

**STAFFORD COUNTY PLANNING COMMISSION**  
**January 12, 2022**

The meeting of the Stafford County Planning Commission of Wednesday, January 12, 2022, was called to order at 6:00 PM by the Director of Planning and Zoning, Jeff Harvey, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Steven Apicella, Albert Bain, Kristen Barnes, Dexter Cummings, Martin Martinez, Laura Sellers, Willie Shelton, Jr.

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Vicki Sowers, Mike Zuraf, LeAnn Ennis

ELECTION OF OFFICERS

A. Election of Chairman

Mr. Harvey: I'd like to call the January 12, 2022, Planning Commission meeting to order. The next item on the agenda is election of officers, specifically, the election of the Chairman. We will take nominations from the floor as they are presented. Are there any nominations for the Chairman?

Mr. Bain: Yes, sir, Mr. Harvey, I'd like to nominate Kristen Barnes for Chairman.

Mr. Harvey: Thank you, Commissioner Bain.

Mr. Shelton: I'll second that.

Mr. Harvey: So we have a nomination and a second. So I'll leave it to the floor for the Commission to consider Commissioner Barnes as the Chairman for the Planning Commission for 2022. Please indicate by voice of yay or nay. For those in favor?

All members: Yay.

Mr. Harvey: For those opposed? Congratulations, Commissioner Barnes, you're the new Planning Commission Chairman.

Thank you very much, Mr. Harvey.

Mr. Harvey: The next order of business would be for you to work to select the Vice Chairman and a Secretary.

B. Election of Vice-Chairman

Ms. Barnes: Thank you. And I would like to thank my fellow Commissioners for entrusting me as your Chair for the 2022 year. Next on the agenda is election of the Vice Chair. So I will open up the floor for nominations. And if I'm correct, do we need a second for the nominations or do we just need one nomination? Just one. Alright, so we just need one nomination for Vice Chair.

Mr. Apicella: Madam Chairman, I'd like to nominate Mr. Bain for Vice Chairman.

Mr. Martinez: I'll second.

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Ms. Barnes: Thank you. Are there any other nominations? Okay, can we... I guess we'll do that with a voice vote again. Everybody in favor say aye.

All members: Aye.

Ms. Barnes: Any opposed? Thank you and congratulations, Mr. Bain, on Vice Chair. Next on the agenda is the election of the Secretary. So I will now open up the floor for nominations for Secretary.

C. Election of Secretary

Mr. Bain: Madam Chairman, I would like to nominate Dexter Cummings for Secretary.

Thank you. Do we have any other nominations? Alright, seeing none. A voice vote for Dexter Cummings as Secretary of the Planning Commission. All those in favor say aye.

All members: Aye.

Ms. Barnes: Any opposed? Thank you. And congratulations to all. I think at this point, we will take a real brief recess and do a little bit of shuffling of the chairs to align things with the new Chair, Vice Chair, and Secretary. Thank you.

*Short break for seating rearrangements.*

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Okay, since we already did the roll call, we'll just get right into the agenda. Do we have any declarations of disqualification? Seeing none, do we have any changes to the agenda? Okay, thank you very much. So now we'll get to the public presentations. I will now open the public presentation portion of today's meeting. The public may have up to 3 minutes to comment on any matter, except for those items which appear as public hearings on today's agenda. There will be a separate comment period for those public hearing items later. Before starting your comment, please state your name and address. The clock starts when the green light appears. The yellow means that there's 1 minute left. And the red means your time is up. If you would like to speak, please come forward. Okay, seeing none, I will now close the public presentations and we will move on to the next agenda item, Mr. Harvey. Actually, I guess it's Mr. Zuraf at this one.

PUBLIC PRESENTATIONS

NONE

PUBLIC HEARINGS

1. CUP21153813; Conditional Use Permit – Celebrate Virginia North, Dairy Queen - A request for a conditional use permit (CUP) to allow a drive-through facility in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts on Tax Map Parcel No. 44Y-7B (Property). The Property consists of 1.51 acres, and is located on the southwest corner of the intersection of Warrenton Road and Celebrate Virginia Parkway, within the Hartwood Election District. **(Time Limit: April 22, 2022)**

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Mr. Zuraf: Good evening, Madam Chairman and members of the Commission. Mike Zuraf with the Planning and Zoning Department. I'm here to provide the staff summary of the staff report for this case. It's the conditional use permit for Celebrate Virginia North, Dairy Queen. This is a request for a conditional use permit to allow a drive-through facility in the B-2, Urban Commercial and Highway Corridor Overlay Zoning Districts. The site is zoned B-2. The site area covers approximately one and a half acres. It's in the Hartwood Election District. Sunil Shrestha with NMS Fredericksburg LLC is the applicant. Angela Foroughi is the applicant's engineer and primary contact representing the applicant at this hearing. So the site is located on the southwest corner of the intersection of Warrenton Road and Celebrate Virginia Parkway. As I'm going through this, I will be mentioning and referring to north, south, east, and west. So I'm just going to point out to clarify what I mean when I say that because this is not an easy, simple. So when I say north, it's going to be north, south, east, and west. So I'm making up my own directions tonight. Here's the existing conditions and an aerial view of the site. The site consists of cleared and graded pad sites that's generally level. There are no environmentally sensitive features or resources present. There's a private service road that runs along the western and also the southern sides of the site. Surrounding parcels include an auto service facility to the east, restaurants to the north and west, and undeveloped property to the south. The property was rezoned in 1990 from A-1, Agricultural to B-2, Urban Commercial, with proffers. Those proffers were amended, first in 1993, and again in 1998. The 1998 proffer amendment preceded the development of the overall Celebrate Virginia shopping area along Route 17. That included the associated streets and other infrastructure and also the individual pad sites that you see out there today. That includes this subject parcel, which has remained undeveloped since that initial development back at that time. The General Development Plan shows the site layout and just also this... just also to make you aware, the General Development Plan is shifted from the aerial view that you saw before. So you have Route 17, and Celebrate Virginia Parkway, just to orient you. The red box in the middle is the location of the proposed Dairy Queen with drive-through. It's a single story, 2,300 square-foot building. It's oriented towards Warrenton Road. The site also includes an attached separate 1,400 square-foot area that's identified as a potential quick service restaurant. Basically, a restaurant without a drive-through, and that would not be subject to the application. The vehicle access into and out of the site is via the existing access drive that runs between Warrenton Road and Civilian Street, and would also be shared with the adjacent Waffle House Restaurant. There's no access provided off of Warrenton Road directly into the site or Celebrate Virginia Parkway. The drive aisle and parking circle around all sides of the of the two restaurant uses. The blue line on the map shows the drive-through lane that runs... we're going counterclockwise around the building. One-way travelways are... is... one-way travel is required for all vehicles on the north and west sides consistent with and in the same direction as the drive-through lane. So the one-way travel lane begins here and it continues around basically to this point, and then you have two-way vehicle movements that are to be permitted in this area

Mr. Bain: Mr. Zuraf, could I interrupt a second? You show the Dairy Queen building highlighted in red. What is the structure next to that to the left of that? Reading the label on the drawing it says it's a building.

Mr. Zuraf: Yes, that is the additional separate restaurant. It's a 1,400 square-foot area that it may be a restaurant, actually could be another use, but it's not subject to this application because it's not... it does not include a drive-through. But it is... will be... so it's actually kind of a separate suite of two units that would be built on the property.

Mr. Bain: So if it was to become yet another drive-through, they'd have to come back with another application.

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Mr. Zuraf: Yes.

Mr. Bain: Okay. But if they wanted to make it a...

Mr. Zuraf: Like a carry out restaurant.

Mr. Bain: ... a carry out only or something they could just go ahead and do it by-right.

Mr. Zuraf: Yes.

Mr. Bain: Okay, thank you.

Mr. Zuraf: There's also sidewalks along Warrenton Road and Celebrate Virginia Parkway. The applicant will provide a sidewalk from the restaurant area to the existing sidewalk on Celebrate Virginia Parkway. So a conditional use permit is required for a drive-through use within the Highway Corridor in order to ensure traffic management issues are addressed and excessive vehicle stacking onto any corridor highway, in this case Warrenton Road, is avoided with the access limitation onto the site and location and orientation of the drive-through lane, allowing for additional vehicle stacking within the site. Staff believes there's a very low probability of there being impacts to the corridor highway resulting from this drive-through lane. One question I had in advance of the meeting was just to describe kind of how somebody would access this site if they're traveling along Route 17 in either the eastbound or westbound direction. So somebody traveling to the site from westbound 17, they would need to turn left – I'll just mark it out with the pen – turn left on to Celebrate Virginia Parkway and then they turn right into Civilian Drive and then need to come around this way. And then somebody on 17 heading eastbound, they would have two possible ways; they could hit this right turn in service road, and then go right into the site there. Or if they missed that they could swing through, hit Celebrate Virginia Parkway and go the same way in.

Ms. Sellers: I didn't remember seeing it but are they doing any changes to that to make that a pork chop, or you know, where they can right out onto 17?

Mr. Zuraf: No. That will be strictly... so let me do some erasing. So this access way is right-in only, so it's only one way.

Ms. Sellers: Would VDOT even consider doing a porkchop here?

Mr. Zuraf: It's not proposed and I... probably not just given the amount of traffic on 17.

Ms. Sellers: Okay, because then to get out of the property they have to go down... because that's a blocked thing. So getting out of it... getting into it will be one thing but getting out of that property is interesting, too.

Mr. Zuraf: Getting out they probably have to backtrack back through this area back onto 17. Or you'd have to actually come out and backtrack through the circular...

Ms. Sellers: Come through here, up through Giant and behind...

Mr. Zuraf: ... back onto Berea Church Road... or, yeah, Banks Ford.

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Ms. Sellers: Okay.

Mr. Apicella: And that's pretty much what the folks going into the Waffle House have to do, right?

