, I'll open up the public hearing. Anybody have any comments or questions? Seeing none, bringing it back. Bart, you're going to have to take this because this is in my district.

Mr. Randall: Alright, so we will close the public hearing. Do we have a motion on the conditional use permit? Comp Plan Review first, yes.

Mr. English: I'm going to make a motion that we approve COM20153293, Comp Plan in reference to the Telecom Tower at Dunbar Drive.

Mr. Randall: Do I have a second?

Mr. McPherson: Second.

Mr. Randall: Alright, the motion was given by Mr. English, seconded by Mr. Fillmore. Do I have any discussions?

Mr. English: No, sir, I'm good.

Mr. Randall: Mr. Fillmore, discussions?

Mr. McPherson: No, Mr. Barton.

Mr. Randall: Ah, sorry. Alright, so let's call the roll. Kristen Barnes?

Ms. Barnes: Yes.

Mr. Randall: Albert Bain?

Mr. Bain: Yes.

Mr. Randall: Darrell English?

Mr. English: Yes.

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

Mr. McPherson: Yes.

Mr. Randall: Dexter Cummings?

Mr. Cummings: Yes.

Mr. Randall: Six yea's and one absent. I'm going to turn it back to you.

Mr. English: Alright. I'd like to make a motion to approve CUP20153292, Conditional Use Permit for Towers on Dunbar Drive.

*Planning Commission Minutes
October 14, 2020*

Mr. Randall: Do we have a second?

Mr. Cummings: Second.

Mr. Randall: Seconded by Mr. Cummings.

Mr. Cummings: Yes.

Mr. Randall: Do we have any more additional comments, Mr. English?

Mr. English: No, sir.

Mr. Randall: Mr. Cummings, any additional comments?

Mr. Cummings: No.

Mr. Randall: Alright. So, now we'll vote. Kristen Barnes?

Ms. Barnes: Yes.

Mr. Randall: Albert Bain?

Mr. Bain: Yes.

Mr. Randall: Darrell English?

Mr. English: Yes.

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

Mr. McPherson: Yes.

Mr. Randall: Dexter Cummings?

Mr. Cummings: Yes.

Mr. Randall: Alright, the motion's passed 6 and 1 absent.

Mr. English: Thank you, Mr. Randall. Now, I have number 5 on the agenda for Reclassification of Burns Corner presented by Brian Geouge. Are you going to do the Conditional Use Permit, too, with this one, and then we'll do the Reclassification? Do you want to move all three together?

5. RC19152897; Reclassification - Burns Corner - A proposed zoning reclassification from the B-3, Office Zoning District to the B-2, Urban Commercial Zoning District on Tax Map Parcel Nos. 29-92B, 29-93A, 29-93C, 29-93D, 29-93E, and 29-93F, consisting of 25.8 acres (Property), to allow for the development of various commercial uses. The Property is located at the intersection of Courthouse Road and Wyche Road, within the Hartwood Election District. Various portions of the Property are subject to concurrent conditional use permit requests. **(Time Limit: January 22, 2021)**

Planning Commission Minutes
October 14, 2020

6. CUP19152896; Conditional Use Permit - Burns Corner - A request for a conditional use permit (CUP) to allow a total of five (5) drive-through facilities in a B-2, Urban Commercial Zoning District on Tax Map Parcel Nos. 29-92B, 29-93E, 29-93F and portions of 29-93A, 29-93C, and 29-93D, consisting of 23.6 acres (Property). The Property is located at the intersection of Courthouse Road and Wyche Road, within the Hartwood Election District. The Property is subject to a concurrent zoning reclassification request. **(Time Limit: January 22, 2021)**

7. CUP20153241; Conditional Use Permit - Burns Corner Sheetz - A request for a conditional use permit (CUP) to allow vehicle fuel sales and a drive-through facility in a B-2, Urban Commercial Zoning District on portions of Tax Map Parcel Nos. 29-93A, 29-93C, and 29-93D (Property). The Property consists of approximately 2.2 acres, and is located on the southeast corner of the intersection of Courthouse Road, Hospital Center Boulevard, and Wyche Road, within the Hartwood Election District. The Property is subject to a concurrent zoning reclassification request. **(Time Limit: January 22, 2021)**

Mr. Geouge: All three.

Mr. English: Okay, all three, that's good. Okay, thank you sir.

Mr. Geouge: Good evening Mr. Chairman, members of the Commission, Brian Geouge, Planning and Zoning Department. I'll be presenting three applications tonight. All of these requests are on all or portions of tax map parcel numbers 29-92B, 29-93A, 29-93C, 29-93D, 29-93E, and 29-93F. First is a reclassification request from the B-3 Office district to the B-2 Urban Commercial zoning district on the entirety of the parcels, which is 25.8 acres. The second is a conditional use permit to allow five drive-through facilities on most of the property consisting of 23.6 acres, and the last is a separate conditional use permit to allow vehicle fuel sales and one drive-through on 2.2 acres. The applicant is Daniel Borinsky with Burns Family Limited Partnership. The agents are Janelle Cameron with Walsh Colucci and Samar Shalaby with Development Consultant Services. This is in the Hartwood District. This property is located at the signalized intersection of Courthouse Road, Wyche Road, and Hospital Center Boulevard just east of the new interchange. The area is subject to the reclassification is shown here in a red hash symbol. The area subject to the CUP for five drive-throughs is shown in a blue outline and the area subject to a CUP for fuel sales and a drive-through, this is for a Sheetz convenience store, is outlined in black. This property was rezoned from the M-1 and M-2 Industrial zoning district to the B-3 Office zoning district in 2008. This rezoning was initiated by the Board of Supervisors in order to allow redevelopment of the Courthouse area in support of establishing a new downtown for the County. The property's not currently subject to proffers. The surrounding properties are largely developed with a variety of uses, to the north is the VDOT commuter lot, to the east there's a concrete batch plant and undeveloped property zoned for manufactured homes, that's the piece that's shown as R4. Adjacent to the south there are various businesses along Venture Drive which are industrial in nature. To the west there's a mixture of businesses, single family residential, and undeveloped properties and some of those properties are also owned by Burns Partnership. The property is primarily wooded. Portions of the property along road frontages have been cleared and graded to accommodate the reconstruction of Courthouse Road and Wyche Road and also the realignment and extension of Hospital Center Boulevard. A portion of a small pond is located at the eastern end of Parcel 29-92B, I'll circle that pond here. The small section of RPA also exists just south of that pond on the same parcel. The topography of the site is varied with some areas of moderate and steep slopes particularly adjacent to the pond and an overhead power line runs across Parcel 29-93F and I'll also highlight that. There are various other utility easements present along road frontages, including easements for Columbia Gas and Verizon. There are no existing structures and no known

cultural resources on the property. Separate generalized development plans have been submitted for all three of these applications. The GDPs for the reclassification application and the CUP application for the five drive-throughs are similar and both of those are shown here. The GDP identifies four sections of the property divided by Courthouse Road, Wyche Road, and Hospital Center Boulevard as land bays one through four. The plans shown here depict the proposed location of certain features along the perimeter of the land bays including access points, sidewalks, crosswalks, monument signs, and landscaping areas. The proposed location of sidewalks and crosswalks are shown in orange here. Monument signs are also located at site entrances and at the corner of land bays and at the Courthouse Road, Hospital Center Boulevard intersection and those are shown with asterisk symbols. Potential uses within each land bay are also listed on the sheet of the GDP. For land bay one they list general retail, office, and restaurant and also child care. For land bay two they just list restaurant. For land bay three it's general retail, grocery store, office, medical office, restaurant, bank, drug store, convenience retail, and fuel sales. For land bay four they list general retail, hotel, restaurant, and drug store and again these are potential uses not necessarily proposed. The applicant has proposed the proffer which would require conformance with this particular sheet of the GDP. The applicant is also proposing proffers which would require a cross walk to be provided at the main intersection between land bays two and three, which I'll highlight and also crosswalks between land bay one and two and land bay three and four. Staff notes that sidewalks are not proposed along the entirety of frontages on Courthouse Road and Wyche Road. Staff feels that providing additional sidewalks along the full length of these frontages would be beneficial to help pedestrian access with future developments to the south along Wyche Road and to the north east with the planned Downtown Stafford development. Here's a closer look at those same GDP images, these give a better view of the proposed improvements along the road frontages including access points. On Courthouse Road, one full movement access is proposed for land bay one and one right in/right out access is proposed for land bay two. Also an access is proposed on Florida Rock Drive which is adjacent to the commuter lot for land bay one. On Hospital Center Boulevard one access is proposed on land bay two, this would be a right in right out and another right in right out, actually it's not just right in right out there's also a channelized left coming off of Courthouse Road for these entrances so basically they're full movement but you can't, except for the left out, you can't do a left out of these entrances. On Wyche Road one right in/right out access and one full movement access are proposed for land bay three and land bay four respectively. The right in/right out access for land bay four would include a turn lane and taper and two additional access points are proposed on Wyche Court serving land bay four. The applicant has also provided illustrative plans which depict a conceptual layout of buildings, internal travelways, sidewalks, parking areas, and other features. The potential locations of these six proposed drive-through uses can be seen on the illustrative plan, with one restaurant on land bay one, one restaurant and one coffee shop on land bay two, one restaurant and one convenience store with drive-through on land bay three, and one restaurant on land bay four. The blue dash lines on the image on the left depict the proposed internal network of sidewalks which would facilitate pedestrian flow through each of the land bays and provide connections between the proposed businesses and sidewalks along the road frontages. Based on the information obtained from the traffic impact analysis, a total 214,000 square feet of building space is depicted on the illustrated plan. This includes, I'll run down those real quick, so on land bay one it's a daycare center, a general office, a medical/dental office, general retail, and a fast food establishment. On land bay two it's the two fast food establishments. On land bay three it's general office, medical office, general retail, a supermarket, the gas station, and a fast food establishment, and on land bay four it's a hotel and another fast food. The only tenant that has been identified at this point is the proposed Sheetz convenience store to be located at the north east corner of land bay three. For this reason the applicant desires some flexibility in the configuration of internal site improvements for the other proposed uses on the property and has not proffered general conformance with the illustrative plan. Apart from the proposed Sheetz, the types and uses and location and configuration of those uses

Planning Commission Minutes
October 14, 2020

depicted on these plans are illustrative and subject to change. The applicant does propose a proffer which would prohibit the development of certain uses that would otherwise be permitted by right in the B-2 district. These include car wash, funeral home, indoor flea market, lumber building, electrical, plumbing supply, place of worship and plant and tree nursery and green house. And finally the last GDP shows the proposed layout for the Sheetz, this is located again at the south west corner of the intersection there at Hospital Center Boulevard and Wyche Road. This proposed use is subject to a separate CUP for fuel sales and one drive-through facility. The GDP shows a single story building approximately 6,300 square feet in size. There will be two access points serving the site which connect to the internal travel ways that would serve the other uses on land bay three. The fueling area would be under a single canopy and would include 14 fueling positions. In ground fuel tanks would be located near the northern end of the site, I'll outline those. The customer parking areas would be located along the east, west, and north sides of the building. A drive-through facility would include a dedicated lane with an order point on the west end of the site, entering here and circling around, with a pick up window and bypass lane located at the south end of the building. A loading zone would be provided at the north end of the property directly west of the in ground fuel tanks and an enclosed dumpster would be located near the western perimeter of the site between the building and the drive-through lane. A proposed CUP condition requires that the site be developed in general conformance with this GDP. Staff notes that the County has received three development plans that relate to the proposed development. An early grading plan for the property was recently approved and it's shown here on the left. This proposes to clear the entirety of the existing vegetation and rough grade site to prepare for development. The early grading site work has not yet commenced to my knowledge. Two infrastructure plans are also currently under review, one is for improvements along road frontages including the access points, turn lanes, and sidewalks. The other plan includes construction of internal travel ways within land bays two and three, and that plan is shown here on the right.

Mr. Randall: Excuse me Brian? Could I ask something?

Mr. Geouge: Yes sir.

Mr. Randall: Go over the grading part of it one more time, so they're gonna grade the entire site?

Mr. Geouge: Yes.

Mr. Randall: Or is it just gonna be the site, is this gonna be then bay three where they know they're gonna be building the Sheetz?

Mr. Geouge: The grading plan is for the entire thing.

Mr. Randall: For the entire site.

Mr. Geouge: Yes sir.

Mr. Randall: Alright. Yeah no, no I understand, but so the only ones that we have, the only ones that we know that we're gonna be building is the Sheetz at this point in time, are we okay with them grading the rest of the land and let it sit for however long it could potentially sit? We've had that happen before and nobody's a big fan of that.

Mr. Geouge: Yeah I can understand that and it is something they are permitted to do as long as they of course install the appropriate stormwater measures and establish some permanent stabilization.

*Planning Commission Minutes
October 14, 2020*

Mr. Randall: Okay, thank you.

Mr. Geouge: You can see on the image on the right the second infrastructure plan proposes internal travel ways which would serve the Sheetz site outlined here and the proposed two drive-through uses within land bay two. Staff does note that revisions to these site development plans would be necessary if the rezoning and conditional use permits are approved with proffers or conditions that conflict with these development plans. The Comprehensive Plan identifies the property within the Courthouse Planning area and targeted residential growth area. The more detailed land use concept shown here, identifies the property within the commercial retail and office designation. The targeted growth areas are area intended to support more urban pedestrian transit oriented form of development. Development criteria for the commercial retail and office designation include access to adequate transportation facilities, incorporated shared access points and interparcel access to limit impacts on the transportation network, providing sidewalks along street frontages, consistency in building setbacks and design, adequate lighting of streets, sidewalks, and other areas, coordinating the color and design of monument signs and encouraging in fill development of vacant under-utilized land. Staff finds that the proposed use is generally consistent with these recommendations and believes that the proposed commercial uses are appropriate given the proximity to the new I-95 interchange. Staff notes that there are some gaps in the proposed sidewalk network as noted before, so we feel that filling those in would help achieve the recommendation of the comp plan. We also note that this property is located within the Airport Overlay District within the conical zone. The proposed development does not conflict with the use recommendations for this zone as outlined in the Comprehensive Plan.

Mr. English: Brian?

Mr. Geouge: Yes, sir.

Mr. English: In reference to the sidewalk gaps, can you mark where the gaps are that you feel that needs to be addressed?

Mr. Geouge: Absolutely. We have a gap here on land bay one on the east side, which could potentially be connected in. This is again anticipating some future development to the east with downtown Stafford, this could be a point where a future street ties in, so there could be a crosswalk located here at some point and also there's a section that's not proposed along the Courthouse Road frontage on land bay two here so again, I think if the site in the north redevelops at some point it would be good to connect up into there as well. Also on Wyche Road they are proposing sidewalks along a good portion of it but we don't have anything extending down Wyche Road to potential future developments in this area. There are some vacant properties down there which we've seen some interest in development on those so it would be good to have some sort of tie in here so that people could eventually, you know not only get up to these proposed businesses but also up to the commuter lot or future downtown area.

Mr. English: Okay, in reference to land bay one, if we go back to that one up there, I know that up there near where the commuter lot is, not towards Florida Rock more or less towards 95 area, there's sidewalks and stuff up in that area, would that be beneficial to connect on the Courthouse Road side to bring it down, all the way down to the intersection?

