

**STAFFORD COUNTY PLANNING COMMISSION**  
**April 28, 2021**

The meeting of the Stafford County Planning Commission of Wednesday, April 28, 2021, was called to order at 4:30 PM by Chairman Steven Apicella, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center and at remote locations throughout the County.

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

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Joseph Valotta, Brian Geouge, Bryon Counsell

Mr. Apicella: This is Steven Apicella, Chairman of the Stafford Planning Commission. I call today's meeting to order. Anybody who is online, I am going to ask you to please mute your mike if you are not speaking. To my colleagues, I request that, if he joins us, Mr. Cummings and I be authorized to participating today from a remote location here is Stafford. I would ask my colleagues if someone would be willing to make a motion to approve our electronic participation.

Mr. McPherson: So moved.

Mr. Randall: Second.

Mr. Apicella: I will just do a quick voice vote, everybody in favor, please say aye.

Mr. Randall: Aye.

Ms. Barnes: Aye.

Mr. English: Aye.

Mr. Cummings: Aye.

Mr. McPherson: Aye.

Mr. Bain: Aye.

Mr. Apicella: Aye. Opposed? Okay, thank you everybody. Two more points to make. Voting on motions will be conducted by voice votes. If we have any technical issues, Mr. Randall will take over as Chairman. I am hearing somebody's mike, so again, if you are not speaking, please turn off your mike. Alright, today's invocation will be provided by Mr. Randall and the Pledge of Allegiance by Ms. Barnes. Alright, thank you, Mr. Randall and Ms. Barnes. Mr. McPherson, will you please call the roll?

Mr. McPherson: Yes. Steve Apicella.

Mr. Apicella: Here.

Mr. McPherson: Al Bain.

Mr. Bain: Here.

*Planning Commission Minutes  
April 28, 2021*

Mr. McPherson: Kristen Barnes.

Ms. Barnes: Here.

Mr. McPherson: Dexter Cummings.

Mr. Cummings: Here.

Mr. McPherson: Darrell English.

Mr. English: Here.

Mr. McPherson: Fillmore McPherson is here. Bart Randall.

Mr. Randall: Here.

Mr. McPherson: And we have a full quorum.

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Great. Thank you, Mr. McPherson. Are there any declarations of disqualification on any agenda item? Hearing none, are there any changes to the agenda? Alright, seeing none I am going to open the public presentations portion of today's meeting. The public may have up the three minutes to speak on any matter except on the one public hearing item on today's agenda. There will be a separate comment period when that item comes up. Before starting your comments, please state your name and address. The clock starts when the light is green. Yellow means there is one-minute left and red means please wrap up your comments. So, if anyone is in the chambers that would like to speak, please come forward no. Alright seeing no one, I am going to close the public presentation portion of the meeting and move on to the next agenda item. Mr. Harvey, I believe we have a speaker tonight.

PUBLIC PRESENTATIONS

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

Mr. Harvey: Yes Mr. Chairman. Mr. Bryon Counsell, who is the Deputy Director of Public Works, is here to give an update on infrastructure projects.

Mr. Apicella: Alright, thank you Mr. Counsell.

Mr. Counsell: Chairman Apicella, members of the Commission. Bryon Counsell, and Jeff since the last time I was here we've reorganized a little bit in Public Works. We've created Capital Projects Division, which is its own department now. So, just a few changes going on in the Public Works section of the County. But again, Bryon Counsell, Director of Public... Capital Projects. Thanks for the opportunity to come in tonight and give you an update of some of the bigger projects, more important projects that we do. At least more in the public eye that we perform. To start it off with a road improvement project on Berea Church Road. For the most part I will just go through a schedule of what's supposed to be happening on that. If you have any questions about some of the details, I will be happy to answer them. But for the advertisement should be going out in about a year, or less than a year in February of '22 for

*Planning Commission Minutes*  
*April 28, 2021*

construction. Construction should start summer of '22 and be complete late in '23. Right outside of the doors here of the Government Center, U.S. Route 1 and Route 630 intersection improvement. It's gonna see some improvements from the hospital up Route 1 to just past Hope Road.

Mr. Randall: Could we change the computer please?

Mr. Counsell: Oh, I'm sorry, I failed to do that.

Mr. Randall: Thank you.

Mr. Counsell: Thanks. Um, those improvements will be just around the hospital up to just a little past Hope Road to relieve some of the timing and directional challenges that the road experiences today. The advertisement for construction should be the spring of '22. We should start construction around summer of '22 and complete the project in late '23. A little bit further north on Route 1, the intersections with Telegraph and Woodstock project. Again, these are all kind of tracking similarly. The advertisement for the construction should be spring, April-ish we're thinking, in '22. Construction should start in summer of '22 and complete in the late part of 2023. The only sidewalk project we've got going right now is along Flatford Road. We should be advertising for that in the... this coming fall, late summer/early fall, and it's a fairly short project, just a few months, and should finish next spring in 2022. I hope the pictures are visible on your monitors there; they kind of show an alignment of the project I'm talking about. And in some of these where we're still in the design/right-of-way phase or utility relocation, the images there you see are for construction plans or some other sort of alignment. They may be hard to read. If you have any questions about where the point of start and finish, I'd be happy to try to... yes sir, Mr. Randall?

Mr. Randall: Yes, Mr. Counsell, so looking at this one that you're currently... so, the sidewalk's going on the east side and then it's coming down and then you're putting the sidewalk on the other side. Is there a particular reason why it's not going all the way down on the east side of...?

Mr. Counsell: I believe it's a physical constraint. Where it's on the east side and it crosses over to the west side...

Mr. Randall: Mm-hmm.

Mr. Counsell: ... I think we're avoiding building a bridge across a section of road there to make the project within the, within the budget. I believe that's what that's there; it some topographical challenges there that forced us to...

Mr. Randall: Okay, will there be a crosswalk there then?

Mr. Counsell: There will be, yes sir.

Mr. Randall: Okay. Alright, thank you.

Mr. Counsell: Yeah, we didn't want to do that but it was just public cost prohibitive.

Mr. Randall: It can be, yeah, financially unfeasible if you have to build a 20-foot bridge.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Counsell: The last phase, Phase 6 of the Belmont-Ferry Farm Trail; this has been a very challenging project. This portion of it's been... well, the entire project has been very challenging. Mr. Dayton got it to a pretty good point there when Phase 4 of Phase 6... of 6 phases was completed. So now, in Phase 6, we're going to try to connect the Chatham Bridge with Ferry Farm. We've had lots of alignment challenges, lots of, um, funding and timing challenges; we're trying to work through those now with VDOT. The Board presented an option to VDOT, uh, earlier this year. VDOT responded with some, some of their preferences and we're trying to work through those now to limit road crossings and try to get it up to as close to Ferry Farm as we can. So, we're... we've got a few options in front of VDOT now to consider for potential alignments. And so everything on this right now is to be determined. We're hoping that the project moves forward and we get it up pretty close to Ferry Farm so we can meet all of our original intents to join Belmont and Ferry Farm. So, we've got a lot of confidence that this is going to happen. We just have to work through a lot more detail. Yes sir?

Mr. Bain: I recall that Ferry Farm was not being very cooperative in terms of actually ending at Ferry Farm. Is that still the case?

Mr. Counsell: Well, um, nobody in my office has spoken with Ferry Farm. As I recall from previous public meetings, board meetings, the alignment that was proposed to get to Ferry Farm was on the river side of their property and it was going to come along the river. And, from my understanding reading some of the meeting minutes and email correspondence like that, they really weren't interested in having uncontrolled people entering the site. So, we approached it... we're getting ready to try to approach them in a different way and try to come up the Route 3 corridor and provide some access through the new entrance that they've built. We believe that they will be more receptive to that, but we've not spoken with them about this. We're just trying to get some of the alignments worked out on our side first to see what our possibilities are. Then if we need their assistance or we need a piece of their property to complete the alignment, we'd probably engage them then. So, we think we have a favorable alignment and a favorable location to, to let people get to that point without their... without coming deep into their site.

Mr. Bain: Alright, thank you.

Mr. Counsell: A couple other... well just one on this report today. Just one safety project that I thought was of particular note. There is a... as Lynnhaven Lane intersects with Courthouse Road there were some site distance challenges there. So, we used some proffers and some good old fashion ingenuity to figure out a way to keep those people safe when entering Courthouse Road. So, we have cleared a bunch of vegetation in there after we got some right-of-way for that and we are getting ready to build a short retaining wall on the north side of Lynnhaven Lane. So, when you come down to that intersection, you have got a clear line of site in both directions to make that... bring that into compliance with VDOT site distance requirements. And just as a side note, oh not a side note, it's on here too. I didn't realize it was on there. Stafford County... the Board has chosen to include this roadway acceptance in through the Rural Road Addition Program with VDOT to bring this road into the secondary system of VDOT. And they are going to pay for that through the Secondary Six-Year Plan that the County has with VDOT and that is scheduled to happen... the construction is supposed to happen in 25, between 24 and 26. We are working on right-of-way acquisition now.

Mr. Randall: So, so... Mr. Counsell.

Mr. Counsell: Yes sir.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Randall: Go back, go back one for me please. So, you are saying that this is going to happen next year, or this year? It's showing a 2021 completion.

Mr. Counsell: Yeah, the vegetation has already been removed and that is on the... if you are looking at the picture, on the left side of Lynnhaven Lane.

Mr. Randall: Sure.

Mr. Counsell: Lynnhaven Lane is between those two hashed areas.

Mr. Randall: Okay, so go to the next page. So, this I am sure is a before picture?

Mr. Counsell: Yes, that is the current condition of Lynnhaven Lane, just after you turn off of Courthouse Road. That picture was taken looking, looking south, I believe.

Mr. Randall: So, the vegetation removal was on Courthouse Road itself, correct?

Mr. Counsell: That is correct.

Mr. Randall: Okay.

Mr. Counsell: And the retaining wall will be along Courthouse Road as well.

Mr. Randall: Alright, thank you.

Mr. Counsell: On to some Utilities projects. These are some of the utility projects of note, that will support the growth in various areas of the County. I know you guys are keenly interested in what's, what's going on as you try to make decisions in the course of the items that come before you. The Claiborne Run parallel force main is going to increase capacity in our southern... in the southern part of the County for sewer... wastewater flows. This is going to create the situation we call build out for sewer in the southern part of the County. So, no more as it stands right now, no other sewer lines will need to be built to get from Claiborne Run Pump Station to the Little Falls wastewater treatment plant. This is a parallel line, we have completed the first of two phases of that. That project is in service but we are still trying to close the project out. Unfortunately, the contractor defaulted and went out of business and the surety and Stafford County are working to resolve what little remaining work is there and get that project finished. The other project they were doing is not on the list, it's completed but there is still some finish up work, was the Wayside interceptor. And it... you may remember from about a year and a half ago we were building a sewer line through the wayside. And that also, it was the first phase of our lower Accokeek project, which is going to drain and serve the Stafford Courthouse area as well as Downtown Stafford. Those were a bunch of improvements called by our masterplan to serve new growth and new densities expected in the general Courthouse area. That's the other one that the Contractor was working on. As he defaulted, that fell into surety as well and we are very close to having that one complete. It's in service, but there are still just a few little outstanding items. Alright, so going back to Claiborne Run parallel line that goes from the Claiborne pump station to Little Falls Run wastewater treatment plant, phase B which goes from about Walmart or Tylerton back to the Claiborne Run pump station, which is at the intersection of Cool Springs and Route 3. Phase, phase... this phase is right on the cusp of being advertised for construction and it will be roughly about a two-year construction project. Then that project will be fully paralleled. But other pretty good size project of note that will go a long way towards sewer buildout for the southern part of the county is the Falls Run force main. We are about into this about

