

MINUTES OF THE STRASBURG PLANNING COMMISSION MEETING HELD ON TUESDAY, MAY 26th, 2020, AT 7 P.M. IN THE COUNCIL CHAMBERS OF THE STRASBURG TOWN HALL. THE MEETING WAS HELD VIRTUALLY THROUGH ZOOM.

PLANNING COMMISSIONERS PRESENT: Chairperson Flanagan, and Commissioners Dean, Nicholson, Otis, Poling, Rhodes, and Council Member Terndrup.

STAFF PRESENT: Town Manager Pearson, Planning & Zoning Administrator Pambid, and Clerk of Council Keller.

Chairperson Flanagan called the meeting to order and reviewed the agenda.

Chairperson Flanagan introduced new **Planning Commissioner Brian Otis** who will be completing former **Commissioner Massey's** term. **Mr. Massey** moved from the town and can no longer serve. **Commissioner Otis** has lived in the town since 2003 and he is employed by the Prince William County Planning Department. **Commissioner Otis** thanked all for the opportunity to serve the town.

Approval of Agenda:

The agenda was approved as presented.

Election of Officers

It was explained that officers serve for a period of one year and are elected at the first meeting of the year.

Council Member Terndrup nominated **Bob Flanagan** as **Chairperson of the Strasburg Planning Commission**; second by **Commissioner Poling**. **With no other nominations, the nominations were closed.**

Council member Terndrup nominated **Hank Dean** as **Vice-Chair of the Strasburg Planning Commission**; **Commissioner Flanagan** offered the second. **With no other nominations, the nominations were closed.**

On a roll call vote, both people were elected unanimously.

Approval of Minutes: Tuesday, November 26th, 2019

The minutes of the Tuesday, November 26th, 2019, Planning Commission Meeting were approved unanimously on a roll call vote with a minor correction on a motion by Commissioner Nicholson; second by Commissioner Poling.

- **Citizen Comments**

- **Staff Topic Introduction**

P&Z Administrator Pambid reviewed the Staff Report. The applicant requests approval of a site plan amendment specifically for the location and the construction of a previously approved Special Use Permit. At the time of approval by the Planning Commission and Town Council, the minutes indicated that this phase of the site's development would need to come back to the Planning Commission. That is the purpose of this case.

The SUP's 2017 site plan anticipated the addition and indicated the general location of the asphalt processing plant along the eastern edge of the site, and with this case, that location has shifted slightly within the same general envelope. The overall height of the processing plant is 60'. Please

note the plans include a possible second silo, which must be approved by amending the June 13, 2017 Special Use Permit. See Condition #3 of the Special Use Permit (FY17-18/061). This requires a Planning Commission recommendation and Town Council action.

Staff has requested that the heavy equipment storage area and staff parking areas switch in order to remove the heavy equipment from public view as much as possible. The purpose of this request is grounded in Section 3.14.2.B.9. Additionally, staff has requested that physical protection be provided for the northern buffer from daily heavy activity of the laydown area and drive aisle. The purpose of this request is to protect trees and buffer plantings from daily wear-and-tear as well as from further encroachment of these graveled areas into the grass areas shown on the original plan. They will come back to staff with a suggested solution to this.

Eleven (11) conditions were attached to the Special Use Permit. A response letter detailing the applicant's responses to or compliance with the conditions was received on April 8, 2020 and is attached. The following select conditions are detailed further below:

- Compliance with Condition #1 requiring evidence of approved permits is pending. A DEQ permit is required. This is being processed now.
- Conditions #6 and #7 describe landscaping requirements. The C25 buffer per #6 has been installed per the approved plan and was inspected by the staff in October of 2019. The response to #7 proposes installing vegetation once the asphalt plant has been installed and sight lines and visual impact determined in the field. A supplementary landscape plan will need to be provided should additional landscape material be needed.
- Per Condition #8, a minor subdivision and right-of-way dedication plat is under *administrative* staff review and action for the extension of Borden Mowery Drive. The minor subdivision reduces the current site from 20.02 acres to a minimum of 11.93 acres and creates a maximum of 3 lots. This is reported here for informational purposes only, and the plat does not require review or action by the Commission.
- Per Condition #9, a Traffic Impact Analysis was performed. The Town received it, and the report concluded that current existing road conditions, intersections, and capacity can support the proposed asphalt plant.
- Condition #11 requires a 3rd party inspection of the plant within the first 6 months of operation. While the following are not specified in the condition:
 - specific timing of the inspection;
 - what the inspection is looking for;
 - what constitutes a passing inspection;
 - what the consequences are for a failed inspection; and
 - what the time limit is for correcting any deficiencies and what the penalties are for exceeding a time limit;

