

STAFFORD COUNTY PLANNING COMMISSION MINUTES
March 22, 2017

The meeting of the Stafford County Planning Commission of Wednesday, March 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, Sherry Bailey, Steven Apicella, Roy Boswell, Darrell English, Mike Rhodes

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Susan Blackburn, Chris Rapp

DECLARATIONS OF DISQUALIFICATION

Mr. Coen: Our next order is to see if there are any declarations of disqualifications by any member of the Board. Seeing none, we move onward. We are fortunate this evening, thank you, to have a presentation. Mr. Harvey, would you like to introduce him?

PUBLIC PRESENTATIONS

County Transportation Construction Project Quarterly Update By Chris Rapp, Director of Public Works

Mr. Harvey: Yes, thank you Mr. Chairman. If you'll please recognize Mr. Christopher Rapp, he's our Public Works Director and he'll be giving the quarterly transportation update.

Mr. Coen: Good evening Mr. Rapp.

Mr. Harvey: Chris, I'll be advancing them on your cue.

Mr. Rapp: Good evening Mr. Chairman, members of the Planning Commission. I'm pleased to provide the following update. Our first project is Poplar Road and Mountain View Road intersection. NOVEC is to begin relocations in two to three weeks and Verizon utility relocations are being scheduled. We're working on the bid documents. The design is done for Phase 1 and we should be bidding out the Phase 1 plans next month in April. Brooke Road Safety Improvements - we've been working on this for a while now. We believe we're close to putting this out for bid. We anticipate bidding the road construction in April. Right-of-way has been acquired. Dominion Virginia Power is finished relocating; Verizon South is almost finished relocating utilities. There's a fiber optic conduit that is going to be relocated in the near future. We purchased stream and wetland credits and we're meeting with VDOT to discuss the resolving final comments on the plans. The Garrisonville Road project you might have seen some recent activity. We finished acquiring right-of-way. We have had some delays due to utility relocations. Dominion Power is finished and there's a gas line that's been relocated. Comcast still needs to relocate the spring. Verizon's been working for quite a while and they're pulling their cable through relocated conduit now. There's several buildings that have been, in my understanding, just within the past day or two have been demolished. One of those is Mike Steiner. And Branch Highways is out there now. They've cleared land for a stormwater pond near Shenandoah Lane and they've been installing storm sewer at night. The intersection at Route 1 and Courthouse Road, we're redesigning... we had almost finished the design and VDOT said that we could not open cut Route 1. So we've had to go back and redesign for some storm sewer to do jack and bore under the road and not open cut the road.

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But we're almost done with that design and we're going to submit those plans and request an approval to proceed with right-of-way acquisition. We feel that will take some time, so we want to get an early start on that. That project was fully... we have a variety of funding, but it's been fully funded, the rest of it through the Smart Scale. Sidewalk along Mine Road - we have the design plans finished and we received notification yesterday from VDOT that next week it sounds like we'll be allowed to bid the documents. So we're working on bid documents seeking a construction contractor. Verizon has relocated some fiber optic lines and we plan to construct this calendar year the sidewalk along Mine Road, between Cathedral Lane and Highpoint Boulevard. Wayfinding signs - if you recall, we finished up one phase of wayfinding signs last year. This is another phase for signs that were... we held off on these signs. They were in the Falmouth... around the Falmouth intersection or Route 17. Since VDOT's finished those projects, we've awarded the contract for the signs. They're being fabricated at this time and we anticipate installation this... by the end of this summer. And those are all County administered projects. I know in the past you've had some questions on the VDOT projects, and I did include an email to Mr. Harvey today. VDOT came yesterday to the Board meeting and provided an update, and I provided a copy of that to Jeff to forward to you. That had some good milestone dates, especially on the Courthouse/I-95 intersection. But briefly, the I-95 HOT Lane southern terminus, the one around Garrisonville Road and southward, that project is ongoing and they expect a southbound ramp to be completed late 2017, northbound ramp following completion in summer 2018. The southbound I-95 Rappahannock River crossing - this was a Smart Scale funded project from last year it was funded... received funding last year. There's a request for qualifications that was to be released which would create basically kind of a short list of potential bidders and then a request from VDOT for proposals. You can see April 2017 to try to select a qualified design build team. And then lastly, or not lastly but I-95 Fred Ex HOT Lanes - there's actually a public meeting going on right now for this project, but I'm sure VDOT will post the information on their website. But this project would extend from the southern terminus that they're building now all the way down to Route 17. And there'll be some other additional... a public hearing in September and VDOT has a lot of good information on their website as well. And the last project, the Courthouse Road widening and the interchange, these are VDOT administered. And the design build team is Shirley Construction and Dewberry Engineers. I've been attending progress meetings. There is a pardon our dust meeting May 17th at Colonial Forge High School, so that would be a good time to go and learn about the project. But there is a lot of also good information in the document I gave Mr. Harvey that has a lot of the milestones on when they're going to start bridge construction or demolish the McDonald's or start building the Park 'n Ride. That information's in the document VDOT provided. But you'll see in the summer of this year, Courthouse Road widening will start construction. So that's coming up pretty soon.

