

STAFFORD COUNTY PLANNING COMMISSION MINUTES
February 22, 2017

The meeting of the Stafford County Planning Commission of Wednesday, February 22, 2017, was called to order at 6:30 p.m. by Chairman Tom Coen in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Tom Coen, Crystal Vanuch, Steven Apicella, Sherry Bailey, Roy Boswell, Darrell English, Mike Rhodes,

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Kathy Baker, Mike Zuraf, Susan Blackburn

DECLARATIONS OF DISQUALIFICATION

Mr. Coen: So first we start our evening with declarations and disqualifications. Are there any declarations or disqualifications that anyone has? Seeing none, we now move to the public presentation part of our meeting. The public presentation part is for items that are not in the public hearing, so it would be items not the Falmouth Overlay District nor the Sycamore Grove nor the R-5 Senior Living. So, if you have any other comments that you would direct to the Board, this would be the time to come up and do that. This is an opportunity for the public to speak on any matter except for those hearings. There will be a separate talking time for those. Please state your name and address before you start talking, and address the Commission as a whole, not individual members. You have 3 minutes to speak when the green light comes on. At the yellow light, it indicates that you have 1 minute left. And then at the red light, we ask you to please wrap up your comments. If anybody would like to speak, they are welcome to come forward. Hi! And we have our first person; come on up.

PUBLIC PRESENTATIONS

Ms. Clifton: Good evening Mr. Chairman and members of the Commission. My name is Irma Clifton. And one of the things I wanted to tell you tonight was that Shelton Cottage will be open this time for the first time in 30 years for Garden Week. And it will be decorated by members of the local garden club in the community with fresh flowers. And also there will be an art exhibit of floral art. The theme is Art and Flowers, not Flowers and Art because a flower is a piece of art itself, it's a creation in itself. So, we have changed the wording a little bit. The second thing is probably not as happy as having that open for Garden Week. But I'd like to bring to your attention the Old Falmouth Elementary School. It's going to be... you know, something is going to have to be done with that and it's going to have to have the support or the suggestions by the members of this body. And just keep in the back of your mind, I know you all pass by there all the time and you see it, but there's some... the County is moving I think a little bit on it now; is that correct Mr. Harvey? I think.

Mr. Harvey: Mr. Chairman, I'm not, and Ms. Clifton, I'm not aware of any specific endeavors towards renovation of that building. But I'm not necessarily involved in those aspects.

Ms. Clifton: No, and what I was talking about, speaking about mostly is that there's been some limitations now that have been found on the Deed of Transfer. When the property was transferred from an individual to the County, there were restrictions placed on the deed that said if it ever ceased to be a school that it would go back to the family. So that is now sort of a kink in what's going to be happening there. But just keep that in the back of your mind and I'll be up here every... probably every meeting to

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remind you of that. Also, keep in the back of your mind, as things are progressing with the budget to be sure that there's money placed in the budget this year to fund a preservation officer for the County's Planning and Zoning Office. Thank you very much.

Mr. Coen: Thank you Ms. Clifton. And I'll look into that and email and look into that for you. Thank you ma'am. Alright, are there any other individuals who would like to come and speak this evening? Alright, seeing none, we'll close the public comment period of our meeting. I would just ask and sort of remind everyone that also there's some upcoming event on March 4th; there will be the groundbreaking for the Armed Services Memorial here at our complex. And since we had General Chichester... Mr. Chichester and General Christmas come and talk to us about it, I just wanted to make sure that we reiterated that so that people could come and visit that. Alright, so now we move to our regular business and the first order of business is our public hearings. And so the first public hearing is the Falmouth Redevelopment Area Overlay and, Mr. Harvey, you have the floor.

PUBLIC HEARINGS

1. RC17161533; Reclassification - Falmouth Redevelopment Area Overlay District - A proposed zoning reclassification to apply the FR, Falmouth Redevelopment Area Overlay Zoning District to Tax Map Parcel Nos. 53-107, 53D-1-7, 53D-1-8, 53D-1-9A, 53D-1-10, 53D-1-11, 53D-1-11A, 53D-1-13, 53D-1-14, 53D-1-14A, 53D-1-15, 53D-1-16, 53D-1-17, 53D-1-17A, 53D-1-18, 53D-1-19, 53D-1-20, 53D-1-31, 53D-1-32A, 53D-1-33, 53D-1-33A, 53D-1-34, 53D-1-35, 53D-1-36, 53D-1-37, 53D-1-38, 53D-1-43, 53D-1-43A, 53D-1-45, 53D-1-46, 53D-1-47, 53D-1-60, 53D-1-61, 53D-1-62, 53D-1-63, 53D-1-73, 53D-1-76, 53D-1-77, 53D-1-78, 53D-1-79, 53D-1-80, 53D-1-81, 53D-1-82, 53D-1-83, 53D-1-97, 53D-1-98A, 53D-1-99, 53D-1-100, 53D-1-100A, 53D-1-101, 53D-1-102, 53D-1-103, 53D-1-104, 53D-1-104A, 53D-1-105, 53D-1-106, 53D-1-107, 53D-1-108, 53D-1-109, 53D-1-110, 53D-1-110A, 53D-2-2, and 53D-2-5. The parcels are located near the intersection of Cambridge Street and Warrenton Road/Butler Road, along Cambridge Street, Butler Road, West Cambridge Street, Gordon Street, Carter Street, and Forbes Street, within the Falmouth and George Washington Election Districts. The underlying zoning of the parcels is B-2, Urban Commercial; B-3, Office; and R-1, Suburban Residential Zoning Districts. The total area of the parcels is approximately 30 acres. Application of the FR Overlay District would not change the existing underlying zoning classifications of the parcels. **(Time Limit: June 2, 2017)**

Mr. Harvey: Thank you Mr. Chairman. If you'd please recognize Kathy Baker for the presentation.

Ms. Baker: Good evening Mr. Chairman, members of the Commission. Kathy Baker, Department of Planning and Zoning. And if you'll bear with me, my voice may give out a little bit tonight, but hopefully I'll be able to maintain. So this item is the reclassification for the Falmouth Redevelopment Overlay District. And this reclassification would apply the FR, Falmouth Redevelopment Area Overlay District to 81 parcels in the Historic Falmouth District. The current zoning of these properties is a mix of R-1, Suburban Residential, B-2, Urban Commercial, and B-3, Office. It's approximately 30 acres for the entire area, and the Board of Supervisors is the applicant. I'll note that the actual reclassification is to an Overlay District and it is not changing the underlying zonings. So, the zonings that exist are R-1, B-2, and B-3 are not changing. The Board adopted an Ordinance back in October, Ordinance O16-24 which created the Falmouth Redevelopment Overlay District and the regulations that go with that. They also established the boundary for the FR District. Application of this district does require a rezoning application and, in this case, the Board is acting as the applicant and authorized the reclassification of these 81 parcels. The Board did state in the authorization that any owner who wishes to opt out of this application may do so. They would need to have either verbal comments at this public hearing or the

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Board of Supervisors public hearing, or they can submit written comments. And as you'll note, the boundary highlighted in purple is the area of the district. And you'll see the parcels... first let me acclimate you to the area. So, we're on Route 1/Cambridge Street at the intersection of Warrenton Road/Route 17 and Butler Road. This, of course, was the area of the recently completed Falmouth intersection. Other streets within the district are West Cambridge in this location; King Street; Gordon Street; Carter Street; and then Forbes Street in this area. Also, a portion of Washington Street is included in the district. You'll see the white area, that's all VDOT right-of-way. That's remnant right-of-way from the Falmouth intersection improvements. And this just shows you an aerial overview of the area in question. The district is approximately this location; it follows those lines. And we've kind of broken it up typically into four quadrants just for discussion purposes. You have the northwest, the northeast, the southeast, and the southwest. And typically the southeast and the southwest quadrants are the ones that are going to have your more significant historic structures dating back to the 1750s. And there are no structures in the northwest quadrant, other than billboards along two of the property frontages. The northeast quadrant has some more modern buildings; they're 20th century structures but still considered historic because they were constructed up to the 1950s and that's the period of significance -- about 1750 to 1956 for the Falmouth Historic District. You'll note that the... along King Street, the elevation is around 20 feet in height... or excuse me, in elevation and the topography increases as you go up this direction. And it's most flat then in the upper areas. You do have Falls Run along the western boundary line which includes Resource Protection Area. You also do have flood zone in a good portion of the southern part of the district. I'll note that there are about 35 historic structures in the entire district boundary, and there are about 25 parcels that are undeveloped. I should have noted that there are about 39 parcels that are zoned R-1, 41 that are zoned B-2, and then one parcel is zoned B-3. So the purpose of the FR District is to provide suitable and sufficient opportunities for redevelopment in the Historic District. It would also allow flexibility in new construction and reuse of existing buildings.

Mr. English: Ms. Baker?

Ms. Baker: Yes.

Mr. English: I've got a question, if you could go back to the slide a second. Why didn't they go all the way up to Falmouth Baptist Church and up to the Falmouth School with that and they just stopped right there? Is there a reason?

Ms. Baker: The Board of Supervisors just went with a boundary that they thought was small enough to use this as, I guess to test out the district to see how it would work. Jeff, if you have more.

Mr. Harvey: Yes, Mr. English, the Board was initially looking at this as a pilot project, and felt that if it became successful it may be able to expand the boundaries. So this was the initial small or more compact area which people mostly know as most of the core of Historic Falmouth. There were some questions earlier on about extending it further Washington Street, further down Butler Road, further up Route 1; this was the core area that the Board landed on.

Mr. English: I was just curious because of the Falmouth Baptist Church. I don't know, that's probably historical and then you've got the school. That was my reasoning. Thank you.

Ms. Baker: Moving on, the last bullet there, maintaining the historic nature and cultural contacts of Falmouth. Sorry, Jeff could you just read these slides for me?

Mr. Harvey: The district regulations do allow more by-right uses than in the underlying district. There

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are some restrictions to the underlying uses that are not compatible with the historic area, so some of the commercial zoned properties actually have some prohibited uses which would normally be allowed throughout other parts of the County, but in the historic area the Board felt it was important to restrict those types of activities. These properties generally were built prior to the concept of modern zoning, so often times they don't meet setback requirements, lot coverage requirements, and those types of things. So the Ordinance, when it was adopted, allowed for relief of those standards. Those relief could be handled through a Special Exception process with the Board of Zoning Appeals. The Ordinance also includes development standards to encourage pedestrian circulation; in other words, sidewalks. It requires that any new construction or additions to existing buildings comply with the Neighborhood Design Standards in our Comprehensive Plan, and also would go to the ARB for approval for compatibility with the historic nature of Falmouth. It wouldn't be quite the same level of review as you normally see with historic district properties. The Architectural Review Board issues certificates of appropriateness for historic district properties, and they go under a higher level of scrutiny to ensure that whatever changes to those buildings are keeping it in nature with the integrity of the building itself and its time period in which it was initially constructed. The Ordinance also establishes some limitations for outdoor restaurant seating from 7:00 a.m. to 11:00 p.m. That currently doesn't apply elsewhere in the County at this point in time. There are some other issues that are dealt with with the Ordinance and it would prohibit outdoor storage of goods in the front yard and require certain areas to be screened from view such as loading spaces and dumpster spaces. It restricts the hours for outdoor display of goods, and also outdoor display should not obscure the architectural features of the building and should not impede access along sidewalks. And paved parking would be required for parking lots with more than 24 spaces. At one point in time there was a lot of discussion about a lot of the way Falmouth was developed, there wasn't paved parking. So, for smaller sites that could still be the case. But for larger parking lots, it would have to be paved. Other district regulations require a minimum open space ratio of 0.1; in other words, 10% of the total property area would have to be in open space. There's a requirement for a landscaping buffering plan. Again, this only applies to new development so, if someone's taking a vacant lot and building on it, or if they're proposing to put an addition onto a commercial building, they would have to provide landscaping and buffering. There's a requirement that any new construction install underground utilities; it limits the location of loading areas and service entrances and trash storage. Also, the Ordinance would set limits on building height. Currently, our B-2 zone which, as Ms. Baker indicated, many of the properties in this area are zoned B-2, Urban Commercial, the current zoning regulations allow buildings up to 65 feet, which is generally 5 stories, and that's a bit out of character for the historic nature of Falmouth. That's why the Ordinance Overlay District would limit any buildings to 3 stories or 45 feet. And also limit the height of accessory buildings; in other words, detached garages or sheds or those types of buildings, they'd be limited to 25 feet. And then also it limits the length of a multi-family building if a site was to be redeveloped for that purpose. The importance of that is to make sure that the building itself again stays in the smaller type of scale and character that you see in Historic Falmouth.