Mr. Zuraf: Yes. So with this use a traffic study was required since the traffic volumes that are estimated exceed 1,000 vehicle trips per day. That's one of our zoning ordinance requirements for this type of application. The site with both restaurants are estimated to generate up to 1,600 vehicle trips per day, and peak hour trips of 130 in the morning and 141 in the afternoon. So the traffic study, it evaluated the impact of the use on several intersections that you see identified with the blue asterisks along Warrenton Road and then along Celebrate Virginia Parkway. There is also another question kind of asking about a comparison of the Dairy Queen site, the comparison of vehicle trips if that actual restaurant did not have a drive-through. So what's the vehicle trips with the drive-through and what is it without? With the drive-through the Dairy Queen use would have 1,119 vehicle trips per day. If it was a restaurant, strictly without the drive-through, it would be 822 vehicle trips per day. So that's a difference of 297 vehicle trips basically resulting from that drive-through.

Mr. Apicella: And, and again, if it didn't have a drive-through, it could be done by-right.

Mr. Zuraf: Yeah, yeah, they wouldn't be here tonight.

Mr. Apicella: Okay, thanks.

Mr. Bain: But now, does the count that they're using include the 1,400 square-foot restaurant, or is it strictly the Dairy Queen?

Mr. Zuraf: The numbers I just gave you was strictly for the Dairy Queen. The traffic study accounted for both uses because that's what's going to be generated from the site. So the County's Comprehensive Plan, there's policies that address development impacts on the road network. One of the policies that we kind of go to a lot in this case is that the Comp Plan says development projects should be designed to maintain a level service of C for impacted intersections. And if not possible to achieve a level of service C given existing transportation deficiencies, improvements should be designed to not further degrade the level of service. So, just for explanation on that, in traffic I guess lingo in traffic studies and when there's traffic analysis done, there's grades given to intersections from A to F. And of course, A is shown to be a kind of a passing score. A nice, good flowing intersection that doesn't have delays. F is failing conditions where there's delays resulting from too much traffic. So the Comp Plan basically says C but if you're below C, don't make it worse. And that meant how do we see if it's made worse is by measuring the delay at the intersection in seconds. So, the traffic studies can have... figure all this stuff out. So, some of the findings from the traffic study. The overall level of services maintained at all the studied intersections except the 17/Banks Ford Parkway and Berea Church Road intersection, which projected that it would have, maintain a level of service D. I mean it's existing and also would continue as a level of service D but experience a very slight one-second increase in delay. So it's a minor, very minor degradation in my view. So also, the traffic study looks at individual vehicle movements at the intersections which kind of help identify where problem areas are at specific intersections. So even if it's an overall passing, there still could be individual movements that are causing problems. At the Route 17/Celebrate Virginia Parkway intersection, the westbound left turn movement from Route 17 onto Celebrate Virginia Parkway experienced the greatest individual turn movement impacts. The morning and afternoon peak hours saw a level of service reduction going from E to F in the morning and D to F in the afternoon. There were delays, increasing from 62 to 91 seconds in the morning and 55 to 86 seconds in the afternoon. Also, vehicle stacking increased, too, but the distance of that stacking, although

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it increased was within the 355-foot storage of that turn lane, so, there wouldn't be an issue of vehicles backing out and stacking out onto the main travel lanes. And also the through movements along...

Mr. Apicella: So, Mike, just to be clear, and our new folks probably know this, when you say stacking that's on the left turn into or onto Celebrate Virginia Parkway. So there's enough of a travelway on that left turn to accommodate the additional traffic so that it doesn't come out into Route 17 westbound and inhibit traffic in the thruway.

Mr. Zuraf: Correct, yes.

Mr. Apicella: Okay, thanks.

Mr. Zuraf: And those main travel movements, the main travel lanes, those did not experience any degradation. And then another small impact was at the 17/McWhirt Loop/Litchfield Boulevard intersection. Westbound through movements did decrease in the morning peak hour from C to D and a delay increase of 3 seconds, from 35 to 38 seconds.

Ms. Sellers: I don't... is there a way to get from McWhirt Loop to this street without having to like, take a... is there a way to get there?

Mr. Zuraf: No, not directly. But it's just that the intersection, overall intersection was evaluated really to see what the impact would be to really to Warrenton Road, not necessarily McWhirt Loop.

Ms. Sellers: Okay, I understand now. I was very confused for...

Mr. Zuraf: It's looked at it certain points along the way and the intersections are where the studies kind of focus.

Ms. Sellers: And then do you guys control or whoever's doing this, do you control for the highway backup that happens down there? I spend a lot of time down there in gymnastics.

Mr. Zuraf: Well, the... yeah, the, the current backups are kind of taken into consideration as kind of the existing situation and so really looking at how, what will the impact this use have on what's already there, and it's not necessary, and we're not looking at it as this use is going to have to fix what existing problems are out there. It's what, what additional impacts are created, and how can they be mitigated if necessary.

Mr. Apicella: I'm going to piggyback off of that. So this is one of the intersections where especially trucks block the box. That's the four... that's the, usually in the evening, it's trucks traveling – I shouldn't pick on trucks, it's anybody traveling westbound. But blocking the traffic coming out onto Route 17, whether it's turning left or right. So with the increase in the impacts here, was public safety, our public safety community advised? I tried to get block the box signs, but specifically at this intersection, I don't think VDOT was receptive to the idea. But I'm still concerned as Ms. Sellers pointed out, I mean, it's chock a blocked during the evening hours and again, you've got vehicles blocking the exits onto 17. So no, no concerns from public safety?

Mr. Zuraf: They did not express concerns as it related to this specific application.

Mr. Apicella: Okay, thanks.

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Mr. Zuraf: So these are renderings of the building design that the applicant has committed to. Many of the features of the proposed building conform to the Neighborhood Design Standards Plan. The Neighborhood Design Standards Plan is an element of the Comprehensive Plan and includes architectural design recommendations that are encouraged. And some of those recommendations that they're incorporating into this design include breaks and fluctuations in rooflines, avoidance of extended unadorned building façades, stone and glass as primary façades. Materials, the use of neutral colors on the majority of the façade and limiting bright colors to limited accent features or areas along the building. There are several proposed conditions as part of this conditional use permit that are being recommended or require the development being developed as shown on the General Development Plan; restrict access to the property basically prohibiting it from Warrenton Road and requiring access via the internal access road that was shown on the GDP. Drive-through stacking lanes shall not impede traffic circulation through the site; requiring a sidewalk connection from, over to Celebrate Virginia Parkway. Also requiring the pickup window on the north side of the building where it's shown on the plan; requiring a drive-through bypass lane. Requiring buildings be constructed in conformance with the renderings and require the dumpster enclosure consists of similar materials as the building that's being constructed. There's an overall evaluation we include in our reports. There are several positive aspects. The proposal is consistent with the land use recommendations in the Comp Plan. The proposed use is consistent with the established auto-oriented commercial uses in the vicinity of the site. The buildings meet neighborhood design standards criteria. The proposed conditions also will help ensure that any negative impacts are mitigated. With negative aspects, it does contribute to some minor additional delays at several of the signalized intersections along Warrenton Road, as I've kind of outlined, which is inconsistent with the Comp Plan policy. So also, for the Planning Commission's information, in this case and any other future conditional use permit cases, the Zoning Ordinance states that a conditional use permit may be granted only if the Board finds that the use permit would be in accord with six listed criteria. And that's, those are listed out. The criteria are included in the staff report, specifically in this case, page 10, with the staff evaluation of each of those. In this case, staff believes that the proposal with these proposed conditions would meet all the listed criteria. So I'm just providing that information for your reference for future cases to kind of something to focus on. And in summary, staff recommends approval the application with the conditions with Resolution R22-15. And I'll turn it back to you Madam Chairman.

Ms. Barnes: Alright, thank you, Mr. Zuraf. Any questions for staff?

Mr. Apicella: Madam Chairman, just one additional question. So this is obviously going to impact, albeit not by that much, Lowe's and Waffle House traffic. Were they advised of the conditional use permit and did they have any comments?

Mr. Zuraf: Yeah, the adjacent property owners who were advised includes Waffle House. The Lowe's actually is on the other side of Celebrate Virginia Parkway, farther away; they're not abutting, and so they...

Mr. Apicella: They're not abutting, but I believe that's one way to get to the Lowe's, right? Civilian Parkway?

Mr. Zuraf: No, no, that's a separate street.

Mr. Apicella: Okay, gotcha.

Mr. Zuraf: I'll show you. I don't know if I have that on here.

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Mr. Apicella: Yeah, that's right. It's the Giant. So does Giant have any... well, it's kind of a strip mall, right? It's giant and it's a couple of other shopping...

Mr. Zuraf: There were no comments from any abutting property owners.

Mr. Apicella: Okay, thanks.

Ms. Barnes: Any other questions? Okay, would the applicant like to come forward?

Ms. Foroughi: Good evening, Madam Chair. Congratulations. Good evening to the rest of the Commissioners. I'd like to thank Jeff and Mike and staff for their presentation this evening. I'm Angela Foroughi. I'm the engineer of record with Bagby, Foroughi, and Goodpasture. My client, Dr. Sunil Shrestha, is also here if you have any questions specifically on additional uses, architectural, that sort of thing. But I'd be happy to answer any questions that you have. I don't have a lot of additional information to add because Mike did such a great job in encompassing everything that we're looking to do. We're, as you know, seeking a conditional use permit for a drive-through in both B-2 and the Highway Corridor Overlay District as required. I do understand that there was a question or concern on traffic exiting the wrong way onto the existing access road. I don't know how to write on this thing. I believe that Mr. Zuraf has been communicating with you guys but there is existing pavement markings there that say do not enter. We did not highlight that on our plan but we certainly can do that. Additionally, if you guys feel that additional signage such as perhaps, you know, a sign here, we thought we could put here in the island is we're exiting that says no right turns or you know, left turn only; I mean, we'd be happy to do whatever makes you guys most comfortable. And certainly, we are unaware of anything that might be, like any of the Waffle House patrons, but if anybody's aware of anything... of a current existing problem, you know, we're happy to look at that as well.

Mr. Bain: Ms. Foroughi... Mike, could she bring up the site plan for just a moment? There. Would it be possible at the entrance, you have a radius on the right hand side. Could that actually be more of a diagonal line going out to the drive to the road, to discourage people from following the radius and turning to the right?

