

Virginia: At a public hearing of the Essex County Board of Supervisors held on Monday, October 2, 2023, at 7:00 p.m., in the Auditorium of Essex High School, 833 High School Circle, Tappahannock, Virginia.

Present: Robert Akers, Chairman  
Ronnie G. Gill, Vice Chairman  
Edwin Smith, Jr., Supervisor  
Sidney Johnson, Supervisor  
John C. Magruder, Supervisor

Present: April Rounds, Interim County Administrator, Deputy Clerk  
Max Hlavin, County Attorney  
Brian Barnes, Zoning Administrator  
Erne Sadler, Building Official

### **CALL TO ORDER**

Chairman Akers called the meeting of Monday, October 2, 2023, to order.

### **ROLL CALL**

The Chairman asked the Interim County Administrator to call out the roll; a quorum was met.

### **PUBLIC HEARINGS**

#### **Boundary Line Agreement Public Hearing**

Chairman Akers stated **Boundary Line Agreement:** an agreement between Essex County and King and Queen County pursuant to Va. Code § 15.2-3106 to relocate the boundary between the two localities to integrate a parcel of property consisting of approximately ±1.71 acres into Essex County. The new boundary line between the counties would run along the current boundary dividing the eastern edge of King and Queen and the western edge of Essex running south along Elevation Road (S.R. 635), continuing onto Mount Landing Road (S.R. 627) where such roads intersect, and then westward to integrate the parcel of property with an address of 13217 Mount Landing Road consisting of approximately 1.71 acres into Essex County, and then continuing again south on Mount Landing Road and thereafter following the current boundary line.

Chairman Akers opened up public comment for the Boundary Line Adjustment.

Commissioner Blackwell stated that two years ago the property owners received a letter stating that even though they were taxed Essex for 40 years, they would now have to vote for King and Queen. They started a process to get this rectified. He appreciates that the two boards are working together to finally get this resolved. He appreciates the efforts and especially the efforts of our Interim County Administrator.

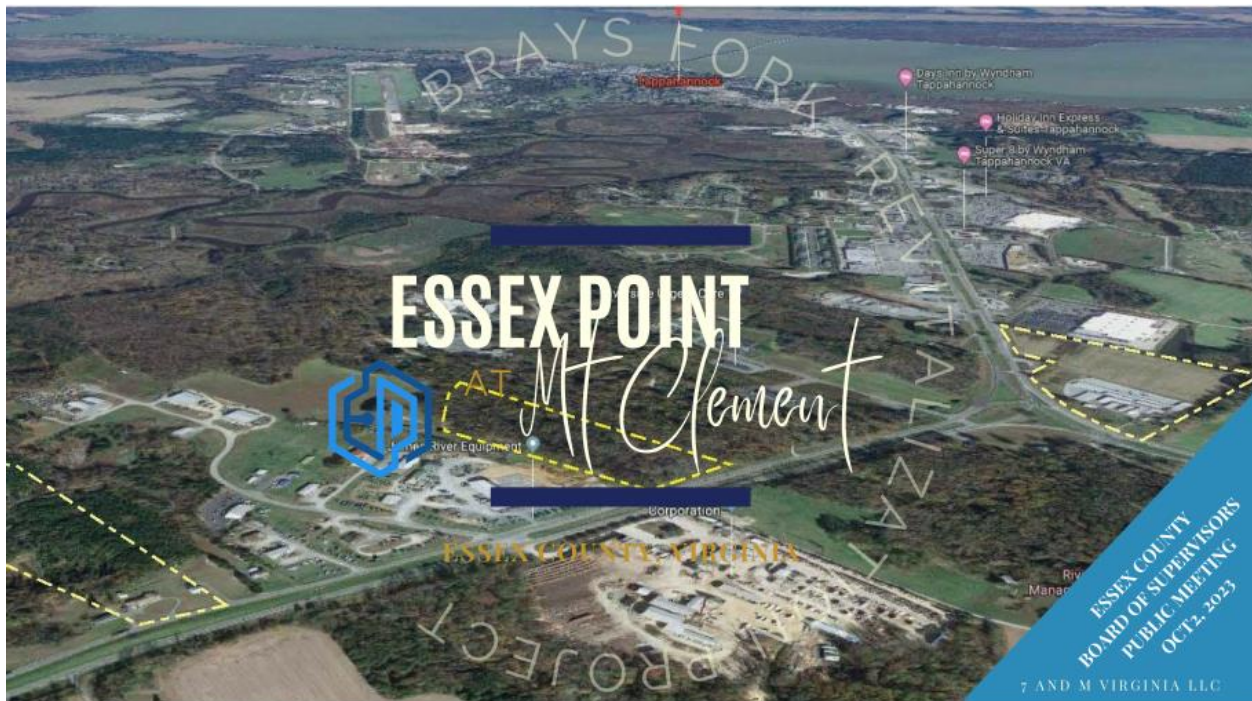
Chairman Akers closed the Public Comment.

Supervisor Johnson made the motion to accept the boundary line agreement. Supervisor Magruder seconded. AYES: 5 NAYS: 0 ABSENT: 0

Rezoning Case # 20230003

Chairman Akers stated **Rezoning Case # 20230003**: a request to rezone a parcel of property consisting of approximately ±13.186 acres with an address of 0 Richmond Highway, and further known as Tax Map # 36-43 to PUD, Planned Unit Development District, with proffers. The property is located off Richmond Highway (U.S. 360) and is partly within the Development Service District and the Corridor Enhancement District, respectively, and wholly within the Central Supervisory District. The property fronts approximately 554 feet on the westbound lane of U.S. 360 approximately 1,500 feet west of the light at the Bray's Fork intersection.

Ms. Monterio gave the following presentation.





# 1878

# 1943

MONDAY, OCTOBER 2, 2023



TAPPAHANNOCK, VIRGINIA

## legacy legacy

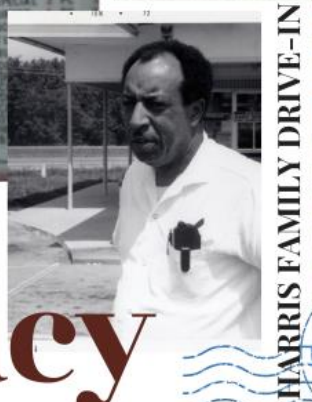
2



# 1963

# 1975

MONDAY, OCTOBER 2, 2023



STORE-TEL STORAGE  
TAPPAHANNOCK, VIRGINIA

## legacy legacy



# AGENDA

- PART 1 - APPLICATION REQUEST & TIMELINE
  
- PART 2 - DEVELOPMENT PLAN - SERVING THE NEEDS OF ESSEX COUNTY & ITS RESIDENTS
  
- PART 3 - PUBLIC FACILITIES & INFRASTRUCTURE
  
- PART 4 - COMPREHENSIVE PLAN & ZONING ORDINANCE
  
- PART 5 - NEIGHBORING USES
  
- PART 6 - IMPACTS OF THIS PROPOSAL
  
- PART 7 - PROJECT TIMELINE & DEVELOPER/FAMILY STATEMENT

7 and M  
Virginia  
LLC 

4



# PART 1: Application

APPLICATION REQUEST  
APPLICATION TIMELINE

7 and M  
Virginia  
LLC 

5



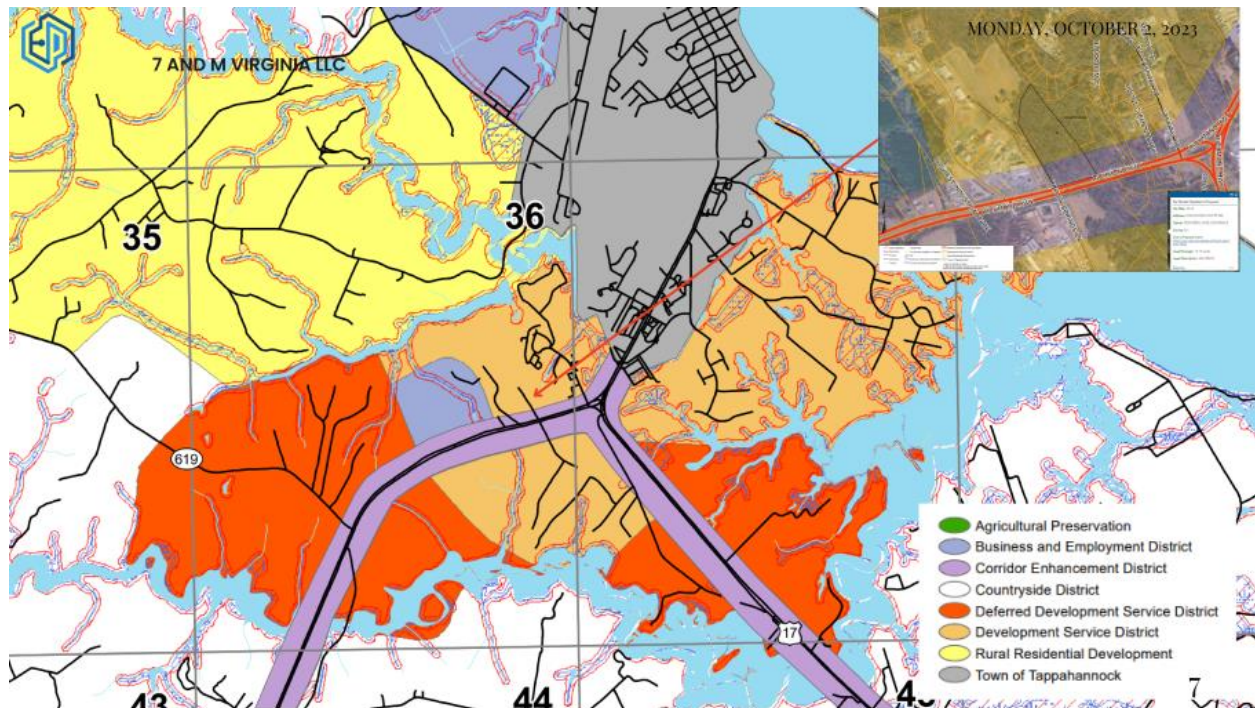
# REZONING APPLICATION REQUEST

Case R-20230003: In the Central Magisterial District, June C Monterio and 7 and M Development LLC requests **rezoning from B-1, Local Business District to PUD, Planned Unit Development District** of 13.186 acres and **Preliminary Site Plan Submission** with exceptions to ordinance requirements generally related to project size, access points, and private roads.

A mixed-use and mixed-income development including 55+ active adult housing, workforce housing, retail and commercial uses, and community uses.

- Fifty-six (56) of the units are planned for 55+ age-restricted active adult housing; 45 of the units are proposed as affordable housing
- Twenty-eight (28) units are planned for workforce housing; 22 of the units are proposed as affordable housing.
- 41,494 gsf of retail and commercial uses
- 11,799 gsf of community uses.

6





# STANDARD EXCEPTIONS & JUSTIFICATIONS

- Program modifications eliminated all waivers except for three
- Standard exceptions are permitted and expected per ZO Section 36.242.(5)
- Ensures innovative, creative, and high-quality overall design and on-going operations that takes into account future occupants and surrounding area.

Standard Exceptions	Justification
<b>Project Size</b>	<ul style="list-style-type: none"> <li>• Reduced Density</li> <li>• Within the DSD District</li> <li>• Comprehensive Plan between 10 to 15 acres</li> <li>• Increased Open Space</li> </ul>
<b>Access Points</b>	<ul style="list-style-type: none"> <li>• Main Entrance/Exit on Rte 360</li> <li>• Secondary Emergency Only Access</li> <li>• Two future access points</li> <li>• VDOT accepted preliminary site plan</li> <li>• Maintains tree preservation and buffering of industrial neighbors</li> </ul>
<b>Private Roads</b>	<ul style="list-style-type: none"> <li>• Design, construct and maintain within VDOT standards</li> <li>• Allows to achieve high quality streetscape (sidewalks, tree and landscaping) and walkable active design</li> <li>• Perpendicular parking to the drive aisle</li> <li>• Provide public easement</li> <li>• Utilities to be placed in the street</li> <li>• Greater flexibility on overall street design</li> <li>• Consistent and timely maintenance</li> <li>• Road system is more consistent with access drive rather than primary road system</li> <li>• All sidewalks, curb ramps, and crosswalks meet ADA requirements.</li> </ul>



# DEVELOPMENT CONDITIONS

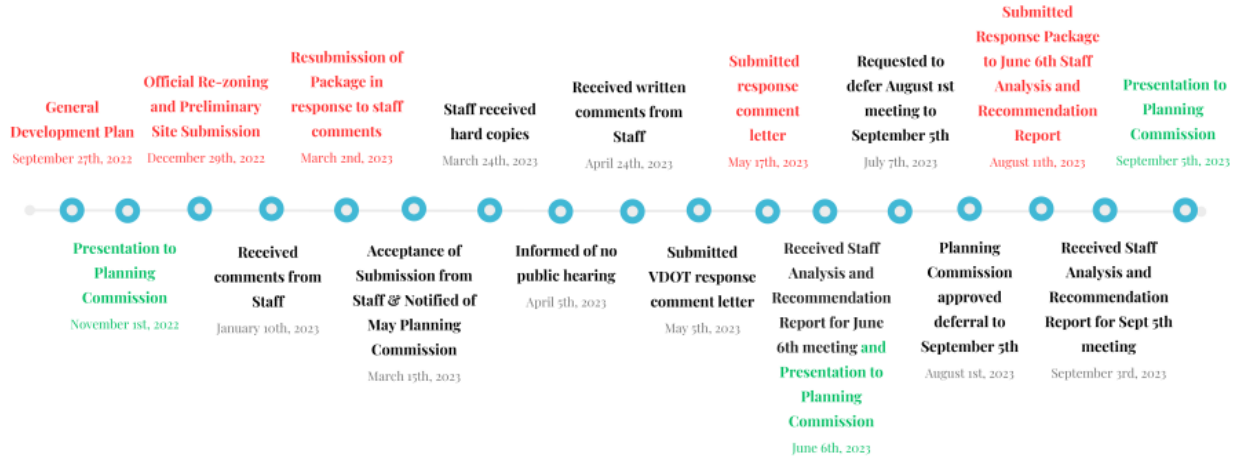
- Covet to the land and runs with the land in perpetuity
- Binding Commitments from the Developer
- Conditions ensure the property develops as presented
- Conditions commit that deviations from the plans MUST be approved by the Board of Supervisors
- Conditions will run with the land and bind any future owner.



7 AND M VIRGINIA LLC

MONDAY, OCTOBER 2, 2023

# APPLICATION TIMELINE



7 AND M VIRGINIA LLC

MONDAY, OCTOBER 2, 2023

# POST HEARING TIMELINE





# Part 2: Development Plan - Serving the Needs of Essex County & its Residents

HOUSING  
COMMERCIAL  
COMMUNITY AND PUBLIC SPACE



7 AND M VIRGINIA LLC

## OVERVIEW OF USES



### COMMERCE

High-quality, Neighborhood serving retail and commercial spaces.



### CULTURE

Active and innovative spaces for activities, events, festivals, seasonal events, pop-up shops, etc.



### COMMUNITY

Activated spaces, gathering and public engagement for the community.

Amenity-rich buildings to serve residents.



### AFFORDABILITY

High-quality, Varied housing stock that focuses on working people and retirees.





**A2 BUILDING**

- 01 Proposed YMCA fitness center - 11,400 gsf  
Proposed fitness center including group exercise, wellness center, fitness area (isolated/prohibited), retail space, and child work
- 02 Ground floor commercial space - 706 gsf
- 03 Learning facility - 6,261 gsf  
Proposed YMCA childcare development center w/before and after school program, indoor program area, and STEM learning center.
- 04 Commercial Space - 6,469 gsf

**C1 BUILDING**

- 05 55+ Active Adult Housing - 33 units  
3 story multifamily building with amenities including on-site management office, conference room, bike storage, pet area, clubhouse/library, great room, club room/terrace, game/recreatory room, outdoor seating terrace, putting green etc.

