

STAFFORD COUNTY PLANNING COMMISSION

August 25, 2021

The meeting of the Stafford County Planning Commission of Wednesday, August 25, 2021, was called to order at 6:01 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: Barton Randall, Albert Bain, Kristen Barnes, Dexter Cummings, Darrell English, Steven Apicella (remote)

MEMBERS ABSENT: Fillmore McPherson

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Brian Geouge, Joseph Valotta, Amy Taylor

Mr. Apicella: This is Steven Apicella, Chairman of the Planning Commission of Stafford County. I call tonight's meeting to order. Before we get started, I'd like to ask the Commission to authorize my remote participation. If there's a motion to that effect, I would greatly appreciate it.

Ms. Barnes: So moved.

Mr. Bain: Second.

Mr. Apicella: Any discussion? Seeing none, we will do a quick voice vote. All those in favor say aye.

All Commissioners: Aye.

Mr. Apicella: All opposed? Alright, thank you. The motion carries. Today's votes will be conducted by voice vote. Although we might have to change that, if you guys can't hear me and if we have any technical issues, Mr. Randall will take over the meeting as appropriate.

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any Declarations of Disqualifications on any agenda item? Okay, I see none. Are there any changes to the agenda? Okay. Looks like we're going to go with the agenda that we have.

PUBLIC PRESENTATIONS

Mr. Apicella: I'm now going to open the public participation, presentations portion of today's meeting. The public may have up to three minutes to speak on any item except the five public hearing items that are scheduled for this evening. There'll be a separate comment period for each one of those items as they come up. Before starting your comments, please state your name and address. When the green light starts, please start your comments. When you see the yellow light that means you have 1 minute left, and the red light means please stop your comments and let the next person speak. So, if there is anyone who has any comments at this point will you please come forward and address the Planning Commission? Alright, I see no one rushing the podium. I'm going to close the public presentations portion of the meeting. Mr. Harvey, item number one.

PUBLIC HEARINGS

1. Amendment to the Subdivision and Zoning Ordinances - Proposed Ordinance O21-24 would amend and reordain Stafford County Code Sec. 22-5, "Family and minor subdivisions;" Sec. 28-

Planning Commission Minutes
August 25, 2021

25, “Definitions of specific terms;” and Sec. 28-35, “Table of uses and standards” to modify requirements relating to family subdivisions generally, establish a definition for family subdivision, and establish minimum lot size requirements applicable to family subdivisions in the A-1, Agricultural Zoning District. **(Time Limit: October 1, 2021)**

Mr. Harvey: Thank you Mr. Chairman. Brian Geouge will be making a presentation on item number one which is an Amendment to the Subdivision and Zoning Ordinance.

Mr. Geouge: Good evening, Mr. Chairmen, members of the Commission. I’m Brian Geouge with Planning and Zoning. The ordinance amendment before you was initiated on March 2nd of this year, concurrently with the Board’s action to establish gross density requirement in the A-1 district of one dwelling unit per six acres. Leading up to the establishment of the A-1 density requirement, the public had expressed desires to exempt family subdivisions from this requirement. As a result of this, the Board asked the Planning Commission to draft an ordinance amendment which would provide such an exemption. The Planning Commission reviewed the current regulations for family subdivisions and discussed desired changes and on May 12th the Commission voted to send the ordinance to the Board for further consideration. The Board reviewed the draft ordinance at their June 15th meeting and approved resolution R21-221 which directed the Planning Commission to hold a public hearing on the proposed amendments. There were no further changes to the ordinance proposed by the Board so the ordinance presented tonight is the same one the Commission previously voted to refer up to the Board. The proposed ordinance as drafted by the Planning Commission would modify section 22-5 of the subdivision ordinance to include aunts, uncles, nieces and nephews as eligible grantees of family subdivision lots. This is permitted and the Code of Virginia section 15.22244. It would revise language in section 22-5 to clarify that family subdivision lots must also conform to other regulations of the subdivision ordinance such as lot shape requirements and it would clearly state that only one division of a lot will be allowed per grantee. It would provide a definition of family subdivision in section 28-25 of the Zoning Ordinance. And last but not least, it would serve a primary purpose of the amendment by modifying section 28-35 of the Zoning Ordinance to exempt family subdivisions from the gross density requirement in the A-1 zoning district. Finally, staff is recommending approval of this proposed ordinance and we believe it will meet the Board’s directive by providing reasonable regulations for family subdivisions. And, I’ll take any questions.

Mr. Apicella: Thank you Mr. Geouge. Any questions for staff?

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

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

Mr. Randall: Explain to me what the third bullet says. I guess I must have not read that. Explain to me what that means, please.

Mr. Geouge: Regarding one division of a lot per grantee?

Mr. Randall: Yes, please.

Mr. Geouge: It basically just means that you can’t give the same person more than one lot, the same family member.

*Planning Commission Minutes
August 25, 2021*

Mr. Randall: Okay. I understand, so a father or a family can, they can divide it as many times as the three acres will allow but they can't give three or four different lots to the same child?

Mr. Geouge: Correct.

Mr. Randall: Thank you.

Mr. Apicella: Okay, last call. Any further questions for staff? Alright, I see none. Thank you, Mr. Geouge. We will open up the public hearing on this item. Anyone like to speak please state your name and address. You have up to three minutes to speak. When the yellow light comes on...I'm sorry, when the green light comes on you have three minutes, the yellow light comes on that means you have one minute, and when the red light comes on it means please wrap up your comments. Please, go ahead sir.

Mr. Terrell: Well my name is Curtis Terrell, and in March, this really affected me. I was, son got married, and I was getting ready to separate, give him some land to build him a house. That's the only way he's going to be able to do it. He got married, you know, he couldn't afford anything else and I've had that land all my life. I'm 56. Daddy and Momma moved here when 95 opened up and, from Northern Virginia, so I can say the first ones that came down here. So, you know, I was right in the middle of the surveying, I had to stop. I paid \$1,000 to get all the perks sites done and everything and now I'm dead in the water until this gets straightened out. In my opinion, all of this should have been included in this when they voted on it. This shouldn't... it's the cart before the horse, in my opinion. But at least you're getting it separated, getting it straight. That's the main thing. I don't know any other way to say it, but I'm glad that it's going to get taken care of, cause, you know, I mean, I've struggled to keep it. I've gotten to the age, and the kids have gotten to the age where they really need it. And now unless this gets passed by the Board of Supervisors, and I hope it gets to them before the elections, I hope they don't kick it down, no hiccups, and they go ahead and take care of it. So that maybe by fall of the year, we can get back to farming there and get it all surveyed again so I'm just glad that ya'll, everybody that's involved had got it together and got it this far and just keep going with it and get it straight so that we can... you know, I don't know who else it affects in the county, but it sure affected me. My son is living in the basement. There ain't no place to rent. You know. I told him to live there as long as he needed to. My daughter did the same thing so, you know, when I want to give him hopefully four of the ten acres. So that's you know, the reason why I came down and hoped that ya'll see, get it moved on, and the Board passes it, so thank ya'll. Thank you.

Mr. Apicella: Thank you, sir. Is there anyone else in the Chamber who would like to speak? Mr. Harvey, I saw that we got a written comment. I'm not sure what our protocol is, going forward, since we're not under an emergency. Do we still read those out or do we put those into the record?

Mr. Harvey: Mr. Chairman, since we posted on the public hearing notification in the newspaper that we would be taking online comments, I'm going to go ahead and read the one comment that we received.

Mr. Apicella: Okay. And they get 3 minutes as well, right?

Mr. Harvey: Correct, so Ms. Stinnette will be timing me. So, the letter is entitled, "Family Subdivision Hearing" and starts off,

Board Members,

My name is Jackie Erickson and I'm in the Garrisonville district on 11.473 acres zoned A-1, where we've lived now for now for 43 years. I've attended many of the previous meetings about the rezoning

Planning Commission Minutes
August 25, 2021

in our county. While I do appreciate that family subdivisions are going to be exempted from the 6 acre requirement I still don't understand why the need for 3 acres. Cluster subdivisions are allowed 1.5 so can you explain to me the need for three. I did read over some minutes of a discussion about this and the only reasoning I saw was that "this is the way it's always been". Well before you decided to require 6 acres that was the way all the A-1 land had always been. So it seems to me that perhaps while your going through the process of changing the way the family subdivisions are divided this would be the time to allow for smaller tracts of land to be gifted. I did some research in our adjoining counties and Spotsylvania only requires 2 Acres and Prince William 1 from what I could find. It's not even that I have a problem giving my children 3 acres (luckily we happen to have enough land to do that). Eventually they will inherit what's left. My issues are that:

1. Grown children don't want that much land to take care of.(They are always working) 2. Our house happens to be in the middle of our property with a large septic field that was required by the county, so that makes it more difficult to divide equally with having to have 3 acres.

3. I have been told by the county that because we live in the USA that anything that is built on our property now is not permitted to have well and septic(thinking that was originally the reason for the 3 acre zoning in the first place) So if water and sewer must be run it would be a lot less expensive to build closer to those hook ups.

I just really think that a lot of these issues weren't thought about when the county decided to rezone all A-1 land , not all of it is in the outlying areas of the county. We've been here and watched as subdivision after subdivision has started to surround us. The size of the lots in these new subdivisions are so small you can probably touch the neighbors house from yours. While I don't blame any of these people for moving to Stafford where they consider it to be more affordable to buy a home I don't understand why my rights as a long time property owner must be infringed on. I would appreciate if someone can let me know why the need for three acres in the area I live in. If we keep the remainder of the land with our house and it's considered a "family subdivision " what difference does it make if we give 1 acre or 3 acres? Cluster subdivisions are permitted to leave 50% open and not pay taxes on that 50 % since it's considered open space. In these family subdivisions at least...

Mr. Chairman, my time is up.

Mr. Apicella: Alright, thank you, Mr. Harvey. So, we have no other persons in the Chamber that want to speak and no other written comments, is that correct?

Mr. Harvey: Yes, sir. That's correct.

Mr. Apicella: Okay. So, I'm going to close the public hearing on this item. Bring it back to the Commission. I just have one quick question, Mr. Harvey. If we should approve this tonight, do you think it will go to the Board at their September 21st meeting or their October 5th meeting?

Mr. Harvey: Mr. Chairman, tentatively we're looking at the September 21st hearing date for the Board.

Mr. Apicella: Okay, great. Alright, so this is back with the Commission for further deliberation. Is there a motion to recommend approval or any discussion?

Mr. English: So moved, Mr. Chairman.

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

Ms. Barnes: Second.

Planning Commission Minutes
August 25, 2021

Mr. Apicella: Thank you, Ms. Barnes. Any further comments, Mr. English?

Mr. English: No, I just think this is a good ordinance and it will help people out and like the gentleman said, I think we sometimes get our cart before the horse before we think for what we're doing. So, I hope this will help him and anybody else who's been affected on that, so.

Mr. Apicella: Thank you. Ms. Barnes?

Ms. Barnes: Nothing further.

Mr. Apicella: Anybody else?

Mr. Randall: Mr. Chairman, I have a couple of questions.

Mr. Apicella: Questions or comments?

Mr. Randall: Mr. Geouge, could you come up and tell us why again it's the 3-acre minimum for that so there's, we're clear on the reasons?

