

Minutes
Essex County Planning Commission
Regular Meeting
June 6, 2023
7:00 P.M.

A regular meeting of the Essex County Planning Commission was held on June 6, 2023, at the Essex County School Board Office, Tappahannock, Virginia.

Present:

David Jones – Chairman
Angelo Stevens – Vice Chairman
Trent Taliaferro
Stephen Walters
Benjamin Scott Mundie
Wright Andrews
Jean Segar

Absent:

Also present:

Darla Orr – Berkley Group
Kelly McKnight – Planning and Zoning Office Manager

CALL TO ORDER

David Jones, Chairman, called the regular meeting of the Planning Commission to order at 7:00 pm.

ROLL CALL

Chairman Jones asked Ms. McKnight to call the roll. A quorum was met.

MEETING AGENDA

Chairman Jones asked if any changes needed to be made to the agenda. Chairman Jones like to move the new business ahead of the old business for discussion of the bylaws.

APPROVAL OF MINUTES

A motion was made and seconded to approve the minutes of the May 2, 2023, Planning Commission meeting. AYES: 7 NAYES: 0 ABSENT: 0

PUBLIC COMMENTS

None

PUBLIC HEARING

Rezoning and the Planned Unit Development (PUD) application for parcel 36-43, vicinity of Bray's Fork on the North side of US HWY 360, from B-1, Local Business to PUD, Planned Unit Development.

Darla Orr, Executive Manager for the Berkley Group, presented the staff report.



PLANNING COMMISSION
June 6, 2023

Rezoning
Case R-2023003
with Preliminary Site Plan

Applicant:
7 and M Virginia LLC



R-2023003

Central Magisterial District

7 and M Virginia LLC

Requests: Rezoning from Local Business (B-1) to Planned Unit Development (PUD) with Standard Modifications to Ordinance requirements



It will cover 13.16 acres with exceptions to ordinance requirements based on project size, density, building height, number of multi-family units per floor, parking and loading areas, signs, landscaping and access points. These are requested in accordance with the permission of the zoning ordinance in section 36.242 section 5 for standard modifications.

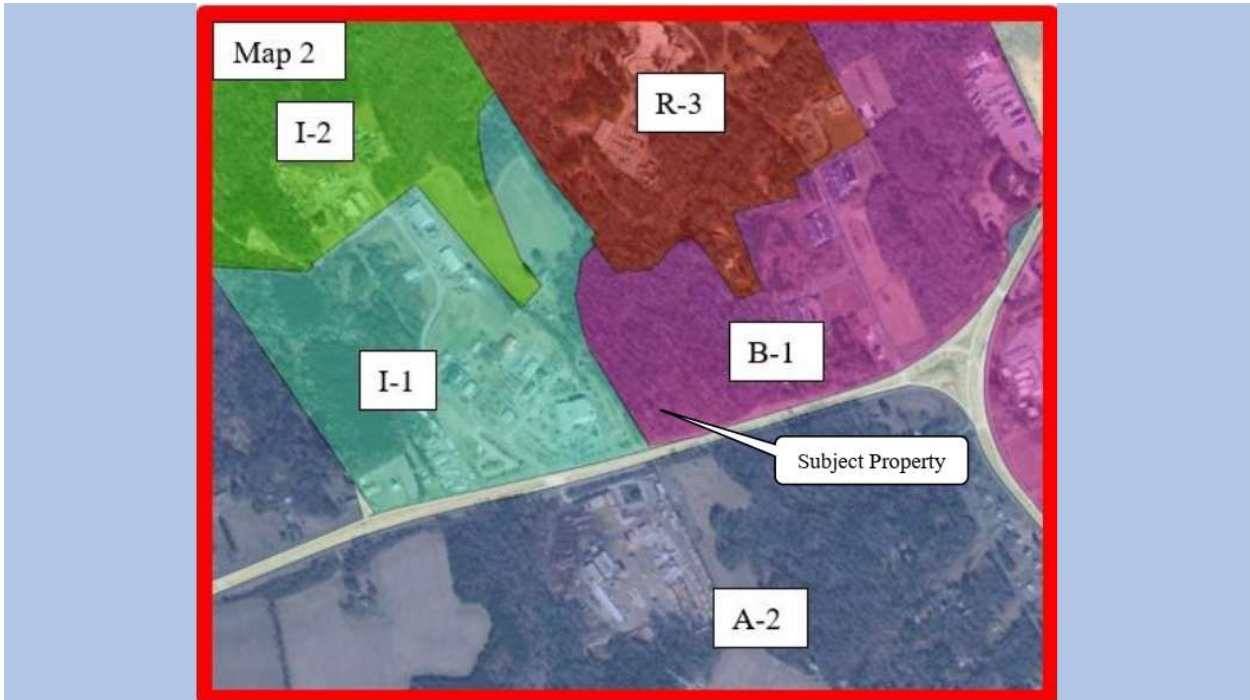


It fronts approximately 554 ft on the westward lane of Rt 360 and approximately 1500 ft west of the light at Bray's Fork intersection. It is known as tax parcel ID 36-43. The Property is in the

vicinity of the hospital area, Tidewater Lumber Company and is adjacent to the LaGrange Industrial Park.



This is a closer look into the property. The pink area shows is the developable area proposed.



This shows the area zoning.



Standard Modifications

- **Private roads**
- **Greater Density**
- **Increase Number of Multi-family Units Per Floor (Building C)**
- **Increased Building Height (Buildings A, A2 & B2)**
- **Reduced Parking and Loading Areas**
- **Reduced Project Size**
- **Larger Sign Area and Height at Entrance**
- **Larger Sign Area for Wall Mounted Signs**
- **Reduced Parking Islands**
- **Reduce Access Point from 2 to 1 Access**

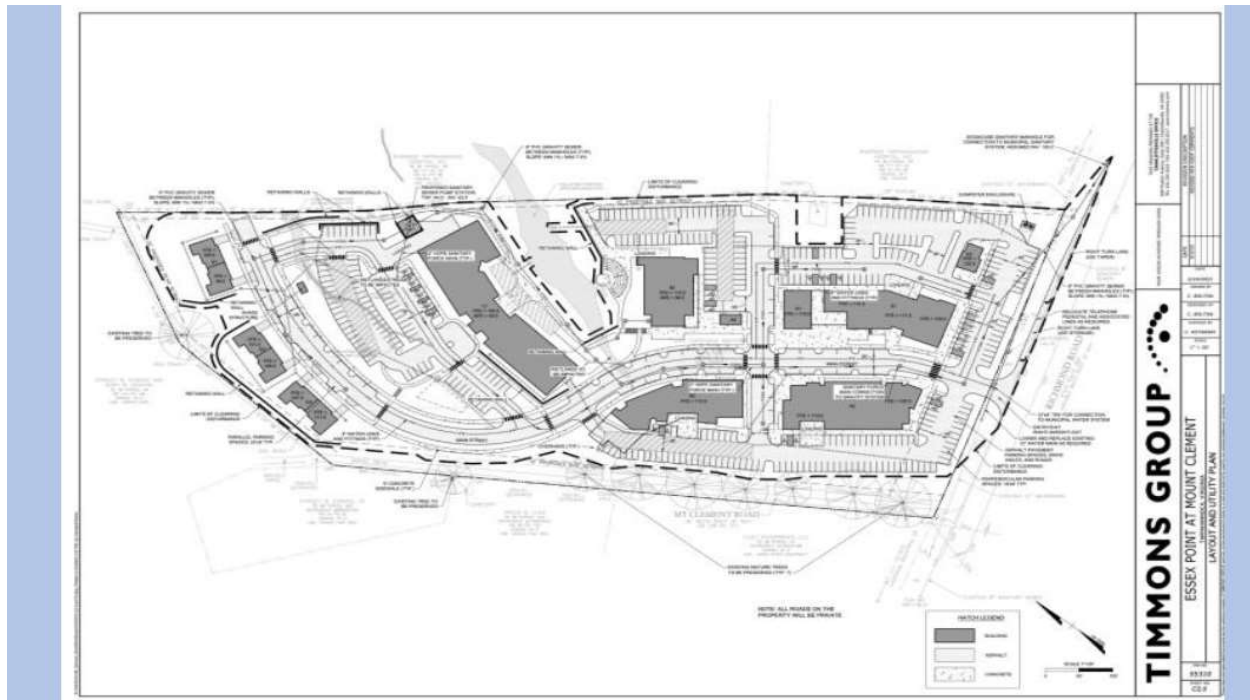
With the approval of this request the applicant is seeking exceptions to ordinance standards. The ordinance provides that an applicant may request to develop portions of the development for a PUD at higher densities than stated for that particular use. Or may request flexibility in ordinance standards to accommodate the plan design and to encourage innovative and creative design and high quality development. In this case justification has not been provided to indicate that the site design is innovative or creative but moreover appears to be the result over development of a property with an area less than the minimum suggested 15 acre project size for multi-family residential uses. They want to increase the height of 3 of the 4 buildings, the proposal is to increase the height from 35' to the lesser of 4 stories or 60'. They want to reduce the project size from the 15 acres to 13.186 acres. There is a portion of the property that is along the frontage is an area of the plan that is identified as a highway corridor enhancement district. This is given to properties that is along major corridors where site design should be considered to protect and improve the quality and visual appearances. The Plans policy recommends that the design standards of the zoning ordinance are there to ensure reasonable quality

development will result.



This is the future land use map of the plan. This is the County's adopted comprehensive plan. The subject property and surrounding properties are designated as part of the development service district areas. With properties along the major corridors are shown as Highway corridor enhancement districts. The development service district are identified as areas to be developed where adequate public facilities can be provided and recognizes that these areas may be appropriate for PUD development subject to the guidelines of the zoning ordinance and as provided in the comprehensive plan. The plan is a longterm, 20-30 year, planning document. The plan provides that these development service district areas generally correspond to locations where growth can most cost effectively be served within the planning period. The development service district areas of the county contain about 3200 acres and adds that development within this district will be managed based on mutual decisions and growth management strategies between the county and the town. The plan notes the importance of the county and the town to determine how growth objectives to these areas may best be accommodated while protecting the qualities of rural character both the town and the county currently enjoy. One growth objective of the plan suggest that the county should encourage development that is keeping with the character of existing land uses. Additionally, the plan offers growth objectives where new development should concentrate at edges of the Town of Tappahannock given the need for centralized water and sewer facilities and adequate public facilities should be in place or proposed prior to development approval regardless of where the development is located. The plan further that PUD's can be brought to land only in those areas which meet the standards framed in the county ordinance and consistent with the plan concepts. The subject property is located West of Bray's Fork away from the Town's Edge. The plan suggest development should be of a controlled nature channeled into the most appropriate areas necessary to effectively sustain adequate levels of public service such as those areas adjacent to the town of tappahannock. Finally the frontage of the subject property and the area properties is in the highway corridor enhancement district. This designation is given to those properties along the major corridors where site design should be considered to protect and improve quality along those corridors.

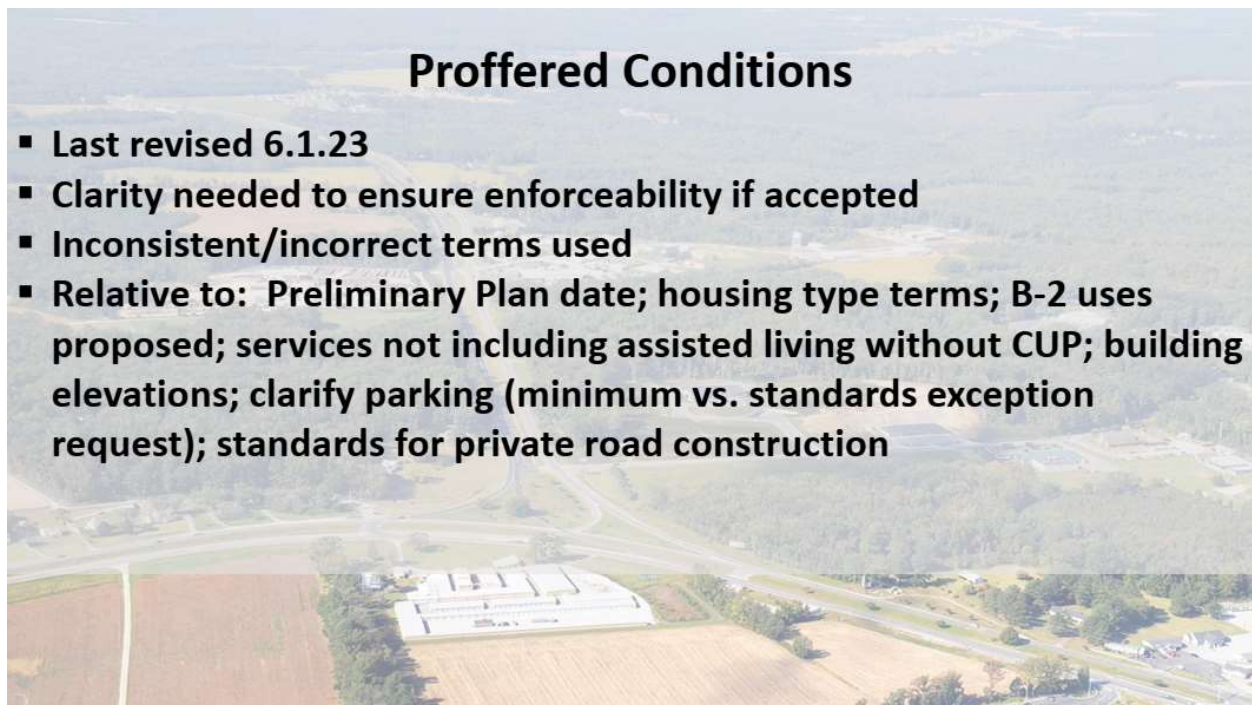
The plans policy recommends and the design standards of the zoning ordinance ensure reasonable quality developments result. For PUD developments the plan suggests that threshold size and location requirements be framed by county ordinances to guide decisions regarding their location.