**C2 BUILDING**

- 06 55+ Active Adult Housing - 23 units

**B1 BUILDING**

- 07 Community Center (Indoor/ Outdoor) - 11,260 gsf  
Emotional for meetings, seminars, trainings, children's activities, events/product shows, concerts, weddings, seasonal festivals, pop-up shops, retreats etc. can be held. Capacity - 400 people (indoor)
- 08 Commercial Space - 3,050 gsf

**AMPHITHEATER**

- 09 Amphitheatre  
Convenient for activities, festivals, concerts, outdoor movie nights, etc. can be held. Capacity - 125 people

**A4 BUILDING**

- 10 Ground floor commercial space - 540 gsf

**A3 BUILDING**

- 11 Emergency services offices - 539 gsf

**A2 BUILDING**

- 12 Commercial space - 600 gsf

**A1- NORTH BUILDING**

- 13 Workforce housing units - 10 units  
3 story multifamily building with amenities including onsite management office and ground floor commercial.
- 14 Ground floor commercial space - 4,229 gsf

**A1- SOUTH BUILDING**

- 15 Workforce housing units - 18 units
- 16 Ground floor commercial space - 8,239 gsf

**PUBLIC PLAZA**

- 17 Public Plaza Area  
Designed for gathering areas, seasonal markets, pop-up shops, etc. can be held.
- 18 Walking / Bicycle Trail
- 19 Planting garden
- 20 Playground / Dogpark
- 21 Gazebo
- 22 Existing Harris Family Cemetery



7 AND M VIRGINIA LLC

# BENEFITS TO ESSEX COUNTY



## Attracting New Businesses

Providing retail and commercial space to attract businesses of all sizes.

Have public space that can be activated for festivals, pop-up shops or seasonal markets for small businesses.

## Creating Community Spaces

Providing much-needed community space both indoor and outdoor for activities, festivals, seminars, graduations, family events, weddings, etc.

All community, recreational, and open spaces are open to the PUBLIC.

## Solving Affordability

As stated in the Virginia State-wide Housing Study, "*Affordable housing is not a specific type of housing. Rather it is housing within the financial reach of Virginians across the full spectrum of incomes and budgets.*"

Goal is to provide Housing Options for All. Ensuring everyone from all walks of life have equitable access to safe and high-quality housing that contribute to sustainable health and wealth.

## Innovating Creative Finance & Design

Utilizing natural resources and existing grades to create enhanced connection to nature.

Utilizing creative financing structure towards the construction to ensure we provide high-quality, safe, attainable and affordable housing for the long-term.



7 AND M VIRGINIA LLC

MONDAY, OCTOBER 2, 2023

# COMMERCE

Goal is to attract new businesses of all sizes (small business entrepreneurs to companies) in the following spaces:

- Fitness
- Retail/Personal Services
- Day care center
- Educational
- Banking (ATM)
- Medical/Clinic
- Restaurant
- Office

# 25,114 gsf

Ground Floor Commercial Space

# 16,380 gsf

Commercial Space

16



7 AND M VIRGINIA LLC

MONDAY, OCTOBER 2, 2023

# COMMUNITY

Providing indoor and outdoor community and activity space.

Providing outdoor public spaces.

Preserve natural resources and expansive green and open spaces.

**ALL COMMUNITY, RECREATIONAL, AND OPEN SPACES ARE OPEN TO THE PUBLIC.**

# 11,260 gsf

Community Space  
[ Capacity 400 people ]

Other spaces:  
Amphitheater  
Public Plaza  
Walking Paths  
Playground  
Dogpark

17



7 AND M VIRGINIA LLC

MONDAY, OCTOBER 2, 2023

# HOUSING

- Mixed-Income
- Residents must be working to pay the rent.
- Distinction of our Community:
  - Active walkable community
  - Distinct unit sizes and types
  - Serving County, Hospital, School Employees
  - Amenity-rich communities both indoor and outdoor for those in and around property

# 56 units

## 55+ Active Adult Living

Studio + One Bedroom + Two Bedroom  
 [8] [32] [16]

# 28 units

## Workforce

Studio + One Bedroom + Two Bedroom  
 [6] [16] [6] 18



7 AND M VIRGINIA LLC

MONDAY, OCTOBER 2, 2023

# HOUSING FOR ALL

## 55+ Active Adult Housing

NUMBER OF UNITS - 56

Low Income Units	4
Moderate Income Units	20
Middle Income Units	21
Unrestricted Units	11

## Workforce Housing

NUMBER OF UNITS - 28

Low Income Units	3
Moderate Income Units	8
Middle Income Units	12
Unrestricted Units	6

# Diversity OF HOUSING OPTIONS

CREATING STRONGER COMMUNITIES

Definitions provided on next slide



# MIXED INCOME

<b>LOW INCOME UNITS</b>	Rental units restricted to tenants with incomes up to forty (40%) percent of Area Median Income.
<b>MODERATE INCOME UNITS</b>	Rental units restricted to tenants with incomes above forty (40%) percent of Area Median Income and below sixty (60%) of Area Median Income.
<b>MIDDLE INCOME UNITS</b>	Rental units restricted to tenants with incomes above sixty (60%) percent of Area Median Income, but no more than eighty (80%) percent of Area Median Income.
<b>UNRESTRICTED UNITS</b>	Rental units without income restriction and intended to be market rate units.

Income Mix Agreement shall mean that declaration of covenants agreement that details the specific number of units at each income level that is consistent with the state or Federal program and is approved by the County Attorney and benefitting the County or its designee and recorded in the land records in the Clerk's Office of the Circuit Court of Essex County, Virginia.

20



## Part 3: Public Facilities & Infrastructure

- PARKING**
- TRAFFIC**
- TRANSPORTATION**
- WATER & SEWER**
- STORMWATER MANAGEMENT**
- SUSTAINABILITY**



7 AND M VIRGINIA LLC

# PARKING

MONDAY, OCTOBER 2, 2023

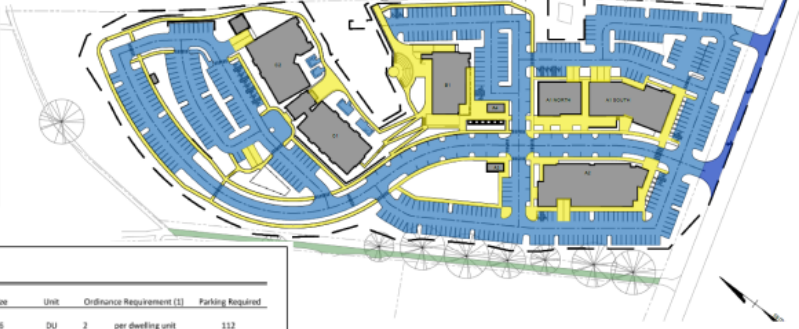


Table 1  
Mt. Clemens Property  
Parking - Ordinance Requirement Summary (1)

User/Building	Use (Ordinance)	Size	Unit	Ordinance Requirement (1)	Parking Required
Senior Housing / Building C1	Multi-family dwelling	56	DU	2 per dwelling unit	112
Workforce Housing / Building A1	Multi-family dwelling	28	DU	2 per dwelling unit	56
Commercial / Buildings A1, A2, A3, A4	Office, general	8,080	GSF	1 per 400 SF	21
	Office, medical	2,500	GSF	1 per 200 SF	13
	Retail	4,839	GSF	1 per 250 SF	19
	Personal Improvement Service	12,000	GSF	1 per 500 SF	24
	Day Care Center	5,200	GSF	1 per 250 SF	21
	Restaurant, general	7,350	GSF (2)	1 per 150 SF	49
Emergency Services Office / Building A3	Personal Services	2,631	GSF	1 per 500 SF	6
	Financial Institution	129	GSF	1 per 250 SF	1
	Emergency Management Services (Office)	539	GSF	1 per 400 SF	2
Community Center / Building B1	Place of Assembly	400	Seats (3)	per 4 Seats	100
Amphitheater / Outdoor	Public Park	125	Persons (4)	per 4 Visitors at peak	32
Non-Residential Subtotal					288
<b>TOTAL - Ordinance Required</b>					<b>456</b>
<b>Overall Parking Provided</b>					<b>456</b>

Notes:  
(1) Based on Essex County Zoning Ordinance.  
(2) Includes designated outdoor dining (1,036 SF).  
(3) Based on highest occupancy event.  
(4) Based on maximum capacity.

Providing parking required for all uses in totality per ZO: 456 parking spaces.



7 AND M VIRGINIA LLC

# TRAFFIC IMPACT ANALYSIS

MONDAY, OCTOBER 2, 2023

A Traffic Impact Analysis (TIA) was conducted for the proposed development in accordance with state requirements

## PROCESS

TIA scoped/reviewed by VDOT and County staff

## IMPACT

The proposed development will not impact levels of service along area roadways and intersections

## CONCLUSION

TIA concludes that the proposed entrance will operate acceptably

- Appropriate new right turn lane on Rte 360 will be constructed

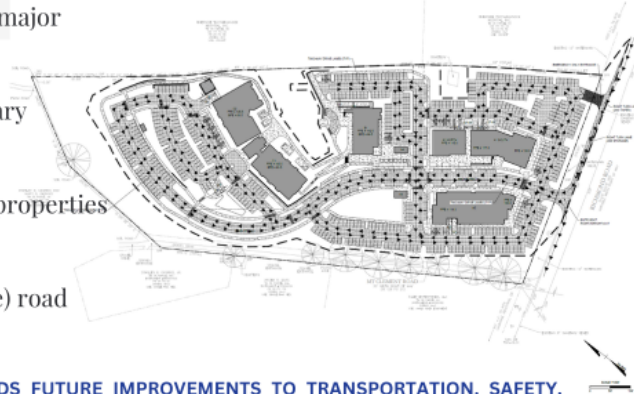
## VDOT RESPONSE

VDOT concurs with the TIA findings



# TRANSPORTATION

- ZO Alignment - Within the PUD it is noted that services are aimed to be provided by “primary access for the development would be provided directly to a major roadway...”
- Main entrance and exit on Rte 360 w/ secondary emergency only access on Rte 360
- Two future road connections to neighboring properties and neighboring roads.
- Construct on-site and off-site (right turn lane) road system at **no-cost** to the County

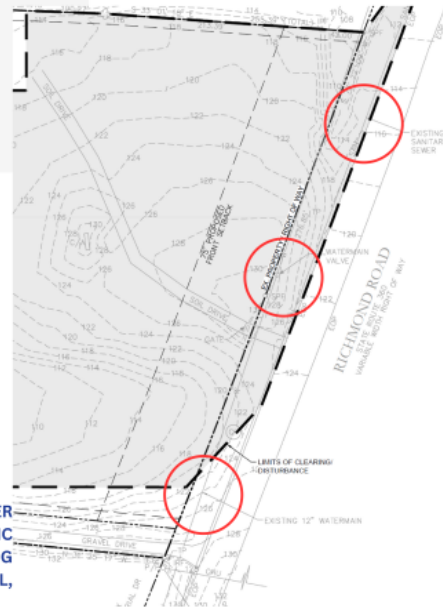


PROJECT IS SET-ASIDE BUDGET OF \$297,000 TOWARDS FUTURE IMPROVEMENTS TO TRANSPORTATION, SAFETY, BICYCLE, PEDESTRIAN, OR OTHER IMPROVEMENTS WITHIN THE RIGHTS-OF-WAY IN THE VICINITY OF THE RICHMOND HIGHWAY/LAGRANGE INDUSTRIAL DRIVE INTERSECTION OR OTHER SURROUNDING AREA



# WATER AND SEWER

- Comprehensive Plan Alignment - Within the DSD it is noted that services are aimed to be provided by “sewer and water facilities that can service development at greater residential densities or can service industrial or commercial uses.”
- Existing water main valves located at the property line on Rte 360
- Existing sanitary sewer line at the property line on Rte 360
- Reduction of program - reduced capacity from 51,000 to 31,000
- Construct on-site and off-site infrastructure at **no-cost** to the County

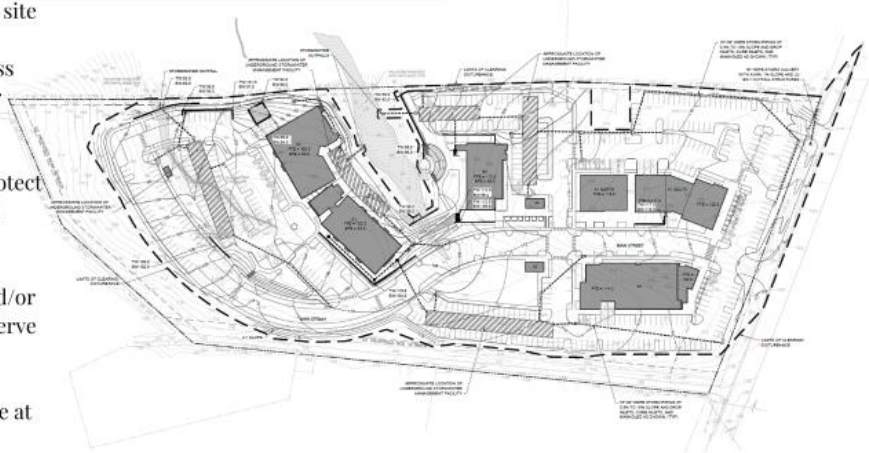


PROJECT IS SET-ASIDE BUDGET OF \$403,000 TO THE WATER/SEWER INFRASTRUCTURE FOR CAPITAL IMPROVEMENTS RELATED TO PROVIDING PUBLIC WATER/SEWER INFRASTRUCTURE THAT SERVE THE PROPERTY AND SURROUNDING AREA, INCLUDING WITHIN THE RIGHTS-OF-WAY AND UPGRADES TO WITHDRAWAL, TRANSMISSION, AND TREATMENT CAPACITY



# STORMWATER MANAGEMENT

- Downstream waterways will see reduced flow rates from the site
- 10 Year Storm events and less will see a reduction in water runoff
- Stormwater strategy will protect downstream waterways and neighbors
- Feature ponds, biofilters and/or underground detention to serve the overall project
- DEQ will review and approve at the time of final site plan



# SUSTAINABILITY

- Native Landscaping
- Energy Efficient
- Sustainable Design and Operations (buildings and site)
- Preserve natural resources and expansive green and open spaces.
- Earthcraft Gold Certification





# Part 4: Comprehensive Plan & Zoning Ordinance

DEVELOPMENT SERVICE DISTRICT  
HIGHWAY CORRIDOR ENHANCEMENT DISTRICT  
PUD PLANNED UNIT DEVELOPMENT DISTRICT



7 AND M VIRGINIA LLC

## ALIGNS WITH COMPREHENSIVE PLAN

### DEVELOPMENT SERVICE DISTRICT (DSD)

According Comprehensive Plan; DSD is the County channel most of its population into and around the areas delineated as a DSD surrounding the Town of Tappahannock.

- Close to Town
- Appropriate for growth
- Growth in the DSD preserves rural areas and open spaces.
- Extensions of services are called for in areas planned for growth.
- Affordable housing and community facilities are called for within DSD.

### HIGHWAY CORRIDOR ENHANCEMENT DISTRICT (HCD)

According Comprehensive Plan; HCD is to protect and improve the quality of visual appearances along these linear corridors.

- Provide buffering, landscaping, lighting, signage, and proposed structures that contributes to County character.
- Lasting visual and mental impression of the County's character.
- No implementation of HCD in the ZO

### PUD PLANNED DEVELOPMENT DISTRICT (PUD)

According ZO; PUD is the only zoning designation that can achieve the goals of the Comprehensive Plan and Land Use: Development Service District.