Ms. Baker: Okay, I can try now. Thank you.

Mrs. Bailey: Mr. Coen?

Mr. Coen: Yes Mrs. Bailey.

Mrs. Bailey: Mr. Harvey or Ms. Baker, so the 81 parcels that the land owners have been contacted, and if they want to opt out -- let's say that they fall within one of the prohibited uses, they have the opportunity to opt out?

Ms. Baker: They actually have the opportunity to opt out of this application of the rezoning. So they're

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parcel would be excluded from the Redevelopment Overlay. So, none of the overlay regulations would apply to that particular parcel that opted out.

Mrs. Bailey: If they didn't opt out and they were in one of the... utilizing one of the uses that currently are prohibited, what would happen in that case?

Ms. Baker: If they have an existing use that's... they can continue that as long as they continue it as a legal non-conforming use.

Mrs. Bailey: And then the parking, the riverfront that's being used -- would that necessarily also be required to be paved?

Ms. Baker: That's outside of the district, the riverfront park is outside the district.

Mrs. Bailey: Okay.

Ms. Baker: It's from the north side of King Street.

Mrs. Bailey: Got it. Okay, thanks.

Ms. Baker: So, this slide shows, under the Ordinance, what the uses are that are permitted by-right in addition to any of your existing underlying uses that are allowed in any of the zoning districts. So in R-1, B-2, or B-3, under your... if the overlay were put in place, you could also do a commercial apartment, a bed and breakfast, a community use, a farmer's market, a home business, a live/work unit, a place of worship, or public art. You would also have to have a conditional use permit for any of the uses shown in the middle column which is anything requiring a drive-through, adult daycare, fleet parking, hotel or motel, or wholesale business. The last column does show uses strictly prohibited in the FR Overlay District, and that includes automobile repair, auto service, car wash, lumber/building/electrical or plumbing supply, machinery sales and service, motor vehicle sales, outdoor flea market, plant and tree nursery or greenhouse, recreational enterprise, vehicle fuel sales, or a warehouse mini-storage or regular storage warehouse. There are more detailed lists broken out by zoning district in your Attachment 5 in your report. With regard to the historic resources in the area, Falmouth is listed on the National Register of Historic Places, as well as the Virginia Landmarks Register. These are more designations and don't have any particular standards or requirements that are in place for development. However, portions of the Falmouth District was designated in 1985 as a Historic Resource Overlay District, which is another Resource Overlay District in the area. And this is a map that shows currently the parcels within the historic overlay. As you can see, the red boundary is the new area of the resource, the FR Overlay District. And what that means is the properties that are currently in the Historic District are subject to review by the Architectural Review Board. As we noted already, one of their new requirements in the FR District means that also any development of properties would be subject to ARB review. So, in essence, anything within the red boundary would now have the same type of regulations which requires review by the ARB for any exterior improvements or changes to the buildings or any new structures on properties. And these would comply with the Secretary of Interior Standards for rehabilitation of structures. There are 22 districts throughout the County; Falmouth is the only one that has multiple properties in the district. And I'll just give you some slides here showing the area of the historic properties. This is looking north on West Cambridge Street. And you can see how the buildings are set very close to the street. So, most of them are going to be non-conforming with regard to what your setback requirements currently are in the district. So adding on to a building you may not be able to do if that area falls within building restriction lines. Those are some of the things that could be... the standards could be lessened. This is another example showing primarily residential structures on a

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portion of Washington Street. Again, they sit very close to the properties... or to the street. This just shows a couple of buildings looking west from Washington to West Cambridge Street, showing that they do have very small sizes of the parcels; so, very limited room to have any type of... there is actually a business in the building to the left. But somewhat limited on your redevelopment potential. This just shows you the area up on Forbes Street. Again the single-family structures are a little bit... they're more 20th century. They do have some larger lot sizes so have a little bit more ability to redevelopment the parcels along this street. And this is just a few more examples kind of showing the various sizes and shapes of the different buildings. These are a few more. So with regard to the Comprehensive Plan, this is designated within the Falmouth Village Planning Area. And generally that's for mixed use, commercial, and residential, and also following the Falmouth Village Redevelopment Plan which was adopted in 2011. So overall, staff does find that the proposal is consistent with the established development pattern. You do have small scale residential, commercial, and office in the area. The proposal would encourage future development that would be compatible with Historic Falmouth. The proposal would incentivize rehabilitation and reuse of vacant historic structures. And it is compatible with the Falmouth Village Planning Area and Falmouth Village Redevelopment Plan. And we don't find any negative aspects. So staff is recommending approval; again I'll note that any property owner that wishes to be excluded can do so by submitting written or verbal comments at either hearing. And I will note that an individual property owner could opt to rezone their property in the future with this overlay, but they would actually have to pay application fees in order to do so. So, with that, I'll be happy to answer any additional questions.

Mr. Coen: Okay, anyone have any questions for Ms. Baker? Mr. Apicella.

Mr. Apicella: Mr. Chairman, so I believe Mrs. Bailey sort of asked this question but I just want to be clear because I'm not sure I heard an answer. Were all of the A-1 parcel owners advised of this rezoning process?

Ms. Baker: We sent out notices to every owner on record, yes.

Mr. Apicella: And in that notice, did it tell them that they could opt out?

Ms. Baker: Yes.

Mr. Apicella: And what's the deadline for submitting a written opt out request? I didn't see it in the referral.

Ms. Baker: It's my understanding it's during... it's at the public hearings or to be presented at one of the public hearings, either the Planning Commission or the Board of Supervisors.

Mr. Apicella: Is that the way the County Attorney sees it? Just because it's not real clear in the referral.

Ms. McClendon: The request would have to come before the Board acts on it. Once the Board acts on it, the request could not be taken up.

Mr. Apicella: Okay. Thank you.

Mr. Coen: Alright, any other questions? I do have one question. The fleet parking -- do we have what we normally envision as fleet parking?

Ms. Baker: That's typically if you have a business like a plumbing business or something where you

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would have all of your plumbing trucks that would be parked onsite.

Mr. Coen: Okay. And just for clarification, Ms. McClendon, so that if people wanted to opt out, they sort of have tonight to say something, anything up to the actual public hearing that the Board of Supervisors have on this issue?

Ms. McClendon: That's correct. They could actually make the request in person at the Board's public hearing as well.

Mr. Coen: Right. Theoretically, can they do that in person... say they had questions and they wanted to talk to staff. Can they do it then or do they have to do it at the public hearings?

Ms. McClendon: I believe they're allowed to do it either in writing or at the public hearing. The idea is to have something on the record. So, if they do it at the public hearing, it's on the record. Or if they do it in writing to staff it's on the record.

Mr. Coen: Okay. Alright, thank you. Any other questions? Seeing none, alright, we'll open up the public hearing on this issue. During the public hearing we ask that you come up, state your name and your address before you speak. Address the comments to the Commission as a whole. You have 3 minutes to speak at which the green light will turn on. Same rules apply; the yellow light infers that you have less than a minute left, and then when you see the red light, we ask that you wrap up your comments. And so, with that, is there anyone who'd like to speak on this issue? Then come on down; you're the next contestant on...

Mr. Bundrick: My name is Gregory Bundrick. And first, of course, I want to express my appreciation as a citizen for your service to the community. I'm not quite sure in terms of the impact of the proposal on my property. But I can tell you about Forbes Avenue which is seeing a whole lot of density. We're experiencing a high load of traffic up and down Forbes, more during some times of the day than others. The speed of traffic is of concern to us. The condition of the road is of concern to us. There is considerable erosion on the road, and also considerable erosion along the side of the road. So, it seems that, as I said, we're not in that exact district per se but we're concerned of course about what any development means on Forbes and then us. So, I just wanted to bring this to your attention as you consider this matter.

Mr. Coen: Okay, thank you Mr. Bundrick.

Mr. Bundrick: Thank you.

Mr. Coen: Alright, and Ms. Clifton? Not that you're the only one, but you're here.

Ms. Clifton: Good evening again. I'm Irma Clifton. No one wants to see Falmouth thrive more than I do, but within limits. For example, protecting its historic and cultural integrity. Also, I believe in property rights, within reason. I don't think there is anyone who has moved into Falmouth in the last 40 to 50 years or even bought property there who did not recognize that there were certain limitations. When I was reading the report today, I noticed that the very first permitted thing was allows for more by-right uses than the underlying zoning districts. Such uses include commercial apartment, bed and breakfast inns -- where are you going to park, over in Fredericksburg, community farmer's market, home businesses, live/work units, place of worship -- you couldn't have very many people, and public art uses. To this, all I can say is parking, parking, parking. Anyone who travels through Falmouth during the summer weekends will be in for a shock. The improvements to Route 1 and Route 17

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intersection is notwithstanding; traffic is still a problem and a study should be conducted to try to find a way to improve the flow. There was no traffic study conducted for this overlay district. Overall, I think the plan is good and I can offer support on a limited basis, after the parking and the secondary street traffic, and the pedestrian problems are solved. You will be considering a rezoning request early next month that will test the parameters of this overlay district in respect to parking and pedestrian passage. This overlay district may open the door to more than Falmouth can handle. Don't permit this Falmouth Overlay to become a Falmouth Over-power District. Thank you.

Mr. Coen: Thank you Ms. Clifton. Anyone else wish to speak? Yes sir.

Mr. Waters: I'm Parrish Waters. I am referring to a couple of the designations that... I think Ms. Baker, I'm getting that wrong, sorry... that were presented here and I noticed this also refers to the referral that Ms. Clifton made to the proposal next month. Anyway, my point is, I'll get to it, is to urge the Committee, the Board to be cautious when rezoning. The uses that were listed up here do not... it's not a comprehensive list of the things that are available to B-1, B-2, and B-3. And just looking here at your website, with B-1, things like a apartment or a bed and breakfast, but it also includes convenience center, dance studio, drugstore, florist, dry cleaner. All of these things are pretty unattractive or some of them are unattractive to residents. My kids play in the back yard. If there was dry cleaner next door, that'd be a little toxic. If it was a bakery, wonderful. There are a lot of uses that I would be very happy to have, but I would just urge the Board to be cautious in the rezoning to make sure that things are compatible with the residential. I have two small kids; I'd hate to have them play out in the fumes from a dry cleaner or a automotive shop, which I know that's not allowed, but something like that. Thank you.

Mr. Coen: Thank you Mr. Waters. Anyone else wish to speak? Come on, welcome down.

Ms. Govenides: I'm Linda Govenides. I'm sure some of you have talked to me. It's my understanding that the VDOT right-of-ways have been turned over to the County. Is that true or not?

Mr. Coen: Okay, well, we can't answer right now but I'll ask staff when you're done.

Ms. Govenides: Oh, I'm sorry, okay. That is a big concern. I've been waiting to know what they're going to actually do with that property since it's right next door to me. And I think most of this is very nice. Who's our architectural review? That's not a question, I'm just asking who is it. And what impact are they going to do with the existing communities and things and houses, etcetera? Because mine's not exactly the color that they'd probably fit. It's pink. So, those are my concerns. And there's a lot of information to gather here tonight to make any kind of a verbal or written request of any kind. So, where do we get more in-depth information on that? Again, you don't have to answer it; just curious. Anyway, okay, those are my concerns. Thank you.

Mr. Coen: Thank you Ms. Govenides. Alright, anyone else wishing to speak? Alright, seeing none, we bring it back to staff. Does staff want to address any of these questions? As you come up Ms. Baker, would you be the one that if people have for the questions to contact in the Planning Department?

Ms. Baker: Yes, that would be fine.

Mr. Coen: Okay, so if anybody has further questions, Ms. Govenides, this is the fine, professional, intelligent person that would be able to help you.