This is the site layout. With this case of mixed use development including up to 139 studio and 1 and 2 bedroom multi-family residential dwelling units for rent. At a density of 10.54 dwelling units per acre is proposed. The plan provides that a maximum of 200,000 sq ft of gross floor area would be for residential uses. A maximum of 73,000 sq ft of gross floor area would be for commercial or retail space and up to 20,000 sq ft of community center uses is planned. An exception is requested to allow buildings to have a maximum height of lesser than four stories or 60'. The preliminary site plan depicts 176,566 sq ft of gross floor area for residential uses, a little over 65,000 sq ft for commercial or retail uses and a little over 14,000 sq ft of community center uses as part of the 10% public recreation and open space uses required by the ordinance. The preliminary site plan here does not reflect the proposed increase in gross floor areas of uses allowed as proposed in proffered condition 6. It would be appropriate for the plan to be revised to offer modified site designs and layouts to reflect the variations and to offer clarity where reductions would occur in other uses such as in the event if the residential gross floor areas increase. This layout shows the one access that is proposed into the subject property from RT 360. They are asking for an exception to the ordinance standards. Clarity is needed relative to the standard exceptions that are requested for building height. The application that the sites topography would allow for a 5-story building to appear as a 4-story building but the standard exceptions limit buildings to a maximum of 4-stories or 60' whichever is less. The way the exceptions are written they could not construct a 5-story building on the property. In addition, clarity is needed for the proposed number of units per floor in building C. The difference between the parking exceptions proposed and the minimum of 395 spaces offered in proffered condition 15 and for loading areas. The applicant states that 91 of the units are planned for 55+ age restricted, independent senior housing units. With between 80-100% of those units being rent restricted. It includes a range between 50-80% of the area median income. It is

not to exceed an overall average household income of 60% AMI. Between the 80% and 100% of the remaining 48 units the proffered conditions offer that they may be rent restricted. However this will not be committed to or finalized in accordance with the proffered conditions until the applicant receives finance closing. Non-residential uses would be limited to uses permitted in the local business B-1 district and certain general B-2 district as allowed in the PUD section of the ordinance. The PUD ordinance provides that the B-2 uses would be allowed under circumstances that minimize impacts of vehicular traffic on the desired development pattern and the surrounding area and would not include automobile oriented uses such as automobile repair and car washes. The staff believes that at this point there is a lack of clarity in the business B-2 uses that are proposed with this request. The development proposal lacks clarity necessary to offer relative findings as to the exact mix of residential housing types proposed except that between 80-100% of the senior occupied units may be rent restricted and between 0-100% of the non-senior occupied units may be rent restricted. The application and proffered conditions include language that allow modifications in rent restrictions by housing type based on the future financial structure of the development.

Relative to the one access, the zoning ordinance requires multiple accesses. A large reason for that is to insure that there is more than one way in or one way out if there is an emergency situation. As well as to help with the overall flow of traffic internally as well as the potential impacts of everyone leaving the site and entering the site at the one location.



Proffered Conditions

- **Last revised 6.1.23**
- **Clarity needed to ensure enforceability if accepted**
- **Inconsistent/incorrect terms used**
- **Relative to: Preliminary Plan date; housing type terms; B-2 uses proposed; services not including assisted living without CUP; building elevations; clarify parking (minimum vs. standards exception request); standards for private road construction**

The staff believes the proffered conditions need to be modified before accepted to ensure enforceability of these conditions. Clarity is needed in proffer language relative to date of the general development plan that is to be adhered to. Conflicting use of terms multi-family residential, senior and senior living units, workforce housing, residential buildings, residential architecture and building exteriors which is multiple conditions. Use of the term standard exception in proffered condition 4. Assurance that general care and housing will not include assisted living operations in proffered condition 9 because a lifecare

facility is how an assisted living development is defined. That type of use requires a conditional use permit approval prior to occupying. The exterior building materials proposed, there are questions relative to definitions and treatment of rear elevations as well as timing for approval of the final building elevations. This is proffered condition 13 and 14. Staff needs to ensure number of parking spaces to be provided. There is a minimum or a maximum of 395 spaces that are proposed. Proffered condition 15 references a minimum of 395 spaces but the standard exceptions list the exception to allow the 395 spaces. Also we need to verify the standards for private road construction would actually be to VDOT standards. That is proffered condition 7.

Staff Recommends Denial

- Fails to comply with the Comprehensive Plan
- Areas of proposal lacks clarity
- Proximity to incompatible land uses
- Standard Exceptions accommodate smaller project size vs. quality/innovative design, safety for access



Staff does recommend denial of this request as it fails to comply with the recommendations of the comprehensive plan as it speaks to development. While these districts are proposed for development and they are districts where the plan suggests developments should be considered the plan also has other growth strategy goals that talks about a development of this density being on a large enough property that can accommodate a innovative design. The proposal itself lacks the clarity that is needed. The subject property is in an area that is in proximity to incompatible land uses, those being the LaGrange Industrial Park specifically located adjacent to the subject property. The standard exceptions in this case would accommodate a smaller project size based on what they have brought forward. Staff is also concerned about the one entrance in the property due to the safety concerns relative to the one access.



R-2023003

Central Magisterial District

7 and M Virginia LLC

Requests: Rezoning from Local Business (B-1) to
Planned Unit Development (PUD) with Standard
Modifications to Ordinance requirements



ESSEX COUNTY PLANNING COMMISSION
AGENDA ITEM

STAFF ANALYSIS AND RECOMMENDATION

Meeting Date: June 6, 2023

Case Number: R-2023003

SUBJECT:

Rezoning Request Case Number R-2023003: In the Central Magisterial District, 7 AND M Development, LLC requests rezoning from B-1, Local Business District to PUD, Planned Unit Development District of 13.186 acres with exceptions to ordinance requirements related to project size, density, building height, number of multi-family units per floor, parking and loading areas, signs, landscaping, and access points requested as Standard Modifications in accordance with Zoning Ordinance Section 36.242(5).

PROJECT DESCRIPTION:

A mixed-use development including up to 139 studio and one- and two-bedroom multi-family residential dwelling units for rent (a density of 10.54 dwelling units per acre) in a maximum of 200,000 square feet of gross floor area plus a maximum of 73,000 square feet of gross floor area of commercial/retail uses and up to 20,000 square feet of community center uses is planned (Proffered Conditions 6 and 7). An exception is requested to allow buildings to have a maximum height of the lesser of 4 stories or 60 feet. The preliminary site plan depicts 176,566 square feet of gross floor area of residential uses, 65,931 square feet of gross floor area of commercial/retail uses and 14,307 square feet of community center uses as part of the 10% public/recreation and open space uses.

The application states that ninety-one (91) of the units are planned for 55+ age restricted independent senior housing units with between 80% and 100% of those units being rent restricted (at up to 50, 60 or 80% Area Median Income (AMI), not to exceed an average household income of 60% AMI (Proffered Conditions 8 and 11). Between 80% and 100% of the remaining 48 units *may be* rent restricted (at up to 50, 60 or 80% AMI, not to exceed an average household income of 60% AMI; however, this will not be committed to or finalized until the applicant receives finance closing (Proffered Condition 12).

Non-residential uses would be limited to uses permitted in the Local Business (B-1) District and certain General Business (B-2) District under circumstances that minimize impacts of vehicular traffic on the desire development pattern and surrounding area, not including automobile-oriented uses such as automobile repair, sales or car washes.

PLANNING COMMISSION ACTION REQUESTED:

Staff recommends DENIAL of the rezoning request and Preliminary Site Plan for the following reasons:

1. The development proposal lacks clarity necessary to offer relative findings as to the exact mix of residential housing types proposed, except that between 80 and 100% of the senior occupied units may be rent restricted based on AMI and between 0 and 100% of the non-senior occupied units may be rent restricted. The application and proffered conditions include language that allows modifications in rent restricted housing types based on the applicant's final financing structure which is undetermined.
2. While the Land Use Map of the County's Comprehensive Plan (Plan) designates the subject property as part of a Development Service District where the County should channel future development, the Plan offers growth objectives where new development should concentrate at the edges of the Town of

Tappahannock given the need for centralized sewer and water facilities and that adequate public facilities should be in place or proposed prior to development approval, regardless of where the development is located. Public sewer is not planned to serve the subject property, unless a modification is approved by the County in its contract for sewer capacity to offer a portion of the capacity to the development. The Plan states that the County has reserved its sewer capacity for industrial development.

3. The Plan states that PUDs “can be brought to land only in those areas which meet the standards framed in the County ordinance and consistent with the Plan concepts”. The subject property is located west of Bray’s Fork, away from the Town’s edge. The Plan suggests development should be of a controlled nature, channeled into the most appropriate areas necessary to effectively sustain adequate levels of public services, such as at the edges of the Town of Tappahannock. While some supporting services are possible with the proposed B-1 uses and “could include” services geared toward seniors, there is no commitment that the uses will be limited or developed as those that will support the residents’ convenience and personal service needs.
4. The Plan suggests that the County should encourage development that is in keeping with the character of existing land uses. While the proximity to the hospital may be appropriate for a higher density mixed housing development, residential use immediately adjacent to a County industrial park is not compatible.
5. The front 500 feet of the subject property is identified by the Plan as part of a Highway Corridor Enhancement District which is given to properties lying along major transportation corridors where site design should be considered to protect and improve the quality of visual appearances. The Plan’s policy recommendations and the design standards of the Zoning Ordinance ensure reasonable, quality developments result. For PUD developments, the Plan suggests that threshold size and location requirements will be framed by County ordinances to guide decisions regarding their location. Standard Exceptions requested with this proposal include exceptions to permit a reduced project size which correlates to an overall design with reduced open space and increased overall density. Exceptions also include increased building heights and massing; larger signs; reduced landscaping; and less parking and loading areas provided. Justification, beyond the need for increased density on a smaller than ordinance required 15-acre project size, for these modifications have not been demonstrated to give considerations that they would promote an integrated development plan equally beneficial to the development than would be obtained under the Ordinance’s existing development standards and that they would not have a detrimental influence on the surrounding area.
6. While housing variety is important to the overall vitality of a community, oversaturation and/or a lack variety within a development such as this could negate the benefits. The applicant has not provided substantive analytics supporting the need for what may become a fourth Low Income Housing Tax Credit (LIHTC) property in Essex County or the surrounding region.
7. A Standard Exception is proposed to reduce points of vehicular access into the development from two to one and to allow private roads. For safety and convenience of access, the Zoning Ordinance requires two (2) points of access for developments with over 51 residential units. The property does not contain the necessary frontage to meet VDOT entrance separation requirements without a VDOT approved waiver. Staff is concerned that a lack of a second access, and thereby less traffic distribution could cause safety issues, especially in an emergency, and have a negative influence on area traffic at the project’s intersection and internally for residents and commercial patrons. In addition, the traffic impact analysis indicates the levels of service of Route 360 would likely be diminished.
8. The Preliminary Site Plan does not reflect the proposed increase in gross floor areas of uses allowed in Proffered Condition 6. It would be appropriate for the plan to be revised to offer modified site

designs/layouts to reflect the variations and to offer clarity in where reductions would occur in other uses such as for increased residential gross floor area.

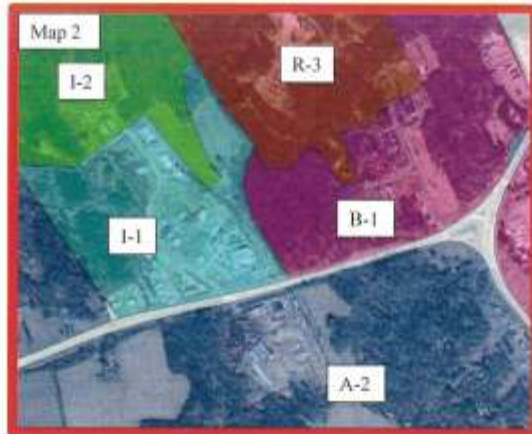
9. Proffered conditions, last revised 6.1.2023, need to be modified before they are accepted to ensure enforceability. Clarity is needed in proffer language relative to: the date of the General Development Plan (Proffered Condition 2); conflicting use of terms multi-family residential, senior and senior living units, workforce housing, residential buildings, residential architecture and building exteriors (Multiple conditions); clarity of the B-2 uses proposed (Proffered Condition 5); use of the term Standard Exception (Proffered Condition 4); assurance that general care and housing will not include assisted living operations (Proffered Condition 9); exterior building materials proposed, definition/treatment of rear elevations and timing for approval (Proffered Condition 13 and 14); ensure the number of parking spaces to be provided – minimum or maximum of 395 spaces (Proffered Condition 15 and Standard Exceptions); and verify standards for private road construction is to VDOT standards for construction and dimensions. (Proffered Condition 17)
10. Clarity is needed in the relative to Standard Exceptions requested for building height. The application indicates that the site's topography would allow a 5-story building to appear as a 4-story building, but the Standard Exceptions limit buildings to a maximum of 4-stories or 60 feet whichever is less. In addition, clarity is needed for the proposed number of units per floor in Building C, the difference between the parking exceptions proposed and the minimum of 395 spaces offered in Proffered Condition 15, and for loading area parking.

ZONING AND LOCATION:

In the Central Magisterial District, the subject property fronts approximately 554 feet on the westward lane of Route 360 approximately 1500 feet west of the light at the Bray's Fork intersection and is known as Tax ID 36_43 in the vicinity of Brays Fork, VCU hospital, Tidewater Lumber Corporation, and directly adjacent to the LaGrange Industrial Park. Additionally, the red area (inside the white rectangle) on Map 1 generally depicts the proposed development.



Map 2 depicts the current zoning of the subject and surrounding parcels. The proposed development is located on the edge of the LaGrange Industrial Park, a large area zoned I-1 and I-2.



COMPREHENSIVE PLAN:

Map 3 on the following page shows the designations of the subject and surrounding properties per the County's Adopted Comprehensive Plan. The subject and surrounding properties are designated as Development Service District areas as indicated in yellow, with properties along the major corridors, shown in pink, as Highway Corridor Enhancement District areas.

The Development Service District areas are identified as areas to be developed where adequate public facilities can be provided and recognizes these areas as areas that may be appropriate for PUD development, subject to guidelines of the Zoning Ordinance and as provided in the Plan.

The Plan is a long-term, 20-30 year, planning document. The Plan provides that the Development Service District areas generally corresponds to locations where growth can be most cost effectively supported within the planning period and contains approximately 3,200 acres and adds that how development in this area will be managed in this district will be dependent on both the County and Town's relationship as they will guide growth in the area based on mutual decisions. The Plan notes the importance of the County and Town to determine how growth objectives in these areas may be best accommodated while protecting the qualities of rural character both currently enjoy.

