

Community & Economic Development Committee Meeting AGENDA

May 2, 2017 - 12:00 Noon
Conference Room A/B/C, Second Floor

Committee Members: Chairman Bob Thomas, Wendy Maurer, Gary Snellings

Agenda Item	
1.	Consider a change to County Code Section 25-101 "Advance Payment When Account Established"
2.	Dog License Changes
3	PD-2 District Amendment to allow for properties of less than 500 Acres that are adjacent to existing PD-2 zoning to be rezoned to PD-2
4.	Discussion on Time Limit Included on the Germanna Deed
	Next CEDC meeting is scheduled for June 6, 2017

CEDC05022017agenda



Current Situation

- County Code Chapter 25-101 sets forward advance payments that are to be paid when new Utility accounts are established:
“There shall be an advance payment for each account established. Upon termination of service, the advance payment will be credited to the balance of the final bill.”
- When a rental property “turns-over” between renters, the owner of the property often sets up an interim account with the Utilities Department and the advance payment is charged.

Proposed End State

- For single family properties with accounts in good standing, it is proposed that advance payments may be eliminated for these “turn-over” situations.
- The language could be revised:
“There shall be an advance payment for each account established. Upon termination of service, the advance payment will be credited to the balance of the final bill. At the option of the Director of Utilities, customers whose accounts, current or previous, have been deemed to be in good standing and who desires to not make the advance payment, may have the requirement for the payment removed if the request is in writing.”

Request for the CEDC Committee/Board of Supervisors

- Provide guidance to staff if a change in policy is desired
- Would require consideration by the Utilities Commission for changes to the language to clarify that commercial apartments are not included
- It would also require a Public Hearing for the Utilities Commission and the Board of Supervisors

Impact to the County

- Allows additional flexibility in dealing with Utilities Accounts.

Current Situation

- VA §3.2-6528 stipulates localities shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction.
- Governor McAuliffe signed legislation in 2017 enabling localities to enact, by ordinance, a lifetime license tax on dog ownership.
- The tax for each dog license shall not be more than \$10 annually or \$50 dollars for a lifetime license.
- Stafford County Code Sec. 5-43 *Tax Imposed* sets the annual dog license tax at \$10.

Proposed End State

- Amend Stafford County Code Sec. 5-43 *Tax Imposed* to provide citizens the option to purchase a lifetime dog license.

Request for the CEDC Committee/Board of Supervisors

- Staff is seeking guidance from the Committee to amend Stafford County Code Sec. 5-43, *Tax Imposed*.
- Potential Amendments Could Include:
 1. Addition of a lifetime dog license option.
 2. Removal of annual license tax and replacement with lifetime license tax.

Benefits to the County

- Addition of a lifetime dog license option could reduce the tax burden for dog owners over the animal's lifespan.
- Lifetime dog license option would present a convenience to dog owners who do not wish to renew their animal's licenses annually.
- Inclusion of a lifetime license option could serve to limit the cost of processing dog license renewals for the Treasurer's office over time.

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 567

An Act to amend and reenact §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia, relating to dogs and cats; lifetime licenses.

[S 856]

Approved March 16, 2017

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6527. How to obtain license.

Any person may obtain a dog license or cat license if required by an ordinance adopted pursuant to subsection B of § 3.2-6524, by making oral or written application to the treasurer of the locality where such person resides, accompanied by the amount of license tax and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained. The treasurer or other officer charged with the duty of issuing dog and cat licenses shall only have authority to license dogs and cats of resident owners or custodians who reside within the boundary limits of his county or city and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained, the treasurer or other officer charged with the duty of issuing dog and cat licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the ~~year~~ years for which issued, the serial number of the tag, whether dog or cat, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for ~~herein~~ in § 3.2-6526. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county or city and appoint agents for the collection of the license tax and issuance of such licenses.

§ 3.2-6528. Amount of license tax.

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any locality that has adopted an ordinance pursuant to subsection B of § 3.2-6524 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be ~~less than \$1 and not more than \$10~~ for each year *or \$50 for a lifetime license issued pursuant to subsection B of § 3.2-6530*. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for ~~a~~ *an annual* license tax for kennels of 10, 20, 30, 40, or 50 dogs or cats not to exceed \$50 for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person, or that is trained and serves as a service dog for a mobility-impaired or otherwise disabled person.

