

# **STAFFORD COUNTY PLANNING COMMISSION**

***June 9, 2021***

The meeting of the Stafford County Planning Commission of Wednesday, June 9, 2021, was called to order at 4:30 PM by Chairman Steven Apicella, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center and at remote locations throughout the County.

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

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Joseph Valotta, Kathy Baker

Mr. Apicella: This is Steven Apicella, Chairman of the Stafford Planning Commission. I call this meeting to order. Before we get started, I request that Mr. McPherson and I be authorized to participate today from a remote location...

Mr. Randall: Mr. Chair, we need to add Mr. Cummings to that as well, please.

Mr. Apicella: Okay, and Mr. Cummings as well, and would ask the Commission approve our electronic participation.

Mr. Bain: So moved.

Ms. Barnes: Second.

Mr. Apicella: Thank you. All in favor say aye.

All Commissioners: Aye.

Mr. Apicella: Opposed? Alright, thank you everybody. Two more quick points to make. Voting on motions will be conducted by voice vote, and if we have any technical issues during the meeting, Mr. Randall will serve as Acting Chairman. Are there any declarations of disqualification on any matter? Alright, seeing none, I'll move on in the agenda to the public presentations portion of the meeting. The public may have up to 3 minutes to speak on any matter except the two public hearing items on today's agenda. There will be a separate comment period as those two items come up. Just to let everyone know, items 3 and 4 related to Vulcan Quarry are deferred until the June 23<sup>rd</sup> meeting; however, if anyone in the audience wants to comment on those items, they can do so during this portion of the meeting. So, anyone wishing to speak, before you start your comments, please state your name and address. The green light means please go ahead and start your comments. Yellow means 1 minute's left, and red means your time is up. So, if there's anyone in the audience who would like to provide public comments, please come forward now.

## DECLARATIONS OF DISQUALIFICATION

## PUBLIC PRESENTATIONS

Mr. Long: Good afternoon. My name is Alex Long. I am a real estate broker and planner, and am here before this Planning Commission this afternoon with an idea and a request. The idea is to have a work session on a project before there's a formal submission. This project is 163 acres, known as the Honey Farm at Riverside. It is bounded by the Rappahannock River, I-95, and the existing Riverside Business

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Park. The lower right-hand corner graphic, the beige area is the 163 acres; the violet colored area is the existing Business Park which has 233,000 square feet of office flex, and it also includes the dinner theater. Why are we requesting a work session before a formal submission? The fact is, it costs a tremendous, tremendous amount of money, time, and effort to put a formal application together. Gaining an understanding of what the County expects and having a fair and productive exchange of ideas is incredibly important to gain some type of understanding. Understanding does not mean that we're going to agree. We can disagree, but just long as we kind of understand that perhaps Stafford wants more density, less density, you want more apartments, less apartments, more townhouses, you want more, uh, employment center, less employment center. These are ideas that are really important. And perhaps this concept has not been done in Stafford with the Planning Commission a long time. Well, it's a good reason to start and indeed there's much work that has to be done to do the protocols to set this up. Presently, what we're working on is to get an... what we call an employment center anchor, looking for a hundred to 200,000 square-foot user of office quality flex. By the way, GEICO, GEICO, a little company here in Stafford, they started, they started in that 99,000 square-foot building. That's where they started here in Stafford. We want to grow something else like that. Presently, we do have a layout and we're working on this. All this is subject to change and would very much welcome a dialogue, a dialogue which is constructive for the people of Stafford County, a dialogue which is constructive for the development – not just this development, but also the development community at large – to have this exchange of ideas and have this conversation. And that is the request. And that's the idea. Thank you very much.

Mr. Apicella: Thank you sir. Is there anybody else who would like to provide public comments?

Ms. Rys: Hi. Lori Rys. Two weeks ago I spoke to you about my greatest concern of the Vulcan expansion proposal, concrete crushing. As I said, I learned of Vulcan's permit from the Division of Mineral and Mines to crush concrete on the Pollard Tract adjacent to Eastern View was granted solely on storage space available on that Tract. The inspector said that generally it's not an activity bordering residential land. Typically, this caustic activity is reserved for either an industrial area, like the facility next to 66, or a rural setting far from long established neighborhoods. At the community outreach meeting, Vulcan representatives confirmed that they would use portable crushers to crush the concrete around the Pollard Tract. Representatives normalized this and were almost dismissive of my questions. Concrete crushing – sounds bad, right? Well, I looked at it and what Vulcan had to say about it in their safety data sheets pulled from Vulcan's website. It's 7 pages, but I'll share the highlights. The title is called "Recycled Crushed Concrete." It's a Category 1A carcinogen, but only a Category 1B for skin irritation. The hazard statement reads, *Causes severe skin burns and eye damage; may cause cancer (inhalation); may cause respiratory irritation; may cause damage to organs (lung/respiratory system) through prolonged or repeated exposure (inhalation)*. Again, this will happen where we live. Supplemental information says that recycled crushed concrete may be subjected to various natural or mechanical forces to produce small particles (dust). Repeated inhalation of respirable crystalline silica may cause lung cancer. Respirable crystalline silica-containing dust, may be generated during processing, handling, and storage. Use personal protections. There's an entire half-page table detailing the correlation between size of dust particles and the distance they would travel. Exposure guidelines say that the total dust levels should be monitored regularly to determine exposure levels. Again I'll ask you, do you know where the closest DEQ particulate matter monitoring station is? I do. On May 27<sup>th</sup>, the Potomac Local reported that Vulcan's cleaning up its act. The article said that Vulcan will use wheel washes and street cleaners to control dust on the roads after Stafford County officials requested them to follow the proffers from 2001. Again, County officials had to ask Vulcan to control dust even though they should have been already. Allowing Vulcan to expand to bring concrete plant to their property to

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crush concrete next to my neighborhood when they cannot adhere to their current proffers or follow the ordinances currently in place is a dangerous proposal. Thank you.

Mr. Apicella: Thank you ma'am. Anybody else?

Mr. Grabner: My name is Duane Grabner, and I'm also here to voice my concerns about the Vulcan Quarry proposal plan. I understand that Vulcan provides a significant economic impact or economic benefit to Stafford County, and I'm not asking them to stop their current operations. However, with a proposal to expand the quarry closer to residential areas and additional con... addition of the concrete plant, it seems that health concerns outweigh the economic impact of this proposal. Tonight I'm going to focus on noise and the health benefits... or the health impact of noise. My question to the Commission is, are the health effects of noise being considered by the Planning Commission? The berm that was established by the quarry does not dampen the noise as it was intended to. Instead, sound travels over the berm and reverberates throughout our neighborhood. Noise from the quarry sometimes sounds like it's coming from the opposite direction of its source. The noise pollution will likely increase if the concrete plant is established and the quarry operations expand closer to our neighborhood. There has been significant studies or research by several organizations, and one is including the WHO, or the World Health Organization if you will. In 2018, they released new guidelines to counter noise pollution. And this was based on the growing understanding of the health impacts of exposure to environmental noise. Numerous other health organizations and experts have conducted studies that include noise pollution... or that conclude noise pollution can cause high blood pressure, heart disease, sleep disturbances, and stress. These issues can affect all age groups, but especially children. There have been studies indicating that noise has adverse impacts on memory, attention level, and reading skills. As part of our natural survival instinct, the brain constantly listens to signs of danger... or to sounds as signs of danger. These noises can trigger anxiety, stress, and can lead to health issues such as hypertension. Allowing for overnight and early morning operations of the concrete plant will make these issues worse as it interferes with sleep. I ask that the Planning Commission consider the health risk, especially these health risks of noise, when you deliberate the Vulcan proposal. Thank you.

Mr. Bain: Mr. Grabner, Mr. Grabner, excuse me.

Mr. Grabner: Yes?

Mr. Bain: What was your address again?

Mr. Grabner: 28 Garfield Street.

Mr. Bain: Garfield, thank you.

Mr. Grabner: Yes, thank you.

Mr. Apicella: Thank you sir.

Ms. Kortman: Hi, I'm Carrie Kortman, also discussing Vulcan Quarry. I just wanted to make the point that we lived here from 2008 until 2012 in our home, and in that time I barely heard the quarry. And I heard neighbors down lower that did hear it. But upon returning in 2017 to the same home after the berm was put in, it is definitely a noticeable increase that I can hear on a regular basis. Now, I also believe that there's other things going on closer to our neighborhood already that should not be going on near our neighborhood, and I hope that that's enforced; that they're not following the current proffer that

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says they're not allowed to do things on that piece of land right next to our neighborhood except to store things. But it sounds like they're grinding things. I know that there's been an inspection showing that that's happening, not from you all but from the Department of Energy, Mines and... But, going forward, I believe that the whole point of when they originally got permission to change from Agriculture to the Heavy Industrial, they put that in there as a protection for our neighborhood. But now they're looking to take that away, and they're also looking to add more land, add another berm, and propose the same conditional use on the next piece of land, which 20 years from now they're going to change again. And where is that going to stop? They're going to go... they're going to take the agricultural land that it changed to heavy industrial with the condition that they're not going to do these things on it except for store items. But that's what they told us, too. But now they're looking for this new land. I just don't want it to happen in another neighborhood like it has to ours. And I would hope that they're not given permission to do those things right next to our property. That's all.

Mr. Apicella: Thank you ma'am.

Mr. Rys: Good afternoon, I'm Jeff Rys. In the meeting here on 12 May, much was made about the benefits Vulcan provides the community. Are they some kind of charity? Do they give things to the County? No, they're a business that digs up the natural resources of Stafford County and sells them for a profit. Which is okay. A good business is supposed to make money. But the \$134,000 paid in taxes by Vulcan in 2018, and the 28 employees, are sunk costs. That's the cost of doing business for Vulcan. Vulcan isn't here to pay taxes; it isn't here to provide jobs, benefit the County, or out of the goodness of their heart. They are here because they can make money selling rock and gravel. And all the while creating wear and tear on our roads with their heavy trucks, adding to the congestion on 610, dragging dirt, dust, and small rocks out onto 610 from their facility on... from their facility, and degrading the quality of life from the surrounding neighborhoods. On May 12<sup>th</sup>, Vulcan said they supported 63 employees and retirees in the area. When asked how many employees, Vulcan gave differing numbers; said between 20 and 28. I went ahead and went with the 28, giving them the benefit of the doubt. That means they support 35 retirees. It's unclear outside the pension which retirees will receive if the mine was operational or not. What support does Vulcan provide? Is there a medical facility or some kind of company store on the mine site? Mr. Randall, on the 12<sup>th</sup>, you said that Vulcan should talk with their neighbors and work things out. Sir, we have talked with Vulcan, over and over. Before I bought my house I talked with the mine Supervisor who told me when the Hampton Pit was coned out, the whole mine would be turned over to the County for park land. We now know this isn't going to happen in our lifetime. In 2013, when Vulcan started building the berm next to Eastern View, I was deployed overseas at the time but Walter Beck sat in my dining room and told my wife, it's our land and we'll do whatever we want with it. I went to a community meeting with Vulcan a couple months ago and received threats; if we don't get what we want, we'll be back in the original pit closer to your house all the sooner. And, what do you care what we do over by the other neighborhoods? And, why are you worried what we're going to be doing in 50 years? You're not even going to be around then. Vulcan has little regard for its neighbors and... or care how its operations affect Stafford County. They only care about staying operational and making profit. 2135 – 114 years from now. Vulcan wants you to lock in their operation for over a century into the future affecting the County for generations to come. My neighborhood was built next to a farm zoned A-1. Vulcan bought the tract and got the County to rezone it to M-2 with the condition that it be not actively mined. Now Vulcan wants to move the goalpost again. They want to drop the conditions and mine as close as possible to our homes. We are not moving closer to the mine; they are steadily coming right at us. No more. No more rezoning. No more expansion. No more removing proffers and conditions for Vulcan. Just no more. Thank you for your time.

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Mr. Apicella: Thank you sir. Alright, is there anybody else who would like to come forward and make some comments?

Mr. Johnson: Sorry, just made it here out of traffic. I have a little sticky with notes so you're going to hear a little rambling. Mike Johnson, in back of Eastern View right where the berm ends. So, I know I'm speaking to the same board as a couple weeks ago but I'll regurgitate a little bit to recap for the record. I'm right about where the berm ends. The complaints, the things I'm about to share with you, are not to complain about the current practices, because I moved there when Vulcan was in existence. But I hear the trucks back up; that loud beeping noise, I hear it all day long. I hear the noise of the friendly beeps hello as they pass each other. And I hear the noise of gravel that hits an empty metal truck bed. It's loud. My house shakes when the explosions go off. It's not the end of the world. I moved there 6, 7 years ago; I knew what I was getting into. But now they want to change the, the game a bit. So, before I get to my questions at the end, just a couple things. I've been almost lifelong Stafford County resident. I have a memory of 17 years old, first car, driving behind a Vulcan truck. We don't live that far. The Vulcan truck drops some rocks, breaks my windshield. Not the end of the day. I call Vulcan, right. A broke 17-year old. I'm gonna get myself a windshield. You can't prove that rock came from our truck. And I'm like, are you freakin' kidding me? Now I get their perspective, right, if they had to fix every windshield that claimed to be from one of their trucks. But I'm like, are you serious? And the reason I share that is I have a broken windshield right now that I'm hoping doesn't crack on my side of the windshield so I can make it till inspection time. And so I know there's no way to necessarily prove, but I can tell you I lived in Michigan for 10 years and replaced zero windshields. I am on at least one every three year windshields living here. It's insane. If you drive by Vulcan, I think they do a pretty good job at trying to clean it up once a day, once a week, I don't know how often, I don't watch. You can see the line of all the rocks from the trucks. I mean, it's part of business, I get it. But that's, that's an impact to the community. And we want more trucks, more hours, and more blasting. So, a couple of things that the Board talked about last time that I want to bring up, is the sound study. I hope that we're going to push for a third party to get that sound study. Because if I was Vulcan and I had to get my own sound study to get my own thing approved, I'm gonna give you the best results possible. Additionally, are we gonna sound study the blasting? Because I'm not as worried about that as the ambient noise. Like I talked about the rocks, all of that stuff. And if you want to add a concrete plant, that's gonna increase right. I can throw a rock to where that's gonna be. And ironically, I have to drive by it to get here. It smells. And there's trucks there all the time. Um, as far as the proffers, they're extremely confusing. I think someone on the board last time mentioned trying to get those cleaned up. As a person of the public, let alone you on the board, how do you know what you're voting on? They just give you these new lofty proffers. What's being... I want to see like a track changes. What's being deleted, what's being added, what's being modified, because it is not clear to the public. Um, and additionally, as the gentleman before me, they're proposing some serious changes for years to come, and you're the only barrier. You approve this... you know, they might come back to change them again but this is the County's only chance. So I just ask that you continue and I think you were asking good questions last time. Please fight the good fight for us because at the end of the day, I mean, we get to vote, we pay a lot of taxes. I know, as the previous gentleman said, I don't they provide a whole lot of benefit to the County. So, thank you for looking out for us.

Mr. Apicella: Thank you sir. Okay, last call for public comments. Alright, seeing no one else, I'm going to close the public comment period and move onto the first item on the agenda. Mr. Harvey?

PUBLIC HEARINGS

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1. RC20153340; Reclassification - Mainline - A proposed zoning reclassification from the R-1, Suburban Residential Zoning District to the UD-3, Urban Development - Residential Mixed Use Zoning District on Tax Map Parcel Nos. 45-67, 45-67A, 45-69, 45-94, 45-95, 45-96 (Property), consisting of 44.55 acres, to allow for the development of up to 264 apartments and 114 townhomes. The Property is located on the north side of Warrenton Road, approximately 3,000 feet east of Interstate 95, within the George Washington Election District. **(Time Limit: September 17, 2021)**

Mr. Harvey: Mr. Chairman, Joe Valotta will be making the presentation for item number 1, which is a zoning reclassification for a proposed project called Mainline.