Staff recommends that this inspection take place sometime in month four or five to give the operator/ applicant time to identify, inspect for, and address any deficiencies by the end of the six-month period. A Town site inspection for compliance with SUP conditions and normal UDO requirements should also take place within the same time frame.

At the time of the preparation of the staff report, no comments had been received from the public, and **P&Z Administrator Pambid** had still not received any comments.

Staff recommends approval of the proposed site plan amendment, with the following conditions:

- Prior to signature, the plan be revised per the annotations on the staff's plan, including swapping the employee parking and heavy equipment storage areas and providing additional protection for the northern landscape buffer.
- Bring all pole mounted light fixtures into compliance with current requirements.

- The conditions of the Special Use Permit (see FY17-18/061) are still in effect.

Public Hearing:

- **To receive public comments on a Site Plan for the location of an asphalt plant on a previously approved and existing site/use. The location is 749 Borden Mowery Road.**

The Public Hearing opened at 7:17 p.m.

Ray Lough, 832 Island Farm Road: Mr. Lough asked how many employees they plan to employ. P&Z Administrator Pambid did not have the employment numbers and Mr. Austin, representing the applicant, did not either, but said he can get this information to the Commission later.

Chairperson Flanagan asked if it was for the number for construction or the number working for Kickin' Asphalt and Mr. Lough said it was for the plant. He said it was stated there was a traffic study that met the criteria and he wondered how many vehicles would impact this.

The Public Hearing closed at 7:19 p.m.

- **To receive public comments on the FY2020-2021 through FY2024-2025 Capital Improvement Plan (CIP) pursuant to the Code of Virginia Section 15.2-2239**

Town Manager Pearson reviewed the spreadsheet included in the packet. The staff report gave a description of the projects proposed and he discussed the improvements planned for the next year. He hopes to continue this process of bringing this before the Planning Commission. In the next year, we are hoping to do Phase I Business Park. The town will be getting a bridge loan in the next fiscal year to finish Right-of-Way acquisition and begin construction. This bridge loan will roll into the municipal bond and it is hoped we can roll in the Way Finding Signage. Another item is the AMI/AMR project which is going to be pushed out another year and might be rolled into the municipal fund.

The Gateway Trail and Downtown Streetscape is complete. We are getting started on bidding Phase IV of the Downtown Streetscape Project and this is the last phase of this project. Washington Gas has been working in the area now and once it is done, it is the intention of staff to do mainline utilities work. The \$400,000 shown is the town's portion of this project.

Town Manager Pearson reviewed other phases in the Business Park.

Town Manager Pearson said \$10,000 is set aside each year for potential improvements at the Town Park. Capital projects in the Town Park is set aside each year for capital improvements, and mainly these are used on the pool.

Due to COVID-19, all vehicle purchases have been pushed to next year. The departments will stay on the same schedule for the next fiscal year.

An additional water storage tank has been discussed for at least 10 years. A figure of \$2 million has been included, but this is an old figure. There is an ongoing debate with citizens on the location. This is not currently scheduled for the next year and will be pushed out at least two years.

The Public Hearing opened at 7:31 p.m. With no comments, the public hearing closed at 7:32 p.m.

Action Items:

- **Kickin' Asphalt Site Plan**
Description: Site Plan for the location of an asphalt processing plant on a previously approved and existing site/use located at 749 Borden Mowery Road

Mr. Tyler Austin, Racey Engineering and representing the applicant, responded to **Mr. Lough's** question about the number of employees. They will add five to six employees to run the plant, but they will employ about 80 people total.

Chairperson Flanagan asked if the 80 employees always show up to this work site or just go to the job site. **Mr. Austin** said the entire group does not meet at the Borden Mowery site daily.

Council Member Terndrup reminded all that this was a highly controversial project and it was a tie vote by Council with **Mayor Orndorff** breaking the tie. He asked if the residents were purposefully notified of this meeting.