*Planning Commission Minutes*  
*April 28, 2021*

twenty to twenty-five percent of design. But we have to cross National Park Service Property there at Chatham, along River Road and the process to obtain permission and an agreement to cross that is a very time-consuming process. We went through the same thing with the trail, phase 4 of the trail. So, we are hoping to get that worked out fairly soon. This conveys flows for growth from the Falls Run Pump Station which is in Falmouth Bottom, right near Amy's Café all the way to... all the way too Little Falls Wastewater Treatment Plant. There is a big gravity interceptor, as you can tell a lot of these projects are focused in the south along the 17 and Route 3 corridor. That's where a lot of the growth is and where a lot of these projects are needed. But Falls Run Gravity Interceptor, which we call phase 2, goes from Berea Church Road to 95. It's going to be collecting flows from some more of the anticipated development, back there especially Westlake, that was approved by the Planning Commission and the Board a good number of years ago, long before any of us were I thin where we are now. But, that project is to assume that development as well as some other infill development. And this builds that line out for the current demands that are shown in our model for that area. I mentioned earlier lower Accokeek, which is just to the south of us. Just south of Abberly, we are building a pretty good size pump station, force main and gravity line that is going to serve the Courthouse area and Downtown Stafford. That is almost complete and should be finished with that late May. It's going to go into... the pipes and everything are complete. As it stands right now we are competing for the power with a Potomac Church Farm development, which I think you guys are aware of, just south of Abberly. We... they happened to start construction about the time we needed to install power, and so we have worked out an agreement with them that we are going to run on temporary power to run that pump station the minimal flow until they... and they are aggressively out there pursuing their work now. So, as soon as Dominion Power comes in and lays the power for their development, they will hook our pump station up and we'll on full power at that point in time. We anticipate that to be July or August. We have a fairly large project in the works. Right now, it is budgeted at 26 million dollars for the Little Falls Run Wastewater Treatment Plant, regulatory and operational upgrades. We are probably about 30 to 40 percent in design for that. There's some pretty substantial changes out there. We hope to have that project out to bid late 21, late this year or early next year, and then it's about a three-year construction process. But what that does, it's going to bring us into compliance with a lot of recent legislation requirements, by DEQ. And also, some operational enhancements. A lot of technology, as you may imagine in your daily lives, technology advances and old technology becomes obsolete. Well, we are seeing that all over the treatment, the treatment, the water treatment world as well. So, some of these things have to be replaced so, we are in the process of bringing everything up to date. The 342 pressure zone upgrades are... is an effort to move water in the last phase from the new Lake Mooney facility. We've moved it over to Olde Forge area now and connected with that infrastructure. Now we are trying to move it up into the northern part of the Centreport area, which is going to intersect with three other pressure zones. So, this is an operational effort. It's a capacity effort to supply the 342 zone, which is... includes all along the 17-corridor going towards Grafton, that's the largest pressure zone is 342. This is also an operational effort to try to move water from south to north and north to south. So, each water plant Mooney and Smith Lake can be taken down periodically for operational maintenance and things like that. So, this is a very strategic series of lines, 34205 is the first one, then we have got 34206, which we will hear about in a minute and 34215, which will connect Centreport with a new two-million-gallon tank, there right across from where Mr. Snellings lives, if you know... if you guys know where that is. But right there where the existing concrete tank is on Enon Road, we are going to build a new two-million-gallon elevated storage tank right there. But this particular project, 34205, just completed. That took it up to Truslow Road from 17, or from Olde Forge. That project just completed so moving on to 34206...

Mr. Randall: Can you go back for me?

Mr. Counsell: Yes sir.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Randall: It mentions on the very bottom line that there's... that there's still some work that needs to be done based on the warmer weather. Has that been completed then already in this spring?

Mr. Counsell: When I wrote this about a week and a half ago or so, I think they were going out there to hit it one more time with some seeding and mulch. And I think they have done that...

Mr. Randall: Okay. That's the kind of work that we are talking about, right? Not anything...

Mr. Counsell: That's exactly right.

Mr. Randall: Alright, thank you.

Mr. Counsell: Just restoration and the alignment, yes sir. 34206 is... we are in design or we are just coming out of design and we are going into property acquisition. I think there's about sixteen easements, I believe, we need to run the line from the Truslow area on the east side of 95. We will need to cross 95, run up near the nursery and then run up through a large tract of land to the back side of the south of where the current concrete water storage tank is. This will be constructed about the same time as the tank, because we don't want to build the tank and have it sitting there empty for a while. And we don't want to have the water line built with no tank destination for the water. So, these are going to be joined together for construction, it's the next slide. But uhm... so, as soon as we acquire the easements and the plans for the tank are going through the last stages of the planning review now. Those both will be ready for advertisement late summer and they are both about two-year projects. So, there is the elevated storage tank slide, about a six-million-dollar budget. The last percentage of complete there is just the final review. We hope going through the Planning Department and then both of those projects will be advertised at the same time in late summer. And those are all of the slides that is had on a presentation. But I will be happy to answer any questions that may come up.

Mr. McPherson: I just have one question that I should have asked earlier.

Mr. Counsell: Yes sir.

Mr. McPherson: What are the safety concerns at the intersection of Telegraph Road and Route 1 that are going to require some work?

Mr. Counsell: There are, as I understand it, there is no left turn. If you are going south on Route 1, Telegraph Road apparently draws a lot of traffic from Route 1 south. And (inaudible) there is not left turn lane there and we are going to install a left turn lane, so it's not holding up the left of two lanes while a vehicle tries to turn to the left going southbound. Then on the northbound side, there is going to be a right turn lane installed for Telegraph Road. And what that is going to do, is that's going to make the flow on Route 1 not be impeded by turning traffic.

Mr. McPherson: Excellent, thank you.

Mr. Counsell: Welcome.

Mr. Randall: One more question. I am sorry, we are talking about these sewer lines. Are any of those sewer lines outside the current USA?

Mr. Counsell: They are not.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Randall: Okay, thank you.

Mr. Apicella: Mr. Counsell, I have question for you. There is an article in today's paper about shoulder widening, primarily it looks like in the Hartwood District. Can you speak to what's going on there?

Mr. Counsell: Mr. Apicella, I have not seen the article. So, I am not privy to what particular roads may have been mentioned, but there is a VDOT paving schedule that they put out for each fiscal year that we sit down with them and we apply some money that the Board put in for, what are called Safety Projects. We call them trench widening, safety wedge widening, there's a host of names for them. And before they pave a road, we have worked with VDOT to supply funds to VDOT to widen the road on both sides, about 18 inches, to get a little bit more traveling width for the public and there's a host of roads around the county that are prescribed to get this treatment. Some are in Hartwood and there are others in other districts as well.

Mr. Apicella: Yeah, they (inaudible) mentioned Hartwood, Spotted Tavern and Cropp Road. Anyhow, I just thought I would ask.

Mr. Counsell: Yeah, without the list of the projects that we are participating in with wedge widening, I am hesitant to say those are in or out. But I mean the article is probably close... probably right. I would need to look at our list and the ones that we funded through the safety funds, to see which roads are matching up for this year. That might have been mentioned in that article. I will be happy to get back with you on that.

Mr. Apicella: I appreciate it.

Mr. Counsell: Sure.

Mr. Apicella: Any other questions for Mr. Counsell.

Mr. English: I've got two. The Truslow bridge is complete...

Mr. Counsell: Correct.

Mr. English: Correct, that opened up. The next one is going to be 628, right? Is that going to be Ramoth Church Road?

Mr. Counsell: Ramoth Church.

Mr. English: When is that starting?

Mr. Counsell: I don't think VDOT has committed to that yet. I think they're looking at something... we had a meeting with VDOT this afternoon, we discussed that very briefly. And I don't want to contradict anything that they have put out, but I think there are going to wait a month or so to make sure everything is going good with the other bridge...

Mr. English: Truslow.

Mr. Counsell: ... traffic has had some time to adjust before they close another road, just real quickly...



*Planning Commission Minutes*  
*April 28, 2021*

Mr. English: But is it going to be, is it going to be this year, you think?

Mr. Counsell: Oh, yeah yes sir, yes sir.

Mr. English: Definitely this year.

Mr. Counsell: It should be pretty soon.

Mr. English: And could you get us the list the projects that you are assisting... like the Hartwood, Cropp Road and things that they are doing the shoulder, I guess...

Mr. Counsell: Absolutely, yes sir.

Mr. English: Yeah, I would like to have a list what the county is participating in.

Mr. Counsell: Sure, yes sir.

Mr. English: Thank you.

Ms. Barnes: And can I ask real quick, could you repeat what was the date for the Flatford sidewalk?

Mr. Counsell: Let's go back and look that at that real quick.

Ms. Barnes: I should have asked then, but...

Mr. Counsell: I believe we are going to start construction, whoops, I went a little too far back. It looks like we are going to advertise for construction this fall, late summer – early fall. I would say it's probably going to be in September. And that means construction would probably start in October or November. And then we should be complete with that sidewalk in the spring of 22.

Ms. Barnes: (Inaudible, microphone not on).

Mr. Counsell: You are welcome.

Mr. Apicella: Alright, unless there's any other questions, Mr. Counsell, thank you very much. We really appreciate...

Mr. Cummings: I am sorry Steven, I've got a couple.

Mr. Apicella: Okay, go ahead Dexter.

Mr. Cummings: Alright, thank you. Can you talk a little bit about the context of the infrastructure items that you mentioned? Projects that you mentioned? And how that will inter-play or work with the Downtown Stafford. Just sort of an overview. And the other question I have is can you speak to any other infrastructure changes that might be on the horizon for the Widewater area. I didn't see much of that mentioned.

Mr. Counsell: Okay, sure. Downtown Stafford and some of the infrastructure that we've got going on. The first kind of phase for that, for assisting and what Stafford has planned for the Courthouse area and

*Planning Commission Minutes*  
*April 28, 2021*

Downtown Stafford was completed with the new interchange. That created a lot of possibilities there. The Planning Department has provided us with a lot of density scenarios and what we have done is we have curtailed... not curtailed, we've changed and we think complimented what is planned for Downtown Stafford, with the intersection improvements between Hope Road and the hospital for Courthouse Road and Route 1 that will facilitate better traffic flow, in the event the development starts at Downtown Stafford. With regard to water and sewer, there is currently adequate water capacity and connection points in the area for that proposed activity. Sewer was lacking for that, so the lower Accokeek project was moved forward, I think about into design about three years ago. That project is now coming to a close and will be ready to take on all the flows that we can reasonable anticipate now for Downtown Stafford. Regarding Widewater, I am going back through my mind now. We did some work on... we collaborated with VDOT and did some work on the Decatur Road, I believe. And on Brent Point Road recently. Other than that, I am not aware of any roadway work in the Widewater area. I am not exactly sure where the boundaries are off the top of my head.

Mr. English: (Inaudible, microphone not on).

Mr. Counsell: Okay, Telegraph. That's great, thank you Mr. English. Telegraph Road/Route 1 at Woodstock and Telegraph will be some traffic movement enhancements for the north Stafford, rural north Stafford area up on Route 1 north.

Mr. Cummings: Is it possible for you to, I understand that I just caught you by surprise. Could you... if you would... it would be great if you could come back or just let me know of any changes that are flagged for that area, particularly as it relates to flooding and flood remediation.

Mr. Counsell: Okay, I will be... I will look into that.

Mr. Cummings: Thank you very much.

Mr. Randall: Mr. Chairman, I have one more question if I could.

Mr. Apicella: Please.

Mr. Randall: Tell me if you have an update on the Brooke Road saga. I don't... be brief if you could, please. Because I know it could be....

Mr. Counsell: There are a lot of moving pieces. Presented publicly there have been a number of pieces of information. One of the ones is the Board had chosen in the immediate term to work on an emergency access road between two, I will say dead end cul-de-sacs, on both sides of the, and I am using air quotes now, for the S curve. That is going to be designed to relieve the need for emergency or absolutely necessity traffic to get around any flooding that may occur. And then on the adopted CIP and budget, there is a project there to do a 7.5 million dollar, what's considered a long-term fix for Brooke Road. That could include realigning that road a little bit, elevating it a little bit or some other method of doing that. We have just started in the very early planning for that. Because it was just approved by the Board, so that's kind of where we are.

Mr. Randall: Right. So, with that will we design something that we will expect a contractor to build or will we be taking inputs for bids not only for amount, but also for their idea, their recommendations for fixes.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Counsell: The plan right now would be to perform what's called a design bid build. We would hire an engineer to design a fix that the County would agree with and then we would advertise it for construction and the contractor would build it.

Mr. Randall: Okay, alright. I just wanted to know how we plan to get those designs back to us. Thank you very much.

Mr. Counsell: You are welcome.