- Mixture of Uses required.
- Enhances the surrounding area, preserve scenic asses and natural resources.
- Design influenced by historic and architectural character of the community.
- Integrated mix of higher-density residential development with some smaller scale neighborhood serving commercial uses.
- Mix of housing types, commercial uses, and open space and recreational areas that are all interconnected with access that facilitates walking, cycling, transit and driving



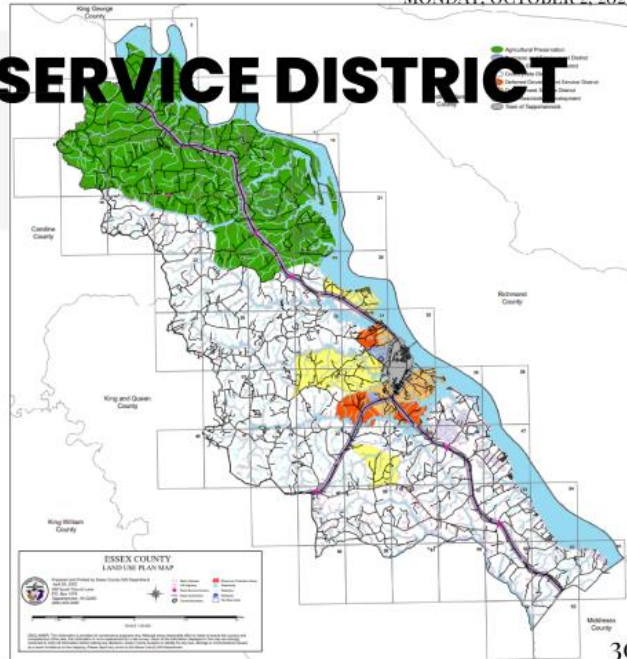


7 AND M VIRGINIA LLC

MONDAY, OCTOBER 2, 2023

# DEVELOPMENT SERVICE DISTRICT

- If not here, where? Parcel 36 43 is the closest developable site.
- DSD is located to the South of the Town of Tappahannock Limits
- Located within the edges of town and at Bray's Fork; Proposed Property is within 1/2 half mile.
- Affordable housing small-scale commercial, and community facilities are called for in DSD.
- Extensions for Infrastructure whether utilities or transportation are located at the site property line.



30



7 AND M VIRGINIA LLC

MONDAY, OCTOBER 2, 2023

# PUD PLANNED UNIT DEVELOPMENT DISTRICT

- Design and mixture of uses creates a "Village-like setting" and "unified livable community".
- "... an integrated mix of higher- density residential development with some smaller scale neighborhood- serving commercial uses is permitted in a village- like setting"...
- "... with a mix of housing types, commercial uses and open space and recreational areas that are all interconnected with access that facilitates walking, cycling, transit and driving."
- PUDs often are substantially different in character than traditional single use developments such that additional standards and exceptions to existing standard are needed through the approval process.
- Reduced density and current site plan utilizes 60% of maximum density allowed per ZO.



31



# Part 5: Neighboring Uses

LIGHT INDUSTRIAL USES  
SINGLE FAMILY USES  
COMMERCIAL USES

7 and M Virginia LLC



7 AND M VIRGINIA LLC

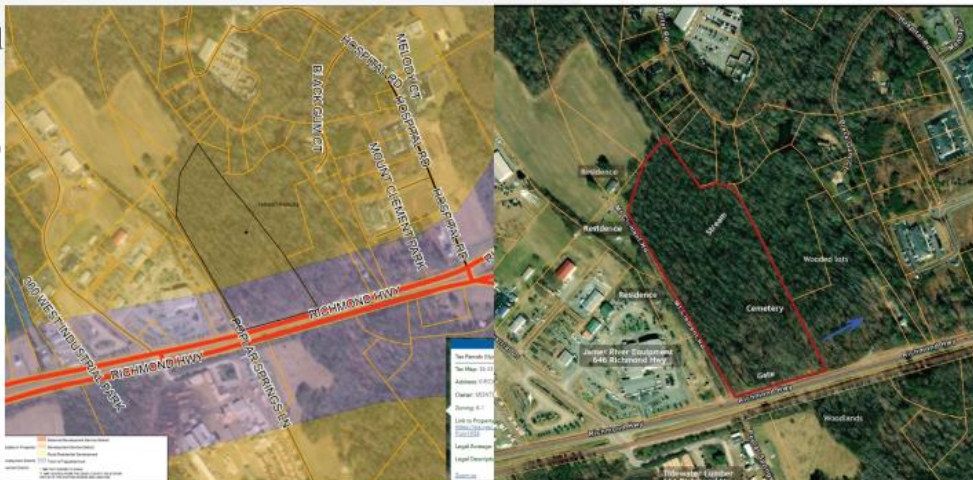
## ADDRESSING OUR NEIGHBORS

Light Industrial  
to our east

Single family  
to our north

Commercial  
to our west

Single family  
and light  
industrial  
to our south



Comprehensive Plan 2015 - Land Use Map

Parcel 36 43

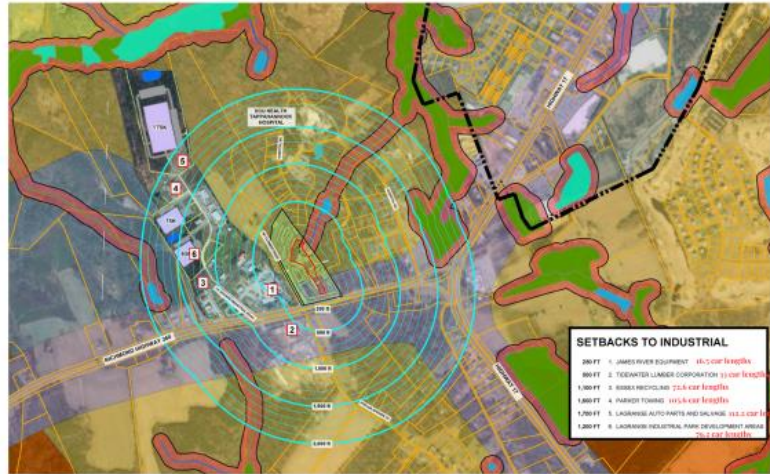


7 AND M VIRGINIA LLC

MONDAY, OCTOBER 2, 2023

# ADDRESSING OUR NEIGHBORS

- NO reference in Comprehensive Plan nor ZO that states housing use is incompatible. Comprehensive Plan actually calls for mixture of uses including residential and non-residential on this land.
- ZO contemplates industrial and residential being adjacent to one another and provides for appropriate setbacks. Proposal exceeds all such setbacks.
- Removed residential buildings closest to industrial neighbors.
- Provide significant buffer and landscaping between residential and light industrial neighbors.



Setback measurements from the Essex Point at Mt Clement residential area to neighboring property line. 100 feet = 6.6 car lengths

34



7 AND M VIRGINIA LLC

MONDAY, OCTOBER 2, 2023

# ADDRESSING OUR NEIGHBORS

- Residential is already existing to the neighborhood.
- Residential and Industrial have lived cohesively for many decades.
- Many examples in urban, suburban, and rural areas where residential and industrial are next to each other.





MONDAY, OCTOBER 2, 2023

# PART 6: Impacts

- ECONOMIC IMPACTS
- CONTRIBUTIONS TO COUNTY BUDGET
- SOCIAL IMPACTS
- COUNTY IMPACT



# ECONOMIC IMPACTS

**\$1,169,829**  
*in taxes generated at local level (direct, induced, and indirect) during **construction period***

**\$700,000**  
*in additional **one-time budget** contributions to the local level*

**\$384,572**  
*in taxes generated at local level (direct, induced, and indirect) yearly during **operations***

**520**  
*Job Opportunities (direct, induced, and indirect) during **construction period***

**15+**  
*New Businesses attracted during **operations***

**40+**  
*Direct Subcontractor Opportunities during **construction period***

Source: Novogradac Implan Analysis: Proposed Real Estate Essex County Report provided March 2, 2023 submission



# BUDGET CONTRIBUTIONS

**\$403,000**  
*towards **water/sewer infrastructure** for capital improvements related to providing public water/sewer infrastructure that serve the Property and surrounding area, including within the rights-of-way and upgrades to withdrawal, transmission, and treatment capacity.*

IN ADDITION TO PROJECT COST AND ECONOMIC IMPACTS; APPLICANT WILL PROVIDE ADDITIONAL TOTAL SET-ASIDE OF

**\$700,000**  
TO PUBLIC IMPROVEMENTS

**\$297,000**  
*towards **road system infrastructure** for Rte 360 applied toward transportation, safety, bicycle, pedestrian, or other improvements within the rights-of-way in the vicinity of the Richmond Highway/Lagrange Industrial Drive intersection or other surrounding area*



# PROJECTED PROPERTY TAXES

10 years from Completion Results in Annual Taxes that are 15x Year 1 Taxes

Year	Amount	Source
2022	\$ 4,810.70	Actual Essex County Tax Record
2023	\$ 4,810.70	Actual Essex County Tax Record
2024	\$ 5,154.84	Projection Development Property Tax Due Diligence Report
2025	\$ 78,868.85	Projection Development Property Tax Due Diligence Report
2026	\$ 186,076.93	Projection Development Property Tax Due Diligence Report
2027	\$ 289,616.71	Projection Development Property Tax Due Diligence Report
2028	\$ 449,874.90	Projection Development Property Tax Due Diligence Report
2029	\$ 497,336.64	Projection Development Property Tax Due Diligence Report
2030	\$ 499,823.33	Projection Development Property Tax Due Diligence Report
2031	\$ 502,322.44	Projection Development Property Tax Due Diligence Report
2032	\$ 504,834.06	Projection Development Property Tax Due Diligence Report
2033	\$ 558,094.05	Projection Development Property Tax Due Diligence Report
2034	\$ 560,884.52	Projection Development Property Tax Due Diligence Report
2035	\$ 563,688.94	Projection Development Property Tax Due Diligence Report
2036	\$ 566,507.39	Projection Development Property Tax Due Diligence Report
<b>TOTAL</b>	<b>\$ 5,272,705.00</b>	



Source: Atlas Group Development Property Tax Due Diligence Report provided March 2, 2023 submission



# SOCIAL IMPACTS

## Community Space

*Provide indoor and outdoor flexible and adaptable space*

## Activity Space

*Bringing fitness/wellness spaces (i.e Expression of Interest YMCA)*

*Walking/Bicycle Trails*

*Playground*

## Public Space

*Provide open gathering and recreational spaces.*

## Wrap-around Services for Education

*By bringing child development center (i.e Expression of Interest YMCA), learning center (i.e Sylvan) and other tutoring programs that will assist in improving student achievement by transforming how students learn and inspire students to succeed.*

**ALL COMMUNITY, RECREATIONAL, AND OPEN SPACES ARE OPEN TO THE PUBLIC.**



# COUNTY IMPACTS

## Essex County School System

Minimal impact on school capacity standpoint but significantly positive impact on the overall school system, school budget, current employees and future employees.

### 55+ Active Adult

No Impact - No children

### Workforce Housing

Minimal Impact -

- Maximum 34 children (worst case scenario) if every additional household member was child under 18 years old
- Equals 3 teachers using the average 2022 pupil/teacher ratio including resource teachers
- Impact to the budget is \$7,000 per child (Essex County share per School Board website) to educate each child that lives on the property.

## Essex County Emergency Services

Minimal impact on emergency services capacity but positive impact on the overall department, budget and abilities to expand services for future.

- Future Access Points to Medical Facilities
- Secondary Emergency Egress Access

## Additional Impacts

See narrative for information regarding additional impacts. Essex Point at Mt Clement will have a net positive impact on current and future for Essex County.

- Department of Social Services
- Environment/Ground-Water Supply
- Refuse System
- Community Service

42



# PART 7: Conclusion

## PROJECT TIMELINE AND DEVELOPER STATEMENT



# PROJECT TIMELINE

- Rezoning is just the start to the process
- County Engagement throughout the process



Estimated timeframes. Assumes simultaneous construction only for residential portions but entire site will be developed in accordance with ZO requirements.



# IN SUMMARY

- Aligns with Essex County Comprehensive Plan and Zoning Ordinance
- No adverse impact on the County
- Significant social and community investments to the County
- Significant economic contributions to the County
- Benefits the OVERALL Community and County





# HARRIS-MONTERIO FAMILY STATEMENT

Together, we can bridge the gap in housing, job creation, support the education system, and attract businesses to spur economic development.

When we lift up the economic status of families, we lift up the economic status of communities.

46



# Thank you!

WE LOOK FORWARD TO ENHANCING THE ESSEX COUNTY COMMUNITY WITH YOU.

ADDRESS

VA OFFICE: 26263 TIDEWATER TRAIL  
TAPPAHANNOCK, VA 22560

DC OFFICE: 80 M STREET SOUTHEAST 1ST  
FLOOR/WEWORK WASHINGTON, DC 20003

PHONE

(202) 854 0479

EMAIL

INFO@7ANDM.COM

WEB

WWW.7ANDM.COM

A Small, Women-owned, and Minority-owned Business (SWaM) and Micro Business in Virginia.



47

went 36:52 over the allotted 15 minutes.

Chairman Akers stated he appreciates the presentation she answered several of his questions over the phone today. For the public part of the intent is to go through the Board of Supervisors to see if they have any questions so that Ms. Monterio can respond to those. They will do two rounds of that and then open it up to the public hearing.

Chairman Akers stated from his perspective nothing in comments or question should have any reflection on Shiree or her family. He doesn't have anything negative, nor should he. Looking at the

facts and the nuts and bolts of the program. That's what they should be focusing on the facts as it relates to the County as it moves forward. He does have some clarifying questions. He asked about the building heights. The current zoning ordinance for an R-3 is the lesser of 2.5 stories or 35 ft. Written in the proffers it specifies not exceeding 35 ft but meeting the 2.5 stories would not be an issue correct?

Ms. Monterio stated it would change the program a little, but it would not be an issue. Working with County Staff and the County Attorney they had told us to prefer the 35 ft because the higher density residential would be the 35 ft.

Chairman Akers asked that it was 35 ft not 2.5 stories?

Attorney Hlavin stated that is correct the proffered conditions would amend the requirements of the district. If the condition were to be amended to a specific height, then it would default to the zoning ordinance requirement.

Ms. Monterio stated on page 40 on the zoning ordinance the max is 35 ft in an R3 area. They were told to guide themselves to section M on that table since they are residential/multifamily use.

Chairman Akers asked is not on under 55 able to stay 80% have to have 1 resident according to HOPA?

Mr. Hoffman stated in the proffers it will state at no one under 18. If you accepted HUD funding, you would be required to accept children as long as there is a qualified senior. They are not required because the proffers will guide them. All of the people must be 55+ you are allowed to bring it up to 100%.

Chairman Akers stated it was not mentioned in the proffers.

Ms. Monterio stated that they it a 55+ covenant and workforce covenant and that is defined in the 55+ covenant.

Chairman Akers asked about the rooms when you are defining the maximum capacity.

Ms. Monterio stated that the studios will be for 1 person, the 1 bedroom will be for up to 2 people and the two bedrooms will be for up to 4 people.

Chairman Akers asked about how the funding worked for this program? A lot of people have the misconception that it may be a voucher program. He understands that it is not a voucher but would like them to explain it.

Mr. Hoffman stated that different types of affordable housing there are some areas in HUD that are subsidized housing where there are operating subsidies, project based rental subsidies. They will not have those. They will have just things that subsidized the construction, nothing that will subsidize the operation. They will have a combination of tax credits from the state and federal government and tax-exempt bond financing.