Council Member Terndrup said there had been a comment about cost effective buffering and this was a huge concern. He does not think cost effective is relative, but that the residents are protected the best way they can be.

Council Member Terndrup said that on condition 5, it talks about site inspections. It was noted that the town would be very diligent on the inspections and they were hoping it would be an ongoing, random inspection by the BZA. He does not think giving notice would be the best way to show public safety.

Council Member Terndrup continued by saying Condition 7 says additional vegetation shall be included and in the staff report, it sounded like this could be negotiated and it cannot be. He concluded that nothing will happen until the permit is gotten from DEQ. **P&Z Administrator Pambid** and **Mr. Austin** both said the plant cannot get the approval until DEQ signs off.

Council Member Terndrup asked about the traffic impact and if staff was okay with this and **P&Z Administrator Pambid** said they are.

Chairperson Flanagan read from the minutes of 2017 which read, "**Council Member Terndrup** said because of decisions of Council, there is only a voluntary agreement with the applicant on the odors, etc. We are relying on the good will of the corporate neighbor that they comply with this voluntary agreement. **Chairperson Flanagan** said this comment is duly noted, but felt it would be better stated when Phase III is brought before the Commission as this is basically a laydown yard." He asked if this should now be included.

P&Z Administrator Pambid addressed a few of the comments. He said he used the term cost effective for the buffer itself. The buffer is in place now and he went out and inspected all the plants and they are all in place. The cost-effective protection is regarding the protective barrier for the buffer. Staff needs to insist for the protection of this buffer. This is to keep the gravel area from growing, etc. In regard to the inspection of the facility, the conditions were not very clear. He feels that within the six-month timeframe, staff will feel like they can go out and inspect.

Mr. Austin said with the buffer that was inspected, they have added taller trees to help with the buffer. They moved the plant further north to buffer it more. Additional screening can be added. DEQ will be on this. His understanding was that the inspection was to be by a third party and they do not care who it is, but will need to know who to pay.

Commissioner Poling asked about the voluntary versus involuntary. **Chairperson Flanagan** said the town is relying on the good will of the owners toward the neighbors as far as aspects monitored by DEQ and not monitored by DEQ. Citizens are relying on the voluntary good neighbors. **Commissioner Poling** asked if we know what they are referring to and it was mainly concerning odors. **Town Manager Pearson** said there was a recognition that there were certain things that there is a difference between a clean operation and piecing together a plant that is barely held together. We will enforce our zoning to the full extent of the law and make sure DEQ does this.

P&Z Administrator Pambid said with Condition 11, he noted several generalities that were "gray" and hard to enforce. He does not know how he will enforce good will. When writing

ordinances, we need to make sure they are enforceable. They must have things that are measurable. **Mr. Austin** said #5 speaks to the portion enforceable by the town. The SUP states what is mandatory and speaks to the odors. **P&Z Administrator Pambid** said anything that is codified is enforceable by the town.

Commissioner Dean said as far as the Town Code and odors, how are we addressing the odors from the milk plant. **Town Manager Pearson** said with the plant having been in business for so long, it is hard to enforce odors. We work directly with the owners when it gets bad, but it is inherently hard, and the location makes it more noticeable. There have been phased ways by the plant of trying to work on the odor issues.

Mr. Austin said they would like to have a list of enforceable items and not have the ambiguity. **Chairperson Flanagan** said it would be the list of CIP and Code and we would expect compliance of all. **Town Manager Pearson** said while it was a condition of the approval, it was more to put the owner on notice that they would run a clean operation. He thinks it should be included in the record that there be some sort of compliance. He said the applicant should go above and beyond what is expected.

Commissioner Poling said with #5, we would anticipate that if there is an issue, they would solve it and we would not have to go through the law. **Town Manager Pearson** said the SUP could be pulled.

Chairperson Flanagan moved to approve the Kickin' Asphalt site plan with the conditions noted by staff; second by Commissioner Poling.

Discussion:

Council Member Terndrup said this is the first time he actually saw the conditions passed by Council. He thinks it is clear we are trying to enforce the nuisance law. He is just realizing that we did not get the actual conditions. **Town Manager Pearson** thinks these were provided in the Council packet before the vote was taken. **Council Member Terndrup** said he still has concerns with the ability of the town to enforce these standards. **Town Manager Pearson** said he has confidence in the conditions that were established for the applicant to run a clean operation. He thinks these are the best set of conditions that could be drafted.