Mr. Apicella: Alright, last call for questions of Mr. Counsell. Alright, seeing none, thanks again Mr. Counsell. Like I said earlier, we greatly appreciate and get better informed with these quarterly updates. You have a great evening.

Mr. Counsell: My pleasure. Thank you.

Mr. Apicella: Alright, Mr. Harvey, next on the agenda, I believe we have a public hearing.

PUBLIC HEARINGS

1. CUP20153513; Conditional Use Permit – Perchwood Drive Auto Sales Park - A request for a Conditional Use Permit to allow motor vehicle sales in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts on Tax Map Parcel No. 38-25H (Property). The Property consists of 0.86 acres, and is located on the northeast corner of the intersection of U.S. Route 1 and Perchwood Drive, within the Falmouth Election District. **(Time Limit: August 6, 2021)**

Mr. Harvey: Yes Mr. Chairman, it's a proposed Conditional Use Permit for the Perchwood Drive-through Auto... excuse me Perchwood Drive Auto Sales Park and Joseph Valotta from the Planning Department will be giving the presentation.

Mr. Valotta: Good afternoon Mr. Chairman, Planning Commissioners. I am Joe Valotta of Planning and Zoning presenting Perchwood Drive Auto Sales Park. The request is for a Conditional Use Permit to allow motor vehicle sales in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts. This is a 0.9 of an acre site, located in the Falmouth Election District. Robert Varma is the applicant and the property owner. He is here tonight with some associates. The site is located at the northeast corner of US-1 and Perchwood Drive, zoned B-2, Urban Commercial, and located within the Highway Corridor Overlay District. Surrounding zoning districts include Urban Commercial to the north and south, Light Industrial to the west and Light Industrial and Urban Commercial to the east. Currently the property is an undeveloped open field, with rolling terrain and no sensitive environmental resources. It does include an emergency vehicle turnaround that is associated with the site, which abuts the property to the north and there is also an existing entrance stub, off of Perchwood Drive that would be utilized with this site. There's a variety of abutting uses on all sides of the property including auto sales, auto repair, auto service, a gas station, car wash, warehousing and some restaurants. And this GDP shows the proposed layout of the site. It shows a building that's approximately 1,300 square feet in size. There's a typo in the staff report. The report indicates 1,000 square feet, it's 1,300 square feet and it's located approximately in this location here. The building would have four suites. Two suites for auto sales, offices a suite for auto detailing and the fourth suite would be a take-out restaurant. There would be five customer parking spaces for the restaurant right here and that's directly behind the building. And then there would be an additional ten customer parking spaces in the back-right corner of

*Planning Commission Minutes  
April 28, 2021*

the site. And the remaining parking spaces would be utilized for vehicle display. The loading zone and enclosed dumpster are located in the back-right corner of the site. And three access points would... three existing access points would serve the property. All of which would be full movement. The site would be accessed directly from Perchwood Drive, right here. And then the site could also be accessed through Perchwood Drive in this location and also from U. S. Route 1. And for the second two locations, vehicles would need to travel through the adjacent parcel to the north and then access this site through an inter-parcel connection. And lastly for the GDP, sidewalk is proposed along both property frontages, so sidewalk across the frontage of U. S. 1 and across the frontage of Perchwood Drive.

Mr. Bain: Mr. Valotta?

Mr. Valotta: Sure.

Mr. Bain: The restaurant, that's only take out. It's not a drive-through?

Mr. Valotta: Correct. No drive-through.

Mr. Bain: Okay. Thank you.

Mr. Valotta: The proposed building design conforms with many of the architectural guidelines in Neighborhood Design Standards Plan including the use of synthetic wood as primary facade material. Subtle breaks and fluctuations in the roofline. The use of projecting features from the façade, and a well-defined customer entrance facing the primary road. Some of the proposed condition would require development to be in general conformance with the GDP and the building elevations. Require sales vehicles to be parked in designated display spaces. Conditions would also limit delivery of vehicles to a... to single-vehicle flatbeds or tow trucks. Limit auto detailing to vehicles that are being sold on site. And they would require that unloading of vehicles will occur on site and not block the access road at the rear of the property. And also prohibit outdoor storage of inoperable vehicles and vehicle parts.

Mr. Bain: Would it be possible to add another condition, that vehicles cannot be worked on outside of the building. They must be worked only inside the building.

Mr. Valotta: To do any sort of mechanical maintenance, they would need a Conditional Use Permit for auto service or auto repair. In the current conditions, they do limit the detailing work or I should say they require that the detailing work takes place inside of the building.

Mr. Bain: Okay. That's good. Alright, thank you.

Mr. Valotta: Looking at the Comprehensive Plan designation the Comp Plan identifies the property within the Central Stafford Business Area. And the more detailed concept recommends business and industry use for the property. Business and Industry areas are recommended to house larger scale uses than this project. However, this is relatively small parcel, and the proposed use is harmonious with the established development pattern in the vicinity. And staff believes that the proposed use is consistent with the Comp Plan policies, and that this site would be an appropriate location for this sort of use, and auto sales use. Looking at the overall evaluation, positively the proposal is consistent with the land use recommendations in the Comp Plan. It's consistent with the established development pattern in the area. Proposed sidewalk will improve pedestrian connectivity along U.S. 1 and the conditions will ensure that the building is consistent with the renderings and thereby consistent with the Neighborhood Design

*Planning Commission Minutes*  
*April 28, 2021*

Standards Plan. And staff notes no negative aspects and recommends approval of the CUP pursuant to Resolution R21-142. And that concludes the presentation.

Mr. Bain: Do we...

Mr. Apicella: Thanks Mr. Valotta. Questions for staff?

Mr. Bain: Yes, I had just one. And perhaps it's actually for the applicant. Do we know what the hours of operation will be for both the auto and the restaurant facility?

Mr. Valotta: I don't off hand. I would need to...

Mr. Bain: Okay.

Mr. Valotta: ... defer to the applicant.

Mr. Bain: I will ask...

Mr. Varma: May I answer? (Inaudible).

Mr. Apicella: Sir, you will have a chance when we call you up.

Mr. Varma: Okay.

Mr. Apicella: Alright, anybody else have any questions? I have got a couple. You've answered one of the questions about auto repair and auto services not being allowed without a CUP. So, thanks for asking the question Mr. Bain and answering it Mr. Valotta. In terms of the conditions, (inaudible) the typical standard conditions that would be applied for auto sales in the HCOD in a B-2 District, Mr. Valotta?

Mr. Valotta: I am sorry, could you repeat that? You cut out for a second.

Mr. Apicella: Yes. So, these are the standard conditions that would normally be applied to auto sales in an HCOD in the B-2 District, right?

Mr. Valotta: Correct, yes.

Mr. Apicella: Nothing is missing from your knowledge or experience.

Mr. Valotta: From my knowledge, no nothing is missing.

Mr. Apicella: Okay, do we know, does the applicant own any of the nearby or adjacent parcels?

Mr. Valotta: Yeah, the applicant owns the adjacent parcel to the north, whether or not they own any other properties in the vicinity, I don't know off hand, and would need to defer.

Mr. Apicella: And Mr. Bain asked a good question about hours of operation. Especially with regard to the restaurant. Do we know anything more about the restaurant? It's what in about 300 square feet of space. Is it made to order sandwiches? Hot food, a combination of the above?

***Planning Commission Minutes***  
***April 28, 2021***

Mr. Valotta: Again, 300 square feet, and I believe no... there would be no seating. It would be takeout only. But, as to the nature of what is being served I would need to defer to the applicant.

Mr. Apicella: Okay, last question. Just for the sake of asking the question. Are we talking about new cars, used cars or both?

Mr. Valotta: Used. Used vehicles.

Mr. Apicella: And not any specific brand? Just whatever they are able to acquire.

Mr. Valotta: Not that I am aware of. But I am sure the applicant can tell you.

Mr. Apicella: Right, thank you Mr. Valotta. So, last questions for staff? Alright, seeing none, would the applicant or their representative like to come forward?

Mr. Carter: Good afternoon, my name is John Carter. I am the attorney for the applicant. This is...

Mr. Varma: Good afternoon, my name is Robert Varma.

Mr. Carter: We also have the Lead Engineer here with us, his name is Mr. Tehrani. Also, on line we have the Landscape Architect and the Architect of the structure. We brought some blow-up renderings, that also you can see in front of you. I will be happy to answer any questions you may have. By and large I would just frankly acclimate and repeat the report done by the staff. I do think it is thorough and well done and we are in agreement with the proposed conditions, 1 through 14 on page 9 and 10 of the report. We also agree that this plan presents a lot of positive traits for Stafford County and no apparent negative traits. And we are happy to address any specific question. We are happy to address any specific questions you have, I apologize.

Mr. Randall: No, you are fine. I hear you just fine, it's everybody else that won't be able to hear you. Mr. Chairman, I have a quick question for the applicant.

Mr. Apicella: Please, go ahead.

Mr. Randall: Can you show... can you take the computer to the GDP please. I am sorry Joe.

Mr. Carter: I am technology challenged, so I apologize.

Mr. Randall: Oh, that is fine. We like... yeah right there. The only entrance off... the only entrance to this location from U.S. 1 is the one that we see the X at, correct?

Mr. Varma: That is correct.

Mr. Carter: That is correct.

Mr. Randall: That is correct.

Mr. Varma: *Inaudible*... transfer from Perchwood Drive into this development.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Randall: Right. So, right. Off of U.S. 1 it's there, otherwise I am making a left on to Perchwood Drive or I make a right onto Perchwood Drive into the...

Mr. Varma: Correct.

Mr. Randall: ... into the building, correct? Okay, and you are sharing...

Mr. Varma: Correct.

Mr. Randall: ... and you are sharing the parking lot, so I see the... are you building more parking or is it you are just sharing that tenant of the parking lot with your business? Are you building more parking for that?

Mr. Varma: Yes, we are building actually additional parking. Fifteen regular parking and then (inaudible) is going to be displayed in the parking spaced.

Mr. Randall: On the back.

Mr. Varma: On the back lot.

Mr. Carter: Just to be clear, both of these parcels are owned by the same...

Mr. Randall: Okay, well that was the next question. I think the Chairman had asked. So, could you define for us... Joe could you show them how to draw that. Could you define on there, which lots are owned by the applicant please.

Mr. Carter: Well, they are both owned by the applicant.

Mr. Varma: Both lots.

Mr. Carter: Do you want the line in between them?

Mr. Randall: Sure, show me both.

Mr. Varma: He wants the property lines.

Mr. Randall: Show me both.

Mr. Varma: So, basically this is the property line, it goes right through those. I am sorry.

*Whispering, inaudible.*

Mr. Varma: You can draw it with that.

Mr. Valotta: I got it. So, the property that's being reviewed tonight for the CUP...

Mr. Randall: Yep.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Valotta: ... is approximately here. And then the other property that the applicant owns is a property directly to the north and that is approximately shaped like this. There is an access road to the property to the north that abuts the subject site tonight, at the back.

Mr. Randall: Right, okay. And that property outlined in red is a current gas station and auto sales, currently, correct?

Mr. Varma: Correct.

Mr. Randall: Alright.

Mr. Varma: Basically, this section of it is auto sales. Here is TAPE 46:46 (inaudible) to stores, and here is where the pump and gas station.

Mr. Randall: The gas station is there. Yeah, I have been by there many times. Alright, and this is in addition to the auto sales that you have currently?

Mr. Varma: There is another (inaudible) that show exactly the gas station and the existing (inaudible).

Mr. Randall: Go to the... go to the... go to the next page, it should be on there.

Mr. Varma: Basically, the same thing that we have on the board. (Inaudible) on here.

Mr. Randall: No, go back... go back one Stacie. One up from the GDP.

Mr. Valotta: (Inaudible) not speaking in the microphone.

Ms. Barnes: Can I ask a question while we are waiting on that? Chairman Apicella, do you mind?

Mr. Apicella: Please go ahead.

Ms. Barnes: As far as the restaurant goes, so we don't... that was my question. We don't know exactly what is going in there for the restaurant.

Mr. Tehrani: Well, a different concept you are thinking of. It's going to be a 300 square foot space like you asked. No sitting area. Basically, most is going to be kitchen and then there will be a partition with a counter space and about six feet of space out front for the customer to come in, place the order and go. There will be one curbside parking on the left of the building, where they are place the order ahead of time, they can do a curbside pickup on the outside.