Mr. Geouge: That was originally suggested by staff, personally I think it would be worthwhile to pursue. There is the shared use path that comes across the northern end of the interchange here that kind of loops back down around the commuter lot so originally we were thinking it would be good to tie into that and extend something down. I know there are some grade challenges along that end of the

Planning Commission Minutes
October 14, 2020

property which would have to be overcome and the applicant also cited that this stretch of Courthouse Road is limited access, so I'm not sure how much that plays into their ability to provide anything.

Mr. English: Yeah, me living on Courthouse Road near that area, I'm telling you right now, those sidewalks are used daily I mean very, very active through there, and I see them coming that way, so I think it would be beneficial for the applicant to even bring it in because it would help with their businesses so maybe I'll address that to the applicant and see what they're willing to do with that.

Mr. Geouge: Right and maybe it's something to where, you know it could even be internal to the land bay somewhere if necessary.

Mr. English: Sure, something like that. Okay.

Mr. Randall: Could you go back to the drawing you just had?

Mr. Geouge: Mhm.

Mr. Randall: Could you go over the cross walks, you mentioned the cross walks, the walk ways, could you mark where those are, I thought I got them all but I wasn't sure.

Mr. Geouge: The main one would be between land bays two and three across Hospital Center Boulevard and there are also two others proffered which I presumed this one would connect here at the intersection as well between land bay one and two although they're not specifically marked on the GDP. I believe the intent with the last one was to have a connection down here somewhere where maybe the traffic volume's a little lower.

Mr. Randall: Right, that was the one I was concerned about, is that, so if somebody was coming from west of Courthouse, west of 95 and they walked down that road to go to all these wonderful businesses that we're gonna bring in, in order to cross Wyche Road, they would need to walk all the way up, cross, and walk all the way back down. My guess is they won't do that, my guess is they'll just jay walk across the road, which is probably not exactly what we're looking for, so and I know the applicant will come up, but I'm very much a proponent of putting that cross walk right there on the intersection and not having it anywhere up where somebody has to walk all the way up and then walk all the way back down.

Mr. Bain: Would that be to cross Wyche Road then?

Mr. Randall: Yeah, I'm talking about right there, that's where I'd like to see it, you know and if you're gonna do three, you do four. You do it right, you do it all right there and you make it all happen so that that's a, so ten years from now nobody's crying about, I can't get across the street, I can't get you know well, eight years ago when they approved this why didn't they think about that and make them all do it right, so, we'll talk to the applicant about it but I just wanted to make sure I was clear that we had two and that third one was way up in the middle of nowhere. Okay, thank you.

Mr. Geouge: Here's an image showing how this development would fit into the conceptual Stafford downtown development. The subject parcels are outlined in black here on the left side. Getting into the public facility impacts, first on fire and rescue. This site is within the first response area of a Stafford fire and rescue station, which is Station 2, located just northeast of the property on Courthouse Road. The applicant is proposing proffers requiring fire sprinkler systems and AEDs in certain buildings as

recommended by fire and rescue staff. For transportation, a transportation impact analysis was prepared for, it was based on the conceptual development scheme of 214,000 square foot of building space with a mix of uses as I outlined previously. The TIA estimates that the total development would generate 24,143 trips per day with 2,216 in the AM peak hour and 2,076 during the PM peak hour. The TIA evaluated site entrances and also six signalized intersections in the area, that includes the Courthouse Road, Hospital Center Boulevard, Wyche Road intersection which is labeled as number one. The Route 1 Hospital / Center Boulevard intersection which is shown as number two. The Route 1/Courthouse Road intersection shown as number three. The Courthouse Road/Austin Ridge Drive intersection which is shown as number four and the two signals for the interchange which are shown as five and six. The TIA results concluded that in order to mitigate impacts for the development at full buildout in 2026 the improvements would be needed at all of these intersections except the two interchange intersections. Based on the TIA the applicant has proffered the following transportation improvements. First, to construct right turn tapers for land bay two, which is shown in red and orange here and the eastern entrance to land bay four on Wyche Road, which is shown here in purple. To construct a right turn taper and turn lane at the entrance to land bay three along Hospital Center Boulevard which is shown here in green and to construct eastbound and westbound channelized left turn lanes with tapers along Hospital Center Boulevard serving land bays two and three which are shown here in yellow and blue respectively. Also to construct an additional westbound lane on Hospital Center Boulevard along the land bay two frontage which will act as a dedicated right turn lane in the short term and that is also shown in orange. These improvements would be required prior to certain vehicles per day thresholds as outlined in the proffers. As a second phase of transportation improvements the applicant has proffered to extend the taper serving land bay four to include a dedicated right turn lane that's shown in purple to convert that additional right turn lane for westbound Hospital Center Boulevard to a combined right through lane and constructs an additional receiving lane for the through movement for westbound Courthouse Road along the frontage of land bay one, and that's all that's shown in orange here. So the additional receiving lane on Courthouse Road shown here would turn into the existing northbound I-95 exit at the interchange. These improvements would be required prior to the combined trip generation of 19,249 vehicle trips per day on the property.

Mr. Randall: So Brian the intent would be that they would build those out, they would build out land bay one, two, three, and four... they could conceivably then have to, after all that's been built out then go back and have to make these improvements once they get to 19,500 whatever that you would, whatever you said TIA is, right, this wouldn't be required prior to it would have to be built somewhere in the middle of these developments, is that correct?

Mr. Geouge: Right, so the proffers get into the specifics but basically with every site plan submittal whether it be, most likely it's gonna be a portion of a property at any given time, we would evaluate the total combined trips generated for the development overall, along with the certain thresholds that are outlined in the proffers. For instance, some improvements have to do with vehicle trips on a single land bay, some of them are maybe related to two land bays and some are for the overall development.

Mr. Randall: No my concern was the inconvenience to the people who are trying, the patrons who are trying to go into these different businesses with all of this development, all these changes, all this construction that's gonna need to be done vice making the changes now knowin that this is all gonna be built out eventually and making them into doing the prior rather than you know five years from now when we finally get it all built out and then we have to, oh by the way this whole lane is completely blocked off and we can't even use it now. Anyway, thank you.

*Planning Commission Minutes
October 14, 2020*

Mr. Bain: Just out of curiosity, what do you think we're looking at time frame for full build out, is this a five year or a twenty year plan?

Mr. Geouge: My assumption would be at least five years, their TIA was based on a build out of 2026 so you know as things go it could be longer than that.

Mr. Bain: Okay, thank you, yeah, certainly.

Mr. Geouge: As noted previously the TIA also recommended improvements at three off site intersections to mitigate impacts in the development. Based on the findings the applicant has proffered to first construct a free flow east bound right turn lane Hospital Center Boulevard approaching Route 1 along with a south bound acceptance lane on Route 1 which tapers back into the existing south bound lanes and that's shown here on the image on the left. The second one is to construct a third west bound through lane along Courthouse Road at Austin Ridge Drive which would then taper back to the existing two lanes west of the intersection. And lastly to restripe the east bound approach on Courthouse Road at the Route 1 intersection to provide a left through and a right through combined lanes. So currently you have a left through and a dedicate right, so that would just be changing that dedicated right to a through right. These improvements would also be required prior to a combined trip generation of 19,249 vehicles per day on the entire property.

Mr. Bain: Mr. Geouge, the Courthouse Road re-striping, how does that play into the proposed reconstruction of that intersection?

Mr. Geouge: I don't think it conflicts with that proposed project.

Mr. Bain: I'm just wondering is it worth doing the re-striping if they're gonna rebuild the whole intersection in the very near future.

Mr. Geouge: The requirement may end up being nullified if they reconfigure it in a certain way as part of that project depending on the timing.

Mr. Bain: Yeah, that's what I was wondering, thank you.

Mr. McPherson: Brian I have one quick question. Did the re-striping of the east bound part of Courthouse where you said they were gonna have a, the two straight through lanes, my concern is that a lot of people who get off 95 and head east on Courthouse Road want to turn right to go south on Route 1 but if that's also a straight through lane and they, people turning right are gonna have to wait for the, there'll be no right turn on red if there's even one car waiting to go across Route 1, so will they be adjusting the traffic lights? I personally, just in my opinion, I don't really see that as much of an advantage because people wanting to turn right onto Route 1 from Courthouse are gonna be stuck waiting for light.

Mr. Geouge: For the turn? Because of that taper? Possibly if there's only one vehicle, but yeah. But this again is based on the analysis that they ran the models and came to that conclusion so I'd have to defer to the traffic engineer on the reasoning for that one. The TIA indicates that with the development outlined previously there would be no reduction in overall level of service when build out of the site compared to background or no build condition for the majority of the intersections and movements studied. Staff notes that the Courthouse Road, Hospital Center Boulevard, Wyche Road intersection is expected to degrade from a level of service C to D for both the AM and PM peak hours with full build out of the property and that's shown here. Also the Route 1, Hospital Center Boulevard intersection is

expected to degrade slightly from a C to a D for the AM peak hour, that one's only a delay increase of about four or five seconds. However the PM peak hour for this intersection is expected to be improved from a level of service E to a D. Comprehensive Plan Policy 6.7.7 states that development projects should maintain a level of service C for impacted intersections.

Mr. Bain: Brian? Just to comment, I had actually contacted Mr. Harvey about this, I was surprised to see that the Hospital Drive intersections in that area are already at a level D or I think even worse in some areas. Brand new road, hadn't been in service for a year and already it's supposedly, at least according to the traffic studies and levels of service there. Mr. Harvey pointed out that that was a function of VDOT not willing to put up enough money to build that intersection and road way the way it should have been in anticipation of the growth in the area and I think that's really kind of sad, so just wanted to comment, thank you.

Mr. Geouge: Design standards have also been provided with the application. They're provided as Attachment 5. Representative images from the guidelines are provided here. In general the renderings depict a modern and industrial aesthetic for the buildings and signage which incorporate glass, architectural metal panels, and masonry materials such as brick and board forming concrete. Representative images are also provided for smaller buildings including the uses that are proposed include drive through facilities. The applicant has proposed a proffer which would require the architectural design of the buildings and signage to be in general conformance with the design guidelines. Renderings for the proposed Sheetz have also been provided shown here. A proposed condition would require general conformance with this rendering and staff finds that in general the design standards for the various uses are in conformance with several of the recommendations of the Neighborhood Design Standards Plan and that building facades consists of glass, architectural metal panels, wood, synthetic wood, brick, and precast concrete. Parapet walls are used with some variation in roof lines. The buildings incorporate awnings and extensive use of glass on the ground floor and around entrances and the use of bright colors is limited to accent area. This is a summary of the proposed proffers, the proffers would require that the property be developed in general conformance with the GDP, again this is specifically sheet three of the overall GDP document which focuses on the improvements on the road frontages. It would prohibit certain uses on the property as outline previously. It would require buildings and signage to be in conformance with the design guidelines. It would require that dumpster enclosures consist of masonry materials similar to that of the primary building. It would require that certain buildings include fire sprinkler systems and AEDs. It would require access to the property to be as shown on the GDP subject to VDOT and County approval and require several transportation improvements with specific timing requirements as summarized previously and also the proffers would allow modifications of the proposed turn lanes and taper links based on site conditions subject to VDOT approval and finally the proffers would limit the combined uses on the property to no more than 24,143 vehicle trips per day which is consistent with their TIA analysis. Moving on to the proposed conditions for the first CUP for five drive-through facilities. The conditions would permit up to five drive-through uses, they would require them to be distributed throughout the property as shown on the GDP, basically meaning you could have no more than one on land bays one, three, and four and no more than two on land bay two. It would require that all drive-throughs include a by pass lane. It would require loading spaces and drive-through lanes to be located in design to not obstruct or impede access to travel ways and parking areas. It would require drive-through lanes to be oriented or screened to minimize head light glare on to stae maintained road ways. It would require that drive-through loud speakers utilize automatic volume control to reduce volume with low levels of ambient noise and require sidewalks and crosswalks between buildings and other walkways within the property and along the road frontages. And lastly for the Sheetz CUP conditions are proposed which would require development to be in conformance with the GDP, limit the fueling

Planning Commission Minutes
October 14, 2020

area to 14 fueling positions, require the building to be in general conformance with the architectural renderings. Again, require drive-through bypass lane and require the drive-through stacking lane to be designed to not impede traffic circulation.

Mr. Bain: Does Sheetz constitute the single drive-through operation on that land block? Or would there be an additional drive-through?

Mr. Geouge: I misspoke there, so there'd actually be two on land bay three including the Sheetz.

Mr. Bain: Okay.

Mr. Geouge: So, here are the positives and negative for the overall projects, this encompasses all three applications. The positives include that the proposal is generally consistent with the land use recommendations of the Comp Plan. The proposed uses are consistent with the planned commercial development pattern in the vicinity and near the new I-95 interchange. Proffers and conditions will help ensure that the development will conform to the Neighborhood Design Standards Plan and proffers and conditions would limit the scope of development to ensure that impacts to the transportation network do not exceed what has been evaluated in the TIA. As for negatives we note that not all transportation impacts have been fully mitigated in conformance with Comp Plan Policy and also there are some gaps in the proposed sidewalk network along street frontages including some sections of Courthouse Road and Wyche Road. Finally staff is generally supportive of this application with proffers and conditions but recommends that additional sidewalks be provided along road frontages to improve connectivity with surrounding areas and also suggests that the Planning Commission consider the impacts on certain intersections that are not being fully mitigated, and that concludes my presentation.

Mr. English: Okay anybody have questions for staff?

Mr. Randall: Yeah I have one quick question. So Brian, going back to the transportation and we can go look at it on the slide. Do we, because one of the things you mentioned negatively is that they're not mitigating all of the transportation issues that were brought up. Do you think that the changes that they had proposed to be done at 19,200 and some odd traffic, cars, vehicles, do you think those would mitigate the issues that we're having with the levels of service at these intersections?

Mr. Geouge: Well the levels of service shown here, they show the no build or back ground information and the full build so, the full build levels of service shown here are assuming all the transportation improvements are in place.

Mr. Randall: So even with all those transportation recommendations that they put in place, we're still not mitigated enough?

Mr. Geouge: Correct, they're not maintaining a level of service C in this situation.

Mr. Randall: Right. Did you have any suggestions to them as staff as to how they could fix that and make that a level of service Charlie?

Mr. Geouge: I did reach out to VDOT with that question and the traffic engineer there just I guess based on his knowledge not necessarily backed by any analysis but he recommended that the next

Planning Commission Minutes
October 14, 2020

logical improvement for this particular intersection would be the addition of a fourth east bound through lane. So similar to how they're adding the fourth west bound through lane.

Mr. Randall: Right.

Mr. Geouge: It would be an additional one coming the other way. Which could be a combined right through lane.

Mr. English: But that wouldn't be up to the applicant to do, it'd be VDOT right?

Mr. Geouge: As proposed, yes.

Mr. Randall: Alright. Because you know if the full buildout is in five years, this will just become another one of the traffic nightmares that people are talking about already throughout Stafford and the way to mitigate that is now, not five years from now when we're wondering why we didn't take more action to fix it. So I'm wondering if there's anything we can do, you know anything the applicant's willing to do to help mitigate that. They're gonna build it and walk away and we're gonna be stuck twenty years from now with that whole area wondering how we're gonna get another lane in there. So, yeah I'm interested to hear from the applicant, thank you.

Mr. Bain: I'm a little curious as to why their traffic analysis did not attempt to include the impact of Towne Center, the proposed Towne Center, because if things are this bad with this development they're going to get terribly worse when Towne Center gets built I assume. I mean that's a larger development so I'm wondering if we shouldn't have them look at that whether or not Towne Center is developed enough to provide them with traffic information for that. I think it would be prudent to include that in the analysis possibly.