Mr. Valotta: Good afternoon Mr. Chairman, Planning Commissioners, I am Joe Valotta of Planning and Zoning, presenting the Mainline residential rezoning project. The request is a reclassification from the R-1, Suburban Residential Zoning District to the UD-3, Urban Development – Residential Mixed use Zoning District for the purpose of developing a maximum of 264 apartments and 114 townhomes. The property is approximately 44½ acres. Richard Counselman is the application and Charlie Payne is the agent. And this property is located in the George Washington Election District. It's zoned R-1, Suburban Residential, and partially located with the Highway Corridor Overlay. It's located on the north side of Warrenton Road, approximately a half mile east of Interstate 95. And abutting zoning districts include Suburban Residential to the north; Convenience and Urban Commercial and Heavy Industrial to the south; Suburban Residential, Light Industrial, and Urban Commercial to the east; and Light Industrial and Urban Commercial to the west. A portion of the property is currently developed with two single-family detached dwellings and associated out-buildings, and the rest of the property, the majority of the property is undeveloped and wooded. The Falls Run stream extends along the northern boundary of the property and an associated RPA buffer is located around the stream channel. There are some wetlands onsite which are identified on the GDP. Slight... or excuse me, site topography slopes downwards from south to north and, in terms of existing abutting uses, um, to the north on the far side of Falls Run, there are single-family detached homes. To the south are single-family homes and various commercial and industrial uses, as well as a manufactured home park. Office and mini-storage uses are to the east. And to the west are automobile sales and vacant commercial property. Um, this plan depicts the proposed design of the property, which again would include 264 apartments and 114 townhomes. And generally the apartments are located on the west side of the property and the townhomes on the eastern region of the property. Also, a clubhouse and community pool would be located to the south near Warrenton Road. The multi-family units would be housed in 11 three-story apartment buildings and 84 one-bedroom apartments are proposed, as well as 132 two-bedroom apartments and 38 three-bedroom apartments. The apartment buildings are arranged in groups with travelways and parking areas surrounding each of the groups. And the plan identifies potential points for inter-parcel street connections to the properties to the east and west. Also, a sidewalk network extends along each side of each of the apartment buildings and along the street frontages of the townhomes, creating an inter-connected walkable community. And there are open space and amenities areas proposed throughout the development. And some of the amenities features include dining and grilling areas, bike racks, a multi-purpose ball court, firepit, um, tot lot, and a dog park. And again, the proposed zoning is UD-3 and the UD zoning district requires a density between 11 and 14 dwelling units per acre for, um, apartments and a density for townhomes of between 5 to 8 dwelling units per acre. And the proposed densities being considered tonight for multi-family, the multi-family density is 13.96 dwelling units per acre and the townhome density is 7.74 dwelling units per acre, both of which are within the UD regulations. And the proposed development would provide 25.2% open space, which exceeds the 25% requirement. Taking a look at the Comprehensive Plan, the Comprehensive Plan's Future Land Use Map classifies the property within the Urban Services Area, and also within the Warrenton Road Planning Area and

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Targeted Residential Growth Area. And the more detailed land use concept for the Warrenton Road Planning Area designates the property for mixed use, commercial, and residential. The Comprehensive Plan establishes a goal with accommodating 50% of projected population growth within TGAs, and the plan also recommends a density of between 11 and 14 dwelling units per acre for multi-family units. And zoning districts such as R-2 and R-3 would not permit such a multi-family density, and so for that reason staff finds that a UD zoning classification is generally appropriate for this location. Um, the Comprehensive Plan also recommends development of 4¾ million square feet of commercial space. This project has no commercial component to it; however, staff does note that the limited street frontage of the property may make it less conducive to commercial development. The plan also recommends that undeveloped portions of the planning area are developed in the near term in 2026, and the projected build-out for this project is 2025. And, uh, staff believes that the proposed development is generally consistent with the TGA recommendations, and is also consistent with Comp Plan objectives that recommend channeling growth into the Urban Services Area and promoting infill development on vacant land. The proposed architectural design of the multi-family units is consistent with many of the recommendations in the Neighborhood Design Standards Plan. Going through some of those consistent features, the basis of the buildings consist of brick. Vinyl siding is not used as a primary façade material. The façades are breaking up horizontally with recesses and projections, and the buildings are oriented towards the streets. And proposed proffers would require that the multi-family units and the townhome units are developed in general conformance with the building designs. And taking a look at the townhome design, they are also consistent with many of the recommendations in the NDS Plan. The design includes varying style and building materials from one unit to another within a row of townhomes, while plain recesses and projections across the façades and also varying roof styles from one building to another within the row of townhomes. Staff has evaluated how this request will impact these listed public facilities. This rezoning is subject to the July 1, 2019, proffer legislation. And under the State law, proffers to mitigate offsite public facility impacts are limited to transportation, public safety, schools, and parks and recreation. The proffer must be tied to a need that is in excess of existing public facility capacities. Taking a look first at schools, the project would generate approximately 122 students; that's 62 from the townhomes and 60 from the apartments. For the purposes of the proffer mitigation, the impacts of 58 students were evaluated, and that number excludes the 64 students that could be generated from by-right development under the current R-1 zoning. And this table identifies available capacity at the receiving schools as of September 2019. Falmouth Elementary is identified as having adequate capacity. Drew Middle School and Stafford High School however are identified as having a service level deficit since the current student enrollment exceeds the 90% threshold for student capacity. And from this information, the applicant has estimated a per unit monetary contribution in order to mitigate the impacts.

Mr. Randall: Excuse me, Mr. Valotta...

Mr. Apicella: Hey Joe?

Mr. Randall: ... question for you.

Mr. Valotta: Sure.

Mr. Randall: Sorry, Mr. Chair. The capacity numbers – elementary school was program capacity and then middle school and high school were design capacity? Or were they all program capacity or all design capacity?

Mr. Valotta: I'm not sure. I would need to double-check... *inaudible, being talked over.*

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Mr. Randall: Yeah, that will change those numbers significantly being that elementary schools are based on a program capacity, not a design capacity as elementary... or as middle and high school are. Thank you.

Mr. Apicella: Joe, can you help me understand why we're not revisiting these numbers? It's almost been two years. So, the application is just now in front of us, things have clearly changed in the almost two years since these figures were provided. So, help me understand why we're not looking at more current information?

Mr. Valotta: Sure. So, we received the application last summer before the pandemic and these numbers were drawn up then. And it, it might actually be a more conservative approach to use these numbers since they would probably be higher than 2020/21 student figures with so many pupils going to school remotely.

Mr. Harvey: Yes, Mr. Chairman. And the work that the Planning Commission's subcommittee for the Comprehensive Plan has been doing, the subcommittee recognized the desire to look at, um, projections based on the 2019 enrollment because of the effects of COVID on the school system. Due to the pandemic, school enrollment had dropped significantly, especially in elementary school categories, and the feeling was that for projection purposes, 2019 was the best available date that we had.

Mr. Apicella: Okay, that's a fair point. I at least asked the question.

Mr. Randall: Well, I have a follow-up question to that. So, I would like to see the schools projected capacity numbers. Um, the last I looked, their projections are about a 700 to 800 student increase over last year. They're expecting everybody to be back in school. They're expecting a huge influx of students. And so, they've done a significant amount of research to determine that, so I'd like to see what those projected numbers – now, again, those are all projected, we understand that, right. But they're normally, if they're off they're not off by a lot. And I would like to see those numbers compared to the 90% threshold capacity that we're talking about in conjunction with program capacity for elementary school, design capacity for Drew and Stafford. Thank you.

Mr. Valotta: And that is something that we can provide to you.

Ms. Barnes: Steven, can I make another point on that please, too?

Mr. Apicella: Please, go ahead.

Ms. Barnes: I seem to remember that the numbers went down for elementary and middle, but they actually went up for high school. If I'm correct, if I remember correctly. They actually went up significantly for last year surprisingly with COVID. So that might be something we need to consider, too.

Mr. Apicella: Alright, unless anybody else had any questions about this slide, you want to go ahead, Mr. Valotta?

Mr. Valotta: Sure. So, moving forward to parks and recreation, staff has determined that, uh, there's adequate park capacity in this location. The 2017 Parks Utilization Plan has, um, defined this area as having adequate parks. With regard to public safety, the site is within the first response area of Falmouth



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Fire and Rescue, and it was determined that a level of service deficit does exist at that fire station and determined that staff used Stafford's Fire and Rescue response time standards. The standard is to respond to a call within 8 minutes 90% of the time, and at Falmouth Fire and Rescue at Station 1, the 90<sup>th</sup> percentile response time is over 8 minutes. So, for public safety, the applicant has also, uh, proffered a by-right monetary contribution. And looking at transportation, a Transportation Impact Analysis, a TIA, was provided in conjunction with the application. It estimates 2,295 vehicle trips per day with 143 trips occurring during the AM peak hour and 178 vehicle trips occurring during the PM peak hour. And the TIA evaluated three intersections and those intersections are the intersection of Warrenton Road, Old Forge, and RV Parkway; the intersection of Warrenton Road and Glen Alice Drive, which will also function as the entrance to the site – or I should say that's where the entrance to the site will be located; and then third, the intersection of Warrenton Road, Solomon Drive, and Lendall Lane.

Mr. English: Joe, can I ask you a question?

Mr. Valotta: Sure.

Mr. English: And I don't know if I'm too early or not. But are they planning on putting a traffic light in that area? I know they just put one up there at Old Forge, but...

Mr. Valotta: Yeah, they just put one in at Old Forge and that is incorporated into the Traffic Analysis.

Mr. English: But they don't know when that traffic light would go in though, would they?

Mr. Valotta: I think it... I thought it was constructed already.

Mr. English: The one at Old Forge is.

Mr. Valotta: Right.

Mr. English: But the one I'm talking about for this entrance to this subdivision.

Mr. Valotta: Oh, no, there is no, there is no traffic, um, signal in the works at the 17 and Glen Alice intersection.

Mr. English: So, are there even any traffic calming measures or anything that they're thinking of putting in there if that was the case?

Mr. Valotta: Well, so the Comprehensive Plan recommends that, um, intersections operate at a level of service C or better, and the TIA found that at that intersection, even with development, level of service will actually operate at a level A, so a traffic light wouldn't be necessary to mitigate any impacts.

Mr. English: Okay, thank you.

*Inaudible, microphone not on.*

Mr. Valotta: Uh, the Comprehensive Plan recommends that intersections operate at a level of service C or better, and the site entrance intersection, Warrenton Road and Glen Alice Drive, was estimated by the TIA to operate at a level of service A, which... the best letter rating.

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

Mr. Harvey: Commissioner Bain, can you please put on your mic?

Mr. Bain: Oh, I'm sorry. I thought I had pushed the button. Yeah, I don't understand with the traffic problems that are on Route 17 how the entrance to this development could ever be considered level A. Um, during the rush hours, 17 backs up between 95 and Route 1 almost to a solid standstill. It just... that does not make sense to me. Can you explain that further?

Mr. Valotta: Sure. I guess I should have mentioned during the GDP slide that the applicant has proffered to construct a right turn taper going from Warrenton Road into Glen Alice Drive in order to help mitigate some of the traffic, and that was consistent with the TIA recommendation for maintaining levels of service. And also, um, was reviewed by VDOT, preliminarily reviewed by VDOT and they were happy with the improvement.

Mr. Randall: So, to build onto that, so if I'm coming off of 95 and I want to make a left-hand turn into this development, how would I do that?

Mr. English: You gotta go down and come up.

Mr. Valotta: Um...

Mr. Randall: Do I back up traffic and wait till somebody lets me in so I can make a left-hand turn?

Mr. Valotta: I believe so, because I believe it's undivided in that location.

Mr. Randall: It is undivided, it is undivided, that's correct. Alright. So, making a left-hand turn would probably be impossible during certain hours of the day.

Mr. Valotta: Potentially, yeah.

Mr. Randall: Potentially. I wouldn't want to be the one trying to make that left-hand turn.

Mr. Harvey: Commission Randall?

Mr. Randall: Alright, thank you. Yes.

Mr. Harvey: I understand at some sections of Warrenton Road in this area have the unrestricted left turn lane, and I believe this is part of that area. But the traffic consultant has indicated he can provide more detail. I see him nodding his head in the back of the room.

Mr. Randall: Uh, yeah, he'll have to do more than nod I'm afraid. Okay, thank you. And do we have the attachment... do we have the TIA as attachments?

Mr. Valotta: Yes, it was included as one of the attachments.

Mr. Randall: Alright, thank you.

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Mr. Valotta: And then, so this table shows the no build and build conditions at the Warrenton Road, Old Forge, and RV Parkway intersection. It shows that this intersection will function at an LOS D with or without this development. And while the project does contribute a slight increase to the delay times and to the queue lengths, it does not degrade the actual level of service at the overall intersection or at any of the individual movements. And this is consistent with Comprehensive Plan policy for impacted road sections where achieving an LOS C is not, uh, practical given existing deficits. And also, as I mentioned, the LOS at the other intersections will function at an LOS C or better under the 2025 build conditions. The Glen Alice will function at a level of service A and the Warrenton Road/Solomon Drive/Lendall Lane would function at a level of service C as well.

Mr. Bain: Would you please go back to that? Where, where is that level of service C you were just talking about?

Mr. Valotta: Oh, that's, um, that is for the other studied intersections. This intersection...

Mr. Bain: Oh, this is just the Old Forge...

Mr. Valotta: Yeah, and those, um, those tables that show the other intersections operating at level C and level C are in the TIA.

Mr. Bain: Okay.

Mr. Randall: Okay, so... yeah, we're not done. So, I'm going eastbound, right. What's the L stand for? In the movement?

Mr. Valotta: When you going eastbound, that would be for a left turn.

Mr. Randall: A left turn... okay. And then T is what, straight?

Mr. Valotta: Through.

Mr. Randall: Through. R is going right, turning onto Old Forge, correct?

Mr. Valotta: Correct, yeah.

Mr. Randall: From Warrenton onto Old Forge?

Mr. Valotta: Yes.

Mr. Randall: Okay. And you're... and so, let's say in the morning, so this is, this is PM; so we don't have AM numbers, right?

Mr. Valotta: They're in the, um, in the TIA, but in the slide show just the PM peak hours.

Mr. Randall: Okay, so what you're saying is coming off of 95 going eastbound that, and I'm going straight, that the delay goes from 41 seconds to 47 seconds? And that it backs up normally 765 feet and now it's going to back up 992 feet?

Mr. Valotta: Correct, yes.

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Mr. Randall: So, there's 150, 160 extra feet and it's going to delay it 6 seconds.

Mr. Valotta: Correct, yes, yes. And that does not impact the overall...

Mr. Randall: No, no, no. I understand it doesn't impact it on paper, right, but that's a significant, that's a significant delay and it's not going to be more than... it's going to be a lot more than 6 seconds so. I don't know who's driven that road at 4 o'clock in the afternoon and think that a 150-foot back-up's going to be a 6 seconds... or a Saturday... that a 150-foot back-up is going to be a 6 second delay. That could be three traffic lights...

Mr. Valotta: Sure, yeah.

Mr. Randall: ... depending on the light at the 7-Eleven and all of those things. And three traffic lights signals isn't going to be 6 seconds, so. Anyway, the numbers to me are very suspect... *inaudible*. Alright, thank you.

Mr. Valotta: I would, uh, I would ask the applicant's traffic engineer to comment.

Mr. Randall: Yes, agreed.

Mr. Valotta: Okay, so looking now at general government, staff has determined that a deficit exists with general government services based on current capacity issues with the courthouse and government center. And, to address this, the County's CIP includes construction of a new courthouse facility, which is scheduled to be completed in the year 2030, 5 years after projected build-out of this project. And finally, looking at libraries, libraries are identified as having an adequate level of service through the build-out of this project. The Comp Plan doesn't identify a need for a new library until the year 2023, which is next year, I know. So, taking a look at the monetary proffer contributions that I mentioned earlier, the applicant has proffered contributions to mitigate impacts to schools and to public safety. And taking a look at the school contribution, it would be, um, \$6,608 per townhome unit and \$2,902 per multi-family unit. And for public safety, the proffered cash contribution is \$639.99 for townhouse units and \$562.41 for multi-family units. And those, those dollar amounts take into account the by-right credit for, for... they take into account a by-right credit.

Mr. Randall: So, can you go back to that please?

Mr. Valotta: Sure.

Mr. Randall: How do these compare to your recommendations, to staff recommendations, the level of service deficiencies?

Mr. Valotta: I calculated the same numbers based on...

Mr. Randall: Did you do an independent calculation or was your calculation given to them and they just met it?

Mr. Valotta: I checked it. I did an independent calculation with the student generations.

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Mr. Randall: Okay. So the question I have for you is we have 3-bedroom town... we have a 3-bedroom apartments, correct?

Mr. Valotta: Correct, yes.

Mr. Randall: How many of those do we have?

Mr. Valotta: Um, I will need to look. I believe it's 84.

Mr. Randall: Eighty-four or 82, right; I thought it was 82. It could be 84.

Unknown audience member: *Inaudible, not at microphone.*

Mr. Randall: Three-bedroom?

Unknown audience member: *Inaudible, not at microphone.*

Mr. Randall: Thank you.

Mr. Valotta: Eighty-four is the 1-bedroom.

Mr. Randall: Eighty-four is 1-bedroom. So how do the 38 compare to the townhomes when it comes to student generation?

Mr. Valotta: Right. So, that was not, uh, taken into account. It was just a multi-family figure. There wasn't a separate multi-family figure used for...

Mr. Randall: But the townhomes are 3-bedrooms.

Mr. Valotta: I don't know how many bedrooms they are but their student generation figure is a higher number than the apartment student generation.

Mr. Harvey: And Commissioner Randall, the information we get from the School Board does not distinguish the number of bedrooms. It distinguishes the student generation rate by unit type. So, multi-family units are all lumped together as one unit type.

Mr. Randall: Right.

Mr. Harvey: And you may recall in the Downtown Stafford discussion that we found where there were certain projects that had more 1- and 2-bedroom units generated less students than the countywide average for student generation rates.

Mr. Randall: Right. So, the other question I have is, um, public safety, right? And this was a generation, you know... I guess I should start by saying that public safety is not something that we can compromise, right, and I don't know exactly how we come up \$639.99. But it seems like we would want to do whatever we needed to do to make sure our level of service was sufficient, right. And so, I would... I guess in the whole process, again, multi-family unit, if you have a public safety concern, whether it's a townhouse or multi-family unit, you still need them there, right. The time they take to get there shouldn't depend, shouldn't matter whether it's a townhome or a multi-family unit. It should be the same, right,

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and yet we always continue to see it. And I'm making a general statement, because we always continue to see the differences of a multi-family unit response and a townhome response, and then a single-family resident response. And my comment is, why are those different. We want them there to give me a good level of service and a good response time no matter what kind of structure I have, right. It shouldn't be dependent on how many people or how many pets or how many dogs are in the unit. And so, my issue is, you know, did we talk to public safety and \$650, \$640 from each unit enough to mitigate their concerns to that whole area, you know. Or, does it need to be \$1,000 per unit, does it need to be \$1,500 per unit. Whatever it takes to give us the right level of service to that area is what we need, not the bare minimum. You know, public safety is one of those things that I think we should focus on. Anyway, enough, thank you.

Mr. Apicella: Mr. Randall, I think what you're asking is what is the ratio, how did we come up with these numbers. Is it based on the number of bedrooms? Is it based on the unit type?

Mr. Randall: Yes, thank you.

Mr. Apicella: How do you make the distinction that a townhome with 4 bedrooms necessitates \$562... I'm sorry, \$639 versus a multi-family that only needs or a somewhat small number of \$562? A call is a call, right; it really doesn't depend on how many people are in those units, in my opinion. So, that piece is a little opaque. At least the school information, although I don't necessarily agree with it, at least we understand how those numbers were derived. The public safety information is certainly less clearer, at least to me. It sounds like it's not for you either.

Mr. Randall: Yes, that's correct. Thank you.

Mr. Valotta: So, one of the attachments that was provided was a proffer analysis, and it has a few tables that break down how the, uh, that dollar amount was derived for public safety.

Mr. Apicella: So where is that?

Mr. Valotta: It is one of the attachments – it's Attachment 4.

Ms. Barnes: And Joe, can I ask for a point of clarification? Um, on your slide here, it says schools for multi-family \$2,902, and in the staff report it says \$2,802.