Ms. Monterio stated they will be required to get into an extended use agreement so that the income levels that they have proffered are the same that they will be Federally complied with for the next 50 years.

Mr. Hoffman stated that the staff's job is not to review the compliance, but it is the job of the Virginia Housing Authority and the investor that will be bringing their capital to build the project.

Chairman Akers asked about the educators and a slide.

Ms. Monterio stated she has a slide about teachers for income levels. They also have an example that shows that they have units for all income levels with bus drivers, paraprofessionals and teachers. They used this year's school salary budget.

Chairman Akers asked about the land areas 1, 2, 3, 4. One area has 55+ housing, one has workforce housing with commercial underneath, business area and the recreation area. In there you talked about the owners. Could you elaborate on what that means?

Ms. Monterio stated when you have real estate, and you develop things in phases or buy more than one property you have single purpose entities. All of them will be legally separate entities to manage risk and exposure but they all map all of the entities. The land areas are the phase on how they will develop but will all map back to the family. It is one owner as different entities to manage risk and exposure.

Mr. Whitmore stated that the proffers run with the land and specifically call out that will be binding on the applicant and any other successors or assigned. So, anyone who owns this will be subject to this.

Chairman Akers asked if there are multiple owners over top of a single entity everyone is responsible for it. It doesn't bifurcate responsibility to anyone.

Ms. Monterio stated it would bifurcate responsibility with that land ownership. All of the work charts map back to the same folks.

Chairman Akers asked if the funding has been secured?

Ms. Monterio stated the financing is taken care of.

Chairman Akers asked about the project phases and if phase 1 would be land area 1?

Ms. Monterio stated so they are not impacting their own neighbors as they develop it. They will develop the farthest area first and work their way towards 360. Land area 1 would be phase one, based off of their financing it would likely be land area three and then the commercial. Depending on the financing close it could either be sequential or subquential.

Chairman Akers asked if they could explain what the reason for going with the single entrance verses the two entrances?

Ms. Monterio stated that was the recommendation of the County Staff at the time. They couldn't get comfortable with having to make a second application to VDOT before we submitted that in their plan. Even though VDOT knew it was a normal course of action the county staff was uncomfortable with it and made the recommendation and request that they remove that second entrance.

Chairman Akers asked if there was anything from VDOT prohibiting a second entrance.

Ms. Monterio stated they accepted it as you can see in the document that was submitted to you.

Supervisor Johnson stated hats off to everyone who showed interest. This project has long-lasting benefits for the County. He sees it as a stimulus to move the County forward. He does not have questions for the developer but does have questions for the County Staff. Have there been any complaints about noise now?

Mr. Barnes said no.

Supervisor Johnson asked if there had been any complaints from the hospital?

Mr. Barnes said no.

Supervisor Johnson asked while working with the developers have, they presented all the information and met all the requirements that Essex County would need to move this forward?

Mr. Barnes stated that the Planning Commission had received a complete application.

Supervisor Johnson asked if it was all requirements to move forward?

Mr. Barnes stated yes.

Supervisor Smith stated that the Board of Supervisors has been charged with the health, safety and welfare of all the citizens. He spent time reading this manual and the one they gave previously. Which includes the ordinances and all aspects of the project. On paper it is quite a project to undertake, especially when there are specific guidelines that must be met. Mainly our ordinances. There are exceptions that can be made. The ordinance requires 15 acres minimum for PUD, which allows for ample area for residential, business and recreation. He thinks it is too small and this project is 13.1 acres. Concerning the environment, he knows that the DEQ will be the last voice on it. The drawings and diagrams show landscaping and stormwater control. There is a dry creek bed at the upper end of the project that runs down under Hospital Rd. With the 10s of thousands of gallons of water coming from the rooftops, the parking lots, and the highways it has to run somewhere, and it is going to go downhill. Sooner or later, it will get to the dry creek bed and then under Hospital Rd. to the marsh or over it. The other concern is the safety of the residence of the project. There is one entrance and exit onto 360 and it sits between 2 intersections and a side road. Brays Fork intersection has 10,00-12,000 vehicles a day passing through it and at Hospital Rd. On that road there is a contractor's office, urgent care center, doctors' offices, a school, church, housing development, a hospital with emergency vehicles coming all day and night, and 2 offices at the top that contain multiple doctors' offices. At any time, there are traffic backups at Bray's Fork and at the exit from Hospital Rd. At the top of the hill there is an industrial intersection. There is a sawmill on one side, logging trucks, lumber trucks, chip trucks, sawdust trucks all coming and going including the employees. Across that intersection is an industrial park, a farm implement service and repair shop, several auto repair shops, a towing company and recycling complex that removes 6,000,000 lbs of scrap metal from Essex County every year. Traffic is coming and going nonstop. There is also a boat repair shop that has to use that intersection for U-turns pulling boats to the shop and out. Residents departing the PUD heading west can exit 360 west and head on out provided that they look out for the people heading up that hill at 55 mph. Residents heading North, South or East must go on to 360 west to the industrial intersection and make a U-Turn and head to down to Brays Fork intersection to go either North, South or East. The residents coming from Richmond must come to Brays Fork and Hospital Rd to make a U-turn to go to the entrance of this housing development. The residents of this PUD are 55+ and senior citizens. Do we want them going to all of the

U-turns to get in and out of the PUD to their residences. To say nothing about the businesses, daycare, YMCA, the restaurants and the convenience shops all in the PUD.

Ms. Monterio stated that with the traffic they did a Traffic Impact Analysis twice where the scope was determined not only by VDOT but also the County was involved in that meeting to determine what should be the whole scope of that traffic analysis. All of that area was predetermined in that scope. That analysis of not only today's conditions but future conditions were taken into account. The report shows they would not have any adverse impact to that. Second VDOT reviewed that, and they specifically talked to them about more traffic lights or anything else and the only thing they noted that they would require is a right turn lane going through that. One thing to note is back in the 70's, she knows VDOT says a lot of things, they bought a portion of her family's land down at the bottom of the hill where the family drove in was and said they were going to put in a bypass. To this date the bypass is not there. They understand that there are things that the County wants VDOT to do but cannot control what VDOT has done. We just make sure that we are compliant with what VDOT requires which is what they did.

Mr. Will Johnson stated they met early on with VDOT and County staff to scope a traffic analysis pursuant to the County code. The level of density for this project did not require a full traffic analysis pursuant to the state regulations. Their traffic analysis did include Bray's Fork up to LaGrange intersection which included the intersections that were discussed. Given the level of development the future projections concluded that while there were minor increases in delays that you would expect when you add vehicles to the road there were no impacts to level of service, the turning movements are forecasted to move accessibly and the levels of service to and from LaGrange remained acceptable. VDOT reviewed the analysis as well as the County and they concurred with the findings.

Chairman Akers stated that at 5PM they received a set of proffers with changes to the water and traffic that were not made available to the public.

Mr. Whitmore stated that these changes were at the request of the County Attorney based on information in the County ordinance and the structure on how these contributions can be made. He felt more comfortable if they were to change that structure somewhat. It does not, however, change the amounts or the subject areas of those amounts.

Mr. Hlavin stated that it is correct he believes the Chairman just wanted to have clarification for the public who had not seen the revisions.

Ms. Monterio stated those public improvements from what they have seen in the industry to get VDOT to move in a direction that the County wants them to go, our one agency is not going to make a state agency move. What needs to occur is all of the business that are within that particular area plus the Board of Supervisors and County staff need to have a meeting with VDOT to express everybody's concerns on what is happening at Bray's Fork because their development is not bringing those concerns, they are not making those concerns worse and if they don't develop those concerns would still be there. This is where everyone needs to come together and stop working against each other. They need to work together to try to make change and talk to VDOT about what are the priorities regarding the transportation system and the primary roadways in Essex County and what you would like VDOT to address and how can we as a whole come together to make sure they are addressed. We know that takes a whole lot of money and we are willing to be a contributor to make that happen.

Chairman Akers asked everyone to settle down as it is not fair to the speaker or to the Board who is trying to pay attention. This is the only warning, or he will have everyone escorted out and only hear from the speaker. Please be respectful of everyone here.

Ms. Monterio started to address the one entrance comment. They understand the zoning ordinance requires the main entrance and exits to be on Route 360. They have heard you and have addressed it. They think it is important too but think that there are other roads that will make it a lot better other than just 360. They have promised some stub outs that are on their property and are making sure that if an agreement can come with the neighbors to create connections to the neighboring streets, they will work with them to create those connection points. They have two so far and have had discussions with the hospital since they own the land between them. Those have been positive discussions but need to move to the next step to continue. They are doing what they are responsible for, what they can control but know they need to work with others to be able to do that. The flood Management piece of it. They have known any intention or would they be allowed to flood their neighbors or the downstream dam issue that is on Hospital Rd. They are required to put together a plan that will hold the water and then release it so that it does not flood anybody. It would not flood based on storms or runoff from their buildings. They will not be able to get through the next step if they are not in compliance with that plan. They know based on the topography they will have to work through that, but their family has a seasoned, technical and talented team that have ideas on how to do that. The details will be provided during the final site plan. She hears and respects the concern but that is not a decision point for if that should be able to rezone the property or not. The last one is the compliance with the ordinance. They have already said they are compliant with the ordinance. They have been going through this process for a year with the staff. The original submission for the general development plan in September before it is even accepted there is a review for compliance and completeness. They passed that. They presented it to the Planning Commission and discussed their plan and they were able to get past that piece and compliance was not an issue. They were given approval from County Staff and the Planning Commission to put together their official packet and submit their preliminary site plan and move forward with the rezoning request based off of that. That package was accepted in December with compliance and completeness. They had questions and were responded to on the 3<sup>rd</sup> of March, which again was reviewed for compliance and completeness. She understands that people have personal opinions of the intent of the Comprehensive plan or zoning ordinance, but the staff has noted and said they are compliant with the zoning ordinance and the comprehensive plan.

Supervisor Smith stated they are not concerned about what VDOT wants to do; he is concerned about the people using it. He understands what they are doing but doesn't understand why VDOT would approve a 1 entrance PUD.

Ms. Monterio stated they have proffered to set up a meeting with VDOT and have the County and the other businesses in attendance at that meeting. So that was one of the conditions in the proffers to set up that meeting to have those discussions.

Supervisor Smith stated that the stormwater plan when Bray's Fork was designed and took part of your Grandparents property, they put that big ditch right in the middle of it under 3 sections of road into the marsh that runs along Hospital Rd. What they didn't plan on was a tractor trailer with 5,000 gallons of gasoline and oil roll over in the intersection. At the time he was the fire chief, they spent 8 hours digging up, cleaning up and sucking up all the gas and oil because of the holes ripped in the side of the tank. The tops did not secure like that should have and ran the oil into the ditch. They had VDOT build a sand dam where the accident was. They had a company come up out of Norfolk to come and scoop up the gas and oil out. They put about 2,000 gallons of foam to cover the vapor cloud from the gas and oil in that ditch.

They stopped traffic in that intersection all day long. He is saying that stormwater plan may look good on paper but if that once in lifetime storm hits it could be a problem. He would like to be with the DEQ when they decide that too. The drainage ditch down at the solar didn't work. He is not against what they are trying to do but just raising concerns.

Ms. Monterio stated that they had heard about the dam and one iteration during the planning commission to do a study of the dam area on Hospital Rd. but that was not accepted by the County.

Vice Chairman Gill asked about the securing of the two connectors or stub roads if that was 100% complete?

Ms. Monterio stated the development plan includes the two stub outs but has not gotten to agreement with the hospital because one of their discussion points was, they want to make sure the project is going to occur. They need to get past the first step to continue with the next steps of the process.

Vice Chairman Gill asked if it would happen?

Ms. Monterio stated she is 99% positive that they will.

Vice Chairman Gill asked how the 55+ is enforced.

Ms. Monterio stated it would be through property management. When people come to apply and say who would be on their lease it will be enforced then. Much like any apartment complex they make sure that whoever is on the lease is actually the ones living there. The property management company will be monitoring that on a regular basis.

Vice Chairman Gill asked if the enforcement could go as far as eviction?

Ms. Monterio stated if people are living there that are not supposed to be then yes because it is a lease violation.

Vice Chairman Gill stated that this is a strong attempt to alleviate the housing needs in Essex County. They see this as a major effort at the state and federal level and at the local level. The Board of Supervisors and Town Council met recently, and housing was a major topic on the list of things that they need to address. The tiered income level of the tenants does make the affordable housing concept work. The senior citizen area is forward thinking it checks a lot of boxes in that area. There is always a 'but' the concerns that they have already been mentioned. The traffic which you have addressed very appropriately. He asked if there was a recorded right of way agreement with Ms. Monterio as the owner with the use with the folks in the back.

Ms. Monterio stated there is not a right of way on Mt. Clement. There is a small easement as you go down Mt. Clement and lean towards the right there is a small easement. That is not their property. On the part of Mt. Clement Rd that they own there is not a right of way.

Vice Chairman Gill stated that they do not own all of Mt. Clement Rd.

Ms. Monterio stated that they own all of Mt. Clement Rd. as you are going down but as you take a right that part of Mt. Clement Rd. is split between them and Mr. Gaskins.

Vice Chairman Gill stated it looks like you are including Mt. Clement as a part of your easement.

Ms. Monterio stated no that is not part of their open area. They do not plan to disturb their neighbors getting to their house and will leave it in its existing condition.

Vice Chairman Gill stated it looks like a 30 ft road by the way the plat looked.

Ms. Monterio stated she does not think it is a full 30 ft because it does not comply to be a public rd. He believes it is in the 20ft range.

Vice Chairman Gill asked about the water/sewer. He stated that the agreement was from October of 1997 between the Town and the County. It has been 26 years and not updated. Essex County gets 200,000 gallon per day. They are projecting 31,000 gallons per day. Indicated some for LaGrange that would take approximately 16,000 gallon per day. How did you arrive at that number because he did not see any plumbing code standards with that.

Mr. Katarsky stated that the Economic Development and industrial users, the site selection study that you all had done by Draper Aden and Associates led a study similar to that for hundreds of sites through VDEP. The number that they use is 50 gallons per day per 1,000 sq ft. of development. So, they took roughly 317,000 sq ft as a maximization of LaGrange used the 50 gallons per day per 1,000 sq ft to come up with the 16,500 gallons per day to finish building that out. If you take that number and combine it with What Essex point would be along with what has been used of that 200,000 gallons per day you would be left with 105,000 gallons per day. Therefore, they are looking at the County could do another 1,000,000 sq ft of industrial development which would account for 50,000 gallons per day, and you would still have 55,000 gallons left that could be used for a development similar to Essex Point, other industrial development or anything in between.

Vice Chairman Gill stated using those numbers the 48,950 gallons per day to get to 105,000 residual the 48,950 is being used by LaGrange now is that correct?

Mr. Katarsky stated that right now LaGrange is using none because there is nothing connected from a water/sewer perspective now.

Vice Chairman Gill asked how they got to the 105,000 remaining?

Mr. Katarsky stated that the 105,000 remaining they are saying roughly 50,000 is being used today. The proposal in front of you is 31,000 and then 16,000 for the balance of LaGrange. It would require water and sewer to be extended down to the industrial park.

Ms. Monterio stated Mt Clement is 30 ft right now but in order for it to be compliant as a street it would have to be larger than 30 ft.

Vice Chairman Gill asked how it would drain to the underground ponds, is it pipes or the R tanks?