Mr. Geouge: One thing I'd point out for the Towne Center is that buildout horizon is definitely much further out than this particular project. So just a little bit of background on the TIA scoping process, they do look at projects that have been approved for development within the vicinity so that would be anything that's been rezoned or has a plan approved and factor that into the background traffic volumes for the purpose of the evaluation.

Mr. Harvey: Mr. Chairman? I think, and correct me if I'm wrong Mr. Geouge, one of the sort of wild cards I guess in this area is the opening of the HOT lanes and how that's gonna change traffic patterns. There will be a direct connection to the HOT lanes off of Old Courthouse Road by the commuter lot. So that may pull some traffic away from some of the intersections that are part of this traffic study. So at this point in time we don't know how the commuter patterns are gonna change how that'll affect some of the traffic turning movements in this area.

Mr. English: Thanks Jeff.

Mr. Geouge: And VDOT anticipates the extension of the HOT lane will be open to traffic in late 2022, a full build out in 2023.

Mr. English: Anybody else? Okay, thanks Brian. Would the applicant come forward please?

Ms. Cameron: Good evening my name is Jonelle Cameron with Walsh, Colucci, Lubeley, and Walsh and I am here today on behalf of the applicant and I also have a representative from the applicant, the

*Planning Commission Minutes
October 14, 2020*

project manager, traffic consultant, and the civil engineer here to be able to answer any questions that you may have. I do have a presentation, a lot of the slides are repeats so I'll go through most of them quickly and skip some that we've already discussed and then I know you have a long agenda so to try to answer all of your questions to move on. This slide here shows the property location so it is four separate land bays that were divided by the new Exit 140 interchange that was discussed. So we had divided them into land bay one, two, three, and four as Brian already mentioned. And this slide depicts the general development plan, that is a proffered plan. Landscaping will be provided in accordance with the DCSL and the Zoning Ordinance requirements. We have proffered to the access points. I do want to mention, I think there will be a comment that is read into the record from the adjoining property owner. On land bay two we are showing an interparcel connection location on our general development plan and we are working with the adjoining property owner to provide some sort of interparcel connection. It is a requirement with the Zoning Ordinance and we are planning for that if an agreement can be made, so I wanted you all to be aware that that is shown on our plan. The location may change slightly depending on the location that the adjacent property owner wants but it is something that we have planned for. This slide shows the illustrative layout that Brian mentioned and we are showing sidewalk connections and there were a lot of questions about that. Due to the grade of the site along Wyche Road and the elevation the applicant was not providing sidewalks along the entire frontages but was trying to provide sidewalk and crosswalk connections to allow for safety between the building areas so that is why we have not shown it along all of the property lines.

Mr. Randall: Right, could you put on there where you expect the sidewalks to be? Can you draw on there for me where the sidewalks are?

Ms. Cameron: I can if I can figure this out, I always mess it up.

Mr. Randall: We have experts that can help us out.

Ms. Cameron: So we are showing sidewalks here, here, here, and here. And as Brian mentioned here and here is limited access and there is a significant grade change here and here and actually behind here on this site as well.

Mr. Randall: When you said limited access what does that mean to me?

Ms. Cameron: So, VDOT does not allow for crosswalks, sidewalks along limited access roads or access points so in order to break the limited access you would have to go and get approval from VDOT. We understand that there is the bike path so what we tried to do when connecting our sidewalk was connect along Florida Rock so that it could connect through the sidewalk location I believe it goes here through the commuter parking lot so when we were designing it, we were designing it to have a sidewalk. There's a crosswalk we're showing to go across to the commuter parking to allow that connection up through here.

Mr. Randall: So have you broached this limited access street breaking with VDOT?

Ms. Cameron: We have not yet, it's actually a process so you have to go to the CTB which is in Richmond in order to get that limited access break and they usually do not entertain it until there's an approved plan.

Mr. Shalaby: Excuse me, I'm going to interject for a second, my name is Samar Shalaby I'm with DCS, just to kind of help with a couple you know answer a couple of these questions, we've spent

*Planning Commission Minutes
October 14, 2020*

about almost a year plus with VDOT working on this project in terms of identifying the TIA and Stafford County, the County was involved in probably half a dozen meetings, we had some discussion about the limited access because we talked about even putting an access you know and of course that was impossible and then we talked about sidewalks etcetera and that's the reason why Janelle is saying that we decide okay let's take everything off of Florida Rock Road and the commuter parking lot and then connect internally. And that's why if you look at the piece of the sidewalk that we put along the main road it was done intentionally that way so we can funnel people to points that they can actually walk and get back onto the main road. So for example if you look at this part here which sometimes I guess there was some discussion why don't we have sidewalk here, I think you said that Mr. Randall. From the sidewalk or the curb here to where our actual parking lot is gonna be is gonna be almost 15 feet in the air.

Mr. English: I don't even know if that would be safe to go around that curb there.

Mr. Shalaby: And that's why we do not want to have any sidewalk, we said people would walk inside, because if someone let's say crossed at this point here and tried to get to the other side, they have no way to get to the parking lot because it's sitting up almost 12, 15 feet high so they'd have to somehow walk along the edge of the road to get back to the point somewhere here that they can actually get into the parking lot. And that's the reason why we were trying to keep everything funneled sidewalk in this area which is where the grades start to match up and the same thing matching on the other side and then have the crosswalk at a point that they can literally walk from building to building and just get through the site. So again if you guys drive out here, you've probably seen it the grades are just incredibly challenging and that's the reason why so it wasn't just by haphazardly trying to say we want to save 50 foot of sidewalk it was actually trying to make sense from a safety stand point that we can get people from point A to point B without having you know...

Mr. Randall: I understand. I guess my point is is that 20 years from now there's gonna be, there could be 1,000 people in this area on a regular basis, and they're gonna walk across that road. They're not gonna care if it's 15 feet, they're gonna walk across the road anyway.

Mr. Shalaby: Only thing is they won't be able to get anywhere, that's the reason why I'd much rather them walk safely inside where the buildings are and they get there.

Mr. Randall: I understand but putting a cross walk all the way up the road thinking that's where they're gonna go and hoping they direct that way, yeah, yeah I would like to see your grading plan to see how far you're gonna grade that down. We have several of those in Stafford and to some extent we expect that there's gonna be sidewalks. Limited access I would agree with, right because you're gonna get to VDOT and VDOTs not gonna do it until it's an approved plan, but I would suggest that every place that's not limited access you're gonna get, you need to put sidewalks there.

Mr. Shalaby: Even though sidewalks I cannot get people to go anywhere from. I mean that's the only thing, I have to, I've done a lot of development in Stafford County and I've built several sidewalks that it's been 20 years and they don't go anywhere, they actually deteriorating and broken and no ones ever used them.

Mr. Randall: They're coming off a ten foot wide, what do they call them sorry, shared use path all the way along Courthouse Road all the way down here and then they're gonna stop right here, they won't be able to go anywhere.

Planning Commission Minutes
October 14, 2020

Mr. Shalaby: No they're not stopping because that path comes into the commuter parking lot. We're gonna pick it up from...

Mr. Randall: What about on the south side of Courthouse?

Mr. Shalaby: There is no way on the south side to go. I mean there is no path on that side, the path is only on one side and that's why we're gonna try to pick it up from the commuter parking lot along Florida Rock Road and then get them back along, again like I said if there's a specific area we can definitely talk about it but I'm just saying there was a lot of thought for the last year plus in going through this.

Mr. English: My concern is bay one, in front of Courthouse Road right there where you drew the, where the commuter lot is but come down in front of the property where Courthouse is. That would be, look like it would work to connect all that, because like I was telling you the traffic right there, I mean the foot traffic there is tremendous in the evenings.

Mr. Shalaby: Sure the only thing is again if...

Mr. English: Is it because of the grade?

Mr. Shalaby: Next time you're out there just take a look from that area, I would need to put steps, it would be a ski slope because Florida Rock Road if you look where the concrete plant is, that's the lowest point and they just go literally straight up and the same thing so for us to match the grades we have to come in, our entrance comes in at the high point where basically at Florida Rock. Everything here is gonna be higher, so it's the same thing for me to put a sidewalk they'll be going down, down the hill and trying to come back, climb up the hill up then Florida Rock and that's the reason why we said no we'll take them into the site where everything gets level and they can walk around and then get back out through the commuter parking lot. Because like I said the and again it's just I guess we can get the grading plan which I think we have a copy of it here somewhere but that's the problem is the lowest point of the site is right there at that corner. There's a big...

Mr. English: Put a dot, where are you talking about?

Mr. Shalaby: Right here. This is the lowest point.

Mr. English: See I'm not, I'm talking about up around...

Mr. Shalaby: You're talking up here.

Mr. English: Where? Move the...

Mr. Shalaby: You're talking to keep going this way?

Mr. English: No. No, no, no come back.

Mr. Shalaby: Here?

Mr. English: Where? Where are you?

Planning Commission Minutes
October 14, 2020

Mr. Shalaby: Let me clear this.

Mr. Randall: Use another color than red. We've got red all over now.

Mr. Shalaby: Let me see if I can clear it, some of this stuff. Let me just...

Mr. Randall: Oh you've been here too long if you can do that.

Mr. Shalaby: There we go. That makes it a little easier, okay. Let's start over again.

Mr. Randall: We need to put you on staff.

Mr. Shalaby: Alright so we need to go to the corner here?

Mr. English: No, down, the other corner.

Mr. Shalaby: Here?

Mr. English: Yes, now go up.

Mr. Shalaby: And then go from here going this way?

Mr. English: No the other way going up.

Mr. Shalaby: This is limited access.

Mr. English: Yes that's where I was talking about.

Mr. Shalaby: That's the one we're talking about, that's the limited access for VDOT.

Mr. Randall: So you're making that, are you gonna go to VDOT?

Mr. Shalaby: We've had conversations, I've had several conversations.

Mr. Randall: There's no grading problem on that side.

Mr. Shalaby: That side's no because we gotta follow the road, but the same thing is because that's a limited access they won't allow us just to put sidewalk, we can put it inside the fence.

Mr. English: So they will not let you do that?

Mr. Randall: So they won't at all? They won't let you put it in there.

Mr. Shalaby: Well I've tried with VDOT several times, again this is something we could have a conversation with VDOT.

Mr. Randall: Right, no, listen I've gone through this staff report and I'm looking at a picture that says literally this is gonna look like this is gonna look like main, downtown main street. You're gonna have four big intersections, you're gonna have four big things without any sidewalks. And I'm like how, I

Planning Commission Minutes
October 14, 2020

got 20 years from now, I gotta have sidewalks everywhere, this is gonna be, this is gonna be right off of Towne Center, it's gonna be a huge area, you're gonna have all these businesses who are gonna want all this walking traffic and now's the time to put sidewalks in.

Mr. Shalaby: I don't disagree. And that's the reason if you look at this plan beneath and that's exactly why we showed there's sidewalk you know to bring from the commuter parking lot, there's sidewalk that comes all the way through here and connects down, connects down here, crosses over, connects everybody here, connects everybody on this side, crosses over, connects all through...

Mr. Randall: So there's gonna be a sidewalk down...

Mr. Shalabay: All through, all these are sidewalks, it connects every single parcel, and a sidewalk going here, a sidewalk going here, so we're doing it basically, we're trying to meet the exact same thing you're talking about but we're trying to do it internally plus externally just about so if I was someone walking that's exactly what we did, we sat down and said okay if I was coming out of the commuter parking lot and I wanted to go have a sandwich here, for example, how do I get there, and we started okay, you have to walk inside, come across, get through the sandwich place. If I want to go pick up something else I would go across and...

Mr. Randall: What do you have on bay four? So let's say you have a restaurant on bay four and I want to go from the commuter lot to land bay four.

Mr. Shalaby: Okay, so if I'm at, let me pick a different color, so if I'm here, I would come across, walk down, go across, and then basically come across here and then basically walk in...

Mr. Randall: And walk all the way back down rather than...

Mr. Shalaby: ... and go through the hotel or whatever I'm gonna do or the restaurant here. And the same thing that basically goes this way. Or if I'm leaving, the same thing I would come back across, come across here, come across, come across, and then go back to the commuter parking parking lot. Same thing if I want to go to one of these buildings here for example I would just come across this way.

Mr. Randall: I'll tell you I'm not sold on not having a cross walk right down there on, you know I think that they should have a cross walk on all four, that's just me, I think if we're gonna do this and we're doing this futuristically for 20 years from now there needs to be a cross walk on all four. We could say two now but they're gonna want...

Mr. Shalabay: And I understand, and I don't disagree with that and again you know, it's just like, I think Mr. Bain said earlier, I wish VDOT would have designed this intersection a little bit different because, right now it's failing even without our traffic, the background traffic, it really makes these numbers...

Mr. Randall: I know, I drive that every day.

Mr. Shalaby: And they made no provisions for sidewalks, no provisions for access, no provisions for anything, you know and that's the thing is, so we're trying to obviously do a development, bring a kind of development, it's also hard to load and then say okay we're gonna fix all the problems that are existing in the problems so that's a little difficult. But we're obviously doing what we can.

*Planning Commission Minutes
October 14, 2020*

Mr. Randall: I don't envy your position, I do recognize that you're in somewhat of a catch 22, I, how can I say this diplomatically, that's not to say, my concern.

Mr. Shalaby: I agree with that.

Mr. Randall: Only way to tell you that. My concern is how this is gonna affect the County, how is this gonna affect those users.

Mr. Shalaby: And I wish the County would have said that to VDOT when they were doing it and said hey you know what...

Mr. Randall: They didn't ask us. We would have told them. But anyway, that's my concern is that we should have sidewalks everywhere that there's not limited access and I think we should have four cross walks around there. Because we're not building it for today, tomorrow, five years, we're building it for 20 years and we, nobody in here knows what's gonna be in there in 20 years and so we need to do right now what is, what we expect to be looking at, what's expected.

Mr. Shalaby: I understand and our discussion with VDOT, in the last year plus, I mean, and Brian was in several of these meetings and the last conversation we had, we went around and around with everything and how to do things and basically just the same thing with the roadway network and I know you had some questions about how much traffic that we're doing, should we build it now, built it later, there is a, there is obviously a breaking point in this project, you know same thing we could get to the point economically it does not make sense you know, and that's the thing, you know no one gains because the background traffic is truly what's creating a lot of things. So adding another cross walk that's not the end of the world, if that's what it comes down to it but again it needs to be based on some, when we get to a certain point of mess, and that's the reason why we broke up the project into by trips per day. And we could do it certainly, I don't know today, four years from now no one knew that would be what we're in today, this COVID thing, you know things have changed so three years from now, four years from now something could be different. And that's why again, we can show it, it's something that we'll do at the later phase when we reach a certain threshold.

Mr. Randall: I have no issues with phasing in the cross walks based on the development of each of the land bays. I have no issues with that at all.

Mr. Shalaby: We can definitely do it but again I would like to you know I will add some things but again the areas are truly, from an engineering stand point if we can leave it at some point and staff's gonna make some decisions on that because Brian obviously is the one, if staff can make a decision and say that some areas that do not make sense from the grading, from the engineering stand point that we don't put them, the ones that do we can add some more sidewalk I have no problem with that.

Mr. Randall: Sidewalks as much as possible and then the crosswalks. Again...

Mr. Shalaby: As long as you say there at least has to be some level, again I don't want to build something that's going here and then stops nowhere so, as long as it's within you know adding a few more sidewalks some more basically the combination of what your concerns are but also makes sense engineering wise I'm okay with that.

Mr. Randall: Sure, sure.