Mr. Valotta: Yes, that is... one of those is a typo. I would need to...

Ms. Barnes: Which one is it?

Mr. Valotta: I would need to defer to the applicant to correct me.

Mr. Apicella: So, if I'm reading this correctly, Joe, the way that the Fire and Rescue proffer is derived is based on square-footage?

Mr. Valotta: I believe so, yes. I would need to take a moment to go through the attachment to confirm. Or if Jeff could...

Mr. Harvey: Mr. Chairman, staff will get back to the Commission, um, if there's any follow-up after this meeting. And we'll provide a full explanation potentially for a future staff report.

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Mr. Apicella: Okay. And the other issue, I think Mr. Randall was speaking to it, we're not going to solve it tonight, I agree with him. I'm still mystified as to how we're calculating school proffers when the mix of units is different. So we're going based on averages, not based on the actual number of bedrooms in the proposal. It seems to me that somehow we're missing something and that may be something we want to talk to the school system about. In my opinion, it should be based on the number of bedrooms, not necessarily based on raw averages. That's just me, so, sorry. I'm sorry, Joe, please go on.

Mr. Valotta: Okay, so just to quickly summarize public facility impacts, uh, levels of service have been determined to be adequate in the categories of Parks and Recreation, transportation, libraries, and general government. And deficits have been found in the areas of schools and public safety. And the applicant has, um, proffered monetary contributions to offset those impacts.

Ms. Barnes: Joe, can I ask a point of clarification on that last slide?

Mr. Valotta: Sure.

Ms. Barnes: At time of build-out – what exactly does that mean?

Mr. Valotta: Yeah, so, that means that the, um, essentially that the new courthouse...

Ms. Barnes: That keeps getting bumped down the road?

Mr. Valotta: Yes. If it is built by 2030, it would be...

Ms. Barnes: So we're making an assumption on that one... inaudible, being talked over.

Mr. Valotta: Yes, I suppose it should say after time of build-out rather than at time of build-out. The projected build-out is 2025.

Ms. Barnes: I always find that troubling when we, when we put at time of build-out and the build-out keeps getting pushed down the road, then we end of with, you know, things that we... like this and then we get down there and that courthouse has been bumped or that high school has been bumped, etcetera, etcetera. And that's just my point of view on that.

Mr. Valotta: So, I believe with the new, uh, proffer legislation, we would not be able... it wouldn't be reasonable for us to request a, um, any sort of offsite contribution for general government. And looking at the proposed proffers, they would require development as generally depicted on the GDP; limit development to 114 townhomes and 264 multi-family units; require architectural design to be in accordance with the renderings; they would require an aggregate cash contribution of \$7,249.99 for townhome units and an aggregate contribution of \$3,364.41 for multi-family units. Proffers would also require construction of amenities prior to issuance of the 144<sup>th</sup> occupancy... 144<sup>th</sup> multi-family occupancy permit. Also proffers would limit uses on the property to townhomes, multi-family units, amenities, and home occupations.

Mr. Randall: Joe, a quick question. Can you go back? Thank you. Prior to issuance of occupancy of 144... do you know how this is going to be phased?

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Mr. Valotta: I do not. I would need to...

Mr. Randall: Okay.

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

Mr. Randall: Alright. So, the issue comes in where we say we're going to phase this in or it's going to take 3 years, 4 years to build-out. You could conceivably have people in that residence for 1, 2, 3 years before any of these amenities become available to them. And so, that's not just a problem here, it's a problem everywhere. Everybody wants to do it this way, right, where we build the amenities first so the very first occupant has the ability to use the amenities. This seems... it's hard to think that you're one of the 143 occupants and then for a year, 2 years, nothing's there available for you to use. So, anyway, I have one more thing that I forgot. I'll get back, thank you.

Mr. Bain: And I'll also point out on that, if you would, Joe, suppose they decide to do the townhouses first, then you've got 114 families out there with no amenities. And then they still have to build 144 of the multi-family units. So I think that that should be reconsidered to say maybe issuance of occupancy permits for 144 multi-family units or 50 townhouse units, whichever comes first. Something like that so that they... you know...

Mr. Randall: I would have them do it all at the beginning before they build one, but that would be my preference.

Mr. Bain: Yeah.

Mr. Valotta: So, continuing with proposed proffers, they would also require a 5% rental discount on the apartment units to Stafford County Government employees, and also require the deposit of \$100,000 into a third-party escrow account that would be utilized to assist active duty military, disabled veterans, and Stafford County employees in purchasing one of the townhomes. And also, proffers will require the construction of the right-turn taper at the entrance of Glen Alice Lane as shown on the GDP.

Mr. Apicella: Joe, before you move on, I need to understand, first of all, I think the staff report says that the first bullet here, the 5% rental discount would be hard for the County to oversee. The second bullet on the deposit of \$100,000 – who decides and how is that money distributed?

Mr. Valotta: Um, I will need to... it's stated in the proffer statement, if you'll just bear with me for just one second.

Mr. Apicella: I mean, I've got it here. Prior to the issuance of a certificate of occupancy for the first constructed townhouse unit, the applicant shall deposit \$100,000 in a third-party escrow account to be solely utilized to assist persons purchasing any townhome who was deemed a Hometown Hero. So, is it use until expended? Is it proportioned out?

Mr. Valotta: Yeah, it's proportioned... sorry to cut you off. It's, um, it would be, \$5,000 would be allotted per, per eligible individuals.

Mr. Apicella: So, for 20 townhomes.

Mr. Valotta: Correct, yeah.



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Mr. Apicella: And what happens if we don't have 20 people who qualify after we finish out with the 114<sup>th</sup> unit? Say we only have 5 people who would qualify.

Mr. Valotta: Sure. I would need to defer to the applicant. There isn't a contingency stated in the proffer statement for that.

Mr. Apicella: Alright. Thanks.

Mr. Bain: And does it apply only to the first buyer, or to if someone buys it and then sells it 5 years later to a Hometown Hero, would it apply then?

Mr. Valotta: The proffer states that, um, the funds may be used on resales.

Mr. Apicella: Again, I don't understand how that would work. So, I bought a townhome, I didn't qualify, and I'm selling the townhome, I'm the owner of the townhome. Joe Hometown Hero wants to buy the townhome. Who's applying for that, the person who's buying the house? Who's qualified under that program? I just need to understand how this works. I mean, I don't, I don't dislike the idea; I just don't know how it gets operationalized.

Mr. Valotta: Sure. So, I would need to, to defer to the applicant for further clarification. I will mention that the proffer does require that a spreadsheet tracking how the money is being used would be provided on an annual basis to the Zoning Administrator. But, again, it's not, at this time it's not clear how the County could use that spreadsheet to enforce the proffer.

Mr. Apicella: So, so, who's holding the money? Is it the developer or the County?

Mr. Valotta: The proffer says a third-party account. I would need to defer to the applicant.

Mr. Bain: Has this been done with any other development in the County that you know of?

Mr. Valotta: Not to my knowledge.

Mr. Bain: Not to your knowledge. Okay, so it's something new for all of us. Alright.

Mr. Valotta: So, moving onto the overall evaluation, with regard to positives, staff notes that this project is consistent with the land use recommendations in the Comprehensive Plan with regard to density and phasing for multi-family and townhome developments within Targeted Growth Areas. Proffers will ensure that the development will be consistent with what is envisioned in the application, and that open space and recreational amenities will be provided. The project is consistent with infrastructure phasing policies in the Comp Plan related to parks, libraries, and general government. Mitigation of schools and public safety impacts are considered reasonable. The proposed density of the townhome component to the project is consistent with the, um, nearby Rappahannock Landing Development. Also positive, the building designs are consistent with Neighborhood Design Standards Plan recommendations. And in terms of negatives, staff notes that there is no commercial component to the design scheme which is inconsistent with the Comp Plan recommendation in this location for, um, mixed use commercial residential. And staff is supportive of the application with proffers and recommends approval. And again, staff notes that the proposed proffers related to rental discounts and purchasing assistance would

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be valuable to the community but may not be practically enforceable by the County. And that concludes the staff presentation.

Mr. Apicella: Thank you Mr. Valotta. Questions for staff?

Mr. English: I have one. Joe, if that was by-right, what could they put in there by-right if they could do anything in there?

Mr. Valotta: It is zoned R-1, Suburban Residential, so no townhomes, no apartments. I can't recall the exact figure offhand, I believe it was somewhere in the neighborhood of 58 single-family dwellings, single-family detached dwellings.

Mr. English: For by-right.

Mr. Valotta: ;Yeah.

Mr. English: Okay.

Mr. McPherson: Joe, I have one quick question.

Mr. Valotta: Sure.

Mr. McPherson: This is Fillmore McPherson. If they were R-3 versus UD-3, what would they be able to do?

Mr. Valotta: So, the R-3 density... well, first of all I guess I should say they would not be able to, um... Actually, I'm getting ahead of myself. So, with R-3 zoning, they would be able to, um, I'm sorry, I have to do some quick math...

Mr. Apicella: Yeah, Joe, you've prepared a chart already called Residential Unit Yield Analysis. Everybody should have it at their desk I hope. It goes through the various potential scenarios. R-1 is 67, R-2 is 158, R-3 is 315...

Mr. Valotta: Thank you.

Mr. Apicella: ... and UD, Urban Development, is around 360 for townhomes and 675 for multi-family. So, it gets exponentially higher as you move up the zoning categories Mr. McPherson.

Mr. McPherson: Thank you.

Mr. Apicella: Other questions for staff? Alright, I've got some questions. So, Joe, you've got a slide that showed what the Comp Plan indicates for this area and this specific parcel. Can you pull that up?

Mr. Valotta: Yeah, so the Comp Plan recommends mixed use commercial residential.

Mr. Apicella: Okay, um, and on the pages of the Comp Plan that detail the Warrenton Road Planning Area. Do they identify specifically the types of zoning categories that should occur on these parcels, or any parcels, within the TGA?

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Mr. Valotta: No, they do not. They make a general location recommendations, but they don't make precise recommendations parcel to parcel for zoning districts or for uses.

Mr. Apicella: And again, since this is kind of in the color purple here, that indicates residential and mixed use.

Mr. Valotta: Correct.

Mr. Apicella: So, so, it was the applicant's choice to pursue UD zoning instead of, say, R-2 or R-3 or UD-2 or UD-4 or some combination of zoning categories, is that correct?

Mr. Valotta: Correct, yes.

Mr. Apicella: And can the applicant pursue a mix of zoning categories on their subject parcels so that a portion could or would include residential development while another portion could include commercial development?

Mr. Valotta: Yes, they could request split zoning.

Mr. Apicella: Okay. And could they work in partnership or have purchased other, acquired other parcels in order to achieve some commercial development associated with this proposed rezoning?

Mr. Valotta: Yeah, in theory, yeah.

Mr. Apicella: Okay. Again, a lot of information was requested and provided. I'm going to again call attention to the development ratio analysis. Can you tell me... so, the Warrenton Road TGA indicates a total of 3,300 units, is that correct?

Mr. Valotta: Correct, yeah.

Mr. Apicella: And what's, what's the breakdown?

Mr. Valotta: The breakdown is 1,500 multi-family units and 800 townhome units.

Mr. Apicella: And what is that in terms of percentage of the total amount of units recommended for the TGA?

Mr. Valotta: Sure. So, uh, this project recommends... or is proposing 264 multi-family units; that's approximately 18% of the overall recommendation for the Warrenton Road Planning Area, and 114 townhome units are proposed, which is approximately 14% of the overall recommendation for townhomes.

Mr. Apicella: And how much square-footage of commercial is recommended throughout the TGA?

Mr. Valotta: Um, 4,750,000, and there is none... no commercial component is incorporated into this proposal.

Mr. Apicella: So, again, they're asking for 18% of the multi-family units, 14% of the single-family attached aka townhome units, and 0% of commercial recommended in the TGA, right?

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Mr. Valotta: Correct, yeah.

Mr. Apicella: And if the applicant were to provide a proportional per unit amount of commercial square-footage, based on the total amount of square-footage recommended in the TGA which is 4.7 million divided 3,300, compared to the 378 units that they're asking for on these parcels, do you know what that number would be of commercial square-footage?

Mr. Valotta: Yeah, um, well, the Comprehensive Plan doesn't make a recommendation...

Mr. Apicella: I'm not asking... Joe, I didn't ask that question. I asked you if there was a pro rata amount of commercial based on the number of units, what would that amount be?

Mr. Valotta: There isn't a pro rata amount.

Mr. Apicella: Joe, you're not hearing me man. I'm asking you, if they were to provide a pro rata, okay, based on the number of units and the amount of square-footage that we're recommending in the TGA, do you know what the square-footage would be per unit?

Mr. Valotta: I do not, but I should, I should mention the UD-3 zoning regulations. Potential for commercial development in UD-3 is somewhat limited. Mixed use buildings and free-standing commercial buildings aren't permitted in UD-3, so if the applicant were to redesign the proposal and incorporate, um, a commercial element, it would be, it would be limited. The permitted uses, like restaurants, convenience stores, retail sales, uh, they would need to be limited to the corner units on the ground floors of the multi-family buildings and those units, um, could not exceed 2,500 square feet.

Mr. Apicella: So, so remember my earlier question, Joe. I said could they have done something else on this parcel or could they have partnered with other developers or acquired other parcels to achieve something different on this parcel; and they chose not to do it. They chose to pursue a UD-3 zoning with the maximum amount of residential density that they could possibly get on this parcel. I realize they could have gone for more multi-family if they chose to, but they split it out between townhomes and apartments. So, with that, they made a conscious decision to pursue a proposal that only has residential units and no commercial. That's kind of my point here. They're asking for 18% of the multi-family units and 14% of the townhomes, and came up with a plan that doesn't have any commercial, at all, none, zero. So, again, my question to you is, if, *if* the County asks for a pro rata share of commercial per unit, I've already run the numbers Joe. It's 1,440 square feet, okay, per unit, times 378 units, that's 544,000 square feet. So, we're not getting that commercial. Zero square feet of commercial in this proposal. How do we know or how can we be assured that someone else is going to provide some amount of reasonable commercial to help offset the impacts, the impacts of this Urban Development project?

Mr. Valotta: It's a difficult question to answer. We don't know. I guess it just kind of comes down to, um, the simple fact that they applied first before an applicant, a different applicant with a different project with...

Mr. Apicella: So, when this happens, it very much looks like Aquia Towne Center where somebody wants to maximi... even though I don't think that was a TGA project... somebody wants to have a significant amount of residential and we're getting ultimately no commercial. So, that's my concern here with this project, that they've chose a certain course that benefits them but that we don't necessarily

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get what we need in terms of UD development, which by its very definition, asks for a mix of uses. And, in this particular case, when I'm looking at the Comp Plan chart, it says that this site, and its adjoining sites, should be mixed use development. So, so remind me, and you may not know the answer to this question since you didn't work on it, how many commercial square-footage is guaranteed as part of the Found Square project?

Mr. Valotta: I don't have the figure on hand. I would need to defer to Mr. Harvey.

Mr. Harvey: Mr. Chairman, I didn't quite understand the name of the project you were referencing.

Mr. Apicella: Yeah, this is the Downtown Fountain Square project, 306 apartments.

Mr. Harvey: Oh, Fountain Park? Is that what you're referring to?

Mr. Apicella: Yes, yep.

Mr. Harvey: Oh, yes, okay. Mr. Chairman, my recollection is that it's around 68,000 square feet. There's approximately 20,000 square feet of office and retail, and then another 40,000 square feet of strictly office. And I can research that and get the specific numbers, but that's my recollection.

Mr. Apicella: Yeah, that's about right. So, so that's a little over 200 square feet per unit for each of the 306 units. So that's a UD project, that's mixed use, that provides both residential and commercial as compared to this project where we get all residential and no commercial on the very parcel that's indicated to have, or suggested to have, mixed use development. So, so we aren't even getting the amount... we aren't getting any commercial here. So again, that's troubling to me. So, help me understand what is the applicant providing from staff's perspective to warrant an almost 600% increase in density compared to the by-right zoning of R-1?

Mr. Valotta: Well, this would be the first multi-family development on this side of 95. Also, they are proffering a multitude of amenities, of recreational amenities.

Mr. Apicella: Right, but how is that, how is that better than R-1 or R-2 or R-3 on this site without any commercial?

Mr. Harvey: Mr. Chairman, staff's recommendation is based on the density suggestions in the Comprehensive Plan for multi-family and townhouse development within the Targeted Growth Area. With the current plan specifying a specific ratio or specific recommendations as to where commercial and residential would be located, staff feels, as in our report reflects, that the configuration of this property is best suited for residential development since it has limited road frontage on Route 17.

Mr. Apicella: This will be my last point. Again, Mr. Harvey, while it may create challenges or require creativity on the part of the developer, TGA growth does not necessarily mean that a developer should only pursue development on their own parcel so that they can get the maximum amount of growth on that parcel. They should and could work with other parcel owners to achieve something different than what's being proposed here, so. Okay, I've said my questions and comments. Any further questions for staff?

Mr. Bain: Just one, Mr. Chairman. Has the applicant offered any concessions for affordable housing within this development?

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Mr. Valotta: No, just the rental discounts that we discussed.

Mr. Bain: And those were for particular people.

Mr. Valotta: Government employees, active and non-active military.

Mr. Bain: So we're not achieving anything on our criteria for affordable housing.

Mr. Valotta: No.

Mr. Bain: Thank you.

Mr. Randall: Mr. Chair, if I could make one... two points quickly. Um, active duty military normally receive a stipend to live in an area like this. They probably wouldn't be... wouldn't need any of that help, where law enforcement, maybe teachers would. So, there may be some thought to taking active duty military off of there because of the stipend they currently already receive for housing, and allowing them to move that to a teacher or law enforcement or firefighter... inaudible. And the other thing, Mr. Chair, to your point, based on the percentages of, you know, 378 units to the 2,300 total units, which is about a 16%... the total square-footage commercial would be about 780,000 square feet of commercial percentage-wise, to the 4,750,000 that the TGA talks to. Thank you.

Mr. Apicella: Thanks Mr. Randall. Okay, last call for questions of staff. Alright, seeing none, would the applicant like to come forward?