Ms. Barnes: And you don't know at this point what kind of restaurant?

Mr. Tehrani: Well that will depend on the perspective tenant. We are thinking of, could be maybe a donut shop, a coffee like a café, or it could be a hot and cold sandwich, like a hamburger and cold cuts. Or it could be a kabob place or something... something small and looking major.

Ms. Barnes: It's an interesting combination of you know, buy and car and pick up a burrito.

Mr. Carter: Yes.



*Planning Commission Minutes*  
*April 28, 2021*

Mr. Tehrani: Actually, we noticed that there is no competition over there, no selection for our guests. Yes, we have one restaurant at the gas station (inaudible), it has become recently America's Best Wings. So, we thought maybe something different to add to that. So the customers can have a selection.

Ms. Barnes: Thank you.

Mr. Tehrani: Sure.

Mr. Apicella: And so, just to ask the question, again this is Steven Apicella online. What are the intended hours of operation for the sales portion of this CUP versus the restaurant.

Mr. Tehrani: Okay, for the auto sales and the detailing, it will coincide with the existing use car dealers over there. It's going to be like from 10 o'clock in the morning to 6-7 in the evening. For the restaurant, we are thinking around the same time, where it can be like maybe 10-11 o'clock to maybe 6-7-8 in the evening. We are not pinpointed the hours because that will depend on what comes in and what the tenant wants. But it is not going to be like late hours or early hours in the morning.

Mr. Randall: Okay. To that point there is no residential around there at all, correct.

Mr. Tehrani: No sir, no residential. It's all commercial all around.

Mr. Randall: All commercial.

Mr. Tehrani: And the all... they all kind of go home at 6 anyway.

Mr. Randall: The gas station is what? Is it a 24/7 gas station?

Mr. Varma: No sir, it opens at 6-7 in the morning and they close at 10 o'clock at night.

Mr. Randall: Close at 10 o'clock at night. So, we wouldn't expect anything outside those hours.

Mr. Varma: No, because there is no demand for it, there is no business...

Mr. Randall: Absolutely.

Mr. Varma: It's too risky to be there at night time.

Mr. Randall: Okay, thank you.

Mr. Varma: Thank you.

Mr. Apicella: Do you think we could get like a mini Cheesecake Factory in that 300 square feet?

Mr. Varma: Absolutely.

Mr. Apicella: Alright, any other questions for the applicant?

Mr. English: I've got one Steven.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Apicella: Please go ahead.

Mr. English: Right there... since you own that, what's already existing and I see all those cars that are piled up in the front. Are you planning on... since you... this is your... I hope that's not going to look like that when open this other business. Because it's... I am being honest and up front, it looks trashy. And if you are going to throw all those... what I can see right now it's just looks bad on Route 1, another car dealership on Route 1. So, what is your intentions of doing with the rest of the car... how many cars are you planning on having there?

Mr. Varma: We took that into considerations and this new lot, we will put all the cars in the back of it so you cannot see from Route 1. If you look in the back...

Unknown Speaker: Inaudible, not speaking into the microphone.

Mr. Tehrani: This is the landscaping...

Mr. Varma: Okay, it's probably going to be...

Mr. Tehrani: ... no there is a rendering that shows the landscaping.

Mr. Varma: Okay. We have a rendering we can show you.

Mr. Tehrani: We can get to that on.

Mr. Carter: I believe it's that rendering there...

Mr. Tehrani: She was already there, but it you can't... because of online.

Mr. English: Well, how many cars are you planning on having there for sale?

Mr. Tehrani: There is going to be two dealerships with thirty cars each.

Mr. English: So, sixty cars you are going to stick in that little lot.

Mr. Tehrani: Yes, and there is space for eighty-five. Basically, as you can see, there is going to be a twenty-five-foot landscaping buffer in this area along the Perchwood Drive. And there is going to be a, you know, over story/under story combination of shrubs, which is basically provide some sort of a screening from there, you know, Route 1, as far as you know, to, you know, the display of the cars. And so, there is going to be planting and screening. So, you won't be able to see all those cars.

Mr. English: Is your business going to be facing Route 1 or is it going to be facing Perchwood?

Mr. Varma: Twenty-five feet landscape buffer facing the Perchwood and then about, you know, roughly about forty feet of landscaping...

Mr. English: So, when I am going down Route 1, I am just going to see the backside of your business, I am not going to see the front.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Varma: No, you are going to see the fro... you are going to see the backside, you are going to see the front of the building.

Mr. English: Okay.

Mr. Varma: The backside is from the... when you come to the Perchwood then you see the backside of the building. But when you are driving on Route 1, you see the front of the building.

Mr. English: Okay.

Mr. Varma: It is actually shown in one of these slides that we had before. This one right here.

Mr. English: That is what you will see in the front.

Mr. Varma: This is what you are going to see.

Mr. Carter: That's the... that's facing Route 1.

Mr. Tehrani: But there is also going to be landscaping, you know, between the building, the parking lot and the Route 1.

Mr. English: Okay.

Mr. Randall: Can we go back to the GDP please?

Mr. Carter: There is also a Resource Protection Area in front of the property, I think forty feet wide as well.

Mr. Randall: Right.

Mr. Valotta: Did you say GDP?

Mr. Randall: Go back to the GDP please? Sorry Stacie. Alright, can we erase all that? Unless you have a green color.

Mr. Valotta: This is a new smart podium, so you might have to bear with me for one second.

Mr. Randall: Okay.

Mr. Valotta: But there are different colors, in case I can't.

Mr. Randall: No, I am really focused on the parking spots to the... what it would be to the west. The front of the building, the parking spots to the front of the building and there's parking spots to the south of the building.

Mr. Varma: So. the front of the building is going to be for the restaurant, for customer parking.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Randall: Well, that's what we are going to talk about. Right there. Guys, I see ten or twelve spots... I see ten spots there and I see, you know, fifteen spots on Perchwood Drive. So, what are those parking spots going to be for?

Mr. Varma: The ten you see in the front is going to be for the restaurant, for customers to park and go.

Mr. Randall: Okay.

Mr. Varma: And the left side is going to be for the used car displays.

Mr. Randall: So, if I am coming in as a customer for the used cars, where am I parking?

Mr. Varma: You are going to come and park in where the five parking spaces are.

Mr. Randall: And where are those?

Mr. Varma: Out of the ten on the front... what happened. On the front of the building we have the ten parking spaces, those a customer parking spaces.

Mr. Randall: So those are... that is customer parking for the restaurant and for the used cars.

Mr. Tehrani: Any customer coming into the property, yes.

Mr. Randall: Okay.

Mr. Varma: In front of the building.

Mr. Randall: Okay, so the fifteen car spots... the fifteen lots or spaces on Perchwood Drive will be to display cars.

Mr. Tehrani: That is correct.

Mr. Randall: You will not be displaying cars in the front?

Mr. Tehrani: No sir.

Mr. Varma: No.

Mr. Randall: On U.S. 1?

Mr. Tehrani: No sir.

Mr. Randall: Okay. So, okay. It looks to me like it says car display on the GDP, but anyway, okay. That is what I needed to know. Make sure that that's... those are going to be open most of the time until customers show up. But most of the displays will be on the Perchwood Drive and then behind the building.

Mr. Tehrani: Yes sir.

*Planning Commission Minutes  
April 28, 2021*

Mr. Randall: Is that correct?

Mr. Tehrani: Yes sir.

Mr. Randall: Alright, thank you.

Ms. Barnes: Chairman Apicella, I have another question, if I may.

Mr. Apicella: Yes, please go ahead Ms. Barnes.

Ms. Barnes: If we are looking at the, we don't have to do back because we have the display right here. We see the landscaping and you see the nice trees that are kind of in front that are facing Route 1 and they just kind stop. You own that property to the north, correct?

*Unknown Speaker: Inaudible.*

Ms. Barnes: So, and that's... and you have... that is where you have cars parked all the way across the front.

Mr. Varma: They are parked... there are landscaping in front of them.

Ms. Barnes: Okay, but the landscaping is only on the lot that we are talking about right now. The lot that you own that is to the north, that landscaping just kind of stops. Is there, you know, have you ever thought about putting that landscaping across the entire thing and taking away those used cars that Mr. English was talking about. It looks like half of it is going to be landscaped and the other half is going to kind of stop.

Mr. Varma: Are you talking about Route 1?

Ms. Barnes: Um hum, Um hum.

Mr. Tehrani: There is already landscaping there. We are not showing in this because we are only focusing on the construction part.

Ms. Barnes: The land... okay. The landscaping is behind the cars though.

Mr. English: Do you have a...

Ms. Barnes: I am looking at it.

Mr. Carter: There is an aerial, go to the aerial (inaudible).

Mr. English: That's it, that's it. Can you zoom in a little bit on that Joe, or not?

Mr. Valotta: A little bit.

Mr. English: Do we have it on ours?

Ms. Barnes: Yeah, there's... I can see...

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Bain: On the... on the... woops, we lost the aerial.

Mr. English: I got it right here.

Mr. Bain: On the aerial, it looks like... on the other aerial it looked like you actually had cars parked right on Route 1, not in the parking lot. Can you get back to that one Stacie? Yeah, that one.

Mr. Apicella: If you are not talking, if you could turn your mic off. Thank you.

Mr. Valotta: This is Joe again, Chairman Apicella. During the review process, staff worked with the applicant to remove all of those vehicles that are in the U.S. 1 right-of-way. So, they are no longer there. And this Conditional Use Permit has conditions that would prohibit parking in the Perchwood right-of-way and the Route 1 right-of-way. So, if they did park vehicles in those right-of-ways they would be violating their CUP and be subject to a Zoning Violation.

Mr. Bain: Even in the existing parcel that has the used...

Mr. Valotta: That is a separate CUP...

Mr. Bain: Yeah...

Mr. Valotta: I would need to review those conditions to see if it has a condition prohibiting parking in the right-of-way. I don't know if it does off hand. I would hope that it does, but I can look that up and get back to you.

Mr. Bain: Okay, thank you.

Mr. Apicella: So, I am looking at the picture now and obviously I can't put up the picture of the landscaping that is proposed. But, I am not seeing any landscaping on the subject property, any significant landscaping at the front. So, this would be at least somewhat of an improvement than what currently exists. Is that a correct statement Mr. Valotta?

Mr. Valotta: I am sorry I didn't hear the questions.

Mr. Apicella: I am sorry if I am not coming across very well. So, I am looking at the picture here and I am just kind of remembering the slide that showed the landscaping that is proposed. I am not seeing any landscaping or any significant landscaping on the subject property (inaudible). So, it just seems to me that any landscaping on that subject property is an improvement. Does that seem correct to you?

Mr. Valotta: Yes, that is correct. Currently there is no landscaping on the property. So, this would be an improvement.

Mr. Apicella: Okay, thanks. Any further questions for the applicant or for staff, before I open the public hearing? Alright, thank you everybody.

Mr. Carter: Thank you.

Mr. Apicella: So, I am going to open the public hearing on this item. This is an opportunity for the public to comment on this particular subject public hearing. Before starting your comments, please state

*Planning Commission Minutes*  
*April 28, 2021*

your name and address. The clock starts when the green light appears, yellow means there is one minute left, red means your time is up. Is there anybody in the Chambers who would like to speak on this item, please come forward.

Mr. Harvey: Mr. Chairman, we have no public in the audience and we did not...

Mr. Apicella: Oh...

Mr. Harvey: ... and we did not receive any public comment by email.

Mr. Apicella: I am shocked. I can't believe there are not thousands of people who want to speak on this one. Alright, thank you Mr. Harvey. So, I am going to close the public hearing and bring it back to the Commission. Mr. Randall this is in the Falmouth District, so I am going to virtually pass the gavel to you.

Mr. Randall: Alright, do I have any other comments from the members of the Planning Commission?

Mr. Apicella: Mr. Chairman, I would like to make a motion to recommend approval of CUP20153513, Conditional Use Permit Perchwood Drive Auto Sales Park.

Mr. McPherson: Second.

Mr. Bain: Second.

Mr. Randall: Alright, we have a motion and we have second. We have a motion by Chairman Apicella, we have a second by Chairman McPherson. Do we have any comments Mr. Apicella?