Mr. English: When you say summer, is that June, July, August?

Mr. Rapp: The notice... the mobilization was June. And they would start off near the high school.

Mr. Coen: Wasn't that Ramoth Church?

Mr. Rapp: Yeah, widening from Ramoth Church to Cedar Lane.

Mr. Harvey: And Mr. Chairman, the VDOT report to Mr. Rapp he's referencing in included in your materials at your desk, as well as Mr. Rapp's presentation that he just gave tonight.

Mr. Coen: Okay. Could you email that as well to us Mr. Harvey?

Mr. Harvey: Yes.

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Mr. Coen: Thank you. I was looking through my email and I didn't see it. So you may well have already, but just if you could redo it. Did I understand Mr. Rapp, yesterday that the light at Colonial Forge is supposed to be done theoretically before the widening?

Mr. Rapp: Yeah, they have a July 18th install temporary signal at Colonial Forge. They said they would do that before school started.

Mr. Coen: Okay, thank you sir.

Mr. Rapp: You're welcome.

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes, Mr. Rhodes?

Mr. Rhodes: Yes, Mr. Rapp, is there anywhere online, are there drawings of the final configuration for the Popular/Mountain View intersection and for the final plans for the Courthouse Road... or the Route 1 modification here?

Mr. Rapp: We have I won't say they're the final plans, but we do have some...

Mr. Rhodes: Conceptuals?

Mr. Rapp: ... conceptuals that we can... I believe they're online but we can definitely get to you for Route 1. And I can look into getting you something on the Poplar Road as well.

Mr. Rhodes: Thank you sir. Thank you Mr. Chairman.

Mr. Coen: Thank you Mr. Rhodes. I know we interrupted you; I just wanted to make sure you were all set Mr. Rapp.

Mr. Rapp: Is there anything else?

Mr. Coen: Alright, any other questions for Mr. Rapp? Okay, thank you, I guess that's a wrap. And thank you, we appreciate you coming here and giving us the information.

Mr. Rapp: My pleasure.

Mr. Rhodes: If he has to endure any more jokes he might not come back.

Mr. Coen: I'm sure that's not the first time he's heard that in his life. Alright, and so we now move to Public Hearings. We have our one active public hearing this evening which has to do with the R-5 senior zoning and, Mr. Harvey?

PUBLIC HEARINGS

1. 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. 28-128, "Types permitted in agricultural and residential

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districts (A-1, A-2, R-1, R-2, R-3, and R-4),” to create the new R-5, Age-Restricted Housing Zoning District. **(Time Limit: March 23, 2017)**

Mr. Harvey: Thank you Mr. Coen. Mrs. Blackburn will be giving the presentation tonight.

Mr. Coen: Good evening Mrs. Blackburn.