P&Z Administrator Pambid showed the nuisance ordinance from the Code. It provides authority to the Town Manager to serve a notice and there is a timeframe in which it should be addressed. Any violation of the nuisance ordinance can be brought before Council.

Mr. Austin said from his experience with DEQ, they are the ultimate authority of checking in with this plant. They have the authority to shut the plant down if it is not working properly.

Chairperson Flanagan asked how the inspections are done. **Mr. Austin** said they have scheduled inspections and random inspections. Any time there is a complaint they must come to the plant.

Council Member Terndrup said condition #5 is about noise and odor. If residents complain does that trigger an inspection? **Chairperson Flanagan** said he feels it would go through staff to determine if they are in violation of zoning or if DEQ should state they are not in compliance; it would move up to Council.

Town Manager Pearson said the intent was that staff would work with the applicant if there are continuing complaints.

Council Member Terndrup thought it was decided that they would provide a process of how the residents could contact the town if there are complaints. This is primarily about the odors since the trucks would be going out to Route 55.

P&Z Administrator Pambid said if they put in another silo, it would be an amendment to the

SUP. **Council Member Terndrup** said there is a cleaning process which might cause dust from trucks and could be harmful to residents.

Chairperson Flanagan said only one silo could be run at any time, but this could change if they come in with a second application.

P&Z Administrator Pambid reminded all that this is not a review of the SUP and it only comes before the Planning Commission.

With no further discussion, the motion passed unanimously on a roll call vote.

- **FY2020-2021 through FY2024-2015 Capital Improvement Plan**

Description: Proposed 5-year Capital Improvement Plan to be presented to the Town Council

Chairperson Flanagan said many of the projects have been moved forward a year due to the economic conditions and **Town Manager Pearson** agreed.

Commissioner Nicholson moved to recommend the CIP to the Town Council; second by **Council Member Terndrup**.

With no discussion, the motion passed unanimously on a roll call vote.

Discussion Items:

1. **Staff Updates**

Staff did not have any planning related trainings. **P&Z Administrator Pambid** said that obviously, we are under a state of emergency due to the pandemic, but it has not really affected our zoning permits. We continue to get permits for housing. Cedar Springs has pulled the most permits, but other builders are pulling permits for individual houses. So far, we have not seen an impact to building.

Commissioner Poling asked about the status of the Summit Crossing development. **P&Z Administrator Pambid** said they are under construction review which is an administrative review. Staff is waiting on a revised set of plans.

Chairperson Flanagan asked if we have received the DEQ review. **P&Z Administrator Pambid** said the engineer sends their reports to DEQ and staff has asked to be kept in the loop. Staff will not sign off on any construction plans without the approval from DEQ.

Chairperson Flanagan asked when they might start construction, but that is an open-ended question. It depends on how responsive the developer is to the requests of all the reviewing agencies.

New/Old Business

Chairperson Flanagan said we may or may not have a June meeting so he offered a motion to recognize **Council Member Scott Terndrup** for his service on the Strasburg Planning Commission; second by Nicholson. It passed on a consent vote. **Chairperson Flanagan** read a resolution to **Council Member Terndrup**, attached here-to.

Adjournment:

Council Member Terndrup moved for adjournment; second by **Chairperson Flanagan**. **With no discussion, the motion passed unanimously and the meeting adjourned at 8:25 p.m.**

Motion: To recognize Scott Terndrup for his Service on the Strasburg Planning Commission:

To wit:

1. His many years as a member of the Planning Commission;
2. His many invaluable contributions to the business of the Planning Commission;
3. His many insightful comments during the deliberations of the Planning Commission;
4. His extensive "institutional memory" of previous discussions and actions of the Planning Commission;
5. His unfailing insertion into the Commission's debates both the interests of the Town's citizens and the Town itself; and,
6. His calm, reasoned, and perside thoughts offered during the Commission's deliberations and votes.

Therefore, be it resolved by unanimous consent of the Members of the Planning Commission, these expressions of participation achievements be hereby entered into the permanent records of the Strasburg Planning Commission and are hereby conveyed to Scott Terndrup this date, May 26, 2020.