Planning Commission Minutes
October 14, 2020

Mr. Bain: I'm willing to agree that you've done your due diligence in locating sidewalks but I do agree with Mr. Randall that all four directions at that intersection should have signalized crosswalks and just let the sidewalks remain like they are for now, even if there was a sidewalk along that north side of Hospital Drive going towards the 95 intersection, there's no place for them to go because VDOT, even if they allow that sidewalk in, they're not gonna allow a sidewalks going through all of that signalized intersections at the 95 interchange so that really doesn't make much sense to me but the additional crosswalks at the intersection I think are very, very good.

Mr. Shalaby: And I'm okay with that. If you guys will allow us to work with staff and add the few pieces that are left. Because again this is just as a generalized development plan, as we do the site plan as everybody knows I mean things stretch we end up doing more, so we'll work those out.

Mr. McPherson: So if it turns out that due to traffic and whatnot that the crosswalks are not doable what are your thoughts on potentially adding a pedestrian bridge? Then you don't have to worry about any lights.

Mr. Shalaby: I don't think VDOT will let us, I don't think they'll want a pedestrian bridge across all that so I don't know if that, if that...

Mr. McPherson: I've seen pedestrian bridges across some pretty big road ways.

Mr. Shalaby: That's not a very good gateway to Stafford downtown, personally, I guess that I would not go there.

Mr. Bain: I don't think bridges would work.

Mr. Cummings: I'm curious about how much money we're talking about and what the costs are for the remediations or the mitigations.

Mr. Shalaby: I mean we're spending on the improvements that we're spending and that's not even including all the sides, just the sidewalks and improvements over a million and a half dollars.

Mr. Cummings: Yeah, so in a perfect world right, Mr. Randall, our request what do you think that that would cost in the grand scheme of things.

Mr. Shalaby: I mean truly it's not a, like I said it might be another hundred thousand it's not the issue of the cost as much as like I said before...

Mr. Cummings: I'm talking about actually, because I understand the grading issues and I'm not sure exactly you said how high they were and I understand the cost of moving dirt is very very expensive and labor intensive and so I just want to get an idea of how much it would take in order to have the perfect, to have the perfect environment and then we can go to the second. I'm just, I'm the new guy so you have to give me...

Mr. Shalaby: I'd have to look at it, I mean sidewalks is you know, adding sidewalks at the signal I'd have to see again you know VDOT's design at their signal that could, and again that's the thing that you which I, nothing against VDOT, but obviously VDOT is do as I say not as I do, so for example they can go in and fix one thing but if I go in and touch for example their equipment oh wait a minute you have to replace it because you touched it, even though it's brand new, so I don't know what

Planning Commission Minutes
October 14, 2020

they're gonna come up with but just in the general world I would say from sidewalk and adding the signals we might be looking at 100...

Mr. Cummings: And grading?

Mr. Shalaby: And grading, well grading, there's some things that we can't unfortunately because you know we're bound by roads everywhere so I can only grade so much, with roads like this I can either raise to this level or lower the you know...

Mr. Cummings: Sure but I'm just saying perfect world.

Mr. Shalaby: I don't know maybe 150 or 200,000 dollars to do these roads and stuff, the crosswalks and things.

Mr. Cummings: Alright.

Mr. Randall: I'm sorry, could you show me the five...

Ms. Barnes: Could I participate in here remotely a little bit? I agree completely with this that we need to get that infrastructure built in there based on what we need as Stafford as far as accessibility to all four bays, like Bart said we have to advocate for what's best for Stafford and hopefully the applicant can come up with something that would satisfy us.

Mr. Randall: I think we're moving in that direction so to that end Kristen, thank you. Could you mark on there the five drive-thoughts that we were talking about, there was some discussion, I thought I had it right with Brian and then...

Mr. Shalaby: Sure, there's one right here, there's one right here, there's one right here, there's one right here, there's one right here, one right there, and then there's the Sheetz which is right...

Mr. Randall: So that's an additional one? So that's five plus one.

Mr. Shalaby: Correct, the Sheetz is not a traditional drive-thought, they just basically more for pick up only just because...

Mr. Randall: Yeah well when I saw the plan and I saw the drive-thought I was...

Mr. Shalaby; That's the new thing because and again we actually have (inaudible) Stevens from Sheetz, he came in to explain if you have any questions on that.

Mr. English: King George has it.

Mr. Randall: Okay yeah, that's the first time I've seen one like that.

Mr. Shalaby: Basically it's a convenience, people want to basically order and you know pick up.

Mr. Randall: Yeah, no problem it's a great idea, I just wanted to make sure I was clear because it's five plus one not five including the Sheetz.

Planning Commission Minutes
October 14, 2020

Mr. Shalaby: Exactly, the Sheetz is separate and the other five...

Mr. Randall: One last question on the Hospital Boulevard Drive you have an entrance coming in off of there, is that gonna be built with the Sheetz?

Mr. Shalaby: You're talking this entrance here?

Mr. Randall: Yes.

Mr. Shalaby: Yes, that'll be built with the Sheetz.

Mr. Randall: That will be built with the Sheetz.

Mr. Shalaby: Our intent is, and if you saw the plan that Brian did, all the improvements are gonna be done for basically the entrances and the turn lanes and everything done in the first phase. Because I know you had a comment why are we not...

Mr. Randall: I did.

Mr. Shalaby: The only thing that we did not do is there's improvements on Route 1 and Hospital Center Boulevard, which you know and on Austin Ridge Boulevard the other side...

Mr. Randall: I'm not worried about any of those.

Mr. Shalaby: Yeah those we didn't do. And then the one turn lane that goes basically across, which is up here, that one here, because that was just the way, that's really... so this is the one that basically we're saving for later on because that is at the later stages that's require but everything else basically, yup there you go, so extension, the one that goes, where is that other one the other plan, no I'm saying the one that shows land bay one again, okay yeah, so this is the one that we're basically saving until the future and then of course Austin Ridge and then Route 1 and then there's gonna be some extension as in making them a little longer but again with traffic, if one of the things if you look at the drive-throughs, what we have and look at the TIA, to reach the 19,000 that is quite a bit of build out.

Mr. Randall: It's a significant amount of build out I totally agree.

Mr. Shalaby: It's a tremendous amount so basically so right now like I said we are working, we have the Sheetz and we are working with at least three other basically drive-through restaurants and those are the ones that we have hopefully within the next you know year and a half you know sometime to open. Now again beyond that it depends on obviously a lot of things, the economy and what not so if you took those, just those items, let's assume that they happen and who know what happens to the world after that, I mean that will probably be somewhere around you know 5,000 trips per day which a lot of the improvements can come beyond really I think we'll be fine for quite some time. If as it moves, and obviously we'll put the rest in then.

Ms. Cameron: I can briefly walk through...

Mr. Randall: If you would please.

Mr. Shalaby: I can come back up if you need any more detail.

Planning Commission Minutes
October 14, 2020

Mr. Randall: We wanted to hear from you anyway so...

Ms. Cameron: So for land bay one as Samar said, this is the first improvement for the site and it's prior to the issuance of 19,249 VPD for all of the property. They'll be providing a free flow eastbound right turn lane approaching Jefferson Davis Highway and signal modifications. And then for land bay two and I think we've discussed this but to be clear when we met with VDOT we looked at improvements and we sort of categorized them in three categories. So the first category is initial onsite improvements so what triggers those initial improvements. For each land bay the initial improvement is the first drive-through restaurant or for land bay three it's Sheetz that would trigger that use because those are what we anticipate to be the first uses. And then we did full build out or less than full build out, so what would trigger the need for that improvement. That amount is 19,249. There are some improvements that we thought would be required when we take into consideration Sheetz and then three or four of the drive-throughs so that's a little less and I'll explain that as I walk through it. And then we have offsite improvements as well that we did, Brian showed it and I have a slide that will help as well but for land bay two on the left side of your screen it's the initial onsite improvement, so there's the construction of a 100 foot north bound right turn taper into land bay two on Courthouse Road and then there's the construction of a dedicated 125 foot east bound left turn lane. So the orange is the right turn lane into the site and the yellow is the left turn lane and then we are also providing for a future, so it's this here, this here, and then this here, we're providing for that at 10,287 VPD and that's on land bays two, three, and four. So essentially that's the two drive-through restaurants, the Sheetz, and then a drive-through restaurant on land bay four. And then for your future offsite improvements, so at 19,249 VPD again we will be providing to restripe the west bound movement to Courthouse Road to provide a fourth west bound through lane that will be shared by the west bound right movement to Courthouse Road and continue as a west bound through lane across the frontage of land bay one which is what I showed you on the previous slide to the north bound I-95 ramp. For land bay three the initial site development which is 5,707 VPD that's your Sheetz, we've proffered to construct 175 foot east bound right turn lane that's shown in green with 100 foot taper. And then a 250 foot west bound left turn lane and that's what's shown in purple. And then for land bay four on your left side that initial onsite improvement. We're constructing a 100 foot south bound right turn taper at 2,119 VPD and at that time we are also dedicating 100 foot, right, dedicating enough to provide a 100 foot right turn lane with 100 foot taper that will be provided to you future onsite improvement is 100 foot turn lane with 100 foot taper but at the initial phase staff wants to make sure that we dedicate the right of way initially to be able to do that improvement at the 19,249 VPD.

Mr. Randall: So a quick question, I'm looking at land bay four, can I make a left turn out of there back onto Wyche Road?

Ms. Cameron: Land bay four... you can from...

Mr. Randall: I'd just have to go up a little farther?

Ms. Cameron: Yes, this area here.

Mr. Randall: Alright.

Ms. Cameron: And then again for our offsite improvements, this here is Hospital Center Boulevard at Route 1 and we've proffered to construct a 400 foot south bound acceptance lane with a 250 foot dedicated right turn lane. So we're essentially creating a right turn lane here and then creating an acceptance lane for that right turn lane on Route 1. And that is again at 19,249 VPD.

Planning Commission Minutes
October 14, 2020

Mr. McPherson: Janelle I have a question for you about another one of your potential transportation improvements.

Ms. Cameron: Yes.

Mr. McPherson: You said your transportation engineer is here?

Ms. Cameron: Yes, Vern? He's on Webex.

Mr. McPherson: Okay can you please pull up the slide for the intersection of Courthouse and Route 1 that I brought up before?

Ms. Cameron: Yes. Sorry, I really feel like a jinx every time I touch this computer something stops working.

Mr. McPherson: Vern can you hear us?

Mr. Torney: I can, can you hear me okay?

Mr. McPherson: Yes I can. So, while they're looking for the slide, my concern is you might have heard before and I very much appreciate the applicant's offering to do a lot of these road improvements but my thoughts on turning the right turn only lane on east bound Courthouse into a straight and right turn only lane is gonna very negatively impact traffic because anybody who lives in Stafford knows once 95 there's an accident, it's rush hour, it's summer time on a Friday, people are peeling off 95 onto Courthouse to go south on Route 1 and that's a right turn. I think traffic would be backed up from that intersection all the way back to 95. Has there been a traffic study as to how many cars go straight on Courthouse and maybe down to Brook Road and how many turn right onto south Route 1 from that intersection? Personally I don't think that's an advantageous change.

Mr. English: I don't think what your, your question, I don't think they even use this as much anymore like it used to be. I think they're all taking it up here to the Hospital Boulevard, but me working there it just, the traffic is not there to even cause an issue. As far as what you're saying about going across Brook Road there's not enough traffic, unless when they open up the commuter, when they open up those HOT lanes or whatever it may be an issue but right now it's not.

Mr. McPherson: Well I'm thinking the future because and if there's that right turn on red would disappear at that intersection to anybody going east bound on Courthouse.

Mr. English: Right.

Mr. McPherson: If there's one car there you could not do a right turn on red. Understood that not all traffic would be on Courthouse but there'd still be some from the commuter lot or from the HOT lanes.

Mr. English: I don't think they could take that right turn out, I don't know if they could take it.

Mr. McPherson: Well that's what their improvement was to say it's gonna be a right turn and straight.

Mr. English: But I thought he was...

*Planning Commission Minutes
October 14, 2020*

Mr. McPherson: Well but then if there's a red light and there was one car that wanted to go through, nobody could turn right onto red.

Mr. English: I think it was on Brian's slide.

Mr. Shalaby: So basically the idea is like again they were just looking at traffic, Vern are you there?

Mr. Torney: I can understand your concern however remember anyone that wants to come off 95, go south on Route 1 they're not gonna go up to Courthouse Road, they're gonna go straight across Hospital Center Boulevard and turn right where we're creating that east bound road.

Mr. Randall: You're right.

Mr. Torney: And that's exactly why the eastbound (inaudible) needs to occur because those (inaudible) would be greatly increased.

Mr. McPherson: I understand that I would just be interested to actually see a traffic study but again I do appreciate the offer to make the improvements that's just something that I think potentially in the future could be...

Mr. Torney: Our traffic study does include that of course, we analyzed both the year 2026 AM and PM peak hours for that so I'd be glad to make you (inaudible) and show you exactly where in the traffic study it is.

Mr. McPherson: Thank you.

Mr. Randall: Mr. Harvey, do you know, I know they're widening Route 1, are they also widening Courthouse Road when they do that intersection? I mean they did the intersection modification down at Falmouth and they changed the entire intersections, all four directions, do you know if they're gonna make that same level of change to this intersection?

Mr. Harvey: Commissioner Randall, yes there's gonna be left turn lanes installed. Currently on Route 1 there are no left turn lanes. And there would also be a widening of the receiving lanes on Courthouse Road on the east and west sides. So that intersection will operate much more effectively than it does today.

Mr. Randall: So my suggestion to the point that's being made is that probably by the time that they've built this out anywhere close to where we're gonna have an issue that that intersection will have been changed enough that it will change not only north and south on US 1 but also change east and west on Courthouse, is that correct?

Mr. Harvey: Yes, at the intersection.

Mr. Randall: At the intersection, right, okay, thank you.

Ms. Cameron: Okay and then the final change or proffer for transportation improvements that's offsite is at the intersection of Courthouse Road and Austin Ridge and the applicant proffered to construct a third west bound through lane approach tapering back to the existing two lanes west of the intersection as well as a signal modification. And then the next few slides I'll show you just illustrative site

Planning Commission Minutes
October 14, 2020

development views of what the property would look like if it was fully developed. The buildings of course are white but this just shows the flow and some landscaping. So this is the north view. This slide depicts the east view. This slide represents the view that would be seen from, like from a car traveling east. And this slide depicts the vehicular view if you were in a car driving west, there are traffic signals that are not shown here.

Mr. Randall: Can I make a quick point here?

Ms. Cameron: Yes.

Mr. Randall: Land bay three and land bay four are mislabeled, just so you know. You may want to fix that.