Mr. Geouge: I don't know if Jeff may have some input on this but my impression is that the 3 acres is just following the previous standard of the 3-acre lot size minimum for conventional A-1 subdivisions. And that there was no specific, let's say, exception for family subdivision lots in terms of minimum lot size. So, family subdivisions can be permitted in any zoning district where residential lots, residential developments are permitted. And all of those zoning districts, as zoning districts, they don't have specific regulations regarding family subdivision lot size. They just follow the standard lot size requirements for that particular district.

Mr. Randall: Okay. So, based on this and Ms. Ericson's letter, do you think there should be a difference whether you're in the USA or outside the USA?

Mr. Geouge: Well, personally... well, if the Commission decided to go that direction I think it would not only need to be looked at for A-1 but all zoning districts. As far as allowing for reduced lot sizes. But, personally, I personally don't see the need but then again, I'm not a long-term land owner trying to divide for families. So, I guess it just depends on your perspective, there.

Mr. Randall: Okay, thank you. So, just so everybody's clear. We went through this in March. We had a joint Public Hearing, the decision was made... you can sit down, I don't have any other questions... the decision was made for us to go to a 1 and 6 acres. We did not have at that point and time, a family exception. We needed to do that. We should have done it then, we did not. Which is... so I'm glad we're doing it now but I do think when we talked about it May, I wanted to go to one acre. I wanted to go to USA and be different. That was not the vote. The vote was to devote 3 acres regardless of whether you're inside or outside the USA and so I will be voting yes for this because we need to do something for families. But I don't think it's the right, totally the right solution for families. We should, we need to look at that, but again I think this is a good step toward helping families and minimizing impacts to the family or to the families that want to subdivide. Thank you.

Mr. Apicella: Thank you, Mr. Randall. I'm also going to give a little bit of a refresher. If my colleagues remember, we created a subcommittee during the down-zoning discussion and we raised the issue of family subdivisions and how they would be adversely impacted by the one to six ratio. And fortunately,

*Planning Commission Minutes
August 25, 2021*

the Board heard us. We didn't have the ability to make the change at that time for legal reasons, but it was on the Board's radar screen after we brought it up and they worked quickly to give us the ability to make this fix. I think it will go a long way to help the folks who have family subdivisions in Stafford County be able to provide lots to their children, their grandchildren, and other parties down the road. Similar to what they were able to do before we changed the minimum size of lots in Stafford County's A-1 district. Alright, so with that said, there's a motion recommending approval of the change to Family Subdivisions, allowing them an exemption in the A-1 district. Mr. Bain, how do you vote?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Aye.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson is absent. Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: And Mr. Apicella votes a ye. The motion carries 6 to 0 with one absent. Thank you, everybody. Moving on to item 2, Project Clover, Comprehensive Sign Plan CUP. Mr. Harvey.

2. CUP21153983; Conditional Use Permit – Project Clover Comprehensive Sign Plan - A request for a conditional use permit (CUP) to allow a comprehensive sign plan on Tax Map Parcel No. 37-78 (Property) pursuant to Stafford County Code Sec. 28-123(g). The Property is in the M-1, Light Industrial Zoning District, consists of 81.82 acres, and is located on the north side of Centreport Parkway, approximately 2,600 feet northeast of Mountain View Road, within the Hartwood Election District. **(Time Limit: December 3, 2021)**

Mr. Harvey: Thank you, Mr. Chairman. Joseph Valotta will be making the presentation for staff and this Comprehensive Sign Plan is allowing relaxation of the zoning standards for signs through a conditional use permit.

Mr. Valotta: Good afternoon, Mr. Chairman, Planning Commissioners. Joe Valotta, Planning and Zoning presenting the Project Clover Comprehensive Sign Plan. As Jeff mentioned, this is a conditional use permit to allow a comprehensive sign plan located on parcel 37-78 pursuant to County Code Section 28-123(g). The property is zoned M-1, Light Industrial, approximately 82 acres in size and located in the Hartwood Election District. Steve Green... (pause) forgive me, I'm sorry about that. I didn't notice the computer. Again, Steve Green is the applicant and Jonelle Cameron is the agent. The site is located on the north side of Centreport Parkway approximately 2600 feet northeast of Mountain View Road, again, zoned M-1. Other M-1 zoning abuts the property to the north, south, and east, and A-1 zoning abuts the property to the west. This site was part of the Project Clover rezoning which rezoned the parcel

*Planning Commission Minutes
August 25, 2021*

in 2020 from A-1 to M-1 with proffers. The majority of the site is undeveloped; however, grading and construction activity has recently commenced on a portion of the site under approved development plans. This GDP illustrates the layout of the proposed distribution warehouse. It's 630,000 square feet in size and 46 feet in height. Vehicle access is through a single drive off of Centreport Parkway, and an access drive circles the building, and truck loading bays located along the sides and rear of the building, and employee parking would be located in front of the building. The site to the east will be graded and will allow for potential inter parcel connections to future development and other access points off of Centreport Parkway and the signage being evaluated tonight is highlighted on the plan. It includes two walls signs and a monument sign. Again, the applicant is seeking approval of a comprehensive sign plan which would allow the two wall signs to exceed the maximum area size stipulated by the zoning ordinance.

Mr. Bain: Mr. Valotta? Go back to that just one second. You said the site to the east will be graded. On your diagram is that sort of that open parcel to the right of the parking area?

Mr. Valotta: I believe it is, yes. I actually was not the planner who prepared the report so I'm not as familiar as I would be under normal circumstances.

Mr. Bain: Okay. I guess my question is if we grant this waiver, would that waiver also apply to that site in the future or would it only apply to the site that the building is associated with?

Mr. Valotta: I believe it would not apply to the parcel to the east because that is a separate parcel and this conditional use permit is specifically for the parcel on which the building is shown on the diagram.

Mr. Randall: Good, okay. So, to be clear, is it for the building? Or is it for the sign, specifically?

Mr. Valotta: It's for the signage, not for the use.

Mr. Randall: Okay. So, it's not for the building then. The building can have as many signs as we allow... it's for those particular signs and that particular area are over the maximum allowed and so they need a CUP to waive that sign size versus what is normally allowed, correct?

Mr. Valotta: Correct, yes.

Mr. Randall: Okay, thank you.

Mr. Valotta: Okay. So, taking a look at the sign ordinance for the M-1 zoning district, in M-1 front facades of buildings are permitted up to four wall signs and each wall sign cannot exceed 200 square feet in area. And the remaining façades of the building are permitted a maximum of two wall signs per façade. And in this instance the applicant is proposing two signs on the front façade that are 270 square feet and 297 square feet in size. No signs are proposed on the remaining façades and again, because the two proposed signs exceed the 200 square-foot area cap in the M-1 zoning district, they are subject to conditional approval through the comprehensive sign plan. This image shows the two wall signs that are under, that are being considered, under the sign plan. The sign on the left is 270 square feet and it's 9 inches... excuse me, 9 feet tall by 30 feet wide. The top of the sign is located at a height 37 feet on the façade, 9 feet from the top of the building. The sign on the right is 297 square feet in area and it's 8 feet 3 inches tall by 36 feet wide. The top of the sign is located at a height of 30 feet on the façade, 16 feet from the top of the building. The signage will consist of the company's name and corporate logo. The applicant has not revealed the tenant for the building and the county is currently under a non-disclosure

*Planning Commission Minutes
August 25, 2021*

agreement with the future tenant and localities are not allowed to permit – to regulate – sign content and that’s based on state code. And also, there’s a monument sign that’s being included with the comprehensive sign plan and the monument sign complies with all M-1 zoning regulations for signs. Taking a look at the staff evaluation, staff notes that the proposed signage is not out of scale with the size of the building. The site is in the middle of an industrial area and the building is set back from Centreport Parkway. There are no adjacent residential uses that could be affected from light spillage and...

Mr. English: Joe, what about the airport? Is it going to affect them at all? Is it, is that building facing the airport? Or is it... I know you just said you didn’t do the plan part so I guess that’ll be for the applicant, I’ll ask her.

Mr. Valotta: Yes, I would defer to the applicant and also maybe Jeff, if they could provide some additional information.

Mr. English: Okay, that’s fine.

Mr. Valotta: I will note that we regularly submit applications to the airport for review as part of our staff review process and they do issue comments but just, I wasn’t the project manager processing those. And then also, for the evaluation, the proposed signs address many of the design standards in the NDS, the Neighborhood Development Standards, plan element of the Comprehensive Plan. Taking a look at some of the proposed conditions, conditions would require signage to be in the general location shown on the GDP and consistent with the details and dimensions in the comprehensive sign plan that was included as an attachment in the staff report. Conditions will require that replacement of the signs shall be of an equal size or smaller and they shall also not be higher on the façade than the original signs. No more than two wall signs will be permitted on the front façade with this conditional use permit. Any signage added to other façades will be required to comply with County Code. No more than one monument sign shall be permitted and it looks like there’s a duplication there... all other signage shall comply with the County Code. Moving to the staff evaluation, staff notes positively that the proposal is consistent with the land use recommendations in the Comp Plan. The signage would not be incompatible with the surrounding, existing, and planned industrial development. Also, the signage is not out of scale with the size of the building and conditions will help mitigate any negative impacts and staff recommends approval of the conditional use permit application with conditions pursuant to resolution R21-300. I will note, very quickly, a typographical error in the staff report, it said the resolution being considered was or is Resolution R21-91. The correct Resolution is R21-300. And that concludes the staff presentation.

Mr. Apicella: Thank you, Mr. Valotta. Are there questions for staff?

Mr. Harvey: Mr. Chairman, to further elaborate on Commissioner English’s question, the signs within the project are going to be backlit. They’re not going to be light projecting on them. And the signs will meet all of our lighting criteria so there should not be any concerns or objections from the airport authority.

Mr. English: Mr. Valotta, it’s my impression that when someone comes before us and asks for a conditional use permit to exceed criteria, that there would be a justification for such a request. Some hardship or some overriding reason why those signs would have to be larger than our criteria. Has the applicant offered any explanation?

Mr. Valotta: Not to staff so I will have to defer to them for the rationale.

*Planning Commission Minutes
August 25, 2021*

Mr. English: Alright.

Mr. Apicella: Any other questions? Alright, seeing none. Thank you, Mr. Valotta. If the applicant would like to come forward?