Ms. Foroughi: So we had, after your question had prompted Mike to reach out to me, we had taken a look at that. We would want to make sure that any sort of trucks that were coming in could properly make this move. So, you know, we couldn't do anything really abrupt like that...

Mr. Bain: Not porkchop-like, but just straight, like, like you just drew it, I think would be a benefit.

Ms. Foroughi: Absolutely. That's... if that's the desire of the Planning Commission, absolutely. That is, that's not a problem at all.

Mr. Bain: It's my desire; I don't know about the rest. I'm just very concerned about somebody at night in the rain, going out there and turning right and then going out on to 17 without realizing they're going to be going against traffic.

Ms. Foroughi: Absolutely. Yes, we can, we can we can certainly do that.

Mr. Bain: Okay.

Ms. Sellers: Is there any outdoor seating associated with the site? I don't see any.



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Ms. Foroughi: I'm not sure that that... that those details have been quite worked out. But I can, I can defer that to my client.

Ms. Barnes: Please come forward and introduce yourself if you would, please.

Dr. Shrestha: I'm Sunil Shrestha. I'm the owner of this pad site and also a franchisee of Dairy Queen, as well as few other brands. So, as per your question, madam, we are considering probably adding a few chairs outside out there. But that would be one in the summertime when, when the weather permits; other time it wouldn't be there.

Ms. Sellers: Okay, thanks.

Ms. Foroughi: You guys have any other, anything else I can address?

Ms. Barnes: Any other questions for the applicant?

Mr. Apicella: Madam Chairman, I'm just curious if the County approves the conditional use permit, when do you expect to start construction and when do you expect to open? All things being hopeful and weather cooperating.

Ms. Foroughi: I think it is the desire of the applicant to move forward pretty quickly thereafter, to immediately go to site plan. We had some easement requirements that we've already taken care of in preparation of construction for constructability. In terms of the exact timing, again, I can ask Dr. ... Okay, great, you're behind me, good.

Dr. Shrestha: So our plan is to, as soon as we get the permit approval, we would start the site work as well as first we also need to get the building permit approval. So then we'll start the construction. That is as soon as we get it, because we acquired this property back in 2020, right, so we've been working on this process. And as far as the construction and opening time is concerned, these days, the equipment is taking almost 29 to 30 weeks to get the equipment because of the COVID and all these delays they have. I had another construction going on, so that's the lead time. So I have to look at that also; probably six months of equipment lead time we're looking at. But if... I think it will be probably early part of next year 2023 we'll be able to open it based on the equipment lead time.

Mr. Apicella: Thanks. And I know it's not part of the CUP, but just for sheer curiosity sakes and since I live in Hartwood area, do you have a plan yet or a vendor for the adjacent building?

Dr. Shrestha: We do not have the plan for that. We've been in this food sector business for a long time. I have, I have brands, and I have the... it's called... *inaudible*... and Popeye's. So we are looking at some, something maybe something quick service, which could be more just for the deliveries and pickup. It's more like a sub type. That's one concept we're thinking of. It could be something like Jimmy John or Firehouse Subs or something like that in line which doesn't generate too much traffic, and it's more just the deliveries and pickup. So that's what we are thinking of.

Mr. Apicella: Thank you, sir.

Ms. Barnes: Okay, any last questions for the applicant?

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Mr. Bain: Just one last thing, Ms. Foroughi. You mentioned the easements. The two existing easements that cross the site I believe are county-owned. So are you working with the County to have those vacated?

Ms. Foroughi: So we have... we are working, we are working with the County... *inaudible*. Do you have the existing conditions page in here? I presume not... I mean, I have it online. Yeah, I have mine.

Mr. Bain: You can see the stormwater easement pretty clearly.

Ms. Foroughi: Yeah. The reason the other one is not shown is the water, water easement used to come through something, something like this. We were in the process of vacating; I believe that's already been vacated, has it not? I know we've submitted application, I don't know if it's been recorded.

Mr. Zuraf: *Inaudible, not at microphone.*

Ms. Foroughi: Okay.

Mr. Bain: Okay. But you are working...?

Ms. Foroughi: Yes, we are working through county staff, yes, to achieve that. Now this one we will not need to vacate. We just need to, to make sure that we have considerations for that such as in it's not in right here. But our landscaping and that sort of thing, you can plant shrubs, but not trees in that easement, and that sort of thing. So we're working within county requirements and regulations.

Mr. Bain: You can build a building on an easement.

Ms. Foroughi: That is my understanding.

Mr. Bain: Alright. Staff might want to check into that. Yeah. Just a caution. I don't know.

Ms. Barnes: Mr. Harvey?

Mr. Harvey: Madam Chairman and Commissioner Bain, if I can clarify. The county ordinances require that anybody who wants to construct a physical improvement within the easement has to get permission from the easement holder. In this case, the easement is in the name of the County. The County is reluctant to allow people to build permanent structures within our easements. So it'll likely be that that easement would have to be relocated in a line located in a manner that's not encroaching into the building footprint. So... *inaudible*... detail we'd have to work with the engineer on as they move forward with the plans, especially for that second building where it showed the potential conflict.

Mr. Bain: Okay. That's good clarification. I think they needed that tonight.

Ms. Foroughi: Thank you, Jeff.

Mr. Bain: Alright, thank you. That's all I have.

Ms. Barnes: Okay, last call. Ms. Sellers?

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Ms. Sellers: Is there any plans to do any construction on the highway – this is probably for staff – on 17? Are there like to put sidewalks in? I'm just thinking this is probably a good time if there's any expansion discussions.

Ms. Foroughi: There is existing sidewalk along 17. So what we are doing is at staffs' request, we are providing a connection point through here so that anybody that was on site could very easily...

Ms. Barnes: Can you pull up the map for us? I don't think we have that out.

Ms. Foroughi: Oh, sorry. I don't know how to do that. Computer, please. Okay, it's the magic words and it appears – amazing! So there is existing sidewalk along US 17. There's existing sidewalk along Celebrate Virginia Parkway. So we are making this connection here, through here... sorry, I'm new at using this... at the request of staff to be able to get anybody and, of course, we have on site, sidewalks as well. But that way to get anybody that's here out here into... oh, my gosh, I'm just wrecking your... I'm sorry.

Mr. Zuraf: And to an answer, there's no plans for any additional widening in that location on 17 at this point.

Mr. Martinez: Madam Chair, I have a question.

Ms. Barnes: Go ahead.

Mr. Martinez: Do we know what the, what... either the existing or the predicted foot traffic there would be with the Dairy Queen? You know, since there's already a site, you know, she mentioned if there's going to be any additional sidewalks. There doesn't plan to be what is, you know, what is the foot traffic like right now? And is there a prediction of what it would be after the construction is complete?

Ms. Foroughi: That's a great question. In terms of existing foot traffic, that would be something I would defer to staff though I doubt there's a current study on that. In terms of our traffic consultant, our traffic engineer was Pennoni. And they did a traffic impact analysis that does not consider pedestrian foot traffic. They're obviously looking at the movements and the delays for vehicular traffic. As a side note, the traffic engineer would have loved to be here tonight, but he is currently quarantined and stranded in Poland. But, yes, so we'll all keep him in our prayers. But yeah, he did not look at... that's not, it's not part of the TIA process to look at pedestrian foot traffic, but in terms of whether any other studies have been done.

Mr. Zuraf: Yeah, and in this location, you know, it may just be some foot traffic between some of the different businesses, if somebody stops in one spot and maybe wants to run over. That's probably the case. There aren't any residential areas in this vicinity, so it's not gonna necessarily be from residents, but it might just be between some of the adjacent businesses.

Ms. Barnes: Okay, thank you. Good question. Okay, so if we don't have any, I don't see anybody else looking my way. I'll go ahead and thank you, Ms. Foroughi, for your presentation and the brevity. Thank you. So now I'll open up the public hearing. This is an opportunity for the public to comment on this public hearing, on this item on the agenda. Before starting your comments, please state your name and address. The clock starts when the green light appears. The yellow means there's 1 minute left and red means your time is up. If you would like to speak, please come forward. Okay, seeing no one, I will go

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ahead and close the public hearing. And bring this if there are no additional comments, I will bring this back to the Commission for consideration. What is the pleasure of the Commission on this?

Mr. Apicella: Madam Chairman, before anyone makes a motion, what I heard from Mr. Bain's questions, were two things that came up and potential additional conditions. I'm not quite sure how to articulate that one where when you're exiting out of the property, that you have a straight line instead of a rounded line. I don't know how to kind of put that into verbiage to make a condition...

Mr. Zuraf: I worked up a draft condition, if you don't mind me going through and just throwing it out there to address that issue that was raised. So it would say, the applicant shall install a no right turn sign at the exit of Dairy Queen to the access road and reduce the curb radius in the same location to the maximum extent permissible to allow for safe vehicle access while further discouraging right turns.

Mr. Apicella: Mike, that's awesome.

Ms. Barnes: I couldn't have said it any better myself.

Mr. Apicella: I was going to say that exactly, but...

Ms. Barnes: Yeah, exactly. And was there another condition?

Mr. Apicella: No, he basically got the two together.

Ms. Barnes: You got them both in there. Magic. Okay. Alright. And, Mr. Shelton, this is in your district, what would you like to do?

Mr. Shelton: Madam Chair, I think the positives far outweigh any of the negatives and I'd like to recommend approval.

Ms. Barnes: Okay. Do I have a...

Mr. Apicella: Madam Chairman, just for clarification, is that with the additional conditions as read by Mr. Zuraf?

Mr. Shelton: With the additional conditions, yes sir.

Mr. Bain: I'll second that motion.

Ms. Barnes: Alright, thank you. I have a motion by Mr. Shelton and a second by Mr. Bain. Since we don't have our clickers here, we're really getting thrown off tonight, I guess I'll go ahead and do this by voice vote. And I will start with you, Ms. Sellers, down at the end.

Ms. Sellers: I'm going to support it. I'm a yes.