As used in this section, "hearing dog," "mobility-impaired person," "otherwise disabled person," and "service dog" have the same meanings as assigned in § 51.5-40.1.

§ 3.2-6530. When license tax payable.

A. The license tax as prescribed in § 3.2-6528 is due not later than 30 days after a dog or cat has reached the age of four months, or not later than 30 days after an owner acquires a dog or cat four months of age or older, and each year thereafter.

B. Licensing periods for individual dogs and cats may be equal to and may run concurrently with the rabies vaccination effective period.

B. The governing body of a county or city may by ordinance provide for a lifetime dog or cat license. Such a license shall be valid only as long as the animal's owner resides in the issuing locality and the animal's rabies vaccination is kept current.

C. Any kennel license tax prescribed pursuant to § 3.2-6528 shall be due on January 1 and not later than January 31 of each year.

§ 3.2-6532. Duplicate license tags.

If a dog or cat license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag that the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall

endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog or cat shall ~~be~~ *not exceed* \$1.

§ 18.2-403.3. Offenses involving animals — Class 4 misdemeanors.

The following unlawful acts and offenses against animals shall constitute and be punished as a Class 4 misdemeanor:

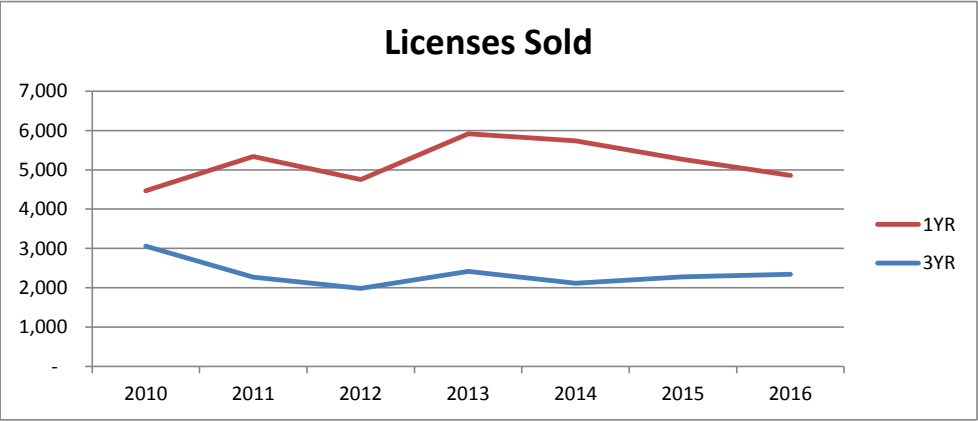
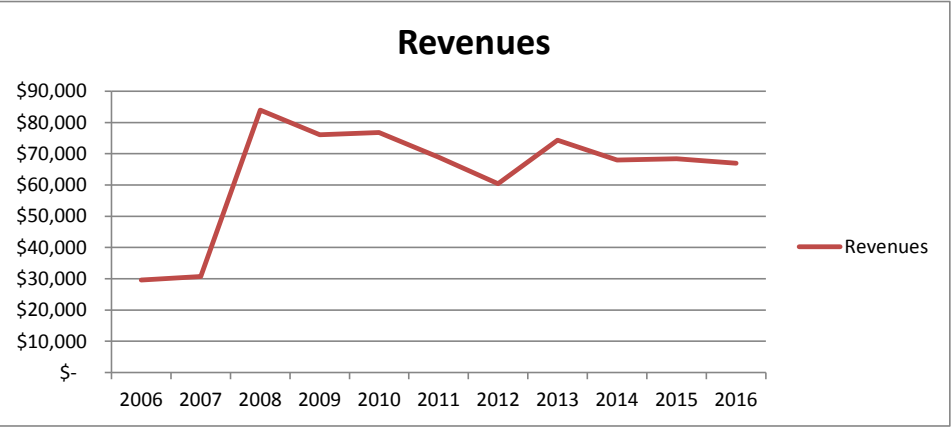
1. Violation of § 3.2-6566 pertaining to interference of agents charged with preventing cruelty to animals.
2. Violation of § 3.2-6573 pertaining to shooting pigeons.
3. Violation of § 3.2-6554 pertaining to disposing of the body of a dead companion animal.
4. Violation of ordinances passed pursuant to §§ 3.2-6522 and 3.2-6525 pertaining to rabid dogs and preventing the spread of rabies and the running at large of vicious dogs.
5. Violation of an ordinance passed pursuant to § 3.2-6539 requiring dogs to be on a leash.
6. Failure by any person to secure and exhibit the permits required by § 29.1-422 pertaining to field trails, night trails and foxhounds.
7. Diseased dogs. — For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.
8. License application. — For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.
9. License tax. — For any dog or cat owner to fail to pay any license tax required by *subsection A or C of § 3.2-6530 before February 1 for the year in which* *within one month after the date when* it is due. In addition, the court may order confiscation and the proper disposition of the dog or cat.
10. Concealing a dog or cat. — For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.
11. Removing collar and tag. — For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.
12. Violation of § 3.2-6503 pertaining to care of animals by owner.