Mr. Apicella: All in all, I think it's a pretty good project. I think it is compatible with the nearby uses and I think that the landscaping will be an additional improvement to what currently exists. There isn't a lot of opportunity for buying any food along that corridor, so even if it's a small take out restaurant it will be welcomed by people who drive past there and need something to eat. So, I am going... that is why I am recommending approval, Mr. Randall.

Mr. Randall: Mr. McPherson any comments?

Mr. McPherson: I agree with Chairman Apicella, I agree it fits very well with everything that is already there.

Mr. Randall: Do I have comments from anybody else on the Planning Commission?

Mr. English: Yeah, I've got one question. From one of the properties that you own beside it there is a trailer that is brought in there. So, you've got another trailer. I hope you are not planning on bringing any other trailers in there on this property.

Mr. Varma: No sir, we are building a building on it.

Mr. English: Just a building and then you've got that other property. It's... that property, I am telling you, it's junky. There is no way to get around it, I have been around it, I know what it looks like. And

*Planning Commission Minutes  
April 28, 2021*

I hope, and I hope that you don't... this property that is coming up right now is not going to be like the one that is beside it.

Mr. Varma: I can assure you it's not going to be.

Mr. English: Okay.

Mr. Randall: Any other comments? Alright, Mr.... Chairman Apicella, I have a question for you. Do we, do we need to add a condition use permit... conditional use about the parking spaces in the front only being used for customers? And then that the sales will only be on Perchwood Drive and behind the building? Do we think that that's necessary?

Mr. Apicella: We could certainly, we could certainly add that. I don't think it's not permissible to do it. Mr. Valotta, do you have any thoughts or comments on adding one or both of those as conditions?

Mr. Valotta: Yeah, I think we could add that. I would need a moment to come up with some language or alternatively add it into the resolution prior to the Board hearing.

Mr. Apicella: I think Mr. Randall was almost pretty clear on what he wanted. Are you offering that up as a friendly amendment to my motion?

Mr. Randall: I am offering it up as a friendly amendment. That we, we make the motion to approve it with additional condition that we limit the display of auto sales to Perchwood Drive and that area behind the building.

Mr. Valotta: Okay, so...

Mr. Apicella: Okay, so that's one condition.

Mr. Valotta: Something along the line of *all display vehicle spaces will be located behind the building? Along Perchwood Drive or behind the building.*

Mr. Randall: Yes.

Mr. Apicella: Can we just say behind the building Mr. Randall? Would that be sufficient?

Mr. Randall: Well they have a significant number of parking spots on the... on Perchwood Drive that also was... they wanted to use as display. I just don't want those displays out in front of the building where customers need to be parking. Whether we have an overflow of cars and we want to put three or four cars there temporarily. I just think it's best if we limit those to Perchwood Drive and behind the building, and not on U.S. 1.

Mr. Apicella: But Perchwood Drive might be a limiting factor, I am trying to remember the GDP. So, there were some spaces that were not... that were behind the building but not along Perchwood Drive and just in terms of interpretation, I would be concerned that someone might read it to say that you could only park along Perchwood Drive. So, if you look at the GDP there are some spaces behind the building that I think are for display and/or for customer parking. And then, I think the ones all the way at the bottom of the picture that I am looking at are for customer parking. The ones that are immediately



*Planning Commission Minutes*  
*April 28, 2021*

behind the building, I think are display parking spaces. Is that, is that correct, maybe going back to the applicant?

Mr. McPherson: I think the ones on the top are the customer parking.

Mr. Varma: Well, what you are talking about is in the front parallel to your Route 1, the ten spaces that you wanted that to be assured that that's only for customer parking. Either for people coming to the auto sales or to the restaurant to pick up their food. Yes, that is correct. On the side of the building and the back of the building, where it is parallel to Perchwood and the back of the building, those are the display for used car sales. But the front is all for customers.

Mr. Apicella: I am looking at the picture, and again I am a little concerned. Can we just say, Mr. Randall, that the ten spaces at the front of the building shall only be used for customer parking?

Mr. Randall: Yes, I think that is a better way to put it.

Mr. Varma: Correct.

Mr. Randall: Yes.

Mr. Apicella: Does that work for you Mr. Valotta?

Mr. Varma: Of course, there is no... and I am okay with that. There is no objection to that.

Mr. Randall: I wouldn't expect that there would be, I just wanted to be clear on what you are planning to do and what we want authorized to do. That's all.

Mr. Varma: I understand.

Mr. Randall: I didn't expect that it would be any different, that you would have an issue with it. I just wanted to be... put it in writing so we are all on the same page. That's all it was.

Mr. Varma: I understand, agreed. Thank you.

Mr. Randall: Thank you.

Mr. Apicella: So, I am going back to Mr. Valotta, did you get that?

Mr. Valotta: Yeah, I caught all of that.

Mr. Apicella: Mr. Randall, was there anything else that you wanted?

Mr. Randall: No, sorry that's it.

Mr. Apicella: Alright. So, you have made a friendly amendment to my motion to say just what I said, that the ten spaces at the front of the building shall only be used for customer parking. Mr... you are really kind of leading the meeting. So, I guess Mr. McPherson is okay with that as well.

Mr. McPherson: Yes.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Randall: We have a motion and a friendly amendment to add a conditional use permit.... or conditional use that those ten spaces in the front will only be used for customer parking. We will take a vote on this Mr. McPherson?

Mr. McPherson: We are not just going to do a roll call vote?

Mr. Randall: Yes.

Mr. Apicella: He is doing a roll call...

Mr. Randall: We can do a voice, I will do a voice vote.

Mr. McPherson: I can take a vote.

Mr. Apicella: I would not suggest doing a voice vote. I would suggest doing a roll call vote and just call out the members.

Mr. Randall: Got ya. Mr. McPherson, roll call vote please.

Mr. McPherson: Okay. Chairman Apicella?

Mr. Apicella: Yes.

Mr. McPherson: Commissioner Bain?

Mr. Bain: Yes.

Mr. McPherson: Commissioner Barnes?

Ms. Barnes: Yes.

Mr. McPherson: Commissioner Cummings?

Mr. Cummings: Yes.

Mr. McPherson: Commissioner English?

Mr. English: Yes.

Mr. McPherson: Commission McPherson says yes. Commissioner Randall?

Mr. Randall: Yes.

Mr. McPherson: Motion passes.

Mr. Randall: Motion passes 7-0. Mr. Chairman it's back to you.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Apicella: Thank you Mr. Randall and congratulations Mr. Varma. Look forward to the expansion of your current business. Alright Mr. Harvey, item 2, can you just tell us where we are on that? I believe the Board made some kind of decision recently related to that item.

UNFINISHED BUSINESS

2. Amendments to the Zoning Ordinance - Amend Stafford County Code Sec. 28-25, "Definitions of specific terms," Sec. 28-35, "Table of uses and standards," and Sec. 28-39, "Special regulations" in regards to cluster development regulations. **(Time Limit: May 30, 2021)**  
**(Authorize for Public Hearing by: April 28, 2021)**  
**(Potential Public Hearing Date: May 26, 2021)**

Mr. Harvey: Yes Mr. Chairman. The Board passed a resolution rescinding the previous referrals for cluster development. The Board had some concerns that with the change to the A-1 zoning regulations we would first like to see how cluster development proceeds based on those new requirements. So, staff would recommend the Commission hold off any further work on this for the time being.

Mr. Apicella: Alright, that sound like a plan to me Mr. Harvey. We don't need to take a vote, right? The action has already been taken by the Board. So, with that being said it's off our radar screen for the time being.

Mr. Harvey: Yes, so Mr. Chairman staff will take it as that we should delete this item off the agenda until further notice.

Mr. Apicella: Alright.

Mr. Randall: Mr. Chairman, this is Mr. Randall. Do we need to do something to officially stop the sub-committee or does the sub-committee continue in perpetuity until further action is taken by the Board?

Mr. Apicella: Why don't we keep the committee in place for now with no action to be taken. It could expire at the end of the calendar year. And it would be reconstituted. Does that work for everybody?

Mr. Randall: No, that is fine. I just wanted to make sure we were clear. That's fine, no worries.

Mr. Apicella: Great. Moving on to item 3, Mr. Harvey, family subdivisions exemptions.

3. Amendment to the Zoning Ordinance - Amend Stafford County Code Sec. 28-35, Table 3.1 "District Uses and Standards" for the purpose of exempting family subdivisions from the density requirements of the A-1, Agricultural zoning district. **(Time Limit: June 9, 2021)**

Mr. Harvey: Thank you Mr. Chairman. Brian Geouge will give an update for staff.

Mr. Geouge: Good evening Mr. Chairman, members of the Commission. Brian Geouge with the Planning and Zoning Department. If you will recall at your last meeting I gave a brief summary of this referral to the Planning Commission. Which directs the Commission to craft an ordinance amendment that would exempt family subdivisions from the new density requirements of the A-1 Zoning District. However, staff noted at the last meeting that the Commission can also recommend other changes relating to family subdivisions. So, it was requested that we get back with you on the overview of the current requirements. So, I will go through that next. Here is a list of current requirements for family

*Planning Commission Minutes*  
*April 28, 2021*

subdivisions, they are found under Section 22-5. The first part just stated that a single division of a lot or parcel is permitted for the sale or gift to a member of the immediate family. And that is also subject to the provisions of the Code of Virginia and the following provisions. The first is that the grantee is an immediate family member of the owner or owners. Immediate family member is defined in Subdivision Ordinance. There is a requirement that the property has been owned for at least five consecutive years by the current owner prior to the transfer. And that no previous transfer under this provision has been granted to the grantee in this county. There is also a requirement that after the transfer, the property has to be owned by that person for at least five years before it's voluntarily transferred to another person. And that the grantee is at least eighteen years old. A couple other requirements, just stating that the transfer is intended for the housing needs of the grantee. And it is not for an unintended circumvention of the subdivision ordinance. There is an affidavit requirement, it's in our application form that certifies that the family subdivision complies with these requirements. And then there's access easement requirements. Some of these are spelled out in State Code. State Code addresses the need for access easements for lots that are five acres or less and states that the access should be no less than 10 feet or more than 20. Our code stated that for lots less than 5 acres the easement needs to be 20 feet and the roadway within the easement needs to be 10 feet minimum. For properties over 5 acres the requirement is that the easement be 50 foot in width. With a 20-foot clear zone within that 50 feet and then the roadway again a minimum of 10 feet. The intent for that, the 50-foot requirement is that on those larger family subdivision lots, if they are further divided in the future, there is a potential that they will ultimately serve three or more dwellings or uses. And require to be brought up into compliance with state road standards. And potentially accepted in the state road system. The minimum right-of-way width for that is 50-feet.

Mr. Apicella: So, Brian, before you move on to 9 and 10. If we were to make any adjustments or if we were to, because I have asked this question of you separately. If we were to suggest that the Board provide the possibility of a hardship exemption on either 9 or 10, that wouldn't work because that would put us out of compliance with the state requirements.

Mr. Geouge: I may need to defer to Lauren on this, but I believe that particular provision could be addressed through... or Jeff.... a waiver of the subdivision ordinance. This section specifically talks about the Board waiving the five-year requirement, but it doesn't speak to the other requirements outlined in this section.

Mr. Apicella: Right, but I... under either path, whether it's a waiver of the subdivision ordinance or if we put something in our own requirement for this specific section. If we were to grant a waiv... if the County were to grant a waiver, my question is, would that put us out of compliance with whatever the state rules and requirements are for the ingress/egress easement width.

Mr. Geouge: I think the issue there would... it would just not have the potential of being further subdivided, at least for non-family members because it wouldn't meet that right-of-way width requirement or state road standard requirement.

Mr. Harvey: And Chairman...

Mr. Apicella: So...

Mr. Harvey: Chairman Apicella, to your earlier question. Under operation in our subdivision ordinance the Planning Commission can consider a waiver of any of the code requirements in the ordinance. And you have had a number of waivers before the Commission in years past and also this year. There was

*Planning Commission Minutes*  
*April 28, 2021*

one case, and I can't remember exactly all of the details, but they were requesting a waiver of the easement width.

Mr. Apicella: So, so there's already a process in place. What I am suggesting would be redundant. Does the waiver get reviewed by the Board or is it just at the Planning Commission level? And that is sufficient?

Mr. Harvey: Mr. Chairman, it's solely within the Planning Commission realm unless there's an appeal of that decision. Then it would be appealed to the Board.