Ms. Baker: Just a couple of things; with regard to the rezoning overall, we did not do a traffic analysis

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or any analysis on the public facilities because it's going to depend upon the development of each individual parcel. As a property does come in and want to do something under the existing zoning, they can certainly do that. They would either have to submit a site plan or, in some cases, if they would want to submit a rezoning application if they want to go say from R-1 to B-1, then that's when those issues would be laid out and presented, and the impacts could be weighed at that time. Right now, anybody can develop any of these properties under its existing zoning. So, if a B-2 use wanted to come in, they would have to submit a plan of development showing their parking, showing all of their... where they're meeting all zoning regulations, and they would have to show where they're meeting any parking requirements and where they're putting their properties and such. So, that was just an overall comment. As far as the VDOT properties... could we pull up the computer please?

Mr. Coen: Computer please? There we go.

Ms. Baker: I'll go back to this... As I stated, the white areas are VDOT remnant right-of-way. There was an agreement based on the impacts to the Historic District back at the very beginning of this process that indicated that additional right-of-way not needed at the end of the project along Butler Road would go to the County. There's also been a request since then for additional areas to be conveyed to the County. We've been told that VDOT is still in the process of finalizing all of their punch list items for the project going through whatever various finalizations that they have to do in order... before they can convey these properties. So, right now it is still VDOT right-of-way. It's the intent that at least this portion is going to be conveyed to the County. The other areas are still in question; we're not sure what they will do. We don't have a timeframe yet but, if it does convey, we still have to have certain uses that are going to permit interpretation of the Falmouth Historic District that could include parking areas, it could include trails, pedestrian seating, parks, open space area; it's limited area but it does have to relate to interpretation of the Historic District the way that it was written in an agreement with VDOT. So, it's limited uses but it could provide some additional parking areas for Falmouth in general.

Mr. Coen: Ms. Baker, if you could make a note as this goes forward, and I think I mentioned this before but, to put in the legend that the white area, what it is.

Ms. Baker: Sure.

Mr. Coen: So that way people, when they look at the map, understand what all the white area is. It just would be helpful, thank you.

Ms. Baker: Certainly. Is there anything else that you would like me to comment on at this time?

Mr. Apicella: Mr. Chairman?

Mr. Coen: Go ahead Mr. Apicella.

Mr. Apicella: I heard some concerns that this might be to additional development, I think Ms. Baker pointed out that many of the uses did not change from what already exist. When I look at the three categories, additional uses permitted by-right, that may not have been allowable before but now are allowable. There's not a lot; it's not a very exhaustive list. But can you explain what a commercial apartment is?

Ms. Baker: And I think the intent of that plus the live/work unit is to provide somebody who wants to live within that historic building and have say a, if it's a 2-story building, to have the commercial use or the office use on the bottom floor and then still maintain a residence upstairs. We used to have that

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allowance in some of the zoning districts, but that's no longer an allowed use anywhere. So that would go back to where someone could continue to live but also have a small office or other use in the building. And that would be the, like I said, the live/work unit or the other...

Mr. English: Sort of like Amy's Café type thing?

Ms. Baker: ... commercial apartment. Yes, Amy's Café has a commercial apartment upstairs. So it just gives that owner a little bit more flexibility in what they can do with their structure.

Mr. Apicella: And when this was in front of us previously, we did take out some proposed by-right uses that were new.

Ms. Baker: That's correct.

Mr. Apicella: Under the category of additional uses permitted by CUP, these may have been by-right uses that now have a CUP requirement.

Ms. Baker: That's correct.

Mr. Apicella: And there's a fairly lengthy list of what were either by-right or CUP uses that are now prohibited.

Ms. Baker: That's correct.

Mr. Apicella: So, in theory, aside from adding, you know, an additional ARB review and Neighborhood Design Standards, this isn't necessarily trying to push for more development; it's just trying, to the extent there is development, it's in concert with the historic nature of the district. And we did not add a lot of new categories, but categories that may fit into this Historic District. Is that correct?

Ms. Baker: That's correct, yes.

Mr. Apicella: Okay, thank you.

Mr. Coen: Any other questions? Alright. Just for those watching or listening, when Mr. Apicella says ARB he means Architectural Review Board. For those people who are not up on the lingo. And correct me, Ms. Baker or Mr. Harvey, if I get this wrong, but if we were to try to take items out of say the CUP use, it would add another of we would have to make more recommendations and to have it come back type aspect. Am I correct on that?

Mr. Harvey: Yes, Mr. Chairman, there would need to be another zoning text amendment which involves another series of public hearings. Tonight's hearing is changing the zoning map to put the overlay on the property. If the Commission and Board of Supervisors want to change the regulations some more, that would require another set of public hearings.

Mr. Coen: Okay. But we certainly could let them know if there were certain uses that we had sort of angst about.

Mr. Harvey: Yes.

Mr. Coen: Okay, thank you. Thank you Ms. Baker. Alright, because this is primarily in my district, I

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will turn over the gavel to Mrs. Vanuch.

Mrs. Vanuch: Thank you Mr. Coen.

Ms. McClendon: Just one second, I'm sorry. Mr. Chairman, I don't believe you've closed the public hearing.

Mrs. Vanuch: Okay, we're going to close the public hearing at this time. So, since this is in your district Mr. Coen, what say you?

Mr. Coen: I'm going to make a motion to approve O17-16.

Mrs. Vanuch: Any second?

Mr. Rhodes: Second.

Mrs. Vanuch: Alright, Mr. Rhodes seconds. Any discussion Mr. Coen?

Mr. Coen: Yes. We have had a lot of discussion on this. We pulled many items that we thought were problematic out of the by-right to put it into CUP or take it out. I will say that staff has done an excellent job of bringing these up. If we can make it very clear to individuals that of who they can get hold of Ms. Baker to get answers to their questions and, not to add more work to you Ms. Baker, but it would just be helpful for people to be able to know the process and have their questions answered. I do have angst about two things in particular that I would hope that the Supervisors will take care of. I don't want to slow down this process any farther than it already has, but the adult business as a CUP I feel is sort of problematic. And a nightclub under the CUP; if the timeframe is to close by 11 p.m., the nightclubs would by normalcy be going past 11 p.m. And so, if those aren't really in concert to what we're trying to do in this area, it would make sense just to remove them altogether. So, that's why I'm pushing this forward and recommending approval of this, and just hoping that the Supervisors will then turn around and do the process to remove those two items.

Mrs. Vanuch: Thank you Mr. Coen. Mr. Rhodes?

Mr. Rhodes: No further comment.

Mrs. Vanuch: Alright, time to close that out. Anybody else want to say anything? No? Alright. Go ahead and pick up your ticker and vote. Okay, so the motion passes 7-0.

Mr. Coen: And then if Mr. Apicella, I appreciate that, Mr. Harvey and Ms. Baker, if anybody that we know of if we can communicate again with them to let them know that the second step is before the Supervisors, that would probably help them in knowing what timeframe so they're not caught unawares. And I want to thank everyone for coming out this evening and participating. I think we've taken into consideration your angst and concerns. Alright, we move onto the next item for the public hearing which is Sycamore Grove. Mr. Harvey?

2. RC16151347; Reclassification - Sycamore Grove - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the R-2, Urban Residential-Medium Density (88.27 acres) and B-2, Urban Commercial (10.17 acres) Zoning Districts, to allow for a mix of single-family detached residential units and commercial retail uses, on a portion of Tax Map Parcel No. 37-80. The portion of the parcel under consideration for rezoning totals 98.44 acres, is located on the

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east side of Centerport Parkway and north side of Mountain View Road, and within the Hartwood Election District. **(Time Limit: June 2, 2017)**

Mr. Harvey: Mr. Chairman, please recognize Mike Zuraf for the presentation.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. If I could have the computer please? I'm Mike Zuraf with the Planning and Zoning Department. This item is a reclassification for a project known as Sycamore Grove. This is a request for a reclassification from the A-1, Agricultural Zoning District to two zoning districts, R-2, Urban Residential and B-2, Urban Commercial. This is on a portion of... the rezoning is on a portion of Tax Map Parcel 37-80. The total area of the reclassification is approximately 98 acres, of which 88 acres would be to the R-2 Zoning District and 10 acres to the B-2 Zoning District. The applicant is IVI Strategies, LLC with Charlie Payne as the agent. The site's on the south and east side of Centreport Parkway and north side of Mountain View Road. The 98-acre portion to be rezoned is cross-hatched on this image. And the remainder of the parcel accounts for 133 acres. In total, the parent parcel is 231 acres. But again, 98 acres subject to rezoning. Looking at the zoning map for this site, the upper half of the... you see the site is zoned A-1. Surrounding the property on the upper half is M-1 zoned... M-1, Light Industrial zoned land. Also, the area to the west is zoned R-2, Urban Residential. That R-2 and M-1 zoned land was part of the rezoning known as Centreport. Looking at the history of this property, there are no proffers on the property. In 2013, two applications were proposed; one for a cluster subdivision under the current A-1 zoning, and a zoning reclassification following soon after to rezone the land, the entire property to the P-TND Zoning District. The cluster subdivision has not been approved. During the review of the project, the cluster subdivision regulations were amended and that amendment reduced the potential dwelling unit yield from 105 lots to 77 lots. The zoning reclassification in the meantime was later denied in 2014. The applicant has filed suit against the County for both of those applications; both lawsuits are currently stayed until the zoning reclassification... this zoning reclassification application is considered. To date, no other development has been proposed on the property. So, in the evaluation of the by-right impacts of this application, the applicant is using the higher density of a 105 by-right dwelling units under their proposed cluster plan. Staff notes that the actual by-right impacts would likely be lower today under the by-right density of something closer to 77 lots. The land includes a mix of forested land cover and open agricultural fields and pasture land. Potomac Creek runs along the southern limits of the rezoning area, with perennial and intermittent tributary stream channels, wetlands, and 100-year floodplain. The topography of the subject area includes rolling terrain and areas of some steep slopes. The General Development Plan depicts a proposed design of the site which would include up to 170 residential lots, all single-family detached, and up to 150,000 square feet of commercial development. In the image, the areas of B-2 zoning are highlighted in red, and the R-2 zoning area is highlighted in the orange. The development would be accessed primarily from a single point on the northern end of the site off of Centreport Parkway. And additional access points may be provided in the future from inter-parcel access opportunities that might occur as surrounding properties develop. A collector road would provide access to the commercial areas that are located on the western side of the road. And the commercial retail and office uses are shown as potential development scenario in this case under a conventional kind of suburban development pattern. The collector road then continues on past the commercial areas to the south into the residential area. The site includes a combination of a grid pattern network of streets and some cul-de-sac streets. Within the residential zone, there's 30% open space provided, which would include active and passive recreation, typical stormwater management, and protection of sensitive natural resources. Also, a community center with pool and clubhouse is proposed and that is generally centrally located in the site in this area. A Traffic Impact Analysis evaluated the impact of this project on select intersections along the entire length of Centreport Parkway, from Ramoth Church Road down to the intersection with Jefferson Davis Highway. The specific intersections evaluated are highlighted with the green stars. The results of the Traffic Impact Analysis

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indicate the site development would have a negative impact on a few of the intersections that were looked at at buildout of this project, which was estimated at year 2023. That would be impacts without mitigation. The specific intersections that were found to have some potential impact were the Centreport Parkway/Mountain View Road intersection, and the intersections at the northbound and southbound ramps to Interstate 95. So, mitigation is proposed at these intersections that are found to have some negative impact. At the Mountain View Road/Centreport Parkway intersection, the applicant would add turn lanes both on Centreport Parkway and Mountain View Road, and contribute to evaluating whether a traffic signal is needed and then providing funds if it's determined that a traffic signal is needed in the future. And then at the two intersections to the on-ramps at Interstate 95, the mitigation that helped these two intersections was to add a dedicated turn lane, right-turn lane, on Centreport Parkway onto southbound 95, and add a second through lane through that same intersection. And then signal timing adjustments at these intersections improved both intersections. The Comprehensive Plan identifies the site as being within the Central Stafford Business Planning Area on the latest adopted Future Land Use Plan. The Planning Area includes a conceptual land use plan which recommends the site for Business and Industry Future Land Use. The commercial component of the project would be consistent with this recommendation although the residential component would not be considered consistent. Another element of the Comprehensive Plan looks at airport impacts. The property lies within the Airport Land Use Compatibility Zone which is identified in the latest Comp Plan. The airport zones are divided into subzones and use compatibility is recommended within each of these zones. The property is identified within the darker green area, which is Zone H-1. This is a horizontal inside flight zone which is an area where planes might fly parallel to the runway if they're circling the airport. This image superimposes the...