Ms. Barnes: Okay. Mr. Shelton?

Mr. Shelton: Yes.

Ms. Barnes: Mr. Cummings?

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Mr. Cummings: Yes.

Ms. Barnes: Mr. Bain?

Mr. Bain: Yes.

Ms. Barnes: Mr. Apicella?

Mr. Apicella: Yes.

Ms. Barnes: And Mr. Martinez?

Mr. Martinez: Yes.

Ms. Barnes: And the Chair votes aye. Congratulations, and thank you very much.

Unknown speaker: *Inaudible, not at microphone.*

Mr. Bain: Speak to the microphone.

Mr. Apicella: Madam Chairman?

Ms. Barnes: Alright, let's move on to the next item of business, Unfinished Business; we have none. New Business. Mr. Harvey.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

2. SUB21153852 and WAI21153933; Preliminary Subdivision Plan and Waiver of Subdivision Ordinance; Celebrate VA – Celebrate Now - A preliminary plan for 100 townhouse units located on Tax Map Parcel No. 44W-2, on approximately 62.32 acres, split-zoned RBC, Recreational Business Campus Zoning District and M-2, Industrial-Heavy Zoning District, on Celebrate VA Parkway north of Sanford Drive, within the Hartwood Election District. This item includes a request for waivers of Sections 22-177(1) and 22-191(a) of the Subdivision Ordinance, relating to number of lots served by an access easement and number of lots on a cul-de-sac street. (**Time Limit: April 6, 2022**)

Mr. Harvey: Madam Chairman, before we get started, Ms. Ennis will be making the presentation on item number 2. Item number two is composed of two parts. One is a request for subdivision ordinance waivers, and the other request is for a preliminary subdivision plan. Some of the Commission may be familiar with preliminary subdivision plans, maybe not. Last year, we did not have any that were presented to the Planning Commission. A preliminary subdivision plan is a subdivision plan which comprises of 51 or more lots. The process under state code stipulates that the Planning Commission has 60 days in which to approve or deny the plan. And approval or denial of the plan is based on a ministerial determination as to whether or not the plan meets the county codes. If the plan does not meet the county codes and the Planning Commission denies the application, then the applicant has 10 days in which to

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refile a modified version and present it back to the Planning Commission. So basically, the preliminary plan itself is a ministerial act. It's not a discretionary act on the part of the Planning Commission. However, the waivers, that is an allowance under the subdivision ordinance to have the Planning Commission essentially modify the ordinance standards based on the landowners request to find a hardship in relation to how the ordinance applies to their property. And based on the code criteria, which Ms. Ennis will get into in her presentation, the Planning Commission will need to make a finding as to whether or not they believe that the hardship is met by the applicant. And I'll turn the presentation over to Ms. Ennis.

Ms. Ennis: Madam Chairman and members, item number two is for a preliminary subdivision plan and a waiver, two waivers of the subdivision ordinance for Celebrate Virginia, Celebrate Now preliminary plan. It's located on Assessor's Parcels 44W-2. It's located on the west side of Celebrate Virginia Parkway, north of Sanford Drive. It consists of 62.32 acres, and it's zoned RBC, Recreational Business Campus and M-2, Heavy Industrial. The number of lots that they're proposing is 99 townhouse units. This is the location map; I kind of stretched it out a little bit. It's long and skinny. But it's located on Celebrate Virginia Parkway. This is, just so you guys kind of know where it's at, down here is Del Webb. So, and where you guys were was way up here. So we're at the very bottom closer to the golf course area. Again, this is an aerial map that shows all the adjoinings behind it. Across the RPA area is A-1 and A-2 property. And then the RBC again is right here with Del Webb. That's Del Webb there.

Mr. Bain: What is that immediately to the, to the north adjacent to...?

Ms. Ennis: That is Silver Collections, these are apartments.

Mr. Bain: Apartments, okay. I drove by there, but I don't remember.

Ms. Ennis: The total site area again is 62 acres with a density of 7.0 dwelling units per acre. In the RBC, they have a required minimum of 25% open space on the site. And then the RBC itself, for the whole RBC area, is 55%. The developer is not proposing any development in the M-2 portion of this property. So they're only doing it in the RBC area of the property.

Ms. Barnes: Ms. Ennis, where is the M-2 portion of the property if you could show us on the map?

Ms. Ennis: Yes, it's right here.

Ms. Barnes: Okay, thank you. Got it.

Ms. Ennis: Whoops.

Mr. Apicella: So, so what you're saying is they could still do something down the road with regard to the M-2 portion.

Ms. Ennis: They can't put... yes, commercially...

Mr. Apicella: Right.

Ms. Ennis: ... but not residentially.

Mr. Apicella: No, I understand.

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Ms. Ennis: Okay.

Mr. Apicella: Okay, thanks.

Ms. Ennis: And they would have to subdivide the property in order to separate the residential with the commercial area. There are three primary access points here off of Celebrate Virginia; 9.4 acres of open space is proposed. There is 6.7... 6.5 acres within a conservation easement; all this area is a conservation easement that was previously done by Silver Developments. Streets are... all the streets, internal streets are to be private ingress/egress easements and will be maintained by the HOA. There was an exception granted by administratively by the Director for street access connections due to the topo and the development of the Silver Collections to the north. And the conservation easement that's in the rear. So we granted the exception administratively.

Ms. Sellers: These, at the end of this long road, these ends that look open. What are... are those connecting to something?

Ms. Ennis: No, they're temporary. They're hammerhead turnarounds and they are not connecting. VDOT limits them to the number of access points there. And that's why, you know, it's limited to the three that they have coming out. So they're just hammerheads. They're like... that's very typical of the Del Webb communities. If you've been in those they're hammerhead. Really any townhouse developments have not even Del Webb, but any townhouse developments they have these hammerhead turn arounds where they can, the fire truck can come in here, back up and go back out.

Mr. Bain: In theory.

Ms. Ennis: Pardon?

Mr. Bain: In theory, yeah.

Ms. Ennis: It's only a three point turn. We all took that in high school, right, so. The project's to be served by county water and sewer, all the townhouses are to be sprinkled as a code requirement. The clubhouse is in Section 2, which is down here. Right now I have a construction plan in for Section 1 and Section 2, but I have a construction plan and plats in for Section 1 that are under review right now. The clubhouse we'll have a separate site plan for that, that comes, that'll come in under a separate review. Again, it's 6.5 acres of the conservation easement and 4 acres within the development that is open space that they are providing, in addition. The RBC zoning permits up to 30% of retirement housing which is what this is. This development puts the RBC retirement housing at 29.98% of its capacity of retirement. Stormwater management will be, will be managed by oversized pipes and control structures within the manholes. Staff, environmental staff wanted me to indicate that there's concerns over the site when need to meet the provisions for stormwater in the common areas and the outside of the residential lots. Again, like I said, staff is currently reviewing construction plans to ensure that compliance to the state codes and local codes of environmental are adhered to. The developer has proposed three waivers... has requested three waivers. Section 2-177, one which is access and townhouses, 22-191, which is the length of a cul-de-sac, and 22-190 which is street connections. Section 22-190, as I stated previously, is permitted by an administrative waiver and that was approved in September of last year. Section 22-171 does not permit more than 28 units on a town, on a street segment, whereas 29 units are being proposed on Sugarland Drive within Section 2. And again, this is Section 2. Section 22-191(a) restricts the number of lots based on the length of the cul-de-sac. The developer is proposing 23 units on approximately 425 feet of Sugarland Drive; 18 units is our code requirement limits for up to 600 feet. So that is why he's

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requesting the... he's exceeding the number of units. Staff recommends approval of the Celebrate Virginia Now retirement preliminary subdivision plan as long as the Planning Commission makes findings relative to granting the waivers as requested by the developer per Section 22-241, whereas the minimum required if applied to the proposed subdivision would impose an unreasonable burden upon the subdivider and the granting of such waiver will not substantially adverse effect on future residents of the proposed subdivision nor upon any property adjoining such proposed subdivision. And that is my... that concludes my presentation of that. There was some questions that I did want to clarify from the Planning Commissioners that we got over the last couple days. And it was questioned on the clubhouse, what amenities were coming into this development? And the code section for the RBC requires retirement communities to have a clubhouse or such amenities. And that's what they're putting in here. I don't know specifically what's going in, so I will defer that; that was one of the questions, I will defer that to the developer or the engineer who are both here. Because site plans do not require what's going in the structure, we just get the walls. And that's it. That's what we review. We're site... we're site reviewers, not the building department reviewers. It's only because Ms. Barnes made a face. So she's like, really? And then another question was... sorry. The waiver would need to be enacted before approved upon, so the preliminary plan can be approved. So and then...

Mr. Apicella: And the reason is, because the waiver obviously impacts...

Ms. Ennis: Yes, sir.

Mr. Apicella: .... the configuration of the plan, right?

Ms. Ennis: Yes.

Ms. Barnes: Can you repeat that one more time? You said that...

Ms. Ennis: The waiver would need to be approved, the two waivers would need to be approved by the Planning Commission before the preliminary plan can be approved because the preliminary plan is based on those waivers.

Ms. Barnes: Got it, thank you.

Ms. Ennis: There was a question about environmental issues. And I kind of hit that a little bit on the PowerPoint that there's... this is all RPA. And this is all already dedicated by the Silver Companies.

Mr. Apicella: So that wasn't really my question. My question was with regard to the project area, where the homes are being developed. Are there any environmental issues on that site itself? Not extraneous to the site? And not the not the RPA areas, but the building area, I guess... *inaudible*.

Ms. Ennis: Yes. I mean, Mr. Saunders indicated to me that he is working with the engineer. Like I said, we have construction plans, and they'll be addressed on there, on the construction plans with environmental but he did have some concerns with the impact. And that's why he wanted me to imply... let you know that, you know, that the – I can't remember the exact words I used.

Mr. Apicella: I guess my question was, and maybe I wasn't clear enough. Is there... are there environmental issues that drive the need for the waiver? For example, we've had ...

Ms. Ennis: No.



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Mr. Apicella: Okay, great. Thanks.