Sec. 5-43. - Tax imposed.

- (a) An annual license tax is hereby imposed on dogs required to be licensed under this article in the following amounts:
 - (1) An individual dog, whether male or female \$10.00
 - (2) An individual unsexed dog 5.00
 - (3) A kennel for twenty (20) dogs 25.00
 - (4) A kennel for fifty (50) dogs 50.00
- (b) A three-year license tax is available for dogs who have received a three-year rabies vaccination in the following amounts:
 - (1) An individual dog, whether male or female \$30.00
 - (2) An individual unsexed dog 15.00
- (c) No license tax shall be levied under this section on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person or that is trained and serves as a service dog for a mobility-impaired person.

(Ord. No. 005-31, 6-21-05)

Dog License Stats															
(rpt: Activity Code by Range)															
(rpt: Licenses sold for license year from Dogtags database)															
Calendar Year	Revenues	Regular Licenses	1YR Altered	1YR Altered revenues	1YR Unaltered	1YR Unaltered revenues	Total 1YR sold	3YR Altered	3YR Altered revenues	3YR Unaltered	3YR Unalt revenues	Total 3YR sold	Kennel Licenses (not included in totals)		Letters Mailed
2006	\$ 29,620	2,907													
2007	\$ 30,723	2,990													
2008	\$ 84,010	7,597													7,500
2009	\$ 76,071	7,687													6,500
2010	\$ 76,755	7,522	3,480	\$ 17,400	984	\$ 9,840	4,464	2,815	\$ 42,225	243	\$ 7,290	3,058			6,239
2011	\$ 68,925	7,613	4,273	\$ 21,365	1,069	\$ 10,690	5,342	2,084	\$ 31,260	187	\$ 5,610	2,271			9,434
2012	\$ 60,360	6,734	3,862	\$ 19,310	889	\$ 8,890	4,751	1,822	\$ 27,330	161	\$ 4,830	1,983			13,193
2013	\$ 74,290	8,333	4,803	\$ 24,015	1,117	\$ 11,170	5,920	2,219	\$ 33,285	194	\$ 5,820	2,413			15,449
2014	\$ 67,945	7,850	4,671	\$ 23,355	1,066	\$ 10,660	5,737	1,964	\$ 29,460	149	\$ 4,470	2,113			5,509
2015	\$ 68,410	7,543	4,220	\$ 21,100	1,044	\$ 10,440	5,264	2,100	\$ 31,500	179	\$ 5,370	2,279			10,290
2016	\$ 66,985	7,200	3,839	\$ 19,195	1,017	\$ 10,170	4,856	2,180	\$ 32,700	164	\$ 4,920	2,344			15,118
TOTALS			29,148		7,186		36,334	15,184		1,277		16,461			



Costs per year					
7800	Tags sold				
10500	notices mailed	\$	0.15	\$	1,575.00
10500	postage	\$	0.49	\$	5,145.00
	tag inventory purchased			\$	1,100.00
5000	mailed tags sold	\$	0.15	\$	750.00
5000	postage	\$	0.49	\$	2,450.00
	Ink/Toner/equipment rental			\$	2,000.00
	Banking & online pmt fees			\$	5,850.00
	paper from faxes			\$	1,000.00
	software support			\$	2,000.00
				\$	21,870.00
	salary cost per				
	Hours per week	week		cost per year	
Personnel costs	33.25	\$	973.28	52	\$ 50,610.68
TOTAL EXPENSES				\$	72,480.68
	Tags Sold			avg. per tag	
	7800	\$		9.29	
	3500	\$		20.71	

§ 3.2-6534. Disposition of funds

Unless otherwise provided by ordinance of the local governing body, the treasurer of each locality shall keep all moneys collected by him for dog and cat license taxes in a separate account from all other funds collected by him. The locality shall use the funds for the following purposes:

1. The salary and expenses of the animal control officer and necessary staff;
2. The care and maintenance of a public animal shelter;
3. The maintenance of a rabies control program;
4. Payments as a bounty to any person neutering or spaying a dog up to the amount of one year of the license tax as provided by ordinance;
5. Payments for compensation as provided in § [3.2-6553](#); and
6. Efforts to promote sterilization of dogs and cats.