Mr. Apicella: Mr. Zuraf? Is that the small planes or larger planes, the H-1?

Mr. Zuraf: Within H-1, it's most likely to correspond with the smaller planes (inaudible).

Mr. Apicella: So the more frequent traffic.

Mr. Zuraf: At this point, yes. So this image identifies the... it just kind of superimposes the GDP over this airport impact zone. Also the, within the Central Stafford Business Planning Area, the plan designates sectors around the airport taking into account these different airport impact zones and divides them into sub-areas or sectors, and identifies if a use might otherwise be permitted, whether it would because of its proximity to the airport be considered not compatible or might need additional review. This site is within Area 3 or Sector 3. But since residential use is not recommended in this location, it's not identified as a permitted use. Regardless of this, as an attempt to address the residential incompatibility issues the applicant is proffering to incorporate soundproofing construction materials and provide disclosures to purchasers of properties in this area to make them aware of the proximity to the airport. And also one of the other recommendations in this area for any residential would be to provide significant open space, and the applicant does do that with the open area that is not being rezoned and proffered to be preserved. Staff notes that these are mitigation measures if the proposal is identified as needing additional review. Also, the proposal complies with additional review standards that apply to commercial development in the H-1 Zone as the project does not exceed population concentration thresholds and usable open space is provided as already mentioned. The Stafford Regional Airport Authority did express support for the B-2 zoning proposal, but they do not support the R-2 zoning giving the amount of density under the aircraft traffic pattern. They did note that they would be more supportive of a density that is a lower density in this location. Looking at environmental impacts, the GDP does identify a development scenario that may conflict with natural resources on the site. There's an area where there are lots and streets sited across wetland areas. Staff notes that the Comprehensive Plan discourages development that would result in these impacts. Policies in the plan

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recommend new development be sensitive to environmental features and protect natural resources. Also, there are three Dam Break Inundation Zones associated with upstream dams from this site. And significant portions of the residential units would be located within these zones. Policy recommendation in the Comp Plan discourages development of new buildings and structures within these Dam Break Inundation Zones.

Mr. English: Mike, where's that creek... is this the creek on the bottom?

Mr. Zuraf: On the bottom is Potomac Creek in this location.

Mr. English: And isn't there a creek or something that runs through that property also? Or is that the only one?

Mr. Zuraf: There is a creek over in this location as well.

Mr. English: So it's nothing (inaudible)...

Mr. Zuraf: And there is an intermittent stream that kind of runs through this location.

Mr. English: That's what I thought, okay.

Mr. Zuraf: Staff would note though that DCR, the Department of Conservation and Recreation, and County Codes do not prohibit development in these zones, we're just bringing this up because there are Comp Plan policies that discourage new development in these locations.

Mr. Apicella: Mr. Zuraf, do we have notice requirements in dam inundation areas, whether it's by-right or happens to be part of a rezoning?

Mr. Zuraf: As far as notice requirements...

Mr. Apicella: For the... for somebody who might be buying a piece of property that's in a dam inundation zone, I would think they'd want to know that that might be an issue. Do we not have notice requirements?

Mr. Harvey: Mr. Chairman and Mr. Apicella, the County does not have specific notice requirements. We do have those maps available on the County website that people can view. If they are in a Dam Break Inundation Zone, that affects the classification rating of the dam itself and may require the dam owner to do upgrades to make the dam safe by inspections from the state.

Mr. Apicella: Okay, thanks.

Mr. Zuraf: Also, there are two bald eagle nests that are currently located on the site along Potomac Creek and required to meet guidelines for minimizing disturbance, which would include setbacks of development that may range from 330 to 660 feet. The General Development Plan associated proffers would require that any residential buildings be set back 330 from any active eagle nests.

Mr. Apicella: Mr. Chairman? That is some artwork; I just thought I'd point it out.

Mr. Zuraf: We get to keep that with this. Also, as noted, the remaining 133 acres of the parcel would be proffered to be preserved as open space. Staff notes that although this site in general is a prime location

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for development, the sensitive resources on the site, definitely in that location of the property, would limit the development potential making this portion of the site... designating it as open space would be appropriate given the conditions. So, the applicant submitted a Fiscal Impact Analysis and that did determine a net fiscal benefit of... an annual net fiscal benefit of \$739,000, and that fiscal benefit result does assume full buildout of both residential and commercial uses. Staff would note that the proffers require only 20,000 square feet of commercial development to be constructed prior to all the residential units being built-out. So, given that, that would likely lower the full fiscal benefits of the project of what's required to be built. Staff did evaluate the fiscal impact benefits against the fiscal analysis that was developed back as part of the 2010 Comprehensive Plan with some estimates based on different types of development. And under full buildout, our estimate identified \$544,000 net fiscal benefit again at full buildout; but then considering the reduced commercial buildout of only 20,000 square feet of commercial, a fiscal benefit of \$107,000 of annual benefits. There are monetary contributions proposed through the proffer statement provided. The monetary contributions being offered are approximately \$13,000 per residential unit. Over the 170 units, that would amount to 2.2 million dollars approximately. This application did come in prior to the June 30th deadline, so the old proffer guidelines that were in effect at the time still apply. The proffer guidelines at that time were \$48,000 per single-family residential unit. Applied to the 170 units, that would amount to 8.2 million dollars under the recommended proffer guidelines. Looking at what might occur and how this may equate to considering credit for the 77 by-right units that would exist on this property, and discounting those units that they already have rights to build, that would increase the per unit proffer to approximately \$24,000 per unit. And in addition to the per unit contributions, the applicant is proposing \$215,000 as mentioned before for the traffic signal studying and contribution for that construction, if it's warranted. And then there is other community benefits being offered in the amount of \$125,000. That amounts to \$50,000 for a Mac Moncure Endowment Scholarship Fund through the schools; \$25,000 towards Belmont Museum; and \$50,000 to Seven Lakes Community for improvements and repairs to their principal and emergency spillway at their dam. Staff notes that these other proffers are beyond the extent of what would be considered acceptable proffers as they are not directly related to the project and not identified in the County's CIP. So, if these proffers are to remain, they should be amended to require the contributions be made directly to those other entities and not the County.

Mr. Coen: Mr. Zuraf?

Mr. Zuraf: Yes.

Mr. Coen: So, when the applicant comes up with their analysis of how much per unit it is, they've included those items that are not normal proffers that really are not tied to the site, correct?

Mr. Zuraf: No, the previous number mentioned, the \$13,000 per unit, that does not include these extra payments.

Mr. Coen: Okay. But then, if along the way, I mean, it also would include the \$215,000, right?

Mr. Zuraf: No, that's extra.

Mr. Coen: Okay, so if the grand total they're saying we're offering a package of x, their x is actually including something that isn't the norm and that we normally don't accept or that we can't technically say because it's not tied to this particular development.

Mr. Zuraf: The \$125,000 is beyond...

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Mr. Coen: Right.

Mr. Zuraf: ... but everything else is... the traffic improvements, those are appropriate.

Mr. Coen: Thank you sir.

Mr. Zuraf: So, several proffers are being proposed to mitigate impacts. Many of these I've kind of addressed and so I'm not going to go into too much detail. But the proffers would require development in accordance with the General Development Plan; would limit the development to the 170 single-family units; prohibit several commercial uses that would otherwise be permitted by-right; there's the requirement for commercial development phasing which I had mentioned would allow or require at least 20,000 square feet of commercial development before the full 170 units could build out; transportation improvements I've already reviewed that would be provided; there's a proffer that the applicant would install a FRED bus stop by I believe the 100th unit or within a certain timeframe of the residential project that FRED agrees to provide service to this location, they would provide the stop. Also, a community center with pool and community building and shared-use trails would be offered as community amenities. I've gone over the per unit cash contributions and lump sum payments that are being offered. Also, there's a proffer to preserve and protect the historic Oakenwold house that's on the site. They would do this through playing berms and/or fencing around the historic Oakenwold property to prevent vandals from accessing that historic structure. And also, I've gone over the portion of the property, the 133 acres that are not being developed. That area would be preserved as open space and either be retained by the HOA for the community or possibly be dedicated to the County or a conservation group that may want to hold that property in a conservation easement. Also, the airport disclosures and mitigation I've gone over and the setbacks from the bald eagles' nests. Also, there are building design guidelines that would ensure consistent high quality design of the commercial and residential buildings on the site. And then also, for Fire and Rescue safety, require a secondary access by the 120th building permit. And if they don't access the secondary access through the identified inter-parcel connections, the applicant would need to utilize the current existing alignment of Oakenwold Lane as that secondary access point. The application does include the architectural guidelines that I mentioned that apply to both the commercial and residential portions of the project. These are representative images of the guidelines and show the general type, character, and quality of architectural design. The design standards are in conformance with several of the recommendations in the Neighborhood Design Standards Plan of the Comprehensive Plan. Looking at the evaluation of this proposal, there are several positive aspects. The commercial uses do meet the recommendations in the Comprehensive Plan. There are significant cultural resources preserved. Proffers would mitigate impacts to the road network. Design guidelines ensure high quality development. And they would be preserving a significant amount of open space with this request. There are several negative aspects as well; the residential zone and use would be inconsistent with the future land use recommendations. Some of the wetland impacts are inconsistent with Comp Plan policies. Residential density would be inconsistent with Airport Land Use Compatibility recommendations. The siting of new buildings and structures in the Dam Break Inundation Zone would be inconsistent with Comp Plan policy recommendations. And residential use would be located farther away from public facilities and services in the near term. And monetary proffers do not fully mitigate impacts for certain types of facilities. Given the positives and negatives, staff would support the proposed B-2 zoning but would not be able to support the request for the zoning to R-2 on this property. Staff would also note that proffers are predicated on the approval... approving the reclassification to both B-2 and R-2 zoning districts. And so if the Commission was to only approve one of the zoning districts, the proffers would not apply. And I'll take any questions at this time.

Mr. Coen: Thank you Mr. Zuraf. Any questions for Mr. Zuraf? Seeing none, we'll ask the applicant to come forward.

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Mr. Payne: Mr. Chairman and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. I appreciate your time this evening. I think this is my first time before you this year so Happy New Year to you. It's always good to be in Stafford County. Congratulations Mr. Coen on being the new Chair. Mr. Zuraf, thank you for your presentation. I think we've got similar PowerPoints, just different conclusions. So, I'll try to get through this as quickly as possible and then to address any questions you may have. We do have the Engineering Groupe team here as well who can address some of the more technical aspects of this presentation. As noted, we represent the applicant and the Tax Map Parcel is 37-80. What do I hit, Mike? Sorry.

Mr. Harvey: Can we have the computer please?