Ms. Ennis: Okay. Yeah, no, that's not how I read it. And I think some other questions... a couple of you asked about the cul-de-sacs and stuff up, you know, the requirements up to 18 lots versus what, you know, the other ordinance that we allow up to 35 lots. It's based on the length of the, you know, it's our interpretation that you can't have more than 35 units on a segment that ends in a cul-de-sac. So the length of Sugarland is 428 feet. And because of the density of the RBC that's permitted, the density allows these smaller lots. So that is why they're exceeding the number, because of the size of the lots that they're allowed to have. So, and I think... and we have that restriction. I can't remember who asked, but you know, we kind of based it on because of utilities and Fire and Rescue, not wanting to, you know, go down on a cul-de-sac and longer than that serves more than 35 units for water.

Ms. Barnes: Okay. Ms. Sellers, I think she's been waiting.

Ms. Ennis: Oh, I'm sorry.

Ms. Sellers: No, it's fine. I can wait. The width, somebody had asked a question about the width of the street as it pertained to parking. My question is, what about getting that fire truck down there? You know, Berea...

Ms. Ennis: That's why there's no parking on the street. There's no parking permitted on the streets, they're 24 feet wide. So that does fit it fire truck. And that's why there's no parking permitted. We do have some extra parking for visitors and stuff in this area, in this area, and this area. But there, they do have a single car garage and these spaces. So two, it still permits for two parking up front. So that's...

Mr. Apicella: How many total visitor parking spaces are there?

Ms. Ennis: Yes, I just circled them.

Mr. Apicella: I know. Can you give me a number? So there's 99 units, you said potentially with two spaces...

Ms. Ennis: So, here's 1, 2, 3, 4, 5, 6 in this space; 1, 2, 3, 4, 5, 6 in this space. And then there's three over here. And this is where their mailboxes.

Mr. Apicella: So 11, 12?

Ms. Ennis: I think there's like 14, if I remembered right, so that's 12, 13, 14.

Mr. Apicella: And I thought that we, Jeff help me... probably remembering this the wrong way... but I thought last year, we looked at parking associated with retirement housing and visitor spaces. Does this meet those requirements? Or do those requirements not apply in this circumstance?

Mr. Harvey: Commissioner Apicella, what you're recalling is the work that the Planning Commission did on design standards for retirement housing, which was a component of the Comprehensive Plan. It would apply to a rezoning. In this case, this is a property already has zoning in place. So that standard wouldn't apply in this situation.

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Mr. Apicella: So again, it's a hypothetical and I normally don't like to ask hypotheticals. But I'm concerned about the amount of visitor spaces here, which I lived in a townhome development when I first moved to Stafford. Fourteen spaces for 99 units seems to be woefully insufficient. If those standards were applied, do we have a sense of what number of visitor spaces we would require?

Mr. Harvey: Commissioner Apicella, we will have to get back to you on that. I can't, I don't recall the standard specific off the top of my head right now. So we'd have to go back and look at what the standard is and see how it would apply relative to what they're proposing on the plan.

Mr. Apicella: I mean, so I'm just, you know, I'm just speaking here, from, from my own perspective, and again, having lived in a townhome development, you're going to have a lot of grandkids visiting their grandparents living in this, in this townhouse community. They're going to have to walk a long way to get to their respective grandparents' house. And usually, people who are visiting seniors might be other seniors again, they seem to be way spread out and very low in number. I'm just throwing that out as a, mostly a comment. But again, I think 14 spaces, if that's the number, seems to be very low and the way they're spread out seems to be of a concern.

Ms. Barnes: Okay, can we have Mr. Bain and then I know Ms. Sellers has something, too.

Mr. Bain: Oh, okay. Alright then. Leann... Ms. Ennis, I'm sorry, let's be formal here tonight. It's good to see you. I haven't seen you for a long time.

Ms. Ennis: I made it.

Mr. Bain: Hey, you mentioned in your presentation, something that didn't stand out to me in reading, that the clubhouse would be built in Section 2.

Ms. Ennis: Yes, sir. Right here.

Mr. Bain: Suppose they build Section 1 and then the company goes bankrupt? We get no clubhouse. Is that right?

Ms. Ennis: Yes. Well...

Mr. Bain: I think that's...

Ms. Ennis: I mean, it's not being built in Section 1. There's no proffers; this is by-right, so there's no proffers in this RBC. So there's nothing to hold them to say that they have to build it by the 20<sup>th</sup> op and there's nothing to say that they have to build it within Section 1. So that that is... it just says that I... they didn't even have to have two sections. So they could have all done it as one development, you know, one section.

Mr. Bain: And that would have been fine, because then they're committing to a construction budget and everything, but. Okay, I think that's really sad. But hopefully they'll build it and the people will have a nice clubhouse. We don't know what's going in. It doesn't look like they've made any indication of trails in the open area.

Ms. Ennis: There's no other amenities within this development.

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Mr. Bain: Yeah. This is, this is, I mean the most bare bones, most dense development plan I have ever seen. There's so many things that are woefully inadequate in my mind. The waiver request on the cul-de-sac, I asked in my questions to Mr. Harvey, and, you know, what's the justification for the request? Mr. Harvey said it's in the documents. And reading between the lines, I guess, because I couldn't find anything explicit. The only reason they want a waiver on the cul-de-sac is so that they can build more units. And to me, that's not justification for a waiver. Is there anything else that you can offer that would justify giving a waiver?

Ms. Ennis: Do you mind if I defer that to the engineer?

Mr. Bain: You're more than...

Ms. Ennis: Thank you.

Mr. Bain: Yes, that's fine.

Ms. Barnes: Can we can we have Ms. Sellers ask her question before we do that?

Mr. Bain: Yeah, sure.

Ms. Barnes: Thank you.

Ms. Sellers: Alright, back to Fire and Rescue. You know, right there, and I don't know what the staffing is in Hartwood. Hartwood's the only one, it's Berea and Hartwood that are down there, right? And so you have another retirement community coming in. And, you know, we get to talk about it because they want a waiver, right. So you have another retirement community coming in, and I would be curious to know what those staffing is down there. Because you're gonna have a lot of calls for service, at least there... at least it was four years ago, we had a lot of calls for service that went in there to get into those communities, not for fire. So great sprinklers, that's great. But what about the health? It's more on the ambulance side. And to my knowledge, we had some problems with staffing down there in Berea. So I would be curious to know what the staffing looks like at Berea before, and in Hartwood, in the Hartwood station down there. But what are we looking at there to see where these ambulances are coming from? Because I don't know on these narrow streets, how you're going to get that fire engine down there. And, you know, and get people on there, get people to help. So I'd also be curious if those ends and I know they can't have access to Celebrate, but is there a way they can put a gate or something if it gets approved, put a gate you know, with, with like a garage door opener like they do in other retirement communities for the Fire and Rescue, because the way it is now they're going to have to go down and take a left or a right to get to that long green... or the long row of houses where if they could have an access point to go in at that long street entrance. I don't know the name of the street.

Ms. Ennis: Sugarland is that long street.

Ms. Sellers: Yeah, so having an access point at Sugarland so that it's easier access for our fire engine to get in. I would assume it's probably going to be the fire engine who shows up first just knowing what the response looks like out of Berea, but.

Ms. Ennis: I just know that VDOT is... can I have the map computer, can I show them something? Can I have this... my plan... computer please.

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Ms. Barnes: There you go.

Ms. Ennis: Just to let you know, I mean, VDOT is not going to let them have an entrance. But they can pull up here. And they can pull up here and there this, they're really close. So they'll, they'll more than likely, Fire and Rescue is going to pull up right here, the fire trucks to service these areas here and pull up right here to service these areas here, versus going in and going that way. They're going to, they're going to leave it on Celebrate Virginia Parkway.

Ms. Barnes: So why not have an emergency access there, if that's the case?

Mr. Apicella: On both ends.

Ms. Barnes: Yeah.

Mr. Apicella: Is there something that precludes that from happening?

Ms. Ennis: Not that I know. Not that I know of. But I'm just... because I've done all the retirement communities. So they're all mine. And that's... I do know what the issues that I had in England Run because we didn't have any parking on the street. We allowed parking on the street and I know what our Fire Marshal went through, about running over those vehicles, because you know, retirement people only have one, so.

Mr. Apicella: If they if they had access on either end of the development along Sugarland, would, how would that impact the waiver requirement?

Ms. Ennis: I don't know that, like I said, I don't think... I'm almost positive VDOT's not going to let them have access, because you've already got... they have a, they have a criteria between entrances that they have. So you know, I don't think they're going to give them five entrances coming off of Celebrate, which is a state maintained road. So and I will just let you know, because this, this is a turn left. And I think that's their only turn left to come back down through Celebrate Virginia; everything else is just a right in. I might be wrong, I'll let that... I'll let the engineer but if I remember right.

Ms. Barnes: Are you saying it's left turn only? It's left turn only, or they can go right or left from that?

Ms. Ennis: They can, they can come in this way and go this way. And then...

Ms. Barnes: Thank you.

Ms. Ennis: What? I passed kindergarten. Alright, so you can see the split here that allows them to go in this way, that allows them to come out this way. There's no split here. So I think, I think there's a median going down Celebrate Virginia Parkway. So this is really the only entrance in and out. They can come in and turn right. They can come in and turn right that everybody's going to have to come to here to turn left.

Mr. Apicella: And, I'm sorry, just to again, reiterate the point about the emergency access, what is VDOT's opinion about emergency access only with that, given that they already have three, I don't know what to call it, other access points. Is that separate? Is that a separate consideration for VDOT?

Ms. Ennis: I just know that there's a criteria between, you know, there's... between entrances.

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Mr. Apicella: Right. *Inaudible*... per se, it's just an emergency access point for public safety. Again...

Ms. Ennis: That was not... it didn't come up from Fire and Rescue, and so it was not addressed. There was no comment addressed to VDOT from Fire and Rescue for that.

Ms. Barnes: Let me, let me have Commissioner Shelton down here; I think he's our resident expert on that.