Mr. Payne: Thank you Mr. Chairman, other members of the Planning Commission. My name is Charlie Payne and I represent the applicant. Thank you very much. Joe's a little bit taller than me, so I'm going to get myself a little more comfortable here; I don't want to look too short in front of Mr. Randall. It's always a pleasure to see you all and hope you're doing very well. Lots of questions, lots of good questions. Kind of bouncing around a little bit. And I'll try my best to answer all of them. I took some notes. And appreciate staff's presentation. I think Joe did a really good job of presenting our case. So I'm going to go through various slides. I think that we'll demonstrate to you that this is a very viable project. It's very consistent with your Comprehensive Plan. Always appreciate Mr. Apicella's interpretation of our ordinance and our Comprehensive Plan, but it's not as detailed or necessarily as, uh, as strict as Mr. Apicella likes to put it sometimes. Comprehensive Plans are goals, they're not ordinance and regulations. And I think you'll see in our presentation that we're acting very consistent with that Comprehensive Plan. And obviously the staff believes the same, as you can see in their staff report. So, just real quick about the applicant. S. L. Nusbaum Realty is new to Stafford County, but not to the area. They've developed some apartments and townhomes in the City of Fredericksburg, Virginia. I had the pleasure of working with them on a project off of Fall Hill Avenue called Valor. They are well known in the Mid-Atlantic region. They're family-owned. They've been in existence for over 115 years. This is the fourth generation of family ownership. They're headquartered in Norfolk, Virginia. They developed, they have developed over 7,000 multi-family units and over 5 million square feet of commercial space, so they know commercial properties and they know what makes commercial work. Uh, Nusbaum communities consistently maintain the highest occupancy levels and values within their markets. They also own and manage and don't flip, so this is a very good long-term investor in Stafford County. As Mr. Valotta has gone through our application, I'll go real quickly through our overview. The property is over 44 acres. It's located off of Warrenton Road, just east of I-95. We are requesting R-1, which we can do 67 by-right units, to a UD-3, consistent with the Comprehensive Plan. It will

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allow us to develop 264 multi-family units and 114 townhomes. It is located within the County's Warrenton Road Planning Area. It's also located within the sub-mixed use-commercial-residential Warrenton Road Planning Sub-area. I'll get into a few more of those details. And the project will facilitate economic growth in this corridor. If you're all familiar with this corridor, you know that it needs investment, without a doubt. This is a \$75 million investment in that corridor. Now, you may recall, there was a similar project on the other side of Warrenton Road that was denied eventually by the Board of Supervisors. Uh, this... that was tucked back towards 95; this project is up on Warrenton Road. I think it would be much more viable for purposes of incentivizing that corridor for commercial investment. The rezoning and Comprehensive Plan purposes – proposed use does conform with your Comprehensive Plan to satisfy the County's Targeted Growth Area goals as stated by staff and as stated in our application; it is located in the Urban Services Area; it conforms to the County's transportation goals as you heard from staff; it contributes towards economic development and new employment opportunities. I'll get into a few more details about that. The project does conform to UD planning principals. It's walkable, as you heard from staff; it's... *inaudible*; it has a well-connected road network internally; we have a Fred Stop onsite; a variety of housing stocks; a mixed use of both multi-family and residential, different than what you've seen before. It includes various ages and income ranges which is really important to this corridor. The uses are also very well integrated and formal/informal active and passive open space, connected pedestrian and bicycle networks. Bicycle networks, something that we want to see...

Mr. Bain: Mr. Payne, I'm sorry, that's only within the development...

Mr. Payne: Correct.

Mr. Bain: ... right. Not any other pedestrian or bicycle networks.

Mr. Payne: And along our frontage, correct. That's what we control. Exactly. Here's the Generalized Development Plan. As you can, this is a unique property. I heard someone say earlier about well, they could have bought other property. Well, you've got to have someone who will sell it to you, too. So, for purposes of putting this acreage together, you can see that the property is unique and the development plan for this fits the property very well. Of course, the back is a lot of open space because of wetlands and RPAs, and you can see the integration between the apartments to the left, the townhomes to the right, and up front you'll see more detail a little bit. You'll see the sort of a commercial look with the leasing office, with the clubhouse area, and with the pool and amenities up front. I know there was a question earlier about when those would be in. The clubhouse and the pool are the first amenities in, before the first CO is issued. So, all of those up front amenities will be in place; it's a... it's part of attracting people to the center. So, those pieces will be in place. It's the back pieces that we're looking for transition on amenities because we're constructing. As we evolution of constructing happens, the amenities come in place. You don't want to put them in and then have to pull them out. So, that's the rationale behind the amenities.

Mr. Bain: Which amenities are you referring to there?

Mr. Payne: I'm going to talk about that. So, just showing the frontage improvements as staff had noted, you can see the very limited frontage we have along Warrenton Road, which limits our ability to put any viable commercial quite honestly. But, in lieu of stuffing our leasing office and our clubhouse and our pool to the back of the site, we've put them to the front. And you'll see what I'm talking about, how attractive that's going to be for this corridor. You'll see that the clubhouse and the fitness center is in the front there. I'm sure you can see it where the arrow; I don't have to draw on this thing because then

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you can't see anything. Um, you'll see that the other amenities up front, the pool and deck area, working my way back, uh, et cetera. So, what is it going to look like along the frontage? So this is a project that the client has done in Virginia Beach, and you can see the entry, the top right picture there, slide there, you'll see the entry to Mezzo Apartments from, uh, from the main road. This is in Virginia Beach and you'll be able to see that in just a little bit. So this is going to be the entry look going into the site. It looks very commercial; it doesn't look like residential. It doesn't look like apartments or townhomes. It looks very commercial from the main road. And this is where our leasing center is going to be, our fitness center, and our clubhouse. Very nice high quality design and materials. So again, this is in Virginia Beach. You'll see the facility... the facility's here – got a new system here, don't cha? Sorry. So, in the middle, you'll see in the middle there, that is the project that's in... thank you very much... that is the project that's in Virginia Beach. And it's a very similar look to this site. It sort of has a bottle neck at the frontage and then it opens up as it goes to the back. You'll see to the right is a commercial retail center, to your left is a strip shopping center. So, what you're seeing here, and you see there's apartments as well as other residential, what you're seeing here is how well this mixes with other uses, including commercial uses along this corridor. Again, the frontage of this looks very, very commercial like, very urban like. So, here again, is an aerial of that particular strip in Virginia Beach. You'll see all the various different uses mixed in this corridor. I mean, this could be Warrenton Road very easily. And you'll see the mix of residential and commercial along this corridor. And the Comprehensive Plan is saying that. Your Comprehensive Plan is saying it's a mix of commercial and residential uses. It also says that yellow is residential, only residential in those areas. But where it says it's purple, if you will, where it's commercial and residential, it's a mix; it doesn't say it has to be commercial and residential on each parcel that you develop. It doesn't say that in the Comprehensive Plan. It just says this is where you mix the uses, and it's very clear about that. So, here are some other slides regarding the project and Mezzo apartments... I'm sorry, Mezzo Apartment Homes in Virginia Beach. There's 282 units, and you can see very nice amenities, very nice architecture, very nice design and building material work. Again, this is in Riverbend Gloucester called Riverbend Apartments. Again, a very quality developer. This is the Valor Apartment Homes I was talking about in Fredericksburg. There's 248 units. And I believe they leased out very quickly, very quickly. So, our elevations, which are proffered with our application, and this is the sketch of the look from Warrenton Road into the site. You see the leasing facility up front, clubhouse and pool behind it, apartments to the left, and townhomes to your right. And then the main thoroughfare going through the development. And here was have proffered our... as staff had noted, we have proffered our building materials, including cement fiber siding. Some people also know that as hardiplank, although it could be various different types of cement fiber siding used. Here are the renderings that were... the elevations that were proffered for the townhomes. Very nice, high quality product. Economic Development – does this project pay for itself? The project will generate at full build-out over \$1.3 million in tax revenue. It will generate a positive return, close to \$90,000 annually for the County. So, it will be a project that pays for itself. The project will create 641 new jobs, both a direct 429 jobs and an indirect induced impact of 212 jobs. Proffers – as staff has noted, we have provided proffers to mitigate our impacts, and we've had this discussion before and I know it gets a bit confusing at times. We use the data presented to us by the school system or from Fire and Rescue. For the purposes of the school system, they take an average number of school-aged children that live in an apartment complex and they don't break it up by 1- or 2- or 3-bedrooms. So, even if we have less school-aged children in a complex of this nature, we still get saddled with whatever that average is in the County today. Um, so that number generates what the school impact analysis is. Same with townhomes. And townhomes typically have more school-aged children and I'm sure it doesn't surprise you. Public Safety – when you're looking at Fire and Rescue, it's the average number of calls per person in the County multiplied by the number of people living in a development. So that's how you come up with the number, okay. And what you do is, you break it up based on the population. So, more folks live in a townhouse unit per unit than they would in an apartment complex per unit. So that's why it's broken up that way,



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okay. So, schools would be close to \$1.5 million in proffers; Public Safety about \$222,000; Transportation Impact Fees about \$1.13 million, so all in about \$2.85 million in cash proffers and cash paid for this project. The amenities include a clubhouse, a fitness center, a swimming pool, two grilling and dining areas, a firepit area, as you saw all of that in our initial slides. Tot lot, multi-purpose game area – we heard a lot about this in prior applications, wanting to see more open multi-purpose play areas. A dog park which is very popular, very attractive to our residents. Bicycle racks throughout the community. So let's get into a little bit about the questions regarding, for purposes of the apartments, offering a 5% discount on published rent for Stafford County Government employees. So, we have run into this in other jurisdictions. In Stafford, like other jurisdictions, their employees are challenged at times, being able to find affordable housing within the jurisdiction. So, jurisdictions, like the school system for example, wants to attract new teachers to this area, they cannot find a place that they can afford to live, they're likely not going to come. So we think, and these rents are going to be average market rents, these aren't going to be exorbitant rents for these multi-family units. And we think this 5% discount would be very helpful to assist these citizens and the government employee citizens living in Stafford County and living in affordable housing... inaudible... in the community, and nice high quality housing to boot. Hometown Hero assistance – I know there was a bit of confusion on how it works. We have done this; Mr. Bain had asked has it happened in Stafford County before. Nope. But I have done it in Spotsylvania County and it is a very popular program. And what that does is, you know, for purposes of, uh, County employees, Veterans, Active Duty Military, if I'm to go and buy a townhouse and I qualify as a Hometown Hero, if you fit those category, any of those categories obviously, it could be a school teacher, it could be a first responder, uh, it could be an active military person, it could be a veteran, you could get up to, up to, you don't have to, you can get up to \$5,000 per unit closing assistance. That money would be in an escrow held by, um, you know, held by the developer's escrow agent. When folks come to buy the home, and the person selling them the home go hey, do you qualify, do you qualify for any of these? Yes I do. Hey, we can get you a up to \$5,000 assistance on closing as part of the contract, right. Now, those funds would remain in the escrow until expended. So, if you go through all the units and they're not expended, someone had asked about a resale. It's only happened one time that I know of. And it's not expended, then on the resale, if that person who's buying qualifies, they could get access to that up to \$5,000 in closing assistance. We find this to be very attractive, very helpful. Again, to focus and assist, uh, Stafford County's employees who can afford to live in Stafford County. Again, we think this is very, a very positive proffer. Um, how would it be monitored? It'd be an annual reporting requirement to the County staff, Planning staff, typically is how it works in Spotsylvania. Mr. Harvey and his team can certainly reach out to Spotsylvania County to see how that process works. Also, as part of our proffers, as Mr. Bain asked a very good question about access, the construction installation of a right-turn taper at the entrance of Glen Alice Lane, that intersection works at a level of service A as staff has noted and as our report provides. And I am at the questions point. I do have... I did take some notes and I want to make sure I get through everything that was asked. But I think I may have covered most of it in my presentation; if I didn't, please remind me or, Joe, you can kick me. But I think I addressed all of them. I think I got to Mr. Randall's question on how we calculated the, uh, public safety and schools, although he asked us to get some additional information; I'll be happy to do it. I think Mr. Harvey's right – the 2019 period is the peak period for student pupils in the school system. Um, but we're certainly happy to look at any new information. If it goes down, I'm sure you're not going to give us a break – I'm just kidding. But we're certainly, as you know, we're always happy to take a look and address any of your questions you may have. But look, at the end of the day, we can agree to disagree on how the Comprehensive Plan's interpreted or whether we think we've got too much growth in one area or whether we think we've got too much traffic or worried about the school system. If we don't invest in the areas where we're targeting growth, then we're really failing in many ways in attracting the types of investors and quality of development that we want. My client wants to be in Stafford County. They are a quality developer. They are a long term partner. And they're a good partner. And they're

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going to work strongly with Stafford County and with the community. This project's consistent with your Comprehensive Plan, as staff has noted. Staff has clearly concluded that the positives outweigh the one negative. And I think the Comprehensive Plan is clear that this type of project will help generate additional investment, including commercial retail investment along that corridor. You just can't bring it in there without incentivizing it. And the only way you can incentivize it is to put rooftops, quality rooftops, in a location that would do that. This is a \$75 million investment. It will do that.

Mr. English: Mr. Payne, what's the townhouses going for? What's the price of the townhouses?

Mr. Payne: Um, we're... typically, they're probably going to be very similar to the ones in Fredericksburg...

Mr. English: Rappahannock Landing?

Member of the audience: The low \$300's.

Mr. Payne: Low 3's.

Mr. English: And a quick, another question. How come there's just one entrance? Did you ever look on the backside of where they could... coming off of... I know you can't come off Kelly Road because that's a nightmare...

Mr. Payne: There's wetlands back there.

Mr. English: It's crazy. Well, that would be crazy, you couldn't do that either.

Mr. Payne: We do have a future inter-parcel connection to our east that we think will, you know, allow some, some more flexibility there. There's really nowhere else to go quite honestly except... *inaudible, being talked over.*

Mr. English: And the fire department didn't say that you needed a second...

Mr. Payne: We have an emergency access...

Member of the audience: We have a second emergency access.

Mr. Payne: We have a second emergency access.

Mr. English: I don't think it's...

Ms. Barnes: I have a question as well.

Mr. Randall: I would love it if you could help us, but you need to come up here and give us your name and address and Social Secur... no, never mind, not that. Your name and address and come up here and help...

Mr. Payne: Tom Johnson's with the applicant but, what he is saying is there is an emergency access point that's shown on the GDP. So, Fire has... Fire and Rescue has two options to get in.

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Mr. English: Okay.

Ms. Barnes: Mr. Payne, can I ask a question about the tot lot.

Mr. Payne: Yes ma'am.

Ms. Barnes: So, we have 378 total... and I did my math right... 378 total units. Townhouses are going to bring a lot of families in. But the only thing we have for the kids there basically is a tot lot.

Mr. Payne: And a pool.

Ms. Barnes: Those are very... yes, it has a pool. But as far as a playground goes, those are very small for a very limited audience. Having a full-size regular playground in there might be a better consideration, a better fit for that number of students that it would generate, as well as that number of units.

Mr. Payne: We've got lots of flexibility on this site to add tot lots, more open space for creative playground areas. What I'm sure Mr. Johnson will tell you what we're seeing in the market is less tot lots, more active amenities, like a pool... you know, like the pool and the clubhouse and the dog park and the grilling and cookout areas. All of that would be one community, so that would not just be for the multi-family, okay. But if you want us to look at another tot lot area, we'll certainly do that.

Ms. Barnes: Well, when you talk about active and passive recreation, those areas that have really nice jungle gyms and all kinds of amenities. Those are very... that to me is active recreation. A tot lot is, is, you know, they're so small and there's such a limited amount of people are, you know, there are little humans that can use that. And when you go to areas, if you go to Smith Lake, if you go to other areas, there's a nice decent playground in there, they're covered with kids all the time. And these kids aren't going to have anything like that. They're going to have to leave and go some place else... *inaudible*. That's just, that's just my... if I were taking myself back many years and putting myself in a townhouse, I would really like to have a real playground there for all those kids.

Mr. Apicella: Other questions for staff? I mean other questions for the applicant?

Mr. Payne: We can take care of that.

Mr. Bain: Oh yes. I want to focus on the traffic issues, and you might want to have your traffic engineer nearby.

Mr. Payne: Are you suggesting you don't have the confidence in my response?

Mr. Bain: I'm suggesting I don't understand it and if you can explain it, that would be fine.

Mr. Payne: Michael Young with Bowman. I'm just teasing.

Mr. Bain: I know. If I'm on Route 17, Warrenton Road, coming from Route 1 going towards 95 – I'm going westbound. I come up to your development and there's a right-turn taper lane that you've added as a proffer. That is almost worthless in terms of improving traffic conditions on that road. And the reason I say that is, if I'm on that road, on Warrenton Road going west during peak hours, I'm crawling. Traffic is so backed up there that it'll take me 10 minutes to go from Arby's to the entrance to your

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development. So, I don't need that taper lane to help me get into your development. I can make that turn when I finally get to your road entrance. So that, to me, is worthless. It's irrelevant. I looked at your development plan. There is no restriction on a vehicle coming out of your development and trying to turn left to go back down towards Route 1. If this is during rush hour, it'll never happen. The person will sit there all day long because nobody will let them through, because it backs up both ways. I just... I am very concerned about the conditions there, not only during rush hour, but other times. If people are either turning left out of the development to go east on Warrenton Road, or they're going east on Warrenton Road and want to turn left into your development, it's a terrible situation. I can imagine the number of accidents that are going to occur. We just got VDOT to move that light to Old Forge Road because it was not doing what it needed to do where it was originally closer to Route 95. They just moved it. I, I haven't been there lately so I'm not sure if it's actually in operation...

Unknown speakers at once: Oh, yes.