Mr. Apicella: Okay. Thank you. I appreciate your looking into this and answering my questions. Please proceed Mr. Geouge.

Mr. McPherson: Brian, can I ask a question please? Could you go back to the previous page please?

Mr. Geouge: Sure. So, regarding item 2, the property has been owned for at least 5 consecutive years by the current owner. Is that a state mandate already? Or is that something that's being proposed to be added. I am kind of curious why we have a five-year requirement.

Mr. Geouge: It's not stipulated in state code.

Mr. McPherson: I am just curious where that came from.

Mr. Harvey: Commissioner McPherson, state code actually says that the person must own it for fifteen years, on both sides before and after. Our local ordinance is less restrictive.

Mr. McPherson: Okay, so we are moving it, in my opinion, the right direction. We are not going from zero to five, we are going from fifteen to five.

Mr. Harvey: We currently are at five, yes. And the state code allows the Supervisors to grant a waiver of that time limit. So, we viewed it as this is our sort of built in waiver, if someone wants to go below five years, that is when they have to get additional approval by the Board.

Mr. McPherson: Okay, excellent. Thank you very much.

Mr. Geouge: Are there other questions?

Mr. Bain: On the next page, item 6. It says housing needs of the grantee, but that doesn't preclude them renting out that property. Renting the home that would be built, does it. And can we make that a condition?

Mr. Geouge: No, it wouldn't necessarily preclude that, so it is based on ownership. So, we are often unaware of what actually happens on that property after it has actually been subdivided off. So, perhaps it could be an addition to the ordinance, but our ability to enforce it would be the question.

Mr. Bain: Okay. I see. Thank you.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Randall: I want to go back to the last page. I think its number 5. Sorry, number 4. What is the definition that we use as far as transferred? Transferred or sold or is transferred considered any means by which they are not owners anymore?

Mr. Geouge: I would say in any case where...

Mr. Randall: The lot will not be voluntarily transferred to a non-member.

Mr. Geouge: Right.

Mr. Randall: Voluntarily transferred or sold, voluntarily transferred?

Mr. Geouge: Well, sold would be... if it's sold by the owner, the current owner who was granted it, that would be a voluntary action. But if that person...

Mr. Randall: Right, voluntary is not what I am... my question is the transferred definition not volunteer definition.

Mr. Harvey: Commissioner Randall, property is transferred when a deed is recorded and that's were the property is physically conveyed. In most cases with a family subdivision, it's a deed of gift...

Mr. Randall: Right.

Mr. Harvey: ... but there could be a deed of sale. It's not prohibited in the statute.

Mr. Randall: Okay so... okay so, if I am doing this outside the five-year window and I am transferring it to a non-member of the immediate family, transferred could be sold as well? That's the definition that we could use?

Mr. Harvey: Outside of the five-year window. Also too, if a parent wanted to gift the property to their child with a consideration of some monetary value, it's not prohibited.

Mr. Randall: Okay, thank you.

Mr. Geouge: Any other questions?

Mr. Apicella: Please go ahead Mr. Geouge.

Mr. Geouge: Okay. So, the next is a required note that would be placed on the plat stating that in cased where the tract can't be further subdivided, that would need to be noted on the plat. Also, if the proposed lot is to be served by an access agreement that has a maintenance agreement associated with it. Aproval for addition of that lot would be required to access off of that easement. Number 13 talks about, if there's determined to be a circumvention of this, the lot can be vacated if the Board find that the lot is not in compliance with this section. The next, number 14 is one that I touched on earlier. If the board finds that an extraordinary hardship is being caused by the five-year restriction, it can reduce or even eliminate the required five-year time period, based on that hardship. And that has been done in the past. Yes sir?

*Planning Commission Minutes*

*April 28, 2021*

Mr. English: What is the process for that and what is the definition of hardship. In other words, if I get in there and I've got... parents give me their property and I have had it two years and I either, I got sick I had to sell it, I had to move because of job relations or again I just couldn't afford it. So, what is the broad definition of hardship? Do they have to bring that to the front of the Board for that? To get their approval to sell it within that five years? So, if I want to sell that property because I have gotten ill and I need to sell it because I need the money. Do I have to come in front of the Board of Supervisors to ask them to sell it?

Mr. Geouge: Well, to be clear, this applies to either the five-year restriction on giving it to a family member. The requirement you have to own it for five years before you give it to a family member, that can be reduced. And once it is received by a family member, the five-year ownership requirement before it's sold to someone else could potentially be reduced. As far as hardships, all those things that you mentioned are...

Mr. English: So, there is no definition for hard...

Mr. Geouge: ... potential hardships.

Mr. English: There's no definition for hardship, it's just whatever we think is a hardship, we consider it a hardship.

Mr. Geouge: It's whatever, whatever the owner presents as their case.

Mr. English: That's probably a good idea, because you don't want to pin somebody down for that. So, just to be clear. My parents owned this property for 25 years, they are going to say okay, I am going to give you 3 acres, 5 acres... 3 acres to build on. They give it to me, I have to keep it for five years? I have to keep it for five years.

Mr. Geouge: Yes.

Mr. English: And during that five years, the second year into it I come up with a hardship. Then what do I do? And I need to sell it, so what do I do at that point?

Mr. Geouge: You would, you would... we would initiate a resolution to the Board for their consideration of that.

Mr. English: Do I...

Mr. Geouge: They would need to review...

Mr. English: Write the letter.

Mr. Geouge: ... the case, the hardship that is being presented by the owner to determine if it's reasonable to reduce that.

Mr. English: And it does not cost me to do that?

Mr. Geouge: There is no fee for that.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. English: No fee for me to do that. It's just a matter of me... it would not come to this Board it would go straight to the Board of Supervisors, correct?

Mr. Geouge: Correct.

Mr. English: Okay, just wanted to...

Mr. Apicella: Hey Brian, just for the sake of asking the question, is that decision... is a negative determination by the Board, could it be reviewed by the courts? Or is that the final decision?

Mr. Geouge: I don't know the answer to that question. Jeff, Lauren?

Ms. Lucian: I am not positive on this, but I would imagine there is probably a right of appeal to Circuit Court. And I can check on that in the meantime.

Mr. Apicella: Alright, thanks.

Mr. Harvey: And Mr. Chairman, also to add a little bit more clarity to Mr. English's question on the five-year time limit. You could have somebody need to relinquish their ownership in less than five years. They can do that to another family member within that five-year time limit. It's not restricted to nobody, it's... you could do it to another family member without asking for the waiver. So, for instance on that scenario you mentioned where your parents owned 25 acres and they give you 3 acres and you build a house the first year and you and your wife, heaven forbid, have some issue where you can no longer be together and need to as part of the divorce settlement dissolve that. It could be transferred to another sibling or some other family members, or go to the Board and ask for the time limit waiver.

Mr. English: I am trying to be hypothetical here. Suppose there was no other family members, I was the only family member there and that happened?

Mr. Harvey: Then that would be a situation where you would have to go to the Board.

Mr. English: And they would have to grant you and then again... if they said no then the next step would be Circuit Court, correct? Right? Oh, okay, I'm sorry. What did you say? I'm sorry.

Ms. Lucian: I just said I am looking. Most likely yes, but I wanted to point you to a particular provision.

Mr. English: Okay, thank you.

Ms. Lucian: Yep.

Mr. Geouge: Alright, the last few provisions here talk about plan or plat content. The corners have to be marked with property monuments as required for all new lots. As far as plat contents, number 16 goes into that, and just calls out the content requirements including the location of existing easements, floodplain, total acreage, having the owner's consent on the plat; so, just typical plat content items. And there's also a required statement that the family subdivision is in compliance with the subsection.

Mr. Apicella: Brian, I'm sorry... well, go ahead, finish the last one. I want to take you back.



*Planning Commission Minutes*  
*April 28, 2021*

Mr. Geouge: Okay. And the last one has to do with limitations or plat restrictions on acceptance of the private access easement, or maintenance of it. So, these are basically required notes on the plat. It states that the easement is for private purposes and shall be maintained by the property owners and will not be maintained by the state. And that it's ineligible for admission into the secondary road system unless it's brought up to conformance with the requirements of the subdivision ordinance and VDOT standards. And, uh, Mr. Apicella, I'll go back... *inaudible*.

Mr. Apicella: Yeah, can you go back two slides? One more. Okay, so, uh, I guess it's one more after that.

Mr. Geouge: Before? Or after?

Mr. Apicella: Okay, so I'm asking about number 5, about the grantee is at least 18 years of age. Is this coming from the state, or is this a County-specific provision?

Mr. Geouge: I believe it is a state requirement. However, I would need to look into that unless Lauren knows off the top of her head.

Ms. Lucian: If you can tell me the question, I was looking... *inaudible, several people talking at once*.

Mr. Apicella: I'm sorry, Lauren.

Mr. Geouge: Looking at too many things at once.

Ms. Lucian: It's okay.

Mr. Apicella: So, the last bullet, number 5, says the Grantee is at least 18 years of age and able to hold real estate under the laws of Virginia. I'm asking if that is a state code requirement or is that a Stafford County-specific requirement?

Ms. Lucian: I'm going to pull up state code real quick and I'll let you know.

Mr. Apicella: And the reason I ask that, if it's not a state code, but if it is it's kind of a moot point. I mean, if I wanted to, if I had a 20-acre parcel and I wanted to give it to my grandkids and I don't know how much longer I'm going to be around, I mean, this could be, this could be problematic I guess I would say. So, I'm just trying to figure out if there's a way to allow for somebody to own property that's not 18 years or at least put it in trust.

Ms. Lucian: Chairman Apicella, there's nothing in the state code provision on family subdivisions that speaks on that issue. But there may be somewhere else where it's stated that somebody has to be 18 to own property in general. But there's nothing in the family subdivision state code section on that.

Mr. Apicella: So, what do folks think about number 5. If it's permissible... it may not be, but if it's permissible to deed a piece of property to somebody who's less than 18 years of age, or at least to put it in trust for someone until they're 18 years of age... *inaudible, audio scrambled*.

Mr. English: I think it should be taken out, because I think you open a can of worms. I think if somebody's going to leave that to somebody, they'll put it in a trust. So, I think to not muddy the waters, I would take number 5 out. That's my opinion.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. McPherson: Agreed.

Mr. Randall: My personal opinion is that the laws of the state, that we're not in the right spot. That there's some laws out there that require somebody to be an adult, a legal adult, before they can actually hold real estate. Now, I'm not talking about a trust, I'm not talking about we put a trust, but I don't think legally a 17 year old can sign a document certifying ownership of real estate. So, and I believe that's probably going to be somewhere else in the laws of Virginia, not necessarily in the family subdivision, so.

Mr. Apicella: Right, but if it's... again, I'm speaking to a hypothetical. I'm just saying, if it's not a requirement of the state and it's something that's just particular to Stafford County...

Mr. Randall: So, we think that the state does not have a requirement of an age requirement for real estate?

Mr. Apicella: Right now, this second, unless and until Lauren can look into it, we don't know the answer to that question. So, again, I'm asking a hypothetical, I'm using myself as an example. If I wanted to give my grandkids some property or at least to give to them in trust, I'd like to make sure that that's allowed under the family subdivision ordinance if it's not precluded by the state code.

Mr. English: There's also something else you've got to take into consideration, Steven. I'm going off of your hypothetical. If you have one parent that's living and you have one child, and the child is 16 or 17 and the parent dies, suppose that child gets emancipated at 17, are they allowed. If they're emancipated, they've got a right to own that property. So, I think we should take that out. I think it's just muddying the waters. That's just my opinion.

Mr. Geouge: If it's...

Mr. Apicella: So, so, anybody else, chime in. Nobody else has any thoughts about this?

Mr. Bain: I think I heard... I think I heard Lauren say that there's nothing in state code pertaining to family subdivision section that has that explicit requirement. Therefore, if it's not there, I think we can take it out and be as safe as anything.

Mr. Apicella: We don't know the answer. We can certainly punt on this one until the next meeting. Alternatively, if we wanted to move forward, we could just make a recommendation to the Board that they explore number 5 and either take it out or add some additional language that would allow, allow children under 18 years old to hold property in trust... or the property be held in trust until they reach 18 years old. Would that work?