Mr. Shelton: I think I would have some concern because the aerial apparatus is going to be 40 feet in length. And our response would be on a structural fire at least three engines and a truck and a squad and an ambulance and a paramedic unit. So hypothetically, you're talking 99 units. We're gonna pull in the front, we're not gonna stage down here on Celebrate, because we can't move our fire hose in, nor are we able to put a gurney in to move a patient out. So we would not be doing any staging in the lower end...

Ms. Ennis: For the ambulance.

Mr. Shelton: ... for the ambulance or the pumpers.

Ms. Ennis: Oh, okay.

Mr. Shelton: So I think my concern is that, how would we maneuver an aerial apparatus that's over 40 feet long through cul-de-sacs and all like that, and if it was one piece of equipment, maybe we could maneuver it. But my experience is in Stafford and other areas, we don't send one piece. We send multiple pieces.

Ms. Ennis: Well, I don't have that answer. So I'm glad you clarified me, but I don't have the answer. I don't know how Fire and Rescue works, you know, for that. I just know that Andrew did not make any comments to have a connection of those roads. So but if that is y'all, you know, if you would like that is at your discretion.

Ms. Barnes: Okay, any other questions?

Mr. Apicella: Madam Chairman, I have some questions. So kind of piggybacking off of Mr. Bain's theme, the site plan, as it is presented to us appears to maximize the yield for the developer. So it appears that meeting the County's PAE and cul-de-sac requirements impacts a total of six of the 99 units taken together, one and five, six. So can the applicant develop this parcel? Again, it's 62 acres with a different configuration that still meets the county's requirements. Potentially, that's a lower yield.

Ms. Ennis: I'm going to defer that to the developer if you don't mind, I mean to the engineer as well, because this is the second time I've received Celebrate Now. It was already approved. It came, it came through as before, there was supposed to be two apartment complexes here, and 44 townhouse units, and then it came through. So that didn't, that didn't get done. So they came through with this plan with just all townhouse units. So they got rid of the two buildings, two apartment complexes that were supposed to be down here where Section 2 was. So they were only originally, they were only going to do this half of 44 lots with townhouses and then this was going to be all apartments on this side.

Mr. Apicella: You mentioned the question of other things they could do here...

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Ms. Ennis: So the answer is this is a modification of what they originally had one to do. Could they modify it again? I will defer it to the engineer to answer you.

Mr. Apicella: But you see nothing that precludes them from doing something different on this parcel. And they already have in the past recommended something different.

Ms. Ennis: Yes.

Mr. Apicella: In the last five years, have we previously considered a request to...

Ms. Ennis: I haven't gotten there yet.

Mr. Apicella: Oh, okay. I thought you finished. My fault.

Ms. Ennis: So the answer, Mr. Apicella was asking how many waivers we had done and one of his questions was, how many waivers have we done on PAEs in the last five years? And we've done several on PAEs, but they were all individual two-lot subdivisions, four-lot subdivisions, that were done for individual owners and stuff like that. And I came up with... I wrote it down – nine. And for townhouse units, the only other one that we've done in the last five years is Whitson Woods, which you did last year.

Mr. Apicella: Just again, that was half the question. As I recall, those... the grounds or justification for those waivers were typically environmental issues, or that going forward with the requirement would actually have a greater impact or more negative impact than not going forward with the requirement. That's what I recall the rationale being.

Ms. Ennis: Most of those were, when I looked through them, they were individual owners.

Mr. Apicella: Right, but the reason, the justification, I'm not, I'm not talking about whether they were townhomes or individual lots, I'm talking about the justification provided by the applicant was typically that there were some environmental issue that if we...

Ms. Ennis: Maybe on some of them, but I didn't pull the staff reports for all of those; I just looked at what they were doing. I didn't pull the staff reports to see what the reasoning justifications were.

Mr. Apicella: Okay, that's just my recollection.

Ms. Ennis: So I don't have that answer. Sorry.

Mr. Apicella: So the second, the second part of that question was, have we done waivers on the number of lots associated with a cul-de-sac?

Ms. Ennis: Whitson Woods is only one. And that was for, that was in March 2019. And there was no more than 28 served by an easement and you granted at 55 units on... for 55 units.

Mr. Apicella: So help me, help me...

Ms. Ennis: So there was no more than 28 units served by an easement, served by an easement.

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Mr. Apicella: Served by an easement or served by a cul-de-sac, on a cul-de-sac?

Ms. Ennis: Oh, I'm mixing the two up.

Mr. Apicella: Yes.

Ms. Ennis: Sorry. Different ordinance. That's 177. Whitson Woods was 22-177, which was...

Mr. Apicella: Private access easement.

Ms. Ennis: Yes, sorry.

Mr. Apicella: Okay. So the answer is no on the cul-de-sac.

Ms. Ennis: No. The answer is no.

Mr. Apicella: Okay. We got there eventually.

Ms. Ennis: Sorry.

Mr. Apicella: Thank you.

Ms. Ennis: Sorry.

Ms. Barnes: Any other questions?

Mr. Apicella: There was one more question. So, just process wise, again, because we have some new members, waivers are within the purview of the Planning Commission. They don't go to the Board for final disposition. Is that correct?

Ms. Ennis: That is correct.

Mr. Apicella: And what happens if one or both of the waivers are denied? What's the applicant's options?

Ms. Ennis: He can reconfigure or if it was denied, then he would have to reapply, because the preliminary plan would be... he could defer to fix it and come back again. Or if we deny it, then they'll have to reapply.

Mr. Apicella: Is there an appeals process or we make the following termination and that's it? I thought there was an appeals process.

Ms. Ennis: Yes, there's an appeals process.

Mr. Apicella: Can you explain how that works, Mr. Harvey or Ms. Ennis?

Ms. Ennis: Thank you, Mr. Harvey.

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Mr. Harvey: Mr. Chairman, oh, excuse me, Commissioner Apicella, Madam Chairman, I don't have the code in front of me right now. I could look it up while the Commission is deliberating. But if I recall correctly, a denial waiver could be appealed to the Supervisors. However, a subdivision plan is appealed to court.

Mr. Apicella: Thank you.

Ms. Barnes: Okay, any other questions for Ms. Ennis? And did we want to have the engineer come up and ask any questions? Okay.

Ms. Sellers: Mr. Bain, did I get all your questions?

Mr. Bain: Yes, you did.

Ms. Sellers: Okay.

Ms. Barnes: Okay, can the engineer come up?

Ms. Ennis: Thank you.

Mr. Reese: Good evening, Madam Chair, members of the Commission. Happy New Year. My name is Bruce Reese. I'm with Legacy Engineering. And the owner of the property is Chaz Collins, who has moved a little bit closer. And we're happy to answer any questions on a relatively complicated piece of property.

Ms. Sellers: Madam Chair, so my question is maybe being more nosy than anything, but you call these retirement or part of retirement community and they're townhomes? Are they going to have elevators in them?

Mr. Reese: I'm sorry?

Ms. Sellers: Are they going to have elevators in them? Because you got retired people who I just don't know if I... I'm telling you, it's more of a nosy question than anything else, but...

Mr. Reese: Yes, yes.

Ms. Sellers: They will have, okay. So they are they going to be townhomes or condos? Like Embrey Mill has these townhome things that they call condos. So they're going to be townhomes or they're going to be condos?

Mr. Collins: They'll be, they'll be townhomes. So each townhome unit will be a separate legal parcel.

Mr. Apicella: Sir, can you can you?

Mr. Collins: Sorry, I'm Chaz Collins, I'm the developer.

Ms. Sellers: And they will have elevators in them.

Mr. Collins: No, no, no. The master bedroom is on the first floor.



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Ms. Barnes: Ah. That was a big question of mine. Thank you.

Mr. Collins: Yes.

Ms. Barnes: Thank you. Any other questions for the applicant?

Mr. Bain: Well, what's... yes. The issue about the waiver for the cul-de-sacs. What is your justification? What... what... well, I'll leave it at that. What is your justification for asking for a waiver? What is the hardship that you're facing by not reducing the number of homes on that cul-de-sac?

Mr. Reese: Yes, sir. And let me apologize for the poor application that did not go into a little bit more detail on the reason for why we think this is a justified waiver request. You got to remember, this is the last piece of property that's going to allow residential in this massive 500/600 acre parcel. And technically, there's room for 125 lots; that would max out the requirement. And there is a preliminary plan that was reviewed and approved by this body that included 44 individual townhouse units, and then remaining of the 125 as multi-family. The developer has currently decided that that's not the best way forward for this property. And so they've decided to go forward with just townhouse units. And the problem with the code that requires a limit on the number of units on a cul-de-sac is that it doesn't differentiate between 3-acre lot and townhouse lots. So if we built along enough road, we could put 35 units on that road. But the majority of that road would be useless, because it would simply be there to meet a requirement for the length of the cul-de-sac. Instead, what we have done is shorten those cul-de-sacs because they don't need to be any longer than that. And the code doesn't provide for the ability with narrower lots to be able to reduce the length of the cul-de-sac to accommodate that. The codes clean one size is trying to fit all but in fact, that really doesn't work well for a townhouse development. So if we extended that road to meet the requirement for length, we would have a third of that road occupied with houses; the other two-thirds would simply be empty. But we would have met the requirement of the code, which really makes no sense in this particular application. A better application here is minimize the length of that cul-de-sac, even if it allows up to 35 units. But don't let the length dictate the number of units for a townhouse development. And as you can look at this layout, you can see there's, there's no place where we have a long cul-de-sac, which I think was what that code requirement was trying to prevent; long, isolated cul-de-sacs. We don't have that situation here. The cul-de-sacs are relatively short. So I think that's why we think that that particular application really doesn't work on this, this piece of property. And there are in fact, Mr. Apicella, I believe there are some environmental constraints that prevent us... if we could go, and you'll notice that north is on the right-hand side, if we could go west where there are currently Resource Protection Areas, we could have a different layout. We're blessed with the ability to have three access points on this road. But I'm pretty confident that Ms. Ennis is right, that VDOT would not allow additional access points on this road.