Mr. Katarsky stated that the underground detention centers will mostly be oversized pipe with a 6' to 7' diameter that is put together in series in a stone bed. Essentially, they would use curbs, gutter and inlets within the parking lot as well as direct connection to the rooftop runoff and run all of that water into the detention centers. Those systems would have an outlet structure on the downstream end that would control the runoff events. Part of why DEQ requires that as you all have discussed is there are some



challenges with the downstream properties. What they will not do is flood the downstream neighbors such that you store that runoff so that the flow is never more than it is in the precondition that it is currently. Those detention structures would allow them to do that. They would hold the water and let it flow out at a rate that echoes what it is doing today. There are two main drainage areas, and they would honor those areas. The dry creek bed and another small swale area to take water out would be looking at how much water goes to that dry bed and how much water goes to that other swale. They would engineer the system in a way to honor those drainage divides with those underground detention systems and those outlet structures.

Vice Chairman Gill asked if those systems were tied to 50-year flood parameters, 100-year flood, what kind of requirements are involved?

Mr. Katarsky stated that they route them for the 1, 10, and 100 years.

Vice Chairman Gill asked if the neighbors could live with a peaceful coexistence. He doesn't know if that is possible.

Ms. Monterio stated she thinks it is.

Vice Chairman Gill stated on page 6 that the third-party noise and abatement study be done prior to the final site plan. Would it not be appropriate to do that noise study now?

Ms. Monterio stated it is not a requirement of the zoning ordinance to provide that plan. Normally that is something that comes later in the rezoning process. They have gone and provided much more in the design and the third-party reports than is required in a rezoning application. They understand it would be helpful, but it is not a requirement in the ordinance. That may be something of an adjustment that you would want to make in your ordinance. They do understand that it is important and why they have proffered that they will do that.

Mr. Whitmore stated they did revise the plan based on the concerns that they heard. They significantly moved any residential structures back from that property line. The zoning ordinance does contemplate residential being adjacent to industrial. It provides setbacks of 100' to an R-zone, they are not an R-zone, but a mixed-use zone and they still took that into account. The setback to a junkyard is 150', that is the max that you have here. It also provides buffering and screening which they have provided in the application. They have done what is called for in mitigating those.

Vice Chairman Gill asked if the noise study could be done now? He asked Max if that was something that he could ask?

Mr. Hlavin asked if he was asking for that prior to making a legislative decision.

Vice Chairman Gill stated the reason is he is looking for data. All he hears is that there is noise.

Mr. Hlavin asked if he was looking at a predictive level of what the noise would be at the property line?

Vice Chairman Gill stated correct. He understands it is not required in the submission at this point, but every situation is unique and the more data they are armed with they can analyze things.

Ms. Monterio asked if they are requesting that before they make a decision on the rezoning if we would be willing to do the study.

Vice Chairman Gill asked if the noise is at a level that is going to bring complaints it would seem to be could they do their due diligence to see if what that noise level is and what they could do to abate it.

Ms. Monterio stated if there have been no complaints then that kind of answers the question because if noise was an issue, you would receive complaints because you do have residents living in that area. The residents are not saying there is a noise issue, the residents are not saying there is a noise complaint, the businessmen are saying that they are going to make noise that will cause complaints, but the residents are not currently complaining about noise. She is trying to figure out why they should continue to hold this process for something that residents are not currently making complaints regarding noise.

Vice Chairman Gill stated that there is a noise ordinance in the County and that is a fair point. They are talking about many more people.

Ms. Monterio stated she is going to address it, but she is asking that it should be a part of her next step.

Vice Chairman Gill asked if she foresees noise levels at a point where they cannot be abated?

Ms. Monterio said no she doesn't. She has done PUDs in her career in very Urban environments, she has done developments in Suburban areas as well. There are construction mitigators that will help. She clarified the acreage is 13 to 15. The 15 is for residential multi-family in the ordinance. The comprehensive plan for commercial is 10-15 acres. They are a mixed use; the Comprehensive plan says 10-15 but specifically for multi-family it says 13-15. Water and sewer they agree the neighbors should have water and sewer. That is why they are offering the public contribution to bring water and sewer to their neighbors.

Supervisor Magruder stated that those who have come to Board of Supervisor meetings know him as a person to ask a lot of detailed questions. Questions not to criticize but to test the limits of an idea or proposal. Only from testing the limits of an idea can you come to the best decisions. He stated that she has referenced the workforce targeting the economic mix and talked about teachers. He can take that offline, he would like to get that information if she can send that to them. What other workforce groups are they going to be targeting.

Ms. Monterio stated that workforce housing are teachers, nurses, nurses' aides, county workers, fire fighters, police officers, and emergency workers could all utilize it.

Supervisor Magruder asked if they can provide the same report of those groups as well so he can get a better understanding where the salaries are for our community and where they will fit into that economic mix of 40%, 60% and 80%? He asked when she talked about the recreation and commercial space what happens to those spaces if they are not utilized. There are a lot of empty spaces in the Town of Tappahannock that are not being utilized right now so what happens if in this PUD recreation and commercial spaces are underutilized. They don't get the businesses to come there for whatever reason, the economy changes or whatever, there is no personnel on the plan, but the economy may dictate that.

Ms. Monterio stated that would be how they actively market the space. They would be marketing those spaces to make sure they are filled. They would market not only to individuals in Essex County but also

know that there are a lot of supportive agencies that do provide activities in Essex County or may not provide it now but may in the future if there is space. It all is how they market it.

Supervisor Magruder stated so even though with great marketing they could remain empty.

Ms. Monterio stated she can't predict they believe that they wouldn't. The expression of interest right now takes up 40% of the space. They know the County is looking for spaces for graduations, other activities so they wanted to make sure that was a need that was addressed.

Supervisor Magruder stated in the report they were given it talks about an income mix agreement. It states, 'these are consistent with applicable state and federal programs.' What federal programs will you be participating in.

Ms. Monterio stated the tax credits program.

Supervisor Magruder asked if it was just the tax credit program?

Mr. Hoffman stated that the State program is the State Housing Opportunity Tax Credit Program that mirrors the Federal requirements and other loans that are provided by the state but don't have any other income restrictions.

Supervisor Magruder stated that it is basically just going to be tax credit programs and that is it.

Mr. Hoffman stated that is correct.

Supervisor Magruder asked what is involved in the grant. If he understood correctly, it is a 50-year commitment?

Mr. Hoffman stated that there is a covenant that is recorded with the property that benefits not only the residents and future residents but also Virginia Housing has the right to enforce it. It is usually 30 years, but you can elect to make it longer and make it 50 years. 7 & M Development has elected to make it a 50-year covenant. The tax credit program has a totally different cycle of financing but that is the commitment to those income brackets.

Supervisor Magruder asked what happened after the 50 years?

Ms. Monterio stated that as developers, especially affordable housing developers, they do a recapitalization to do it again to keep extending it. So even though they do an extended use agreement for 50 years that occurs every 15 or so years that they would do the process to extend it.

Supervisor Magruder stated to be clear the income restrictions are going to be reviewed by the investors because in order to comply with the tax credit they will be the watchdogs behind it. And the property management will be the ones to enforce to make sure that you have 55 and above.

Ms. Monterio stated they would have regulators to oversee the property management.

Supervisor Magruder stated for clarification you will not be accepting vouchers of any type, correct?

Ms. Monterio stated that they do not have any vouchers or any subsidy offering for their residents. There is no subsidy within their financing.

Supervisor Magruder asked you won't be accepting but who could accept that these residents will be there.

Mr. Hoffman stated a project can go out and seek financing that benefits the project that it uses for operations. They will not do that. People can come of different incomes that will qualify for the project and they are not allowed to discriminate against people on the basis of income. They will not discriminate. The income brackets that you see, the average needs 60% AMI which allows you to have brackets of 30-40, 40-50, 50-60, 60-70, and 70-80. This project also is giving up some of the tax credit equity to have some of the market rates in the income brackets. The investors are reviewing to make sure they accept tenants to pay the rent to service the debt. They will have obligations to them to make sure the project is financially strong. They look for tenants that have jobs and incomes so they can pay their rent. If their income increases, they do not displace them it allows them to move up the rungs within the property.

Supervisor Magruder asked if that would be done annually?

Mr. Hoffman stated when the tenants come into the property you do a tenant income certification that is reviewed by the property manager, project owner and investor. The state audits the tenant income files annually and every month you are updating your tenant role. Every year you do an audit report to Virginia Housing and to your investor.

Supervisor Magruder stated so potentially if someone went from the 40 % to 60% income level, they could see an increase because they can afford it or vice versa is someone was at 80% and they went down to 60% they could see their rent go down at some point.

Mr. Hoffman stated that the latter one is less common. What the federal government has always allowed is if the tenant is in the unit it could go to a maximum of 140% of the income but it doesn't normally go down.

Supervisor Magruder stated the rent income is based on the chart of their income, so it is nothing they are setting it is based on the chart.

Mr. Hoffman stated it is based on the maximum income for each bracket. That also underscores why it is so important to not shoot low with tenants if you want a strong financial project which is what the investors require. If you had a bracket up to 60% you don't want someone at 51% because the rent is based on 60% so you want tenants that have good jobs.

Supervisor Magruder asked if someone lost their job. What is the process sense they would not be in compliance with what the investors say is going to happen. He is sure that there will be a grace period. How would that work.

Mr. Hoffman stated that the new reality tax credit projects that don't have other sources of operating subsidy would be evicted. During covid there were all sorts of programs to protect tenants of tax credit projects and non-tax credit projects. You don't want to evict people because of the cost but that is what would happen.

Ms. Monterio stated that in normal management practice whether it is a market rate unit or affordable the management company would notify them if they missed a payment. As in normal practice you would be notified that you missed your payment, and you would get a cure or acquit where you have a period of time to try to cure and make the situation better or if don't do that in the amount of time that is when the eviction would happen. In many properties management companies, there are management practices that will be outlined in the management documents to attain that. What she has seen is to try to build relationships with your tenants so if you know you are going to lose your job you can have conversations to hopefully set up a payment plan.

Supervisor Magruder asked for those that are at the 40% or 60% AMI are they still eligible for programs like SNAP or things like that. Does your program prohibit things like that.

Ms. Monterio stated their program does not prohibit that, but they did an analysis that was in the December submission. When they compared their income levels to the income levels that social services have the only overlap is the 4 and 5 units at low-income level. Otherwise, the individual who will be living on their property will not be eligible for those things.

Supervisor Magruder asked if the resident service coordinator arranged activities like concerts, outdoor movies, festivals, children's activities etc. Who organizes all of that.

Ms. Monterio stated that they will have multiple people. Within the apartment complex there will be a resident service coordinator. That person will be finding activities, finding resources, working with the residents to see what needs they have and making sure that they have programs set around. They will also have staff in the community center to help go out and find programs that can be at the community space.

Supervisor Magruder asked will the resident service coordinator live on site?

Ms. Monterio stated it is not required for them to live there.

Supervisor Magruder asked who would pay for the part time resident service coordinator?

Ms. Monterio stated they would be it is not an extra charge to anyone.

Supervisor Magruder asked about marketing the marketing plan. He knows it came up at the planning commission that they would try to market to Essex County residents first.

Ms. Monterio stated that when they get close to occupancy, they will establish a tenant selection plan. That will outline the criteria for being a resident because that is more than just income. It will outline how they will market. They are agreeing to market to Essex County first that residence criteria and how they market. They will market to Essex County first and those that are employees and/or retired from Essex County for a period of time and then open it up to everyone else.

Supervisor Magruder stated that at some point that people from other counties or states could.

Ms. Monterio stated if no one from Essex County applies.

Supervisor Magruder asked about an estimate of a period of time that Essex citizens, employees, etc would have to apply?

Ms. Monterio stated they would have to work with their Fair Housing attorney to make sure they do not violate fair housing laws. We can make sure we outline that in the management docs.

Supervisor Magruder asked about the conditions and proffers on page 4 it specifically says in accordance with HOPA. And HOPA specifically says that 80% of those 55 and above and 20% can be under that. He wants to make it exceptionally clear that if you are in accordance with HOPA that is allowed. So, tell me how that is not allowed because you have said that is not what you are going to do.

Mr. Hoffman stated they are going to do 100% that are 55 and above. The whole idea is to have the separation from seniors to families. That exception is to allow you to have 80% that are seniors but only to have 20% that could be families. 80% is the floor you can't say you will do 70% as seniors but you can have 80% or more.

Supervisor Magruder stated that are the residents in 55+ are they ADA compliant since they will age in place? What he is afraid is going to happen to these folks that are going to move there is they are walking and doing fine now but he does not see elevators in there, so he has some concerns for accessibility for these people. They need different things. If they are in wheelchairs and stuff, they would need light switches lower, their countertops lower. Why can't we make all the 55+ ADA complaints so that these people can age in place and stay here.

Ms. Monterio stated that all of the buildings have elevators and are all ADA compatible in the common areas. Because this is not assisted living but independent living it is meant for those that are not only older and need ADA compliant but also those that are 55 and active may want to live there. A percentage of units will be ADA compliant and universal design. 100% of the units will be universal design compliant which means the light switches will be a little bit lower, doorways wider, cabinets and countertops lowered for universal design. 10% of the units will be fully ADA compliant. That is on the senior housing side. On the workforce housing side, they will have some units that will be universal design and ADA compliant.

Supervisor Magruder asked about the public-school contribution area that you provided. You talked about daycare and educational services, Sylvan and the YMCA. There would be no cost associated with this, it would either be staff provided or paid for by the development or these other entities. The way the YMCA works is that they ask for a county contribution. So, there would be some county contributions if the YMCA were there.

Ms. Monterio stated they can't control what the YMCA will require. They have reviewed their plans, and they have tested the requirements to see if they would fit in our buildings. But the YMCA will have their own requirements and study. They are looking at our site as well as others in the County. They have to do an assessment and study what is needed to come here and where it should be located and what they would need in order to come here. The cost to them is not what the YMCA would require but she could not say that the YMCA would not come to the Board for something for them to come here.

Supervisor Magruder stated that in the letter she provided it says that they have expressed an interest but that does not mean that it is a guarantee.

Ms. Monterio stated that if they do not come, they still see that as uses that are needed in the community. So, if the YMCA does not choose to come here with a child development center they will go and try to market a child development center to come to Essex. If they do not bring fitness, they will

continue to have conversations to bring fitness to Essex County. They do have businesses that have expressed interest, but it is not binding. They have to do their due diligence first before coming to any building in Essex County.

Supervisor Magruder asked about the stub roads, and it looks like if you put these roads in it is going to affect the parking lots. The parking lot you will lose some of those spaces with one of the stub roads.

Ms. Monterio stated that the 456 parking spaces that they are required to have not been affected by the stub roads. They are able to be fully compliant in the car park with having the stub roads.

Supervisor Magruder asked as required by section 36.240 of the County code PUDs should be located on tracks having sufficient size to accommodate development and provide appropriate transition. What transition measures have you taken with the adjacent property owners. He knows you have increased setbacks which is not really a transition.

Mr. Whitmore stated there are setbacks and there are also going to be buffering and screening measures. Putting aside the additional measures that they would put in based on the proffer related to sound. There are mature trees in that area that they are keeping there is a natural berm to provide a visual transition. Mt. Clement Rd. will be undisturbed as part of the open area and the grade is going to drop a little further so that berm is enhanced and there is greater separation from the industrial properties.

Supervisor Magruder stated according to the zoning ordinance buffering means areas of natural or established areas of vegetation managed between uses and to protect other components of resource protection areas. It doesn't really define what a buffer area is. Is a line of trees a buffer? Is the shrubbery that you plan on planting a buffer? He thinks you are considering it a buffer but as a general rule a buffer is a visual screen you can't see through.

Mr. Whitmore stated this is the first step of many. If they were able to move forward, they would come back with a site plan that the staff would have to review, and they would review it for all zoning ordinances including that. They would need to determine that a sufficient buffer is provided. You could look at what is here as a baseline.

Ms. Monterio stated that large mature trees can provide better noise buffering than a than a 13 ft wall.