One growth objective provided the Plan suggests is that the County should encourage development that is in keeping with the character of existing land uses. Additionally, the Plan offers growth objectives where new development should concentrate at the edges of the Town of Tappahannock given the need for centralized sewer and water facilities and that adequate public facilities should be in place or proposed prior to development approval, regardless of where the development is located.

The Plan further provides that PUDs “can be brought to land only in those areas which meet the standards framed in the County ordinance and consistent with the Plan concepts”. The subject property is located west of Bray’s Fork, away from the Town’s edge. The Plan suggests development should be of a controlled nature, channeled into the most appropriate areas necessary to effectively sustain adequate levels of public services, such as at the edges of the Town of Tappahannock.

Finally, as noted, the frontage of the subject and area properties is designated as a Highway Corridor Enhancement District. This designation is given to properties lying along major transportation corridors where site design should be considered to protect and improve the quality of visual appearances. The Plan’s policy recommendations and the design standards of the Zoning Ordinance ensure reasonable, quality developments result. For PUD developments, the Plan suggests that threshold size and location requirements will be framed by County ordinances to guide decisions regarding their location.



ZONING ORDINANCE AND PROPOSAL:

June C. Monterio and Developer, 7 & M Development, LLC requests rezoning approval, in accordance with Zoning Ordinance Sections 36.110 and 36.111 and a Preliminary Site Plan approval, in accordance with Zoning Ordinance Sections 36.181. Proffered Conditions have been offered in this case as permitted in Article III, Division 4. Staff recommends that prior to acceptance the proffered conditions should be revised to remove conflicting language and ensure enforceability.

STANDARD EXCEPTIONS AND WAIVER REQUEST

With the approval of this request, the applicant is requesting exceptions to Ordinance standards as outlined in the table on the following page. The Ordinance provides that an applicant may request to develop portions of the

development at higher densities than stated for that particular use or may request flexibility in ordinance standards to accommodate the planned design and to encourage innovative and creative site design and high-quality development. In this case, justification has not been provided to indicate that the site design is innovative or creative, but moreover, is the result of over development of a property with an area less than (13.186 acres) than the minimum suggested 15-acre project size for a single use residential multi-family development. Staff is concerned with the ability to develop a high-quality development considering the number and type of Standard Exceptions being requested.

Standard Exceptions	Location	Request	Zoning Ordinance Standards	Recommend Approval of Exception	Comment
Private Roads	Main Entrance and throughout	Main entrance and site roads are proposed as private instead of public	VDOT maintained roads	No	A project this size needs VDOT maintained roads
Density	Sitewide	10.54 du/ac	10 du/ac	No	Out of place with surrounding residential areas; represents over development of property
Maximum Number of Multifamily Dwelling Units Per Floor	Building C	Over 10 units per floor in Building C	10 units/floor	No	Creates large building mass; clarity needed in the number of units proposed per floor
Height	Buildings C, A2 and B2	The lesser of 4 stories or 60 feet in height	35 feet	No	Concern with high quality and visual appearance along corridor; conflicts narrative which identifies 5-story buildings being proposed
Parking	Sitewide	Reduced parking; possibly maximum of 395 spaces	Various	No	There are too many variables regarding final disposition of residential and non-residential space; reduced parking could result in site congestion and future parking issues; justification of reduced numbers not accepted

Standard Exceptions	Location	Request	Zoning Ordinance Standards	Recommend Approval of Exception	Comment
Project size	Sitewide	Minimum 13.186 acres	15 acres	No	Approximately 8% of the project area is a private road (Mt Clements) that does not benefit the project; the actual project size is smaller; density is calculated on the complete acreage; represents over development of the property; the 15-acre minimum is required for single use multi-family residential development; a larger site would be appropriate when incorporating mixed uses
Off-street loading	Building A1, A2, and B2	Reduced spaces and dimension	Various	No	There are too many variables regarding final disposition of residential and non-residential space to commit to a parking exception; reduced parking could result in site congestion and interior site movement issues
Freestanding Sign	Entrance	Increased Area and Height	Various	No	Ordinance allowance for signage is appropriate
Wall Sign	Building A1, A2, and A4	Increased Area	Various	No	Ordinance allowance for signage is appropriate
landscape	Sitewide	Parking islands every 10 spaces	Parking islands every 10 spaces with 10% of the area landscaped in addition to perimeter landscaping	No	Parking lot landscaping minimizes/softens visibility of parking areas and breaks-up expansive areas for parking; adds to overall quality of a development

Standard Exceptions	Location	Request	Zoning Ordinance Standards	Recommend Approval of Exception	Comment
Access Points	Sitewide	One Access Point	2 access points for over 51 residential units	No	One access given the mixed use development proposed is not acceptable due to safety and traffic congestion concerns

VIRGINIA DEPARTMENT OF TRANSPORTATION:

VDOT has accepted the Traffic Impact Analysis. VDOT must approve the location of the proposed access to Route 360 in conjunction with site plan approval.

PUBLIC UTILITIES:

Public sewer and water are required for the project. Contracts for public water and septic, with either the Town of Tappahannock or Essex County, have not been agreed upon.

ENVIRONMENTAL:

The parcel is 13.186 acres. Approximately 90% of the parcel (11.82 acres) will be cleared for the project. A Water Quality Impact Assessment (WQIA) was not submitted, but is required based on the amount of clearing

DEQ has NOT reviewed the project. DEQ review is required in conjunction with final site plan review.

CONCLUSION:

Staff recommends the Planning Commission recommend DENIAL of this request as outlined herein.

Should the Commission entertain deferral of this request, Staff recommends that the deferral be made until the Commission's regularly scheduled August 2023 meeting to allow the applicant time to work with staff to modify their proposal.

ATTACHMENT A

FINAL DEVELOPMENT CONDITIONS

CASE #R-20230003

6/1/2023

By the signature below, 7 & M Development LLC. offers the following Proffered Conditions in conjunction with Case #R-20230003 on behalf of itself or its assigns. Each proffered condition made in connection with this application for rezoning was made voluntarily and complies with applicable law. No agent of the County has suggested or demanded a proffered condition that is unreasonable under applicable law.

1. This Standard Exception and associated waivers and other approvals are granted for and run with the land indicated in this application and is not transferable to other land.
2. The development of the property will be in substantial conformance with the General Development Plan ("site plan").
3. All residential units will be rental units, owned and managed in common ownership. Multifamily residential and senior units will remain rental units and will not be for-sale units.
4. This Standard Exception is granted only for the purpose(s), structure(s) and/or uses(s) indicated on the plans approved with this application, as permitted in PUD, and as qualified by these development conditions. Notwithstanding the foregoing, overall residential Gross Floor Area (Gross Floor Area as determined by the Building Code Official) shall not exceed 200,000 square feet within the PUD.
5. Non-residential uses will be limited to those permitted in PUD and B-1 Zoning Districts.
6. The site depicts approximately 176,556 Gross Floor Area of residential uses; 64,737 Gross Floor Area of commercial/retail uses; 14,307 Gross Floor Area of community center uses; and 1,194 Gross Floor Area of retail drive-thru uses. The site must not exceed 200,000 Gross Floor Area of residential uses; 70,000 Gross Floor Area of commercial/retail uses; 20,000 square feet of community center uses and 3,000 square feet of retail drive-thru uses.
7. The capacity of the multifamily dwelling units must not exceed an aggregate total of 180 bedrooms. Of these 180 bedrooms, there shall not be greater than 13 studios, 85 one-bedroom units, and 41 two-bedroom units.
8. The senior living units must be operated in compliance with these conditions and all applicable federal, state, and local laws, including 42 U.S.C. § 3601 et seq. as amended, including the Fair Housing Amendments Act of 1988 (FHAA) and the Federal Housing for Older Persons Act of 1995 (HOPA), and as implemented by HUD regulations at 24 C.F.R part 100.300 (collectively, the FHA), and the Essex County Zoning Ordinance. In accordance with HOPA, the senior living units shall be operated for occupancy by persons 55 years of age or older. Each senior living unit shall be rented such that at least one resident in each unit is a person at least age 55 or over.
9. Services geared toward the 55+ population could include, but not be limited to, resources such as home maintenance, wellness services, educational programming, and transportation services. Housing and

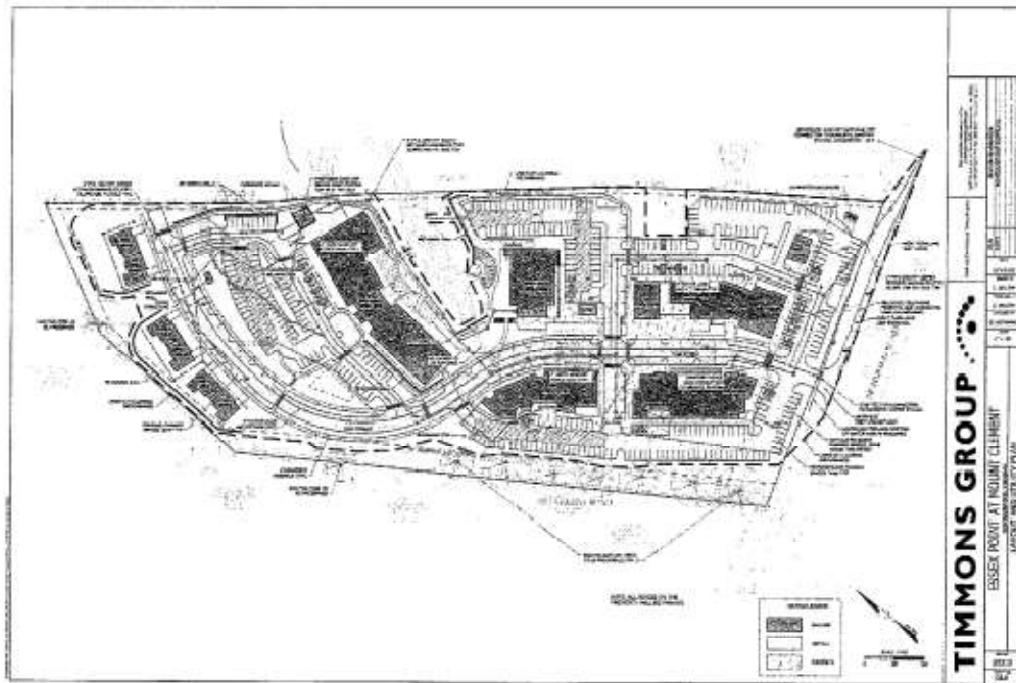
general care may be provided only for persons who qualify for the age-related exemptions of the Federal Fair Housing Amendments Act of 1988 (FFHA) or for persons with disabilities.

10. Upon specific request by the County Administrator, the owner or manager of the multifamily dwelling units and/or senior living units must provide a copy of any documents used to verify the occupancy qualifications of residents.
11. At least 80% of the 91 senior living units will be income restricted at up to 50 percent, 60 percent, or 80 percent AMI. The senior living units shall be leased to households which will result in an average household income of no greater than sixty percent (60%) of AMI for all of the multifamily dwelling units. The foregoing income and tenancy restrictions shall be set forth in a declaration of covenants approved by the County Attorney benefitting the County or its designee, and also approved by or consistent with the relevant state or Federal program, and recorded among the land records in the Clerk's Office of the Circuit Court of Essex County, Virginia prior to final approval of the first site plan, and shall remain in effect for a minimum of thirty (30) years from the date such covenant is first recorded.
12. At least 80% of the multifamily dwelling units will be income restricted at up to 50 percent, 60 percent, or 80 percent AMI. This will not be committed to, nor finalized, until finance closing. The multifamily dwelling units shall be leased to households which will result in an average household income of no greater than sixty percent (60%) of AMI for all of the multifamily dwelling units. The foregoing income and tenancy restrictions shall be set forth in a declaration of covenants approved by the County Attorney benefitting the County or its designee, and also approved by or consistent with the relevant state or Federal program, and recorded among the land records in the Clerk's Office of the Circuit Court of Essex County, Virginia prior to final approval of the first site plan, and shall remain in effect for a minimum of thirty (30) years from the date such covenant is first recorded.
13. The residential architecture shall be designed and constructed of high quality architectural and building materials and similar in design to the perspective elevations shown on the site plan. The exterior building materials shall consist of a minimum of thirty percent (30%) brick or stone. There shall be no vinyl siding on the rear elevations of the multifamily dwelling units.
 - a. Building elevations demonstrating compliance with this Proffer shall be subject to review and approval for substantial conformance by the Department of Planning and Zoning prior to the approval of the site plan or construction plans and profiles.
 - b. The residential buildings must maintain the residential character of the dwelling as shown in the application. The Applicant may change the colors and materials of the exterior finishes of the residential buildings provided the residential character of the structure is preserved.
14. The commercial architecture shall be designed and constructed of high quality architectural and building materials and similar in design to the perspective elevations shown on the plan.
 - a. Building elevations demonstrating compliance with this Proffer shall be subject to review and approval for substantial conformance by the Department of Planning and Zoning prior to the approval of the site plan or construction plans and profiles.

15. The development will provide a minimum of 395 on-street and off-street surface parking spaces for residential and non-residential uses.
16. Subject to Virginia Department of Transportation (VDOT) approval, the Applicant will install appropriate median channelization to prevent left turn movements along the main entrance at the first internal drive aisle, at the time of site plan.
17. Any private roads on the property will meet all requirements for maintenance, dimensions and other standards as a public roads.
18. The development will include a minimum of 10 percent public/recreational and open space uses.

This approval, contingent on the above noted conditions, shall not relieve the Applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

ATTACHMENT B



Mr. Walters asked about the 4-story vs the 5-story in the architectural elevation for building C-1 the back of the building essentially has 5 floors where the front has 4?

Mrs. Orr stated that the ordinance would limit the development to a maximum height. Now the ordinance is 35' they are asking for an exception for a 4-story building not a 5-story building with the maximum height of that structure being 60'.

Mr. Walters stated that if you look at it from the front it is 4-story but if you look at it from the back it is 5-story.

Mrs. Orr stated that is correct.