Ms. Feiffer: Good evening, my name is Jessica Feiffer with Walsh, Colucci, & Lubeley, here on behalf of the applicant, Roberts Road Investments, LC. Here with me tonight, as stated, is Steve Green with Roberts Road Investments, LC. I will be very brief because staff did a great job going through this. I will answer a few of the questions, but I'm going to go through just a couple slides. As you may remember, we were before you last fall for a reclassification approval to change the property which you know as Project Clover from A-1 to M-1. In accordance with the reclassification approvals, the applicant has a user and is in the process of developing the site. This is the first building to be developed. The applicant is proposing this comprehensive sign plan to allow for signage over the square-footage permitted by code. As Joe mention, the comprehensive sign plan is for two proposed wall signs and the monument sign. Although the monument sign is not above code. This slide shows the General Development Plan highlighting the locations of the monument signs which you see on here and the two wall signs, which you see here. I would use the pen, but I don't want to screw the whole thing up. This slide shows the proposed monument sign. The monument sign will be 9 feet in height and 88 square feet in face size. Here are the images of the wall signs that will be located on the front wall. These two signs are above code. These two signs do not face the airport. They face the east side. The sign at the top is 270 square feet which is 70 square feet over code and the sign at the bottom is 290 square feet which is 97 square feet over code. The user of the warehouse has several thousands of locations and has a uniform signage at each location. The proposed signage is there standard signage. As mentioned in the staff report, the signage is in scale with the size of the building. The building is approximately 630,000 square feet. In addition, the code allows for 4 wall signs on the front wall that can be a maximum square-footage of 200 square feet each. So, there could be 800 square feet of signage on the front wall. Instead of 4 signs totaling 800 square feet, the applicant is proposing 2 signs that total 567 square feet. On the screen is the signage comparison chart comparing what is permitted by code with what is being proposed. This chart shows the areas that are not in compliance with the code and requiring the conditional use permit. As you can see, the signage square-footage for the 2 wall signs are over the signage permitted by code; however, the proposed wall signage is in scale with the size of the building. That concludes my presentation. I did want to answer a few questions, and just to go back, I know I touched on the airport question, the site plan for this was reviewed by the airport. They did not have any comments about signage. Thank you. The signs do face the east side and the monument sign is on Centreport Parkway. In terms of a hardship, this is the standard signage for the user that they use at thousands of locations across the country. They do not need signs on each side of the building, they are just asking for these two wall signs. So, it is their standard signage. The other hardship, I would say, is the distance from Centreport Parkway, it is a significant distance from Centreport Parkway as you can see from – I will give it a try – from the Centreport Parkway access. You have to come all the way up here and then you see the wall signage. That concludes my presentation with a positive staff report and recommendation for approval. We request the Planning Commission also recommend approval. I'm available for any other questions.

Mr. Apicella: Questions for the applicant?

Mr. Randall: Yes, Mr. Chairman, I have a couple questions. Would you say that the signs face 95?

Ms. Feiffer: They do face in the direction of 95.

Planning Commission Minutes
August 25, 2021

Mr. Randall: Okay. Is that the big building that's being built over on Centreport?

Ms. Feiffer: That is... the site has been cleared, but I don't think the building that you see from 95 is the building because I saw it going down to the beach recently. That is not this building.

Mr. Randall: Okay. No, no, I just wondered for everybody's general consumption whether the building that we see being built is not this one, correct? Alright, thank you. That's all I have.

Ms. Feiffer: And, sorry, one last – to answer one last thing. This is 81 acres. The whole Project Clover is significantly more than that. This is just for this portion of the property. This 81 acres.

Mr. Apicella: Any other questions for the applicant? I've got a similar question to Mr. Randall's. When do you think the building will be started and finished, and ultimately occupied?

Ms. Feiffer: Steve Green with Roberts Road Investments.

Mr. Green: Steve Green, Roberts Road Investments. How are you guys doing? Thank you. To answer your question, the clearing has started. The footing starts in two weeks and the, it will be occupied in late June/early July of next year.

Mr. Randall: So, when will we know?

Mr. Green: I think the answer is when they get their occupancy permit I believe.

Mr. Randall: Okay. Alright.

Mr. Green: Your NDA might be harder than mine, I don't know. But no, it is clear, the site is clear and it goes another 100 acres down to the lake, to the pond. So, it's from Centreport and it is their two signs so we appreciate the time and that is the plan and assuming you've been by there, we're going as fast as we can. So, thank you very much.

Mr. Apicella: Thank you, sir. Last call for questions for the applicant. Alright, seeing none. Thank you very much.

Ms. Feiffer: Thank you.

Mr. Apicella: I'm going to open the public hearing on this item. And the public has up to 3 minutes to speak. If you want to speak, please come up and state your name and address. When you see the green light, that means start your comments, the yellow light means you have 1 minute left, and the red light means please wrap up the comments. So, if there's anybody in the Chambers that would like to speak please come forward now. Alright, don't see anybody so I'm going to close the public hearing on this item and bring it back to the Commission. Mr. English, I believe this is in your district, how would you like to proceed?

Mr. English: Yes sir, I make a motion that we approve CUP21153983, Conditional Use Permit for Project Clover.

Mr. Randall: I second that.

Planning Commission Minutes
August 25, 2021

Mr. Apicella: Thank you, Mr. Cummings. Any other comments? Mr. English?

Mr. English: No, no sir, I don't.

Mr. Apicella: Mr. Cummings?

Mr. English: He didn't second it, Bart did Mr. Chairman.

Mr. Apicella: Oh, I'm sorry.

Mr. Randall: Sorry, I'll speak louder next time.

Mr. Apicella: My apologies.

Mr. Randall: I have no comments, thank you.

Mr. Apicella: Alright, anybody else?

Mr. Bain: Yes.

Mr. Apicella: Yes, go ahead Mr. Bain.

Mr. Bain: Mr. Chairman, I'm torn on this one. I know that whatever developer or client is coming in must be of significance and is attractive to the County for a number of reasons. But I also know we have an ordinance and like I said before, looking for variances from an ordinance, there should be a sufficient justification and I don't think that the fact that these are their standard signs is justification. One of the signs is 35% larger than the criteria they other is almost 50% larger. That's a significant change. To me it opens the door for future variance requests that you would be hard pressed to turn down if we approve this one. I, that's why I will not be voting to approve.

Mr. Apicella: Alright, thank you Mr. Bain. And just to be clear, it's, this is a CUP. It's not a variance or a waiver.

Mr. Bain: Yes, I know. I just used that word. Sure.

Mr. Apicella: Alright, with no further comments. I'm going to ask for a vote on the motion recommending approval of CUP21153983. Mr. Bain, how do you vote?

Mr. Bain: No.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Planning Commission Minutes
August 25, 2021

Mr. English: Yes.

Mr. Apicella: Mr. McPherson is absent. Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Mr. Apicella votes aye. Motion carries 5 to 1 with 1 absent. Thank you and congratulations to the applicant. Moving on to item 3, and I believe item 4 will be discussed together? Is that correct Mr. Harvey?

3. RC21153768; Reclassification – Banks Ford Self Storage - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District on Tax Map Parcel Nos. 44-100, 44-98A, 44-98B, and 44-99C (Property), consisting of 5.02 acres, to allow for the development of a warehouse, mini-storage facility. The Property is located on the south side of McWhirt Loop, approximately 100 feet east of Banks Ford Parkway, within the Hartwood Election District. **(Time Limit: December 3, 2021)**

4. CUP21153821; Conditional Use Permit – Banks Ford Self Storage - A request for a Conditional Use Permit (CUP) to allow a warehouse, mini-storage facility in the B-2, Urban Commercial Zoning District on Tax Map Parcel Nos. 44-100, 44-98A, 44-98B, and 44-99C (Property). The Property consists of 5.02 acres, and is located on the south side of McWhirt Loop, approximately 100 feet east of Banks Ford Parkway, within the Hartwood Election District. **(Time Limit: December 3, 2021)**

Mr. Harvey: Yes, Mr. Chairman, that's correct. And Mr. Valotta will be making the presentation for the Zoning Reclassification and Conditional Use Permit.

Mr. Valotta: Hello again, Mr. Chairman, Planning Commissioners. Joe Valotta, Planning and Zoning presenting Banks Ford Self Storage. There are two requests being considered in conjunction with the project. First, the rezoning on 3.11 acres from A-1, Agricultural to B-2, Urban Commercial and also a conditional use permit on that same area to permit development of a mini-storage facility. Total project size is just over 5 acres. This is again in the Hartwood Election District. Banks Ford Self Storage is the applicant and Fairbanks and Franklin is the agent. The property is outlined in red on this zoning map. The area that's hatched in with red diagonal lines is the portion of the property that's subject to the rezoning and CUP requests. The property is located within the Highway Corridor Overlay District and it's located on the south side of McWhirt Loop approximately 100 feet east of Banks Ford Parkway. Currently the property has split zoning. It's zoned A-1 and M-1 and as you'll notice from the image, it's the A-1 portion that is subject to the two requests. The applicant is proposing a B-2 and M-1 zoning. Mini-storage is a by-right use in the M-1 district that is why no approvals – they aren't seeking any approvals on that portion of the site. The A-1 portion has no proffers. The M-1 portion was re-zoned from A-1 to M-1 in the 80's with one proffer requiring that any development connect to public water and sewer. This proposal is not in conflict with that proffer. The site is located within the Urban Services Area so connecting to public facilities is just a contemporary code requirement. Surrounding zoning districts include B-2 to the north and west and M-1 to the south and to the east. There are two single-family detached residences located on the northern part of the site. These would be demolished with the construction of the mini-storage facility. The rest of the property is undeveloped and wooded and there are no environmentally sensitive features identified on the property. This GDP shows the layout of the proposed mini-storage facility. It shows 14 buildings of various footprints for a total of 146,440 square

Planning Commission Minutes
August 25, 2021

feet of floor area. The largest building, which is located at the front of the property near McWhirt Loop would be 3 stories in height and it would house a rental office and indoor storage units. All other buildings on site would be single-story and the storage units would be accessible through roll up garage doors. The facility would be enclosed by perimeter fencing and an access gate. Customer parking areas will be located along the north side of the development area and a loading zone and enclosed dumpster would be located along the west side of the development area. The property would be served by a single full movement entrance from McWhirt Loop and the internal travelways surrounding the buildings will all be one-way with the exception of the travelway between the 3-story building and McWhirt Loop. That will be a two-way to allow vehicles to exit the property without circling all of the buildings and going through the access gates. But vehicles entering the building would be required to turn right and circle the buildings in a counter-clockwise direction and the one-way travel movements through the site and the access gates should help mitigate impacts to internal traffic flow and the full vehicle circulation around the building should help ensure direct emergency access for – or direct access for emergency vehicles. And conditions will also require that the travelways remain clear for the benefit of emergency vehicles. Since the property is located within the HCOD – the Highway Corridor Overlay – the building will have to conform to the architectural standards in the Neighborhood Development Standards Plan and that review would happen prior to site plan approval or prior to building permit approval. At this point in time, staff doesn't know that the proposed design conforms to some of the standards in the NDS Plan, the use of architectural metal panels, and split-face block is a primary façade material. Breaks and fluctuations in the roof line and a clearly defined customer entrance facing the primary road. Taking a look at proposed proffers. Proffers were not originally proposed with the application. The applicant has since provided a proffer statement – a signed copy of which you all received earlier tonight. Two proffers are proposed. One would require that development be in conformance with the GDP and the 2nd proffer would limit vehicle trips – daily vehicle trips to the property, not to exceed 500 trips per day based on our traffic engineering data and staff has projected that the site would generate approximately 45 vehicle trips per day. Taking a look at proposed conditions, conditions would require the development to be in conformance with the GDP, limit building height to a single story with the exception of the 3-story building. Conditions would also limit site access to a single entrance and require that travelways are clear for emergency vehicle access. Taking a look at the Comprehensive Plan, the Comp Plan identifies the property within the Warrenton Road Planning Area and Targeted Residential Growth Area. And the Small Area Plan for the planning area identifies the property within the Business and Industry designation. And Business and Industry designated areas are intended to support large scale uses that would serve broad markets within and outside of the County. A mini-storage facility in this location would not likely function at a regional or a countywide level; however, the size of the property limits the potential for the large-scale development in the Comprehensive Plan and staff also notes that the proposed B-2 zoning is more compatible with the Comprehensive Plan recommendation than the current Agricultural zoning. With regard to the staff evaluations, staff notes that the proposal is generally consistent with the land use recommendations in the Comp Plan. It's consistent with the established development pattern in the area. The proposed commercial zoning is more compatible with the abutting zones which are B-2 and M-1 than the current Agricultural zoning is. And also, the proposed proffers and conditions will help ensure any negative impacts are mitigated. No apparent negative aspects are noted. And staff recommends approval of the reclassification application with proffers pursuant to Ordinance O21-39 and recommendation of the CUP application with conditions pursuant to Resolution R21-303 subject to approval of the reclassification request. And that concludes the staff presentation.