Supervisor Magruder according to federal guidelines on buffering it takes 100' dense vegetation buffer to reduce noise levels by 10 decibels. If you are talking about truck traffic alone that is 90 decibels, you will only reduce it to 80 and you need to be at a baseline of 60. That is what a residential should be based on the Federal guidelines he looked up. 100' dense buffer that is a wide amount of acreage to go around that property. If you are going to do this for your residents, then a buffer of mature trees is not going to do that. Going back to what Supervisor Gill said about the study prior to could be very important. He would hate for them to come back, and the report says you need 100' of thick vegetation.

Mr. Joe Harris, architect for the project, stated that the buffering is only one aspect of the acoustical separation that they would be providing. According to the results that are found from the acoustical analysis that is done there are many different mitigation techniques that would be at the building wall itself between the glazing, insulation or whatever.

Supervisor Magruder stated that if they have an amphitheater out there with a wedding going on and then a truck starts beeping in the middle of the vows you would have a very upset bride and groom.

Ms. Monterio stated they have discussed it in their proffered condition. Everyone will be aware of where we are located so if you are a resident or leasing one of the spaces it will be made known to them that there is neighboring industrial. She feels that the extremity of the noise has been exacerbated for the purposes of this hearing. Her family has a house just two over from the industrial.

Supervisor Magruder stated that she is giving the perfect case to have the study done first.

Mr. Whitmore stated that there is a noise ordinance and there is an objective measure to what you are allowed to do in Essex County.

Supervisor Magruder stated that this is how he comes to decisions by pressing the hard questions and they are answering them great, so he does not want them to take it personally.

Mr. Whitmore stated he does think that it is important because there has been a lot of discussion on that. You do have a noise ordinance and they have all gone back to all of this. With VDOT review, DEQ stormwater review, they are all objective measures. They can provide evidence for they are being met or they are not. In the final site plan review it will require that all of those things be met. Everyone has to abide by the noise ordinance whether we come to this area or not.

Ms. Monterio stated that there are no noted or reported noise violations speaks to it.

Supervisor Magruder asked what are the PUD benefits to the industrial park and the adjacent businesses?

Ms. Monterio stated that they have provided the project set aside as public benefits to them. Other public benefits are provided, which they think would attract more businesses to the industrial park because having housing options will attract more businesses. Seeing growth will attract more businesses. For the businesses that are there right now it would provide housing opportunities for their employees, there will be 500+ jobs created during the construction period, there will be 40+ subcontracting opportunities that could help those businesses. She thinks there is a benefit when you work together as opposed to working against each other. They are going to need to remove and clear the site before they put back new trees, they could work together. They will need to mitigate certain items so that is where Service Master could come in. They will have a recycling program because they are going to be a sustainable community and they are getting their green certification so there is an opportunity for Essex Recycling. There are lots of benefits that they can have. With the public improvement set asides that they would like to do there may be improvements that need to be made over there. Why not take advantage of some of these financing programs to utilize that money to not only benefit our community but also our neighbors.

Supervisor Magruder asked what the detrimental influences on the area would be.

Ms. Monterio stated there would be no adverse or negative impacts. They have met with all of the agencies in the area. They have met with emergency services and had a good and productive meeting with them. They saw it all as a benefit and not a negative impact. They met with the school system, county officials that they could meet with, and many of those turned out as letters of support. They do not see any adverse or negative impact.



Supervisor Magruder asked about what environmental justice requirements they will be guided by or have they looked into it. It is one thing for an industrial next to a residential, but this is the opposite where a residential is being next to an industrial complex which is zoned that way. So, there are environmental justice implications here. He knows that the state is really serious about this. He is not sure what those requirements are and how does it work with the development that is being proposed. He said that might need to be a question that they take offline later on.

Ms. Monterio stated they will need to do that one offline. They keep going back to bringing residential next to industrial. Residential is already next to industrial. That is an existing condition of that area. Single family was there first then the industrial came and more residential has been brought their sense. That needs to be continued to put into context when it comes to putting residential there because residential was there first.

Supervisor Magruder stated it would be fair to say that some of those residences are on zoned industrial land. Some of those are on agricultural zoned land.

Ms. Monterio stated that the county has allowed that.

Supervisor Magruder stated that it is not the same thing as an R3 or PUD.

Ms. Monterio stated that they brought single families into that area as well as the poplar springs community. It can't be that it was zoned this. It was single family first. So Residential was allowed to be brought there. Whether the County violated their rules and allowed for that she cannot be held accountable for that. What she can be held accountable for is the existing condition of residential is there no matter what the zoning is that was required.

Mr. Whitmore stated that in terms of the Comprehensive Plan that area was designated as that DSD zone not the employment district zone with the knowledge of the existing conditions. The DSD is designated for where a PUD should go.

Supervisor Magruder asked about the parking space size. What are they accommodating? He knows if he takes his pickup truck to Richmond and tries to park in a parking garage it is difficult. They are designed for Prius and small cars like that.

Ms. Monterio stated they will use the size requirements in the ordinance.

Supervisor Magruder asked if there would be a bus stop for Bay Transit?

Ms. Monterio stated they have had numerous meetings with Bay Transit. They have indicated where they would like to have their locations to be. They do not have an agreement with Bay Transit but have discussed putting 2 stops on their site.

Supervisor Magruder stated going back to something that Chairman Akers had brought up about breaking up the property into 4 areas that separate legal entities could manage your risk and exposure. Who do we hold accountable if they are not cutting grass, if the sidewalks start breaking up and present safety hazards to people. Do we go to that legal entity or the master owner of the property.

Mr. Whitmore stated they are referred to the owner and that is defined as the existing applicant and any successors or assigned. Theoretically you can hold everyone accountable because they are all going to be subject to the same PUD and site plan and that is the control and hook that the County has through that entitlement so you could hold them all accountable.

Supervisor Magruder asked if you leased the 55+ buildings to someone to manage as a separate entity and there is a problem, he can hold them accountable and also hold the applicant which is you all.

Mr. Whitmore stated not if it is leased. That would like to have indemnification within that agreement where the property manager failed to do something the owner would be held accountable by the county and then the property manager who failed would have to indemnify the owner for that.

Supervisor Magruder asked if the residents that live at the end of Mt. Clements Rd have a legal right of way.

Ms. Monterio stated there is not an easement on Mt. Clement Rd. within the part of Mt. Clement Rd that is in their property. There is a portion of Mt. Clement Rd that is on Mr. Gaskins property and a portion of that has a public easement the rest of it does not.

Supervisor Magruder asked if they had an easement of necessity?

Mr. Whitmore stated that is a hard one to prove. You may argue that they have an easement of prescription if they have been using it for 20 years and have adversely possessed it.

Supervisor Magruder stated in the proffered section they talk about open space and recreation you shall provide public easement. You are saying public easement for the whole property. That would give him the right to drive his vehicle down Mt. Clement Rd., park and walk into their woods.

Ms. Monterio stated that Mt. Clement Rd. is not part of the open space.

Supervisor Magruder stated that he respectfully disagreed because in the exhibit section on page 9 it clearly shows that is in Green in the open space. He is just looking for clarity.

Ms. Monterio stated it says the owner will include no less than 10% of land area as public recreational and open space uses as outlined on the plan and shall provide public easements over such areas at final site plan approval. That is when we will decide which of those areas will get public easement.

Supervisor Magruder stated that if you take that from public easement then it does not become part of your acreage. Then it reduces your 13.84 acres to another acre. Then you would require an exception for another acre.

Mr. Whitmore stated that when they get into the final site plan process some of those details are going to be worked out. They talked about screening and buffering all of details about where the county wants the easements, what they are going to say gets decided with the final site plan. They will still be subject to the proffer but some of those plans with the county and the extent of the easements are worked out at the final site plan.

Supervisor Magruder asked if the economy changes what happens if the project is incomplete? He is assuming in the phases they are going to do a complete site preparation and rework the entire property

and then build on one section or are you just going to clear for the one section you are going to build on at a time. What is going to happen is you might have an open space in the front along 360 that has been cleared where the ground is leveled, lowered, flattened and we are looking at that until the economy changes? What are our options as a county and what do the residents have to endure before it gets built out?

Ms. Monterio stated that the construction schedule that they provided in their plan as well as the way they are financing it would ensure that the buildings would not have major gaps. They would not build at the back of the site and then have to figure out how they were going to move forward. They are making sure it is in their construction plan to be balanced to the majority of the land uses are built first to mitigate that. Such as, land area 1 and land area 3 would be built first so something on 360 would be built first and the back of the property. Then as they have a good amount of good amount of interest for their commercial space it will allow them not to have major gaps.

Supervisor Magruder stated he thought they were building the senior housing first in the back so would you clear the front of 360 at the same time you were clearing the back or just work on the back piece?

Mr. Katarsky part of it is going to come in to play with economic conditions. One of the things you do to cut down on cost is to balance the earth work from start to finish. They may look at different pockets and see how it might affect first and maybe the time frame is a little bit different on subsequent portions of the building plan but at the same time there may be things collectively they want to do all at once. Some of that may be the stormwater management that they talked about because they may be mitigating certain portions of the runoff may be mitigated on one side of the site heavily verses on the other side and it all balances out. There are options that may come into play, but it is all such so the project can move forward. With regards to the overall project there are bonding requirements that they will have to have with the locality in regard to the erosion sediment control and stormwater requirements.

Supervisor Magruder stated they talked about roads and the main road going into the property you were going to make it VDOT compliant. One of the compliances in the VDOT specifications is water/sewer not being under the surface of the road. How is that going to work? If you are going to make it compliant with VDOT why not make it acceptable so that when they have issues like snow clearing, potholes develop they point to VDOT to take care of it rather than you all as a private individual.

Mr. Katarsky stated they want high quality roads which is why they build to VDOT standards. With regard to VDOT there are limitations on landscaping, where parking can be located, as well as utilities. Avoiding those conflict areas, for example if utilities are not allowed in the VDOT right of way, which is not atypical, where do you end up running those utilities? Do they eat up some of your green space or open space? Do they limit where you can plant trees for landscape to create that welcome environment. With regards to any sort of potholes or snow Ms. Monterio has already talked a little about property management. They are not talking about homeowners, but they will have those contacts for who is responsible for the maintenance and repair of that road. He has described these not as roads but as access drives not dissimilar from the road you turn off to go to Walmart or Applebee's. They are an access to get to your destination.

Mr. Hoffman stated the vast majority of projects he works on are all private roads. There is an operating budget for maintenance, there is a replacement reserve budget for maintenance of the units and the upkeep of the public spaces including the roads. It is a growing trend to then for more open space for

the residents instead of a public easement but a private ownership of the roads that are maintained by the project. The beauty of the tax credit structure is if things are not maintained then it is the investor that loses the tax credits that they paid for. That is why they hold thumbs down on the developer because it is a high-quality project. It is reviewed and audited by the Virginia Housing Authority.

Supervisor Magruder stated that it is in the investment agreement that it has to be maintained.

Mr. Hoffman stated 100%.

Supervisor Magruder stated that he liked the idea about the turning lane going in there and you have the control that people can only turn right not accidentally turn left. Knowing if he does 45 if someone jumps out behind them going 55 or 65. He is concerned that tractor trailer is going to be coming up that hill and a car is going to be behind them, which the person coming out of that development can't see, they are going to turn and try to get ahead of that truck, jump over to the second lane and get smacked by the car. He knows this happens a lot in town because he has seen it happen. Is there a possibility of putting in an acceleration lane so these people can get up to speed to cross over.

Mr. Johnson stated that the street needs to be to VDOT standards and that includes the design of the entrance itself so the turn lane that you pointed out will be to VDOT standards. They are required to have adequate site distance requirements. Those are requirements tied to the design speed of the road. Even though it is sited at 45 they need to meet a site requirement of 50 mph. VDOT will not allow access to 360 until that is demonstrated.

Supervisor Magruder stated he understands site distance and there is no problem with the site distance. They won't see a car hidden behind a tractor trailer. It doesn't answer the question of how to protect the resident who is trying to cross two lanes so they can do a U-turn to come back into town and don't see the car hidden behind the tractor trailer. That is why he is asking if there can be an acceleration lane so that it can buy them some time and they can get ahead of it before that car pops out from view.

Mr. Johnson stated that can be reviewed with VDOT at final site plan. In his professional experience sometimes putting an acceleration lane almost detracts from the safety environment because it may give those exiting a false sense of security and it requires a 2-stage maneuvering as opposed to a 1 stage maneuvering. Looking at the entrance and balancing out those priorities is something they will need to consider.

Ms. Monterio stated she thinks part of it is also the traffic enforcement with the police of people who are doing those illegal traffic maneuvering.

Supervisor Magruder stated if you have a concert at the amphitheater with 100 people you will have a lot of cars coming out. He can see the possibility of something happening because the risk factor has jumped because you have added 100 cars. He is concerned about firetrucks and bus turnarounds. It does not appear to him that a firetruck, the ladder truck in Tappahannock is 48' long and weighs 74,000 lbs., by the pictures it doesn't look like they are going to be able to turn that truck around in the parking lot especially with the cars parked there.

Mr. Katarsky stated that they have to adhere to the requirements for fire and life safety so that would be done. Typically, that is a 26 ft drive aisle and then you make sure that the radius around the corners is accessible while maintaining 200 ft of hose line between any infrastructure.

Ms. Monterio stated that they went over that in the meeting they had with Emergency services and made any modifications they would want to make sure they could turn or park or be adversely impacted.

Supervisor Magruder asked if there will be an HOA.

Ms. Monterio stated that all is included in the rental residential.

Supervisor Magruder asked if there would be trash pickup?

Ms. Monterio said yes that would have a private pickup.

Supervisor Magruder asked if there would be internet or phone?

Ms. Monterio said yes.

Supervisor Magruder asked if it would be included or additional?

Ms. Monterio stated that they would have free common space internet.

Mr. Hoffman stated that you have to deduct the utilities from the rent to make sure that the rent is affordable. There is a schedule of utilities that they have for the residents to pay and those come out of the maximum rents you can charge.

Supervisor Magruder asked about the walking trails and if there would be retaining walls for protection.

Ms. Monterio said yes.

Supervisor Magruder asked since that area has a large elevation will the trails be ADA accessible?

Mr. Katarsky stated yes, the ADA requirements are 5% without handrails and you can be at a 1 and 12 slope with handrails.

Supervisor Magruder asked about the land disturbance and wetland disturbance and loss. How are they going to be mitigated.

Mr. Katarsky stated that they would follow threshold for general permit other than that they would be following DEQ and the Corp of Engineer of requirements in regard to mitigation. Which is both fees based and in plantings.

Supervisor Magruder asked about the threshold for wetlands.

Mr. Katarsky stated it is a 10<sup>th</sup> of an acre.

Supervisor Magruder asked if that would be determined in the site plan?

Mr. Katarsky stated yes.

Supervisor Magruder asked about RMA, RPA and Chesapeake Bay requirements.

Mr. Katarsky stated that there are no RMA or RPA on site. In regard to Chesapeake Bay requirements that is all part of what they previously discussed with regards DEQ. Because of the size of the site, they will be providing 75% of the water quality treatment on site specifically to this watershed. That has not been determined at this point but will probably be done in conjunction with the underground detention systems. It may be done in some other way with some pocket bioretention systems or rain garden or things along those lines.

Supervisor Magruder stated they have said there are no RMA or RPA, but you have some wetlands.

Mr. Katarsky stated that they have to be connected to a larger body of water so there is no RMA.

Supervisor Magruder stated that the stream is connected to Hoskins Creek.

Mr. Katarsky stated it does, but it breaks up and the wetlands dissipate. They have mapped them.

Supervisor Magruder asked if that exempts them.

Mr. Katarsky stated yes.