Any part or all of any surplus remaining in such account on December 31 of any year may be transferred by the governing body of such locality into the general fund of such locality.

1984, c. 492, § 29-213.70; 1987, c. 488, § 3.1-796.101; 1993, c. 959; 1998, c. [817](#); 2008, c. [860](#); 2014, c. [148](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Current Situation

- The Embrey Mill development has gifted a 3.94 acre portion of their site to Ebenezer United Methodist Church to allow for expansion of their facility
- Ebenezer UMC's original A-1 zoned parcel needs to be rezoned to meet open space requirements
- They desire to rezone to PD-2 to support the expansion in a manner compatible with Embrey Mill
- The PD-2 district has a minimum acreage requirement of 250 acres and the zoning ordinance does not permit expansions of the PD-2 on land less than 250 acres
- Ebenezer UMC has submitted concurrent applications to rezone the original site to PD-2 and amend proffers on the gifted PD-2 property to support their expansion

Proposed End State

- Adoption of the ordinance would allow for the potential expansion of Ebenezer UMC, in a manner consistent with the surrounding community and subject to rezoning approval, and allow for expansion of Embrey mill or any future PD-2 districts for non-residential purposes

Request for the CEDC Committee/Board of Supervisors

- Consider a proposed ordinance to exempt expansions existing PD-2 districts from the minimum acreage requirement when:
 - on adjacent land
 - compatible with the surrounding community
 - will not adversely impact roads and
 - will not create additional residential density

Benefits to the County

- Supports the potential expansion of a community use
- Ensures development on adjacent land is compatible with the design of existing or approved communities, minimizing potential land use conflicts

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April 14, 2017

VIA EMAIL

Mike Zuraf
Principal Planner
Stafford County Department of Planning and Zoning
1300 Courthouse Road
Stafford, Virginia 22555

RE: Proposed Text Amendment for the PD-2 Zoning District

Dear Mr. Zuraf:

The purpose of this letter is to provide revisions to the proposed text amendment for the PD-2 Zoning District (shown in Exhibit A), and to provide the Applicant's responses to staff comments. Ebenezer United Methodist Church ("Ebenezer") is located on 7.59 acres, and is proposing to expand the existing church onto an adjacent 3.94 acre parcel that is zoned PD-2. An application that would rezone the 7.59 acres from A-1 to PD-2 is proposed and is accompanying the proposed Text Amendment. The following information is offered in support of the proposed text amendment.

Discussion

The proposed text amendment will allow small additions to the PD-2 district through the rezoning process, provided a number of performance standards are met. Notably, the amendment does not permit any increase in residential density, and public hearings through the rezoning process will enable the Board of Supervisors to verify that the performance standards will be met. The performance standards for any addition to the PD-2 district are summarized in the proposed addition to Sec. 28-53(c), which states:

- 6) One or more properties may be reclassified to allow for the expansion of an existing PD-2 district, and is exempt from minimum acreage requirements provided the total area of the original PD-2 district and any contiguous expansions do not exceed 850 acres when:**
- a) The parcels are adjacent to the existing PD-2 district;**
 - b) The development is compatible with the existing design standards of the original PD-2 district;**

- c) **The development is compatible with the surrounding community, which shall include integration of streets, blocks, viewsheds, landscaping, architectural design, and pedestrian network and site access;**
- d) **The development will not adversely impact area roads; and**
- e) **The development will not create additional residential density.**

The proposed text amendment will be available for any parcel adjacent to the existing PD-2 Zoning District that can meet the performance standards and submits a rezoning application. For purposes of critique of this proposed text change, the Ebenezer parcel is analyzed in the following table:

Performance Standards	Ebenezer United Methodist Church
Contiguous expansions do not exceed 850 acres for the entire PD-2 district	The 7.59 acre existing church site will increase the acreage of the existing PD-2 district from 750 acres to 757.59 acres, well below the 850 acres.
Parcel adjacent to existing PD-2 district	Ebenezer is adjacent to the existing PD-2 district.
Development compatible with existing design standards of the original PD-2 district	Ebenezer will proffer design standards that will be compatible with the original PD-2 district.
Development compatible with the surrounding community, which shall include integration of streets, blocks, viewsheds, landscaping, architectural design, and pedestrian network and site access	Ebenezer will use the existing road network, including the future extension of Embrey Mill Road, and is compatible with all other design features of the Embrey Mill subdivision. Ebenezer will also be compatible with other surrounding communities.
Development will not adversely impact area roads	The additional development is projected to generate an additional 553 vehicle trips on Sunday (peak traffic period for the Church). Approximately 65% of the traffic is estimated to travel via Eustace Road, and 35% of the traffic is estimated to travel via Embrey Mill Road. A greater amount of traffic will be generated by the Embrey Mill subdivision, and the peak traffic period for Embrey Mill will be on weekdays.
Development will not increase residential density	No residential development is proposed.

Responses to Staff Comments

Staff Comment 1: Sec 28-34. – Purpose of districts. – Recommend not using the term “redevelopment.” The corresponding proposed expansion of the church is not consistent with the County Code definition for redevelopment. Suggested replacement language:
An exception to the minimum acreage requirement is permitted for reclassification to the PD-2 district of one or more parcels located adjacent to an existing PD-2 district, in accordance with Sec. 28-53(c)(6).

Applicant's Response: Proposed text has been modified accordingly.

Staff Comment 2: The general provisions in 28-53(a) would apply to new parcels being rezoned to PD-2. Staff suggests modifying 28-53(a) provision 1 & 2, to exempt these requirements in cases of PD-2 expansion. Provision 3 should still apply in cases of expansion.

Applicant's Response: Proposed text has been modified accordingly.

Staff Comment 3: Staff recommends the amendment to 28-53(c)(1) be limited to the proposed change in the first sentence.

Applicant's Response: Proposed text has been modified accordingly.

Staff Comment 4: Staff suggests the remaining changes proposed in 28-53(c)(1), regarding acreage of the expansion area and development criteria, be relocated to a new 28-53(c)(6).

Applicant's Response: Proposed text has been modified accordingly.

Staff Comment 5: Staff suggests language that, in addition to not requiring a minimum acreage for expansion parcels, would require all contiguous PD-2 areas not exceed the 850 acre maximum currently in place. This would place a limit on the extent of future expansions.

Applicant's Response: Proposed text has been modified accordingly.

Staff Comment 6: Suggest combination of the 2nd and 3rd expansion criteria, and modification to (subsection) (c) regarding compatibility with the surrounding community. Additional language would further define the type of development features of which the expansion area must be compatible.

Applicant's Response: Proposed text has been modified accordingly.

Staff Comment 7: The last provision, allowing there to be no requirement to revise the preliminary plan, is contrary to the Subdivision ordinance preliminary plan requirements. This language should be deleted. Expansion areas would require either an amendment or technical modification to the approved preliminary plan to ensure the expansion is consistent with the original development and meets open space requirements.

Applicant's Response: Since these comments were distributed, Mike Zuraf advised that Jeff Harvey determined that neither an amendment to the preliminary plan or a technical change was necessary, as no residential uses are proposed.

Staff Comment 8: The last sentence of the last provision requiring compliance with the requirements of the zoning ordinance is unnecessary and should also be deleted.

Applicant's Response: Proposed text has been modified accordingly.

Staff Comment 9: Buffers (Sec. 28-55(h)) – Provision 1 requiring a type C transitional buffer can be reduced when providing a fence. The perimeter buffer will be required when fronting on a public street. No alternate language is being suggested here.

Applicant's Response: Noted.

Staff Comment 10: Buffers (Sec. 28-55(h)) – Staff suggests open space requirement 3, requiring a type A transitional buffer between other land zoned PD-1 or PD-2 is unnecessary. PD zones are similar types of development and the requirement would minimize the ability of expansion areas to be appropriately integrated into the original community. Staff suggests deletion of this requirement.

Applicant's Response: Proposed text has been modified accordingly.