Mr. Kedrick Whitmore, Land Use and Zoning Attorney with Veneable LLP gave a presentation on behalf of Shiree Monterio. Before presenting the presentation he did speak in regards to some procedural items in light of Mrs. Orr's presentation. This project if you deem approval and the Board of Supervisors approves is not the last step it is the first step. There will be many County Reviews, final site plan, engineering plan, stormwater management, landscape plan and permits. None of this is set in stone and we have been asking staff for several months for their feedback. You heard tonight what was wrong in staff's eyes with the project but you did not hear what would you like to see instead, how would you like

to see it fixed, what could we do to make this an acceptable project under the PUD standards. We are asking you today to please provide your feedback. The PUD zone allows for a wide variety of conditions, modifications, and other ways to move around and change within the site plan to get the development that everybody wants to see. He spoke with the County Attorney today and was in agreement that Proffers can be changed up until the Board of Supervisors and we are happy to change any of those. We heard a lot of these issues for the first time today. Any conditions or modifications that you would not like to see please let us know. We have plans where we can take those out and change the plans to reflect that. If there is something of concern please let us know and we can change that. Lastly, to the extent that there are changes he knows they would like to see them again. If that were the case they have done a lot of work on this site and putting together an alternative presentation deals with removing these special exceptions. If that is the case we would ask to come back to you in short order, provide that information so that you can see what changes have been made. We received the staff's report this morning. He believes that there are some misinterpretations of the comprehensive plan and the zoning ordinance and he will walk through those with everyone. He would ask after the presentation he has the opportunity to go through line by line each of the 10 rationale laid forth by the staff presentation to talk through those and show you where we come down on those.



This is a mixed use development that is going to focus on making impacts on health, education, housing, and most importantly to improve the lives of the residents of Essex County.



ESSEX POINT

AT *Mt Clement*

Development Plan

The development is a planned community with housing, commercial and community space that will be impactful and transformative to the County. The project is a new mixed-use development that focuses on making social impact with a focus on healthcare, wellness, education, and housing. The proposed uses include a 55+ retirement community, centralized wellness/community services hub, workforce housing, commercial spaces and retail spaces.

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IMPACTS

“

I believe that you have laid out the first steps in a plan to accomplish your goal of bringing “commerce, culture, community, and affordability” to this area.

Thomas M. Blackwell

- 1 **Job Creation**
Directly create 379 jobs and 200 indirect and induced jobs.
- 2 **Revenue Streams for County**
Estimate \$1.56 million of tax revenue (direct, indirect, and induced)
- Business Opportunities**
Attract new businesses
- 3 Subcontractor Opportunities for existing local companies during the construction period
Provide new state of the art space for entrepreneurs and businesses of all sizes
- Community Spaces**
Provide indoor and outdoor flexible and adaptable space
Provide open gathering and recreational spaces
Bringing fitness/wellness space (i.e. Expression of Interest YMCA)
- 5 **Wrap-around Services for Education**
By bringing child development center (i.e YMCA Expression of Interest), learning center (i.e Sylvan) and other tutoring programs that will assist in improving student achievement by transforming how students learn and inspire students succeed.

The family involved has been a member of and active in this community for a long time. As part of that commitment, they want to create this project as a legacy. Something that is more than just bricks and mortar, something that is going to last for generations and enhance the community that they live in and worked so hard to build and maintain with all of their neighbors. These are the things that are called for

in the PUD and the comprehensive plan. This is the type of development in the comprehensive plan and the zoning ordinance.

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“

This project will address an existing need for reasonably priced housing for prospective school division employees.

Dr. Harry Thomas, Essex County School Superintendent

“

We believe that this development project will greatly benefit the residents of Essex County by addressing the critical need for workforce housing and inviting further economic investment to the community.

Virginia Housing Alliance

“

I hope that the County will see the same potential as we do with Essex Point.

Virginia Housing

“

... I hope you will consider approving this project. Our little county needs a "shot in the arm" and this may be just what we need.

Lucie McCarthy

04

The applicant has been involved with a number of members in the community. These are written testimonies that they have received.

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USES

Committed to use long-term heritage to have a positive impactful and transformative effect.



Housing

- 55+ Active Independent Living
- Workforce Housing

Community

- Indoor and Outdoor Space
- Public Plaza and Gathering Spaces
- Walking/Bicycle Trails
- Amphitheater
- Emergency Services Office



Commercial

- Wellness Businesses
- Community-Centric Businesses
- Small Businesses
- Regional and National Businesses



05

How do we achieve the mixed use vision of the comprehensive plan and the PUD ordinance? It is done with a three-legged stool: Housing, Commercial, Community.



- A2 BUILDING**
 - Workforce Housing - 18 units
 - Proposed YMCA Fitness Center - 11,400 gsf
 - Proposed fitness center including group exercise, cardio area, fitness area (lockers/shower), rehab space, and child watch
 - Ground Floor Commercial Space - 706 gsf
- B2 BUILDING**
 - Workforce Housing - 30 units
 - Proposed Learning Facility - 6,261 gsf
 - YMCA Children Development Center - Before and After School Program/Indoor/Outdoor Playground area, and Sports Learning Center
 - Emergency services office - 311 gsf
 - Ground Floor Commercial Space - 1,483 gsf
- C BUILDING**
 - Retirement Community - 85 units
 - 6 story multi-story building with amenities including convenience store, bike storage, pet spa, hot/warm area, lounge/amenity room, club room, bar/lounge, generativity outdoor seating/terrace, parking garage, etc.
- D BUILDING**
 - Retirement Community - 6 units
 - One level duplex units
- B1 BUILDING**
 - Community Center (Indoor/ Outdoor Space) - 14,307 gsf
 - Enclosed for meetings, seminars, trainings, children's activities, events, production, concerts, meetings, seasonal festivals, year-round shows, markets etc. can be held. Capacity - 400 people (indoor).
- AMPHITHEATER**
 - Community Center (Indoor/ Outdoor Space)
 - Enclosed for activities, festivals, concerts, outdoor movie nights, etc. can be held. Capacity - 125 people
- A4 BUILDING**
 - Ground floor commercial space - 540 gsf
- A1 BUILDING**
 - Ground floor commercial space - 14,390 gsf
 - Commercial - 29,518 gsf
- PUBLIC PLAZA**
 - Community Center (Indoor/ Outdoor Space)
 - Enclosed for meeting areas, seasonal markets, pop-up shops, etc. can be held
- A3 BUILDING**
 - Retail drive-thru - 1,194 gsf
 - Walking/ Bicycle Trail
 - Planting garden

ILLUSTRATIVE SITE PLAN

7 AND M VIRGINIA LLC

HOUSING

Provide 176,556 gsf of residential use providing a variety of housing across the site for individuals of all income spectrums.

91
55+ Active Adult Units

48
Workforce Units



Different EXPERIENCES

MAKING A STRONG IMPACT

COMMERCIAL

Provide 64,737 gsf of commercial/wellness/retail uses to serve the community as well as the broader county and region.

COMMUNITY

Provide 14,307 gsf of community space to serve the community as well as the broader county and region.

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HOUSING

55+ Active Adult Housing



C BUILDING

Residential Building

Five (5) Floors of Commercial

Ten (10) Studio

Sixty (60) One Bedroom

Twenty-One (15) Two Bedrooms

85 UNITS

D BUILDING

Residential Duplexes

One (1) Floors of Residential

Six (6) Two Bedrooms

6 UNITS

A2 BUILDING

Mixed Use Building

One (1) Floor of Commercial

Three (3) Floors of Residential

Four (4) One Bedroom

Fourteen (14) Two Bedrooms

18 UNITS

B2 BUILDING

Mixed Use Building

One (1) Floor of Commercial

Three (3) Floors of Residential

Twenty-Four (24) One Bedroom

Six (6) Two Bedrooms

30 UNITS

Workforce Housing



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COMMERCIAL SPACES



A1 BUILDING

Commercial Building

3 Floors of Commercial

43,368 GSF

A2 BUILDING

Mixed Use Building

1 Floor of Commercial

3 Floors of Residential

12,729 GSF

A3 BUILDING

Retail

1 Floor of Commercial

1,194 GSF

B2 BUILDING

Mixed Use Building

1 Floor of Commercial

3 Floors of Residential

8,055 GSF

A4 BUILDING

Retail

1 Floor of Commercial

540 GSF

09

7 AND M VIRGINIA LLC

COMMUNITY SPACES



B1 BUILDING

Commercial Building
3 Floors of Commercial

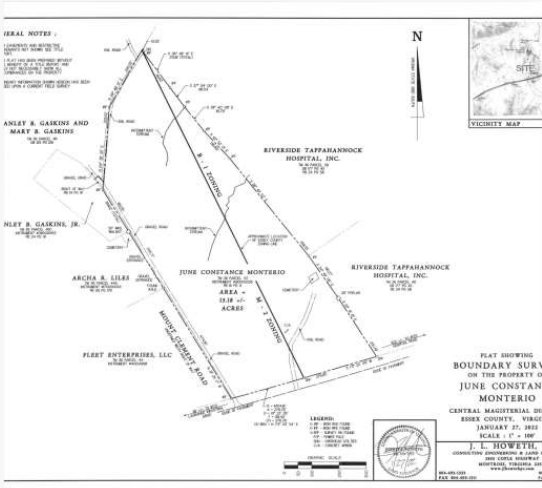
14,307 GSF

OUTDOOR SPACES

Amphitheater
Walking/Bicycle Trails
Terrace
Public Plaza

10

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Application REQUESTS



REZONING

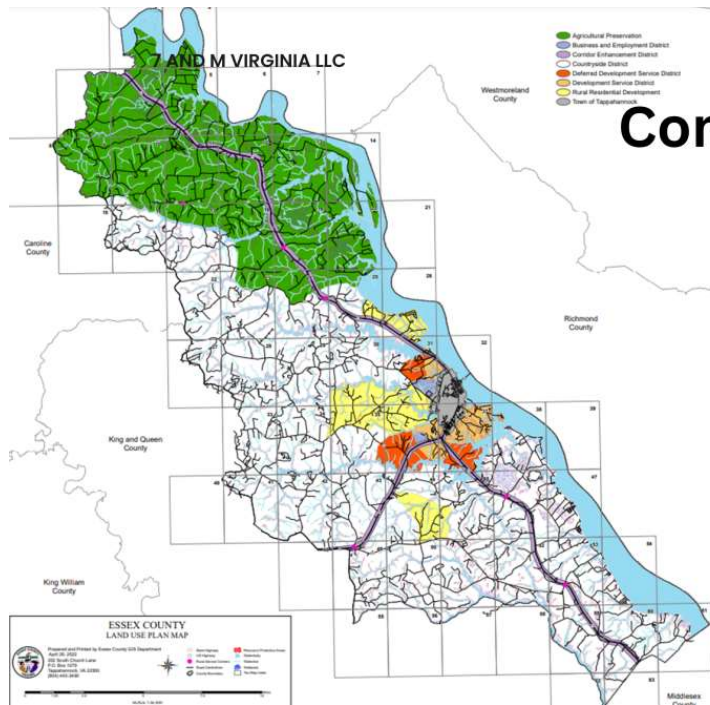
Rezone to B-1 Business to PUD Planned Unit Development District



PRELIMINARY SITE PLAN

Preliminary Site Plan with all waiver and standard exceptions.

13



Comprehensive Plan - Land Use Map

- Development Service District
- The basic intent of the conceptual land use plan and map is that **the County channel most of its population into and around the areas delineated as a development services district surrounding the Town of Tappahannock** while development in other areas of the County be limited to a greater extent in order to minimize the impact of service delivery cost to remote areas. – p. 51

14

He wants to talk about the comprehensive plan and what the standards are that the Boards will be using in reviewing this application and making your recommendation. He did not see a lot of quotes in the staff recommendation. You heard a lot about what the plan says and what it means. He will show the quotes and what this plan says. If you read what the plan says it supports the development.

This is the comprehensive land use map. You can see where the vast majority of the county is in the Green and White. This is area for preservation, agriculture, rural heritage. There are a very small amount of the other colors all around the Town of Tappahannock.

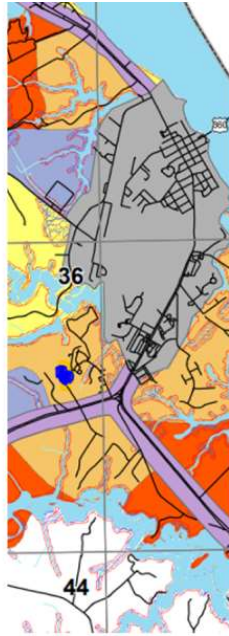
7 AND M VIRGINIA LLC
Comprehensive Plan -
Development Service
District
Recommendations

Close to Town

•All portions of the Development Service District (DSD) are immediately adjacent to Tappahannock's corporate limits

Appropriate for Growth

•"The Development Service District comprises the most suitable areas for new population growth." – p. 58
•"Growth in these areas will prevent the outward sprawl of residential development into rural County areas" – p. 58



Growth in the DSD Preserves Rural Areas and Open Spaces

•"The Development Service District comprises the most suitable areas for new population growth. Growth in these areas will prevent the outward sprawl of residential development into rural County areas" – p. 58

•"Clustering of residential development should be encouraged within the development district to maintain open space." – p. 58

Near term development, in contrast with Deferred Development Service District

•"[B]asically intended to facilitate future development beyond a 10 year time horizon" – p. 59

15

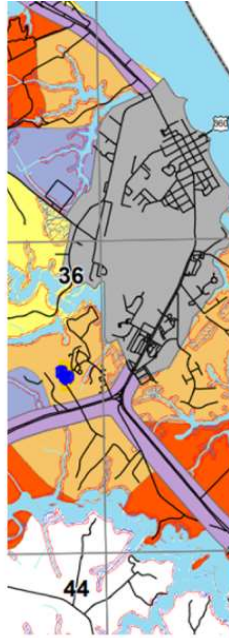
This is an excerpt of the site. This site is shown in Blue and it is in the Orange. There are two types of development districts set forth in this map. There is the orange which is the development service district and the red which is the deferred development service district. You heard from staff that this is a 20-30 year plan, the deferred development service district in red is for those areas to beyond a 10 year time horizon. When you look at the life of the plan the areas in red are to be developed later leaving those in the orange to be developed now. There are many statements in the comprehensive plan about the development service areas being suitable for growth. The development service district comprises the most suitable area for population growth. Growth in these areas will prevent the outward sprawl of residential development in rural areas. Comprises the most suitable area for new growth clustering of residential development should be encourage within the development district to maintain open space. They are meeting all of these goals with the proposed development.