Mrs. Blackburn: Good evening Mr. Chairman, Planning Commissioners. This evening you are to consider the proposed amendment of Ordinance O17-08.

Mr. Coen: Mrs. Blackburn, I’m going to actually be rude and interrupt you for a moment. We jumped over the Public Presentations, so I didn’t want our vast crowd out here to feel as though we’re just ignoring them. So this would be the time, quickly, to interject. You’ll have 3 minutes to come up to speak to us. When you come up, please address the Board as a whole, not individual members. When you start talking, please give us your name and your address. The green light will turn on; that means you have 3 minutes. When it hits yellow light, that means you have 1 minute left. And then the red blinking light means that we ask you to wrap up your comments. Is there anybody that wishes to speak during the public presentation? We have somebody, thank you sir.

PUBLIC PRESENTATIONS

Mr. Janney: Good evening ladies and gentlemen; my name’s Doug Janney. I am in favor of you all approving the R-5 district. I’m a longtime resident...

Mr. Coen: Well, that will be... we’ll have a time for that public comment during that public hearing.

Mr. Janney: Okay.

Mr. Coen: So this would be just things in general.

Mr. Janney: Okay. Well, just in general, I’ve been a longtime resident, builder, and developer and I’ve seen a growing need, you know, over the years for a need for some quality senior housing projects. And I think there’s a strong need for this and I’m very much in favor of it and I’d like to see y’all approve this new district before... to take care of our seniors. Thank you.

Mr. Coen: Okay. Alright, and as I said, this is just general topics. We’ll have a public time for that specific item, which is a public hearing in a few moments. So you can come back again Mr. Janney. Alright, anyone else wishing to speak about any generalized topics before us? Alright, seeing none, I’ll wrap up the Public Presentations and go back to Mrs. Blackburn.

1. Amendment to the Zoning Ordinance

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, this evening you are to consider proposed amendments to Stafford County Code, Section 28-33, “Districts generally;” Section 28-34, “Purpose of districts;” Section 28-35, “Table of uses and standards;” and Section 28-128, “Types permitted in agricultural and residential districts.” And that is for signs. And this is to create a new R-5, Age-Restricted Housing 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 age 55 and older in accordance with all federal and state laws and regulations. And such districts would be located within the designated Urban Service Areas according to the Comprehensive Plan, and where public water and