Ms. Cameron: I'll let our architect know, we'll fix that. And then as part of the development the application has proffered design guidelines, because they are not specific users for the site, the applicant wanted to ensure that the development was compatible throughout. And so the design guidelines are intended to set the groundwork for a successful built environment and outline building design, signage, and materials so in the next few slides I'll just show you some of the buildings that are shown in the design guidelines as well as the signage. These buildings are illustrative single story concepts and two story concepts. Again this is an illustrative two story concept and illustrative multi story concept. And this slide shows the example free standing buildings that the drive-through restaurants would be required to look like in design. We have proffered general conformance to the design guidelines and this shows the project signage for the site. The design guidelines also include sample signage for free standing restaurants. And I'll skip the CUP but I did want to briefly talk about Sheetz because Commissioner Randall said this is the first drive-through that he saw so I wanted to just briefly show you the canopy elevations and we have a rendering view of what a Sheetz looks like. So the applicant is proposing a 6,300 square foot building with 14 pumps and a drive-through and Sheetz calls the drive-through an inside out drive-through so a customer can order anything from inside of the store except for alcohol and lottery tickets. So that includes made to order food, snacks, milk etcetera and they can pay for it through the drive-through window. And this has become even more beneficial throughout the COVID-19 process because people are able to get what they need without actually having any interaction inside of a store. This shows the building elevations and proposed signage, the signage is 12 feet in height. And then this slide shows the canopy, it's generally 22 feet to the top of the canopy so this would be the canopy elevation that they're proposing for the site. And finally this is an illustrative elevation that shows what the building looks like. And that concludes my presentation so I can answer any questions that you all may have.

Mr. English: Does anybody have any questions for the applicant? If not I'm gonna go ahead and open it to public hearing. Anybody here to speak on reference to the Burns property? If not, I see no one, I'm gonna go ahead and close the public hearing...

Mr. Harvey: Uh, Mr. Chairman?

Mr. English: Yes?

Mr. Harvey: We did have a written comment that was submitted, it was referenced earlier in the public hearing.

Mr. English: I forgot to ask you that earlier.

Planning Commission Minutes
October 14, 2020

Mr. Harvey: Mr. Geouge is going to read the comment.

Mr. Geouge: Good evening again. As Mr. Harvey stated, we did receive one comment, it was from a property owner of Paradise Estates LLC, directly east to this property. It states "As owners of the adjoining Property Tax Map 30-54A, we support the proposed rezoning for Burns Corner. Development of a portion of their application along the south eastern edge of the land bay two calls for easements across our property. We are in good faith negotiations with the applicant to accommodate granting those easements but to date we have not finalized an agreement. We do believe an agreement is achievable simply not yet accomplished."

Mr. English: Thank you sir.

Mr. Bain: Mr. Geouge? Just for clarification, whether or not that comes to fruition it would not have any impact on the traffic analysis that was offered, is that right?

Mr. Geouge: As far as the easements being granted.

Mr. Bain: Right. In other words they haven't included any interparcel traffic in their analysis and it really wouldn't make any difference?

Mr. Geouge: Correct, as far as internal traffic movements I don't think it would impact that, they are proposing an interparcel connection to that property so if and when it does develop there could be some internal circulation that alleviates other, strain on other intersections. Just speculation but I believe the easements being referred to here are associated with their entrance. They're gonna need a site distance easement and a temporary grading easement from this property owner. And I also believe they're proposing to construct a sewer line along the frontage of that property in order to tie into existing sewer.

Mr. Bain: Oh, okay.

Mr. English: Alright, any other questions for staff or the applicant? Okay, this time I'm closing the public hearing and I'm gonna bring it back in to Mr. Randall because it's in my district.

Mr. Randall: Because they're in Mr. English's district, I'll take care of it. So, Mr. English do we have a motion on the first one?

Mr. English: Yeah, what I'm gonna do is I'm gonna make a motion to defer all three to the next meeting until we can work out the details that you said and then...

Mr. Shalaby: I'd appreciate it if there's any way we could at least maybe conceptualize on the sidewalk issue right now, just because we have some very tight deadlines for some of the (inaudible) if there's way we can do it...

Mr. English: Yeah, if you've got...

Mr. Shalaby: *Inaudible*.

Mr. English: I understand, okay I will stipulate that then.

Planning Commission Minutes
October 14, 2020

Mr. Shalaby: Yeah, if you would stipulate that we will work with staff...

Mr. Randall: Well okay so I guess I need to talk to staff then. So what would be the expectation for our sidewalks, I'd like to know what our sidewalks will look like when we leave, you can negotiate with them as far as I don't need a sidewalk until land bay one gets built out or until it's you know we have things there, obviously the sidewalks would probably be easier to put in without any buildings there so it's but I'm not sure I'm comfortable going too much farther until I know exactly what our expectations are for the crosswalks and the sidewalks. I'm okay phasing them, but I'm not okay hoping that they go in if you know what I mean. So if we want to get the plan and we want to say that at the end of the day this is where all the sidewalks will be, I think we can move ahead with that.

Mr. Shalaby: *Inaudible*... if there are certain areas that we can't because of grade or something like that... *inaudible*.

Ms. Barnes: Can the applicant go up to the microphone so I can hear him?

Ms. Cameron: I think maybe we can do two proffers to try to address this and what Samar's concern is is if there are certain areas because of the grade that a sidewalk is not possible, meaning it would require stairs, then that would prohibitive but could we do a proffer, let's do one proffer pertaining to the crosswalk and the applicant would proffer that crosswalks would be provided at all of the intersections subject to VDOT approval and I say that because I'm concerned about the limited access location, whether or not they would allow for a crosswalk so that could be proffer number one.

Mr. English: Alright.

Ms. Cameron: And we can proffer it subject to VDOT approval and signal modifications as needed for proffer number one. And then for proffer number two for the sidewalks could we proffer that the applicant will work with staff to determine the location of sidewalks based on practicality and grade and we can commit to working with staff between now and the Board public hearing to have those sidewalk locations down pat and that way we are sitting with a grading plan in mind to understand those locations.

Mr. English: Okay, I'm okay with that.

Mr. Randall: Yes, I don't have a problem with that, I will tell you that when you present it to the Board you'll need all that, I will tell you there's one at least I know for sure, a sidewalk is his middle name and so he's very interested in making sure that every place we have businesses, we have sidewalks and we understand the limited access and all those things with VDOT but literally any other place you know, I'm not really sure grade is an issue to be honest, you know. I walk down from the commuter lot, okay, so...

Mr. Shalaby: It's not just existing grade, we are grading our site to... *inaudible*.

Mr. Randall: No, no I understand that, I understand that but I would like to see everything that's on the side of the road other than limited access so...

Mr. English: Just when you get this done let me see it.

Mr. Shalaby: I will send it to everybody.

Planning Commission Minutes
October 14, 2020

Mr. English: Okay I make a motion then that we approve RC19152897 Reclassification of Burns Corner.

Mr. Randall: Do we have a second?

Mr. McPherson: Second.

Mr. Randall: Alright we have a motion that's been said by Mr. English, seconded by Mr. McPherson, any comments.

Mr. English: No, just like I said, get that in writing for us, I mean in the proffers is what I asked, okay.

Mr. Randall: Okay, alright Mr. McPherson?

Mr. McPherson: No additional comments.

Mr. Randall: Alright any additional comments by any of the members? Alright, so let's take a vote on Item #5. Kristen Barnes?

Ms. Barnes: I'm thinking, I really have some concerns about those proffers not being in writing so I'm just gonna vote no at this point.

Mr. Randall: Albert Bain.

Mr. Bain: I have confidence that the proffers can be worded properly with staff so I'm gonna vote yes.

Mr. Randall: Darrell English?

Mr. English: Yes.

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

Mr. McPherson: Yes.

Mr. Randall: Dexter Cummings?

Mr. Cummings: Definitely yes.

Mr. Randall: Alright I have five yesses and one no, to Item number 5.

Mr. English: Alright for number 6, CUP19152896 Conditional Use Permit for Burns Corner I make a motion to approve.

Mr. Randall: Do I have a second?

Mr. Bain: Second.

Mr. Randall: Alright we have a motion said by Mr. English and seconded by Mr. Bain. Roll call. Kristen Barnes?

Planning Commission Minutes
October 14, 2020

Ms. Barnes: Yes.

Mr. Randall: Albert Bain.

Mr. Bain: Yes.

Mr. Randall: Darrell English?

Mr. English: Yes.

Mr. Randall: Bart Randall says yes. Mr. McPherson?

Mr. McPherson: Yes.

Mr. Randall: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Randall: The vote passes 6-0 with one absent.

Mr. English: Okay and number 7, CUP20153241 Conditional Use Permit for Burns Corner Sheetz, I make a motion to approve.

Mr. Randall: Do we have a second?

Mr. McPherson: Second.

Mr. Randall: We have a motion by Mr. English, approved by Mr. McPherson, Kristen Barnes?

Ms. Barnes: Yes.

Mr. Randall: Albert Bain.

Mr. Bain: Yes.

Mr. Randall: Darrell English?

Mr. English: Yes.

Mr. Randall: Bart Randall says yes. Mr. McPherson?

Mr. McPherson: Yes.

Mr. Randall: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Randall: The vote passes 6-0 with one absent. I'll turn it over to you.

Mr. English: Alright thank you. Alright, the next item on the agenda is the reclassification of Wawa at Port Aquia. Joe is going to present. Are you going to go ahead and do these two together?

8. RC20153117; Reclassification - Wawa at Port Aquia Proffer Amendment - A proposal to amend proffered conditions on 3.97 acres zoned B-2, Urban Commercial, to allow vehicle fuel sales and a convenience store, on Tax Map Parcel No. 21U-1-1 (Property). The Property is located on the southwest corner of the intersection of Jefferson Davis Highway and Port Aquia Drive, within the Aquia Election District. The Property is subject to a concurrent request for a conditional use permit. **(Time Limit: January 22, 2021)**
9. CUP20153116; Conditional Use Permit - Wawa at Port Aquia - A request for a conditional use permit (CUP) to allow vehicle fuel sales in the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 21U-1-1 (Property). The Property consists of 3.97 acres, and is located on the southwest corner of the intersection of Jefferson Davis Highway and Port Aquia Drive, within the Aquia Election District. The Property is subject to a concurrent proffer amendment request. **(Time Limit: January 22, 2021)**

Mr. Valotta: Good afternoon Mr. Vice-Chair, Planning Commissioners, I am Joe Valotta with Planning and Zoning presenting items 8 and 9, both of which make up the Wawa at Port Aquia project. So, the project is two requests; a proffer amendment and a conditional use permit, all for the total purpose of allowing a convenience store with fuel sales on the subject property, which is just under 4 acres in the Aquia Election District. It's a single parcel. Chaz Collins is the applicant, and Charlie Payne is the agent. The site is outlined in blue on this zoning map. It's located at the southwest corner of Jefferson Davis Highway and Port Aquia Drive. Zoned B-2 with proffers. Surrounding zoning districts include B-2 to the north and south, R-1 to the east, and R-2 to the west. The property, it's undeveloped and primarily wooded, slopes downward from south to north and does not include any sensitive environmental resources. There's an existing driveway entrance currently on Port Aquia Drive. During development, this is going to shift about 100 feet to the west, or... yeah, a hundred feet to the west further down Port Aquia. Abutting uses include a hotel to the south, church to the east, townhome community to the west, and the commercial parcel to the north is currently undeveloped. This is the GDP for the site. It's oriented on the screen such that Route 1 is on the bottom of the GDP and the north direction is generally to the right of the site. Proffers and conditions would require conformance with this GDP. It shows a Wawa convenience center that's approximately 6,050 square feet in size. The vehicle fueling station would be located in between the proposed building and Jefferson Davis Highway. It would have an overhead canopy and 16 fueling positions. Inground fuel tanks would be located directly to the right of the fueling area. Customer parking is shown on three sides of the building with a loading zone on the fourth side of the building, the south side of the building. Further customer parking is on the south, west, and north sides of the parking lot along the perimeter. Dumpster enclosure is located at the left corner of the site. Transitional buffers are shown where the site abuts properties to the south and to the west. There's a 20-foot buffer where it abuts the hotel to the south, and to the west where there's the townhome community. There's a 50-foot transitional buffer. Two site entrances are shown; a right-in/right-out on Jefferson Davis Highway and a full movement on Port Aquia Drive. Sidewalk would be constructed along the property frontage of Jefferson Davis Highway, and a pedestrian cross-walk would be installed along the southern leg of the intersection of Route 1 and Port Aquia. This slide has the architectural renderings. Proffers would require that they're built in conformance with these. Staff finds that they're generally consistent with the NDS Plan. The top image is the front of the building, and the bottom image is the fuel canopy. So highlighting some of the proposed proffer revisions, the new statement would require development to be in conformance with the GDP and the architectural renderings. It would delete certain proffers

Planning Commission Minutes
October 14, 2020

which are applicable to the original residential, or the original residential portion of the rezoning. It likely would require site entrances and sidewalk as shown on the GDP. It would also require-

Mr. Randall: Hey Joe? I'm sorry could you, could you go back to the GDP and document where those sidewalks will be?

Mr. Valotta: Yeah.

Mr. Randall: And show me please.

Mr. Valotta: So it's along the entire property frontage of Jefferson Davis so it would be in this location and then the pedestrian crosswalk is right here.

Mr. Randall: Okay it won't be up along...

Mr. Valotta: It's existing there so it would connect.

Mr. Randall: It's already existing along this, okay, alright. Thank you.

Mr. Valotta: So again, the new proffer statement, it would require road improvements as shown on the GDP. These include the restriping of certain lanes, rephrasing the traffic signal, a three foot concrete median in Route 1, and the pedestrian crosswalk. The new statement would also delete certain proffers which are currently basic County code requirements. Some of the proposed conditions would require development to be in conformance with the GDP, limit the property to 16 fueling stations, require the building fuel canopy and dumpster enclosure to be in conformance with the GDP or I'm sorry in conformance with the architectural renderings and also require a sidewalk along the frontage of Jeff Davis Highway. So the Comprehensive Plan designates the property within a recommended commercial corridor in the suburban land use designation. Staff finds that the proposed use is consistent with Comp Plan recommendations and policies and would be compatible with existing and future uses in the area. A TIA was submitted with the application due to the number of trips estimated to be generated. It evaluated one intersection, the intersection of Route 1 and Port Aquia. It's estimating that there would be 2,630 new vehicle trips per day, 296 trips during the AM peak hours and 230 trips during the PM peak hour. This chart shows the existing and proposed level of service for the evaluated intersection. Even with the proffered transportation improvements that I summarized earlier, overall level of service would still degrade in the mornings from a level A to a level C and in the evenings from a level B to a level C, which is considered acceptable LOSC or better is consistent with the Comp Plan policy. Looking at the overall staff findings, staff finds that the project is consistent with the land use recommendations in the Comp Plan, consistent with the established development patterns along Jeff Davis Highway, conditions and proffers would help mitigate potential impacts on the transportation network and adjacent properties. They would also ensure the building is consistent with the renderings and the Neighborhood Design Standards Plan and also proposed sidewalk would improve pedestrian connectivity in the area. Staff notes no negative aspects and recommends approval of the Reclassification application with proffers pursuant to Ordinance O20-35 and recommends approval of the CUP with conditions pursuant to Resolution R20-274 and that concludes the presentation.

Mr. English: Thank you Joe, anybody have any questions for staff. Okay if not, you do?

Mr. Bain: Let me just, is it appropriate to introduce the letter that was written?

*Planning Commission Minutes
October 14, 2020*

Mr. English: We'll do that in a minute.

Mr. Bain: I'm sorry, okay.

Ms. Lucian: He's actually here and he plans on making the comment in person.

Mr. English: Okay. Would the applicant come forward?

Mr. McPherson: I did have one question for Joe just real quick and then I'll leave you to it. Regarding the concrete median on Route 1, was that a VDOT requirement, a recommendation, or just something that they approved and submitted by the applicant?

Mr. Valotta: I believe, I would need to defer to the applicant but I believe VDOT made the suggestion to mitigate the impact on the intersection.

Mr. McPherson: Okay, thanks.

Mr. English: Okay, thank you Joe. The applicant.