7 AND M VIRGINIA LLC
Comprehensive Plan -
Development Service
District
Recommendations

•Similarly, extensions of services are called for in areas planned for growth

•“These services may be extended into the county to accommodate residential subdivisions in close proximity to the Town of Tappahannock” – p. 84

•“Include plans for expansion of facilities and infrastructure into the county...Coordinate efforts with the Town of Tappahannock to meet the Sewer and Water facility development and improvement needs of the Town and surrounding County areas” – p. 89



The growth called for in the DSD is to be supported by extensions of services

•“Keep the new population close to the existing centers where residents can be economically provided with utilities, services, and employment” – p. 58

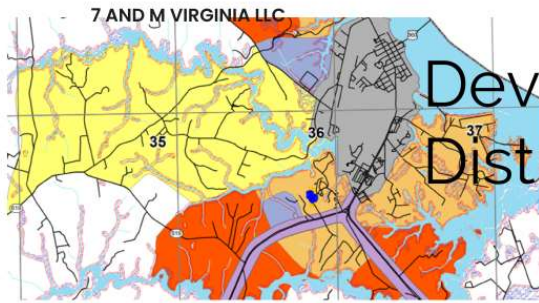
•“These services include an existing or planned transportation system that can accommodate the movement of people and goods and sewer and water facilities that can service development at greater residential densities or can service industrial and commercial uses” – p. 58

Affordable housing and Community facilities are called for in the DSD

“These developments will be limited to locations within the Development Service District where public benefits, in the form of highway improvements, provision of affordable housing, provision of parks, provision for sites appropriate for construction of needed community facilities, are provided as part of the development approval process in exchange for higher densities.” – p. 57

16

There are similar calls for extensions of services related to this growth. There are section both in the comprehensive plan related to the development service district and related to service and utilities that call for extensions that support growth in these areas. Finally, there has been discussion on the affordable housing and community facilities that are proposed. These two are specifically called for in the comprehensive plan. That is a statement about what must be provided in PUD’s in the Development Service District. We are providing affordable housing, we are providing parks, we are providing community facilities all in exchange for flexibility in a Planned Unit Development.



Development Service District - Zoning

The PUD District is appropriate for use in the Development Service District

•“The PUD district will generally be located in the Rural Residential and Development Service Districts as shown on the Essex County Comprehensive Plan” – p.

31

The mixed-use development called for within the DUD cannot be achieved in other zones.

- “Business” Zones (B-1 & B-2) – No residential uses are permitted within these zones
- “Residential” Zones (R-1, R-2, R-3, & R-4) – No commercial uses are permitted within these zones (exception of Day Care and Nursing Home in some circumstances)

Accordingly, the only zoning designation that can achieve the goals of the Comprehensive Plan and Development Service District is the PUD Zone

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The PUD is appropriate in the rural residential district and the development service district. There is only a small area in Essex where a PUD can be proposed. We can't achieve a mixed used development without a PUD. Business zones do not allow for residential uses. Residential zones do not allow for business uses. With a couple of exceptions for daycare and nursing homes. The only way the goals of the comprehensive plan and the development service district can be obtained is through the use of the PUD zone.

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MIXED INCOME

55+ Active Adult Housing

NUMBER OF UNITS	
Low Income Units	5
Moderate Income Units	52
Middle Income Units	15
Unrestricted/Upper Income Units	19

Workforce Housing

NUMBER OF UNITS	
Low Income Units	0
Moderate Income Units	34
Middle Income Units	4
Unrestricted/Upper Income Units	10

Diversity

OF HOUSING OPTIONS

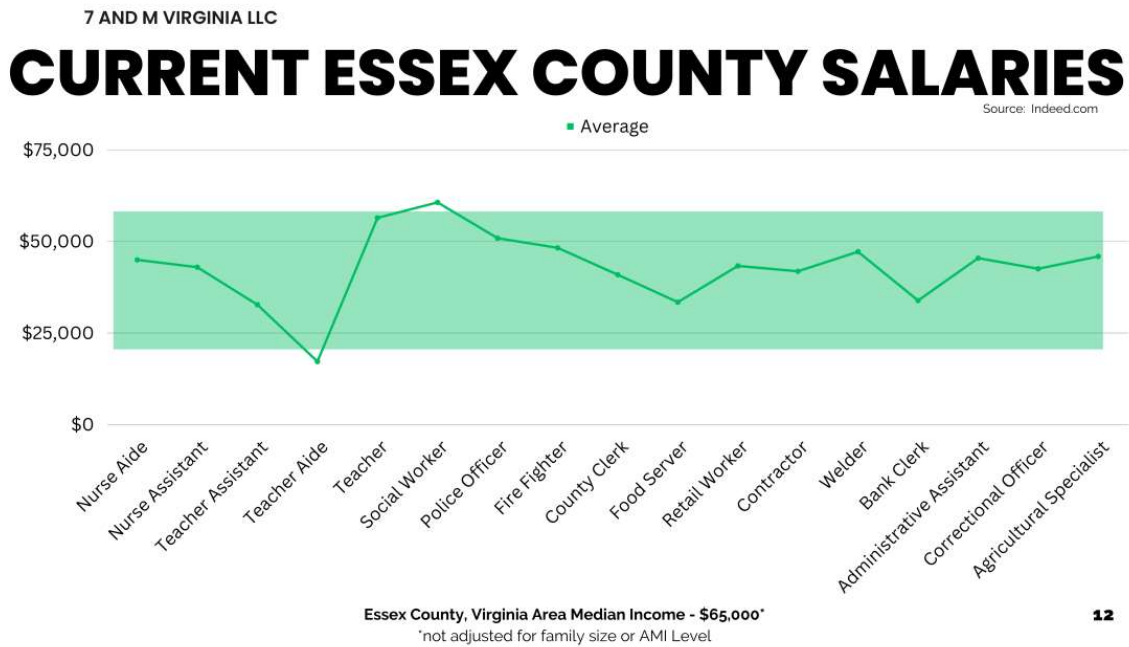
CREATING STRONGER COMMUNITIES

Defined Terms.

1. 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.
2. Low Income Units shall mean those rental units restricted to tenants with incomes up to forty (40%) percent of Area Median Income.
3. Moderate Income Units shall mean those rental units restricted to tenants with incomes above forty (40%) percent of Area Median Income and below sixty (60%) of Area Median Income.
4. Middle Income Units shall mean those 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.
5. Upper Income Units shall mean those rental units without income restriction and intended to be market rate units.

11

Mr. Eric Hoffman, affordable housing lawyer. There was some discussion on the income mixes in the proposal. We want to tailor this project to the needs of the community. We are working with planning staff to get their feedback to make sure it is tailored to exactly what you want. There was a reference to if this project was creative? This is mixed-use, multi-generational housing. That is the very definition of innovation. You should be proud to have a project like this. This is not subsidized housing. There will be no rental project based rental at this site. There will be no operating subsidy at this site. Only 5 units will be at 40% or below AMI. Moderate Income is 40-60%, Middle is 60-80% and unrestricted is 80% and above. This would be tax credit housing. It is through tax credits only. There will be an investor who comes into the ownership, they put money in and if at any point the property is not maintained or they are not adhering to the income restrictions they will step in to make sure that it gets fixed.



These are the types of jobs would benefit from this type of housing.



Mr. Joe Harris, Architect has been working on this project for 4 years. He walked through a video of the conceptual drawing of the project.

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ARCHITECTURAL HISTORY & CHARACTER IN TAPPAHANNOCK

Brockenbrough House: **Hipped roofs** and **bilaterally symmetrical bays** to each side of the entrance portico



Tribble Roane Wright House: Elegant simplicity clad in a customary **white & black** color scheme



St. Margaret's Hall: Simple repetition over bold white clapboard contributes to **institutional dignity**.



Beale Memorial Baptist Church: Brick tower and stick belfry is a distinctive and instructive **landmark**.



Latane-Customs House: Brick & gable with black standing seam; addresses sharp slopes with an **elegant two-story porch**.



Essex Zoning Ordinance / PUD District requirements:

...“The design should... **enhance the surrounding area, preserve scenic assets and natural features** and be designed with the influence of the **historic and architectural character** of the community.”...

“A consistent architectural treatment shall be developed ...to be designed to the human scale with neighborhood connectivity.

We propose a mix of **modern materials woven with traditional local elements** such as gables, porches, brick, stone, white clapboard, and board & batten.



The will work within the architectural history and character of Tappahannock. They looked at the local architecture.



WE PROPOSE A FRIENDLY, WALKABLE, AND INTERCONNECTED COMMUNITY OF LIVABLE RESIDENTIAL AND SMALL SCALE WELLNESS- ORIENTED COMMERCIAL USES.

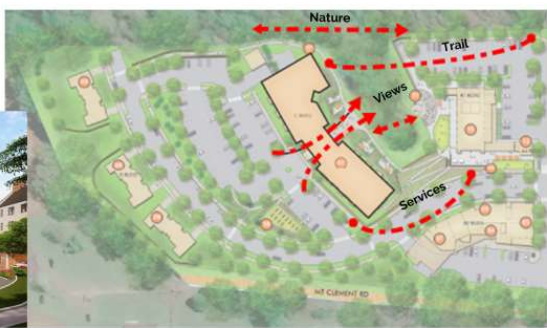
"...A VILLAGE- LIKE SETTING"

Essex Zoning Ordinance / PUD District requirements:
 "... 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"



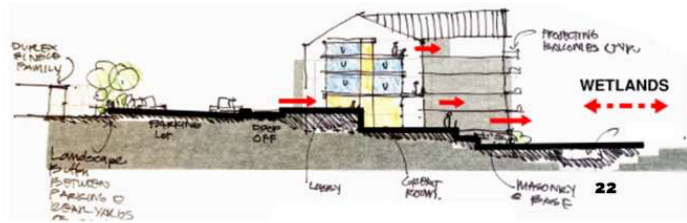
They want to integrate a mix of higher-density residential development with some smaller scale neighborhood-serving commercial uses is permitted in a village like setting. What does a village like setting mean that will be transformative for the County. Create new places where people can meet and interact but do so in a respectful way to the historical architectural legacy but to the scale that the town and the county would like.

7 AND M VIRGINIA LLC 55+ ACTIVE ADULT COMMUNITY



- Promote physical, social and environmental **wellness**.
- Provide access to walking trails.
- **Preserve views** through the building to existing natural wetlands.
- Use existing grades to create enhanced **connection to nature**.
- Create connection to diverse **community services**, i.e. healthcare, entertainment.
- Provide a **variety of amenity spaces**.

Goal: Enrich lives of the residents and provide connection to the local community.



Mrs. Rosanna stated that what re some of the priorities and what we want to achieve. We want to do is respect the context, socially, historically, and physically. As well as enrich the lives of the residents and provide connections to the local community. We want it to be safe and provide several activities. They did not want it to feel like a cookie cutter. The 55+ active community will have 85 units and 6 duplexes. The 85 units will be split into two buildings and joined them with a connector that looks different. It will be the heart of the building where most of the amenities are in that connector. The heart of the building has a 2-story great room where they can meet and go outside to view the wetlands. It offers trails, picnic areas and a garden. In this connector has a small convenience store, library, and living room.

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Thank You
FOR YOUR TIME.



LOOKING FORWARD PARTNERING TO BRING THIS COMMUNITY TO ESSEX COUNTY

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.

23

Mr. Whitmore stated that they are very willing to listen to the feedback and make any changes that are appropriate to secure your recommendation of approval. He would like to respond to what was in the staff report.

Chairman Jones asked how long it would take to address those points.

Mr. Whitmore stated that it would be about 10-15 minutes.

Chairman Jones asked for them to hold of on that and to see if the Planning Commission had any questions.

Mr. Taliaferro asked about the statement regarding it is not set in stone, they are willing to negotiate and work with County staff to make modifications and changes. What are we voting on tonight? Are we voting on allowing County staff to negotiate changes or voting on a set of plans?

Chairman Jones stated that he does not feel that they will be voting on anything.

Mr. Taliaferro asked that when they do vote it should be relatively set in stone.

Mr. Whitmore stated that they would want their guidance. They have struggled with the staff report that this is no good but what we haven't gotten is this is how to make it better. There are some abilities for flux in the proffers typically but would find that in most applications.

Mr. Taliaferro stated that his concern is with the mix of units regarding the AMI is not to be committed to but ultimately determined by financing. If financing is going to be tax credit driven will there be a significant change in the mix of the AMI units relative to the investors desire to maximize his return using the tax credits?

Mr. Whitmore stated he was going to let Mr. Hoffman speak to that. That was a comment from the staff that we removed from the Proffers so he is not sure why it is still in the presentation. We had agreed to take that out.

Mr. Hoffman stated that they would want to work with them on the proffers to make sure that the proffers would be binding with the property. So that it didn't matter who owns it, what happens to the project in the future they won't change. They would do them with the specificity that no matter what the investor or financier wanted this would be the project.

Mr. Walters asked if this would be for 30 years.

Mr. Hoffman stated that the tax credit is a 30 year window but the proffers would run with the land for perpetuity.

Mr. Walters just asked because the proffers state we are agreeing to this for 30 years.

Mr. Hoffman stated that they will run with the land but would be doing tax credits with covenants that they would invite the staff to approve for 30 years.

Mrs. Segar asked about not voting tonight. She thought that was the whole reason they were there to see if it would move on to the next step.

Chairman Jones stated he is not sure what they would vote on it would depend on what they present at the end. We will hear comment from the citizens and we will ask more questions. It sounds that they are asking for relief on some things that the County has some heartburn about and the group is saying that these things done away with. We will have a discussion and then things will be modified.

Mr. Whitmore stated that is correct the proposal that is before you is the original proposal. If that cannot go forward we would ask that you defer it and let us come back to you with the changes and it can hopefully be considered for approval.

Chairman Jones asked about the water agreement. He asked if they had gotten any feedback from the County as to whether they were going to allow you to have the water? What he has read in the agreement was that the water is generally for commercial and industrial.

Mr. Whitmore stated he has read the agreement with the water. They have had conversations with the County. That is a separate application to the Board of Supervisors subject to state code. He knows in the comprehensive plan there was discussion about a grant that was made that was for extensions commercial and industrial but not limited to commercial and industrial.

Chairman Jones stated that it just says the intent is for commercial and industrial.

Mr. Whitmore stated that there is \$1.3 million that was allocated for that purpose. He does not believe that it says anything about other purposes not being available.

Chairman Jones stated he agreed but it does state that the primary is for commercial and industrial.