Mr. Apicella: Right. But within the footprint of the building area, there are no environmental constraints. You're just choosing to go from, what is it 94 units to 99 and still meet the requirement, versus 99 units, right?

Mr. Reese: Yes.

Mr. Apicella: So again, we're talking about a delta of nine units.

Mr. Reese: There are other alternatives because we have two waivers that we're requesting. The other is the number of units that we can have on a private street.

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Mr. Apicella: Right, that's one. I'm counting them together. There's one unit more than you would otherwise be allowed to do, associated with the Private Access Easement, and five extra units associated with the cul-de-sac limitation, for a total of six units. Am I missing something?

Mr. Reese: Yes, sir. And I think I can, I can answer maybe both of these questions. If we did not connect to that road together, if we had a break in that road, then we would meet the requirements of the code. We think that creates a hardship for those residents that would now have to go back out on Celebrate Parkway to get to the clubhouse. But by connecting this road together, rather than breaking it, and allowing 28 and 28, because the total number of units along that road is well below the 56. So if we broke that road, even by a foot, that didn't allow that inter-parcel, inner-connection, we would meet the letter of the code, but I can't believe that's the intent.

Mr. Bain: Only in terms of the number of units, but that would not change the cul-de-sac limitation on the southern end.

Mr. Reese: On the cul-de-sac... Yes, sir. And you can see where on the right-hand side there's not a, there's not a length issue there. On the left-hand side, there's no question that there's a possibility that we could turn that road that comes in off of Celebrate and shift those units to the other side of that row. So there's probably a way to accommodate that, but we thought this was a cleaner layout. And all it requires is a waiver for a cul-de-sac requirement that really does not fit townhouse units.

Ms. Barnes: Go ahead Ms. Sellers.

Ms. Sellers: Are you guys the owner of the M-2 property as well? Because, you know, we're just focusing on this one property. Is it a bigger property or are these...?

Mr. Reese: There is much more of this property. But you can see, this site is isolated by wetlands and Resource Protection Areas.

Ms. Sellers: Because my... I bring up the question because I wonder if you're the owner of the site, why wouldn't... would it be better if you want this number of units or the 125 that are still allowed under the density in Celebrate Virginia? Why you wouldn't pursue some sort of reclassification of that or amendment or something else? Why are you focused on just that part of the property and not the whole? Because you have this RBC which makes... it's just really interesting we are allowing residential in a recreational business... *inaudible*... but we can get to that another day. But and then you have M-2 and we haven't even addressed that.

Mr. Reese: Well, on why we're concentrating on this property, there has been probably five rezonings associated with this particular property. And it has finally come down to what we stand with right now which is this is the allowable area for residential on the RBC. And it has changed that line, where the residential is allowed, has moved further south on each of those rezonings. And this is where it ended up. And, and so I'm just not sure that they thought the best way to go forward was to go through an entire rezoning when we think we can make this work like this.

Ms. Sellers: I mean, I hear ya, and I know rezonings are a big pain in the butt. But looking at that area down there, I mean, I don't even know what industrial use would make sense there. I mean, you have that government facility across the street. And then it goes down to one big cul-de-sac that was supposed to connect to the City of Fredericksburg and Silver never did. And I think you guys have inherited, right, you've inherited the Celebrate Virginia mess that's become a patchwork, right, that was never intended

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to be a patchwork. But I just had... I do have some questions about that. Why don't we look at the whole property and try and help you guys get... make, just make it make a little bit more sense instead of trying to cram all these townhomes into 62 acres? Why not look at all of it?

Mr. Reese: Ma'am, I think when they decide that they are ready to do something with the rest of that property, there will absolutely be a dialog.

Ms. Sellers: So he is the owner of the whole property.

Mr. Reese: Yes.

Ms. Sellers: Okay, okay.

Ms. Barnes: Any more questions for the applicant?

Mr. Apicella: Madam Chairman, I'm sorry to belabor the point. Again, it just seems to me, I'll give you one last shot at this, that the hardship that you're talking about is in relationship to the number of units that you want to build, when the number of units you want to build and the configuration is completely within your control. So help me out one more time. We have a requirement, two different requirements, that impact what you want to do here. I appreciate that you want to maximize the yield. I'm not yet persuaded that those requirements don't make sense. I know from your vantage point that it doesn't fit with what you want to do here. I still don't understand the hardship when you have other options here.

Mr. Reese: Well, I think, Mr. Apicella, the hardship is that we've got a code that doesn't provide for narrower lots. That code is the same code, if it was a 10-acre lot or a 3-acre lot or a half acre lot. These are 5,000 square-foot lots. And that code really doesn't make sense for a...

Mr. Apicella: But it does to me because you have more density in a smaller area, which would seem to imply that on a cul-de-sac, and in this set of circumstances, you would not want to have a large number of units along the block.

Mr. Reese: I agree. And we do not; we do not have a large number, we don't exceed the 35. And we're barely over the requirement right now.

Mr. Bain: Why not just reduce that small amount and meet the criteria?

Mr. Reese: It is a small, and it was enough for us to require the waiver – or request the waiver.

Mr. Bain: And to me, the only justification you're providing is that you want to build more units. That's not a hardship. And so I wouldn't support the waiver request. I'm sorry.

Ms. Barnes: Okay, I think we've exhausted the questions. Okay. And I'm not sure, Jeff, this is new to me on how we proceed on this because this is not, you know, this is the waiver and the preliminary plan. How are we going to proceed on that?

Mr. Harvey: Yes, Madam Chairman, staff would recommend that the Planning Commission consider taking up the two waiver requests prior to the preliminary subdivision plan, and that the two waiver requests be considered independently; one waiver then the other. Just to double back on the question that was posed earlier about the appeals process, Section 22-252 of the Subdivision Ordinance says that

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if the Planning Commission denies a request for waiver, that the applicant has 10 days to file an appeal with the Board of Supervisors. Section 22-63 stipulates that if the Planning Commission denies a preliminary subdivision plan, the applicant's recourse is to file with the Circuit Court.

Ms. Barnes: Okay, so when we, when we start with the waiver, the waiver requests, how exactly... which specifically ones are we going to be, you know, the question is it I'm looking for? Because I see WAI21153933. Is that one waiver? And I'm not seeing how this is organized.

Mr. Apicella: Yeah, I don't see two different numbers.

Ms. Barnes: Right.

Mr. Harvey: Yes, that's one application requesting two waivers.

Mr. Apicella: So would you say that one way to handle it is to bring up the, the number and indicate that it's for the PAE waiver. And the second one is for the cul-de-sac waiver. Is that one way to handle it?

Ms. Barnes: Yeah, that's why I'm asking, exactly.

Mr. Harvey: Yes, Madam Chairman, there's two code sections. If I can have the computer screen again. Thank you. There's Section 22-177, which is dealing with the access in the townhouse neighborhood; specifically, the number lots on a Private Access Easement. And then Section 22-191, which is the number of lots on a cul-de-sac. Those are the two code sections that apply to the waiver requests.

Ms. Barnes: Okay, so I guess we'll bring this back to the Commission. And anyone have any more discussion on this? Okay. Well, I think what we'll do is we'll bring it back to... this is in Mr. Shelton's district. How would you like to proceed? It seems like we've got some questions here.

Mr. Shelton: I have some concerns on the cul-de-sac aspect. I still think that we haven't taken into consideration emergency equipment and large utilities. And I would suggest that the developer, you know, go back and take a look at what he can do to mediate the situation.

Ms. Barnes: So are you recommending a deferral then?

Mr. Shelton: Say again?

Ms. Barnes: Are you recommending a deferral?

Mr. Shelton: Yes.

Ms. Barnes: Okay. Is that in a motion?

Mr. Shelton: Yes, ma'am.

Ms. Barnes: Okay, and Ms. Sellers has seconded that. Okay, any further discussion?

Mr. Apicella: Just to be clear, is that... that's a motion to defer both the waivers?

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Mr. Shelton: That's correct.

Mr. Apicella: Okay.

Ms. Barnes: Do we need to do those separately? Or that'd be okay to defer both the waivers? Okay, Lauren is indicating correct. Okay.

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

Ms. Barnes: Okay. So we have a motion for a deferral by Mr. Shelton and second by Ms. Sellers. Any other discussion?

Ms. Sellers: I do want to make sure, just like, I want to stomp that. We probably need to hear from Fire and Rescue that no comment is not going to be sufficient in this case, on those response times. Having spent four years on the Public Safety Committee, they should have a comment on this. They run a lot of calls down there in that corridor, and you really only have Berea and Hartwood when it's staffed, and then they're coming from the other side of the highway. So we need more information on that. Where is this equipment coming from? How are people getting there? And you have to take it all the way down Celebrate Virginia Road, so I don't know how we... *inaudible*... that, but tell the Fire Chief sorry, I guess.

Mr. Martinez: Madam Chair, can we get like an affirmative from VDOT that they wouldn't allow the two access points on the ends for emergency services? Because I know there was a discussion of why we think there won't be an approval. But is it possible to get an affirmative from VDOT?

Ms. Barnes: That's a question for staff maybe?

Mr. Martinez: Oh, yeah, sorry.

Ms. Barnes: Mr. Harvey or Ms. Ennis?

Mr. Harvey: Madam Chairman, we can ask VDOT to provide an opinion on whether or not they would allow additional access along this segment of roadway.

Ms. Barnes: Okay, thank you.

Mr. Apicella: And I think it would also help to get Fire and Rescue's input on whether they think those access points or one or both access points are worthwhile as part of that discussion with the...

Mr. Bain: And I think we should clarify that we're only looking for emergency access, not open access, because that may very well change VDOT's opinion about allowing it.

Ms. Barnes: Okay, do we have any, maybe staff could help us with this... *inaudible*? I think, but with a deferral, we need a specific date. So when would we like to defer that? Do we have a date in mind? We have I think our next meeting is on the 26<sup>th</sup>. And then the meeting after that, I believe we have one on February 9<sup>th</sup> and the 23<sup>rd</sup>. I'm not real sure what our schedule looks like up to then. But do we have enough time, as far as I think you said it was 60 days that we have?