Mr. Bain: It is in operation. And that's to protect people that were trying to come in and out of the developments on the other side of Warrenton Road from your development. Now you're proposing to add and create the exact same situation on the other side, on the north side of Warrenton Road. I did study the traffic study report and I can't understand how you can say that level of service at your entrance is A when during rush hour the traffic is stopped. Anybody that comes out of your development and is going to try to turn onto Warrenton Road is going to have a tremendous wait trying to have somebody let them cut into line, into the lines. So, I'm very, very concerned about traffic for this area. You mentioned that you have a potential secondary entrance shown on your development plan, but I suspect you've not done... well, maybe you have, tried to negotiate with that adjoining property owner to see if you could actually go on and invest in and build that alternate route which would come out at the stoplight at Arby's. And that would be a tremendous benefit for your residents, because then it would be a signaled intersection rather than trying to do it at the uncontrolled intersection at Glen Alice Lane. To me, that's just... we're asking for trouble that I, I do not want my name associated with because I know how bad it would be. If your traffic engineer could explain to me then how he got level of service A for his intersec... for the Glen Alice intersection, or if somebody could? Mr. Payne, if you can, fine. I just, I can't believe it.

Mr. Payne: I'm going to let Mr. Young add some color to this, but...

Mr. Bain: Okay.

Mr. Payne: ... Mr. Bain, we talked about this project before.

Mr. Bain: I know, I know.

Mr. Payne: And your concern was the right access point, right lane access point. So...

Mr. Bain: I wanted right-in/right-out only, and you haven't provided that.

Mr. Payne: Well, eventually...

Mr. Bain: And what you have provided for right-in, like I say, is immaterial. It really doesn't help the situation during the rush hour.

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Mr. Payne: So, eventually, there's a STARS program that's to extend the median past our property which would prevent the left-out. So it'd be a right-in/right-out eventually when that is constructed. Right now there is a designated left to get into the site that's currently on Warrenton Road. I would just say this – we prepare our Transportation Impact Analysis pursuant to the County and VDOT requirements, they review it, they tell us whether we're right or wrong, and they're telling us we're right and... *inaudible, being talked over.*

Mr. Bain: They tell you whether they will allow it.

Mr. Payne: That's not accurate.

Mr. Bain: They don't tell you that you're right.

Mr. Payne: I'm not the, I'm not the design professional. I'll let the design professional explain that. Michael?

Mr. Young: Good evening Commissioners. Again, my name is Michael Young. I'm a Traffic Engineer with Bowman Consulting, and I prepared the Traffic Impact Analysis. So, to address your questions, Commissioner Bain, as I understand them, I believe you had two. The first was with respect to the right-turn taper, um, at the entrance. So, um, kind of two schools of thought there. The first is that we did analyze this part of the TIA, if a right-turn treatment would be warranted at this location. VDOT has published warrants based off of projected peak hour traffic volumes that determine whether you'll need a full-width right-turn lane or whether you'll need a right-turn taper. In this case, the traffic volumes that we project for this proposed site justify the installation of a taper at this location, and not a full right-turn lane. I would characterize the addition of a taper as not, you know, inconsequential. I think it's actually very important. The primary function of a right-turn lane is to separate your turning traffic from the throughs, okay, and it's for two reasons: one, to improve the capacity of the turning movement itself, and two, most importantly, is to prevent rear-end collisions. So, if I'm stopped and making a right-turn lane and people are coming through behind me, there's a bit of a conflict there. But any sort of, you know, whether it's a taper or full-width lane, any sort of infrastructure to get me out of that general traffic flow is going to be an improvement for this site.

Mr. Bain: If, if the traffic were, in fact, flowing during rush hour, that's the point I'm making. If you go out there during rush hour, in the morning rush hour, traffic does not flow there. It is backed up and traffic waits, so, that's why I say, the taper lane's immaterial. Now, at ten o'clock at night if I'm coming from the Route 1 direction towards 95 and I want to turn in there, yes, a taper lane might be helpful. But during the rush hour, it's not going to have any significant impact, I don't believe.

Mr. Young: Well, I would just reiterate again that...

Mr. Bain: Yeah.

Mr. Young: ... we feel that it is an improvement, we feel that it's, it's necessary for this site. It enhances the site for both our users and the general traffic.

Mr. Bain: I don't object to it being there, I just say, to me it's immaterial. If you want to put it in, if you want to spend the money for it, that's fine. VDOT does not require it. Your warrant says that it could be allowed, but it doesn't say that it has to be there. And I just don't think it's going to have much impact on improving traffic flow during rush hour. I'm more concerned, truly more concerned about people

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trying to come out of the development and turn left to go south on 17, or people coming... I'm getting my directions mixed up now... to go east on 17 or people coming from the west and wanting to turn left across traffic. And that one bothers me even not during rush hour because I have, I know that there have been a number of accidents along 17 with people using that center turn lane and trying to get into the businesses along there and, you know, people are idiots when they drive. And it's just... it just really bothers me. That's why I think requiring right-in/right-out only and designing the intersection on your side to force cars to that service level is very important. And I know it would make it very difficult for people to get in there; they'd have to go down and turn around and, depending on which way they want to go. But I think in terms of safety, that's paramount to me. You do the studies, you seal your drawings or your reports because you have an engineering license, but you don't have to suffer from the consequences when these accidents occur. You get to support your report and walk away. We have to think about further down the road and what those impacts are I think.

Mr. Young: Certainly. And to that point, I would first like to say that, you know, safety is paramount to us in the engineering profession. That is always our top priority. Um, but to address, I believe you had two points, it was the lefts in and the lefts out, correct?

Mr. Bain: Well, I wanted to be... yes. I'm concerned about lefts in and lefts out.

Mr. Young: Right. So, again, I would reiterate what Mr. Payne said in terms of the STARS Program and that, you know, this corridor has been identified for future improvements and that those, to my understanding, are coming. But in terms of the actual analysis that we had performed, I'll kind of split the two out. Lefts in, we found that due to the left turn lane pocket that's available because of the two-way left turn lane, that the level of service for that movement specifically will operate at a level of service C. One of the reasons that we feel like that's the case, and this is supported in our software, is the intersection at Solomon and Lendall with 17 creates gaps along 17 facilitating that movement. So, this is actually a pretty fortunate location along 17 in terms of the signals that it is divided between. So, it's about equal distance from each signal; Solomon and then the new signal at Old Forge Drive and RV Parkway to the west. And what that does is that produces those two signals, and this is what we've seen in our simulation software and this is what VDOT has reviewed as well, those two signals as they operate sort of in conjunction with one another, the turnover of those signals as the phases change as you know 17 goes red. Well, there... inaudible... 6 or 7 seconds of kind of lull time in that. And our spacing of this access between those two signals, we're able to sort of capitalize on those lull times on 17 as a result of how the signals are operating. So, that's why we see the left-in operate at a level of service C. To your point about the left-out, you know, the TIA is very clear. Yes, the overall intersection is operating at a level of service A, but there are some capacity concerns for that left-out. We see queueing of about 5 to 6 vehicles waiting to make that left-out. But this is something that, you know, VDOT has reviewed, they've signed off on as something that County staff has reviewed. And again, those gaps along the main line as a result of those signals, and especially the new signal at Old Forge kind of pushing that closer to our site, facilitates those exiting trips.

Mr. Randall: Sure, sure. So I can make a right turn out of there as well while somebody's making a left, it's a two-lane out from your development?

Mr. Young: Yes. Yeah, there are two lanes. There's an exclusive right turn lane and an exclusive left turn lane.

Mr. Randall: Okay. And what's your taper? Is it an in and out taper on 95... or on Warrenton? Or just in?

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Mr. Bain: Just in.

Mr. Young: Just in.

Mr. Randall: Just in. So, you didn't need an out taper? A right taper to get back into traffic?

Mr. Young: Not yet. It's a standard intersection to get back into traffic, yes sir.

Mr. Randall: Okay, alright.

Mr. Bain: So let me ask Mr. Payne; would your applicant, would your client be willing to stipulate that they would not issue the first occupancy notice until that STARS project puts a median in there? I mean...

Mr. Payne: Mr. Bain...

Mr. Bain: ... you know, you know how VDOT works. You know that this could take 25 years before that median gets built.

Mr. Payne: My dad has a saying; I was born at night, but not last night.

Mr. Bain: Yeah.

Mr. Payne: Respectfully no, but, you know, I always want to work with you and I appreciate your concerns. I mean, the STARS Program, they've been talking about it for, Jeff, how many years? Eight years, ten years. I think, you know, with the improvements that are occurring in that area, the growth that's occurring in that area, I think it's going to happen sooner rather than later. But, again...

Mr. Bain: But you know, you know what else is going to happen sooner or later? Express lanes. Did your analysis include the projected increase in traffic when the express lane exit/entrance situation is created there at Route 17?

Mr. Payne: Yeah, that wasn't part of the scoping or the required part of the scoping from VDOT.

Mr. Bain: I know, but it's going to have a significant impact.

Mr. Payne: You know, again, I respect what you have to say and respect your concerns. They're speculative, in all fairness, good ones. But, at the end of the day, the data is the data. We don't make it up. And it's just not our reviews; it's reviewed by two levels – by the County and VDOT, the transportation professionals. And if they're saying it works without the improvements and we don't need to make the improvements, it doesn't warrant for them, then it is what it is. Does it mean that we won't look at it trying to find ways to appease and address your concerns? Of course not, of course we will. But, the data is what it is. It's not, I mean, I know you didn't mean this. I mean, we're not trying to create a public hazard or a public safety issue; I know you weren't inferring that. But when we do our analysis, as Mr. Young stated, I mean, we're not looking to cause public safety issues, right. We're looking to follow the requirements. And, I trust VDOT and the County very much. I work with them all the time. I think they know what they're doing, so. But we will look at it. I mean, I promise you that.

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Mr. Apicella: Other questions?

Mr. Randall: Mr. Chair, I have a couple questions. Open space – so you have some things up in front, and I... the pools great, the barbeque area, the clubhouse area. I'm assuming the clubhouse... what's the square-footage for the clubhouse?

Mr. Payne: Five thousand? Five thousand.

Mr. Randall: Five thousand. Will there be several, several spaces that will be available for people to rent and people to use?

Mr. Payne: Park? Yeah, yes.

Mr. Randall: No, no. I'm talking about in the clubhouse itself. Or is it just one big room?

Mr. Payne: Well, there'll be various different sections of the clubhouse. You'll have the sort of office section.

Mr. Randall: Right.

Mr. Payne: I believe you'll also have the fitness center in there. Is that correct?

Mr. Randall: Okay, okay.

Mr. Payne: And then the pool's right behind it; the pool deck and the pool are right behind there.

Mr. Randall: Sure, sure. And then you had talked about a lot of open space, right. Do you have any, uh, idea of what you would put in that open space? Or is it just going to be green grass that somebody will need to cut? You know, to the point that I was making about the tot lot. If I had my druthers, I would take tot lot out of the English vocabulary and remove it.

Mr. Payne: I'm with you.

Mr. Randall: Because a tot means...

Mr. Payne: A play area.

Mr. Randall: ... a tot lot means it's from 1 to 3, you know, and 1 to 3... you know, it's parental supervision, right. The parents are in the tot lot with the kids because you can't trust them to do anything on their own, right. I want a play area of, you know, 10,000 square feet with, you know, amenities for little kids, amenities for big kids; a play area rather than a tot lot. So, I think to Ms. Barnes point, that's what she was... she's kind of looking for something like that.

Mr. Payne: We're absolutely going to look at that. I mean, we've got lots of space. I mean, I don't know how much we can do in the back part, you know, whether it's nature trails or what not because there's a lot of RPAs back there. And if you're familiar with that area, that kind of drops off very quick.

Mr. Harvey: Computer please.



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Mr. Payne: But, um, we'll, uh, we'll definitely look at that. That's a very good question.

Mr. Randall: Well, the other thing is, somewhere in the middle, I don't necessarily need a full basketball court, but I think a couple of half-court basketball hoops where you've got some places the kids could... the teenagers can go shoot some hoops or go do something. May also be something that you can put over there that would also help keep... we talk about traffic, right. The idea is, if I go in, I can stay in, right, I don't have to keep coming out to go places. The pool's going to be there; the swimming lessons are going to be there; everything's going to be there. On a Saturday I can go swim and then I can take my kids to the in-house parking or play area, then they can play and I can go home. I don't have to come out for my 10 to 12 year old's to go do something.

Mr. Payne: Absolutely.

Mr. Randall: Right? And that's kind of, you're there, you're almost there. You're not there yet, in my opinion. So I think that there's some work that can be done on that. Um, would you be willing to proffer the pool and community center, that whole section out there first before...

Mr. Payne: Yes.

Mr. Randall: ... you put your first occupancy permit...

Mr. Payne: Before the first, before the first residential.

Mr. Randall: ... before the first residential? I would ask that you proffer that as well. The rest of it, I understand you want to do something before and get some housing in there before you do the rest of it. But, at least for that front section up there, I think that would be valuable.

Mr. Payne: Absolutely.

Mr. Randall: Alright. Now, the 64 million dollar question. I would also take the word apartments out of every Stafford County public Comp Plan, Zoning Ordinance if I could.

Mr. Payne: Mr. Harvey, did you hear that?

Mr. Randall: I don't... he's not listening, he's not listening and I'm going to strike this from the minutes when it comes back. Was there a thought about putting condos up there so people could actually get into a first ownership type thing? We have... we're in a significant deficit for addressing the needs for the middle, middle income group. The lower income – they may never get into a house, they may never get into it. They will be renting for maybe their whole life. We know that and the facts are out there. But for those, those families that are trying to get from a rental into a house and may not have the \$300 yet for a townhouse, which is comparable, have we... we don't have a place, right? And so every place we look at, whether it's Downtown Stafford, whether it's this, whether it's someplace else, I think should address that gap in the level of service we have in Stafford County. And it can't just be apartments. It's got to be some, some, some process to home ownership, right. And I think that not only do we, as a County, but I think everyone should be apart of that solution. And so, have you thought about it? Would you be willing to? Is there some capability of making some percentage of these condos?

Mr. Payne: Yeah. So, uh, in a perfect world, and maybe it is a 64 million dollar question...

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Mr. Randall: It is, that's why I asked you.

Mr. Payne: ... but, in a perfect world, uh, I think we would say yes. But it's not a perfect world. The market reality is, is that condos don't work. You can't finance them. You can't sell enough of them up front to get financing. If you just look at the City, for example, which there's... it's more of a condo market just because it's an urban center...

Mr. Randall: The City?

Mr. Payne: The City of Fredericksburg.

Mr. Randall: Fredericksburg City, okay.

Mr. Payne: They've got many, many projects that I've worked on where we've come in with 100 or 200 condo units and you can't do it. So, the number comes down to 20 or 30; you maybe attract some high income buyers with putting them in the historic district and rehabbing an old building. It just doesn't work. The same question came up when we were looking at the age-restricted units, um, in Mr. Bain's district off of, right next to Chatham Bridge off of Naomi Road. It's just, from a market perspective, it just doesn't work, it doesn't happen. You can't get financing for it, if you were going to go in and build it. You have to basically sell almost  $\frac{3}{4}$  of them in order to make it work, and it just doesn't happen that way. So, it's a great concept, but the entry level housing that we see in the markets are townhomes. And, and quite honestly, the step before that is multi-family rentals. We see a lot of folks who transition from the multi-family rentals into townhomes or into a single-family detached home. The other interesting thing of the market is, a lot of folks don't want to buy a single-family home or an attached townhome. They like the multi-family life. They like the resort feel. They like having all the amenities right there at their fingertips. So it's an interesting market, but the condo concept is just, just not marketable. That's just the truth. I mean, if it was, we'd be doing it all day long.

Mr. Randall: Well, that's up for discussion.

Mr. Payne: I mean, it takes... it's financing. If you can't get the financing for it, you're not going to do it. And that's really the challenge.

Mr. Randall: Right, I understand that.

Mr. English: How do they do it in the City then?

Mr. Payne: Well, the City does it, it's like 10 or 20 units or 30 units. It's not a big project. It's not 264 units, right.

Mr. Randall: Right. And I'm not necessarily suggesting that we take 264 apartments and convert them to condos. I am suggesting that if you were take 15%, right, of the 264 and you were to say okay, I'm going to take 50 of those and I'm going to make them condos, right, whether it's a building whether it's part of each building, whether you take a whole building and say that's my condo building, whatever the case may be, to be a part of this solution. Because, although, I mean, you have some history to what you've done, um, but we have done some work – we – the staff has done some work, right, and in this County it's tough for teachers, it's tough for police officers, it's tough for deputies, sorry, deputies, it's tough for firefighters, right, without a dual income to be able to provide a home ownership process, right.

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And so, I think we have to do a better job and if I had my druthers, like I said, I would enforce, I would force that but I can't force that function, that we need to do a better job to give them an opportunity. And so, if I came in, you know, at \$200, \$220 for a condo, um, you know, my son as a police officer would say, I'm there. I can do that. I can't do a \$350 townhouse yet. I can't do a \$450 house yet, but I can do that, right. And so that's... anyway. Moving on.

Mr. Payne: I appreciate that.

Mr. Randall: Anyway, thank you. You mentioned that UD-3 was consistent with the Comprehensive Plan.

Mr. Payne: Yes sir.

Mr. Randall: Would UD-4 also be consistent with the Comprehensive Plan in that area?

Mr. Payne: Sure.

Mr. Randall: Okay. And why was the choice made to be UD-3 and not a UD-4?

Mr. Payne: It's just... well, a lot of times, and in this case, too, it's the acreage and the site dictate pretty much what we thought would be the highest and best use. I've heard discussions about R-1 or R-2 or R-3; they're inconsistent with the Comprehensive Plan.

Mr. Randall: Sure.

Mr. Payne: But what we're proposing is very consistent with the Comprehensive Plan.

Mr. Randall: Sure. Alright. Um, alright, now the elephant in the room. You completely understand the concerns we have about all residential and no commercial. We have a living example...

Mr. Payne: I heard them.

Mr. Randall: You've heard them.

Mr. Payne: I wouldn't say I agree with them, but I've heard them.