Mr. Whitmore stated as it relates to the \$1.3 million.

Chairman Jones asked if they had acquired that from the County?

Mr. Whitmore responded that they had not gotten that approval yet. That is part of what makes this a complicated project.

Mr. Walters asked how the AMI is determined.

Mr. Hoffman stated that the tax credit program is run by the United States Treasury. HUD establishes the income brackets every year. They change every 10 years based on the Census and change every year based on American Survey that is done. He believes that for a family of 4 in 2022 it is \$53,000.

Mr. Walters asked if it was specific to the County.

Mr. Hoffman stated it is specific to the County and they would be reporting that each year to the County and DHC. If we fail to meet that we would be in non-compliance with the investor and VHDA.

Mr. Andrews asked they used middle income for most of the units and had only a few that you classed as low income. Is that how HUD specifically uses the term? As he understood it from reading we are looking at low income throughout.

Mr. Hoffman stated that most people refer to tax credit housing as low and moderate income housing. That was from 2 years ago where the all the units had to be at a maximum of 60% of area median. Now the new program you can go up to 80% of area median. Some people refer to that as something other than moderate income.

Mr. Andrews asked if we do this project he wants it to benefit mostly the folks of Essex County. He has been on the Social Services Board for 8 years he has learned about what we need. Basically, anybody can apply for one of these units if they meet those criteria. Is there anyway that we can assure that it's our folks in Essex County that would be getting the benefit of this?

Mr. Hoffman stated there is no way to assure that 100% of the units were to go to residents of Essex County but there is a way to ensure that a vast majority of them are. By vast majority meaning 85-95% would benefit. Current employees in Essex County or those that are offered something may want to move here and be on that wait list. The truth is the tax credit program does not allow you to say this is only for these people. We are supposed to welcome outsiders. The marketing plan where you could put your thumbprint to get the benefit to your citizens.

Mr. Whitmore stated when he mentioned this was not set in stone, they are welcoming the feedback and that is what is not set in stone. To the extent of a vote the preferred option is to take the proposal out there today with any modifications you see fit in the form of conditions or modifications to the request.

Chairman Jones opened up the floor for public comment.

Ms. Yvonne Vaughan, resident of Tappahannock, stated she is in support of Essex Point of Mt. Clement. We are here for the second time with reference to the application for rezoning at Essex Point of Mt. Clement. The first public hearing was held in November 2022. You should be prepared to provide a decision of this application with such a passage of time. With the length of time that has passed and the questions that have been cited tonight by staff. They could have been presented to the applicant or are we looking at another lawsuit against the county and waste of tax payers money because of your inability to make a timely decision. Currently Essex and Tappahannock officials are presumably moving forward together to enhance the areas future. The citizens want and need growth. Not another auto parts store, not another fast-food place or gas station. Essex Point at Mt. Clement will bring services, housing, employment and funds into the area that are needed and wanted. To bring you up to speed the country is 20 years into mixed use development. This Planned Community Development meets the requirements of the definition of development service district per the Essex County Comprehensive plan. She supports the application. Make a decision and approve the application.

Ms. Madeline Lawson, Tidewater Trail, stated she had two points. She is overjoyed to witness this presentation from Essex Point at Mt. Clement. First, she wants to commend the Harris family. They have been landowners, homeowners since 1878. Since that time they have not just been landowners but they have invested in this community. They have business people, civic leaders, community supporters, and educators. They have had the opportunity to sell that property and reinvest in Washington D.C., Northern Virginia, and many other places. Their

return would be much more than here in Essex. She commends them for continuing the legacy to do what they have always done in this town and the county. She thinks that as residents of this County we should embrace them. This should not be a hearing on whether we should do this or not. It should be a hearing on how do we help them to make this happen. They have given so much and we shouldn't be going through this. When she listens to what is proposed everyone knows that we need an economic boost in Essex County. What they are proposing will offer more jobs and more housing for those that want to come here and work and have no place to live. She encourages the commission to seriously consider the proposed development and to work with the family and ask all of us how we can help you work with them to make this happen. This is a win-win for Tappahannock and Essex County. We certainly do not want to lose the opportunity.

Mr. Victor Burell, resident of Tappahannock, stated there is concerns from the community on whether to move forward. From his experience it is disconcerting that it took so long to get a response in front of a developer to address the conditions. Aside from that this is a great opportunity to bring exposure to this area. There is a desperate need for housing, whether they are buying or renting there is a shortage in Tappahannock. This project meets that need. Secondly, there is nothing for people to do around in here. This will provide an opportunity to not only have an investment from the community but also to incent our youth to stay but also an opportunity for them to live where they work.

Rev. Cornelius Holmes, Pastor of 1st Baptist Church, lives in Hobbs Hole. He is in support of the zoning request. He went online to see what the requirements for members of the Planning Commission. There are no specific requirements except that half of the board had to own property. You don't have to be a lawyer, architect but you do have to have vision and you have to have love for the County. What you heard tonight was a vision and love for the county. The Berkley Staff said in there recommendation of not approval was a mixed use is a good thing. If there is serious concerns bring them to the table and give them the opportunity to address the concerns. If you want a project to go forward you will do what needs to be done to see it move forward. If you want a project to fail you will dig up and dig up. Berkley says this is a good thing. This is a good thing for Essex County. He prays you will vote for approval bring up your concerns. The words that were brought up were modify, clarify and good faith. Lets in good faith make this a project that will benefit all of Essex County regardless political persuasion, religious affiliation, race it is good for the county. Work out the differences and lets make this happen.

Ms. Rosie Jackson, born on Mt. Clement Rd. stated that her and her siblings use to walk that road all of the time. They would play in the woods. She wonders what is going to the happen to

the property since it is just sitting there. Look into your hearts and come to a conclusion and do the right thing.

Mr. Tom, central district, he has been a slight neighbor of this property for 40 years. He is not here to say he is for or against this project. He knows we need housing and jobs. One of the things that you need to be aware of with this projects: we lost a city block right over there. 13 acres and you are packing these buildings in. He wants to make sure that there is enough water over there to take care of a major fire. If we don't we will have a lot of dead bodies and he does not think that anybody wants that. Secondly, he knew Mr. Harris personally and he was a good man, he maintained the old family cemetery. He wants to make sure that is considered. Third, he knows there are wetlands back there. He know there are mitigation things that can be done with the Wetlands but remember that you are putting a lot of impervious surfaces there. The roofs of those buildings won't soak water. If you take that water down the stream that flows into a pond with a small narrow dam. He has seen rain that has started to cut the dam. Someone needs to address that. If you take out the dam there is a culvert beneath Hospital Rd. you could easily block the road to the hospital. Those things need to be addressed. Stormwater, the cemetery, access to the property by the fire department and the ability to handle the situation.

Mr. Howard Byrd stated he owns a little piece of the pond that was just referenced and that is one of his concerns as well. There are times where they have had water going over the dam in periods of high rain. If we start getting runoff that is coming down with those two small streams and we lose that dam he would not be surprised if Hospital Rd didn't wash out from it. His biggest concern since he lives off of Hospital Rd and tries to get in and out of 360. With only one entrance and exit out to 360 you are adding a lot more traffic to 360 and there are already a lot of accidents right there. He thinks mixed use is a great thing and if done right and with care it will be a great thing for Essex County. If not it will cause a lot more problems than we are looking for.

Mr. Matthew Fleet stated he is there a property owner next door that James River Equipment leases. They chose a little over 20 years to move their business in the industrial park. By right they have a lot of activity on their property to serve their customers that is not really compatible with residential development. They make a lot of noise, blow a lot of dust, and run at all kinds of hours. His concern is that in an industrial park, where they belong, is an incompatible situation with a high density residential development. The problems that could arise for the business, the residents, the sheriff's office, the building officials getting complaints, for anyone in that industrial park with activities that by right they are allowed to do and function in the community to serve our community. Especially the agricultural community

which is a vital part of the Essex economy and all of the businesses involved. He applauds the development and is excited that someone is willing to invest in this county that thinks the time is now to do this. Just not that particular property. He feels the staff is doing a wonderful job representing the county ordinances and bylaws in zoning that are here after many years of deliberation. On its face and with the staff's recommendations there are so many issues to overcome that he does not see a way that if we are going to ignore those than what do we need a planning commission for. He has been a part of many projects in his business to develop properties but look for sites that welcome our industrial type of business. This particular proposal which is definitely needed in the county is just hard with this property. Another thing is the traffic since they have a lot of large trucks coming in and out of their business. Getting on and off of 360 is very tricky. He does not feel that enough has been done to address those issues. Certainly a speed limit change is in order if in fact something were to happen.

Mr. Randy Whitiker, property owner in LaGrange Industrial Park. There is a lot of noise that goes on, trucks going in and out at all hours delivering stuff and picking it up. They have never had any problem. Above that what would worry him is does the Town and County have enough water and sewer to take care of this project. If not who is going to pay for it. To him it looks like they would know how much water they will need and brought that before you all so that the project can move forward. If there is not enough water to take care of it doesn't look like anyone cared. There should be somebody who knows if there is enough water to take care of. Several in LaGrange like himself are still on wells.

Ms. Carol Harris Harper, Town of Tappahannock. She stated that where there is a will there is way. She has heard recently dealing with the homeless situation in our County. She thinks it is a wonderful idea but not in her backyard. She stated this is not an attack. If we want this to be done we will find a way to make it happen. She has had several phone calls about this. Her response is always if we don't keep up with what is going on we are going to be left behind. She doesn't have an alternative or a plan for something better but when somebody has a plan we should work together to make it happen. What would have happened to Tappahannock 100 years ago if someone said 'no we can't do that.'

Ms. Meredith Tribble, central district. She stated she can't really say if she is 100% for or against. She has some concerns mostly about the height. She thinks they did an awesome job and worked really hard and put a great team together. The height does concern her as it is not compatible with the area. We need housing but her concern is with the percentages used, she knows that could just be one of the metrics that is used and is flexible. It doesn't quite represent the real ground earth statistics on the income level. As proposed in the plan on the website it would preclude, disqualify, the base teacher at Essex High School. A base teacher

starting salary is like \$48,500 for next year. That is one thing that concerns her because she knows teachers need housing and the schools struggle to get people here. It would preclude a base deputy, a base teacher, or really anything after these bases and an RN at the hospital. Its something to consider if it's something that can be fiddled with. The height is hard for her to get past. She thinks 3 maybe 4 stories, when you look at some of these others you have 2 maybe 3 and this would be double those heights. Compliance with the signs should be observed within reason to protect the character. It is a natural resource protection and she sees that buffer strip but would want to make sure it was compliant with he Chesapeake Bay Act. Keeping in mind the lighting and the dark sky compliant lighting. We are one of the only areas East of Richmond that has completely dark sky and would be good to protect. When you are in the planning it could be mindfully done. She would ask if there is a link where they could solicit community feedback.

Ms. Erin Kelly, owner of Rappahannock Times. Last spring she moved back to Tappahannock took over the newspaper. She rented a house in Richmond with her mother and when they moved back she was desperately looking for a place to rent and there was nothing. She lived in the Newspaper office last Summer. When her mother's lease ran out in Richmond she slept on an air mattress in her office for 6 weeks. The need for rental housing in this area is desperate. They eventually found a place and everything is fine but she should not have had to sleep in her office. We all know the need in the county for rental housing. She know the commission has a lot of details to go through. The Monterio's are willing to invest a lot of money in this community to bring something that is desperately needed. She hopes the commission will go through those details with them to make this happen.

Mr. Barry Bates, Northern District, stated the PUD district would generally be located in a rural residential service district as shown on Essex County's Comprehensive Plan. We do meet the service districts. He is glad that it was brought up about the water. He is not sure what is in writing but being a resident for a long time there has been a lot of talk about that water and that it has been dedicated to LaGrange. He believes that water tower and grant had something do with LaGrange. There is also water promised to another housing development in the Town of Tappahannock. He is not sure how you can build something until you know the money is there for water. The sewage was only brought up briefly but it is his understanding that this project will need a pumping station, there is no way it will operate off of septic systems. Right now the only one that can operate a pumping station is the Town of Tappahannock. I don't think they have agreed to operating one. Maybe the builder could be required to pay for the pumping station but it still has to be operated and maintained by a public authority. They are just concerns. It is not whether I am for or against the project but just concerns. One Gentleman stated that some people in LaGrange are still on well and septic and not on sewage. We are talking about moving forward and fixing problems, progressing. We haven't fixed the

problems we already have which is getting everyone in LaGrange on sewer and water. We talk about concessions. He feels this County made a concession up until last year a PUD district would under the old code would be 50 contiguous acres. We made an exception, we knew mixed uses were coming. He can take you to where mixed use with light business and residential was succeeding in being planned 30-35 years ago. He cannot take you to residential and industrial mixing well. Usually if someone tries to squeeze residential into an industrial area, the industrial businesses even if they were there first tend to make concessions in the future. They will make concessions because the masses win. We went down to 15 acres and now we are asking for a variance down to 13.2 acres which puts us 10 times or better over population density per acre than where we were this time last year. Meaning we have already made concessions before coming to ask for a variance. The last issue talking about residential, this was advertised as B-1. We have talked about rezoning it from Business-1 to Business-1 and PUD. When he went to the County office today and he brought up this property this was M-2 which is now I-1 he was corrected and was told B-1. The staff was very helpful, but what should have been a simple question and a simple answer turned into 2 hours and he walked out with the only county zoning map we have. It still shows that the property is split zoned. That is the only thing on record and this property is split zoned. It is industrial and B-1. He brings this up because they talk about move faster, where there is a will there is a way. We need to fix our old problems first and get everything ironed out before we take on a big project we might not be ready for.

Ms. Yolanda Woods Holmes, Hobbs Hole stated that she is in agreement with this development. The Hobbs Hole development that is going on now she is using it as an approval that got done quickly. They had a big problem with flooding in the golf course and the drainage coming into our backyards to the point we were trying to figure out if we needed flood insurance. In the last two years the town came in with an outside utility agency to get that to work. It can be done. If that can be done in a year than it should be able to be done with these architects. The second concern is that we have a lot of naysayers about seniors. It is like seniors are not supposed to be here. She does not understand how we can get Hobbs Hole developed so quickly and we cannot get senior citizen apartment complex to be done as well. We might move out of our house and move over there in the two bedroom. She would like to see more communication and more effective mediation with this. It shouldn't take from November someone from the Government and the County to talk some things where she hasn't communicated. She sees a lot of noncommunication with the planning commission and she would like to see that change. She would like to see the economics grow. Can we work at this? Will it take another two years to get this done where it took Hobbs Hole a year to fix the flooding? We need to get together with the community. She would like to hear something where they suggest something where they could convene in two-weeks to talk with the County, the planning commission and the Harris'. There are certain ordinances that talk about loud noises after a certain time and maybe we could work with the community and the industrial park on this.