Mr. Payne: Computer please. Thank you. I'm not a very technical savvy, just for the record. Just real quick: project overview, and I think Mr. Zuraf covered a lot of this. You know, the background on this project, as many of you may recall, of 2014 there was a application, rezoning application when this site was within a UDA for over 650 mixed residential units and 250,000 square feet of commercial. As staff noted, that case is pending litigation. There is also a submitted cluster subdivision plan for 105 single-family detached units. The Ordinance changed in the middle of that application process and there's also a pending litigation involved with that case. Just for the record, also, to note that this case... this current application was filed prior to July 1, 2016, so it's not the new proffer legislation but obviously the prior. As staff had noted, the rezoning for a portion of the property is from A-1 to R-2; it includes about... over 88 acres. We are also rezoning another portion of the property, about 10.2 acres, to B-2. It's also important to note that this application does include proffers to preserve the remaining 130-plus acres, so this project does include the entire site including the preservation of 130-plus acres, which we'll show here in a minute in our slides. It is important to note, I think, that the surrounding uses are fairly compatible with us, including commercial and residential to our north; to our south commercial; of course, to our east is I-95; and to our west is a fairly large mixed-use zoned property. The overall rezoning project has 170 single-family detached units, village style units as staff had noted. The commercial footprint is up to 150,000 square feet. Obviously this is located in the County's most recent TGA... I'm sorry, Central Stafford Business District, so commercial obviously being an important part of that focus. It's also located with the Urban Service Area and will connect to public water and sewer; we in fact have it onsite. The total fiscal impact of this project is \$739,285 as full buildout, including both residential and commercial. Staff had utilized a model created by Dr. Fuller. His protégé, Dr. Bellas, was our consultant on this project. Just real quick on the residential component, again, 170 single-family detached units and includes over 30% open space which is very important. And you'll see later slides how we're protecting wetlands extensively. The residential density is 2 units to an acre versus what we allowed under R-3 at 3.5, so it is lower dense. It is a walkable village-style community we're seeing with access to retail, restaurants, and walking trails. We're seeing this as an attractive model for future home buyers and current home buyers. The units will generate again, just this residential component, a net fiscal impact at full buildout of \$360,000... I think over \$360,000. I think that's important to note, especially in regards to offsetting not only operating costs in the County, but also any capital impacts. We have proffered architectural features which are consistent with the County's Neighborhood Design Standards as noted in the staff report as well. We have proffered several neighborhood amenities, including a community center, a pool, exercise room, walking and bike trails. We have also included a phasing component to this that no more than 101 single-family detached units will be built until 20,000 square feet commercial... until permits for 20,000 square feet of commercial space have been issued. And here is a quick overview of the architectural renderings which again are consistent with the County's Neighborhood Design Standards. Just real quick on the commercial overview: up to 150,000 square of commercial. We anticipate that would include 30,000 to 60,000 square feet of commercial office space, including... we hope to have 20,000 square feet fairly

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soon; 45,000 to 90,000 square feet of restaurants, general retail and services, and commercial uses again to create this village style environment. The FAR, I think it's important to note that 0.34 as compared to what we can do under a B-2 zoning of 0.70 which is again less dense, less intensified if you will for purposes of our location. The commercial component will be a positive job creator, including professional office uses as stated. And the net fiscal impact for this component is over \$378,000 annually at full buildout. And here's a quick overview of what that will look like, which we have proffered. Just real quick on the Comprehensive Plan; I'm sure, as you've heard me before, the Comprehensive Plan is a guide, not necessarily an ordinance. We believe that this project is consistent with that component... with the Comprehensive Plan. You may also recall that the initial filing, when we filed this back in prior to July 1, this was a designated UDA and not the current land use district. Again, we believe that the project is in general compliance with the transportation land use section of the Comprehensive Plan. As you all, including the Central Stafford Business Planning Area, they do encourage not only commercial, but also residential. In fact, there's 750 units slotted for this particular land use district, including 550 single-family attached units. The proposed commercial uses are consistent with the Comprehensive Plan as staff has noted. The proposed project will also include a variety of uses recommended in the Business Planning Area such as a community center, the passive recreational facilities, and extensive open space. The project is within the County's Urban Service Area and, again, sewer and water are available on the site. Airport Compatibility. We have (inaudible) the Airport Authority several times, including about a couple weeks ago, so we've had some fairly good discussions with them I think. I think the recommendation you received from them was back from November or maybe later than that. I don't know if they have any updated recommendation; perhaps they don't. But we thought we had a pretty good conversation with them. Again, the site is located within the H-1 Horizontal Zone which does not per se prohibit residential uses. It requires additional review. All residential units... dwelling units are located again outside of this 3,200 linear foot centerline of runway standard, which is consistent with your Airport Land Use Compatibility Standards. The proposed 170 units are consistent with the by-right density yield and include only 2 units to the acre versus 3.5. Again, and our FAR layout is 0.34, so again we're creating a less dense development here, certainly as compared to what was initially requested of 650 units and there were 250,000 square feet of commercial. The project does include up to 150,000 square feet of commercial space. We are preserving 133 acres on this site which will be located to basically the south of where the residential and the commercial will be. If you look at the Land Use Compatibility Standards in the Appendix, this is a plus for public safety. We've also proffered noise mitigation standards, which are consistent with what was approved in the Courtyards at Colonial Forge. We have also proffered airport notice standards; all those are very key to the airport and we understand why, we understand why it's important to them for that purpose. And not only notice today, but notice to future buyers as well, successor buyers to those properties once they're built out. As Mr. Zuraf noted, there is also an analysis on population concentrations. We are very, very low if you apply what those standards are in your appendix, the Land Use Compatibility Appendix. In fact, the low standard is 200 and 250 and we're at 6.9 people per acre, which is really low. This slide shows the distance from the airport centerline to the boundary line. The closest point is over 3,200 feet. Transportation. As staff had noted, our transportation improvements will improve the immediate transportation impact area. The offsite transportation proffer improvement include, as staff had noted, \$215,000 in case for the light warrant study and signal improvements at Centreport Parkway and Mountain View Road. The next slide will show you the specific details: the construction of a northbound left-turn lane along Centreport Parkway onto Mountain View Road; the restriping of existing left-only and thru right-turn lane for Mountain View Road onto southbound Centreport Parkway to create a left thru; and a dedicated right-turn lane. Again addressing and mitigating not only what our traffic will generate an impact, but also what currently and future impacts will be. And again, restriping the Centreport Parkway and I-95 southbound exit as may requested by VDOT of Stafford County for purposes of accommodating a dedicated eastbound right-turn lane. All in, this is about \$665,000 in transportation proffers, including the cash which is \$215,000. The project will

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provide a FRED stop as well. This here... this slide here, and it's hard to see on my screen, shows both the improvements at the intersection of Centreport Parkway and the southbound I-95... I-95 southbound ramp, and Centreport Parkway and Mountain View. Again, these were the proffered conditions that were listed here. Cash proffers. As staff had noted, the \$2,246,595 includes \$1,906,594-plus for schools, over \$170,000 for Parks and Recreation, and Fire and Rescue about \$170,000. There's also... this project will be subject... the residential component will be subject to transportation impact fees, so there's another approximately \$3,000 per unit, about \$509,000-plus will be added to the process. We have also made some community proffers although not necessarily consistent with the proffer guidelines. They are in fact, benefits to our community, including \$50,000 to the McCarty Mack Moncure Endowment Scholarship administered by the School Board, which is a really important endowment; \$25,000 to Belmont which is one of our art jewels and cultural jewels in Stafford County; and \$50,000 to be used to assist Seven Lakes Community in design and construction of principal or emergency spillways at Seven Lakes Community. Other proffers -- it's important to note the applicant will undertake measures to stabilize the historic Oakenwold site. We'll conduct Phase 2 archeological studies, part of site disturbance (inaudible) that were designated in our Phase 1 analysis. Again, preservation of the south open space; I think this is really important to keep emphasizing. The cluster plan would include impacts to that site, so would the 650 unit and 250,000 square-foot plan again that's currently pending litigation. This particular proffer would preserve obviously that area in perpetuity, whether by restrictive covenant or by a third party easement holder, conservation easement holder. There is the Northern Virginia Trust just to our south, immediately to our south, and we're thinking they would be an obvious third-party candidate for that purpose. There are construction of shared-use trails that will be open to the public, but they will be privately maintained. So again another public benefit. The applicant will also construct no residential building within 330 feet of an active eagle's nest site as staff had noted as an affirmative plus. And it will have emergency access to two future inter-parcel connections from Centreport Parkway which was something that the Fire Marshal asked us to look at, and VDOT. And in regard to the Dam Break Inundation Zone, the DBIZ, this has been reviewed and vetted both by staff and by DCR for purposes of this development, and there were no issues in regard to us being able to develop it. So with that, I don't know if Joyce or Billy or Deja, if you guys just want to get into a little more details as to where the DBIZ actually are on the site, when we get to the next slide. Is that better for you Joyce? That one? Okay.

Ms. Lupia: Hi, my name is Joyce Lupia. I am an engineer with the Engineering Groupe; I'm also a Certified Floodplain Manager. And just to give you a little bit of background, yes there are three dams that are regulated by the state within the vicinity of this property. In case you don't know, there are three dam classifications; low hazard, significant hazard, and high hazard. And all three of these dams are already classified as high hazard dams by the state, so any development that is downstream of them cannot cause the classification to become higher. And any of these dams already have to undergo the inspections by the state as required, and any improvements that would have to be made to these dams based on those inspections have to be made by the dam owner, not by any downstream property owners. The Dam Break Inundation Zones, or the DBIZ as we call them, are based on a catastrophic storm event that causes a dam to fail. Someone had mentioned notifications earlier. Each of these dams already has to have an emergency action plan on file with DCR and the Fire and Rescue Department of Stafford. And in that book each downstream dam owner has to be listed and that plan itemizes how and when people have to be notified in the event of a disaster. So anyway, there's three dams as we mentioned. The detail on the right is the Dam Break Inundation Zone for Lake Curtis. And, as you can see, it is downstream of the property and there's no impact to the property from that DBIZ. The middle image is for Potomac Creek Dam #2, and there are a few lots that are located within that Dam Break Inundation Zone. The image on the left is for Potomac Creek Dam #1 and you can see that it has the largest impact on the site. Now, if you could go up one slide. These slides show the image on the left is how the site used to look under one of our other rezonings, and we have significantly reduced the impact caused by

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the Dam Break Inundation Zone on the site. Far less property is within the Dam Break Inundation Zone. So, that explains it.

Mr. Payne: (Inaudible).

Ms. Lupia: Right, and both DCR... there are no regulations in DCR that prohibit construction within the Dam Break Inundation Zone and the County has also said that there's no prohibition to construction in the DBIZ. Thank you.

Mr. Payne: Thank you Joyce. Do you have any questions for Joyce while she's up here?

Mr. English: Does she know, or do you know the last time these dams were inspected?

Ms. Lupia: Actually I think it was last year they were inspected. I believe it was last year; I don't have that information with me.

Mr. English: And do you know, or Mike or somebody, how old are these dams? Do you know?

Mr. Coen: (Inaudible - microphone not on). And I believe Mr. Apicella was asking, and let me know if I'm wrong Mr. Apicella, but he was asking about notification prior to owning the house. You were referring to notification post haste so that it really wasn't addressing his question. His question is, there's no policy about notifying the people ahead of time.

Ms. Lupia: Right.

Mr. Coen: Okay, thank you ma'am.

Mr. Payne: And we just wanted to also kind of go through the wetlands analysis real quick. You want to start with that slide Billy? Billy Flynn with the Engineering Groupe.

Mr. Flynn: Good evening.

Mr. Coen: If you could state your name.

Mr. Flynn: Yeah, Billy Flynn with the Engineering Groupe. Just for the record, the dam DBIZ that we are in is... the dam is owned by the Department of Utilities, Stafford County, so you guys own and maintain that dam.

Mrs. Vanuch: Which one?

Mr. Flynn: The one that we are in, the Potomac Creek 1.

Mr. Harvey: Yes, the County owns both the dams for Potomac Creek 1 which people might know that more as the Abel Lake Dam. And then Potomac Creek 2, the County owns that as well; that's the dam that you see when you drive along Centreport Parkway.

Mr. Payne: The two applicable dams we're within.

Mr. Flynn: Right. Owned and maintained by the County. You should be able to get the records for inspection pretty easily from those guys. The wetlands... I'm having a hard time seeing. We have a

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total of 41.61 acres onsite that consists of wetlands, open water, and streams. Out of the 41.61 acres, we are impacting less than 6% -- 5.5%. So this plan is environmentally sensitive we feel. Under the old rezoning, we were closer to 10% impacts, so we kind of reduced that in half. So we are preserving 94½% of all wetlands, open waters, and streams. So that... and we still have to go through the DCR process of permitting these and they'll take another closer look at what we're disturbing to make sure it's within the limits. This is the comparison of the old rezoning application, the P-TND, and our new application, which again we reduced the wetlands and stream impacts in half. And those numbers don't include the RPA which we are also preserving, which is a 100-foot buffer on both sides of the stream across the whole center of our project. So we feel this, again, that 5½% of the total wetlands (inaudible), that's pretty environmentally sensitive in our opinion. Any questions?

Mr. Coen: I don't believe so, thank you sir.

Mr. Flynn: Okay, thank you.