Supervisor Magruder stated he would like to see that. If they have a 1-inch rain event that produces 27,145 gallons per acre. For the project looking on impervious surface, rooftops, asphalt, parking lots, that is 298,684 gallons so almost 300,000 gallons of water in retention systems. Are these retention systems going to do anything to the water quality before it is dissipated?

Mr. Katarsky stated that they are not retention systems, they are detention systems. They are not meant to retain the water on site but to contain the water and then release it at a controlled rate below whatever the storm event is. With regards to water quality there most likely will be some stuff in line with the detention systems themselves but there may also be some pockets of bioretention facilities and things that might be used to enhance the landscape.

Supervisor Magruder asked if there was enough space for that.

Mr. Katarsky stated yes.

Supervisor Magruder stated pretty recently they had 2.5 inches of rain, that is 3 quarters of a million gallons of water. He cannot imagine engineering a system to take 3 quarters of a million gallons and dissipate it slowly enough to not affect that stream let alone it all funnels down to Hospital Rd. If that road gets damaged and people can't get in and out of that hospital, we have a major problem.

Mr. Katarsky stated that usually a 1-year reign event is roughly 4 inches of water so that is a larger rain event than was mentioned. It is pretty routine in engineering with routing these things and the sizing of these detention structures. That would all be part of the final site plan with water quality and quantity.

Supervisor Magruder asked what if DEQ doesn't approve these plans or there is no way to.

Mr. Katarsky stated that he had never seen that happen. There is always a way whether it is more detention, larger structures, larger pipes, they are not trying to have any shortcuts or cheat the system

in any way. They are following all of the rules and regulations that are set forth within the Chesapeake Bay requirements.

Supervisor Magruder asked about the landscaping. You are going to be planting in subsoil since you are leveling this out and since you have retention walls. How is that going to deal with landscaping since you will need topsoil. Is that part of the plan?

Mr. Katarsky stated the typical way that construction occurs is that you would clear the trees, but you would also strip the topsoil that is there now. As you have noted there is already an impervious service that means there will be excess topsoil that they can then use for those planted areas.

Supervisor Magruder asked if they would consider using only natives. In your landscape plan you have a lot of non-natives.

Ms. Monterio stated she believes that there are both.

Supervisor Magruder stated that there are but asked they would consider using only natives. Why bring in non-natives? You also have listed sweet gum and Virginia Pine. Anyone who has sweet gum in their yard knows they are no fun and would be terrible on the walkway. He would strongly recommend losing sweet gum even though they are native. You also have Virginia Pine; it does not have a tap root and a tendency to blow over as well as highly susceptible to fungus that causes weakness in the stem. He would recommend not putting that in the landscape plan as well. He asked if he could get the data on water/sewer information. He would like to get a copy of what the Town says the County is using and then how you calculated everything.

Mr. Katarsky stated they already have it, it was submitted.

Supervisor Magruder stated it was not in their packet and asked if they could send it again.

Mr. Katarsky stated yes.

Supervisor Magruder asked if the analysis of the amount of water accounts for any industrial use change or addition if they add any I1 or I2 land adjacent to the industrial park.

Mr. Katarsky stated yes. In the study that they put together not only can you do what has been master planned from the site study for LaGrange you could also handle doing another 1,000,000 sq ft. and still have 50,000+ gallons per day of over 25% of what is available for you to use.

Supervisor Magruder asked if the Hospital decided to relocate close to Tappahannock from its current site it would be in the County does this analysis also include the relocation and or expansion of the Hospital.

Mr. Katarsky stated it does not but as note there is capacity available.

Supervisor Magruder asked if they had received Town Council approval which is needed. They can't make this decision on their own, it has to be a joint from what he read for this to be permitted.

Mr. Katarisky stated he would encourage them to read the agreement that they have. It actually states it gives the sole responsibility of who they allow to use the 200,000 gallons per day to the County. There is no requirement to have any discussion or approval from the town per the agreement with them.

Supervisor Magruder stated that he would like to see that. He stated that he had some requests. They talked about development phase planning. It is not in this report and could they get a copy of that.

Ms. Monterio stated that it was provided in their submission.

Supervisor Magruder stated that it was not in what the board had received so they would like a copy of that. He asked if they could get a copy of the fiscal impact statement?

Ms. Monterio stated they provided an economic impact analysis in their packet.

Supervisor Magruder stated he is not talking about what they showed in the presentation. He would like to see details of how those numbers arrived.

Ms. Monterio stated that the full economic impact study was in the submission for what they presented in the slides as well as a full property tax assessment report in the submission.

Vice Chairman Gill stated they did not get those. The planning commission got them.

Supervisor Magruder stated that he is not saying they didn't provide them, they just have not seen them. He assumes that they have done some analysis on supporting the need for this type of housing and could they get a copy of that analysis?

Ms. Monterio stated they have a market study.

Supervisor Magruder stated the VDOT report that was handed to them tonight says that they don't oppose emergency access, but they have some things that need to be met.

Ms. Monterio stated that those are in the packet that was submitted.

Supervisor Magruder stated that they as a board have not seen it.

Ms. Monterio stated that the preliminary site plan is in the packet and was adjusted to those comments.

Supervisor Magruder would like to get a complete Traffic Impact Analysis from VDOT.

Chairman Akers stated that they have not given an opportunity for the public to speak. Our attorney is suggesting we go into public comment to allow them to speak and then we can come back to Q&A later.

Orlander Washington stated thank you to Shiree and her team they have done a great job. He does not know why the public was not first but that was the procedure that was tonight. We need something like this. He was looking forward to Whares Wharf only to find out that it is not owned by the County anymore. He is not sure what happens behind closed doors but hopes that maybe they will get behind closed doors and give her a couple of acres that they own.



Ray Whitker stated he is support of the Essex Point project. He thinks it is a great benefit additional employment. Progress to boost revenue was a welcoming golden opportunity urges them to vote to support.

Victor Burell, 1222 Old Creek Lake, He came thinking the board will move forward in the advancing of the proposed Mt. Clement project. He canvased to get a petition that the board will receive a copy of. He wanted to see what the opposition against the initiative is. Not one person could understand why it was being met with such resistance. Each person talked about hope and potential that this development would bring. Essex County has a desperate need for housing. Anything that is developed would be an upgrade to the doublewides you see coming into town.

Madeline Lawson, 19551 Tidewater Trail, wants them to vote to approve. In the past 12 months they have adjusted and modified the original proposal passed on input from the County Planning Commission, Staff and Community. This Community has expressed overwhelming support for the Essex Point at Mt. Clement project. At the planning commission meeting on September 5<sup>th</sup>, where the commission voted 4-2 not to recommend approval, 18 community leaders spoke in support of this project while only 4 businesses opposed the project. Tonight, she has over 700 petitions signed by the citizens of Essex County in support.

Sandra Baytops, 461 Meadow Dr is in support. She is a cochair of Essex Church Together. ECT represents 32 local churches, the topic of housing is still a topic of concern. 2 main reasons are 1) it will address critical need for affordable housing for both seniors who want to downsize or move here and for young people who want to work housing and 2) the economic benefit to County and the revenue it will generate in the form of taxes and will also be an economic benefit to businesses. She has lived here for a long time and there has not been a change in the housing situation. She urges the Board of Supervisors to support the project.

Hazel Hickman, 372 Old Courthouse Rd. NAACP Essex Branch President. They stand in firm favor of Essex Point at Mt Clement. Essex Point at Mt. Clement will not cost the County a dime. This project will bring revenue to the County and supply affordable housing to retired teachers, retirees, firefighters, law enforcement and local government employees. Shiree Monterio and 7&M Development LLC have gone above and beyond to get the project approved. She redesigned the project as requested by the County Planning Commission and they still voted 5-2 to deny the rezoning. 5 whites Nay, 2 African Americans Yay. The Planning Commission has failed the Board of Supervisors and the citizens of Essex County. Why is the Essex Point at Mt. Clement project being denied rezoning. Is it because the property location next to James River Equipment whose owner is against the project? Is it because the project is across 360 from Tidewater Lumber whose owner is also against the project? Is it because the property needing to be rezoned is prominent African American family in Essex County? Or is it because it is an 80-million-dollar project that is being proposed by an African American family and not one of your white local businessmen. We are asking you to pass the Essex Point at Mt. Clement project unanimously tonight. The NAACP urges you and your colleagues to do whatever needs to be done to ensure that the County makes good on its affordable housing project and preserve the legacy of the late Thomas Harris.

Patricia Johnson, 1336 Hoskins Dr, has been a resident of Essex County for 38 years. They raised their children here and are proud to say they received their education in Essex. This is her home, and she loves it here. She has no desire to move from Essex County. She thanks Constance and Shiree Monterio for choosing Essex County to develop a much-needed community. To her understanding Essex Point would be a multi-community that will provide affordable and market rate housing for moderate income

workers. It will be beneficial to Essex because it will bring revenue. It will attract people to work and baby boomers to retire. She stands in support of Essex Point at Mt. Clement.

Jean Banks supports the project 100%. It is a win/win for the Town and the County and there is no cost to the County at all. It will provide revenue, business, and housing. The town is slowly dying. She had one question for the board. How many exceptions to zoning laws have they made in the past 5-10 years? She wanted to see if anyone had been treated the same way. When you cast your vote, please do it from your heart not for your personal reasons and do it for the best of the people of Essex.

Chairman Akers stated that the board was not answering any questions during this time.

Dr. Sonja Johns, she is a retired family medicine physician, as a member of the Revival Fire Church she has been given permission to speak about the churches and her support of Essex Point at Mt. Clement.

Brenda Anderson Diggs read a letter from Sarah Levika: She is in the central district and is in support of the project. After speaking with Supervisor Magruder she has a better understanding of the issues that rezoning requests if the property were to be rezoned as a PUD. Evidently it is not possible to revert back to the original zoning status if 7&M is unable to resolve issues and concerns including wetlands approval, major storm mitigation and traffic safety. If she correctly understands the county lawyer is being consulted to see if it is possible to do provisional rezoning so that if they were unable to meet necessary concerns and approvals the land would revert to its present zoning status. Perhaps that is a hurdle that could be removed. If zoning status can not revert and the Harris family sells the property, then the concerns for typical trailer park and section 8 housing project being built on this land would not be credible because they would not meet the criteria for a PUD. Exceptions have been made in the past for owners such as James River Equipment stated that his building overstepped the easement required for his property.

Rev. Cornelius Holmes talked about the what if's experts have answered we should look at what is. He supports this project he hopes they are on the right side of history.

Lou Spencer, 614 Ann Pitts Rd., supports and hopes the project moves forward.

Rose Jackson, 1060 Townhouse, Mt. Clement Rd resident. Dig deep in your heart to come to agreement.

Tony Shelton, 27940 Tidewater Trail, he is in support. Essex County is not moving forward. The people have spoken. Why do we allow people that is up for election sit up on a board and make a decision like this.

Pastor Richards, 2548 Hustle. Standing in support believes the pros outweigh the cons.

Randy Whitiker, business owner in La Grange sees it as a disaster.

Brenda Anderson Diggs stated that she tells her students who do know about a college that if they have a full scholarship, we don't turn down free.

Jaynell Brooks Segar, 27940 Tidewater trail, she is representing the Northern Neck Middle Peninsula Club of the National Association of Negro Business and Professional Women. The issue came up this project, they pondered if it was a gang issue, a drug issue, is it too many young people coming to that area? All of the answers were no. It is a 55+ community that is coming. Some of the positive are that it

will bring housing, educational opportunities, a lot of revenue where we don't even have a park here. It is going to bring partnerships with organizations in Essex County. It is going to bring teachers here and part of the teacher shortage is due to lack of housing.

Dr. Gene Quarrels was very concerned about the County prayer to vote the right way.

Williard Baylor supports everyone who supports this.

Matthew Fleet, 646 Richmond Hwy, appreciates dedication to accepting the mantle of being on the Board of Supervisors. There are over 150 acres of undeveloped industrial development adjacent to LaGrange Park. The neighboring property on the plat is split zoned. 2/3 of the property is zoned B1 and he is not sure if that had been ironed out. The lot size is a big issue.

Temple Grant, 2037 Howerton, they need to make decisions based on heart. Some people oppose the project, but the Board is there to support the people.

Griselda 3053 Tidewater Trail please vote yes unanimously.

Barry Bates AG and Forestry industrial against project. Hobbs Hole with County portion of water limited resources we need to protect.

Carter Ball, Tidewater Lumber, and successful working relationship with Harris oppose project though.

David Stokes, beautiful project why ruin it with guys like us.

Kathy Hughes supports diversity.

Billy Healy sounds good on paper not in the location that it is proposed in.

Doris Gaskins, Mt Clement Rd, did all the other business think about the noise when they put their business there. The businesses didn't think about the residents that were already there.

Ms. Monterio stated that everyone is allowed their opinion. What they have been asked to do numerous times is to prove with facts. It doesn't seem that some of those that are against the project they are not bringing facts to prove their opposition. They have made statements that they are not in compliance with the ordinance in the laws, your own zoning administrator said that they were in compliance with the comprehensive plan and the zoning ordinance. He has made it not that they have provided everything that has been requested. Prior to this meeting in conversations with him it was what should be the next steps in regard to having the results from the planning commission. It was nothing they have everything that has been requested of you and have provided evidence of all of that. She understands the feelings in regard to the zoning but the County staff, who are your experts, have said they are in compliance with the ordinance. The split zoning that came up has been addressed in every public hearing by the previous County staff. It is not split zoned it was incorrect previously and corrected while you were correcting all the other parcels and doing the zoning map. It was corrected to business. There was a lot of discussion that it is an industrial area. If it was intended to just be an industrial area, then all of the land around there would have been zoned industrial. She understands that there are 150 acres of undeveloped industrial land but most of that land is owned by individuals. They are going to determine what is done with their land. It may not be industrial. The comments on this need to be somewhere else or utilized somewhere else are not up to those individuals nor up to the Board of Supervisors. It is their

right to utilize their land and be in compliance with the laws that are set there forth. They are in the designated area that the Board of Supervisors approved, and they are allowed to request that. To say it is a great concept but not on this land is again a disrespectful comment. No one is asking them to do industrial anywhere else. To address the noise, there has been a lot of discussion around that, the folks that are bringing up the noise complaint are not providing data regarding the noise the County staff has said there are no complaints regarding the noise. You all need to take into account that it is not their burden to provide data for that complaint it should be those that are bringing it up. If those that are complaining are the ones making the noise, then when they go to do the noise study if it comes back that they are in violation of the noise ordinance what will you all do. Sometimes that is just deciding Pandoras box that you choose to open. Are you all going to hold them accountable if the noise study proves the violation. Nothing is going to be perfect; nothing is going to be fully baked out at the beginning of the process. To not let perfection or all of the what ifs be the reason for it negates the rest of the process you have in the ordinance. There is a reason there are steps in the process. There is a general development plan to decide if the uses are something that would make sense in this area. The County Staff and the planning commission said yes to that. Then it said submit the information, they did the that and County staff requested more information, some of which is in the zoning ordinance and some of which is not. They still provided all of that. Then they said make these changes and so the changes were made to all of it. The County staff has again said they are in compliance. It all needs to be taken into account when thinking about finding reasons to keep delaying this process. They have not said at any point in this hearing or previous hearings that they are not willing to address and provide the information. At some point they need to get off of step one in order to continue this process. As you all have businesses and concepts at some point you have to move off of just thinking about it and let it move forward to let some if that information out. They are requesting to be approved for this first step so they can then show everyone all of the rest of these things. With a lot of the 'what-ifs' they are great questions, she doesn't want to negate any questions that were asked. However, you are never going to know anything that is going to happen. To be able to say, 'I don't think this should happen because the sky is going to fall, or the economy is going to change' The economy may shift in the positive you never know why any of that is going to happen. She is hoping that they will be open minded to let the process move forward and let them show their compliance through the process.