Mr. Payne: Thank you Mr. Chairman, members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler and we represent the applicant, appreciate your time this evening. Just real quick to answer Mr. McPherson's question, that is a VDOT requirement that we provide the median there and that is to prevent vehicles from turning left into our right in right out location off of Route 1. So that's not something that we proposed to set up to answer your question real quick. I do have a powerpoint, Joe did a really good job of presenting our application. My presentation will be a combination of both the conditional use permit and the proffer amendments since they're all tied together and then I'm happy to answer questions thereafter. Just real quick, this project, the property is about four acres, it's located right off of Route 1 in Port Aquia Drive and I'll show you the GDP and you can see the site location right there. We are requesting a conditional use permit to develop an over 6,000 square foot convenience center with vehicle fuel sales and the current property is currently zoned B-2, so this is not a rezoning although we do have a proffer amendment. Just real quick about Wawa, I know that we know what Wawa does, but we don't know what they do in Virginia necessarily. It's 864 stores in the overall company, it's the seventh largest coffee retailer, I know I get coffee there. It's 1.9% of all fuel sales in the U.S. which is a big number. It's number 25 on Forbes annual ranking of private companies, it does have 87 stores in Virginia, including I think a new one soon off of Route 610. It does have 2800 employees in the state and it will for the purposes of this project generate about 50 new jobs which is very important, especially in the service industry. The zoning purpose here is proposed, the property is located as staff had noted within the County's commercial corridor of the Urban Services Area within your suburban land use are, so this proposed use is contemplated under your Comp Plan. It is right along Route 1. It does meet your CUP standards for the following reasons, it's in the B-2 district that's intended for high intensity commercial uses. It's compatible with the character and established pattern of development in the area, for example, next to us is a hotel, a school, a church, townhomes, auto dealership, and vacant commercial property. Again, it's noted as it's located in the strategic development node of Route 1 which is very important for investment. And the building height and what we're proposing for design standards is very consistent with the County's Comprehensive Plan and your Neighborhood Design Standards and the use will not adversely affect the health or safety of persons residing and working in the immediate area. Again zoning purpose, it does conform to the Comp Plan as noted earlier, this will be a positive economic development project, it would generate close to \$500,000 in tax revenues for the County. It is an accessible and convenient

Planning Commission Minutes
October 14, 2020

location off of Route 1 and we'll give a little more details about that and we are mitigating any environmental impacts and providing a significant amount of open space as you can probably see in our GDP. The minimum open space for this B-2 district is 25% and we're well over 58. It does meet the Comprehensive Plan design criteria as we stated earlier. Here's our generalized development plan and staff went through and I'm sure Mr. Randall is very happy about the fact that we do have sidewalks on both sides. We are dedicating right of way for the expansion of Route 1, there's supposed to be a two lane expansion of Route 1 in that corridor so we are dedicating 80 feet for that purpose, including reserving area for a pedestrian pathway in addition to our sidewalks. We do have full access off of Port Aquia Drive and a right in right out only off of Route 1 as stated earlier by staff. Here's the design renderings that's been proffered as part of our application both in the proffer amendment and also for purposes of the CUP. I think you're familiar with what typically Wawas look like. Economic development again, just to reiterate, this will be about a six million dollar investment. The project is located in accessible, the County's vital economic corridor on Route 1. And it's estimated to create about 60 new construction jobs during construction about 50 new permanent and part time jobs and about \$500,000 in annual positive tax revenue and no impact on schools which is always a positive thing. Transportation analysis as staff had noted, the project will include several improvements, improve the traffic signal at the intersection of Route 1 and Port Aquia Drive to improve safety measures for left turning vehicles. Other improvements includes right in right out driveway, restriped southbound Route 1 curb lane as a right turn lane, we are constructing a site driveway with one ingress and one egress lane, at Port Aquia you'll have a full movement driveway, we're gonna restripe westbound Port Aquia Drive to designate one left turn lane and one through lane, constructive site driveway, one ingress, and two egress lanes. There is a requirement for us to install the concrete median on Route 1 which we had noted earlier by Vdot. We are dedicating 80 feet of right of way for future expansion and we are installing a pedestrian crosswalk across Route 1 which was also encouraged by VDOT. County planned improvements as you probably all know, to widen Route 1 in that area from four to six lanes so we will dedicate a right of way for that purpose. Proffer amendment again reflects pretty much all that I just stated, just wanted you to see that this is in our proffer amendment and not part of CUP or just part of the CUP so this will run with the land. And I'm happy to answer any questions you may have.

Mr. English: Anybody have any questions for the applicant?

Mr. Bain: I have one just for clarification, I think you said that you were dedicating an 80 foot right of way for the highway expansion?

Mr. Payne: There's a dedication of total of 80 feet.

Mr. Bain: In which direction? Because you only have a 40 foot setback, where's the 80 feet, am I misunderstanding what that 80 feet represents?

Mr. Payne: From center line.

Mr. Bain: Okay, that's all I needed, thank you.

Mr. English: Anybody else?

Mr. McPherson: I have a question Charlie. So we briefly discussed this in our meeting earlier, can you go into detail about the decision to delete the proffer requirement prohibiting slopes over 25% from being disturbed?

Planning Commission Minutes
October 14, 2020

Mr. Payne: We can get into that probably better from my engineer, Justin?

Mr. McPherson: Yeah because that proffer applies to the entire property correct?

Mr. Payne: Correct.

Mr. Franklin: Good evening, the slopes...

Mr. English: Please state...

Mr. Franklin: Oh, Justin Franklin with Fairbanks and Franklin, civil engineering firm.

Mr. English: Thank you.

Mr. Franklin: The slopes across the site exceed, well they vary, but basically from Port Aquia to the neighbor to the south, is approximately if you use the finished floor of the hotel, and I'm just giving you a frame of reference, to Port Aquia it's over 60 feet of fall across the site. The site would not be developable frankly without disturbing at least some of the 25% slope, so what we're doing is we're concentrating the development portion and impacting the least amount of the steep slopes which is the closest to the intersection. So we're trying to preserve as much as we can, which is basically to the west and to the south.

Mr. McPherson: How many of the steep slopes will be disturbed?

Mr. Franklin: I would say less than, if you want to put a percentage on it I would have to estimate, certainly less than half, probably less than a third of the total slopes over 25%. The site generally has about 18-20% so the 25% are really concentrated along the southern boundary.

Mr. McPherson: Okay, thank you.

Mr. English: Mr. Randall?

Mr. Randall: With that, do you plan to, how do you plan, do you plan to tier it, you're gonna break it up and then put a block wall up there?

Mr. Franklin: We haven't designed it yet, but basically we're working on the design right now and so from the Port Aquia entrance to the proposed Route 1 entrance it's about, I actually have it written it down... going from about, it's about 25 feet of elevation differential so, the Wawa will sit basically in between on that elevation, so the idea is that we would raid from the back of the curb line up and it will fall well short of the property line so the idea is we don't have to essentially step it down more than just one time.

Mr. Randall: Okay, but you do plan to step it down right? You'll put a barrier so that it'll step down once and-

Mr. Franklin: Well the pad itself will be the step down and then so you'll have the slope from the south side and the west and then you'll have the Wawa and then you'll go down to Port Aquia is how that would work so it would be basically cutting in a flat-

*Planning Commission Minutes
October 14, 2020*

Mr. Randall: And you'll catch the runoff how?

Mr. Franklin: So the nice thing about this site is that the Aquia Creek is to the north so the idea is that we're gonna do quality control on site or quantity control if we have a man made channel as in a pipe. It can be piped directly to Aquia Creek and meet all state requirements.

Mr. Randall: That's your intent?

Mr. Franklin: Yes.

Mr. Randall: Alright. I also noticed in the staff...

Someone speaking in background, inaudible.

Mr. Franklin: So there's two issues, one is let's talk about the distance. So VDOT sets forth any functional classifications of roads, the space in between, certain types of entrances and with this particular entrance we could have met the spacing requirements from the intersection and also to the adjacent entrance to the south. In meetings with VDOT they requested that we move our entrance, proposed entrance, as far south as was practical, and request a waiver to do so because it would have put us just within the threshold of the next closest entrance to the south. So that's the spacing, they favored the spacing over the, between the signal at our entrance versus the spacing between the next entrance down and the reason is is because the next entrance down has a dedicated right turn lane so it's a protected entrance from the through lanes. The next issue is interparcel connection, that was a waiver for that as well. VDOT has a requirement that when feasible that you connect properties together to limit the number of entrances on a road, okay, so we evaluated that and several of the criteria were met that allowed for a waiver which is basically the steep slopes, if you were to connect and share an entrance it would result in an 18% grade entrance to Wawa and an 18% grade to the hotel site which is impractical. I mean no road would ever be designed that steep from the onset.

Mr. Randall: Would those percentages, percentage is the wrong word but, would that slope still exist if you brought that interparcel down by the actual U.S. 1 and made it a...

Mr. Franklin: No that is actually where I'm talking about. So the interparcel actually in the rear would be far worse.

Mr. Randall: Okay.

Mr. Franklin: Because the site climbs to the west and to the south. So the one closest to Route 1 if either we connected to the existing hotel entrance or there was a new entrance created say on the property line-

Mr. Randall: Could you show this, is there something that you could show, is there some... yeah and then you could show us where you had proposed and...

Mr. Franklin: So that's where it would have been, that's what we evaluated because VDOT's typical requirement is to situate a new one on a property line so it can be equally shared by each property owner.

Mr. Randall: Sure.

Planning Commission Minutes
October 14, 2020

Mr. Franklin: Okay so again, trying to keep the steep slopes out of the from getting developed. If we were to position the entrance right here then it would look, then we would have to connect each one equally this way and something like this. What I'm saying is this particular slope up and over would be approximately 18% and the same thing in this direction, it would be approximately 18%. Currently the hotel's entrance is about 10% rough give or take, it changes a little bit through the slope. And as we're designing this we're finding that this slope will end up being about 8% and this slope will end up being about 8% so that's where we're constrained. So we're climbing up from Port Aquia and then climbing up to Route 1 and then the Wawa would be straight in between.

Mr. McPherson: Well 18% is that about 15 degrees?

Mr. Franklin: 18% is, uh I don't know how to convert it into degrees without a calculator but it's 18 feet per 100 feet so it's 18 feet of rise per 100 feet of distance, so that's very substantial. Four to one slope like you see on, three to one slope is 33% for example, four to one is 25% so it would be basically five to one slope, a little bit less steep but thereabouts, it's a good frame of reference. So with the slopes you see on the VDOT road, like the shoulder not the shoulders but the slopes like on the interstate because they're generally three to one so it would be a little bit less steep than that.

Mr. McPherson: Okay. Thank you.

Mr. English: Anymore questions for the applicant?

Mr. McPherson: I have just the one more, again Charlie we briefly discussed today, I have to, and that might be for your engineer, is there any alternative to a concrete median to prevent the left in and left out because putting a concrete barrier on the middle of a very high use thoroughfare like Route 1 even if it's gonna get expanded is not ideal in my opinion.

Mr. Franklin: We agree, we actually proposed, typically what you would see is a directional island or even an elongated directional island, we proposed that originally and we had our meeting with VDOT as we would ordinarily do for our traffic scoping and also just to review issues just like this. They specifically required a barrier in Route 1 as opposed to a directional island because they said that the directional islands are constantly cheated. In other words people would drive up and come in, essentially doing a u-turn they viewed as more unsafe, what equates to a u-turn as more unsafe on a primary than having the raised median in their opinion from a safety standpoint.

Mr. McPherson: So you had already had that conversation with them..

Mr. Franklin: Yeah and I don't want to speak for them, that's our understanding of what they said but they did definitely require that over a directional island.

Mr. McPherson: Right okay. So I just wanted to make sure the other options had been discussed with them and they're the ones who came back and said we have to do the median.

Mr. Franklin: Yes.

Mr. McPherson: Okay, thank you.

Mr. English: Anybody else? Okay, thank you gentlemen...

Planning Commission Minutes
October 14, 2020

Mr. Payne: I'll just add real quick that that right in right out is necessary for the use, for the operational effectiveness of the use otherwise we're putting all the pressure on Port Aquia Drive.

Mr. English: Thank you.

Mr. Payne: This costs nothing to the County.

Mr. English: You can come to my house and vacuum when you get done. Alright I'm gonna open it up to public hearing, anybody have any comments for Wawa? Okay. Please state your name and your address please sir.

Mr. Haller: Am I going to be time limited?

Mr. English: Three minutes.

Mr. Haller: And does this time limit for the one topic or are these topics merged for the conditional use permit? So will I have two opportunities to speak?

Mr. English: No this is gonna be just.. go ahead I'll give you six minutes, go ahead.

Mr. Haller: I won't need that much Mr. Chair, and members thank you for that time.

Mr. English: Okay, go ahead.

Mr. Haller: My name is Scott Haller and I live at the house nearest the property. I'm not here to speak against Wawa but rather to speak about the inappropriate use of the property. The Ordinance approved on 21 April 1992 included two parts. There was a residential part and a commercial part. Each were separate with separate proffers. Proffers in this Ordinance do not allow the development of this zoned B-2 property as the applicant intends, in fact it restricts it. When read in the entirety it is clear the commercial proffers are in place as restrictive and support the interests of the abutting residential property. Any discussion should include the entire Ordinance. When I wrote this I didn't have the full information that they shared tonight so I might say a few things that were cleared up for me tonight. Okay, the Planning Commission in 1992 must have had insight and good reason for these seven restrictive site configuration proffers. These conditions should not be overturned especially given the limited scope of the report. I read the staff report and it fails to address several portions of the Ordinance approved in 1992. Yet the Ordinance and its proffers remain in effect regardless of property ownership and this is the reason we're here today. I specifically highlighting the proffers applied to the commercial portion which is 9.75 acres now split by Port Aquia Drive so a portion to the south and a portion to the north. We were here talking about the southern portion. Listed under the site configuration number five no slope over 25 feet uh 25 percent shall be disturbed and that was discussed already tonight and you asked good questions about it and I appreciate that. The staff report does not address any request to change the proffers, which I didn't know until tonight that it that they are talking about just deleting those proffers which are currently a County requirement as is stated in the last bullet on my slide. The proffer dually restricts the type of development and use of the property yet it is not in the report that I've read. The report is nonchalant when it seems like an effort to downplay the proffer by characterizing the property as simply having a slope south to north. The truth being the property also slopes downward from the west and east and east to west creating the middle of the property a natural bowl that collects stormwater from the abutting properties. It channels it north toward Port Aquia Drive. The collection point installed by the last developer sends the stormwater

Planning Commission Minutes
October 14, 2020

under Port Aquia Drive and down to Aquia Creek. Ask yourselves why the report doesn't address this change in elevation. There's, the report I read did not talk about elevation at all the property is like the earth not flat, there are no mentions of how much earth will be moved, discarded, replaced. No mention of stormwater runoff to the creek and I wonder what's behind these emissions in the report that I read. I'll continue a little longer. So we already know that it's zoned B-2 I don't need to go into the details about that I'm sure all of you are well aware, but are you aware that there's already eight gas stations within 2.4 miles of Port Aquia, do we really need another one? There's also Aquia Creek, it's less than 175 yards from the proposed in ground fuel tanks. Additionally, as stated, the staff did not identify any negative aspects to approving this request. I have a list of negative aspects from a resident's perspective and by the way I said my house is the one right next to the property. Idling semi fuel truckers refueling, large noisy trash trucks emptying dumpsters who knows when banging and clanging I listen to the church bell that was recently installed so I know I'll hear the dumpster banging, increased traffic flow on Port Aquia Drive and increased traffic on Route 1 people will abandon their current fuel stops and come here. I did come up with positive aspects from my point of view including maybe we'll get snow removal quicker, the traffic light management might improve instead of sitting at the light for three and a half to four minutes waiting for the change so you can enter Route 1 maybe it'll be two minutes, there'll be less business at the Wawa on 610 so when I go to commute maybe I can jump in there to get a coffee or maybe I'll need it there I don't know, this is my stop talking point, and I ask that you not delete the current proffers that are required by the County, thank you for your time.