Mr. English: I've got a question for you Joe. In reference to this mini storage, how many mini storages do we have in this area? From, I'm saying from Route 1 to Poplar Road.

Planning Commission Minutes
August 25, 2021

Mr. Valotta: There are, approximately speaking, there are six or seven existing mini storage facilities. I'll also note that, in addition to this CUP and rezoning for mini storage, we also have under review a two additional CUPs for mini storage that would be located also in the Warrenton Road area.

Mr. English: So, we're going to have probably, a total of 10, between Route 1... Route 1 to Popular Road, in that area. As a rule, 10.

Mr. Valotta: Yes, likely, possibly. There would be approximately 10. If all were approved and built.

Mr. English: Right. And then, in reference to McWhirt Loop. McWhirt Loop where that's going to come out at, there's no future improvements for that road, correct? It's going to stay two lanes?

Mr. Valotta: Correct.

Mr. English: So... okay. Alright. That's all I have right now.

Mr. Apicella: Thank you, Mr. English. Other questions for staff?

Ms. Barnes: I have a question... oh, okay, I'll go first. Thank you, Mr. Chairman. In the staff report, it looks like you've got a picture, I guess it's an example of this company? Do you remember the picture?

Mr. Valotta: Yes.

Ms. Barnes: What is that? Is that another one of their buildings someplace else?

Mr. Valotta: I believe it was just a representative image of what the building could look like. The current conditions are not tying development to that picture. So, there is some...

Ms. Barnes: Is this the same company though? Is the Extra Space Storage?

Mr. Valotta: I don't know, I would need to defer to the applicant.

Ms. Barnes: Okay. And... that's all I had, is how many... I had, my other question was how many storage do we have in that... but I think Darrell got that one for me. I counted 8 right now, so that's...

Mr. Valotta: I might have missed one. It was a Google Map search.

Ms. Barnes: Yeah. There was one that was labeled a little bit differently but I counted 8.

Mr. Bain: I'll step in. I presume the question about the number is, are we getting too many? And, I'll just comment that my son was in the process of moving and wanted to rent a mini-storage area. This was a month ago. Mini-storage unit. And he had to call around to about six different places before he found a unit available. So, I don't think we're overloaded with storage units. But, be that as it may, my question, with this rezoning, if you go back to the location map if you can? Am I right in saying that that little plot of land just to the left of this area is also A-1 and will continue to be A-1? It's kind of like a vertical rectangle. Or is that B-2?

Mr. Valotta: I believe that that is B-2.

*Planning Commission Minutes
August 25, 2021*

Mr. Bain: Okay.

Mr. Valotta: If you're referencing this parcel?

Mr. Bain: Yes, that's the one. Okay. I thought that was still going to be A-1 and I was wondering why.

Mr. Valotta: Yes, this would clear all of the A-1 zoning.

Mr. Bain: Clear all of the A-1 zone area. That's good. Alright. Thank you.

Mr. Apicella: I'm just going to spring-board off of, kind of, a question that Mr. English asked and I think Ms. Barnes was going to ask. So, as I look at the Stafford County code, and I'm sure it's based on the state code, I'm looking at Section 28-206 criteria to be considered. So, correct me if I'm wrong, for better or worse, the number of a type of use would not normally be considered a criterion that we could use in determining whether or not an item should or should not be rezoned. Is that correct?

Mr. Valotta: Yes, that's correct. I would say that the criteria should be based on the internal site layout and not the number within an area or region.

Mr. Apicella: Okay. I just wanted to bring that up. I mean certainly one important criterion is the existing use and character of the property and the surrounding property. So, if it was incompatible with uses nearby then that might be a consideration but if we had 20 multi mini-storage places, again, that number would not be driver for a go or a no go in terms of recommending whether or not to rezone a property to that specific use. Again, that's just the way I read the criteria. Any other questions or comments for staff?

Mr. Randall: Mr. Chair, I have a quick question. When you originally received this package, did it include these two proffers?

Mr. Valotta: No, it did not. The applicant did not know, submitting the application, that with the proposal, they would need to submit a... per code... they would need to submit a traffic impact analysis. Based on the proposed zoning district, the B-2 zoning district, the code, in essence, the code states that if the proposed zoning district has the potential to generate more than 500 vehicle trips per day, a additional traffic analysis would need to be provided and reviewed by the county and VDOT. And the code also gives applicants the option to limit the vehicle count under 500 trips per day with proffers to mitigate that impact. Which they have done. And again, I would reiterate that the projected traffic volumes is 45 trips per day and proffers are tied to the development of the mini-storage use so they would not... in order to develop a different use... they would need to come back for a proffer amendment.

Mr. Randall: And that would be based on the proffer #1, the GDP?

Mr. Valotta: Correct. Yes, proffer #1, yeah.

Mr. Randall: Alright, and so the 500 that we see, vehicle trips per day, was only determined because it's more than 500 you need a TIA. So, 500 or below, you don't need one?

Mr. Valotta: You don't cross the threshold.

Mr. Randall: You don't cross the threshold. So that was the reason for the 500 in your estimation?

*Planning Commission Minutes
August 25, 2021*

Mr. Valotta: Yes.

Mr. Randall: Okay. Alright. Thank you.

Mr. Apicella: So, I'm going to piggy-back off of that line of questions. Since they're now proffering the GDP, even though they have limited the number of vehicles, and that's certainly higher than the amount of vehicles that could occur under our mini-storage use, again, so they've proffered a lay-out? Does that pretty much lock them into a mini-storage? Unless or until they come back with a proffer amendment altering the GDP?

Mr. Valotta: In my opinion, yes, it would.

Mr. Apicella: Okay. And with regard to the proffers that we got, we would need to vote on those tonight? Right? Because they weren't originally part of the package and we just received those today.

Mr. Valotta: Yes, that's correct. Thank you for reminding me.

Mr. Apicella: Other questions for staff? Alright, I see none. Thank you, Mr. Valotta. Would the applicant like to come forward? Make a presentation and answer questions.

Mr. Franklin: Good evening, I'm Justin Franklin with Fairbanks and Franklin representing the applicant. I've just, I don't really have a lot to add to Joe's presentation. But I did want to clarify, I guess, Ms. Barnes' question. The company is planned to be Extra Space so the photos that you saw in the application package... those are actually of an existing facility that was recently constructed off of Furnace Road. So that's a very recent example of what one would expect it to look like.

Ms. Barnes: You said it's on Furnace Road?

Mr. Franklin: Correct. It's part of the... you know where the Walmart neighborhood grocery store is?

Mr. Bain: On 610.

Ms. Barnes: Oh yes, oh that's right behind that.

Mr. Franklin: 610... I'm sorry, 610 and Furnace. At that intersection. So, it's sitting kind of off the road, in the back, but it's the same facility.

Ms. Barnes: Yeah. Oddly enough I've seen that probably a hundred times and didn't recognize it from that angle.

Mr. Franklin: Right.

Unknown speaker: You will now.

Ms. Barnes: Is that same, is it going to be the same owners, same people managing it?

Mr. Franklin: Yes.

Planning Commission Minutes
August 25, 2021

Ms. Barnes: Because my only comment is that if, you know, I look at these pictures... is it under construction or something?

Mr. Franklin: Those were taken when it was under construction.

Ms. Barnes: Okay, because it looks...

Mr. Franklin: Just recently, it was finished.

Ms. Barnes: Okay. Because it's a mess and I hoping that's not going to be...

Mr. Franklin: Those were taken during construction.

Ms. Barnes: Okay. Thank you. Thank you.

Mr. Franklin: Because they could get close up to it.

Mr. English: I've got a question. How many units, individual units, will this thing have?

Mr. Franklin: Oh gosh, they can vary because the proto type for the single-story, there's different programs they can be double units wide...

Mr. English: Guestimate.

Mr. Franklin: Oh gosh.

Mr. English: Guestimate. A thousand?

Mr. Franklin: Oh no, no, no. I would say...

Mr. English: 500?

Mr. Franklin: 800?

Mr. English: So, 800, 800, okay. Alright, thank you.

Mr. Franklin: Sure.

Mr. Randall: Alright, I have a couple of questions. So, let's talk about your GDP just for a second. Are you pretty familiar with it?

Mr. Franklin: Yeah. I created it.

Mr. Randall: You created it. Alright, well then, you're the person to talk to.

Mr. Franklin: Yep.

Planning Commission Minutes
August 25, 2021

Mr. Randall: So, how deep are these? I don't see a, something that tells me how deep these are. So, I see a 2,400 square-foot single-story. But I'm assuming 2,400 square feet is three dimensional? Two dimensional?

Mr. Franklin: It's two dimensional.

Mr. Randall: Two dimensional.

Mr. Franklin: So, you're asking?

Mr. Randall: Okay. So how deep are they?

Mr. Franklin: From front to back? Not the length?

Mr. Randall: Yes... nope.

Mr. Franklin: They're going to be between 10 to 16 feet, depending.

Mr. Randall: Okay. So, I couldn't store a boat in there?

Mr. Franklin: Oh, no. No.

Mr. Randall: So, these are strictly for...

Mr. Franklin: Household goods.

Mr. Randall: Household goods. This is not outdoor vehicle storage?

Mr. Franklin: No.

Mr. Randall: This is... could they if they wanted to?

Mr. Franklin: It would have to be a mini-car. But, no. It's not intended for that at all. It's household goods. Furniture, that kind of thing.

Mr. Randall: Okay. So, the question I have, is 30 feet in between these... you're assuming that only one person is going to be working on one of these units across from each other at a time?

Mr. Franklin: Well, there's a separation wall between. So, the unit themselves...

Mr. Randall: No, I'm talking about the 30 feet between buildings.

Mr. Franklin: Oh, oh, yes, yes, sorry.

Mr. Randall: So, 30 feet is about from you to the wall, right?

Mr. Franklin: Right.

Planning Commission Minutes
August 25, 2021

Mr. Randall: That's not a lot of, a lot of room. So, it seems like you've... yeah, the ones I've been, where we've had to back up a couple of trucks to try to unload, 30 feet is not, is not sufficient.

Mr. Franklin: That's, that's actually their standard prototype.

Mr. Randall: Yeah, yeah, I understand. I understand. We try not to do standard things, if we need to do more or better.

Mr. Franklin: Understood.

Mr. Randall: We have done a lot of standard. And I think it's... it's... when we can do better, we need to do better. So, yeah, that whole thing. So, if I'm bringing a trailer, if I'm bringing a moving truck in there, 30 feet from building to the wall, 30 feet on this side, 30 feet's not big enough to bring a truck in there.

Mr. Franklin: I disagree. You know a standard parking lot...

Mr. Randall: Well, I've got a 26-foot moving truck and unless you're really good, that would be pretty hard to bring a 26-foot moving truck around that first corner, between your building and the parking area, around all those corners to get back into one of these areas. Right?

Mr. Franklin: No.

Mr. Randall: Okay.

Mr. Franklin: You're asking me to agree and I know that I've run truck turning movements through this.