Mr. Payne: Thank you Billy. And just quickly in closing, and appreciate your patience Mr. Chairman and Board, just to reiterate a few things. I mean, the project is significantly less dense than the prior application obviously of 650 mixed residential uses and over 250,000 square feet of commercial as you saw on the last illustration. The project is a better alternative to the 105 single-family detached cluster development which impacts most of the site as we stated, including portions of the 130-plus acres we're looking to preserve. The project does protect and preserves approximately 166 of the 230-acre site; so that's very positive in our opinion. The positive net fiscal impact at full buildout I think we're going to have to somewhat disagree; I think (inaudible) a \$200,000 difference with staff analysis over \$739,000. The project does include up to 150,000 square feet of commercial space, including phasing for that. We have properly mitigated Stafford Regional Airport H-1 compatibility standards as required under... I won't say required, as advised under your Land Use Compatibility standards for the airport in your Comp Plan, including addressing noise, notice, distance, density, and open space as reiterated earlier. The project will improve transportation impact area... this particular transportation impact area with in-kind proffers and cash. As we have stated, it will improve the Level of Services in that location, including paying impact fees. We are protecting historical resources on this site and the total cash proffers are about \$3.1 million just in cash. And if you took out the 105 by-right units, which we believe we have, that'd be \$47,692 per unit. If you apply the County's 77 unit analysis, that's over \$33,000 a unit. And again, that cash would be for schools, parks, and public safety, which would total over \$2.37 million, and for transportation \$215,000 in cash plus the \$509,000-plus in impact fees. We also have in-kind offsite transportation improvements as we noted, over \$445,000. So, all in it's about \$3.5 million in proffers, cash, and in-kind. Again, this is just a conceptual overview. It shows both the B-2 and the residential, which you've seen already, and the open space preservation, and obviously our location. So with that, I'm happy to answer any questions you may have.

Mr. Coen: Any questions for Mr. Payne? Mr. English?

Mr. English: Mr. Payne, could you give me a copy of your PowerPoint?

Mr. Payne: Yes sir.

Mr. Coen: Any other questions? (Inaudible - microphone not on).

Mr. Payne: Thank you for your patience; I appreciate that.

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Mr. Coen: We now go to the public hearing portion. Those individuals wishing to speak on this public hearing item are encouraged to come forward to do so. Remember to state your name and your address before you start speaking, and address the Commission as a whole. You have 3 minutes to speak when the green light comes on. Then, after the yellow light comes on, you have 1 minute left. And at the red light we ask that you wrap up your comments. And so now (inaudible - microphone not on).

Mrs. Carlone: Ruth Carlone. This is not... this is not compatible with the Airport Land Use Compatibility Zone. H-1 is not recommended for residential development. It also conflicts with Comp Plan Policy 4.42, which discourages use in dam inundation areas. Would you buy a house for you or your mother below these 3 dams? I certainly wouldn't. Okay. This is the main thing -- this should be recommended for denial to the Board of Supervisors. There wasn't a mention, as far as the 170 units, for VDOT for a single-family home, they consider two cars at 10 vehicle trips per day. So that's about 1,700 vehicles per day. That, and it mentions in the plan here for commercial, 9,796 vehicle trips per day. That's just quite a bit for that area. But, what is ludicrous also, and this comes up constantly, are these proffers that we won't build a tot lot till the 1,000th unit... I mean, that's an exaggeration... but here it's no community center till 101st residential unit is sold. Okay, that's two persons they figure per unit, so that's about 200-something have no community center, nothing, until the 101st is built. The FRED system. Wow! Whew! That's a lot; that's great! No FRED system till the 101st unit. Here again, 200 people, that this is supposed to be such a great proffer. I would highly recommend denial of this, especially the dams. We have a current problem right now as you know with another earthen dam that is having problems. Oo-oo... times up. But anyway, I would highly recommend -- stop, you're making me laugh -- of recommending denial to the Board of Supervisors. Thank you.

Mr. Coen: Thank you Mrs. Carlone. Alright, anyone else wishing to speak on this, come forward. Thank you sir.

Mr. Kirkland: Thank you Mr. Chairman. Lindy Kirkland, I'm also serving as the Vice Chairman of the Stafford Regional Airport Authority. And I just want to talk very briefly about a couple of issues that we have with this particular project. As staff noted, this is cited directly in the H-1 subzone of the Airport Overlay. The H-1 subzone is defined as the airport traffic pattern. So, every airplane that enters the Stafford Regional Airport traffic pattern would fly directly over this project at about a thousand feet above the ground level. So, current level of operations, we're talking 75 to 150 aircraft per day now, but that's really just a fraction of the design capacity for the airport. So, as we go forward in the future, traffic will increase, you'll have a lot more conflicts with that. So, just keep in mind that the H-1 Zone - - yes, lateral from the runway, it is outside the 3,200 feet. But it's directly below the aircraft traffic pattern. So every airplane flying into the airport will fly right over this particular subdivision. The second, I would take a little bit different approach on the density and that it would not be compatible. If you take the entire 233 acres, the by-right would give you 77. If you take the 1.5 multiplied by that number gets you to about 115 units per the compatible land use guidelines that the Commission put in the Comprehensive Plan. So, I think if you're looking at 170 units, that's approximately 50% greater than the maximum density that would be allowed by the current guidelines. So I would just argue that that is not compatible with the Comprehensive Plan. So, those are our main two objections. I'll take any questions you might have.

Mr. Coen: We can't really ask questions but I'm sure we can you (inaudible).

Mr. Kirkland: Yep. Thank you very much for your time.

Mr. Coen: Thank you Mr. Kirkland. Anyone else wishing to speak on this item? Seeing none, Mr. English, before I say anything about the public hearing, did you want to say anything?

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Mr. English: Yeah, I want to make a recommendation that we defer this and leave the public hearing open.

Mr. Coen: Okay.

Mr. English: I would like to defer it to at least April 26; I have a couple questions I want to get with staff on.

Mr. Coen: Okay, one second. Ms. McClendon is getting my attention.

Ms. McClendon: The applicant has rebuttal time Mr. Chairman.

Mr. Coen: Okay. Alright, so go ahead Mr. Payne if you'd like to rebut and then we'll go forward. But the public hearing is still open, that's why I asked him at this point.

Mr. Payne: Thank you Mr. Chairman, other members of the Board and certainly respect Mr. English's concerns and wishes. Again, we always appreciate input from our community, especially from the Airport Authority. And again, we... you know, we have reached out to them and will continue to do so. I think we may just agree to disagree as to the impact of this project on the airport. I think if you just look at where we've come from and a planning position to where we are now, I think we've taken a very unique and creative approach to how to best develop this site. We've included commercial components which are important obviously for purposes of land use district. We've also included residential components which are not per se discouraged in the Central Stafford Business District, and nor are they prohibited under H-1 land use compatibility standard from the Airport Authority perspective. So, what we have done with the H-1 component is, we have pursuant to additional review standards provided what I believe are very reasonable and more than adequate mitigation proffers for that purpose. And, bottom line is, from a population density perspective, we are very, very low. So, again, this is not a very dense project. I think the DBIZ issue is a little bit of a red herring. I think the bottom line is, is that the two regulatory components that count or agencies that count in that process, the County and DCR are not going to prohibit development on this site due to the DBIZ issue, or we even being within the DBIZ. But again, that's something that comes up in the site plan stage and goes through a final review process. And in regards to the density calculations, I think again we're going to agree to disagree. There's obviously a cluster plan that we believe we can do 105 units; staff and I believe I heard the Airport Authority make a comment about 77 and then by multiplying that by 1½. Even if you use a 115 versus 170, we're very close and we're adding 150,000 square feet of commercial and we're also... this seems to be getting lost... preserving well over 130 acres of land which is a bonus in my opinion both for the airport and that particular area. So with that, I'm happy to answer any questions you may have and I appreciate your time this evening.

Mr. Coen: Okay, seeing no questions, thank you sir. Alright, Mr. English, I think we know what you'd like to do.

Mr. English: Yep. Do I need to make a motion?

Mr. Coen: Yes sir.

Mr. English: I'd like to make a motion to defer to at least April 26 meeting.

Mr. Coen: Okay, let me... is there a second to defer this until April 26?

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Mrs. Vanuch: I'll second.

Mr. Coen: Alright, we have a motion by Mr. English, seconded by Mrs. Vanuch. Mr. English, you have the floor.

Mr. English: Okay, the reason of deferral is I would like to make a site visit. I'm concerned about the dam issue and I'd also like to meet again with the airport in reference to the H-1. So that is my concerns that I have to deferring this. And I am, yes, requesting to leave the public hearing open. And also I did have a question about the schools too, some issues on the schools.

Mr. Coen: Okay, Mrs. Vanuch?

Mrs. Vanuch: I want to echo Mr. English's comments. I think one of my biggest concerns is what Mr. Kirkland brought forward within the Airport Overlay and the compatibility for this density, as well as the dam issues by Mrs. Carlone. So, I'd like to take some time with Mr. English and visit the site and find out a little more information as well.

Mr. Coen: Alright, and so... anyone else? Mr. Rhodes would like to speak.

Mr. Rhodes: I have no problem with the deferral. I do think we have six sessions between now, after tonight and the deadline, and to wait four of them, I'm just always prone to if it's at all possible, move them forward so that if there is further discussion, further questions, that we get those opportunities. So, I would just make the comment that waiting until the fourth session between now and the deadline does take up a bit of the time if there are things we need to react to. That's all. Thank you Mr. Chairman.

Mr. Coen: Thank you Mr. Rhodes for the comments. Any other comments? By anyone? So, so far, just so that staff understands, we have besides getting more information from the Airport Authority, I have a couple items that I would like to either look into myself or get with staff on. First of all, is in Attachment 3, page 6 of 12, it has the details about the land south of the parcel and what can and cannot be done. And I just would like to get clarification as to that, because the language is such that it could be used for certain elements and things, and I just want to get some clarification on that. I also have concerns about the 330-foot buffer and how close actually the taking down of trees and clearing the land will actually get to it. Mr. Harvey and Ms. McClendon and I had a conversation last week about some projects that are already... I see every day going to work and then at work where the concept was there would be a, for example, 10-foot buffer of trees but it has actually become one row of trees. And so my concern is, is that yes, we're saying there's a 330-foot buffer, but is that just going to be one tree along that are versus what the perception of what we got in the PowerPoint which was a nice pristine area that was going to kept pristine. So I have a concern about that. When this came before us before, I raised the question about the language about the eagles' nest. In the PowerPoint slide it talks about active eagles' nest. But the language in the proffer says current. And, as I pointed out last time when this came to us, eagles will stay in a nest for 3 to 4 years. And so therefore if, since they've been in the same nest for a couple years, they were to move, that would negate the entire proffer so that all those trees could be taken down, because the language in the proffer makes it pretty clear it only relates to the active nest. And so, we also, people who are watching the eagle cam in D.C. and on the website know that if the offspring from the eagles can have food source in that area, they will build nests in the same general area. Therefore, yes the parents are in tree x; the offspring, one of them could make a nest in a tree 3 or 4 or 5 feet away or 10 feet away, but according to the proffer language that is before us, that's irrelevant. And so that... I had a concern than, I have a concern now as to that. And so I probably would like to get together with staff on that. And I also would like a nice comparison about the commercial component to find out exactly apples to apples what commercial components they are

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envisioning to do and see what we already have in the County and see if their numbers actually match what we're actually getting. If people remember from many years now, Mr. Gibbons and I and Mr. English and Mr. Apicella and many, many other people have pointed out brick and mortar are going by the wayside. And so I'm leery of basing something on numbers that are not really realistic given today's economy. So, with those elements in mind, we'll put it to a vote to defer this until April 26. All those in favor will vote one way and oppose the other. Alright, thank you, and it has passed unanimously (7-0). Thank you very much. We move to our third public hearing of the evening; Mr. Harvey.

UNFINISHED BUSINESS

3. Amendment to the Zoning Ordinance - Proposed Ordinance O17-08 would amend Stafford County Code Sec. 28-33, "Districts Generally;" Sec. 28-34, "Purpose of Districts" Sec. 28-35, "Table of Uses and Standards;" and Sec. 28-125, "Types permitted in R-2, R-3, and R-4 districts," to create a new R-5 Age-Restricted Zoning District. The R-5 district would provide areas of high-intensity residential uses designed and intended to be multi-family dwellings for persons of 55 years in age or older, in accordance with all federal and state laws and regulations. Such districts are to be located within the designated Urban Services Area in the Comprehensive Plan, where public water and sewer are available and transportation systems are adequate. **(Time Limit: March 23, 2017) (History: Deferred on January 25, 2017 to February 8, 2017) (Deferred to February 22, 2017)**
(Authorize for Public Hearing By: February 22, 2017)
(Potential Public Hearing Date: March 22, 2017)

Ms. McClendon: Mr. Chairman, this is not a public hearing; it's Unfinished Business.

Mr. Coen: Okay, Unfinished Business. Go right ahead.