Mr. English: Thank you sir. Next.

Mr. Lovell: Mike if you want a job I have a position for you. My name's Rick Lovell, I own the parcel to the south of the Suburban Hotel. I'm opposed to this project as it's submitted to you for great part because of the entrance it's proposed. I appreciate that VDOT wants to move the entrance away from the intersection of Route 1 and Aquia Drive for their safety reasons but last time I checked they work for me I don't work for them. So I want to move the entrance away from the hotel entrance to gain greater safety for the hotel parcel. Moving it away or toward the hotel parcel just increases the hazard associated with that intersection. I also have a great deal of problem with the concrete median that they're proposing. Before I built the hotel I talked to Clyde Hamrick at VDOT and he said this hill is a very unique hill top because it's not rounded it's sort of like this so you, it's a flat top, you come up over, you come up Route 1 from Port Aquia Drive and then you like sort of pop up over the top and then you have a flat area and then you drop back over the other side and go back down, so where I envision this concrete median is right where you have this little drop off point going from the flat top down towards the church so if you're going north on Route 1 all of a sudden you're gonna have this concrete median in front of you if you're not paying a great deal of attention. I just think that's a terrible idea. It's not like you're gonna have a great deal of site distance to see something three feet tall in the middle of Route 1. I also submitted a letter to Jeff Harvey which he included and I want that to be part of the public record. Thank you.

Mr. English: Thank you. Anyone else? Applicant would you like to address any of the comments?

Mr. Payne: Thank you Mr. Chairman and other members of the Planning Commission, again Charlie Payne representing the applicant. I appreciate the comments from the citizens and from our neighbors. For purposes of the hotel owner, we met early on about this, we have evaluated the concerns that were raised by the citizen. We diligently attempted to find a reasonable solution to make it work and just from an engineering perspective and from a public safety perspective I think what we have proposed and again this is just not us putting this together and we're not ignoring what the concerns are of our

Planning Commission Minutes
October 14, 2020

citizens but we have a commercial user next to us who's been there for awhile and we have VDOT requirements, we have public safety issues we have to address and we have engineering requirements we have to address and we have County ordinance requirements. Now you try to balance all those things to come up with a very positive project that not everyone is gonna be happy about but we think at the end of the day the net component of this, the net product of this is positive. And I think that's what we presented. We're with you on the median, but it's VDOTs control over what happens with Route 1. If we could talk them into allowing us to sort of do that split island, we'd be happy to have that conversation with them but we've been there so I don't want anyone to think that we ignored that or we didn't look for alternatives or we didn't evaluate that, that's simply the truth. For our investor who's looking to spend six million dollars in our County to say I'm sorry with these challenging slopes and these engineering challenges you need to put this inter parcel connection in, where there's joint access in, it's not feasible it's not economically gonna work for them. The numbers don't work and not only that from a public safety perspective, it doesn't really work on site coming to Route 1 and going into the site. So the reality is we tried to balance all that the best we can and I know we didn't make everybody happy but we did what we could. In regards to the prior approval versus what we're doing in this proffer amendment, if you look at the proffer, the prior proffer, a lot of what's been removed if you will are already County requirements, lighting, utilities, signage, etcetera and if you look at prohibited uses that were in the prior proffer convenience store isn't one of them, right. So if our forefathers and foremothers who were on the Planning Commission thought a convenience store would not be viable along that path or along that Route 1 corridor they would have made that an exception as well and it wasn't one of those exceptions. So this is well within the contemplated Comprehensive Plan of Stafford County. It is also consistent with economic development and I think we've done it in a way that makes a whole lot of sense. So with that I'm happy to answer your questions.

Mr. English: Alright, anybody have any questions for Charlie?

Mr. McPherson: I have one questions for you Charlie, regarding the citizen's concern about noise from dumpster pick ups, are you willing to add in to your proffer additions as to time limitations as to when trucks are gonna come in and load up your fuel tanks and pick up the dumpsters and also what kind of engineering proof is there that we're not gonna have fuel draining down into Aquia Creek from the gas station.

Mr. Payne: I'll let our engineering team, and we have a representative from Wawa here as well who could probably answer the operational comments.

Mr. McPherson: Okay thank you.

Mr. English: Go ahead sir.

Mr. Bell: Good evening, I'm Jeb Bell with Wawa, do I need an address or...

Mr. English: No, that's fine.

Mr. Bell: Good to be here tonight, thanks for considering our project. I think the first question was about delivery times?

Mr. McPherson: Track pick ups.

Planning Commission Minutes
October 14, 2020

Mr. Bell: Yeah, so I appreciate the citizen's concern thanks for being here tonight and sharing your concerns with everyone. As far as idling, there was a comment about idling fuel deliveries, we don't idle, drivers do not idle when they deliver fuel. All of our deliveries are not idling deliveries. Trask pick up is always coordinated with neighbors and with these types of concerns in mind so there's, logistics team keeps cards, trash pick ups they aim for 10am so that's the least obtrusive generally but that's worked out with these kind of considerations in mind, we don't want to disturb our neighbors, that's the number one concern.

Mr. McPherson: Is that something you'd be willing to put in the proffer to have it in writing?

Mr. Bell: I guess it would depend on how it was worded because we want to maintain flexibility for deliveries, that's important for our team, we have a number of vendors and things, there's recycling and there's trash. Trash pick ups are typically three times a week, recycling's two. So the wording can get very tricky as I'm sure you can appreciate. I'll let that sit for a second, I can talk about the fuel. You're asking about runoff, so our tanks, our underground tanks are fiberglass, they are double walled, they have what's called a brine system in between and it's monitoring the fuel level and it's monitoring the level of the brine system and so what that means is we're constantly monitoring those tanks, that's a corporate end in the store and the fuel delivery driver, he's gonna come and stick the tank to make sure, you know there's a manual measurement. If there's ever an issue, we have a 24 hour team, they're contracted with us to be on site in two hours. The fiber glass tanks themselves are, their warranty, manufacturing warranty is 30 years but their life, they have a you know non ending life essentially. They're, we've never had a fuel leak and basically we've designed our store so that we never have to talk about a fuel leak. That's the last thing anybody wants.

Mr. McPherson: Okay. Thank you.

Mr. Randall: Yeah, so your timing for your fuel trucks, I know you said you wouldn't want to limit your access but can I, could we put a limit on no earlier than this in the morning, no later than this in the evening? Is that a possibility? You know is six o'clock maybe too early, ten o'clock at night maybe too late?

Mr. Bell: So really that, the issue at hand is that we have a broad network of stores, right?

Mr. Randall: Sure.

Mr. Bell: And these stores are all integrated in a very complex logistics system and it's on demand right? So we don't want any more deliveries than are necessary. So if I were to put a limit on this particular store, versus your other Stafford stores, it means maybe a guy delivering is dumping his fuel at another Stafford store can't come and then bring it here and it means a new truck on the road. So to the County, to everyone it's a negative.

Mr. Randall: So what's the earliest that your trucks are out delivering fuel?

Mr. Bell: It's a 24 hour operation so, we're 24 hours so... Right, right, I think that's where I'm going with it.

Mr. McPherson: The dumpster was my biggest concern.

Mr. Bell: Yeah, yeah so that's something, trash I guess pickups we could entertain time limits on that.

Planning Commission Minutes
October 14, 2020

Mr. Bain: You're gonna get tractor trailers coming in to get something at the store at any time of the day too, so just limiting putting a limit on the fuel trucks really isn't going to change the noise situation but the dumpsters I think are an issue. I agree I've been at places where you hear those dumpsters from half a mile away when they empty them.

Mr. Bell: So, 8:00 am to 10:00 pm, would that be...

Mr. McPherson: I might prefer 8am to 9pm. For the trash pickup because people might be sleeping at ten.

Mr. Bain: Mr. Harvey? Are there any County ordinance issues with early trash pickup? Is there a criteria that says they can't start before a certain time?

Mr. Harvey: Commissioner Bain yes there is and Commissioner English may be familiar with it from a law enforcement stand point. If I remember right-

Mr. English: It's five o'clock in the morning they can't. There is a County ordinance for trash and noise ordinance, so you'd have to go by that.

Mr. Harvey: There's restrictions on haulers keeping trash in a vehicle overnight so they'd pretty much have to have the run done by the time the landfill closes.

Mr. English: They're done by 12 easy.

Mr. Payne: Let's not forget that the site does have extensive buffering between us and their neighbors so we're not on top of them. And I don't want to put us at a disadvantage versus a competitor where we're having to change our operational aspects-

Mr. English: Well he's got an ordinance he has to go by with the County anyway.

Mr. Randall: Can you pull up the GDP one more time for me Charlie? How far does your proposed sidewalk on US 1 go? How far south does it go?

Mr. Payne: I think it goes the entire property line, is that correct?

Mr. Randall: The entire property line?

Mr. Payne: Right. And we reserved an area for a future walking path as well.

Mr. Randall: Right, right. Because the hotel is right to the south.

Inaudible

Mr. Payne: They can walk, they can get on the sidewalk.

Inaudible .

Mr. Payne: I think we're connecting to an existing sidewalk if I'm correct. Yeah yeah if you look right here, we're connecting to an existing sidewalk right here.

Planning Commission Minutes
October 14, 2020

Mr. English: Okay, Mr. Cummings go ahead.

Mr. Cummings: Hey Charlie, the applicant, I'm sorry the citizen had a question about the proffer and the slope and the not being removed and I think we talked about our forefathers having wisdom about it and so it's, the concern about the slope and the runoff from natural, you know what naturally occurs can you guys speak to that and maybe your engineers or someone can talk about what that looks like, if it has an impact study I didn't get a chance to look through, but is there an impact study based on the environmental impacts to the creek?

Mr. Payne: We didn't prepare an impact analysis other than what, we would be following state and County requirements regarding runoff. What Mr. Franklin had explained earlier was we, there's a lot of slopes, there's steep slopes that run across the entire property, we would be impacting about a third of that area, so we're gonna be preserving about close to 58, 59 percent of open space. So we're disturbing less of the slopes. But I'll be quite honest with you, nothing's gonna be developed on that site without disturbing those slopes.

Mr. Cummings: That's not my concern, my concern is not the disturbance but more the impact of the business itself, it's a fuel business and so there's gonna be you know cars and run off.

Mr. Payne: Yes sir, we've got to capture our water and we've got to move our water into the appropriate watershed in accordance with state law. You know, commercial properties typically have less run off impacts than residential. Residential has a lot of run off impact, not to mention you know people put fertilizer on their grass and so if you're talking about watershed impacts you know residential does have a greater impact, it just does, just because the nature of the use. Commercial projects you can actually control the run off a lot easier and you can control what runs off the site a lot easier. So you know if Justin wants to get into the details of our stormwater management plan he can do that but that's kind of it in a nutshell from an amateur engineer but I think Justin can probably explain a few more details.

Mr. Cummings: From the perspective of capturing the water and ushering it into wherever it needs to go but also flood is an issue of mine, flood plains and the like, but the quality of the water, the impact on this stream and the environment around it.

Mr. Franklin: Right, so there's two criteria for the state, DEQ regulates it and the County adheres to that and the first is water quality which you were asking about. So water quality is measured in terms of pounds of phosphorus and nitrogen. There's a threshold that the state requires that we reduce the phosphorus loading which contributes to algae blooms down to so by state law, by County ordinance we have to meet that. So the best way to do that is either biofilter on site or something similar. So that's the way we would treat water quality, there's also an option to have offsite nutrient credit so in the same watershed, land owners that have set up banks through DEQ would reserve their land and it's kind of like a, it's basically offsite but in the same watershed. The other component is water quantity, that's a whole different issue, that is to get the water where it needs to go without eroding anything which contributes to poor water quality. So the best way to do that is to pipe it.

Mr. Cummings: Yeah I'm more concerned with the quality, I think the directing it where it needs to go I think the technology's there and everything else and the commitment to the quality piece and is what I'm really concerned with for the environment. And is that something that normally gets proffered, I'm not sure.

Planning Commission Minutes
October 14, 2020

Mr. Franklin: Well because it's a state requirement the only thing that would, I mean since we had, those regulations are pretty stringent.

Mr. Cummings: Sure. Okay.

Mr. Franklin: It wouldn't need to be proffered.

Mr. Cummings: Thank you very much I appreciate it.

Mr. English: Okay thank you gentlemen, anybody else? Okay, if not I'm gonna bring it back to the Commission, it's your district Mr. McPherson.

Mr. McPherson: Yes thank you so I do appreciate the comments from everybody and I do appreciate the comments from the neighbors and the hotel owner next door and I understand your concerns I think some of them got answered by the applicant concerning the noise and the things to that nature and although I do understand your concerns I think that overall this is a good way to use this property so I would like to make a motion to approve RC20153117 Reclassification for Wawa at Port Aquia Proffer Amendment.

Mr. English: Okay, got a second?

Mr. Bain: Second.

Mr. English: Second by Mr. Bain. Any more comments?

Mr. McPherson: No more comments.

Mr. English: Alright, Mr. Bain? Anybody else? Okay go ahead.

Ms. Barnes: I have quick comment.

Mr. English: I forgot you were out there, go ahead.

Ms. Barnes: I'm still here yes, let me turn my video on I'm sorry, I know, and I'm not sure when this would have been a good time to ask this but there had to have been at one point in time a wisdom or a rationalization as to why that slope shouldn't be disturbed. And that's you know maybe somebody could talk to me about why would we want to change that, if it was in the proffer at some point in time there's a good reason for that and that's my question is why, what is in our interest, obviously there's the business here, to change that because you know that seems like a big change that we're not supposed to disturb that slope and this is exactly what we're doing but that's my comment or my question either or.

Mr. English: Can anybody answer that?

Mr. Harvey: Mr. Chairman I can answer it to some degree, I was employed with the County in 1992 in the Planning office when this proffer change occurred and in that time period Chesapeake Bay Act was just getting started and we had recommendations in our Comprehensive Plan and we still do today that we minimize impacts to steep slopes and in particular slopes exceeding 25 percent. I suspect that at the time when this project was approved no one realized the extent of how that impacted this particular

Planning Commission Minutes
October 14, 2020

property because as discussed by the applicant if you tried to apply that standard as is today that this property really wouldn't be buildable.

Mr. English: You get your answer there Kristen?

Ms. Barnes: Answered yes, yeah okay I'm good thank you.

Mr. Cummings: Let me dovetail with Kristen because I thought about something at the end and again I'm in favor of the project. The use of credits can be a dicey thing for the environment right and for the um so my only concern is that the credits are great but the river is no longer what it should be so my desire would be that the Wawa look at using those credits judiciously and focus more on the remediation and.. okay.

Mr. English: Just to remind you too they have a Wawa already on Route 1 right next to a creek. Okay call for the vote.

Mr. Randall: Alright, Kristen Barnes?

Ms. Barnes: While I have reservations that I think we've all mentioned I will go ahead and support the project and vote yes.

Mr. Randall: Mr. Bain.

Mr. Bain: Yes.