Mr. Ronnie Sidney stated that he had heard the presentation from Shiree at the Economic Development meeting but to hear all of the professionals come and talk about it really sold him on the project even more. The Economic Development Authority sent a letter of support for this project. He is personally in support of the project. He was renting a trailer from his mother working as a licensed clinical social worker working in this area. Professions in this area don't make a lot of money and having affordable housing especially after Covid. It is important that we have a community that has a gym, amphitheater, library, community center and the things that Essex County is missing, this project is bringing. The fact that it is mixed use housing and additional retail space. He believes the Sylvan Learning Center is interested in getting one of those retail spaces and that would be a wonderful asset to have additional support. It visually looks beautiful. He hopes the Board of Supervisors and the Planning Commission really consider what Shiree and the engineers have brought to the table and also the concerns of the residents. The traffic is a concern. For LaGrange the individuals that have businesses there he feels that this could enhance LaGrange and provide water and sewer that they want and need. The collaborative nature of this project, it seems the developers are willing to listen to the community and provide feedback. Those who have sites on LaGrange could work with the developers to see about a partnership to improve LaGrange. Hopefully we can work together and provide the community affordable housing.

Ms. Mavora Donahue, Greater Tappahannock District, stated that what she hears tonight is a lot of good ideas and a lot of good intentions for our community. What we are not hearing that everyone has had the necessary conversations that they should have perhaps had to have a proposal that is in front of you that could really move forward without having to be changed or for water to be considered, height restrictions. The exceptions that are being requested are not small. To put a project like this on a piece of property that is less than the 15 acre allowance and also the height restriction exceptions, concerns about water and sewer. It seems to be a great opportunity for Essex County and for Tappahannock but it should be more formatively discussed and some of the issues should be addressed before we approve a plan that we think is going to change or rezoning for a plan that might change. She is not in support or opposition to the project itself but thinks that further discussion needs to happen in order for us to understand what it is going to take for this property to be used for this project.

Mr. Carter Ball, South District, Tidewater Lumber Corporation across 360 from the proposed project. They have been a fixture at Bray's Fork for nearly 80 years. They are the largest marketplace for wood fiber in Essex County. That is significant because it is fulfilling a critical function of carrying out the comprehensive plan and that is to support forestry. Without healthy markets you don't incentivize forest landowners to own forests. Without forests we

don't have clean air or clean water. The family has shared a successful and long relationship with the Harris' family of Bray's Fork. He has served as planning commissioner on this very commission and he has to say that this is an exceptional application written. He stated that Mrs. Monterio's passion and talent for carrying out a family legacy are evident and he has tremendous respect for that. However, he must oppose the rezoning request as it is simply not compatible with the surrounding industrial nature of the area. This may be a very good idea but it is the wrong place for it. His issue is placement not the idea. Many of the industrial neighbors have their own concerns. His concern is they make noise, they are an intense manufacturing site with heavy machinery and make noise at all hours of the day and would like to consider running a nightshift one day and that could be problematic to such a high density residential component to this development. They are sensitive to that. There are very few softwood sawmills left. This is an issue they have seen in their colleagues mills where it has taken them to the brink of not being in business and they were there first. Traffic is a public safety issue. The intersection that is in front of the mill that is shared with LaGrange industrial park across 360 Geometrically it is an odd shape it is confusing and is a bad situation waiting to happen. They have a truck count in the 100s per day crossing in and out of the gate and 50 plus employees and guests. When you come out of the gate and attempt to make a left turn heading Westbound it is a nightmare once you commit and traffic pops over the hill. You have to stop which leaves the trailer in the Eastbound lane of 360. This is an issue that has to be addressed. He does not see any way forward without a traffic light if this was to come to fruition. Considering the safety, health, and welfare of the community is one of the things that the Planning Commission should address. This is of the utmost public safety issue that you need to consider. As a former planning commission member he has some zoning issues to address. Zoning is about putting the right thing in the right place. It might be the right thing but if it is not in the right place it is set up for failure. Rezoning from B-1 to PUD, a PUD with a very high density residential component in the only area of the county that has provisions to allow for heavy industrial commercial growth is an extreme departure from the comprehensive plan. 7-8 exceptions to a brand new zoning ordinance that took substantial time, energy and funding from this county is a question that the community should ask. The reason that you are seeing the requests for that many exceptions is because it is the wrong site. The minimum acreage requirement for a PUD is 15 acres, we are not at 15 acres and thus we are overdeveloping too small of a site. The issue of consistency with the comprehensive plan the framework that a planning commission should make a land use decision. That is what you are charged to do tonight is to make a land use decision if it should be rezoned. The framework for that is this decision in substantial accord with the comprehensive plan. That is what the Virginia State code dictates. The comprehensive plan reads 'Encourage development which is in keeping with the character of existing land uses,' 'provide land areas for balanced future commercial and industrial development in locations which are compatible,' 'Essex County in conjunction with the EDA is looking at ways to attract and expand industrial jobs,' 'the town and County have agreed to joint water and sewer agreement and the first area to be served is the industrial district at Bray's Fork on Rt 360,' Bray's Fork is the planned area for industrial and heavy

commercial type activity. The comprehensive plan very clearly articulates that. Another point that he feels there is a misconception about is the Development Service District is an overlay planning district, it includes 3200 acres all around the town of Tappahannock. It's intent is where the most intense development should go. It does not say that any residential, any industrial, any commercial has a green light to go anywhere. That is one thing being used to say this is an appropriate place. Just because this is a development service district does not automatically mean that it is appropriate for a PUD to be located on that site. It is a careful distinction that needs to be made. The main point is this, we are dealing with a compatibility issue that is the role of zoning. Follow your comprehensive plan. He closed with they have talked about development standards the role tonight is to make a decision on the zoning of the property that is rezoning B1-to PUD. Is putting a high density mostly residential development up next to the most industrial area in Essex County in substantial accord with the comprehensive plan. This might be a great development and with different placement he believes it is. This is simply the wrong placement. You have a legal obligation to follow your comprehensive plan. He strongly urges you to deny the rezoning request.

Mr. David Stokes, owner of Essex Recycling, stated his business makes a lot of noise. If he is 55 years old he doesn't want to hear that all day long. He wouldn't want to hear a sawmill all day long or any commercial business or at night. He thinks this is a really neat thing but it is the wrong place for it. He doesn't want someone from the County to call him and say he is making too much noise and needs to go.

Chairman Jones closed the public hearing portion and asked the Planning Commission if they had any questions for the applicant or staff.

Mrs. Seager asked if they delete some of the buildings and make it a parking area instead of a building would that make the decision different?

Chairman Jones stated that he thinks that is part of what they are asking tonight as far as what they want as a group to see and help make this project go. They brought forth a proposal that is very aggressive it is a nice looking proposal and they have done a lot of work. It is probably the best project presentation he has seen on the planning commission but there are questions to the zoning ordinance and the PUD ordinance that they want exceptions to.

Mr. Whitmore stated that another potential opportunity that you may have in looking at this. A lot of what was heard from the staff and comments is concern with some of the specifics. There is the ability for them to approve the PUD zoning and not necessarily approve this particular development plan or recommend approval of the zoning and not this particular development plan. This would provide the opportunity for them and the staff could come back with

recommendations for changes to the plan. They are seeking feedback from the planning commission in any revisions to the plan.

Mr. Walters asked about the people living downhill from there and when you develop that property from end to end and put the impervious substance and it would be going into the creek and down to the pond they were talking about. Is there a plan to present a water impact study something that would quantify that?

Mr. Craig Catarsky, Timmons Group stated that during the site plan process they would go through the process of sizing all of those things, model the underground detention systems and maybe instead of the word dumping it would be releasing the water into the downstream. There was question of the wetlands and they have done the mapping of the wetlands and streams to the extent they would be protected. That is an important feature of the site. They want to maintain the character within the development they want to protect some of those wetland areas as well as looking at what happens downstream. Holding and retaining the stormwater on site and then releasing it at an appropriate level where it is reduced during large storms to reduce the flow rate.

Mr. Walters asked how you buffer the runoff is it underground?

Mr. Catarsky stated there would be a series of underground detention systems with large diameter pipe underground. The water would come into the underground detention systems they size a control system on the end of the detention systems that allows them to store it like a pond would and releases it at a rate that they have modeled so we know we are protecting the downstream waterways.

Mr. Walters asked how long do the systems last?

Mr. Catarsky stated they are usually in the 30 year range.

Mr. Walters asked if they would have to dig up the parking lot and put a new one in?

Mr. Catarsky said potentially you can go in a line them but it would need to be maintained. Typically there is a water maintenance agreement with the county and the state for any of the systems to ensure that everything is supposed to be done is done to protect the life over all.

Mr. Andrews asked in the plan and vision you have the section for industrial, commercial use. You don't yet have any tenants lined up but you have laid out in this plan the types of businesses you want. It is my understanding that you want to have flexibility if you don't get them to come in you want to convert those into additional housing. If so could you give an idea of roughly how many more units if let's say 50% of the businesses didn't work.

Mr. Whitmore stated he would have the architect give numbers but in terms of the limits we have proffered so the staff has asked that if you do convert some of those retail spaces what is the maximum you would see here. We have a proffer to that effect as to what the maximum

residential density to the development is. He is not sure how many units that would translate to.

Mr. Andrews stated that from what he has heard there is very little chance that the YMCA is going to be there. If that happens as I suspect it would he urges to try to put in a commercial gym. The seniors in particular need a place to exercise and it is critical since we do not have a gym in the area.

Mr. Taliaferro stated he has a ton of economic questions. Considering the time he will go through them quickly. The economic impact statement is not an impact statement it is a projection of revenue but half of the equation is missing. There is no comment relative to and no numbers to the cost to the county. The system impact to the school states that since the majority of these are senior housing the senior housing would produce no students. He knows there are situations where children are living with grandparents so it is still possible that there could be some school aged children living in senior housing. What is that cost to the county in school expenditures? In the economic impact statement we are looking at any number of projections one thing that stuck out was in the operational employment impact the chart has the listed number of employees at full operation. The operational employment for residential management there were three direct jobs. In the annual direct impact, financial impact, the residential management was \$1,169,328 that equates to a \$338,000 financial impact for 1 manager. He cannot explain how that number is reached he does not know what the multiplier was. The idea the financial impact is that someone has a job in the county they go down and spend some money and that in turn greases the wheels and they continue to turn in an economic fashion and generating money. It seems to be the multiplier is 3-3.5 which is unheard of. For Essex County we have numerous large corporate type of businesses here, we don't have a lot of mom and pop stores. If you go to Walmart and buy something the corporate profit is not spread back around in Essex County so the multiplier should be somewhere around 1.6-1.7. If you do the math he cannot disprove these numbers but he does dispute these numbers. Finally if we went with the numbers the bottom line numbers on that chart say \$384,572 of total recurring taxes generated at the local level. On the tax projections in 2028 after completion of the project there is a total tax projection of \$449,874 if you add all of that up you have a total tax revenue to the county \$834,446 however there is no mention of how many additional students, how many people will be moving here with additional school children as a result of this. If you look at the County now it has a population of 10,573 there are 1,214 daily attendees at the school which is a ratio of 11.48% of students to the general population. If we have 139 units and lets say 180 beds that around 300 people his projection is that there will be 41 more children going to Essex County schools. At a cost of \$13,399 that is \$538,000 additional to the school budget that leaves a net positive of \$285.46 with no mention of fire and rescue, parks and recreation, sheriff's office, ambulance, animal control and all the other things that the county has to expend for.

Mr. Mundie stated that one thing he was drawn to was the boundary survey he believes that reinforces Mr. Bates assertion that it is B-1 and M-2 as it is clearly listed on the straight line there. His question is what is the impact and implication there?

Mrs. Orr stated that when the county adopted the new zoning ordinance in October part of that process was to also adopt a zoning map. In her work with Rob Hodges over the 6 months prior to that there were a number of discrepancies that he was finding between records in the county whether how zoning was recorded on GIS vs. old tax map records that had been colored in and he was getting inquiries relative to what is correct. One of the areas of question was relative to LaGrange and not specifically this property as adjacent to LaGrange but within LaGrange. One effort he did was he went back through old board meeting minutes, the documentation, all of the information relative to the properties in other areas of the county but in that area of the county as well. Through that research with the new zoning map that the board approved he concluded the boundary line is not the correct zoning boundary line. As the zoning administrator he made that determination. That was adopted by the board.

Mr. Mundie asked if that supersedes the boundary survey that they have.

Mrs. Orr stated that it does. She also stated that one thing she has to say because she knows that Rob Hodges is such a hard working person for the county. She believes the characterization that has represented relative to the applicants not having input and not having feedback from the staff is false. She knows that there was a preliminary plan that was presented but there was no application that was on file in November. They have been working with the applicants since November to get an application that would be ready to present to the planning commission. There was a change with the site development plan after VDOT looked at it and there had to be some amendments to that which takes a little bit of time. That reduced and created a new plan which no longer had a second entrance but had one. As they have been going through there they have been asking some of the same questions to say what will this be. How can a staff person guarantee that through this case, when the site plan comes, and when the bulldozer comes in than you are going to get what has been presented to you. Some of the issues that were brought out by staff as relative to the application is to address some of the things that need clarification with assurance what the county would be getting.

Chairman Jones stated they all know how timing goes with projects and it never goes as fast as they want it to go. He has numerous phone calls since November. In the rezoning and development world it takes some time.

Mrs. Orr stated that one thing that the staff included in the report is based on where the application is and their analysis of the Comprehensive plan they are recommending denial to you. If you notice at the end of the report in the conclusion is one thing that the staff offers is if the planning commission feels like it is appropriate to defer this from a staffs recommendation we would suggest the deferral be to a minimum of the August meeting. This would allow the

applicant time to work with staff and vice versa to get this back to you at that time that we could offer and say it is ready for a vote.