Mr. Randall: Yes, understand. Um, we're living the dream when it comes to all residential and no commercial. And we all know where it is, right. And so, it's important that we work on a process where everybody has skin in the game, whether it's everybody has some aspect of residential... because, theoretically, I have four other developers that come in right behind you, you may or may not represent all four of them, and they all come in and they want to do exactly what you're doing; 18% of this, 14% of this x 5 puts me at 92% and 85%. And I still have 4 million square-foot of commercial that have to be built. And now we're asking the developers 5, 6, 7, 8, and 9 to come and develop 4 million square-foot of commercial with, oh, by the way, we will throw it your way because that's all that's left, 25 apartments and 10 townhomes. That's unrealistic. Nobody will be able to do that. So, in essence, what'll happen is we'll get left doing, we'll get left with the same picture, Targeted Growth Area or not, as we have up at the Aquia Towne Center. Eighteen hundred, fifteen hundred, 1,450 multi-family units, 750 townhomes, and 4 million square-foot of commercial still has to be built. And that's untenable for this County. And so, the concern that I think, and I'm not going to speak for the Chairman, he's very

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capable of expressing this himself, but the concern we have is, yes, we absolutely need to get something in there and I am totally agreeing that we need to get something in there to start the dominos. But to do it with you means I need to do it with the next one, and then the next one. And at some point in time, I have to put my foot in the sand and say, I'm done. I can't let you do what we've done with the other three developers and do only residential. And they'll say, well hold on a second, why now? Why do I have to do it now? Why are you forcing me to do commercial because you didn't do it for the other three developers? And so, I need somebody, maybe you're the one, to tell me where the line is for the County to say, residential is no longer... just residential will no longer be allowed in Stafford County, whether it's in Downtown Stafford, whether it's here, whether it's the next one; at what point in time do I have to say, any residential requires commercial. How much is good? How much is there? Right? Seven hundred fifty thousand square-foot of commercial if we look at strictly percentages for the townhomes and the multi-family, right? That's a huge investment in commercial, right. Where do you put it? Where do you buy it? Where do you get that land, right? And to the Chairman's point, maybe there's other land in the TGA that you purchase and you build the commercial so that you can show some level of support to the UD idea, right. I don't know, right. I have my druthers. I have my feelings about it. But this is the, this is the dilemma that we face as a County, both on the Planning Commission and the Board of Supervisors. How much do we let to get started before we have to put our foot in the sand and require commercial? You would say, as you have, let's just get the ball rolling. Let's just get it on the hill and push it over. And then when we push it over, you'll get... *inaudible*... rooftops and then you'll get commercial and commercial people will just want to come do this. That's great in theory in a perfect world, right, but that may not be our reality. And so, we have... so, so that's the dilemma that we're faced with as we see this what I think could be a great project based on what I see in Virginia Beach and what we have history. You know, traffic aside, I think we can work that. But again, how do I stress that I want residential and commercial built in conjunction with the TGA environment of what's it going to look like in 20 years. Anyway, it's not a question so much as it is a philosophy on how we look at this and how we need to look at it and how we, um, have to manage this.

Mr. Payne: I don't see it as a dilemma at all. I don't think you have a dilemma with this project. I think you've got a project that's consistent with your Comprehensive Plan. Your Comprehensive Plan doesn't say, Mr. Developer, when you're developing this TGA area, you need to have commercial and residential. It doesn't say that. What it says is we're encouraging commercial and residential and, by the way, these are the limits that we want to see on the residential and this is the maximum that we'd love to see in a commercial. This project is not going to harm your commercial footprint. You've got 2,000+ acres in this TGA. This is 44.5 acres. You have a wonderful opportunity with this \$75 million investment to change that dynamic. Look – it's not... I don't make... I'm not saying, boy, just put this residential here and poof! it's just going to show up. I don't drive that. The market drives it. The retailers will tell you. Your Economic Development people will tell you. This is why you're having a discussion about Downtown Stafford.

Mr. Randall: Yep.

Mr. Payne: Right?

Mr. Randall: Right.

Mr. Payne: You gotta put the rooftops there in order to attract the retail and the restaurants and all the commercial investment you're looking to have. That's why your Comp Plan is structured the way that it is.

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Mr. Randall: Right.

Mr. Payne: And if you say, hey Mr. Developer, I don't care what the retail is that you put in there, but you need to put some in there because it fits our kind of a box about what it should look like. That's not viable development. That's, that's disincentivizing development. So, what we're saying is, this is how... this works. It's going to work. It's worked everywhere else we've been, and we think this is a unique opportunity for that to happen.

Mr. Apicella: Charlie, I've got to respond to that.

Mr. Payne: Please.

Mr. Apicella: The voice from the speakers, the folks at Aquia Towne Center would tell us the same thing.

Mr. Payne: That's a different, that's a redevelopment project.

Mr. Apicella: Inaudible... says rooftops and you'll get commercial.

Mr. Payne: It's not the same thing.

Mr. Apicella: So, so that's our experience here in Stafford. Mr. Randall was channeling me very well here. You're asking us to take it on faith that we're going to get the commercial somewhere down the road. And somewhere down the road could be 5, 10, 15, 20 years or never. And I'll go back to the picture that's in the Comp Plan that says this specific parcel and the neighboring parcels around it are not just supposed to be for residential development, but mixed use development including commercial.

Mr. Payne: It says mixed use and it doesn't carve out those, this property to be just for mixed used... just for commercial.

Mr. Apicella: It shows this parcel...

Mr. Payne: We're going to agree to disagree. I don't agree, your staff doesn't agree with you obviously. But I, but I, but I, again, again, this is not Aquia Towne Center. It's a completely different project. That's a redevelopment project that started out commercial. That's a dead commercial zone that couldn't get redeveloped, so they tried to put in some rooftops. Maybe it's a location issue. Maybe it's too close to 610 and the Interstate. I don't know what the issue is, why it can't redevelop. But if you... but, quite honestly, if it were an attractive commercial site, it would have the investment. I mean, commercial developers are in to make money, too, right. So, if you look at your corridor on Warrenton Road and the improvements that are coming at the interchange, and the unique opportunities you have in south Stafford, this is a different dynamic here. This is starting from anew. This is a unique opportunity. I have... was born and raised down in the bottom not too far from there, and it's been blight for a very long time. I love my part of Falmouth, but it needs new investment. That's just, that's just a fact. And you're not going to do it by saying I want to see a bunch of commercial here before there's residential. It's just not going to happen that way.

Mr. Randall: No, I don't think that's... So, let me ask you a question then and then I'm done, Mr. Chair. What's the profit margin of commercial versus residential?

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Mr. Payne: You know, it depends, again it depends on the project. If you're talking about a restaurant versus a department store versus an office building, I mean, it's, it's...

Mr. Randall: Is that higher or lower for residential?

Mr. Payne: It's typically higher for commercial than it is residential. But they're not going to make that... because it's a higher investment, they're not going to make that investment unless there are people there to buy their products.

Mr. Randall: Oh, okay. Alright.

Mr. Bain: Mr. Chairman, I would just point out, during the public presentation portion of tonight's meeting, we had another developer who's got a, wants to make a development on the other side of 95 and the other side of 17 in a mixed use area with zero commercial; all apartments and townhouses. Here we go! I mean, it hadn't come to us yet officially, but it's exactly what this applicant is proposing. No res... all residential, no commercial. So, to what Mr. Randall and Mr. Apicella have been saying, when does it stop?

Mr. Payne: Well, I think Stafford County is a great place to be and live and invest, and, uh, your growth hasn't been that extraordinary over the past 10 years. So, when you're saying, when's it gonna stop, I would ask when's it gonna start. Because you need the investment.

Mr. Randall: I totally agree. Like I said, we have to start somewhere and this may be the good start, right. But then, we say okay, with this one we're done and everyone after this one all has to build the commercial. And oh, by the way, you need to build the portion of commercial, the portion, the 750,000 square-foot of commercial, you guys all have to pick up somewhere because the first one to the table wasn't forced to do that, right. I'm not saying that this isn't what you want. I'm just saying that we, as the County, have to figure that out, right. And if the County says, hey, we know this is great without any commercial, okay. But that's a decision we have to make because at some point in time, commercial's going to be required.

Mr. Payne: Well, I see it on the...

Mr. Randall: It won't happen on its own.

Mr. Payne: I see that on the surface, but the reality is our project has a hundred different aspects to it, or 500 different aspects to it, not one, not just because it's a residential use. What else do we bring to the table other than the fact it's a mixed residential use, right. There's a lot of factors here. So, again, I wouldn't want to put you in a pigeon hole, in a situation where you've got to approve everything residential after this. It's just, it's not consistent with your Comprehensive Plan, it's not consistent with what we have proposed.

Mr. Apicella: Any other questions for the applicant? Alright, thank you Mr. Payne.

Mr. Payne: Thank you Mr. Chairman.

Mr. Apicella: Alright, so I'm going to open the public hearing on this item. This is an opportunity for the public to comment on this particular public hearing item. If anyone's interested, before starting your comments please state your name and address. The clock starts when the green light appears; yellow

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means there's 1 minute left; red means your time is up. If anyone is interested in speaking on this item, please come forward. Alright, seeing no one rush to the podium, I'm going to close the public hearing and bring it back to the Commission. Mr. Bain, this is in your district. Do you have any more questions, or do you have some action you'd like to take?

Mr. Bain: I don't have any more questions. I'll add one more comment concerning the traffic and traffic movement. If the applicant really felt that the STARS Project was going to essentially eliminate the opportunity for left-in and left-out, then why did they design their entrance to allow right-in and right-out, because all that'll happen, all that'll cause is when the STARS is implemented, the people in the development are going to be mad as hornets because they used to be able to turn left which, according to the traffic engineer, would be no problem because they can squeeze in between the open spaces in the backups. So, why did they design it that way? I just think it's a very terrible design. I had told Mr. Payne early on that I thought right-in/right-out was the only way to go and I'm going to continue to say that. And I was, I was prepared tonight to make a motion to deny, but several other issues have come up that I think would, uh, deserve to let the applicant consider perhaps a little further. So I'm going to make a motion to defer to the... what are the meeting dates in July, Mr. Harvey, can you help me there?

Mr. Apicella: It's July 28<sup>th</sup>.

Mr. Bain: July... oh, July 28<sup>th</sup>. Okay. I'm going to make a motion to defer to July 28<sup>th</sup> in hopes that the applicant will have heard the comments that we've made here concerning both traffic and commercial uses and the other proffers, and may come back with some proposals that would suit us better.

Mr. McPherson: Second.

Mr. Apicella: Okay, thank you Mr. Bain. There's a motion to defer RC20153340, Reclassification, Mainline, to the July 28<sup>th</sup> meeting; seconded by Mr. McPherson. Any further comments Mr. Bain?

Mr. Bain: Uh, no sir.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No additional comments, thank you.

Mr. Apicella: Anyone else? Okay, just to reiterate one ask that was made, and I think the applicant agreed, was to look at the proffer on amenities and potentially make a change so that some of the amenities would occur before the first occupancy permit. Alright, with that said, on the motion...

Mr. Bain: And also, Mr. Apicella, I'm sorry, the tot lot versus playground issue was referenced, too, and should be considered.

Mr. Apicella: Okay, thank you Mr. Bain, for that clarification. Alright, on the motion to defer to the July 28<sup>th</sup> meeting, Mr. Bain, how do you vote?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

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Mr. Apicella: Mr. Cummings?

Mr. Cummings: Aye.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: And Mr. Apicella votes aye. Motion carries unanimously. Thank you everybody. Moving onto the next item, item number 2, Mr. Harvey?

Mr. Harvey: Mr. Chairman, item number...

Mr. Randall: Mr. Chairman, do we want to state publicly what we plan to do with the public hearing?

Mr. Apicella: The public hearing on what, on Mainline?

Mr. Randall: Yes.

Mr. Apicella: Well, I've already closed it, Mr. Bain. Would you like me to reopen the public hearing?

Mr. Randall: I'm sorry, I didn't... okay. That's fine, I didn't hear you. Thank you.

Mr. Apicella: Sorry if I wasn't clear. Just to be clear again, this item, item number 1, the public hearing has been closed. Alright, Mr. Harvey, item number 2.

2. CUP21153746; Conditional Use Permit – Big Motorsports - A request for a conditional use permit (CUP) to allow motor vehicle sales in the M-1, Light Industrial Zoning District on Tax Map Parcel No. 38-25R (Property). The Property consists of 1.8 acres, and is located on the north side of Perchwood Drive, approximately 700 feet east of U.S. Route 1, within the Falmouth Election District. **(Time Limit: September 17, 2021)**

Mr. Harvey: Mr. Chairman, Mr. Valotta will give the presentation for staff on item number 2. It's a conditional use permit application for Big Motorsports.

Mr. Valotta: Hello again Mr. Chairman, Planning Commissioners; Joe Valotta of Planning and Zoning. This is Big Motorsports. It is a conditional use permit application. The request associated with the application is to allow motor vehicle sales in the M-1, Light Industrial Zoning District. This is Tax Map Parcel 38-25R, approximately 1.8 acres in size, located in the Falmouth Election District. James Wells is the applicant. The property is located on the north side of Perchwood Drive, zoned Light... zoned M-



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1, Light Industrial. The B-2, Urban Commercial Zoning District abuts the property to the south, and the M-1, Light Industrial district abuts the property to the north, east, and west. The property is developed with two suited flex office buildings, each of which is approximately 10,000 square feet in size. Current tenants include a brewery, motorcycle repair, auto repair, and detailing uses. Access to the property is located off of Perchwood Drive. And uses on abutting parcels include a variety of warehousing, flex office, and auto repair uses. The applicant submitted a site layout plan to illustrate the location of the proposed use. The site layout plan utilizes the original site plan from 2001. No changes are proposed to the existing building's access or parking areas, and the site layout identifies the, uh, it identifies the location of the 2,000 square-foot suite the use would inhabit. It's indicated in green at the north end of the site. That space would be used for office and to display motorcycles for sale. And the yellow shading indicates the 10 display vehicle spaces that would be allotted for the use. And conditions would limit display vehicle spaces to 10 parking spaces. Continuing with parking, the original site plan shows 60 parking spaces. The other onsite uses would require approximately 42 parking spaces; so, the 18 surplus parking spaces are sufficient to accommodate the proposed use. Looking at, um, the proposed conditions, some of them... some of the proposed conditions would prohibit the display of vehicle parking in undesignated areas, and they would also require that the designated parking spaces be identified with painting or signage. Conditions would also permit a maximum of 10 display vehicle parking spaces. Conditions would limit the hours of operation and the hours of vehicle delivery and also prohibit the outside storage of inoperable vehicles and vehicle parts.

Mr. Randall: Can you go back please?

Mr. Valotta: Yeah.

Mr. Randall: Are any of these currently not being done? So we do now currently allow outside storage of inoperable vehicles and vehicle parts? Do we no limit the hours of operation? Or are we further limiting the hours of operation and are we further prohibiting outside storage of vehicles?

Mr. Valotta: Sure so with the vehicles outdoor storage is permissible however it needs to be screened from view, this site doesn't really accommodate any sort of space where they could do that.

Mr. Randall: Right, absolutely, so and I guess I'm getting a roundabout, they currently have vehicle repair on site?

Mr. Valotta: Mm-hm.

Mr. Randall: And that's all covered, that's within the two buildings, correct?

Mr. Valotta: Yeah it's all conducted within the buildings.

Mr. Randall: Right, they don't drag those vehicles out and leave them in the parking lot at night, right?

Mr. Valotta: Correct.

Mr. Apicella: They leave them in the, they're in there?

Mr. Valotta: Yes.

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Mr. Randall: Right, so currently they don't do outside storage of inoperable vehicles or vehicle parts any way, correct?

Mr. Valotta: Correct, yeah.

Mr. Randall: All your doing is solidifying what they currently do in a proposed condition because it's a CUP just to sell vehicles correct?

Mr. Valotta: Yes.

Mr. Randall: Okay, alright, and what's their current hours of operation?

Mr. Valotta: Current hours of operation...

Mr. Randall: I should just ask the applicant, you can hand signal me if you need to.

Mr. Apicella: Mr. Randall, I'm not following because this is a separate and distinct activity on the site in addition to the uses that already exist on the site.

Mr. Randall: Yeah, no my only point was is that the, although it is a specific condition separate from what they're currently doing, the proposed condition would not change their current operational status, we're just codifying that in a condition as a requirement of the conditional use permit, that's all.

Mr. Apicella: Specific to this-

Mr. Randall: Specific to them selling vehicles but it won't change what they're currently doing that's what I'm trying to, the point I'm trying to make.

Mr. Apicella: Again when you say they who is the they that you're talking about?

Mr. Randall: The applicant.

Mr. Apicella: You're saying the applicant is already doing this on the site? I'm a little confused.

Mr. Randall: Yeah. Just a minute let me, go ahead Joe.

Mr. Valotta: Sure, so yeah the conditions limit the hours of operation to 6 AM to 6 PM, Monday through Friday, 9 AM to 5 PM Saturdays, and no hours of operations on Sunday. And that condition is-

Mr. Bain: I'm sorry Joe, if I could interrupt.

Mr. Valotta: Sure.

Mr. Bain: You said 6 AM to 6 PM but your report says 10 AM to 6 PM.

Mr. Valotta: I'm sorry I must have misspoke, it's 10 AM to 6 PM on Mon-

Mr. Bain: Alright.

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Mr. Randall: I don't have to think about it now, your 6 AM got me for a minute-

Mr. Valotta: Sorry.

Mr. Randall: Alright, I'm good with delivering vehicles at 10:05, I'm not good with delivering vehicles at 6:05, right.

Mr. Valotta: So the hours of vehicle delivery are different from the hours of operation, so-

Mr. Randall: No worries, as long as it's after 10 in the morning we're good.

Mr. Valotta: Yes, okay.

Mr. English: Joe, let me, did they request no Sunday hours?

Mr. Valotta: It was in their impact statement.

Mr. English: Okay they requested it, okay, that's fine.

Mr. Valotta: Yes.

Mr. Apicella: Joe, I do have a question. Why is there a difference between the delivery hours?

Mr. Valotta: Sure, so the condition dictates delivery hours in order to mitigate the impact that this use might have on the neighboring tenants within the parcel. Conditions would also require that customers visit the site by appointment only.