Mr. Geouge: I was just going to say, if it's the consensus of the Commission that that should go away if it is found that state code does not require that, then, um, if you were to act on it tonight or whenever, we could incorporate that recommendation in our report to the Board because we will have heard the final outcome of that by then.

Mr. Randall: I would prefer finding out that before we send it to the Board, to be honest.

*Planning Commission Minutes*

*April 28, 2021*

Ms. Lucian: Well, I would note on that, even if there's nothing specific in the subdivision ordinance that gives somebody a right to appeal to Circuit Court, that's not going to prevent somebody from filing suit. I've seen it happen on the subdivision ordinance.

Mr. Apicella: Alright, so, I, I, I'm okay with taking it out. I think Mr. Bain's okay with taking it out. I think Fillmore is okay with taking it out, and Mr. English is okay with taking it out. So, so that's four of us. Anybody else one way or another just so we can...

Mr. Randall: I guess you win.

Ms. Barnes: I'm fine with it, Steven.

Mr. Apicella: Taking it out if it's permissible.

Mr. Cummings: Yep.

Mr. Apicella: Dexter, how 'bout you?

Mr. Cummings: Yeah, I'm find with it.

Mr. Apicella: Alright, so, I think with one exception, folks are willing to take number 5 out if the state code allows us to.

Ms. Lucian: Chairman Apicella, the only thing I will note that since the family subdivision requires conveyance to a family member, a trust may not qualify for that. So, I don't necessarily see any problems with taking that out because it's not required by state code to be there, but, by operation of the same family subdivision restrictions, it may still apply the same way.

Mr. Apicella: I gotcha. So, again, I think I've heard 6 of 7 of us would like to take it out, so that would be one recommendation I think we would like to put forward to the Board. So, I'm sorry to cut you off, Mr. Geouge; I'm sure you had more to say on your brief.

Mr. Geouge: Just one more slide, just to wrap things up. So, again, the resolution directs the Planning Commission to draft the ordinance and it would be sent back up to the Board for further consideration and potentially be sent back down to initiate the public hearing process. There was a comment at the last meeting about the possibility of including aunts, uncles, nieces, and nephews under the definition of immediate family member. So, staff did draft an alternate ordinance as a hand-out for tonight and it includes aunt, uncle, niece, nephew as additions to those definitions.

Mr. Apicella: So, Brian, my question back to you, by changing that definition, we're not, we're not creating some unintended consequences somewhere else in the zoning or subdivision ordinance where it applies specifically to immediate family.

Mr. Geouge: Correct. The, um, the only other place for immediate family is mentioned in the ordinance is the definition of employee dwelling, which is a defined term but it's not a listed use in any of the districts. So, it would not have any impact on other provisions of the ordinance. However, another option to consider would be to leave immediate family as defined as is, and then include those additional family members under Section 22-5 where it references that immediate family; it could say immediate family and aunts, uncles, nieces, nephews are eligible to be grantees.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. McPherson: I like that suggestion.

Mr. English: Can I ask a question? I don't know if this is throwing a fly in the ointment or not, but what if, what if they get to the point where they wanted to take that 3 acres and maybe donate it to the, a volunteer organization, the SPCA or something like that? Would that... how would that work? I know this is not considered under the family subdivision, but they've got 3 acres and they just wanted to donate it maybe as a tax write-off of 3 acres for something like that. How would that fall in or it's not? Would that be something different or?

Mr. Geouge: It would just be handled under a regular minor subdivision process.

Mr. English: So, okay, so that could be, that could be an option for somebody if they wanted to do that, if they wanted to take 3 acres and donate to a non-profit organization or something like that.

Mr. Geouge: Right. It would need to be...

Mr. Bain: Would it be 3 acres or would it be 6?

Mr. Geouge: Well, it would have to be at least 3, but the density would be based on 6.

Mr. English: Okay. That's just a question I thought on.

Mr. Harvey: And just for clarification, that only applies to the discussion of A-1, Agricultural zoned property.

Mr. Geouge: Correct.

Mr. Harvey: We have family subdivisions in the A-2 and the R-1 zones as well.

Mr. Apicella: So, back to staff, do you have a preference, either to change the definition of what an immediate family is to include aunts, uncles, nieces, and nephews, or to change (a) Section 22-5(a) to say after the words immediate family of the property owner to include aunts, uncles, nieces, and nephews subject to yada, yada, yada? Which would be the preference? Maybe Lauren, let me ask you.

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

Mr. Geouge: Yeah, for me, I think personally the preference would be keep immediate family defined as is because, you know, that's what I think of as immediate family, but it might be different depending on who you are. But, um, I'm kind of leaning more towards including it in Section 22-5, but we'll defer to the Commission on that.

Mr. McPherson: I concur.

Mr. Apicella: So, let me hear from some other folks. Are you... let's start with the notion, are you, whatever it is, are you okay with allowing aunts, uncles, nieces, and nephews to be eligible to benefit from the family subdivision provisions?

Mr. McPherson: Yes.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Randall: Here's the problem you have. How many aunts? How many uncles? How many nieces? How many nephews? Is this grand-nephew? Is this the grand-niece? Is this the second uncle twice removed? At what point in time do we say, you know, the immediate family is pretty clear. You know, the immediate family for every insurance company is pretty clearly stated, you know; parents, children, grandchildren, right? That's it. There are no all of this, you know... this brings up so much ambiguity in the process of, you know, how are you related to the applicant. How are you related? Well, I'm their second and twice removed on their mother's side. Well, stop, you know. You are or you're not.

Mr. English: But you got... what you're saying, Bart, I agree with you. But you've got a situation, it could be out here, somebody could be a person who has 25 acres and don't have any family members but an aunt or uncle left to leave it to or something like that. So, it might be to the nearest living relative that they could leave it to or something like that. But I think you, I think you need to leave something in there, because it could be a situation they don't have any siblings and they want to leave it to an aunt or an uncle or something like that.

Mr. Bain: Well, let me jump in, because I had asked a similar question prior to the Commission meeting. If the person passes away, then the family subdivision doesn't come into play. It's only if he wants to give it to them while he or she, while they are still living. And I guess to follow-up on that, I'm just wondering, Mr. Harvey or Mr. Geouge, has this been a problem for family subdivisions that have been brought before the County? Has it been... you know, have you seen a deluge of aunts and uncles or nieces or nephews, or has it generally just been primarily children that they're dealing with?

Mr. Geouge: Personally, I'm not aware of any waivers to the Planning Commission to qualify other family members.

Mr. Harvey: I'm not aware of any either. Primarily it's parents giving lots to children.

Mr. Randall: And I think that's the way it should stay. You know, if there's an exception, then by all means let's deal with the exception. But I wouldn't change the ordinance for the myriad of exceptions that could potentially be out there.

Ms. Barnes: I agree with Bart. You're going to the same place I am. I think it should as it is. But is there a way that you can do a hardship exception in the similar way that we do the time exception with the 5 years? Is there some way that we can say hey, I don't have any family left but I do have a nephew and you can come to the board and try for maybe like a hardship, the same way we do with the time?

Mr. Geouge: Well, yeah, it would be a waiver request to the Planning Commission, but you would then... you would still be restricted by what state code allows you to have as a grantee, so aunts, uncles, nieces, and nephews. So, you could potentially waive...

Mr. Apicella: So, I'm just going to... I'm sorry, go ahead Brian.

Mr. Geouge: The Planning Commission, jump in if I'm wrong Jeff, but the Planning Commission could potentially grant a waiver of the requirement that their grantee be immediate family as defined in the ordinance. But, the grantee would still have to be one of those family members identified in state code.

Mr. Bain: Which does include aunts and uncles...

Mr. Geouge: Correct.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Bain: ... nieces and nephews.

Ms. Barnes: So... *inaudible, being talked over...*

Mr. Apicella: So, so, I...

Ms. Barnes: ... we could leave it as it is and just put that in there that there could be grant a waiver and that would open it up in that rare occasion that somebody might need it.

Mr. Apicella: So, so, I'm going to jump in, again, just as kind of was eluded to, the state code requires family members to be defined as any person who's naturally defined as offspring, step-child, spouse, sibling, grandchild, grandparent, or the parent of the owner. But it also permissively allows a locality to include aunts, uncles, nieces, and nephews. So, you know, the state didn't seem to have a problem allowing localities to add those four categories. I think we're making a bigger deal out of it than there is, and I can certainly see, when we talk about a waiver, first of all people have to know that there's a waiver, they have to hire an attorney, and figure out there's a waiver process in Stafford County. Um, and even though it may not be explicative, it's still a process they may not be aware of. And maybe we don't get a lot of requests for aunts, uncles, nieces, and nephews because the code doesn't allow for it now and people don't even think it's an option. So, you know, I could say the same thing about grandkids. What about great-grandkids or great-great-grandkids? I don't think that's what it says here. I think it's pretty clear, it says aunts, uncles, nieces, and nephews, it doesn't say second aunts twice removed, third uncles, um...

Mr. Randall: Why would we... why would we though?

Mr. Apicella: *Inaudible...* the right to chime in, but I think it's exactly as it says without confusion, and if it becomes an issue...

Mr. Randall: It's not needed; you wouldn't need to.

Mr. Apicella: ... then it gets something that has to be resolved by the staff when somebody comes forward and wants to create a family subdivision. Lauren, do you have any thoughts about aunts, uncles, nieces, and nephews? Is it as clear as mud here? Or is it clear?

Ms. Lucian: Nothing's ever clear. But I would say the code is clear. It just says aunts, uncles, nieces, and nephews. And I know that specifically there was some dispute over whether step-children were included in this ordinance and there was specific legislation added there to add step-child to make that clear. So, in light of that, I would say it's pretty clear that aunts, uncles, nieces, nephews just mean the first ones, not anything further.

Mr. Apicella: Dexter, do you have any thoughts? I haven't heard from you on this one yet.

Mr. Cummings: Yeah, I agree with Lauren. I think we've gone far enough. I almost went down the rabbit hole about living within... or dependent children, you know, or dependent, right? But I think we've exhausted... I think it's pretty clear... *inaudible, audio not clear.*

Mr. Apicella: So, could you live with making a recommendation to the Board, um, to include aunts, uncles, nieces, and nephews?

***Planning Commission Minutes***  
***April 28, 2021***

Mr. Cummings: I could. I think it's, uh... yes, I think I could.

Mr. Apicella: Okay. So, I'm trying to think of who hasn't spoken yet. Um, so, by my count, we've got four in favor. Al, where are you on this?

Mr. Bain: Ambivalent. [*Laughter*] I don't think it's going to make a big difference because, like Mr. Harvey said, most of the subdivision, family subdivision requests have been to children, and nothing beyond. So, you know, if you include them, I don't think there's suddenly going to be a tidal wave of people trying to subdivide to their aunt or uncle.

Mr. Apicella: So, could you live with making a recommendation to the Board to include them?

Mr. Bain: I could live. It would not cause me any serious grief.

Mr. Apicella: Alright. So, so far, what I see potentially, are recommend to the Board to add two different items, the one that we previously talked about, about the 18 year old or younger, removing that from the provisions, if allowed, and then secondly, to add aunts, uncles, nieces, and nephews under Section 22-5(a). So, do we... are there any other proposed changes?

Mr. McPherson: Steve, I just have a clarification. Regarding the aunts, uncles, nieces, and nephews, we're not adding them as immediate family, we're adding them on top of immediate family, correct? I just want to make sure we all agree.

Mr. Apicella: It would be added to Section 22-5(a), Family subdivisions – this is the way I understand it – a single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner to include aunts, uncles, nieces, and nephews, subject to the express requirements contained in the Code of Virginia, 1950, as amended, and the following provisions.

Mr. McPherson: So, you're saying they would be immediate family?

Mr. Apicella: They would be, they would be for family subdivisions only.

Mr. McPherson: Oh, okay.

Mr. Apicella: Right?

Mr. McPherson: Only for family subdivisions.

Mr. Apicella: Right. So, again, is there a motion to add those two items and to make a recommendation to the Board...

Mr. Randall: Mr. Chairman, let me ask a quick question first.

Mr. Apicella: Okay.

Mr. Randall: If we find out that you have to be of legal age to own property in Virginia, are you saying that we should keep it in there then? Or are we removing it regardless of what's the... *inaudible*?