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sewer are available and transportation systems are adequate. Proposed Ordinance O17 would provide the following uses permitted by-right: assisted living, community use, multi-family dwellings, and retirement housings with a density up to 12 dwelling units per acre. It would also provide development standards in the R-5 district such as setbacks, minimum acreage, and open space requirements. Proposed Ordinance O17 would also provide the regulations for the signs in the R-5 district which would be identical to sign regulations for the agricultural and residential zoning districts in the County. And the background in this is that Mr. Doug Janney, a local developer, submitted this request to create a new zoning district specifically for age-restricted multi-family dwellings. And the original request cited development densities as high as 24 dwelling units per acre. He currently owns a 6-acre parcel of land in south Stafford where he proposes to construct two age-restricted apartment buildings with a community center for use by future residents of the project. Now, the Zoning Ordinance currently allows retirement housing by conditional use permit in the R-2, Urban Residential-Medium Density with a density of 3.5 dwelling units per acre; R-3, Urban Residential-High Density with a density of 7 dwelling units per acre; a PD-1, Planned Development-1 with 7 dwelling units per acre; and PD-2, Planned Development-2 with 3.25 dwelling units per acre. It is a by-right use in the RBC which is a Recreational Business Campus District and that density is 7 dwelling units per acre. The Ordinance does have a district called the Life Care/Retirement District and by definition it provides housing for elderly citizens 62 years old and older, and it requires a minimum tract size of 20 acres with a maximum density of 15 dwelling units per acre. It is intended to provide a continuity of care from independent living dwellings units and assisted dwelling units to nursing home beds. The PD-1 and PD-2 and the RBC zoning districts have very large minimum acreage requirements and are intended to have multiple uses, and would not be suitable for infill development where housing can be located close to services. The R-2 and the R-3 zoning districts do not have a minimum tract size, and permitted densities do not support such multi-family apartment buildings. At the January 11, 2017 meeting, the Commission discussed the proposed zoning districts and during the discussion concerns were expressed and asked staff to research the density levels permitted in the neighboring jurisdictions and provide the information at the next meeting. You also asked that the language in the proposed district exclude the Military Impact Area as shown on the Comprehensive Plan from the areas where the zone could be appropriate. Attachment 5 in your packet does show the map of the areas for the Military Impact Area and we have made that change in the proposed Ordinance. And in the additional research that staff conducted, it was found that Fairfax County and Prince William have districts that... residential districts that allow for 16 to 30 dwelling units per acre. And according to the description of these districts, they are to complement mixed dwelling developments or mixed use developments. But they can stand alone. There is no requirement that they must be within those districts, and there is no requirement for age restriction. Spotsylvania County allows for densities for up to 12 dwelling units per acre with a minimum of 4 acres of land and up to 16 dwelling units in a mixed residential development. Hanover County provides for 15 dwelling units for multi-family dwelling developments and there is no age restriction. Henrico County allows for 14½ to 19.8 dwelling units with no restriction as to age of the occupants. Loudoun County also provides residential districts with densities up to 16 to 24 dwelling units an acre. And Loudoun County states in the purpose of this district that the developments to be served by public water and sewer and are designated primarily as infill development, but there is no restriction on the age of the occupants. The Commission also requested that the area restricted for development around Shannon Airport be located... located in Spotsylvania County be presented and you have a received a map of that. And it would affect the eastern portion of Stafford County along the Rappahannock River and the Kings Highway corridor. In addition, a map of the Airport Impact Zone of the Stafford County Airport is also included, and Mr. Janney's property is located off of Naomi Road and it is not located in the flight pattern for either airport, but is located in the area monitored by the FAA Traffic Control Towers for Shannon Airport. A request was also made to research 55 and older communities in the area. And the majority of those developments are very large areas with mixed used developments of single-family detached, townhouse, and apartments. They often include golf courses, clubhouses, and pools. And it is

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the understanding of staff that the development proposed in this text is not at that size nor intensity of these developments. Staff did amend the language in the purpose of the district to exclude the Military Impact Areas as designated in the Comp Plan. We have also included, and we haven't touched base on this much in any of the discussions, a Department of Housing and Urban Development pamphlet on senior housing that includes a definition of 55 and older age-restricted housing. And the question has always been if we feel that we need to add any of that into the Ordinance for a definition. And I'm not sure, we would have to ask legal if we could even discuss that at this point in time to put it into the Code. And staff notes that the sign regulations for the Zoning Ordinances were recently amended and we have changed... we have included that into this Ordinance to add that into the whole Zoning Ordinance. And there were a couple questions that were asked of staff in this last week; one was to have Fire and Rescue clarify more of what their statements were concerning their situations in dealing with assisted living, senior living, multi-family apartments, as far as age-restricted facilities go. And they have relooked at the Ordinance and they did submit a note to me today. And concerning multi-story apartments for older adults and elderly, they are extremely challenging for the Fire and Rescue services. According to the... in fact, according to the National Fire Protection Association, older adults 65 and older are more than twice as likely to die in a fire as compared to the remainder of the population. And they went on to say, unlike assisted living buildings or nursing homes that have stringent codes and standards, the building and fire codes that would be applicable to these multi-family structures are nearly just the bare minimum, which they do get sprinklered, that would be required by any apartment building. For example, mandatory evacuation drills which would help identify resident concerns or mobility issues before an emergency could not be required by the Fire Marshal. And in contrast, the Life Care Retirement Communities would provide at least some level of supervision and onsite resource to assist monitoring and evaluating the safety of residents as they age over time. Now, according to the National Fire Protection Association, older adults represent about 13% of the population but 30% of all fatal fire victims. And they went on to say, the portion of our community is expected to grow in the future and it is essential that the facilities provided for at-risk population are configured with future residents and their safety in mind. Now, I did ask the Fire Marshal, this was in relationship to multi-story buildings; and they did say if it was a single-story building it would be a whole different situation and much more to their ability to handle it successfully.