Mr. Randall: Do we know for sure that a five o'clock delivery of vehicles would be a problem? Or are they just being... maybe I should just ask the applicant, it seems to me that we're being pretty restrictive from a 10 to two versus I mean if you were open until 10 o'clock at night I could see where we would probably want to, but you're only, from 10 to five, 10 to six, I fail to see where a 5:30 delivery would be a problem.

Mr. Apicella: Mr. Randall, I'm just, I'm gonna respond, that's what the applicant asked for.

Mr. Randall: I understand that but I'm just, my concern is that he's, that they're being more restrictive because they think that's what we want versus that's what would be best for their business, that's all. I'll ask the applicant.

Mr. English: You don't want to box them in.

Mr. Randall: I'll ask the applicant when he gets up, that's fine. Thank you.

Mr. Valotta: Sure so continuing with proposed conditions, I'm sorry I guess we went through those actually, so-

Mr. Bain: I'm sorry Joe, was there any specification on the type of vehicles that'll be handled, is it motorcycles, cars, tractor trailers, is there any limitation on that?

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Mr. Valotta: Yeah, it would be motor vehicles and motorcycles. Tractor trailers would not be permitted.

Mr. Bain: Okay, there's some criteria that permits that.

Mr. Valotta: Yes, it's defined in the Zoning Ordinance.

Mr. Bain: Okay, okay, good.

Mr. Valotta: So the Comprehensive Plan identifies the property within the central Stafford business planning area and the more detailed land use concept for the planning area designates the property within the business and industry designation. Staff believes that the proposed use is consistent with the Comp Plan recommendations. Staff believes that the location of the site along Perchwood Drive, the presence of adjacent auto sales, service, and repair uses and also the proposed conditions would make this an appropriate use for this site and for the evaluation staff notes positively that the proposal is generally consistent with the land use recommendations in the Comp Plan. It does not change the character of the established development pattern and the conditions will help mitigate any potential impacts and staff notes no negative features and staff recommends approval of the CUP application with conditions pursuant to Resolution R21-217 and that concludes-

Mr. Apicella: Thanks, thanks Joe. I've got a couple of quick questions for you.

Mr. Valotta: Sure.

Mr. Apicella: So just to be clear, the other uses already on the site or any that are already allowed by right can continue?

Mr. Valotta: Correct.

Mr. Apicella: Alright. Do the, the use that's immediately next to this proposed CUP site, do we know what that is?

Mr. Valotta: It is a motorcycle repair.

Mr. Apicella: Okay. Do we think that there needs to be at least one dedicated parking space for customers associated with the Big Motorsports conditional use permit?

Mr. Valotta: It could help yeah, and there are excess, there is surplus parking so if a space was designated specifically to Big Motorsports customers it would not prohibit the other uses on site from conducting business.

Mr. Apicella: Yeah, I think that would be one additional condition I think would be helpful. So we had a previous auto sales CUP in front of us nearby, I'm curious whether there were any conditions from that previous application, either the ones that were already there or the ones that we added that were not considered but we might want to consider as part of this CUP.

Mr. Valotta: No, that CUP had a few extra conditions because of the site layout it included a shared accessway with the adjacent parcel to the north so there were a few extra conditions to prohibit blocking of the travel ways but there are no conditions from that permit that would, that should be extrapolated to this one.

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Mr. Apicella: Okay do you know anything about the business plan, it's my understanding that this is primarily, I'd call it internet sales, or internet listing type of business where the applicant identifies the vehicles that are available, someone makes an appointment, comes and visits the site and does a test drive, is that your understanding of how this operation might work?

Mr. Valotta: I would need to defer to the applicant for details.

Mr. Apicella: Okay, but there's not gonna be a lot of customer traffic.

Mr. Valotta: Correct, conditions will limit customer visitation to an appointment basis.

Mr. Apicella: Okay. That's it for me any other questions for staff? Alright, thank you Mr. Valotta. Would the applicant like to come forward and make a presentation?

Ms. Watson: Hi, good evening. My name's Vanessa Watson, I'm a County resident, I'm a family friend of Mr. Wells. In my previous life I was a planner so I want to interject if I may just for a moment. Mr. Wells has not started his business yet, the CUP, the business is requiring a CUP so he hasn't started the business yet. His business, he will speak to this business model but it is appointment only and that's what we presented to the County staff. It is a requirement now as a condition but there will be minimal amount of traffic because it will be appointment only. So I just wanted to let, mention that. Thank you.

Mr. Wells: How you guys doing? Thank you guys so much for seeing me this evening and you know taking the time out of your days and with your families. My name is James L. Wells, I'm the owner of Big Motorsports. I've been in this business for about 22 years, I used to work for a small company you've probably heard of called Coleman Powersports up in Woodbridge and they got one in Falls Church. I ran that company for Tim Harrison and the Colemans since '98. I decided to go out on my own, do something on my own, but something small it's just me, one man show, because I was a GSM so we had to wear many hats so I am experienced in this business very well and I will be selling powersports which is ATVs, UTVs, small ones, kids units, and things of that nature and few used vehicles also because cars are cash that's where you get the money from is the cars. The powersports is the passion and I'm a passion seller and I'm passionate about this business so I took all the money I saved up and all the pennies, they create this little entity called Big Motorsports and has a big name, small space so everything that I've tried to do appreciate with Vanessa's help because I don't know CUP jargon, you know, I'm just trying to just operate solely as an appointment only where a customer makes the appointment online, they give me you know a call to look at the vehicle, I send them pictures of the vehicle, and then they come in and pick up, or as we would call it in the business take delivery, which they're taking delivery and going home. If not I also have capabilities of delivering it to the customer also. So it's very small, very simplistic plan.

Mr. Randall: Alright so quick question then, so I'm looking at the, if you could pull up the site plan please?

Mr. Wells: I don't know how to work this.

Mr. Randall: No, no I am not speaking to you, I'm sorry.

Mr. Wells: Thank you.

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Mr. Randall: So you're looking at the site plan there so, Joe he may need your help drawing or whatever, or at least point it out, where do you currently do your motorcycle repair and your motor vehicle repair on this site plan.

Mr. Wells: Nowhere.

Mr. Randall: Nowhere?

Mr. Wells: Well, the motorcycles get repaired next door to me. That's a company called LL7 Cycles.

Mr. Randall: Okay.

Mr. Wells: Alright. The automotive is-

Mr. Randall: But that's not yours?

Mr. Wells: That's not mine. The automotive is an offsite of a private property, that's private.

Mr. Randall: So this, so okay that would be on me then. I assumed you were doing some things onsite already. So the green area is the area that you've leased to do this particular business of motorsports selling by appointment only?

Mr. Wells: Yes sir.

Mr. Randall: So it'll be those and it'll be the vehicles right there and they, in the yellow spaces?

Mr. Wells: Yes sir.

Mr. Randall: That's my misunderstanding, so I apologize Steven, you were right.

Mr. English: Can I ask you, Mr. Wells I know you said the hours for your operation right? You set those hours?

Mr. Wells: Yes.

Mr. English: I don't know that you said no Sunday hours, I don't know if you want to box yourself in like that, could be a situation where you may need to meet somebody on a Sunday to do something.

Mr. Wells: Not doing no business-

Mr. English: You're not gonna do it on Sunday, okay.

Mr. Wells: My momma said we never work on Sunday.

Mr. English: Understood, respect you for that. Thank you sir.

Mr. Apicella: I've got a question -- how many customers do you think might visit your site at the same time?

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Mr. Wells: I mean the appointments are set up to be about 45 minutes in intervals because on average, I've been doing this for a long time they usually are about 45 minutes from beginning to end of a transaction. Any time you go further than that, everybody here's bought a car, you know once it gets to that hour, that two hour, that three hour stage, this is why it's a one man show, I want you in and out in 45 minutes so I can move on to the next appointment.

Mr. Apicella: So the reason I ask that, you might have heard my question to staff about a dedicated parking space, I'm just wondering if it's, it needs to be one parking space, or two parking spaces, again just to be sure that customers visiting your site have somewhere to come and they're not in competition in terms of finding a space with the other uses on the site. So help me understand would one be sufficient or do you think we need two?

Mr. Wells: Well if you look on the site plan, if you look right in front of the little green box which I drew that by the way, there's two spaces that are dedicated right in front of the building. There's one square all the way to edge of the property line, that right there is just a blank space. There's a space next to it and a space right next to it again.

Mr. Apicella: Alright so if I added, if I were to add a condition that said that at least two dedicated parking spaces shall be provided for customers, you wouldn't have a problem with that?

Mr. Wells: I wouldn't have a problem with that, they're already there sir, yes sir.

Mr. Apicella: Okay great. I'm sorry Bart you were gonna ask another question?

Mr. Randall: No I was just going to clarify the hours of oper- the hours of operation and the hours of delivery. The hours of operation are 10 to six, I'm sorry 10 to five and then Saturday 10 to six or did I get it backwards?

Mr. Wells: Ten to six Monday through Friday-

Mr. Randall: Saturdays 10 to five. Right, again it goes to the boxing yourself in, if we were to say that we would be okay with deliveries during the entire hours of operation, is that something that you would say no to or did you say only 10 to two because that's convenient to you or that works for you or because that's what you thought would be required?

Mr. Wells: Twofold on the delivery, okay.

Mr. Randall: Please.

Mr. Wells: Delivery of products coming to me, that's what I thought we were talking about, and when we were putting this together so I was trying to limit my impact on the parcel so I agreed I said okay well getting deliveries of vehicles dropped off by a tow truck or bring it from my detail area you know what I mean things like that, bring it over to the site to sell I was gonna limit that to a certain time, you know what I mean but the other delivery where you're serving the customer, that's called a delivery also and that's between the hours of operation.

Mr. Randall: That to me more of an offsite thing and I don't, you know if you wanna if you wanna get there and you want to drive a car at 10 o'clock at night and you want to drop it off at 10 o'clock at night I don't, my issue is, is the things that are coming to your site, right, and maybe I'm only speaking for

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myself but I don't think that there would necessarily be an issue with me at least if you said that I would be, I would prefer that deliveries because your only hours are 10 to six and 10 to five that they be allowed to be, to take place during that entire hours of operation, right.

Mr. Wells: No, I agree.

Mr. Randall: Rather than just the 10 to two, that doesn't seem you know, I appreciate what you may have been doing for the County but I don't think that, and I'm not speaking for the County, I'm speaking for me, I don't think that that would be required.

Ms. Barnes: Are you doing that in deference to the neighbors, to the brewery perhaps that'll have, I don't know when their business picks up at that brewery-

Mr. Wells: Yeah, that brewery doesn't open up until the afternoon.

Ms. Barnes: So if you were getting deliveries with big trucks at five o' clock or...

Mr. Wells: No they're always moving cars in and out of that because you got Vision Autobody there...

Ms. Barnes: So it wouldn't have any impact?

Mr. Wells: It wouldn't really impact them, I mean the staff put it out there and Mr. Randall I'll be honest, yes I just want the process to go.

Mr. Randall: I figured as much and so that's why I brought it up and I think that-

Mr. Wells: I just want the process to be as smooth as possible for me.

Mr. Randall: If staff told you you could only do it for five minutes on the third Saturday of every, well alright that's gonna be tough for me but anything we can do to make it work.

Mr. Wells: I'll make it work, I'll make it work.

Mr. Randall: Right, that's not our intent, so-

Mr. Wells: I'm new at this, I'm new at the CUP thing.

Mr. Randall: Absolutely, absolutely, so, so I think we can probably expand those hours of operation of delivery to those hours and I think we're well within a good neighbor.

Mr. English: You would want to do that with the way the traffic is around here too because you know, it jams you up and after two you say oh, like I said don't box yourself in.

Mr. Wells: No I agree with you, I moved down here two years ago and I tell you from Woodbridge, and I'm from DC so I know about the traffic around here, I know about the traffic.

Mr. Randall: Mr. Chairman that's all I have, thank you.

Mr. Wells: Any more questions for me or... alright. Okay, no problem.



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Mr. Randall: Steven we can't hear you. Check your mute button.

Mr. Apicella: Alright my apologies, I'm gonna open the public hearing on this matter, it's an opportunity for the public to comment. Before starting your comments please state your name and address, the clock starts when the green light appears, yellow means just one minute left, red means your time is up, if anyone would like to speak on this item please come forward now. Alright seeing no one I'm going to close the public hear- oh-

Mr. Randall: He was sitting in the very back and it's a long walk.

Mr. Foley: Good evening everyone, my name is Dwight Foley, I'm a resident of Prince William County. I just came to speak on behalf of Mr. Wells. I worked with Mr. Wells from 2004 to 2017 intermittently with Coleman Powersports, I worked at the Woodbridge and the Falls Church locations, I went where I was needed. Just on behalf of Mr. Wells, he was professional as a leader, as a general sales manager at Coleman Powersports in Woodbridge. He maintained his product knowledge, he made sure that his sales professionals maintained their product knowledge, treated their customers with respect, were ethical, and everything was very clear, so it, that's all I came to say. Thank you.

Mr. Apicella: Alright, thanks very much.

Ms. Watson: May I interject one other thing, I wanted to share that it wasn't pointed out. All the existing businesses in that little area, those two spec warehouses have signed letters of support, thank you very much and then a gentleman who wasn't able to make it did send a letter of recommendation as well, thank you very much.

Mr. Apicella: Thank you.

Mr. Pittman: Jonathan Pittman I operate 22 Perchwood Dr, the Radley Collision Center and my just very easy question, I'm still slightly unsure are you right behind Adventure Brewery, is that where you'll be?

Mr. Wells: All the way at the end.

Mr. Pittman: All the way at the end, okay where the motorcycle current shop is, because it kept showing it was at Perchwood yeah, other than that I expect the, I have no issue with it.

Mr. Apicella: We didn't get your name sir.

Mr. Pittman: First name Jonathan, last name Pittman, and I operate Radley Collision Center.

Mr. Apicella: Thank you. Alright is there anybody else in the audience Mr. Randall?

Mr. Randall: No, I think we're good.

Mr. Apicella: Okay great, so I'm gonna close the public hearing on this item, bring it back to the Commission, Mr. Randall this is in-

Mr. Harvey: Mr. Chair?

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Mr. Randall: Mr. Chairman, Mr. Harvey has a letter that he would like to read into the record.

Mr. Harvey: Alright Mr. Chairman we have both two correspondence that we received via email. The first one reads, "We the undersigned representatives of the business entities located at 33 Perchwood Drive in Stafford, Virginia are in favor of the addition of Big Motorsports at this location. As a dealership specializing in the sale of various types of pre-owned and refurbished motor vehicles, Big Motorsports is anticipated to have a positive impact on related businesses at this location by providing an additional service to the consumer", and it's signed by various different business entities, the business residents of 33 Perchwood Drive, Adventure Brewing, Dentmasters, LL7 Cycles, Tango Mike's Detailing, and Vision Auto Body. The other letter we received was from Mr. David W. Payne of 368 Wood Landing Road. His letter reads as follows, "Greetings Stafford Zoning Commission and Stafford Board of Supervisors, my name is David Payne, I'm a ninth generation Port of Falmouth, Stafford citizen. I'm a graduate of Stafford Senior High School and have watched our small town become a greatness it is today. I own two successful businesses here in Stafford County, my tax rate would be lower in other neighboring counties but I take great pride in our County. I'm writing you today to inform you of the outstanding character and business professional of James Bigman Wells III. Many years ago I was a general sales manager of Fredericksburg Motorsports here in South Stafford. I'm a huge competitor of Coleman Powersports in Woodbridge. That team was led by Mr. James Bigman Wells. At Fredericksburg Motorsports I was having a hard time competing with James and his well-directed and talented team. I decided after many years with Fredericksburg Motorsports that if I couldn't beat him I needed to join him. I became James's sales manager where I learned so much about the automotive industry which I had been a part of for almost 10 years. James taught sales classes weekly to all the sales staff, excuse me to all the staff based on being helpful, compassionate, and ethical. James became a leader and a businessman I strive to become. He worked hard, smart, and wisely. He made sure that paperwork was more important than the selling price. The way he guided the staff on all aspects of the sale, not to only make our jobs easier but to make the process legal and ethical. At Coleman Powersports, James had documents that I had never seen before from other dealerships I'd worked for in the past. These documents were what was not only needed to be included but were mandatory by the department of motor vehicles and motor vehicle administration. I know that James Wells will not only create a successful here in Stafford County but our great county of Stafford will be better with James in business here. James is the progress since 1664 that our county instills. Thank you for your time and god bless you all. David Payne."

Mr. Apicella: Thank you Mr. Harvey, I'm gonna try one more time to close the public hearing and bring this back to the Commission. Mr. Randall this is in the Falmouth district so I'm gonna virtually pass the Chairman chip gavel to you with a motion that I'd like to make.

Mr. Randall: Do we have a motion on this?

Mr. Bain: So moved.

Mr. Apicella: What, I haven't made my motion yet.

Mr. Bain: To pass the gavel.

Mr. Randall: Do we have a motion on the conditional use permit for Big Motorsports.

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Mr. Apicella: Yes, so I'm gonna make a motion to approve the CUP21153746 Conditional Use Permit Big Motorsports with the conditions as provided in the staff report as amended as follows, Item 7 would be amended to "hours of vehicle delivery to the site shall be limited to 10 AM to 6 PM Monday through Friday and 9 AM to 5 PM on Saturday. There shall be no vehicle delivery on Sunday", with an additional condition number 8 as follows, "at least two dedicated parking spaces shall be provided for customers". That's my motion Mr. Chairman again to approve this CUP those amended conditions.

Mr. Randall: Do I have a second to the motion to approve with the additional conditions?

Mr. Bain: Second.

Mr. Randall: Alright we have a motion to approve Conditional Use Permit 21153746 Big Motorsports with two changes to the conditions, does anybody need to have those changes read back? Alright we have the second by Mr. Bain. Let's go through the roll for a vote. Mr. Cummings?

Mr. Cummings: I agree.

Mr. Randall: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Randall: Mr. Apicella?

Mr. Apicella: Yes.

Mr. Randall: Mr. English?

Mr. English: Yes.

Mr. Randall: Mr. Bain?

Mr. Bain: Yes.

Mr. Randall: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Randall: Mr. Randall votes yes so we have recommended approval 7-0 and I'll pass the gavel back to the Chairman.