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Apicella: What I said was, if permissible under the state code. So, between, between now and the time this goes to the Board, hopefully staff... which is not going to be tomorrow... staff will have been able to figure that out. And if it's not permissible, then, then it would be taken out of the recommendation.

Mr. Geouge: Mr. Chairman, I do have one other recommendation for a change.

Mr. Apicella: Okay.

Mr. Geouge: And that's shown, that's shown at the bottom of the slide here. It's, um, 22-5(a) where it says, currently says subject only to the express requirements of Code of Virginia in the following provisions. I'm recommending that only be removed, because family subdivision lots are still subject to other requirements of the subdivision ordinance, including requirements such as lot shape.

Mr. Apicella: Okay. I'm okay with that. So, so, what I'm hearing are three potential changes; we wouldn't want to vote on the alternate because it changes the definition of immediate family more so than we just talked about. So, again, is there a motion to make the three recommended changes that we've talked about?

Mr. Bain: So moved.

Mr. Apicella: Is that AI?

Mr. Bain: Yes.

Mr. Apicella: Okay, is there a second?

Mr. McPherson: Second.

Mr. Apicella: Thanks Mr. McPherson.

Mr. McPherson: Yep.

Mr. Apicella: Any further comments Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No.

Mr. Apicella: Brian, is it clear what we're suggesting for you to do and package up for the Board's consideration?

Mr. Geouge: Yes, Mr. Chairman.

Mr. Apicella: Okay, so there's been a motion, it's been seconded. Mr. Bain, how do you vote?

Mr. Bain: Aye.



*Planning Commission Minutes  
April 28, 2021*

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Mr. Apicella votes aye. Motion carries unanimously. Thanks everybody for noodling through this and providing a recommendation to the Board. Alright, moving on, next item on the agenda, um, Mr. Harvey, item 4.

NEW BUSINESS

4. Amendment to the Subdivision Ordinance and Zoning Ordinance - Amend Stafford County Code Sec. 22-166, "Parks, schools and public land," and Sec. 22-167, "Right of way additions," of the Subdivision Ordinance and Sec. 28-256, "Required standards and improvements generally," of the Zoning Ordinance, require dedication of land and public street right-of-way to the County as a condition of approval of site plans and subdivision plats (Dedications). **(Time Limit: July 15, 2021)**  
*(Authorize for Public Hearing by: May 26, 2021)*  
*(Potential Public Hearing Date: June 23, 2021)*

Mr. Harvey: Mr. Chairman, item 4 will be also discussed by Brian Geouge.

Mr. Geouge: Okay, I do not have a presentation for this next item, but I'll just give you a general overview. So, this is a referral resolution for the Planning Commission to modify sections of the Subdivision and Zoning Ordinances relating to required dedications for public land or improvements. So, public right-of-way is the main issue to be considered here. Right-of-way dedications are currently required as a condition of approval for development plan and plat applications. So, during plan and plat review, staff will determine the amount of right-of-way dedication required based on Appendix G of the Comprehensive Plan, which is included in the package. Appendix G lists the roadways within the County that are planned for upgrades, and the new planned roadways as well. And also includes in that table the required right-of-way to accommodate that new roadway or the improvements. So, staff will look at the existing right-of-way, if there is any, and determine based on that table how much additional is required and have that be dedicated as part of that plan or plat. Um, so, there are several provisions that speak to this. On the Subdivision Ordinance, there's Section 22-166 which walks a little bit more

*Planning Commission Minutes*  
*April 28, 2021*

generally about required identification and/or preservation of sites, including school sites and park sites that are identified in the Comprehensive Plan to be constructed, and also talks about road needs. But then, in 22-167, this speaks specifically to right-of-way additions. And it does state where the Comprehensive Plan indicates there's a need for right-of-way greater than the existing, then that will be dedicated for public use. Moving on to 28-256, this again is talking about right-of-way and road improvements and states where one side of a public street, which is in the state highway system, is present along the frontage of a property, then that development will dedicate half the necessary total right-of-way width required to meet the requirements of the, uh, the Comprehensive Plan and also states that the right-of-way shall be no less than 50 feet in width. So, the Zoning Ordinance section includes a provision that allows the Board to reduce or grant relief, which could be a reduction or complete elimination of the right-of-way dedication requirement. And this could be based on various factors that perhaps limit the applicant's ability to dedicate it, such as conflicts with existing improvements if that right-of-way is going to put something out of conformance or causing issues with the layout of the site. Sometimes just the amount of developable area on the site is a problem and that dedication of a right-of-way is required would essentially make it undevelopable. And other times it can be based on what the County actually needs, so granting a relief of right-of-way could be supported by the County saying, okay, upon further analysis, we don't need 120 feet here, we only need 100 feet. So, there are several applications that we've had over the past few years that request this reduction. As a result of the latest request that just went to the Board recently, the Board approved Resolution R21-118 which directs the Planning Commission to look at our dedication requirements to ensure that they're in compliance with state code requirements. There are other provisions relating to this in the ordinance. For example, there's 28-38, Performance regulations, which talks about setback requirements where street improvements are planned. So, it's... that one is more of a right-of-way preservation approach rather than a dedication approach. And there are some other provisions, such as in Section 22-221 where it outlines requirements for curb, gutter, and sidewalks. There's a requirement that pedestrian trails and bicycle lanes will be provided as specified in the Comprehensive Plan. So, there are a number of sections that the Commission will need to look at in considering how to move forward with this. And all of it will be trying to balance what is... what state code authorizes us to require as far as dedications. So, to get into the more detailed discussion, staff is recommending that the Planning Commission establish a subcommittee to talk about these issues further.

Mr. Apicella: Alright, thank you Mr. Geouge. Any questions for staff? So, it looks like this is an item that's on a short fuse. We need to authorize specific language for a public hearing by May 26<sup>th</sup>, hold that public hearing by June 23<sup>rd</sup> so we can meet the July 15 deadline. So, with staff's recommendation to create a subcommittee, that's what I'd like to do this evening, create the Land Dedication/Public Right-of-Way Subcommittee with Mr. Cummings, Mr. English, and Mr. McPherson as Chairman. And just to kind of speak to the timeline, it looks like we need to have a recommendation from the subcommittee just prior to the May 26<sup>th</sup> meeting. So, I would just ask you all to meet expeditiously Mr. McPherson. Does that work for you?

Mr. McPherson: Yes. I'd like to have staff send a recommendation... or a request to set up a meeting next Wednesday at 3:00. Is that doable?

Mr. Geouge: Yes sir.

Mr. McPherson: Excellent.

Mr. Apicella: And you'll want as much background information as you need to get the process started, right Mr. McPherson?

*Planning Commission Minutes*  
*April 28, 2021*

Mr. McPherson: Correct. As much information as we can get by that first meeting. I know that's only a week from now, but the sooner it's sent, the sooner myself and Dexter and Darrell will be able to review it. And likely, we will meet every week, once a week, to get everything done by the 21<sup>st</sup> of May.

Mr. Apicella: Great. I thank the subcommittee for stepping up and working on this one. I don't think there's any other action for us to take on this Mr. Geouge for now?

Mr. Geouge: No sir, there is not.

Mr. Apicella: Alright.

Mr. English: Are you going to send a meeting invite?

Mr. Geouge: We will, yes.

Mr. McPherson: In person, I assume, right? ABC Room or Activities Room?

Mr. Geouge: Correct.

Mr. McPherson: Excellent, okay.

Mr. Apicella: Alright, thank you. Mr. Harvey, Planning Director's Report.

PLANNING DIRECTOR'S REPORT

\* General Assembly Action Request - 2022 Session

Mr. Harvey: Thank you Mr. Chairman. I did have some late breaking news which I'll pass onto the Planning Commission and it's been reposted on the agenda. We're working with the County Administrator's Office to start the process for the 2022 General Assembly Legislation. As you may recall, in past years the Planning Commission has weighed in on what you think is important for changes to state code. Last year, there was an abbreviated session due to COVID and there was limitations on what was being brought forward as far as new legislation. This year, it's anticipated that it'll be more business as usual. Staff has provided you with a copy of the last year's request, or I should say 2020's request. So, if you would take a look at those and think about it, and we can put it back on the agenda for the next meeting and have further discussions if that's so desirable, Mr. Chairman.

Mr. Apicella: If that works, Mr. Harvey. Does that work for everybody else?

Mr. McPherson: To look at what, Jeff? I'm sorry, what do you want us to...?

Mr. Harvey: Look at the prior year recommendations to see if it's still desirable from the Commissions' perspective, and/or if there's any other suggested changes to the state code that the Commission might have. Once I get feedback from the Commission, I will prepare the forms and send them up to the County Administrator's Office. And the County Administrator's Office works with our lobbying firm to evaluate the proposals to see if there are already other fixes in state code to address these issues. And, if not, working with the Board of Supervisors to, um, and our delegation to determine what should float to the top as far as recommendations for code changes.

*Planning Commission Minutes*  
*April 28, 2021*

Mr. Apicella: Mr. Harvey, can I ask you to look back a couple more years as well to see if there's anything else that never got adjudicated at the state legislative level and that we might still want to consider on our agenda going forward?

Mr. Harvey: Yes, Mr. Chairman, I will go ahead and put together a summary of the prior years' requests and you'll probably see that a number of them are repeats that have been going on for a number of years. So, that will be something that the Commission may want to evaluate whether or not it's still a priority for the Commission.

Mr. Apicella: Great. Anything else Mr. Harvey?

Mr. Harvey: That concludes my report.

COUNTY ATTORNEY'S REPORT

Mr. Apicella: Thank you. Ms. Lucian, County Attorney's Report?

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

Mr. Apicella: Okay. Committee Reports, Comprehensive Plan Update Committee; Mr. Randall.

COMMITTEE REPORTS

5. Comprehensive Plan 5-Year Update Subcommittee  
*Subcommittee Report – April 8, 2021*  
*Meeting – April 22, 2021 @ 3:00 PM; Activities Room & Virtual*  
*Next Meeting – April 29, 2021 @ 3:00 PM; Activities Room & Virtual*

Mr. Randall: Yes, we had a meeting last week. We had members of the Fredericksburg Area Realtors Association come and join us. There were three members there. They were very helpful in helping us work through some additions to the Comprehensive Plan regarding real estate and the current state and the future state of what their expectations would be for Stafford County. We are working diligently to get through our updates, our recommended updates to staff. I know staff's time has been somewhat limited recently, so we're continuing our effort. We are... we have our next committee meeting tomorrow, subcommittee meeting tomorrow at 3 o'clock in the Activities Room. The public is welcome, and we plan to have some, uh, some public engagement I believe in May, May/June timeframe. That's all I have. Thank you.

CHAIRMAN'S REPORT

Mr. Apicella: Thank you Mr. Randall. Chairman's Report. Pursuant to our by-laws, I hereby authorize the Vice Chairman to sign any documents in my absence. Other Business. Looks like we've got some TRC action in Falmouth and Hartwood. Approval of minutes; before anybody makes a motion, I've got a couple of changes to the March 24 minutes. On page 37 of 59, line 802, that's the piece that I do think is missing here, not don't think is missing here. Um, if you could make that change. On page 50 of 59, I believe that I did close the public hearing. That's the part on line 2456 where it says an inaudible; I think what I said, I hereby close the public hearing on this matter. If we could make that change. And lastly, on page 56 of 59, line 2764, change the word didn't to did, as in did get approved. With those changes, would somebody like to make a motion to approve the minutes for March 24, 2021?

*Planning Commission Minutes*  
*April 28, 2021*

OTHER BUSINESS

6. New TRC Submissions
  - \* White Oak Reserve – Falmouth Election District
  - \* Celebrate Now – Hartwood Election District
  - \* Project Mover – Hartwood Election District

APPROVAL OF MINUTES

7. March 24, 2021

Mr. Bain: So moved.

Ms. Barnes: Second.

Mr. Apicella: Is there a... okay great. Motion to approve and seconded. Just to a voice vote. Everybody in favor of approving the March 24, 2021, minutes with those changes please say aye.

All members: Aye.

Mr. Apicella: Opposed? Motion carries. With no further business before the Commission, we're hereby adjourned. Thank you everybody; have a great rest of the week.

Mr. McPherson: You, too. You, too, Dexter.

Mr. Cummings: Take care. Bye-bye.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 6:35 PM.