Mr. Randall: Yeah, well, you're... yeah. You doing it and the standard homeowner who's driving his truck through there, are two different things. Just so we're clear. It is not you that's going to be moving all the trucks through all of these for all of the people that will be unloading. This will be done by a family and I'm telling you that they will not be able to move through here as easily as you think. With a 26-foot moving truck, unloading all of their belongings into one of these in the very back.

Mr. Franklin: Keep in mind that there are buildings facing the other way for just what you're talking about.

Mr. Randall: So, yeah. Alright. Anyway, enough said. I, yeah. The GDP is a problem for me. So, yeah, I do appreciate it. So, did...speaking to what Mr. Apicella had mentioned, your vehicle trips per day, is that something you'd be willing to look at lowering based on the fact that you've proffered the GDP for a storage unit?

Mr. Franklin: We'd entertain that. We just want to get this moving along to the Board, so, I'm not sure what you're asking other than lowering it. That's a big range.

Mr. Randall: Right. What would you be willing to lower it to?

Mr. Franklin: I don't know. I can't speak for the developer.

Mr. Randall: Okay.

Planning Commission Minutes
August 25, 2021

Mr. Franklin: Would... do you have a suggestion?

Mr. Randall: It's not my GDP. The staff has said that there... it generates 45, roughly 45 trips a day. I'm sure, you guys have done analysis that says the staff is wrong and we think it's going to be 70 trips a day or the staff is wrong because we think it's going to be 20 trips a day... or what does your analysis say for all of your storage units for vehicle traffic per day?

Mr. Franklin: We actually use the same thing the staff uses which is a standardized ITE.

Mr. Randall: Okay. So, you don't... so, for example, the one up on Furnace Road by 610. You don't have an idea of what traffic trips per day...

Mr. Franklin: I don't personally count that, no...

Mr. Randall: Okay. You own one just up the street and we don't know what it is...

Mr. Franklin: I don't own one. I don't know what the count is. I haven't counted it, if that's what you're asking.

Mr. Randall: I would hope somebody would count it. I would hope somebody would have that. Okay. That's interesting. So, yeah... I... if you're asking me to come up with a number, I'm going to tell you... what'd you say 45? I'm going to say 50, how's that?

Mr. Franklin: No.

Mr. Randall: Well of course, no, right? You've got to come up with something that's reasonable.

Mr. Bain: Forty-five is an average. Remember, it's not...

Mr. Randall: I understand that. I'm making a point, okay. I'm making a point.

Mr. Bain: I understand, but...

Mr. Randall: I'm making a point. You've got to come to me with something that's reasonable versus the 500 just because it doesn't require a TIA, okay? That's all I have Mr. Chairman.

Mr. Apicella: Alright, thank you, Mr. Randall. I've got a couple of questions about how the operation will work. So, as I understand it, there's going to be a fence around the storage area?

Mr. Franklin: That's correct.

Mr. Apicella: So, how will... will there be like a... a key card that people use to get in and out?

Mr. Franklin: That's correct. Yes, that's correct. It'll be like a key card or a pass.

Mr. Apicella: And, will it be available 24/7?

Mr. Franklin: No.

Planning Commission Minutes
August 25, 2021

Mr. Apicella: No?

Mr. Franklin: It will not, no.

Mr. Bain: Can you speak up a little bit? *Inaudible*... hear.

Mr. Apicella: So what hours would it be normally open?

Mr. Franklin: I'm sorry, I can't hear you.

Mr. Apicella: I'm sorry. What hours would it normally operate?

Mr. Franklin: Hang on a second, I'm checking with the developer.

Mr. Bain: Can you come forward and identify yourself sir?

Mr. Hart: Good evening gentlemen and ladies. I'm Don Hart and I've been a builder/developer in Stafford County for many, many years. This is Dickie Sisson, he owns Sisson Excavating, we're partners. I can look up the hours for Extra Space and see what they are but they start approximately 8 o'clock in the morning and might go to 8 o'clock at night. Something like that. So, it's not a twenty... you cannot have access to the facility 24 hours a day.

Mr. Apicella: I'd like you to think about that because that might be a condition that we want to put into the CUP, if it winds up being a mini-storage. So...

Mr. Hart: Okay. I can research that and... if we can match the Furnace Road facility then, that should be fine.

Mr. Apicella: And, so, let's just hypothetically say it's going to be 8 in the morning to 8 PM. In the winter time, you know, it starts to get pretty dark by 6 o'clock. What's the lighting going to be like throughout the...

Mr. Hart: It's per code and well lit. It's lit all night.

Mr. Apicella: Okay. Right. Those are really my only questions. If you could find out pretty quickly, I mean, I don't know how we're going to... what we're going to wind up doing with this tonight but if we were to move forward with it, that would probably be something we'd want to know. Again, as a potential condition.

Mr. Hart: My wife just looked it up. It's 9:30 AM to 10 PM. So, we could certainly do those hours. And, so far as the trips per day, you know, we could lower them from, you know, 500 to 400, or something like that. We won't have that many trips per day. This is about the fourth or fifth self-storage I've built and owned and... we have sold a couple to Extra Space themselves as a... *inaudible*. I can tell you that they generate very little traffic. And, you know, I mean, I'm up there often with the manager, and it's one or two people and a time, you know. And like the Furnace Road facility, I go in there, a lot of times I don't see anyone. So, we can lower that some if that is what we need to do. But...

Mr. Bain: Mr. Hart, is there a full-time manager?

*Planning Commission Minutes
August 25, 2021*

Mr. Hart: Yes sir.

Mr. Bain: Okay.

Mr. Hart: That's Extra Space storage.

Mr. Bain: Okay. Thank you.

Mr. Hart: A very large company and they manage the facility. And we're here to help, you know, if there's any issues that we, as owners, need to help with. Like elevators and things like that. Inspections.

Ms. Barnes: Chairman, I have a quick question and it may be a little rhetoracle. You may not be able to answer it. And, now that I've got you here, I've got you on the spot. Why are there so many storage units? We have tons of them. Obviously, is Stafford some kind of mecca for storage? Is this a trend that we're seeing? Because a lot of people are really noticing. My goodness. We've got a lot of storage units. Is this unusual? Is it a particularly good business model? What... enlighten me a little bit on that because people are really noticing how many there are.

Mr. Hart: Well, you know, Stafford's certainly not being singled out. They're being built all across the nation right now. And I've been to some Extra Space seminars and at the last one I went to they said only 14% of the capacity of self-storage has been met yet in the United States. So, all that you see, you can extrapolate out how many more are going to be built, you know, across the nation. And, it can be a good business model, but it's like any other business, they don't always necessarily succeed. But, Extra Space does. They're one of the best managed operations in the United States. That's why we've always gone with them. And they have excellent facilities and they do an excellent job.

Ms. Barnes: Well, now that I know which one it is, because I go to that Walmart Neighborhood Market all the time and that drive-through. It looks very well kept and very nice from the front.

Mr. Hart: It is nice. And the... well, my thought escaped me, but... there is a big demand for it and I think it's going to be ever increasing.

Ms. Barnes: I just want to make that clear. Because we do hear a lot from, I think, taxpayers and citizens, that say hey, no more storage units. That we're not unusual in the amount that we have. This is something that's happening, a trend that is happening, nationwide.

Mr. Hart: Yes, yes ma'am. Absolutely.

Ms. Barnes: Thank you.

Mr. Hart: And as far the facility. The building that what we will build, like the one at Furnace Road, is the newest generation of buildings. So, it has the best technology as far as security, cameras, that type of thing, locks and all. But, what we intend to do here at Banks Ford Self Storage, it's all conditioned. And, you can look at the building and tell that it's much nicer than some of the buildings that were built 20 or 30 years ago. And this is much safer and much, much better for whole family. A facility like this versus some of the older ones that are back in a warehouse area, you know. So, that's my opinion anyway.

Mr. Apicella: Okay. Any other questions for the applicant?

*Planning Commission Minutes
August 25, 2021*

Mr. Cummings: I just want to mention that I did look up some of the hours for that storage facility. They have gate hours and then they have actual storage hours. So, you may just want to double check and one of the hours starts at 6 AM so make sure that you build in...

Mr. Hart: We will comply with whatever they're doing over there right now.

Mr. Cummings: Okay. Alright.

Mr. Hart: I know they're not open all night.

Mr. Apicella: Well again, I don't know how it's going to proceed tonight. Whether we're going to take a vote on it or whether it gets deferred, but I will just say that I would like to see a condition on hours of operation so I guess I would need your help in the next couple of minutes to define what those hours are, again, should this move forward. And also, to the extent that you're willing and amenable to changing the maximum vehicles per day. That would be something you would need to change on the proffer statements.

Mr. Hart: Yeah. We can write that in if you'd like. We can do 400. And Donna, did you find the hours?

Mr. Harvey: Mr. Chairman, regarding hours of operation, I'd like to raise two points. One, from a staff perspective looking at the surrounding uses, they're industrial in nature and there's also vacant commercial property. So that's why staff did not recommend hours of operation in this particular use permit because there's not residential activity nearby or any other uses that may have objections to vehicle trips coming in after normal business hours. I will note, from looking at, and I think Commissioner Cummings was referring to this, I'm looking at the website for that location in Garrisonville that's been referenced and the gate hours are from 6 AM to 10 PM.

Mr. Hart: Okay. Well, we can do that.

Mr. Bain: Mr. Franklin. The GDP, I'm trying to get back to what Commissioner Randall was saying about the drivability of the lanes. The first turn, after you go past the employee parking, looking at this would be about the tightest turn for a large vehicle, and I'm just wondering if the GDP could be modified a little bit to widen that turn? To allow for an easier access for a large truck?

Mr. Franklin: We could, certainly. The, again, as I explained to Mr. Randall, that we utilize ASHTO which is American Association of State and Highway Traffic Official software.

Mr. Bain: Sure.

Mr. Franklin: To model vehicle turning movements and they have a slew of models. Everything from an interstate semi-trailer to a motor home to a single unit truck and that had actually... that's why it's one way, first of all.

Mr. Bain: Right, right. Sure.

Mr. Franklin: Because the sweep angle of a trailer uses the whole width. So, that will work and that's what their prototype is. That's what they've proven to work but if there's concern over that, I mean, certainly there's room to widen it.

Planning Commission Minutes
August 25, 2021

Mr. Bain: Okay. You might want to consider that. At least at that one corner where it looks like you could push the one building back a little bit. Or put it on an angle to allow for a little be greater radius in that curve. Okay.

Mr. Franklin: I would like to point out, too, that the GDP, this is not a final engineering drawing. It's a generalized plan. So, we would be double checking that as we develop the final engineering plan and I believe we even have a note in the proffer says same which is that if something comes up in the engineering where we need to modify to make it work.

Mr. Bain: You're allowed to with...

Mr. Franklin: Correct. As long as we're still within the zoning.

Mr. Bain: Right.

Mr. Franklin: Right.

Mr. Bain: Right.

Mr. Apicella: Alright, any further questions...

Mr. Randall: One quick question. In the Garrisonville, on Garrisonville Road, I see that you have several large 10 by 30 spaces. Are you saying there will be no 10 by 30 spaces in this location?

Mr. Hart: I can tell you there absolutely will be no vehicle or boat storage...

Mr. English: Sir, I can't hear you.

Mr. Apicella: You need to come to the microphone sir.

Mr. Hart: We can proffer out vehicle or boat storage if that's a concern. Now a lot of the larger units are used by landscapers.