Mr. Harvey: Yes, Mr. Chairman, Susan Blackburn will lead the discussion for staff. I would note that the applicant and the applicant's representative is here tonight at the Planning Commission's request, and they will be available to answer any questions the Commission might have.

Mr. Coen: And, as Mrs. Blackburn comes up, the reason why I was thinking public hearing is tonight is the night that we would have to make a decision to go to public hearing on this item.

Mrs. Blackburn: Mr. Chairman, members of the Commission, you have asked for much additional information on this proposed text amendment. And one of the things that was asked for was just some general location maps, which normally you would get in a public hearing packet, and I've got them to hand to you.

Mr. Coen: Alright, thank you Mrs. Blackburn. Thank you Mr. Rhodes for passing that out.

Mrs. Blackburn: This is for text amendment O17-08 and it is for authorizing a public hearing for the amendments to the County Code Section 28-33, "Districts generally;" Section 28-34, "Purpose of districts;" 28-35, "Table of uses and standards;" and 28-125, "Types permitted in R-2, R-3, and R-4 districts," and this is for creating a new R-5 Age-Restricted Zoning District. And this R-5 district would provide areas of high-density residential uses designed and intended to be multi-family dwellings for persons of 55 years in age or older, in accordance with all federal and state laws and regulations. And we went over a lot of this at the last meeting and this is submitted by a developer who owns a tract of land in south Stafford and he would like to be able to put a higher-density multi-family development on this property for age-restricted citizens. And currently we do allow for retirement housing, and it is in

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various residential zoning districts that have very low densities. We range from 3.5 to 7.0 dwelling units per acre, and in several other districts as was listed in the staff report, the other districts require very large tracts of land and are really designed to be multi-use districts with commercial/residential uses incorporated into them. One of the things that you had requested was that to look into the neighboring jurisdictions, which I did do, in a greater detail. And not only did you have things in an attachment, but you also had items in an iPad attachment, with the various zoning maps and the different zoning districts within the different jurisdictions. And a synopsis of that was Fairfax County and Prince William County, they both have zoning districts that allow for 16 to 30 dwelling units per acre. These densities are to complement, as they say in their Zoning Ordinance, mixed dwelling developments according to their Comprehensive Plan. Well, as we know, a Comprehensive Plan is a guide. And these can stand as separate districts. And Spotsylvania County allows for densities up to 12 dwelling units per acre but you do have to have a minimum of 4 acres of land. And if they have a mixed use development, they can actually go to 16 dwelling units. Hanover provides for 15 dwelling units per acre. Henrico County, 14½ to 19½ units per acre. Loudoun County also provides for 16 to 24 dwelling units per acre, and they specifically state that this is to be used as an infill. The other jurisdictions do not mention that they are age-restricted designations at all. It is just multi-family dwellings. Another input we had since the last meeting was an email from Fire and Rescue, and they said in synopsis of what the email states is that age... 55 and over age are related calls tend to have their own set of issues, whether they are assisted living or whether they are just independent senior living. And so for them it doesn't make much difference; they're just little different ways how they deal with that. And you also asked about Shannon Airport and I provided a zoning map of Spotsylvania County showing the Shannon Airport zones. I tried to get more information on exactly what each one of those zones were and I have not gotten complete responses from them. So, hopefully for the public hearing we will have all of that taken care of. But it will potentially affect the southern area of the eastern part of Stafford County right across from the river. And in their Ordinance it says that they're Airport Impact Zone has no binding to Stafford County, just so they can keep that together. And let's see here... what else did we talk about. I've also included... I hoped it worked... a web page showing the 55 and older communities in our surrounding areas and the majority of them are mixed dwelling uses with golf courses. And those are the independent living ones and then there are others that are full service from independent to full-fledged nursing homes. I hope that link worked to show exactly where you could find those and what amenities they did have. And we have changed the sections in the Ordinance concerning the sign designation. That was changed from Section 28-125 to Section 28-128. I have included a discussion from HUD that does have a definition for 55 and older housing and, if you feel it important to add that to the code, that's fine. We can also just always state it will be according to whatever the state and federal regulations are, in case they do change. And then we would always be in compliant with those regulations. And staff notes, as stated before, the Comprehensive Plan does contemplate development densities as high as 12 dwelling units per acre in the Targeted Growth Areas. And it does not identify areas for densities as high as contemplated with this new zoning district. And should the Commission find the proposed amendment to be desirable, it may consider recommending to the Board to initiate a text amendment to the Comprehensive Plan to accommodate the style of development. And this proposed text amendment was heard by the Community and Economic Development Committee at the November 1, 2016 meeting, and they voted to send it to the Board. The Board referred the amendment to you all at November 22nd, and we are here. And staff recommends that the Planning Commission identify any desired or necessary changes and authorize a public hearing. And the deadline for the Planning Commission to hold the public hearing is March 22nd. And do we have any questions?

Mr. Coen: Thank you Mrs. Blackburn. Any questions for Mrs. Blackburn? Mr. Apicella.

Mr. Apicella: Mr. Chairman... so I take it from the information and the research that you conducted there's no other locality in Virginia that has a similar proposal as what's in front of us.

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Mrs. Blackburn: I have not found any. Now, granted I did not check every single jurisdiction in the state. But as I continued to look, the age restriction was not part of a zoning separate district. It may have been included in a mixed use development that they could provide for that kind of housing, but I did not find any multi-family housing designated specifically for age-restriction.

Mr. Apicella: And to the extent that other localities had, I'll call it retirement area housing, it was on a larger footprint than what we're looking at here...

Mrs. Blackburn: Yes.

Mr. Apicella: ... with a multitude of housing types and amenities.

Mrs. Blackburn: Yes, unless it was done as not just an independent living, but as a nursing home. That was the separate situation.

Mr. Apicella: Do we have a definition of retirement housing in Stafford's Code?

Mrs. Blackburn: Yes we do. It is found in the definitions, and it is *Retirement housing; a building or group of buildings comprised of more than one dwelling unit that is designed to accommodate the physical and social needs of senior citizens in a community setting for retirement or pre-retirement households with adult daycare, congregate housing duplex dwellings, multi-family dwellings, townhouse dwellings, patio house dwellings, village house dwellings, weak-link townhouse dwellings, single-family detached dwellings, and ancillary commercial activities may be permitted.*

Mr. Apicella: Okay. And we don't have any zoning category that has up to 24 units per acre in Stafford currently?

Mrs. Blackburn: No we do not.

Mr. Apicella: Okay. I'm looking at the information that you provided, the visual, the parcel we're looking at is Parcel 81?

Mrs. Blackburn: Yes.

Mr. Apicella: And that's zoned A-1, so under its current zoning they could potentially do two homes or whatever else?

Mrs. Blackburn: One house per 3 acres, yes.

Mr. Apicella: And the surrounding areas are mostly R-1 and R-2. What's the maximum densities under those two categories?

Mrs. Blackburn: R-1 are single-family homes and it is 1.5. And R-2's is 3.5 and it does actually allow for multi-family dwellings and single-family dwellings.

Mr. Apicella: So, my math's not great but under R-2, if they pursued a rezoning, they could have 18-plus units on that parcel?

Mrs. Blackburn: Yes.

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Mr. Apicella: And they certainly could pursue a rezoning under the R-1 or R-2 zoning categories if they wanted to?

Mrs. Blackburn: I mean, to R-1 or R-2?

Mr. Apicella: Right.

Mrs. Blackburn: Yes sir. Yes they could.

Mr. Harvey: Mr. Chairman and Mr. Apicella, you may want to clarify with the applicant as to which properties they're considering, because it's my understanding it may be more than Parcel 81. But when the applicant's representative comes down, he can give a full briefing to the Commission.

Mrs. Blackburn: It's all the parcels drawn in a blue line.

Mr. Apicella: So, it's 80, 79...

Mrs. Blackburn: Yes.

Mr. Apicella: But still the total amount of... it's all A-1, right?

Mrs. Blackburn: Yes.

Mr. Apicella: So it's still kind of the same then; the combined area would net 3... I mean 2 units under A-1.

Mrs. Blackburn: Yes sir.

Mr. Coen: And if I may, Mr. Apicella, Mrs. Blackburn, the way this is going forward, it'd apply to nearly all the County, not just these parcels here.

Mrs. Blackburn: Oh, exactly. This would be an amendment...

Mr. Coen: I mean, it's excluded from... I believe we excluded part of the Marine Corps Military Zone.

Mrs. Blackburn: Yes.

Mr. Coen: But this is not just for one parcel, it's for the County in total.

Mrs. Blackburn: Yes. It would be... it would be for areas that would be served by public water and sewer.

Mr. Coen: Thank you.

Mr. Apicella: That's it for now Mr. Chairman.

Mr. Coen: Okay, any other questions for Mrs. Blackburn? No? Alright, we did, when we last met, we had talked about having the applicant come forward just to explain the concept. And so then we

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didn't have our meeting a couple weeks ago so that, to be fair, we'll invite you down to speak. Just give your name and other information and then we can go forward. Thank you sir.

Mr. Janney: Mr. Chairman, ladies and gentlemen, good evening. My name's Doug Janney and I'm a local builder and developer in the area, born and raised here. I've been here for 57 years now. I've been building houses and doing some different developments; single-family, townhouses. I've done some small commercial projects, so I've been doing this for a long time. My vision there is to do a mixed use project, mostly a senior housing apartment project with, you know, a small office building there. And the goal is to try and create a new type of housing that, you know, right now most options for seniors will have to go live in a ranch-style in a facility with, you know, basically still a house. There aren't many projects in our area that we go up and build 4 stories, have elevators, no maintenance, no worries. My goal is to build a senior project that they don't have to worry about their roof and their yard. You know, that's typical; a lot of people in the 45 to 55 still don't mind doing that. They're trying to get away from it more but they'll still do that. We don't really have... this is kind of more of another tool in your mailbox type of thing to create the ability to do some spot zoning in areas where a project like this is needed. And I believe this project is needed. Excuse me for not being as professional as some of the lawyers that come here and talk to you, but this is the first time I've ever done this. Anyways, having said that, I believe there's a demand for this product. And one of the reasons that I picked this project on this, you know, after having several discussions with the Supervisor and we went to the Economic Development Committee and talked to five or six Supervisors at that time, they seems to think this was a good idea and a good location, and that's kind of where I've been coming from. I feel like this is a great location. It's within a mile from the hospital. There's very little housing around it even though it's in an R-1 district. There's... the only thing that's around it is a highway and the existing senior facility that I've known most of my life is Woodmont. And so that's a retirement center and it's a rehab center and it's a very small 80-some unit townhouse project up the hill a little bit from it. That typically has 45 to 55 year old people that live there year round. It's been a very established townhouse project. So, we're on one side of the highway. It's got great visibility. We're literally a hundred feet or so from walking across the bridge downtown. We like that that it's close to the restaurants and downtown for our seniors. We want to tie into the eventual trail from George Washington Boyhood Home down to Belmont and we'd like it to come right in front of our project or at least tie into it so that seniors could come out of this project and walk every day. We want to have a pool and a clubhouse and, you know, a top notch workout facility there and maybe even some classes where they can do yoga and Pilates and things. So the goal is, my goal is, to build a very first-class quality senior housing project that is site specific to these needs of being close to the hospital, walking trails, near downtown so they can still walk. You know, we're talking about 55, 65, 75 year old people, and they don't create a lot of traffic and they don't impact existing residential properties. And right now that property has been ignored for 50 years. I've owned it for about 5 or 6 months and there's 4 houses that are caving in. About a month after I took it over we had a fire there and it burned one of the units down. So, it's got 60 and 70 year old houses on it; there's only a few occupants left over there. I don't like to push anybody out of anywhere but the housing has kind of seen its use and its day. We can't do anything else on it because it's 3 acres we could build two units on, and that's not viable to do anything. You know, we need a certain density here to do a quality job where we want to build, you know, probably a 4-story building with elevators, beautiful landscaping, streetlights, a clubhouse, a swimming pool, first class materials, managed by you know a strong management company, and try and meet that need for 55, 65 year old single women or husbands who've lost their spouse or just elderly people, 65, 75 that are tired of all the house maintenance and everything and they just want a nice place to live and somebody else takes care of everything. And the key here is that we're close to the hospital, close to downtown, and we're not really affecting any other neighborhood. We have two signalized lights at this location. It's a very unique location. There's a signalized light on each side. Of course, this type of housing would