Summary

Ebenezer believes that the proposed zoning text amendment allows the addition of small parcels into the PD-2 district while retaining the original design intent of the PD-2 zoning district. The requirement to obtain approval of a request for a zoning reclassification provides the Board of Supervisors with the opportunity to review and approve any additions to the PD-2 District. Ebenezer looks forward to working with the County during the review of the zoning text amendment and the concurrent rezoning.

Sincerely,

A handwritten signature in black ink that reads "Debrarae Karnes". The signature is fluid and cursive, with the first name "Debrarae" and the last name "Karnes" clearly distinguishable.

Debrarae Karnes

cc: B. J. Priest

Exhibit A

PROPOSED ZONING TEXT AMENDMENTS:

Sec 28-34. – Purpose of districts.

PD-2 Planned Development-2. The purpose of the PD-2 district is to provide areas of the county of not less than five hundred (500), nor more than eight hundred fifty (850) acres which are suitable for a planned, neotraditional mixed use development with a variety of housing types and commercial uses intended to serve the immediate community. This district should be located only where approved water and sewerage are available or planned and where transportation systems are adequate. **An exception to the minimum acreage requirement is permitted for reclassification to the PD-2 district of one or more parcels located adjacent to an existing PD-2 district, in accordance with Sec. 28-53 (c)(6).**

Sec. 28-53. - Planned development districts.

(a) *General provisions.* All planned development districts shall comply with the following requirements:

- (1) The entire tract shall be under one ownership or control, **with the exception of an area subject to expansion of a PD-2 district;**
- (2) The site shall have direct access to a major collector or higher classification road as identified in the Stafford County Transportation Plan, **with the exception of an area subject to expansion of a PD-2 district;** and
- (3) The site shall be served by a public water and a sanitary sewer system, owned and operated by the County of Stafford.

(b) PD-1 site requirements (not proposed for amendment and intentionally deleted).

(c) *PD-2 site requirements.* In addition to the requirements of subsection (a) of this section, to be considered for classification as a PD-2 district, the tract of land shall conform to the following requirements:

- (1) The total area for a **new** PD-2 district shall not be less than two hundred fifty (250), nor greater than eight hundred fifty (850) contiguous acres.
- (2) The site shall be located in an area planned for public facilities and public infrastructure such as utilities and roads.
- (3) Soils shall be suitable for urban uses, as determined by the planning commission, based on official soil surveys or other accepted technical data.

(4) No less than twenty-five (25) percent of the total area of the PD-2 district, exclusive of the areas proposed for commercial uses or parking areas shall be designated as open space for common use.

(5) No less than ten (10) percent, nor more than thirty (30) percent of the total land area of the PD-2 district shall be dedicated to commercial uses unless all/or portion of the PD-2 district that was to be developed with the commercial use has been reclassified to the P-TND district and the same tract contains transect zones predominantly used for commercial uses such as but not limited to: T4, T5, T6 and SD-C.

(6) One or more properties may be reclassified to allow for the expansion of an existing PD-2 district, and is exempt from minimum acreage requirements provided the total area of the original PD-2 district and any contiguous expansions do not exceed 850 acres when:

- a) **The parcels are adjacent to the existing PD-2 district;**
- b) **The development is compatible with the existing design standards of the original PD-2 district;**
- c) **The development is compatible with the surrounding community, which shall include integration of streets, blocks, viewsheds, landscaping, architectural design, and pedestrian network and site access;**
- d) **The development will not adversely impact area roads; and**
- e) **The development will not create additional residential density.**

Sec. 28-55 – Planned Development – 2 (PD-2) Regulations.

(h) *Open space requirements.* Development within the PD-2 shall comply with all the buffering, landscaping and screening requirements per section 100 of the DCSL, except for section 110.3, Transitional buffer. The following open space requirements shall be met:

(1) A type C transitional buffer, per section 100 of the DCSL shall be established along all perimeter property lines of the development except as provided below.

(2) A type C transitional buffer, per section 100 of the DCSL shall be established along perimeter lines of the development that adjoins land designated as agriculture or rural residential in the land use plan.