Mr. English: Mrs. Blackburn?

Mrs. Blackburn: Yes sir.

Mr. English: The drawings and stuff that I see, is this going to be similar to the one... like the one up by Mountain View High School?

Mrs. Blackburn: That we'll have to ask...

Mr. English: Okay, the developer.

Mrs. Blackburn: ... the developer about, yes.

Mr. Coen: Did the... in the last sentence that you read from the fire... I didn't write down word for word, but if I followed you correctly, it was that the general code is the bare minimum. The Fire Marshal could not require more. But then you said another sentence and I just was curious.

Mrs. Blackburn: Okay, let's see. That the codes would only be for multi-family structures, are nearly just bare minimum that would require for any apartment building, which is true. And for example,

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mandatory evacuation drills which could help identify resident concerns or mobility issues before an emergency could not be required by the Fire Marshal.

Mr. Coen: Okay. And I guess the only question I would have is can they be required by anybody else or can it be part and parcel of what the... somebody who comes in with this wherever it is in the County puts into their own?

Mrs. Blackburn: Well, if they...

Mr. Coen: Do you understand? I mean, I don't think Stafford has a code that says you have to. And the Fire Marshal can't say you have to. But can they say that that is going to be part of their part and parcel of what they're doing?

Mrs. Blackburn: They can always volunteer that.

Mr. Coen: Okay.

Mrs. Blackburn: It is my understanding that when it is an assisted living or a nursing home situation, that then these types of drills aren't able to be enacted.

Mr. Coen: Right.

Mrs. Blackburn: For practice.

Mr. Coen: Okay. Thank you ma'am.

Mrs. Blackburn: And, let's see... the Community and Economic Development Committee of the Board of Supervisors considered the zoning category at its meeting November 1, 2016, and voted 3 to 0 to send the matter to the full Board. The Board referred the amendment to the Planning Commission on November 22nd with the adoption of Resolution R16-354 which authorizes the Planning Commission to make changes to the amendment as it deems necessary and appropriate. And the Commission voted to set the public hearing for today with the proposed amendments to the Zoning Ordinance amended from 24 units per acre to 12 units per acre. And staff notes that the Comprehensive Plan contemplates development densities as high as 12 dwelling units in the Targeted Growth Areas and this change to 12 units per acre is in conformance with the Comprehensive Plan guidelines. And there was one other question that was asked, and it was, does the R-5 help us meet our broad planning goals in the future or is it too narrowly focused that it would mainly help the property owner and a few other unique situations. Well, the proposed R-5 zoning text amendment would allow... would be allowed wherever public water and sewer is available in the County with approval of the Board of Supervisors, because it would be a rezoning. Several of the goals of the Comprehensive Plan are to encourage growth in the Urban Service Areas by means of infill development and to provide the availability of affordable housing while preserving the natural resources and agricultural lands of the County. A district that would permit multi-family housing could be a tool to accomplish these goals, limiting the district to a population of 55 years old and older can limit the use... or it does limit the use and potentially the intent of these goals. And do we have any questions?

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

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Mr. Apicella: I know you're shocked, Mr. Chairman, I have a few questions, part of which is to get a refresher from staff on how new zoning categories get implemented. Because this is a new zoning category, right, this doesn't exist?

Mrs. Blackburn: Exactly.

Mr. Apicella: We don't have any R-5 designated properties in Stafford County.

Mrs. Blackburn: Yes sir.

Mr. Apicella: So, again, how would this get implemented going forward if it were approved?