Mr. Whitmore stated that he is glad someone brought up arbitrary and capricious because he thinks it is an important concept. It is interesting because there were some opposition comments saying, 'I feel like it is not a good compatible use.' 'There is some traffic out there,' 'I'm worried about the noise,' 'I'm worried about the water.' They have provided facts to support every single one of the contentions here. The only thing that approaches a fact is a statement from the Comprehensive Plan from the Business and Economic section, not the DSD, about Bray's Fork as a potential for industrial uses not as a primary use. It is not what that comprehensive plan says, and you need to rely on that when you make your decision.

Chairman Akers stated that Ms. Monterio has every right to submit a change in zoning application for your property. There are exceptions that have to be considered with that and then they can make other recommendations or considerations for. A couple of people asked why they were asking so many questions, quite frankly they got the book less than two weeks ago and have been pounding through the data. If they aren't asking questions, then they aren't doing their job. The more questions that are asked and answered the more comfortable they feel with what has been presented. He would hope that they would not want a Board to just make knee jerk decisions without looking at all of the data. He has a few more questions and is sure that John has more questions. Someone had made mention that John would make a terrible study partner in school.

Administrator Rounds stated she said that.

Supervisor Magruder stated that one of the speakers said this was an 80-million-dollar project. In the presentation he thought he heard that it was a 30-million-dollar project that was approved. What is the exact number?

Ms. Monterio stated the original project was estimated at 80 million. The revised project is probably closer to 60 million. The 30 million is what they were awarded in state tax credit.

Supervisor Magruder asked about the other 30 million.

Ms. Monterio stated that will come from other tax credits and soft financing.

Mr. Hoffman stated that this project won a competition for those very valuable state credits. The other credits that come are automatic with the financing so there is no competition for them.

Supervisor Magruder stated on slide 19 the numbers total 29 but it should be 28.

Ms. Monterio stated it is 28.

Supervisor Magruder asked about sustainability and efficiency if solar was a part of that?

Ms. Monterio stated they do not currently have solar for their project, but it is something that are analyzing to see if it is beneficial.

Supervisor Magruder asked to see the property tax analysis detail based on the buildings tax rate so he can understand how they came to \$566,507.

Ms. Monterio stated that the report is in the format that their third part analyzer did them.

Supervisor Magruder asked if they would get an updated rendition showing the architecture height. They have the old renditions but the new height.

Ms. Monterio stated that the agreement they came to with the County Attorney and staff is that they submitted a plan with those, the elevations and renderings they did not revise they said they could submit the old ones to show the design and the building materials that they are proffering.

Supervisor Magruder asked if they would get new drawings with renditions that more accurately reflect the covenants or requirements of the ordinance?

Mr. Whitmore stated that would be part of the final site plan.

Chairman Akers asked about additional funding. Would anything in those additional funding models require them to deviate substantially from what was presented tonight?

Ms. Monterio stated it would not change. The same plans they submitted to the Board are the same plans they submitted to all of the financing agencies.

Chairman Akers asked about stormwater and there was a reference that someone had preliminary approval from DEQ?

Mr. Katarsky stated they have not submitted anything to DEQ in regard to stormwater management, but they have mapped wetlands and streams and that has been approved by DEQ and the Corps of Engineers with regard to the mapping.

Chairman Akers asked if there was any way to have them render any sort of preliminary decision without a final site plan?

Mr. Katarsky stated yes all they are doing is confirming that when the environmental scientist team goes out and says this is a wetland and it grades as a wetland, and this is stream and it grades as a stream then they go out there with DEQ and the Corps and say yes, they agree. The delineation is what they do, and the conformation is what DEQ does. That conformation stays with the land for 5 years. If there is permitting once, you go through the final site plan then you go through that process with DEQ.

Chairman Akers asked if most of the changes with any stormwater requirements that DEQ comes up with, because there is not a large footprint to do much with, would all be underground?

Mr. Katarsky stated correctly but there are two different things they are talking about. Wetlands and streams and the impact in disturbing those is different than stormwater management and the treatment of the runoff both from quantity and quality. It is all DEQ but with the wetlands and streams you also have the Army Corps of Engineers.

Chairman Akers stated his concern is probably more quality and quantity.

Mr. Katarsky asked what was the concern?

Chairman Akers stated he was just wondering if DEQ could offer an opinion without final site plan.

Mr. Katarsky stated that in the 20 years he has been practicing as a civil engineer you are going through a process just like building code. There are rules and regulations and formulas and such that they do with the final site plan to demonstrate that the size of the detention system is sized adequately to convey the stormwater downstream, the water quality improvements that are being done in a way that is cohesive with and enhance the landscape. All of those numbers are totaled together and show that you are in fact meeting certain requirements.

Chairman Akers asked about the internal roads that are privately maintained. One safeguard that a county has for ongoing maintenance is requiring bonds. Would you be opposed to bonds? They haven't discussed what those might be but wanted to ask the question.

Mr. Whitmore asked if they were asking for bonds for completion of construction or for ongoing maintenance.

Chairman Akers stated for ongoing maintenance.

Mr. Hoffman stated that he has never seen that on a project, but the project has lenders and investors who are actively reviewing the physical maintenance and upkeep of the project including the roads. The

projects will have resources for that maintenance. Every project that he has worked on has had private roads and sidewalks that are privately maintained.

Mr. Hlavin asked if there is information specific to those projects or projects of this scope what those maintenance obligations are for the property owners and how that is capitalized in a program?

Mr. Hoffmans stated they size a replacement reserve that is based on the type of occupant. It is 250 per month per unit or 300 for family units, that is generally what they do and then every 8-10 years they do a physical needs assessment for the project and will resize. The difference in the new tax credit projects is there are a lot of parties with invested financial interest in ensuring the upkeep and maintenance of the project.

Chairman Akers asked if that was something that they would be interested in?

Mr. Whitmore stated he would ask the staff what are the details of any kind of county programs as what would be typical?

Chairman Akers stated he knows it affords the County some safeguards if they have concerns.

Mr. Katarsky stated that one area where they see private streets that come an issue for the locality is when you have a private street associated with a subdivision. Then you subdivide and sell those lots to individual homeowners and that road never gets fully constructed and there is no HOA, and the developer goes bankrupt. Now you have sold these subdivided pieces of property. On this project it is no different than the entrance road to Walmart. It is owned by a single entity and therefore they have dominion over the maintenance whether it is cutting the grass, filling a pothole, snow removal is all on that one entity. It is not individual homeowners asking the county what happened because no one controls it.

Chairman Akers stated the PUD ordinance requires the exception they are going for that they are VDOT maintained roads. So, one of the exceptions is that they are being built to VDOT standards but maintained privately.

Mr. Katarsky stated he holds to the argument that he does not see these as roads he sees them as an access drive into the development. If you want them to ask for the exception, they are willing to ask for it, but they also feel that they have fully explained the rationale that it doesn't fit the description of a road but an access drive. You can still drive on it, it can be striped but also at the same time the rationale behind why they don't think a public road is appropriate in this location.

Chairman Akers stated that currently it is listed as an exception.

Mr. Katarsky stated that they have confirmed to ask for that but is it an access drive, is it access into the property that doesn't necessarily have anything divided off of it or is it a private street, but they do want it to fit into VDOT guidelines. They made that call and said yes to the exception.

Chairman Akers asked about Mt. Clement Rd and wanted to reference section 7.6 that the owner will design and maintain all private roads in accordance with VDOT public road requirements. Will provide public access over such private roads at the time of final site plan approval. So that just needs to be accurate for what the proffer reads. The proffer says all private roads and Mt. Clement being a private road.

Mr. Whitmore stated he thinks they are asking if the proffer applies to Mt. Clement Rd. He asked them to look back over the plans and then they could answer that.

Supervisor Johnson stated he is at a point now to make a motion to approve the preliminary site plan and to approve the rezoning. At this point he has heard information from all aspects. He would like everyone to imagine a turtle and a giraffe. If you can imagine the viewpoint each presents itself. That is what he sees here tonight, and we have got to learn to work together. The giraffe and the turtle get along just fine, and they have a different vantage point. He is at a point where he has heard all the information, he is so impressed by the professionalism, all the questions being answered to the great detail. He is ready to make the motion to accept the preliminary site plan and the rezoning from the B1 to PUD.

Chairman Akers stated that they were still in public hearing so he asked Ms. Monterio if she would like them to close the public hearing or keep it opening. If they close the public hearing no additional considerations can be proffered or made.

Mr. Whitmore stated that Mt. Clement Road is less than 30" wide and that is why it is not included in the proffers. In terms of closing the public hearing and the inability to accept any additional proffers he would ask the board if there were any proffers sought?

Chairman Akers stated he did not think it was their opportunity to ask for proffers.

Vice Chairman Gill asked if they could continue the public hearing?

Chairman Akers stated that the public hearing could remain open for additional discussion and dialogue. He wants everyone to know he appreciates everything that Ms. Monterio and her team have done and knows that this seems like forever for them. For the board it has not it has only been a couple of weeks. They are processing and the more he dives in the more comfortable he gets. He would encourage them not to rush the process.

Ms. Monterio asked if they don't rush the process when would they be proposing the vote?

Chairman Akers stated he is not proposing it would be up to the board. It could be deferred to the next meeting as soon as Oct 10<sup>th</sup>. It would have to be advertised as a continuation of the public meeting.

Ms. Monterio asked if they could clarify the information needed that you would need to continue the hearing for?

Chairman Akers stated he could submit his, some are questions that he has that they have mentioned about getting data to the county staff that they didn't see in their books that would give them time to review. Having information about income limits.

Ms. Monterio stated that the slides she was going to show are in the meeting minute packets. Her confusion is this information has been provided since December and has been on the website as a public document since March. In the packet that you all received one of the questions would be why information was missing or third-party reports that had been provided and why were they not requested prior to this evening.



Chairman Akers stated he couldn't answer that he is just asking if she wants them to close the public hearing.

Ms. Monterio stated she still thinks it is a valid question for Brian or April to answer.

Chairman Akers stated he is not familiar with the various VDOT reports that they talked about he just doesn't have all of that.

Ms. Monterio understands.

Administrator Rounds stated that the historical documents are on the website. The packet that the Board received to review was the complete packet that was heard before the planning commission that denied the application which is what is in your packet.

Supervisor Magruder stated they didn't know what they didn't know until they read the book. He didn't know it wasn't in there to go look for it. That is why it is important that they ask the question to get the information. They have had 9 days to look at it because it went to the planning commission first and you have made some monumental changes to recommendations that they just looked at and voted on last month.

Ms. Monterio stated that they just voted last month but they have had the packet for months.

Supervisor Magruder stated they have had theirs for 9 days. A perfect example is the whole thing about the tax credit structure, he had never heard of that until this project. That is why he has asked a lot of questions and they have answered them great. He has a great understanding of what these tax credits mean and what they do. With that he is more comfortable with his decision-making process because he can see where this is not going to be subsidized housing. When you are not familiar with something there is ever a learning curve. He doesn't do this for a living, and she has degrees, and he is very impressed with the very knowledgeable people, but she has to understand that as a board member he is a forester that is what he does for a living. When she is talking about development stuff, he doesn't know anything about it, and it takes time to understand and learn this.

Ms. Monterio stated that is why they have been asking since December to have working sessions with you all and have been denied every time. They had requested working sessions with the planning commission and were denied for every request. They requested to know what information was not clear and only received questions on little, small nitpicking things rather than the substance things that people have questions about. She wants to make sure that they agree to defer this to the October 10<sup>th</sup> meeting so that they will have clear guidance on what they need in order to make a decision. Otherwise, they just keep getting deferred. She understands they just received it 9 days ago, but the same commentary is what they have been hearing since December. It is always a reason why they can't take a vote; it is always a reason of something keeps coming up of what is needed. She understands there is a lot of information and that they don't do this for a living. When the commentary keeps being the same in every meeting, she wants to be very clear if they are making a decision to defer it to October 10<sup>th</sup> that they understand very clearly the information that is needed in order to make a decision on October 10<sup>th</sup>. Otherwise, we keep getting to a place of more and more information. She requests that if they decide and agree to this how will they know what is requested in order to make that decision. She does not want to get to the October 10<sup>th</sup> meeting and have more information requested and it be delayed again.

Chairman Akers stated he is not asking if she wants them to defer it, he is asking if she wants to close the public hearing. It could be deferred to October 10<sup>th</sup> whether we close the public hearing or not. He does not want to mislead her that a decision will be made or not. If they close the public hearing then the additional proffers, if any should happen to come out, can't be made. That is the reason he is asking if they want to close the public hearing or not. After that it could be deferred as needed, passed, or denied.

Mr. Hlavin stated that with the additional proffers if there was an impact mitigation element came up after the public hearing was closed that could happen it would just trigger another public hearing to comply with the language in 15.22204. It is not that it couldn't happen it would just be another process.

Mr. Whitmore stated they are clear on the proffers but the opportunity to provide them with additional information. They have said that they have only had it for a few days and have not received all of the information. Is that something that could still be provided whether or not the public hearing has been closed? Or if the public hearing is closed there is no more information that can be provided.

Chairman Akers stated that information can be provided all day long it is just if they keep the public hearing open or not for additional considerations. Personally, he is not ready to make a decision tonight because he needs additional information.

Supervisor Johnson stated that he does not need any more information, he is ready to make a decision.

Supervisor Magruder stated that Orlander Washington asked him to be open minded and he has come here to do that. He has asked tough questions, but it has given him clarity. The tax structure was a big hurdle for him to get over and he has gotten over that and is glad. That additional information is just going to offer more clarity for him to have a better understanding and keep that open mind. He thinks if they get the information within a week, they may be able to take it up in November but no promise. It is important that they get this information. He agrees with Chairman Akers that he is not ready to make this decision tonight and would be slighting his promise to Mr. Washington that he was going to keep that open mind and he needs the information to do that.

Chairman Akers asked again for an answer on closing the public hearing or not.

Ms. Monterio asked if they close the public hearing and provide the additional information are we going to the October 10<sup>th</sup>?

Chairman Akers stated that is the next meeting but does not know how that falls within the guidelines because if the public hearing was still open then how far in advance does it have to be advertised?

Mr. Hlavin stated if there is a continued public hearing then it would not necessarily need to be readvertisement on a twice and every other week. If the public hearing is closed and consideration is postponed to another date certain that can be any date that the board is comfortable with. That still allows for any information to be provided by the applicant, it just would not allow for amendment to the proffers unless a subsequent public hearing was held.

Ms. Monterio stated that they will agree to keep the public hearing open, they will provide additional information and would like it to be on the agenda for the October 10<sup>th</sup> meeting.

Chairman Akers stated that any additional information that he has he will make sure that it gets to staff and gets to you and will ensure that the board does the same. It is not his intent or any member of the board's intent to kick this thing down the road, but he does take this job seriously and wants to have as much information as possible to make a good decision. He knows it has been a painful process for them and will try to move it as expeditiously as possible. It is a lot of information; it is good information, and he has learned a lot. He asked Mas that by keeping the public hearing open there is no opportunity for any motions until the public hearing is closed.

Mr. Hlavin stated that is correct.

Chairman Akers asked if they need to make a motion to the October 10<sup>th</sup>?

Mr. Hlavin stated to keep the public hearing open and postponed it to October 10<sup>th</sup>.

Supervisor Johnson made a motion to keep public hearing open and postpone it until October 10<sup>th</sup>.  
Supervisor Smith Seconded the motion. AYES: 5, NAYS: 0 ABSENT: 0

Supervisor Smith made a motion to adjourn the meeting. Supervisor Magruder seconded the motion.  
AYES: 5, NAYS: 0 ABSENT: 0

---

Chairman

---

Clerk of the Board