Mr. English: I don't think the Fire Marshal would let you do that anyway because there's no sprinkler system in there, correct?

Mr. Hart: Right, well we don't do it. Extra Space won't do it.

Mr. English: Right. I'm saying, because no sprinkler system. They'd be in violation.

Mr. Hart: They will not do it and we have no intention of doing it.

Mr. Randall: Okay. Because it says enclosed vehicle storage on your website for the Garrisonville one. So, if you're saying that this one will be different than your one in Garrisonville because you won't allow vehicle storage. Garrisonville says enclosed vehicle storage. So, if I have a '65 Chevy and I want to store it, I can go to yours and it says I can store the vehicle in an enclosed space at Garrisonville.

Mr. Hart: We can proffer that out. I'm unaware that there is any of that storage there.

Planning Commission Minutes
August 25, 2021

Mr. Randall: I would suggest that you probably aren't aware of a lot of things that are stored in there.

Mr. Hart: And maybe don't want to be.

Mr. Randall: And you don't want to be, that's exactly the answer. But, yeah, the larger spaces that you have... I drive to them all the time and 30 feet is very, very small. It may be a standard but... it's... it makes those very difficult and that's why they put guards on every building. Because people clip them all the time, right? If you don't, if they're wider then you don't clip them and you don't have to put a protective barrier on there... every time.

Mr. Franklin: I can share with you something that VDOT official told me once, he said no matter how wide you make the curb opening, somebody's going to run over the curb.

Mr. Randall: Yeah, well.

Mr. Franklin: I'm just saying.

Mr. Randall: It... yeah. Okay.

Mr. Apicella: Okay. I'm hearing some, some pause from some of my fellow Commissioners. Again, I don't know what's going to happen tonight. I heard one thought about changing the number of vehicles per day from 500 to some lower number, I heard proffering out vehicle storage, again, I'd still like to revisit the issue of hours of operation. I understand what Mr. Harvey is saying but just for security sake, I think having some hours of operation might not be a bad thing. So, I'm just going to throw those out as maybe some reasons we may want to consider deferring, again, we haven't opened the public hearing yet. Again, thinking that there are some things that the applicant may want to think about. Including the issue of that circular area. Whether or not it would accommodate a bigger truck and whether that GDP might need to be tweaked to make that more doable. So, that said, I'm going to ask my fellow Commissioners if they have anything else they want to throw out there or any other questions for the applicant before I open the public hearing on this item.

Mr. English: They're not going to have a sign that's twice the size of the criteria, are they?

Mr. Harvey: Mr. Chairman, to clarify some points from a staff perspective it may be more effective to consider, if there is a desire for limiting hours of operation, we make that a condition of the Use Permit, and also the prohibition from storing automobiles and boats could also be a condition of the conditional use permit. It doesn't necessarily need to be a proffer.

Mr. Apicella: Alright. That's certainly something we can consider. I'm not sure though that the GDP issue could be resolved by the CUP. Maybe, maybe not. So again, I'm just going to throw it out to my colleagues if they have any other questions or comments they'd like to make before we throw this open to a public hearing? Alright, not hearing anything, I'm going to... thank you, gentlemen... I'm going to open the public hearing on this item. As before, anyone who wishes to comment, when you come to the podium please state your name and address. You have up to 3 minutes to speak, when the green light starts that's when your 3 minutes starts. The yellow light indicates that you have 1 minute left, and the red light means please wrap up your comments. Ma'am, please go ahead.

Ms. Smith: Hello. I'm Charlotte Smith of Lovington, down at Central Virginia. A couple of questions. This comes from the perspective of an adjoining piece of property which has already been graded down

Planning Commission Minutes
August 25, 2021

to McWhirt and Banks Ford Parkway to the level of that and one thing that's not been discussed tonight is anything about grading. That's sort of an open question in terms of relative to what's next to it. Just a question. Second question is what is to be stored in the warehouse? Maybe that doesn't come under planning. Okay. And a third, just a remark, that goes with both items 3 and 4. There's a parcel described as 44-99C and I'm not the applicant in both of those. But I think it's supposed to be 44-98C. And perhaps somebody needs to check that. So I'll just leave those as open questions.

Mr. Bain: Ms. Smith, did you give your address? I didn't catch that.

Ms. Smith: Lovington, I said I'm from Lovington. I can give you a full address if you want.

Mr. Bain: No, that's alright.

Ms. Smith: Yes. V – A, Virginia.

Mr. Apicella: Anything more ma'am?

Ms. Smith: No. Questions for me?

Mr. Apicella: Thank you very much.

Ms. Smith: Pardon?

Mr. English: Do you have any other comments?

Ms. Smith: No.

Mr. English: Okay.

Ms. Smith: Thank you.

Mr. Apicella: Is there anybody else in the chambers who'd like to speak on this item? Mr. Harvey, did we get any written comments?

Mr. Harvey: No sir, we do not have any written comments for this application.

Mr. Apicella: Okay. With that I'm going to close the public hearing. I'll ask the applicant if they have any responses to the comments that the commenter made?

Mr. Franklin: There was a question about the grading. We haven't done the detailed engineering but we will have to grade it down level with McWhirt just for simple access. And the question about what will be stored in the warehouse, again, household goods and with a limitation against any vehicles or that kind of thing.

Mr. Apicella: Alright, thank you very much. Mr. English, this item is in your district, how would you like to proceed?

Mr. English: Do we, Mr. Chairman, do we have to take a vote on this proffer statement that they submitted first? Do we have to do that?

*Planning Commission Minutes
August 25, 2021*

Mr. Apicella: We do, unless we want to give them an opportunity to amend it.

Mr. English: Are you going to amend this, or just let it go as it is? Do you want to amend it now so you can submit it into record? You said, Jeff, that under the CUP, the hours of operation can be under the CUP, correct? Okay. So, Mr. Chairman, can we just move on to the next one and have them make... or, how long is it going to take them to fix that? Okay. Alright, if he can do that real quick and then bring it back.

Mr. Apicella: Alright, so we're going to take a 2 minute break.

Mr. English: It's on this proffer statement.

Mr. Randall: Mr. Chairman, I recommend a 5 minute break. It looks like they're going to be walking outside for just a minute. I recommend a 5 minute break.

Mr. Apicella: Okay, a 5 minute break. Thank you.

Break: 7:31 PM

Meeting reconvened: 7:38 PM

Mr. Randall: Mr. Chairman, I think we're ready on this side.

Mr. Apicella: Okay. I'm going to reopen the Planning Commission meeting.

Ms. Lucian: Planning Commissioners, I just have something real quick. We've discovered that the application materials have the incorrect parcel number. So, therefore, the advertisement on this item has the incorrect parcel number for one of the parcels. So, we would recommend that you guys defer this item so we can take care that issue.

Mr. Apicella: I'm sorry, say that again, recommend...

Ms. Lucian: We would recommend that you defer this item because the advertisement that went out has the incorrect parcel number which was based on the application materials but doesn't match the actual parcel.

Mr. Apicella: So, let me ask a question, Ms. Lucian. Does that mean that the item has to be re-advertised and we'd have to defer for at least a month?

Ms. Lucian: I would recommend that you re-advertise it.

Mr. Apicella: Okay.

Mr. English: That's your recommendation, though?

Ms. Lucian: I'd also... I think the applicant should have a say as well.

Mr. English: Okay.

***Planning Commission Minutes
August 25, 2021***

Mr. Apicella: Alright, so, we've presumably got some modified proffers. Is there a motion to... first of all, can you – Mr. Valotta, can you read the modified proffers?

Mr. Valotta: Hello again, Commissioners. I'll read proffer 2 as revised. It states, any uses on the property shall not exceed 400 vehicle trips per day, as calculated by the 10th addition of the ITE Trip Generation Manual.

Mr. Apicella: Okay. So... *inaudible*... just changing the 500 to 400, right?

Mr. Valotta: Correct, yes.

Mr. Apicella: Alright. So, is there a motion to accept the proffers as further modified?

Mr. Randall: So moved.

Mr. Apicella: Is there a second?

Mr. Bain: Second.

Mr. Apicella: Okay. Any further comments on that motion? Mr. Randall?

Mr. Randall: No, thank you.

Mr. Apicella: Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Anybody else? Alright, so there's a motion to accept the proffers as further modified. Mr. Bain, how do you vote?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: Mr. McPherson is absent. Mr. Randall?

Mr. Randall: Yes.

Planning Commission Minutes
August 25, 2021

Mr. Apicella: Mr. Apicella votes aye, that motion carries 5 to 1 with 1 absent. Okay, Mr. English, this item is your district. Do you have a recommendation?

Mr. English: Well, I think we have to go by what the attorney says. She's saying that we have to re-advertise this. So, we can't... can we... we can't vote on this, correct?

Ms. Lucian: Well, the legal standard is that the advertisement must be accurate. And this case it's not because it references an incorrect...

Mr. English: I can't hear what you're saying.

Mr. Lucian: I'm sorry. I'll take off my mask. The legal standard is that the advertisement must be accurate and in this case it's not, so, it should be re-advertised.

Mr. English: So, we can't do anything with it?

Mr. Lucian: I would recommend that you don't.

Mr. English: Okay. So, I guess Mr. Chairman, according to the attorney, we have to defer this because it's, the advertisement's not right. I'll have to make a motion to defer for right now.

Mr. Apicella: So, it's a motion to defer to our 2nd meeting in September?

Mr. English: Yes, 2nd meeting in September. For RC21153768 for Reclassification.

Ms. Barnes: Second.

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

Mr. English: No, not at this time.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Nothing further.

Mr. Apicella: Anybody else? Alright, so, before we take the vote, I'm just going to reiterate to both staff and the applicant some other issues were raised, again, about the hours of operation again, which we can deal with as a condition. The concern about prohibiting vehicles and boat storage, again, that can be fixed by an additional condition and lastly, I think, well, I still have concerns about the hours of operation, so I think we talked about the same hours as the similar facility up north which were gate hours of 6 AM to 10 PM. And lastly, some concern about the ability of larger trucks to be able to navigate around the site which may require a GDP fix. Again, I'm just throwing that out. So, with that said...

Mr. Bain: Mr. Chairman, excuse me sir. I thought the hours at the other site were 9:30 AM to 10 PM, not 6 AM?

Mr. Apicella: Yeah, what I heard were the gate hours. Gate hours, not operating hours. But the gate hours were 6 AM to 10 PM.

Planning Commission Minutes
August 25, 2021

Mr. Bain: Oh, alright. Thank you.

Mr. Apicella: So, again, there's a motion to defer to our 2nd meeting in September to re-advertise the correct parcel and parcel numbers. Also, for the applicant and staff to potentially make additional changes to the CUP conditions and/or the proffers. With that said, Mr. Bain, how do you vote on the motion?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson is absent. Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: And Mr. Apicella votes aye. Alright, I thank everybody for their patience as we worked our way through this one. Mr. Harvey, moving on to item number 5.

Mr. Randall: Mr. Chairman, do we need to also defer item number 4?

Mr. Apicella: I believe that... okay, I thought it was a motion to defer both items, do we need to take a separate...

Mr. Randall: Oh, I thought they were individual – I think we need to do them individually, don't we?

Ms. Lucian: You don't have to do it individually if the vote count is going to be the same. I can't recall what the exact motion was but if you did vote on both of them, that's fine.

Mr. Apicella: We did not, we specifically...