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create very little traffic period. Most of these people have part-time jobs and come and go on off hours versus the rest of us. A lot of them don't even work and just stay there and might go out once or twice a week. So, they don't need many cars, although we've provided adequate parking, more than adequate parking. They just stay in their units and they live and they just would like everybody to leave them alone and don't have to worry about anything. And that's what I'm trying to create. You know, I recently lost my mother and during that process we looked around for housing and there's not much available for our elder people. And as you know, statistics show that we're going to have a whole lot more of us. And maybe one day I might want to stay here too, and hopefully I'll be able to stay rent free, but if my kids have anything to do with it, they'll probably charge me. So, we'll just have to see; that's something down the road. But anyways, that's my vision. And I guess the biggest thing that came up that seemed to be a concern was the density. You're worried about well, if we approve this new zoning district which is really a new tool in your box, and it's a very limited tool. It's for senior housing only. And, you know, you have to come in and ask for a rezoning, so this isn't going to pop up all over the place; although if this project was successful, I might look to put one up in 610 somewhere because I really think we need some of these type of facilities. And I guess if you're really worried about the density, we have a very small parcel here too and it's a very limited amount of... it's a strange shape so that's why we need to go up 4 stories. That's why we need the density because you have a lot of cost in these projects; management teams, maintenance crews, you know, guys to fix everything, streetlights, swimming pool, clubhouse, you know, this is going to be a topnotch facility. And it costs a lot. And you can't average that over... you know, that's usually 5-6-7-800,000 dollars in total operating costs and you can't average that over 20, 40, or 50 units. You know, historically you need 150 or 200 units to spread that cost out so you can keep your rents down. I'm not asking to do that to lower the project. I'm trying to get somewhere around 110-30 units here depending on the final layout. There's not a previous project here; this is the first time I've ever done this. So we haven't gone and spent 2 or 300,000 dollars with an architect to draw the buildings up yet. So, you know, we might end up with 109, we might end up with 124, you know, depending on how big the units are and what we design as far as interior facilities and things. So, if you're really worried about this taking off, which I don't think it could happen because it's for seniors only, people have to come in and ask for a rezoning, so you can turn them down. And three, if you're really worried about it, then why don't you just cap it at 8 or 10 acres. We have a 6-acre site here. So if that's really a concern then you could put in the ordinance that you maybe just cap it at 10 acres which would maximize 240 units, which is not that big a project for seniors. You have other tools in your box for big projects on 150 acres where you can do all these things and commercial and everything else. But we don't have tool in the box for specific locations going forward to be near the hospitals and infill parcels, and this area is growing and we need for tools in the box in my opinion to do projects that we need and serve a purpose, a good purpose, in the area. So, that's really all I have to say about it. John could speak specifically more to the layout or anything that we've done. But again, everything is preliminary right now.

Mr. Coen: Does anybody have any questions? Okay, thank you Mr. Janney.

Mr. Janney: Okay.

Mr. Coen: So, we have to do some type of activity this evening relating to a public hearing. And so what is the will of the Commission?

Mrs. Vanuch: I'd like to make a motion to move this forward to a public hearing, but with the caveat to, I guess, identify some of the density issues and reduce it down to be more in sync with the Comprehensive Plan to what we require of other properties in the area to the number of 12 versus 24 per acre.

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Mr. Coen: Okay. We have a motion to go to public hearing with the idea of 12 units per acre.

Mr. English: Second.

Mr. Coen: Second by Mr. English. Any other comments Mrs. Vanuch?

Mrs. Vanuch: No, I think that's it.

Mr. Coen: Okay. Mr. English?

Mr. English: No sir.

Mr. Coen: Alright, anybody else? I will ask Mr. Harvey. One of the things that was raised was the idea of capping acres. Is that something that's in the purview or concept or something that we do as a County?

Mr. Harvey: Well, Mr. Chairman, that's something that can be done in the Zoning Ordinance. Our Ordinance currently doesn't have, in many cases, a maximum. There are some districts that do. For instance, two of our Planned districts have a maximum acreage, such as the PD-2 which is 850 acres, and the PD-1 which is 500 acres. Often you'd see too in some zoning classifications in other jurisdictions and may have a minimum acreage as well.

Mr. Coen: Thank you sir. Mrs. Blackburn, did you want to say something?

Mrs. Blackburn: No, I was just trying to make sure I got all the things we needed to do.

Mr. Coen: You got up and I didn't want to cut you off. Alright, any other comments? So, the motion before us is to actually go forward with a public hearing. But rather than having the 24 units per acre, to having it 12 units per acre. Does that fit Ms. McClendon? Okay. Alright, so now we will vote to go forward with a public hearing. Alright, and it has gone to public hearing. *(The motion passed 7-0.)* Mr. Harvey, when will that likely be so that Mr. Janney would know in case he wishes to speak at the public hearing?

Mr. Harvey: Mr. Chairman, we would schedule it for the second meeting in March.

Mr. Coen: Okay. The 22nd I believe, Mrs. Vanuch said?

Mr. Harvey: That's correct.

Mr. Coen: Alright, so March 22nd would be when that would come forward again. Alright, thank you. Alright, now we move... we have no New Business to attend to so we move to the Planning Director's Report. Mr. Harvey?

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

* New Website Update

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- * Pet Stores
- * Residential Lighting

Mr. Harvey: Thank you Mr. Chairman. I do tonight have a bit of an extensive report, so I will just try to make it as fast as I can. The Commission had... at the last meeting we talked about the web page and I was telling you that we were in the process of implementing a new website for the County. So the new website is up and running and we've got some examples of the website, as well as the Planning Commission's web page. And you can see on the computer screen, this is the Home Page to the County's website. And this is the Planning Commission's web page as it appears to the public when they access it. Again, a lot of really good information as far as the members and your contact information, access to the agendas and meeting minutes, as well as overall description when meetings are held, and the Planning Commission's responsibilities. And this is the department web page. Previously there was some discussion about whether the Commission wanted to have your pictures on the web page and we've recently updated our department web page to include a more current picture of myself.

Mr. Rhodes: You look good Jeff.

Mr. Harvey: Thank you. So, that was the first item on my Planning Director's Report. I want to also report that last night the Board of Supervisors referred two ordinances to the Planning Commission dealing with a zoning text amendment to change the requirements for pet stores to allow them in P-TND zones, as well as create a definition of a veterinary clinic that includes a vaccination clinic. And then also there would be a zoning text amendment dealing with residential lighting standards. Recently, we updated the lighting standards in the County, but since that time we've had some complaints where one residence was shining lights on another residence property and we found out that there's not a clear objective measure at the property line. So this would set that measure. Also, the Board at yesterday's meeting approved the Conditional Use Permit for the drive-through facility at The Garrison on Garrisonville Road. That's a proposed bank facility. They also approved both drainfield ordinances; both the subdivision amendment that went through the Planning Commission as well as the other ordinance that went through the Utilities Commission that dealt with the Utilities chapter of the Code. The amendment... both amendments that were passed utilized the 300 per day per dwelling unit for community drainfields. As you recall, during the Planning Commission meeting there was a lot of discussion about that number and it was recommended at 360 based on testimony from the Health Department. A lot of that discussion continued on last night with the Board but ultimately they landed at 300. The Commission... I also want to give you some other updates, too.

Mr. Coen: One moment Mr. Harvey. On the two items that were referred to us, do we have a timeframe that we need to move on those?

Mr. Harvey: Mr. Chairman, I believe that's the standard 100 days. There was no expedited time limit on those matters. And we'll give you a more complete briefing at our next Commission meeting.

Mr. Coen: And then we could schedule... do we look fairly comfortable in March and April as far as timeframes to have public hearings?

Mr. Harvey: Yes sir.

Mr. Coen: I mean, they're not really intense items. Some people are already saying that they feel pretty good about these. Thank you, sir.

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Mr. Harvey: And continuing on with my report, the Board of Supervisors had their annual planning meeting on February 10 and 11th. The items related to our department and also that affect the Planning Commission were discussed on the 11th. Significant discussions were had about the Targeted Growth Areas and Planning Areas within the Comprehensive Plan, and how they help facilitate, or can help facilitate economic development. The Board asked staff to consider focusing first as our priorities on the Courthouse and Central Stafford Planning Areas as our top priorities for economic development. So we'll be working more closely with the Economic Development Department and maybe coming back to the Commission with some more ideas about how to facilitate that with maybe small area plans. Also, we discussed with the Board of Supervisors the development trends as far as neighborhoods building out. As you may know, on our department web page, we have a map and listing of the active residential developments that are currently occurring in the County, how many units they're approved for, how many units have been recorded; in other words, authorized to build, and how many units have been built. And then from there you can see how many have yet to be built. So, that's some good information that the people can use for general knowledge of where the growth and development's occurring in the County. I've also provided you with that information as well as some past history about rezonings and by-right development.

Mr. Coen: Mr. Harvey, have we or can we put that information on our website so that people have access to it?

Mr. Harvey: Yes sir. We can certainly provide the links to that information. Do you want that to also include the most recent information about the past rezonings and the by-right development? It's a historical summary in essence.

Mr. Coen: I think that would be helpful to people as well.

Mr. Harvey: Okay. And that wraps up my report for the time being... unless you have specific questions.

COUNTY ATTORNEY'S REPORT

Mr. Coen: Thank you Mr. Harvey. Now we move to the County Attorney's Report.

Ms. McClendon: I have no report at this time Mr. Chairman.

COMMITTEE REPORTS

* Sign Ordinance Committee

Mr. Coen: Thank you ma'am. And we move to Committee Reports. Does our sign ordinance committee have anything that has happened?

Mr. Boswell: We met on February the 9th; had a productive meeting. We're scheduled to meet again on March the 1st at 3:00 p.m.

Mr. Coen: Okay. Excellent. That's a report. And then we did receive word I think about a possibility of going down to a conference in Richmond as well, and I just encourage people, if they're able to. I know some people's work situation have changed and they're not able to. But if you're able to, it might be a very beneficial tool to help us as we move forward. Thank you Mr. Boswell and Mrs. Bailey for

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serving on that. And so now we go to Chairman's Report, the Stafford County Annual Historic Preservation Awards. And I will defer it to Mr. Harvey on this.

CHAIRMAN'S REPORT

- * Stafford County Annual Historic Preservation Awards

Mr. Harvey: Thank you Mr. Chairman. As indicated, this is an annual awards that are given out by the Historic Commission. And they always ask the Planning Commission for your consideration as far as recommendations. So, if the Commission can forward any recommendations you may have to the staff, we will send them forward.

Mr. Coen: And if memory serves me, every year that we get this we end up sort of asking staff to help us come up with a list.

Mr. Harvey: Yes. And we will provide the Commission with a list of past winners so that there's no repeats.

Mr. Coen: Okay. And the categories.

Mr. Harvey: Yes sir.

Mr. Coen: Alright, and is there a particular drop dead date that we need to give them our suggestions?

Mr. Harvey: I believe there is but I don't recall what it is right now. So I'll get back to the Commission on those details.

Mr. Coen: Thank you. Alright, so now we move to... there are no TRC, it's been cancelled. So we have approval of minutes.

OTHER BUSINESS

4. TRC Information - March 8, 2017 - Cancelled

APPROVAL OF MINUTES

November 9, 2016

Mr. Rhodes: Motion to approve the November 9th minutes.

Mr. Boswell: Second.

Mrs. Vanuch: Second.

Mr. Coen: Oh, Mr. Boswell beat you. Mr. Rhodes made the motion, Mr. Boswell seconded; any comment from Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Coen: Mr. Boswell?

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Mr. Boswell: No.

Mr. Coen: Anyone else? Alright, and so if we will vote to approve the minutes for November 9th.

Mr. English: I wasn't here.

Mr. Coen: Oh, okay Mr. English. *(The motion passed 6-0-1; Mr. English abstained.)*

December 14, 2016

Mr. Rhodes: Motion to approve the December 14th minutes.

Mr. Boswell: Second.

Mr. Coen: Alright, so we have a motion to approve the December 14th. Mr. Boswell did get it but I hadn't actually asked for it yet. So, Mr. Rhodes, Mr. Boswell? Anyone else have a comment? Seeing none, we'll put it to a vote to approve the minutes. Alright, and so that passes by 7-0. Is there any other new business anyone wants to bring forward? Seeing none, we stand adjourned. Have a good evening.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:53 p.m.