Mr. Hoffman stated in regards to Mr. Taliaferro's questions he could not give a number on the multiplier but would get that answer and get back with him. For the economic impact for the senior project that depending on the type of financing you may have a requirement that is 1 person in unit has to be the appropriate age but the others do not have to be. That is not this project. For this you must be 55 or older you may have a spouse that is under 55 but you may not have children. There will not legally be any children in that project.

Mr. Taliaferro stated that in the papers that it says only one of the residents had to be 55 or older.

Mr. Hoffman stated he saw the same thing and he went to the fair housing lawyer to find out what it is exactly to make sure that the proffer that is sent specifies that we will not have children in the project.

Mr. Taliaferro stated that is only for the senior project but you would still have some in the workforce area.

Mr. Hoffman stated that is correct and the way he has seen it is the core issues lets see if there is a middle ground. We would expect there to be budgeting of what are the anticipated costs that this project causes and covering those costs. Someone had referred to a lack of sewage systems. You have a dubious distinction of being hard to develop, it is more expensive to. For a tax credit project that gives you a benefit of being able to generate more equity, free money not debt. It means that public improvements that they pay for add to the total that they can generate equity on. If you have a successful project here it helps to pay for the next project.

Mr. Andrews stated that if he moved in to a 2 bedroom unit I could not have my grandkids or my 33 yr old daughter everyone has to be over 55?

Mr. Hoffman stated other than your spouse.

Mr. Andrews asked if this were because of the law on all of this stuff?

Mr. Hoffman stated that they are using certain types of federal financing, Certain federal financing requires that you not discriminate against children you have to allow them. They are not using that financing so they have an exception on the fair housing act to provide the rules of the road that will be 55 and older no kids. It will be in the proffers.

Mr. Walters asked about the end plan and the impact of jobs in the presentation it would create 379 direct jobs and 200 indirect and induced jobs which does not match the implant analysis and he is curious where those numbers come from.

Mr. Whitmore stated that what they have is from the implan analysis so they will check that discrepancy.

Chairman Jones stated he goes from a more practical matter. We need a project like this, the presentation was a great idea and seeing the video footage. There are some practical matters that need to be addressed. They just adopted the new zoning ordinance so the PUD qualifications already being greatly diminished from 50 acres to 15 acres and now be asked to take it to 13.2 acres but if you count the road in there you wouldn't be using that acreage. So the lot size is hard to get over to reduce. The water and sewer which is hard to know where you are going to get the water and sewer because we don't have a definitive answer as to whether the county is going to enter into an agreement with these people. Another practical matter is the industrial park and if this is the right place for the PUD. He looks at it in reverse, if the PUD was there first would we consider putting an industrial park beside it. That will be an issue of people complaining about the noise from the industrial park. Another issue is the one point of access, in the comprehensive plan it clearly states that a PUD needs two access points. On different roads for a reason. If there is an accident that blocks that entrance no one is getting out or in until that is cleared up. Building height is a concern that could be taken care of but it is a big jump from 35'-60'. The drainage system could be handled through engineering. Mr. Whitmore had asked for some advice on what we would like to see. This would have been easier if this came in clean meaning the zoning ordinance was just passed, the PUD ordinance was updated and now we have all of these things we are being asked to give relief on for a wonderful project. They don't seem to think that it can succeed without the relief. That is relief on the zoning ordinance and the PUD ordinance.

Mr. Whitmore they have gone through and found ways to get rid of those requests and waivers. The lot size is one that doesn't go away that is what it is. There is a specific provision in the zoning ordinance for the reduction of the lot area in the new PUD district. It reads 'minimum lot area requirements may be decreased without limitations provided land in the amount equivalent to that by which each residential lot or building site is diminished is provided in common area with the development.' That would be what they are proffering in the community spaces. In terms of the other issues with the proximity to the industrial park and have considered that in how we have designed and buffered the site. The zoning ordinance provides for setbacks between residential uses and industrial uses.

Chairman Jones asked if he agreed and it were opposite there would be opposition in putting an industrial park next to a high density residential area?

Mr. Whitmore stated he is a developer's lawyer so he argues for all development but can see where he is coming from. This is contemplated in the zoning ordinance where the setback is somewhat of 100' from an industrial building to a residential zone. We provide a buffer from our nearest industrial neighbor of 160', which is 50% greater than the maximum required in the zoning ordinance. That is just to the property line there is an additional 60' distance back.

Mr. Catarsky stated there is an agreement between the town and the county that states that it is up to the county as to who they will grant that water and wastewater use which is 200,000 gallons per day. Currently, what they are proposing is 51,000 gallons per day. What you would

still have space for is not only the build out of LaGrange in regards to a study that was done several years ago that would accommodate about 15,000 gallons per day. You would still be able to support another similar project about the density and size as well as another 1,000,000 sq ft of industrial space. Someone mentioned the need for a pump station. All of the infrastructure that would be needed would be bore by the project and would not be an expense that the county would be required to participate in. In the agreement it says that the town would take over the infrastructure so long as you grants the access and usability.

Mr. Hoffman stated that the same would be done with the traffic as well.

Mr. Taliaferro asked that once the infrastructure is in than some authority of the town is responsible for maintaining it. That is only half of the equation that needs to be looked at as well.

Mr. Walters asked if there would be a Water Quality Assessment for this project.

Mr. Catarsky stated that is something that could be completed.

Mr. Will Johnson, traffic consultant for the project, stated that a lot of discussion on the points of access. On an early plan there were two access points and VDOT took exception to that access point since it did not comply with the spacing requirements. However, there is nothing that precludes them from putting in a second access point from VDOT at the time of the site plan. They did conduct a traffic impact analysis for the development both with and without the second access point. The analysis resulted in the access will operate acceptably to VDOT specifications and they were not showing levels of degradation of service as a result. However there is no reason they couldn't continue to pursue a second point of access.

Mr. Walters asked about the second point of access as to where you had it?

Mr. Johnson stated that there is some flexibility there.

Mr. Walters stated that the basic problem you have with that site is you have a right turn in and a right turn out. Having a second right turn in doesn't help you any as far as access.

Mr. Johnson stated that the operation of the site would function with a single point of access. However, there was some discussion on safety and have the redundancy in case of an emergency situation.

Chairman Jones asked if normally you would put a second access point on a separate road.

Mr. Johnson stated that they only have frontage on 360 but he would point out the internal network that they propose to establish does allow for future offsite connections.

Mrs. Segar asked if they were going to be doing any voting tonight. With all of the hard work that is being done can we put a condition on that and vote on it tonight with conditions?

Chairman Jones stated they cannot put any conditions on it. Asked Mr. Whitmore, with all of the feedback they got tonight and the little information they got from the staff on timing and to get the information back that they are looking for and what we have asked for is that something you are considering is deferring it?

Mr. Whitmore stated there are several options, the PUD ordinance does allow you to put conditions on this approval. It does allow that to be added to any of the exceptions that they are seeking and they can still make modifications to the proffers in accordance with what they and the staff would like to see. He confirmed that with the County Attorney this morning that those do not have to be finalized until the Board of Supervisors. He does believe that one option is to vote on this project as proposed with modifications. A second option is potentially vote on the rezoning alone, not approve the specific development plan nor the specific special exceptions. The third option is for the deferral that you mentioned. They would not prefer that option given how long they have worked on this they would like to come out with a recommendation for some sort of approval and be able to go to the Board of Supervisors. However, if you saw fit to defer, They would ask that something be scheduled more quickly than the August time line recommended by the county staff. They have done a lot of work in just the last few weeks removing the vast majority of these special exceptions except some, such as the lot area that cannot be removed. They are confident that they could come back quickly with a plan that addresses all of those things. So the three options are 1) as approved with conditions and modifications 2) only approve PUD rezoning or recommend approval of rezoning 3) defer in a more timely fashion.

Chairman Jones stated he is not sure how you could do the first two options given all of the questions. Some of these things, take away the property, have not been answered like the water, if you are even going to be considered to have the water and sewer, the height restriction. You called them proffers but they aren't proffers if you are going back to the original intent of the zoning ordinance. A proffer is more of giving more open space stuff like that. On his side he doesn't know how you could do one or two given the questions. He is just one vote on the commission but with the deferral that would be they could vote to defer it to the July meeting which would be fine if they could get everything to staff they are asking for. He does not think the staff would do anything to hinder the progress. He addressed Mrs. Segar with sympathy of wanting to keep it going but just can't see how they could vote on the first two with the questions that have come out tonight.

Mrs. Segar stated that maybe they can vote on the third option, that's better than nothing. They have been with this since November.

Chairman Jones stated that when you are developing something there is no time table on it other than when it gets presented to us then we have a time table to vote on it and so does the Board of Supervisors. As far as the time table for them to get the information to the County and the county dissect it and ask other questions just takes time. Although he is just one vote. You

can make a motion for either of the options you like but if you vote to defer maybe it is just to the July meeting contingent on them getting the information to the staff.

Mr. Taliaferro asked if you defer to the July meeting you have to advertise how many weeks in advance?

Mr. Whitmore stated two weeks.

Chairman Jones stated he felt that they could meet the advertisement.

Mr. Taliaferro asked if they could get all of the questions answered in two weeks and have a document defined and ready to advertise?

Chairman Jones stated that the motion would have to be to defer the meeting until July if they can get the information to the county.

Mr. Taliaferro asked and if they can't?

Chairman Jones stated it would have to be deferred until August.

Mr. Andrews stated that getting to the staff the day before is one thing. How long does the staff need to go through this. His concern is that it has to be more than just getting it to them. There is more complex stuff here.

Mr. Whitmore stated that they want to make sure that when it is talk of the information what information is that? We know that the water and sewer issue will still be there. There are things that would still be there in two weeks and when they hopefully take it to the Board of Supervisors.

Chairman Jones asked how do we get passed that?

Mr. Whitmore stated that it is a question that a number of things are going to have to be addressed after approval. Stormwater, forestry, there are a lot of items that are unknown that people asked about.

Chairman Jones stated that if they voted on the PUD tonight that is done. D-O-N-E Done. So that doesn't mean if this project did a complete 180 the property would still be a PUD. If we voted for it to be a PUD that doesn't hold you to anything that is over there. It just holds you to a PUD with whatever conditions we give.

Mr. Whitmore stated that a preliminary development plan would need to be approved later if a PUD were voted on tonight separately. So you can have another bite of the apple.

Chairman Jones stated that the staff does the planning commission does not. Once the zoning changes that's it. He has seen it where the land got changed and the people never saw it be what it was intended to be.

Mr. Taliaferro stated you can vote to rezone a piece of property that doesn't meet the zoning requirement of 15 acres. You would have to put a conditional use on it of some type to either allow it the 13 acres or reduce the density to match what it should have been.

Mr. Whitmore stated that the proffer would be to come back with a plan that met certain requirements or lines that would associate with the approval.

Chairman Jones asked if he read somewhere that if because the 15 vs the 13 they would have to go to the BZA?

Mrs. Orr states that the PUD ordinance allows for reduction that can be approved in conjunction with the rezoning case. Which would allow for a standard exception which is in the report. She disagrees with the voting on the PUD tonight without the site plan as part of that. There was discussions to attach conditions to it. If you voted on it the staff recommendation is denial. Otherwise if you intend to defer it we need to talk about the timeline. The last set of proffers that was received for this application was at 5:20 on June 1st. A staff report had to be written in that period of time. That didn't leave another round of going back to the applicant with concerns but it did not give the staff time to go back and write the report where the commission just got the report today. If you decide to defer it would be the staff's recommendation that you not defer it to the July meeting but to defer it to the August meeting. She realizes that the applicant has been working on this application for a while but getting it prepared to submit and getting it ready to be heard are different. It does take time and it does take back and forth. It is staffs recommendation that if you vote on it tonight that you do so with a denial and if you vote to defer it that it be done so with a 60 day deferral. If you decide on a 30 day deferral they would need the information by the end of next week. And is that possible with the amount of questions, such as economic impact and other questions. Those have to be answered and staff needs time to review those answers and get back if there is anything else needed. She also stated that the July meeting is scheduled for July 4th and you may want to consider another meeting date.

Chairman Jones stated he believes that the bylaws state it would be the following Tuesday.

Mr. Taliaferro stated he thought it said the following day.

Mr. Andrews asked if whether it is the 4th or the 5th is he willing to entertain a motion to defer this until August. There is too much stuff that needs to be worked through.

Mr. Andrews made the motion to defer this until the August meeting and urges the staff to work diligently to get this wrapped up as soon as possible. Mr. Taliaferro seconded the motion.
AYES: 7, NAYES: 0, ABSENT: 0

Chairman Jones gave five minutes for those that wanted to leave before they finished up their meeting.

Chairman Jones stated that it is the following Tuesday for the meeting.

Mr. Taliaferro stated that he believes that the meetings are done on the first Tuesday so that the business could be sent to the Board of Supervisors for their meeting on the second Tuesday.

Chairman Jones stated that is what is written.

OLD BUSINESS

Section Six

This will be discussed at the July meeting.

NEW BUSINESS

Chairman Jones stated that the bylaws state that the Planning Commission will meet the Third Tuesday of every month. That needs to be changed to the First Tuesday.

Mr. Taliaferro stated they have done that before and needs to make sure that it gets printed up that way.

Chairman Jones stated that we just want to get it cleaned up tonight. Pg 3 7.1 Third paragraph.

Mrs. Segar made a motion to change the meeting day from the third Tuesday to the first Tuesday. Mr. Mundie seconded. AYES: 7, NAYES: 0, ABSENT: 0

Chairman Jones stated that in the same paragraph it states that when the meeting can't be held it is held the following Tuesday. But Mr. Taliaferro says you changed it years ago to be the next day. Because the following Tuesday is the Board of Supervisors.

Kelly McKnight stated that the new bylaws did have the correct verbiage in place.

Mr. Mundie asked about the terms a chair can serve.

Chairman Jones stated that they can choose not to change that. The chair can serve no more than two consecutive terms.

Mr. Taliaferro made a motion to strike to the sentence 'the chair shall serve no more than two consecutive terms'. He stated we needed to elect a chairman every year but don't need to limit a good, reliable, chairman to serve. Mr. Mundie seconded. AYES: 7, NAYES: 0, ABSENT: 0

ADJOURN

Having no further discussion, a motion to adjourn was made and seconded. AYES: 7, NAYES: 0, ABSENT: 0

Chairman