Mr. English: Well, I can just, can I?

Ms. Lucian: Just do it again to be sure.

Mr. English: I'll stipulate that CUP was included.

Ms. Lucian: That's fine.

Mr. Apicella: Are you okay with that, Mr. Randall?

Planning Commission Minutes
August 25, 2021

Mr. Randall: No, that's fine. I thought we had to do them individually, sorry.

Mr. Apicella: Alright. Okay, with that said, I think we've disposed of items 3 and 4 for the moment. We're moving on to item 5, Industrial Outdoor Lighting Standards. Mr. Harvey.

5. Amendment to the Zoning Ordinance - Proposed Ordinance O21-32 would amend and reordain Stafford County Code Sec. 28-87, "Outdoor lighting standards" to amend lighting standards for industrial uses. **(Time Limit: November 5, 2021)**

Mr. Harvey: Yes, Mr. Chairman, for our final public hearing, Amy Taylor will be making the presentation for the staff on the Amendment to the Zoning Ordinance.

Ms. Taylor: Good evening Mr. Chairman and members of the Commission. I am Amy Taylor with the Department of Planning and Zoning, and I am here to present item number 5 of the agenda this evening, which is a proposed amendment to the Zoning Ordinance to modify the current outdoor lighting standards for industrial uses. The purpose of the outdoor lighting standards is to establish adequate and consistent lighting levels, which will minimize glare, light trespass, over-lighting, and sky glow while improving safety and security and energy conservation for County businesses and residents. The outdoor lighting standards were originally established in 1994, but did not specify required lighting levels with exception to maximum lighting levels at abutting property lines. However, concerns were raised that internal site lighting may not be bright enough to ensure public safety and security during night time hours. As a result, the outdoor lighting standards were amended on September 3, 2013, which established a comprehensive set of standards, including minimum and maximum lighting levels for various types of uses. The 2013 amendment also established standards for specific types of uses such as fueling stations and auto sales lots, as well as requirements for reduced security lighting after hours and an administrative process for waiver or modification of those applicable standards. On October 4, 2016, the outdoor lighting standards were amended again due to concerns raised by the development community regarding minimum lighting requirements and reduced security lighting levels for non-residential developments, as well as light trespass within state-maintained roadways. At that time, the lighting standards were adjusted to reduce minimum lighting levels, establish average maintained lighting levels, and maximum to average lighting ratios. Under the current outdoor lighting standards, non-residential uses are required to provide an average of 5 footcandles for all parking lots, building fronts and main drive aisles. And the maximum to average lighting ratio may not exceed 2.5 to 1 footcandles. All non-residential uses must also maintain a minimum lighting level of 1 footcandle during all daylight hours, except along abutting property lines and public right-of-way. Reduced security lighting after hours is also required and site lighting must be reduced to no more than 50% or no less than 1 footcandle. However, additional concerns have recently been expressed by the development community regarding the current lighting standards for non-residential uses. Those concerns have suggested that current lighting standards may be appropriate for commercial uses frequented by the public, but are too high for industrial uses with little or no public access. Currently, the Code does allow for any outdoor lighting standard to be waived administratively, if certain criteria are met, and after adjacent property owners are given an opportunity to comment on the waiver request. And since 2016, multiple lighting waivers have been approved for certain industrial development which has allowed for reduced lighting levels for those uses. As a result of the request received from the development community, and the waivers processed by staff, the Board wished to initiate an ordinance amendment to establish more appropriate lighting standards for industrial developments. Based on recent requests, it has been suggested that an average of 1.5 footcandles is an industry standard, which would be more appropriate for industrial uses with limited public access. Staff has conducted limited research regarding recommended lighting levels for such uses and determined that an average of one, 5 footcandles, appears

*Planning Commission Minutes
August 25, 2021*

to be the recommended illuminance level for parking lots with medium activity, as published in the IES Lighting Handbook, 10th Edition.

Mr. Bain: Ms. Taylor, can you go back there real quick? You said parking lots, but that's industrial parking lots, not any parking lot in general, I presume?

Ms. Taylor: It is parking lots in general. The IES Handbook does not differentiate between commercial uses or industrial uses, it simply identifies parking lots and their activity levels.

Mr. Bain: Okay, thank you.

Ms. Taylor: As such, staff has drafted amendments to Section 28-87 of the Zoning Ordinance for outdoor lighting standards to establish lighting standards for industrial uses based on IES recommendations, and as reflected in proposed Ordinance O21-32, the proposed amendments would reduce or relax current lighting levels and uniformity levels for industrial uses which are not open to the public. Such uses would be required to provide an average maintain level of 1.5 footcandles for all parking lots, building fronts and main drive aisles; a maximum to average ratio of 3.5 to 1 footcandles, as compared to 2.5 to 1 for other commercial uses open to the public; and a minimum maintain lighting level of ½ footcandle during all non-daylight hours, as compared to 1 footcandle for other commercial uses open to the public. Reduced security lighting requirements after hours have also been eliminated and would not apply to such industrial uses not open to the public, unless average maintain lighting levels are 5 footcandles or greater. Staff believes that reduced lighting levels for such industrial uses are both adequate and appropriate based on recommended lighting levels from various lighting resources including the Illuminating Engineering Society of North America and such reduced levels are also supported by the Sheriffs Office and continue to support their recommendations for crime prevention and public safety. On July 6th, the Board approved resolution R21-205 which referred the proposed ordinance amendment to the Planning Commission to begin the public hearing process. Resolution R21-205 does allow the Planning Commission to make modifications to the proposed ordinance as deemed necessary. Staff supports the proposed amendments to the outdoor lighting standards and recommends approval of proposed Ordinance O21-32, which will bring lighting requirements in line with industry standards for such industrial uses not open to the public while continuing to meet crime prevention and public safety recommendations. Approval of the proposed amendments will also help streamline the site plan review and approval process, which will reduce the need for such industrial uses to request lighting waivers, as well as staff time spent processing those requests. That concludes my presentation.

Mr. Apicella: Thank you Ms. Taylor. Additional questions for staff?

Mr. Randall: Yes, Mr. Chairman, I have a couple of questions. So, just so I'm clear, we're taking it from 5 footcandles to 1.5 footcandles on parking lots; from 2.5 to 1 foot candle to 3.5 to one; and then from 1 to .5.

Ms. Taylor: Commissioner Randall, that is correct.

Mr. Randall: Is that correct? Okay. So, we're going to put these in an ordinance. Does that mean that these are now waivable? Or will there be something in the ordinance that says, now that we've reduced them to this level, there will be no waivers authorized for these conditions, or these standards?

Ms. Taylor: No, there is currently no language included in the proposed amendment which would exclude or not permit a waiver if they were to deviate from those required standards. If an industrial

*Planning Commission Minutes
August 25, 2021*

use, which would not be open to the public, proposed lighting levels below the 1.5 average, which is being proposed at this time, they would be required to seek another waiver or modification of those lighting standards, to dip below that value.

Mr. Randall: Right. So, based on that, we have no indication this would stop waivers from still being submitted to the County and you still would be requiring your time, staffs time, to do waivers – even if we approved the changes. Is that correct?

Mr. Taylor: Yes sir, that is correct. It would not eliminate waivers for these types of uses, but staff does believe that it will significantly reduce. We have not seen waiver requests come in yet, that have requested lighting levels below that value.

Mr. Randall: Yeah, you wouldn't. They wouldn't jump to this level, if it was at 5, they wouldn't jump to 1. They would waiver down to 3. I'm just saying, if we now set the standard at 1.5 that they may very well come back and go, good, if I can get away with 1.5, maybe I can get away with .5. So, Mr. Harvey, I guess this question is for you. Is it something we could put in there that says these are non-waiverable standards? At this point, now that we've lowered them to this industry standard, per se, that maybe we were too high, but now that we've lowered them to this point, could we establish something in there that says, these are non-waiverable based on recommendations of the County staff – of you and of the Police/Sheriff's Department?

Mr. Harvey: Commissioner Randall, I believe that would probably require re-advertisement because it's becoming more restrictive than what was advertised.

Mr. Randall: Roger that, thank you.

Ms. Barnes: Chairman Apicella, I have a question.

Mr. Apicella: Sure, go ahead, Ms. Barnes.

Ms. Barnes: You said that this has been looked over and approved by law enforcement/Sheriff. How do we know that? Is that, is that something that was presented to the Stafford County Sheriffs? I have visions of a, I don't know, a 24-hour storage unit with very low lighting and the combination doesn't sound great.

Ms. Taylor: Commissioner Barnes, these lighting levels would only apply to industrial uses, so if we were to get a proposed facility for a self-storage unit that is in an industrial area, I don't believe they would qualify because they would not be – “not open” – to the public. That is obviously a publicly accessible facility so they would not qualify for these lighting levels.

Ms. Barnes: That makes sense. Thank you.

Ms. Taylor: But, but to answer the question, yes. These proposed lighting levels were run through the Sheriffs Office. We deal with Deputy Hamilton who looks at these CPTED lighting requirements and he was in agreement with these recommendations when they were presented to us.

Ms. Barnes: And this was initiated by developers? The development industry? Is there any particular reason why? Are they looking to lower electricity bills? Or what was the reasoning?

Planning Commission Minutes
August 25, 2021

Ms. Taylor: I do believe it was simply the standard. Our current standards, we have received a number of requests for waivers, specifically related to industrial facilities over the years, to reduce from the average of 5 footcandles that is currently required for all types of non-residential uses. Many times, it is referenced that these facilities are not going to be generally accessible to the public and they did not feel that they needed that much lighting for their site as a whole. Under those circumstances, they had to seek a waiver previously. It was recently brought to our attention that maybe we should consider this as an alternate standard specifically for these types of uses.

Ms. Barnes: Thank you. Very well explained. Thank you.

Mr. Apicella: Ms. Taylor, for the public's benefit, can you explain how the waiver process works? What analysis goes into it and who would approve it?

Ms. Taylor: Mr. Chairman, they would be required, any applicant would be required to submit a written letter of request along with an exhibit photometric plan demonstrating the proposed lighting levels that they would like to provide for their site. That request comes into the Zoning Administrator, who reviews and evaluates that request. They typically have to demonstrate some type of a hardship regarding why they are unable to achieve those lighting levels, why it is a detriment to their site, other similar uses are not required to provide the same types of lighting levels. And that information is evaluated. That information is also supposed to be proved to the CPTED Officer at the Sheriff's Office also for comments and concurrence on the same request. That information and the request of that, the notification of that waiver request is also sent to all abutting property owners for that particular site and they are given 21 days to provide comments regarding any concerns or objections they may have regarding the specific request that that waiver entails. If no comments are received within the 21-day comment period, the Zoning Administrator will in turn issue a letter of approval. If they do get comments against approving such a waiver, the Zoning Administrator would in turn potentially deny that request.

Mr. Apicella: So, it's a pretty rigorous process, analysis. Are there circumstances... do staff weigh in on this? So, I was a little caught up in your, in the notice going out for 21 days. Staff would definitely still have the ability to, when I say staff, you all, would have some ability to weigh in and say this doesn't seem appropriate or do they bypass you all and the Zoning Administrator in doing that review and ultimate determination?