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Mr. Harvey: Yes, ma'am. The Commission has 60 days to take action on a preliminary subdivision plan. As of now, there is no Public Hearings or New Business scheduled for the meeting on the February 26<sup>th</sup>. So that's an open meeting right now. As far as the February meeting., we haven't had the public hearings advertisement set yet but we're in the process of doing that potentially for a land use case.

Mr. Apicella: Madam Chairman, can I recommend the first meeting in February because we could possibly not have a meeting at all on the 26<sup>th</sup> if there's no business.

Ms. Barnes: Yeah, that sounds like... February 9<sup>th</sup>, it sounds like that might be a good option for us. And that'll, that'll keep us in the 60 days then.

Mr. Harvey: Yes, ma'am.

Ms. Barnes: Okay. So, deferral until, I think the motion then is deferral until the first meeting in February, February 9<sup>th</sup>, okay. And I will take a voice vote starting at the end with Ms. Sellers.

Ms. Sellers: Yes.

Ms. Barnes: Mr. Shelton?

Mr. Shelton: Yes.

Ms. Barnes: Mr. Cummings?

Mr. Cummings: Yes.

Ms. Barnes: Mr. Bain?

Mr. Bain: Yes.

Ms. Barnes: Mr. Apicella?

Mr. Apicella: Yes.

Ms. Barnes: Mr. Martinez?

Mr. Martinez: Aye.

Ms. Barnes: And the Chair votes yes. Thank you. Now, do we go on to the next part of that, are we going to...?

Mr. Apicella: We would need to also potentially consider deferring the preliminary plan because that's associated with the waivers.

Ms. Barnes: So do I have a...

Mr. Shelton: A deferral also on the plan.

Mr. Martinez: I'll second.

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Ms. Barnes: I'm going to give that one to Mr. Martinez for his first.

Mr. Apicella: And that's also to the first meeting in February?

Ms. Barnes: First meeting in February on February 9<sup>th</sup>.

Mr. Shelton: Yes ma'am.

Ms. Barnes: Okay, so I have a motion to defer this one also to the February 9<sup>th</sup> meeting, seconded by Mr. Martinez. Voice vote again. Ms. Sellers?

Ms. Sellers: Yes.

Ms. Barnes: Mr. Shelton?

Mr. Shelton: Yes ma'am.

Ms. Barnes: Mr. Cummings?

Mr. Cummings: Yes.

Ms. Barnes: Mr. Bain?

Mr. Bain: Yes.

Ms. Barnes: Mr. Apicella?

Mr. Apicella: Aye.

Ms. Barnes: Mr. Martinez?

Mr. Martinez: Aye.

Ms. Barnes: And the Chair votes aye as well. Okay, thank you very much. Okay. And the next order of business on our agenda is the Planning Director's Report.

PLANNING DIRECTOR'S REPORT

3. 2022 Meeting Schedule

Mr. Harvey: Madam Chairman, as part of your annual organizational meeting, the Commission considers its meeting schedule for the remainder of the year. We did speak about the potential for a February 9<sup>th</sup> meeting. In your posted agenda and also your handout materials, there's a draft listing of your meeting schedule. Traditionally, the Planning Commission has met on the second and fourth Wednesday's of the month. But however, during the months of July and August, the Planning Commission has typically focused on only having one meeting during those months to give a summer break for the Commission and staff. And also in the months of November in December it's been tradition that the Planning Commission cancel their second meeting of the month during those two months

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because of concerns related to the Thanksgiving and Christmas holidays. So staff would seek guidance from the Commission for adoption of a meeting schedule for the year.

Mr. Apicella: Madam Chairman?

Ms. Barnes: Yes, go ahead.

Mr. Apicella: I'd like to make a motion to accept the proposed meeting schedule as provided by staff with the exception of excluding the July 13, the August 10, the November 23<sup>rd</sup>, and the December 28, 2022 meetings.

Mr. Bain: Second.

Ms. Barnes: Okay, I have a motion by Mr. Apicella and a second by Mr. Bain. Any discussion? Okay, I'll start with a voice vote, again down at the end. Ms. Sellers?

Ms. Sellers: Yes.

Ms. Barnes: Mr. Shelton?

Mr. Shelton: Yes.

Ms. Barnes: And I want our clickers back next time. Mr. Cummings?

Mr. Cummings: Yes.

Ms. Barnes: Mr. Bain?

Mr. Bain: Yes.

Ms. Barnes: Mr. Apicella?

Mr. Apicella: Yes.

Ms. Barnes: Mr. Martinez?

Mr. Martinez: Aye.

Ms. Barnes: And the Chair votes aye as well.

Mr. Harvey: Thank you, Madam Chairman. As I mentioned earlier, I will note that there's no business scheduled to be on the next Planning Commission agenda for January 26<sup>th</sup>, so staff would recommend that the Commission consider canceling that meeting, if so desired.

Ms. Barnes: Do we need to make a motion, or can we just all do a happy dance?

Mr. Apicella: Madam Chairman, I would make a motion to...

Ms. Barnes: Okay.



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Mr. Apicella: ... I thought you said February 26<sup>th</sup>, I'm sorry, Mr. Harvey, earlier. So I would make a motion to cancel the next January meeting which I believe is January 26.

Ms. Barnes: Okay, is that a motion?

Mr. Apicella: Yes, ma'am.

Ms. Barnes: Okay, second?

Ms. Sellers: Second.

Ms. Barnes: Okay. Any discussion? Can we just do an all in favor?

All members: Aye.

Ms. Barnes: Any opposed? Okay, thank you.

4. 2021 Annual Report

Mr. Harvey: Madam Chairman, the next item on the Planning Director's Report is the 2021 Annual Report. State Code requires that the Planning Commission report its activities in the state of planning and zoning matters to the Board of Supervisors on an annual basis. Staff has taken the liberty of drafting a write-up for the annual report. And we'll take any comments from the Commission and make any edits as appropriate. And the Commission should at some point in time, consider taking a vote to adopt the Annual Report and transmit that to the Board of Supervisors. That concludes my report.

Ms. Barnes: Okay. Any discussion on that or...?

Mr. Apicella: Madam Chairman, With all due respect to our new colleagues, I think there were four of us here who are residents during the last year, I've looked at the Annual Report. I didn't see anything that stuck out at me. I would just say that it was a very productive year. I think a lot of activity occurred. I personally appreciate all the work accomplished by the Commission with the great help of our superior staff here in Stafford County and I would recommend adoption of the Annual Report as proposed.

Ms. Barnes: Okay, and that's in a motion?

Mr. Apicella: Yes, ma'am.

Ms. Barnes: Do I have a second?

Mr. Cummings/Mr. Shelton: Second.

Ms. Barnes: I'll give that one to Dexter this time, Mr. Cummings. Okay, any more discussion? Okay. All in favor? Voice vote.

All members: Aye.

Ms. Barnes: Any opposed?

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Ms. Sellers: Abstain. I wasn't here.

Ms. Barnes: Well, that's a good point.

Ms. Sellers: *Inaudible*... the votes. I will abstain. I don't know anything about last year, so.

Ms. Barnes: Okay, I thank you very much. So we have six ayes and one abstention. Okay, next order of business, County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: I have no report.

Ms. Barnes: Thank you. Brevity, as usual, we appreciate that. Okay. I don't believe that we have any Committee Reports right now; we have no standing committees started yet. So we can skip over that one. Or am I correct in assuming? I don't remember that we have any. We've done all the business and everything we needed to do in 2021 and packed it all in there. Alright. Okay, Chairman's Report; I guess that comes to me. I just want to say it is great to be back just in time for another possible storm system to come through. And let's hope that we all fare a little better than the last round. I think I heard somebody say, I love snow, but I love electricity even more. And I think I would just like to, to agree with that. Again, I want to thank everyone for the support. And I will try and run these meetings, at least as well as my predecessor. I think that we have a great group with a diverse set of talents and experiences. And that will bring a well-rounded approach to land use decisions. So let's all hope that we get to stay in person, and that as we continue to manage this pandemic, that seems to be changing almost on a daily basis and I hope that we can all continue to meet in person. At this point, I think that as the agenda goes, I have some appointments to make. Am I correct in that order, Mr. Harvey?

COMMITTEE REPORTS

NONE

CHAIRMAN'S REPORT

5. Appointments
  - \* Architectural Review Board
  - \* Economic Development Authority (Liaison)
  - \* Parks and Recreation Commission (Non-voting member)

Mr. Harvey: Yes, ma'am. The Planning Commission does have a member who participates on the Architectural Review Board. The Architectural Review Board meets on the first Monday of each month at 6:00 PM. The Planning Commission also has an advisory member who sits on the Parks and Recreation Commission. They meet on the third Thursday at 7 o'clock PM. And then also the Planning Commission has a liaison to the Economic Development Authority, and Economic Development Authority meets the second Friday of each month at 9:00 AM.

Ms. Barnes: Okay. And for those, do I just make an appointment, or do we have to have any motions? I don't remember how we did this.

Mr. Apicella: Madam Chairman, it's within your purview to make the appointments.

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Ms. Barnes: So, for the Architectural Review Board, I'd like to reappoint Al Bain, if he will accept that, of course. For the Economic Development Authority, I would like to appoint Dexter Cummings, if he will accept that. Thank you.

Mr. Cummings: Yes, Madam Chairman.

Ms. Barnes: And for the Parks and Recreation Committee, I would like to appoint Mr. Martin Martinez.

Mr. Martinez: Thank you, Madam Chair.

Ms. Barnes: I appreciate that. Thank you very much. Okay. On to the next. And then we have new TRC submissions; Quantico Corporate Center. As I recall, we don't... we just announce this?

OTHER BUSINESS

6. New TRC Submissions
  - \* Quantico Corporate Center Building "The Qube" - Griffis-Widewater Election District

Mr. Apicella: We just announce it, Madam Chairman, and the respective Commissioners get a package associated with their TRC item.

Ms. Barnes: Okay. And under the next item on the agenda is approval of minutes and I guess we have none of those yet that are prepared for us. Okay. And with that, I believe that we have completed our business and we are in adjournment.

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:54 PM.