Mr. Apicella: Thank you Mr. Randall. Alright Mr. Harvey, moving on, just regards to items 3 and 4, Vulcan Quarry rezoning, that's been deferred to the June 23<sup>rd</sup> meeting, and we have a special meeting on the 16<sup>th</sup>. Mr. Harvey, is there any other details that you'd like provide about the special meeting?

3. RC19152912; Reclassification – Vulcan Quarry - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the M-2, Heavy Industrial Zoning District on 23.02 acres, consisting of portions of Tax Map Parcel Nos. 20-3A (18.63 acres) and 20-4A (4.39 acres); and a proposed proffer amendment on 558.36 acres zoned M-2, on Tax Map Parcel Nos. 19-64 (99.64 acres), 19-65 (239.41 acres), 19-67T (16.13 acres), 20-2 (56.65 acres), and a portion of 20-4A

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(146.53 acres) (collectively, “Property”). The zoning reclassification and associated proffer amendments would expand the area where stone extraction is permitted, allow for a new concrete manufacturing use, and provide a consistent series of development standards across the Property. The Property is subject to a concurrent conditional use permit (“Proposed Conditional Use Permit”) request. The Property is located at the northern terminus of Dun Rovin Lane, approximately 2,800 feet north of Garrisonville Road, and along Vulcan Quarry Road, within the Rock Hill Election District. **(Time Limit: August 20, 2021) (History: May 12, 2021 Public Hearing Continued to June 23, 2021)**

4. CUP19152911; Conditional Use Permit – Vulcan Quarry - A request for a conditional use permit (CUP) to allow heavy industrial and heavy manufacturing uses not otherwise listed, specifically stone extraction, asphalt manufacturing and concrete manufacturing, in the M-2, Heavy Industrial Zoning District, on Tax Map Parcel Nos. 19-64 (99.64 acres), 19-65 (239.41 acres), 19-67T (16.13 acres), 20-2 (56.65 acres), 20-3A (21.91 acres), 20-4A (150.92 acres), and a portion of 20-3 (17.28 acres) (collectively, the “Property”). The Property is subject to a concurrent reclassification and proffer amendment request. The Property consists of 601.94 acres in total, located at the northern terminus of Dun Rovin Lane, approximately 2,800 feet north of Garrisonville Road, and along Vulcan Quarry Road, within the Rock Hill Election District. **(Time Limit: August 20, 2021) (History: May 12, 2021 Public Hearing Continued to June 23, 2021)**

Mr. Harvey: Well, Mr. Chairman, the special meeting will take place at North Stafford High School, and we are sending out notices to more than 500 nearby residents.

Mr. Apicella: Okay. And it’s scheduled for 6 to 9:30 PM?

Mr. Harvey: Yes sir.

Mr. Apicella: Okay, great. Alright, moving on.

UNFINISHED BUSINESS

5. Amendment to the Zoning Ordinance - Amend Stafford County Code Sec. 28-35, Table 3.1 “District Uses and Standards” regarding uses in the A-2, Rural Residential Zoning District.

Mr. Harvey: Mr. Chairman, for item number 5, that deals with a referral from the Board of Supervisors to schedule a public hearing regarding uses in the A-2 Zoning District, specifically, staff would like to discuss agricultural uses and how they should be treated. And Ms. Baker will lead the staff discussion.

Ms. Baker: Good evening Mr. Chairman and members of the Commission. Can everyone hear me?

Mr. Randall: Yes.

Ms. Baker: Okay. Kathy Baker, Assistant Director of Planning and Zoning. And if I may have the computer please, just do a brief overview of this. And Stacie, if you’ll advance the slides for me. This is the A-2 Zoning District Uses proposed Ordinance. And this, as you recall, the Board requested the Planning Commission to review the current uses in the A-2 Zoning District, and the Planning Commission established a committee which developed the proposed Ordinance. Once that was brought back to the Planning Commission in full, that was forwarded back to the Board for input. And on May

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18<sup>th</sup>, the Board referred this Ordinance to the Planning Commission for, um, to authorize its public hearing and hold a public hearing. And they also requested that the Planning Commission consider a minimum lot size for certain Agricultural uses, which I'll discuss. So, first of all, just a summary of the proposed changes. This Ordinance would add forestry on a minimum of 20 acres with the plan approved by the Department of Forestry and/or a certified consulting forester. And this would be as a by-right use. It would also add commercial kennel as a use by a special exception, which... with a 3-acre minimum lot size. And this would require a Board of Zoning Appeals approval. The Ordinance would also remove parking and storage of commercial vehicles from the A-2 zone. It would also change three of the existing uses from a by-right use to a use by special exception, and that includes Bed and Breakfast, golf course, and community use. And then, it would also change club/lodge/fraternal organization from a conditional use permit to a special exception. Next. With regard to the Agricultural changes, previously in your Ordinance the following was proposed as a by-right use; that would be an agricultural operation for livestock/poultry, and it included language if such operation is located on property less than 2 acres, a conservation farm plan approved by Tri-County Soil Water Conservation District or other applicable agency must be provided. So, I wanted to note what the definitions are currently listed in the Zoning Ordinance. We have Agricultural, which basically says see Agricultural Operation. So the definition for Agricultural Operation is an operation devoted to the bona fide production of crops or animals or fowl, including the production of fruits, vegetables of all kinds, meat, dairy and poultry products, nuts, tobacco, nursery and floral products, and the production and harvest of products from silviculture activity, which is basically forestry. Nursery operations are considered agricultural operations, in addition to apiaries, which are beehives. Agricultural operations do not include establishments engaged in the processing of silvicultural products or above-ground application or storage of sewage sludge. So, staff is recommending that as the by-right use, we strike Agriculture and just add Agricultural Operation, with the minimum of 3 acres as a by-right use. So, in essence, Agriculture wouldn't be permitted as under this definition, unless you had a minimum of 3 acres in the A-2 zone. So, your next steps would be to authorize a public hearing after you recommend any final changes for this Ordinance. I'll be happy to answer any questions.

Mr. Apicella: Kathy, just to clarify, we have an amended or revised Ordinance O21-01 that would follow what you just recommended?

Ms. Baker: That's correct, yes.

Mr. Apicella: Alright. Is there any further discussion or would someone like to make a motion to put this new revised Ordinance to a public hearing?

Mr. English: I make a motion to...

Mr. McPherson: So moved.

Mr. English: ... move to a public hearing.

Mr. Apicella: Okay. And, uh, we could do that, um, Jeff, at the June 23<sup>rd</sup> meeting? Or would it need to wait until the July 28<sup>th</sup> meeting?

Mr. Harvey: Mr. Chairman, due to advertising requirements, it would have to be scheduled for the July hearing.

Mr. Apicella: Okay. So, is that your motion, Mr. uh...

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Mr. English: Yeah, that's fine. The motion to move it to a July public hearing.

Mr. Apicella: Okay, is there a second?

Mr. Randall: I'll second that motion.

Mr. Apicella: Alright, thank you Mr. English and Mr. Randall. Any further comments Mr. English?

Mr. English: No, just thank you Kathy for all your hard work.

Ms. Baker: You're welcome.

Mr. Apicella: Mr. Randall?

Mr. Randall: Uh, no, now Kathy you can come work on the Comprehensive Plan subcommittee.

Ms. Baker: Aww, you've got too many good people doing that already.

Mr. Randall: Are you sure you don't want to join us?

Mr. Apicella: Any comments from anybody else? Alright, seeing none, there's a motion to put the new revised version of O21-01 to a public hearing to be scheduled for our July 28, 2021, meeting. Mr. Bain, how do you vote?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: And Mr. Apicella votes aye. Thank you as well, Kathy. Alright, moving on, there's no New Business. Planning Director's Report – Mr. Harvey.

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Mr. Chairman, I wanted to bring up an item for discussion about the current meeting schedule, and more so about the timing of the meetings. As the Commission may or may not be aware, the County now has the building fully open to the public. For persons that are not vaccinated, they still are asked to wear a mask. However, there are no further restrictions as far as number of persons within the Chambers. So, staff would ask the Commission to consider, um, whether or not it wants to go back to the previous 6:30 start time for meetings. Also, if the Commission wants to go to an alternative start time, staff would remind the Commission that that would require a By-laws change. I know there have been some off-hand discussions about maybe starting regular meetings at 6 PM. If that were the case, staff would consider recommending that the Commission look at maybe changing the order of business for the agendas, whereas Unfinished Business and New Business could occur first. That would potentially allow the public more time to arrive to a Planning Commission meeting, and then the public hearings would follow New Business and Unfinished Business. That also would benefit the applicants who have new business and unfinished business from them to not have to sit through lengthy public hearings prior to them having their item being discussed. Often times new business does not take as much time as a public hearing for a consideration and vote by the Commission, and sometimes unfinished business also can happen pretty quickly.

Mr. Apicella: So, what I'm hearing is that we can choose, or maybe not, to continue on with the 4:30 start time and/or potentially make additional revisions to the Planning Commission's start time. My reaction to the latter is that that would be something we might want to really take some time to think about rather than making those changes on the fly and discuss what the pros and cons are of changing the order of business and/or our start time going forward. But, with regard to the 4:30 start time, what do folks think? Are you ready to go back to the 6:30?

Mr. English: You want us to be honest?

Mr. Apicella: Yes.

Ms. Barnes: Nooooo.

Mr. English: But, I mean, we've got stuff set up right now as far as set up in the paper, right, for 4:30? What do we got in the pipeline right now set up for 4:30?

Mr. Harvey: Yes, Commissioner English, we have advertised for your next meeting to start at 4:30. Right now, the County's emergency ordinance extends through September, unless the Board of Supervisors repeals it. Currently, the State's emergency ordinance is still in effect. But the emergency ordinance at the State level pretty much affects any mass transit or public transportation which are building does not meet that criteria. So, that's why I'm bringing it up to the Commission's attention now so we can think about, you know, does the Commission want to change its mode of operation. Because once the emergency is over, you would default to your By-laws, which says you have meetings start at 6:30.

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Mr. English: And we have one meeting in July and one meeting in August, right?

Mr. Harvey: Correct, yes.

Mr. English: So, it wouldn't hurt if we just started in September? Or is that... that way, because we only have two meetings, I mean, starting in July and August so the first meeting in September we go back to 6:30? I mean, I'm just throwing that out there.

Mr. Harvey: Commissioner English, that could very well be the case. I guess it depends on if the emergency ordinance is lifted at the local level. And then you would have to revert back to the By-laws.

Mr. English: Understood, understood.

Mr. Apicella: So, what you're suggesting, Mr. English, is for the moment to continue on with the 4:30 start time again already advertised for the June 23<sup>rd</sup> meeting, to have it on June 23<sup>rd</sup>, the 28<sup>th</sup>, and the 25<sup>th</sup>, and go back to the 6:30 start time on September 8<sup>th</sup> unless and until the Board changes the emergency order that would require us to go back to the 6:30 start time sooner than that. Is that kind of...

Mr. English: That's kind of where I was going with that. I was on there to see what anybody said about that. Because we only have two meetings, I mean, one in July and one in August, so I don't think it made a big different. But yes, that's what my recommendation is.

Mr. Apicella: I can certainly live with that. What about other folks?

Ms. Barnes: I can live with that.

Mr. Randall: You liar.

Mr. Apicella: Mr. Bain?

Mr. Bain: I like 4:30. Anything that would maintain that. Let's face it, I'm the oldest person on the board; come 10 o'clock, you know, my eyes start to close, so.

Mr. Apicella: Mr. Randall...

Ms. Barnes: I would... *inaudible*... on that.

Mr. Apicella: Are you good with that Mr. Randall?

Mr. Randall: Well, I think we... I think there's some open discussion for, and this gives us... I'm perfectly fine with the 4:30 through August, but I do think that there may be some discussion to a, you know, a 5:30 start with a change in the agenda. Or even a 6 o'clock. To be honest, 6 o'clock, leaving the same agenda – if we're going to think about changing the agenda, then I think we can move it to 5:30 without too much of an issue. It takes us normally about an hour to get through all of those New Business, Unfinished Business before we get to the Public Hearings at 6:30, which is probably... you know, it's a problem when we're here. When we're doing the public hearing, we have a public hearing at 8:30, 9 o'clock, 9:30, 10 o'clock. And so, if we start earlier and we get those things done, you know, we start at 5:30, then we start the public hearings at 6:30 and we can maybe get those done a little earlier



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and, you know, there's lots of consideration, much less the 7 of us, all of staff, all of the public that's here. So, I think we're good leaving it at 4:30 as long as the Board's willing to keep that emergency order in place. But I do think that at one of our meetings we need to have a further discussion on changing the By-laws and rechanging the agenda and the start time. Over.

Mr. Apicella: Thanks, Mr. Randall. I think you gave a thumbs up, Mr. McPherson; is that the case?

Mr. McPherson: Mostly yes, but I have one thought. Maybe we should base the start time on how many items we have on the agenda. If we have 18 items, we could start at 4:30. If we only have 2 items, we can start at 5:30.

Mr. Apicella: Yeah, I'm going to ask that we push off the discussion about changing our future start time and order of business to another meeting, because I think that's going to take a lot of thought and discussion. We might even want to put it to a subcommittee to kind of noodle it and work with staff. I'm not saying we do that now, but it's definitely something that is worth consideration. I'm just asking, in terms of the 4:30 start time, are you good going through the August 25<sup>th</sup> meeting?

Mr. McPherson: Yes. I support 4:30 start time but, at some point, we could base the start time on the agenda items, in the future.

Mr. Apicella: Okay. Alright, Mr. Cummings, are you okay with the 4:30 start time through...?

Mr. Cummings: I am.

Mr. Apicella: Alright. So I don't think we need to take a vote on that. I think consensus is leaning us towards the next couple of meetings with a 4:30 start time. Does that work for you Mr. Harvey? Again, we can definitely force correct if the Board changes their protocols.

Mr. Harvey: Yes, Mr. Chairman, that will work for staff. I would recommend, however, that a decision be made by your July meeting because the... according to your current By-laws, you have to wait 30 days before you can make an official change after the Commission has agreed to a change to the By-laws. So, if you waited till July, that would take you through August before you could make the By-laws become effective. So, for instance, if you suggest a change to the By-laws in July, in August they could become adopted and effective in August, for your first meeting in September.

Mr. Randall: For our first meeting in September.

Mr. Apicella: I'm just going to throw out, and folks can throw rocks at me if they want to on this, this Planning Commission will not be the same Planning Commission starting in January. Some of us have an expiring shelf life and I would not want to... I mean, I think that needs to be part of the discussion and consideration about how we move forward. So I think we should take some pause and some deliberative thought about whether we want to go to a significant change of protocol in terms of time and order of business at this point in time given what the future holds. If folks still want to put it on the July agenda, I mean, that's fine. I just want to preface it with that point. Reaction? Nobody?

Mr. Randall: Yeah, I think we're good for now. I think we bring it up on the... maybe as Unfinished Business for the, even next on the 23<sup>rd</sup> and we begin the discussion there. We need to be able to make a final decision on the... in the July meeting to approve it in August. Or, maybe, Steven, after our discussion we want to just leave it alone for 6 months. Over.

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Mr. Apicella: Again, other folks. Based on what I said, you have some trepidation or you still want to move forward with changing the schedule?

Mr. McPherson: No.

Mr. English: I'm willing to sit on some sort of committee to work with staff and figure or come up with something in July. If that moves it on.

Mr. Apicella: Alright, how about Darrell, you, me and Mr. Bain or Ms. Barnes or Mr. Cummings, all three of you will still be on the Planning Commission in January.

Mr. English: Not me, I won't, not me.

Mr. Bain: But I'll be on the committee.

Mr. Apicella: Yeah, I'm thinking it ought to be the three of them because they will definitely be on...

Mr. English: Yeah, that's fine, that's fine.

Mr. Apicella: Are the three of you good with that?

Mr. Bain: I am, yes. This is Al.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: I guess so, sure. Yes.

Mr. Apicella: I don't think it's going to take a lot of time.

Mr. Cummings: I'm with you Kristen... *inaudible*.

Mr. Apicella: Alright. So, just like any other subcommittee, anyone else can sit in on it. We'll make sure that those meetings are properly noticed and everybody can have their input as they so choose. Alright, Mr. Harvey?

Mr. Harvey: Thank you, Mr. Chairman, that concludes my report.

**COUNTY ATTORNEY'S REPORT**

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

Ms. Lucian: I don't have one. Just a long dramatic pause.

Mr. Apicella: Alright, thank you. Committee Reports – Comprehensive Plan Update. Mr. Randall.

**COMMITTEE REPORTS**

6. Comprehensive Plan 5-Year Update Subcommittee

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*Subcommittee Report – May 27, 2021  
BOS Update Report – June 1, 2021  
Meeting – June 3, 2021  
Next Meeting – TBD*

Mr. Randall: Yes. We had a meeting last week. Yes. And we are through all 7 chapters. With our comments, staff has a significant load of work to update some tables. Mr. Harvey made a presentation to the Board of Supervisors based on our efforts. He got favorable responses back with the exception of one comment that we're working on. But we're still on track. We'll meet again next, um, Thursday, and then we will start work, start adjudicating staff's updates in adjudication of the different departments' inputs. Thank you.

Mr. Apicella: And sorry to keep, uh, being a broken record here. Has the website that Mr. Zuraf mentioned gone live or when will it go live for the folks and the public to provide any thoughts or comments?

Mr. Harvey: Mr. Chairman, it has not gone live, and we're, not at this point, to figure out when that will occur.

**CHAIRMAN'S REPORT**

Mr. Apicella: Alright, thank you. Chairman's Report – same as every meeting; pursuant to our By-laws, I hereby authorize the Vice Chairman signing documents in my absence. Other Business – TRC; hopefully you've gotten or will get your material, Mr. English, for the Hartwood TRC item. Approval of Minutes – None. With no further business before the Commission, we are hereby adjourned. Thank you everybody.

**OTHER BUSINESS**

7. New TRC Submissions
  - ❖ Sycamore Grove Preliminary (E-Plans) - Hartwood Election District

**APPROVAL OF MINUTES**

NONE

**ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 7:59 PM.