Ms. Taylor: Typically, the requests come in through staff during a typically routine plan review process. But there are occasions where these requests for waivers may come in in-between plan reviews. There have been occasions where a plan has already been approved with a certain lighting level that meets current standards and the applicant chooses to come in and modify lighting levels based on a certain condition that they are trying to achieve. And they may request a waiver after the plan has been approved. Under those circumstances, after a plan approval, the request may go directly to the Zoning Administrator, but typically staff is involved as much as possible to try to chime in and look at what is being proposed and provide comments to the Zoning Administrator prior to the final execution of an approval or a denial.

Mr. Apicella: I guess to Mr. Randall's point, I think that should happen all the time. That staff get the opportunity to... *inaudible*... and it doesn't bypass them and hopefully, again, we don't set the policy at the Planning Commission level, but hopefully, that - that's a course change that needs to happen given that these are much lower standards than currently exist. That, that's just part of the process going forward no matter where it is in the plan approval process, that staff will look at it and have some ability

Planning Commission Minutes
August 25, 2021

to provide comments on whether or not they think it's a good or bad idea based on the facts on the ground, so to speak. That's just, just my thought. Any other questions or comments for staff?

Mr. Bain: Just one thing, Mr. Chairman. Jeff's answer to Bart's question was sort of interrupted to say that it would have to be re-advertised if we wanted to incorporate something that said no waivers allowed. But Jeff, I don't think you actually said whether or not we could incorporate such a condition if we were to decide that that's what needed to be done. Could a condition like that be incorporated into the ordinance even if we had to re-advertise?

Mr. Harvey: Commissioner Bain, it could be incorporated but it would have to be re-advertised, in my opinion.

Mr. Bain: And is there some reason that we're not willing to re-advertise? Or is there some significant deadline that we're trying to meet?

Ms. Lucian: As an alternative, because I'm not sure of the legal implications of that, I'd have to look into it to see if we could do that. You could make a separate motion if you'd like to recommend that the Board consider that. That's just an option.

Mr. Bain: Alright, thank you.

Mr. Apicella: What provision allows... is it the general waiver provision? Or is this a specific waiver on lighting standards?

Mr. Taylor: Mr. Chairman, can you repeat? I'm not quite understanding your question.

Mr. Apicella: I'm just trying to understand, what provision in the code allows for a waiver of lighting standards? Is it the general provision for waivers, or is there a specific waiver in the lighting standards? Is it a specific code reference directly within 28-87 for the outdoor lighting standards?

Ms. Taylor: If you'd like I can provide you the specific code reference regarding the lighting waivers and modifications.

Mr. Apicella: I'm just going, kind of, to Ms. Lucian's point, that almost everything we do has some ability to get a waiver that doesn't mean a person will get it. I'm just wondering of the administrative or legal ramifications of not allowing someone to have a waiver. And maybe that's something Ms. Lucian would have to look at, but I'm just trying to imagine a circumstance where we wouldn't at least afford people the opportunity for a waiver of any standard.

Ms. Taylor: Mr. Chairman, the waiver specifically permitted within the outdoor lighting standards is specifically an administrative waiver that is being granted by the Zoning Administrator, as opposed to a waiver that requires a formal application, a fee, and must be presented to the Planning Commission.

Mr. Apicella: No, I get that, I'm just saying generally speaking, most government entities have to provide people an ability, for lack of a better term, to appeal a standard. And if we don't allow someone that opportunity I wonder if we're doing something that we would be allowed to do. That's a legal issue. I don't know the answer to that questions. I'm just throwing it out. I'm not saying we should or we shouldn't do what Mr. Randall suggests, or Mr. Bain. I'm just wondering if it's even allowable.

Planning Commission Minutes
August 25, 2021

Mr. Harvey: Well, Mr. Chairman, since this is a zoning ordinance provision, any relaxation of the zoning standards, unless it's specifically granted in a waiver process or some other conditional use permit process, it would require someone to go to the Board of Zoning Appeals and apply for a variance and prove a hardship.

Mr. Apicella: So that would be the process they would do if we took out the waiver provision?

Mr. Harvey: Correct.

Mr. Apicella: Okay.

Mr. Harvey: And if the, in this case, if the Zoning Administrator issues a denial and there's an appeal then that appeal would also go the Board of Zoning Appeals.

Mr. Apicella: So, I'm just again trying to think this through, wrap my head around it. There's a standard for industrial uses where there's, the public might be able to utilize a facility, in the case it only applies to facilities where the public is not allowed. So if we were to revisit the waiver requirement, we'd have to make a distinction. Is that correct, Ms. Taylor?

Ms. Taylor: Yes, that would be correct.

Mr. Randall: Mr. Chairman, if I may. I'm asking the hypothetical. You know, if the purpose of doing this is to minimize the waivers, then we're doing this with no indication that it's going to minimize the waivers. We think it will, but we don't know that. And so, the genesis for the change is somewhat disingenuous in my opinion because we don't know that it's going to stop the waivers. If we said yes, now that we've changed the standards, we expect that waivers are still going to be authorized but under very, very strict requirements, much tighter requirements than we had in the past, you know, maybe something along those lines. Not to say that we won't do them at all, but we're going to close down that aperture pretty hard now that we've changed the standards. And so, I would like to be able to do something that meets the goal of actually doing this in the first place, which is to minimize the number of waivers and the staff time associated with each. Thank you.

Mr. Apicella: I hear you Mr. Randall, I just feel like we're potentially coming up with a problem in search of a solution. I don't know if I'm saying that right. I would expect that it would significantly decrease the amount of waivers.

Mr. Randall: I would, I think we just take, let's get it to the public hearing and let's vote on it and then we'll just make the recommendation, I think with the vote, with the motion to have the Board at least look at that. Thank you.

Mr. Apicella: Alright, any further questions for staff? Alright, seeing none, thank you Ms. Taylor. I'm going to open up the public hearing on this item. I'm sure we have three or four hundred people who want to speak about it. Those who do, if you want to....

Mr. Randall: They're lined up outside. We're waiting for them to come into the building.

Mr. Apicella: I'm sure. If anybody does want to speak, when you do come up to the podium, please provide your name and address. You have 3 minutes to speak – up to 3 minutes to speak. When the green light starts, that means you have a full 3 minutes. When the yellow light appears, that means you

Planning Commission Minutes
August 25, 2021

have 1 minute left, and the red light means wrap up your comments. Anyone who would like to speak on this item, please come forward now. Alright, seeing no one, Mr. Harvey, were there any comments submitted in writing?

Mr. Harvey: Mr. Chairman, staff did not receive any written comments.

Mr. Apicella: Thank you. So, I'm going to close the public hearing on this item, and bring it back to the Commission for further discussion and a possible motion. Anyone want to take a bite at this?

Mr. Randall: Yeah, Mr. Chairman, I'll take a bite at it. I'd like to make a motion to recommend approval of proposed Ordinance O21-32 which would amend the Stafford County Code Sec. 28-87 with a note to the Board to consider the restrictions of waivers or to increase the criteria for waivers, given the change in standards.

Mr. Apicella: Alright, thank you, Mr. Randall. Is there a second?

Mr. Cummings: Second

Mr. Apicella: I think I heard Mr. Cummings that time. I hope I'm right.

Mr. Cummings: Yes.

Mr. Apicella: Any further comments, Mr. Randall?

Mr. Randall: No, thank you.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: No, thank you.

Mr. Apicella: Anybody else? Just to be clear, Mr. Harvey, the additional recommendation, is that clear enough for you? Give you enough to be able to go to the Board and get them to understand what we're recommending here?

Mr. Harvey: Yes, Mr. Chairman. And staff will include that in the report to the Board of Supervisors.

Mr. Apicella: Alright, thank you Mr. Harvey. Okay, there's a motion recommending approval with an additional recommendation associated with this item. Mr. Bain, how do you vote?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

***Planning Commission Minutes
August 25, 2021***

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson is absent. Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Mr. Apicella votes yes. Alright, thank you everybody for getting us through these 5 public hearings. Mr. Harvey, moving on to the next item on the agenda.

Mr. Harvey: Thank you, Mr. Chairman.

Mr. Apicella: The Planning Director's Report.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

6. Comprehensive Plan 5-Year Update Extension Request

Mr. Harvey: Under the Planning Director's Report, we'll note that the Board of Supervisors on August 17th granted approval of Resolution R21-290 which gives the Planning Commission additional time to prepare the Comprehensive Plan update. Staff is diligently working with the subcommittee. I'll defer to Commissioner Randall for more details in his committee report. That concludes my report.

Mr. Apicella: Alright, thank you, Mr. Harvey. Ms. Lucian, County Attorney's Report?

COUNTY ATTORNEY'S REPORT

Ms. Lucian: I have no report, thank you.

COMMITTEE REPORTS

- 7. Comprehensive Plan 5-Year Update Subcommittee**
Meeting Summaries – July 22, 2021 & July 29, 2021 & August 12, 2021
Meeting – August 19, 2021
Next Meeting – August 26, 2021 @ 3:30 PM, ABC Conference Room & Virtual

CHAIRMAN'S REPORT

*Planning Commission Minutes
August 25, 2021*

Mr. Apicella: Alright, Chairman's Report. Since I'm participating remotely, pursuant to our by-laws, I hereby authorize the Vice-Chairman to sign any documents in my absence. There's no Other Business. Approval of minutes. Is there a motion to approve the, I'm sorry, I ran right over the Committee Reports.

Mr. Randall: Yes. I was like, Mr. Harvey set me up and then you pulled the football away.

Mr. Apicella: Apologies.

7. *Comprehensive Plan 5-Year Update Subcommittee*

Mr. Randall: Our Comprehensive Plan 5-Year Update, we are meeting every Thursday. We've been meeting every Thursday for several months now. We have had, again, as you see, July 22, July 29, Aug 12th meetings. We are currently reviewing the final version. We will be reviewing Chapter 3 tomorrow. We have done 1 and 2, 7, 4 is on its way to VDOT for their review. We will be meeting tomorrow. We're meeting Sept. 2nd with the intent to have a pretty close to finished version to present to the Planning Commission on the 8th of September. We will then take notes, take recommendations, take anything the Planning Commission, the full Commission has for us, and we will then meet on the 9th and the 16th to adjudicate anything that we may have received from the full Commission. And then have a final version and a final amendment of the major changes ready for the 22nd for those to be presented in a notification for a public hearing for the Planning Commission in October. So that's where we are. So, on the 8th plan on bringing your pens with you. We will be going through the full Comprehensive Plan.

Mr. Apicella: Alright, thank you Mr. Randall. Again, my apologies for not giving you an opportunity early. So, again, there's no Other Business. We're onto the last item, approval of minutes. Is there a motion to approve the June 9, 2021 minutes?

OTHER BUSINESS

8. New TRC Submissions - NONE

APPROVAL OF MINUTES

9. June 9, 2021

Mr. Bain: So moved.

Mr. Apicella: Thank you, Mr. Bain. Is there a second?

Mr. English: Second.

Mr. Apicella: Okay. All those in favor say aye. Unanimous – motion carries. Is there a motion to approve the June 16 2021 minutes?

10. June 16, 2021

Mr. Bain: So moved.

Ms. Barnes: Second.

*Planning Commission Minutes
August 25, 2021*

Mr. Apicella: Anybody?

Mr. English: Kristen did.

Mr. Apicella: I'm sorry, I didn't hear her.

Ms. Barnes: Second!

Mr. Apicella: My apologies. Second, third, fourth. Alright, all those in favor say aye. Unanimous ayes. Those minutes are approved. With no further business before the Commission, we are hereby adjourned. Thank you everybody, have a good night.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:16 PM.