~~(3) A type A transitional buffer, per section 100 of the DCSL shall be established along perimeter property lines of the development that adjoins lands zoned as PD-1 or PD-2.~~

~~(4)~~(3) No commercial establishment within a PD-2 district shall be located within fifty (50) feet of a perimeter boundary of the PD-2 district which adjoins lands zoned for residential or agricultural use. No development or clearing, grading or construction

activity, other than for any public utility construction or providing road access, shall be permitted in any buffer area; except the buffer area established along major collector or higher classification streets may be cleared and replaced with landscaping. No impervious surfaces, including structures, parking or roadways are permitted in this area, except for access authorized herein and pedestrian or bicycle trails and access. No less than fifteen (15) percent of the total internal area shall be designated as open space for common usage; except that the area of the undisturbed buffer, parking areas, and land proposed for commercial use shall not be included in the calculation of open space acreage. No less than ten (10) percent of the total open space shall be landscaped. No less than five (5) percent of the total open space or twenty (20) acres, whichever is greater, shall be designated to public or community use.

CEDC Agenda Item: Germanna Community College Deed

Date Presented to the CEDC: 5/2/2017

Current Situation:

A meeting was recently held with the Chairman of the Board and County Administrator, Dr. Sam, outgoing President of the Germanna Community College and the current Chancellor of Virginia's Community Colleges, Dr. Glenn DuBois to discuss the future Stafford Campus of Germanna Community College (GCC).

Both Dr. DuBois and Dr. Sam discussed their commitment to the future Stafford County campus and their current commitment to Stafford through the GCC Automotive Technology Center which opened in 2012, located at 42 Blackjack Road in Stafford and the GCC Stafford Center currently in Aquia Park but moving to larger rented space nearer the hospital in May 2018. The GCC Stafford Center was awarded funds toward its construction by the Stafford County Economic Development Authority (EDA) which made it possible for Germanna to open its first leased facility. Enrollment has been over capacity from its opening. Currently, Germanna has a lease on property at 124 Old Potomac Church Road in Stafford for a larger center now under construction. This center will include regular classrooms, a science classroom, workforce development opportunities, greatly expanded student services, and a planned library center in partnership with the Rappahannock Regional Library. Expanding from 4700 s/f to 13,000 will accommodate even more students than the current center leased in Stafford. The timeline for completion of the new center is May 2018. Meanwhile, Dr. Sam and his staff continue their active efforts in fundraising for a new campus in Stafford. To date, the Stafford County EDA has pledged \$1M toward the new campus and other discussions are ongoing with potential additional private donations. In addition, Rhonda and Adam Fried have pledged \$1 million for operations at the expanded leased center.

Dr. DuBois also indicated that the site for the new Stafford Campus has been approved at the State level and the new facility is currently included in the State's six-year capital improvement plan and has high priority. The actual funding of the approximately \$25M project will need to be included in a future State bond issue. It is anticipated that the project will be included in a proposed State bond issue that will be proposed as part of the next Governor's first biannual budget proposal in January of 2019 for FY2020 and FY2021. Assuming voter approval under this scenario, funding should be available beginning in July of 2020 for the design and construction of the new campus.

Request for the CEDC/Board of Supervisors:

Given the progress Germanna has made in moving this project forward and their current commitments to being in Stafford through existing programs, Dr. DuBois has suggested that future success in getting the campus funded at the State level may require a stronger commitment from Stafford County than exists in the current deed for the property. Dr. Sam also indicated that a stronger commitment may help fundraising efforts with prospective donors.

Proposed End State:

The current deed states that, "If the Germanna Community College has not established permanent use of the Property after five (5) years from the date of this Deed of Dedication, the Board of Supervisors may evaluate the progress that has been made toward funding and construction of the Stafford Campus/Center of GCC and determine if an alternative public use is more appropriate. If the Property has been deeded to the State or a foundation for community college use, the Property shall be conveyed back to the County and may be used for compatible alternative public purposes. This shall be a covenant running with the land and shall be binding on Grantee, its successors and assigns". The deed was executed in May of 2016. Dr. DuBois indicated that land is typically provided without conditions, thus giving assurance of a location prior to final funding and project planning/construction. To accomplish this, an amendment to the current deed to eliminate the five year time limit would be necessary. Staff is currently in the process of clarifying what would be necessary to change the deed given land use considerations in the original deed and will provide additional information at Tuesday's CEDC meeting.

Benefits to the County:

Given the timeline for a State bond issue and the time limit in the deed, Dr. DuBois and Dr. Sam are suggesting that a deed without conditions would put Stafford in a much better position to assure funding for the new campus.