Mr. Randall: Mr. English?

Mr. English: Yes.

Mr. Randall: Bart Randall says yes. Mr. McPherson?

Mr. McPherson: Yes.

Mr. Randall: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Randall: The vote passes 6-0 with one absent.

Mr. English: Alright thank you sir, Mr. McPherson you've got Number 9.

Mr. McPherson: Yes, once again I propose that we approve CUP20153116 the Conditional Use Permit for the Wawa at Port Aquia related specifically to what we just voted on.

Mr. English: Okay do I have a second?

Mr. Bain: Second.

Mr. English: Second by Mr. Bain. Anymore discussion?

Planning Commission Minutes
October 14, 2020

Mr. McPherson: No additional comments.

Mr. English: Mr. Bain? Call for the roll vote.

Mr. Randall: Alright, Ms. Barnes?

Ms. Barnes: Yes.

Mr. Randall: Mr. Bain.

Mr. Bain: Yes.

Mr. Randall: Mr. English?

Mr. English: Yes.

Mr. Randall: Bart Randall says yes. Mr. McPherson?

Mr. McPherson: Yes.

Mr. Randall: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Randall: The vote passes 6-0 with one absent.

Mr. English: Alright thank you gentlemen. That concludes our public hearing and we'll move onto Unfinished Business.

10. Amendment to the Zoning Ordinance - Proposed Ordinance O20-30 would amend Stafford County Code, Sec. 28-24, "Measurements," to remove flag poles and monuments from the list of structures exempt from height limitations contained in the Zoning Ordinance, to provide height limitations applicable to flag poles and monuments, and to provide requirements for exceeding certain height limitations. **(Time Limit: December 5, 2020)**

Discussed before item 1.

UNFINISHED BUSINESS

11. 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. **(History: PC Work Session October 7, 2020) (BOS-PC Joint Public Hearing October 29, 2020)**

Mr. English: Comprehensive Plan Zoning Ordinance discuss, that's gonna be hearing at October 29, at Colonial Forge correct?

Mr. Harvey: Correct, Colonial Forge High School at 6:30pm.

Planning Commission Minutes
October 14, 2020

Mr. English: Okay. Do you have any other, anything to say about that Jeff or is that it?

Mr. Harvey: Mr. Chairman, just we had a work session with the Planning Commission last Wednesday on the 7th and didn't know if there was any additional comments or questions that the Commission had after the work session.

Mr. Randall: Just a question of how well, I don't know if you've received, I know Mr. Bain is gonna be the sacrificial to the Board on the 20th, do we know how that went down did you get a, I guess feed back from Mr. Apicella about how that worked out with the Board as far as the presentation's concerned?

Mr. Harvey: Commissioner Randall, yes my understanding is Commissioner Bain will be presenting during the afternoon session in Unfinished Business. Staff has worked with Commissioner Bain on the presentation and made a couple of adjustments and the presentation was finalized today so it'll be in the Board of Supervisors staff report that will be posted online tomorrow.

Mr. Randall: Okay. It's been nice knowing ya Mr. Bain.

Mr. English: I'm gonna need to go back in reference to the Wawa. I need to so enter the letter from Mr. Lovett into the minutes. Do you need to read that or do we just, can we, we can just enter that?

Ms. Lucian: You can just enter it, I think Jeff spoke with him and he said he would speak on all the issues he wanted to discuss.

Mr. English: Okay I just wanted to make sure we enter that into the minutes. Thank you. Jeff, anything else?

Mr. Harvey: Not on that subject, unless the Commission has questions about the upcoming hearing.

Mr. Randall: Will there be a place, where, do we just walk in with everybody else in the same place or do, are we walking in the back, are we walking in a separate location, separate entrance, it's in the gymnasium I'm assuming?

Mr. Harvey: The hearing will take place in the auditorium.

Mr. Randall: In the auditorium.

Mr. Harvey: The Commission and Board will be on the stage. There will be a be a break room and a back exit/entrance area for the Commission and Board. I can get the Commission some more information on the logistics.

Mr. Randall: If you would. I don't care walking in with everybody else I just want to make sure that that's what the plan was. Thank you.

Mr. Bain: On the 20th for my presentation to the Board that's here and will a bulletproof shield be erected for me?

[Laughter]

Planning Commission Minutes
October 14, 2020

Mr. English: Go ahead Jeff.

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

12. Downtown Stafford
(Time Limit: February 12, 2021)

Mr. Harvey: Mr. Chairman, under Planning Director's report assuming we're done with Healthy Growth another significant project has been sent to the Planning Commission. And that's dealing with the Courthouse Planning Area and what we call Downtown Stafford. The Board at their last meeting referred a Zoning Text Amendment to modify our UD Zoning District to accommodate higher density than currently is allowed in that zoning category as well as other overall adjustments to the zoning category. The Board also referred a Comprehensive Plan Amendment. The Comprehensive Plan Amendment is necessary in part because of the new interchange that's been developed in this area, the new road configuration, as well as the contemplate construction of a new courthouse and then the third aspect is the Board initiated the Zoning Relassification of County-owned property along Courthouse Road as well as adjacent property for a project that's known as Fountain Park. Staff will be providing the Commission with additional information on all these matters beginning your next meeting on the 28th. We'll probably take a deeper dive in November as we have more time available to discuss the topics in detail. I will note that the Board did grant the Planning Commission a hundred days for consideration of all the Comp Plan Amendment and the Zoning Ordinance Amendment. Normally under state code the Commission only has sixty days on the Comprehensive Plan Amendment but the Board saw the wisdom of the Commission's recommendation for the hundred days to make sure that those both the Comp Plan change and the Ordinance Amendment flow together through the process.

Mr. English: Thank you Jeff.

Mr. Harvey: And that concludes my report.

Mr. English: Thank you sir. County Attorney?

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Good evening Planning Commissioners, I have no report.

Mr. English: Thank you ma'am.

COMMITTEE REPORTS

13. Land Conservation Subcommittee
Next Meeting – November 5, 2020 @ 3:00 PM, Activities Room

Mr. English: Land Conservation Subcommittee, they will be meeting again on November 5th at 3 o'clock in the Activities Room.

Planning Commission Minutes
October 14, 2020

14. Minor Proffer Amendments Subcommittee
Next Meeting – TBD

Mr. English: Minor Proffer Amendments Subcommittee, next meeting is to be announced, anybody have anything on that?

Mr. Harvey: Chairman we do have a report from Ms. Barnes on this item. We still need to schedule this for a public hearing. Staff will note that the deadline for action on this is around November 27th so if it's acceptable after Ms. Barnes report staff would recommend the Commission authorize a public hearing for your November 18 meeting.

Mr. English: Okay, Ms. Barnes?

Ms. Barnes: Okay I guess I will. We did have a, quite a, a productive meeting and we came up with a list and I hope you all got that list of things that we thought would be possible for the waiving of the public hearing for the proffer amendments. And we, I don't know if you want me to go through that list, if you've all read them, what's your preference on that for the rest of you guys if you want me to go over that or would you like, have you already read it?

Mr. English: What's the Commission's pleasure?

Mr. Randall: I'm not sure it got sent out. Was it a part of the staff report?

Mr. Harvey: Mr. Chairman it appears that I did not have it connected to the subcommittee report on the agenda, I will, I don't have the physical copy here with me either, I apologize for that too, but-

Ms. Barnes: I do Jeff, I have it, I can go over it if you'd like?

Mr. English: Well I think, can you get us a copy?

Mr. Harvey: Certainly.

Mr. Randall: If we do this, do we need to do it tonight in order to get it to the 18th public hearing or can we do it on the 28th and still be ready for the 19th public hearing. Lauren's shaking her head no.

Mr. Harvey: Commissioner Randall, I believe we need to authorize the public hearing tonight and the revised version was sent to the subcommittee but not the whole Commission.

Mr. Randall: Kristen I would summarize the main points and then I would go through the specific exceptions that we went through.

Mr. English: Okay go ahead.

Ms. Barnes: Okay so the main points of it were we went through and we conferred with staff as well as and we had quite a bit of staff there who had a lot of good things to say about what would be good or what would be possible for the Board of Supervisors to waive a minor proffer amendment public hearing. And they listed out very specific scenarios of possibilities and this is where I could go over that. Let me emphasize the point that this is just a possibility where it could be waived if the Board decided that it wanted to. This doesn't mean that these are always waived, it's not an automatic, the

Board can say uh no we still want to have a public hearing. Those exceptions that could be waived for a public hearing were anything where it conflicts with current ordinances, buffer and screening standards that are no longer applicable, use of best management practices for stormwater management, percentage of parking area devoted to landscaping, building placement, sign location, dumpster or waste disposal locations, if it's more than 50 feet away from the nearest residence if you have a conflict between commercial and residential properties, reduction of building footprint, reduction of building height, building architecture to include design materials and color schemes, fences, walls, and birms to include location design in materials and height. We had extensive conversations on examples of how that would be waived and whether or not these are items that would cause a tremendous amount of kickback from surrounding properties. The staff seemed to feel that these were things that necessarily wouldn't require a public hearing because the changes wouldn't be so phenomenal that the surrounding properties would be terribly impacted however they would still be required to send out a notice to surrounding properties so that those surrounding properties could have some input if they somehow objected. There was one additional item that we brought up earlier today regarding, and maybe Jeff can explain this better than I because I'm still not clear on this. Proffers that have already been fulfilled then can somehow be waived for public hearing in the future if they want to be changed, but Jeff could you explain that to me a little more, I'm not really sure I understood that.

Mr. Harvey: Yes thank you, in the case of proffers when they are made they run with the zoning of the property, so often times when someone is coming back to amend proffers they are looking to make changes that affect how the property's gonna develop in the future. If it's a large project like Embrey Mill for example, where that project takes multiple years there's usually the proffers have multiple milestones in them and similar to for instance the public hearing we had tonight for the Burns Corner, there's multiple milestones and multiple improvements that have to be made. Sometimes the project is partly approved and partly built and some of those improvements are already made but the proffer still is in the statement. It still must run with the zoning of the property unless they go through the public hearing process. So in this case if we added this to the list if proffers had been satisfied they could be eligible for the waiver of the public hearing requirement to be eliminated.

Mr. Randall: Do you have the specific wording Kristen?

Ms. Barnes: Can I ask a quick question about why, why would they need to, if they've already been satisfied why would they need to be eliminated?

Mr. Harvey: To make it clear going forward as to what still applies, it helps the applicant as well as the County because then there's less review to go back over to verify everything's been accomplished.

Ms. Barnes: Okay. So that was, I think that of the list that I discussed I think that was the one that Jeff and staff and I think even Steven kind of piped in on that one a little bit about adding that to that list. As far as that list goes I still do have some trepidation about building placement and I think I've mentioned this before and maybe someone can talk to me about that you know I would almost want to pull that from that list because if you have a very large project on a very large piece of land and I think we've got one coming up in Rockhill, I think Mike Zuraf is actually handling that, we could have somebody that could move a building completely from one side of a large piece of property to another and yes there is that failsafe that the Board could say no you cannot waiver that, we want to have a public hearing, nevertheless, I have some trepidation about that particular item and I don't know if Bart and Dexter if you want to um pipe in on that one as well?

Planning Commission Minutes
October 14, 2020

Mr. Randall: Kristen if I could make a suggestion, and Lauren correct me if I'm wrong but if we send it to a public hearing if we vote tonight to put it to a public hearing, we can take that out of we just can't add to, is that correct?

Ms. Lucian: As long as what you end up doing is less restrictive then you can do it, so I would say yes in this case if you're gonna have a list of things and take it out.

Mr. Randall: Okay so I think Kristen then short of rehashing and rediscussing this my recommendation would be to take the list that we currently have, take the Ordinance that we have, vote to send it to a public hearing and then once we have a discussion at the public hearing then we can at least go through that, we can lay it out to the whole commission and then we can decide if we want to leave that in or not.

Mr. Barnes: Okay that makes sense and that helps a lot procedurally with me, I wasn't sure that was supposed to go but I would think though that if we're going to take out something, the one thing that we discussed adding we might want to add that in at this point, how does, I mean I know we can take things out but if we want to add that in about the already fulfilled proffers is that a different thing or can we do that as well?

Mr. Randall: No we need to add that before we submit it to a public hearing so if who I don't know, Jeff do you have the final version of what we're gonna be sending to public hearing, is yours included in that already?

Mr. Harvey: The statement about fulfilment of proffers was something that came up today, so I don't have it in the information I previously sent to the committee but we can certainly add that based on if that's the consensus of the Commission.

Mr. English: Yeah I would add it that way like you said, rather you add it then take it.

Mr. Randall: Yeah we add it, we'll discuss it, if at that point in time with the full Commission we decide we want to take it out then we can take out but I think we need to send it to a public hearing tonight with both of those things added, building placement and then the one you've just mentioned and I think then that gives us the flexibility we need at the public hearing to make any less restrictive changes. Kristen, does that make sense?

Ms. Barnes: To clarify we don't have to add the building placement that's already on there.

Mr. Randall: I'm sorry that's correct, leave that there and then just add the other ones.

Mr. English: Yeah we can take it out rather than add it.

Mr. Randall: Yeah, yeah, yeah absolutely.

Mr. English: Is that it Kristen?

Ms. Barnes: Okay yeah. I think that's yeah, that sounds good to me.

Mr. English: Alright I guess we gotta move to public hearing right? We need a vote on that or we can just automatically send it?

Planning Commission Minutes
October 14, 2020

Ms. Lucian: You can go ahead and vote on it, always cleaner that way.

Mr. English: Okay. Alright go ahead, does somebody want to make a motion?

Mr. Randall: I'll make a motion that we want to send the Minor Proffer Amendment Subcommittee report to a public hearing on November 18.

Mr. English: Kristen you want to second that?

Ms. Barnes: Yes I'll second that please.

Mr. English: Alright Kristen seconded it anybody anymore discussion?

Mr. Randall: No further discussion.

Mr. English: Kristen anything else?

Ms. Barnes: Nothing at this point.

Mr. English: Okay, call.

Mr. Randall: Okay, Ms. Barnes?

Ms. Barnes: Yes.

Mr. Randall: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Randall: Mr. Fillmore? Mr. McPherson?

Mr. McPherson: Yes.

Mr. Randall: Bart says yes. Mr. English?

Mr. English: Yes.

Mr. Randall: Mr. Bain?

Mr. Bain: Yes.

Mr. Randall: Motion carries 6-0 with one absent.

15. Healthy Growth Subcommittee
Next Meeting – October 29, 2020 Joint BOS-PC Public Hearing

Mr. English: Okay. I'm moving on Healthy Growth we've already talked about.

Planning Commission Minutes
October 14, 2020

16. Cluster Ordinance Subcommittee
Next Meeting – October 21, 2020 @ 4:00 PM, Activities Room

Mr. English: Cluster Ordinance Subcommittee is gonna be meeting October 21st at four o'clock in the Activities Room.

CHAIRMAN'S REPORT

Mr. English: The Chairman's Report, I don't have anything to report to Steven.

OTHER BUSINESS

17. New TRC Submissions
* South Ridge Church - Falmouth Election District

Any old business, other business I'm sorry, new TRC submission to the South Ridge Church, it's the Falmouth election district did you get that already?

Mr. Bain: I'm not Falmouth.

Mr. English: That's Steven I'm sorry. Alright anybody have anything else for the good of the County?

APPROVAL OF MINUTES

NONE

Mr. English: Alright minutes, we have any minutes to approve?

Mr. Randall: Nope.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:31 PM.