Mrs. Blackburn: A zoning district can be a request, as this has been, presented to the Committee for the Board. The Board then decides whether or not it's worthy to pass it on for you all... for the Board's full approval, and to at least think about it. It is sent to the Planning Commission for discussion as it has done here. It will then... your recommendations are voted on for whatever you want to do with a new zoning district, and it is then sent up to the Board of Supervisors and then they will make a decision on whether it is adopted or not.

Mr. Apicella: I guess I probably wasn't as clear as I needed to be.

Mrs. Blackburn: Okay.

Mr. Apicella: So, let's just say hypothetically speaking the Planning Commission recommends to the Board that it adopt this proposed R-5 zoning district; the Board then approves the R-5 zoning district. Then what happens?

Mrs. Blackburn: Oh! Well, once it becomes codified, then a person within the County can apply to rezone their property, so long as it meets the criteria that was adopted.

Mr. Apicella: And the Board could also rezone parcels on its own to this category.

Mrs. Blackburn: Yes, the Board can, yes.

Mr. Apicella: Can you help me understand, again if this were approved, what is provided for under Table 3.1, District uses and standards, for the R-5 Age-Restricted Housing District? I think it's on Attachment 1, page 2 of 3, at the bottom.

Mrs. Blackburn: Mm-hmm. The uses permitted by-right would be assisted living facility, community use, multi-family dwelling, retirement housing.

Mr. Apicella: Okay, so when a district uses and standards for a zoning category, a new zoning category, identifies by-right uses, what does that mean?

Mrs. Blackburn: That means so long as the use conforms... the development of the use on the site plan conforms with the regulations within the zoning code and all other applicable codes that it can be constructed without further approval by the Board.

Mr. Apicella: So by-right means essentially by-right.

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Mrs. Blackburn: Yes.

Mr. Apicella: How does a by-right become a non-by-right use?

Mrs. Blackburn: Well, a by-right use can become a non-by-right use if there are amendments made to the code to address that use, either that it be no longer permitted in that district, it is permitted by a different means of approval, but that is all done by the Board of Supervisors approval.

Mr. Apicella: Or an applicant in their proposal could proffer out a by-right use, right?

Mrs. Blackburn: Oh yes, yes, yes.

Mr. Apicella: And can you help me understand the difference between a, what I would call a specific rezoning that has identified uses and features versus a generalized rezoning?

Mrs. Blackburn: Well, a generalized rezoning would be, for example, and Mr. Harvey can add to this if he wants to, that you would have potentially a piece of property zoned R-1 and you would like to zone it B-2 and you do not specify a use, you do not condition any uses that are not going to be placed there; there's nothing mentioned other than you want to rezone it to a B-2.

Mr. Apicella: So, again, under a generalized rezoning, and I believe it has happened in Stafford, you can apply to rezone a property from its current use to a different use, and all those by-right uses provided for are allowable unless and until the applicant proffers out those specific uses.

Mrs. Blackburn: Yes, or unless there is any kind of acreage requirement or whatever that would be tied to any of the uses.

Mr. Apicella: And, for lack of a better term, I'll call it a hybrid approach -- I don't know what the right term is. Because I've seen applications where, and I'll use Patriot's Crossing as an example, where they proffered... where they sought a rezoning from a particular use to a different use and they did not fully proffer the GDP and they only proffered one specific use, and left themselves open to be able to... they did eliminate some uses but they left themselves open to any and all other uses that they did proffer out, right.

Mrs. Blackburn: Okay.

Mr. Apicella: I'm just asking, that's a question. I mean, that's certainly the prerogative of a developer. They do not have to specify in their rezoning application every single use that they're going to put on a particular parcel.

Mrs. Blackburn: Correct.

Mr. Apicella: They could do some, they could choose to have some of the parcel not particularly identified for a specific use or features, is that correct?

Mrs. Blackburn: Yes.

Mr. Apicella: So again, the bottom line is an applicant can seek a generalized rezoning, allowed to develop any by-right uses that they don't proffer out.

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Mrs. Blackburn: Yes sir.

Mr. Apicella: Okay. So, back to the R-5. In this case, the new zoning category allows multi-family as an identified by-right use, right?

Mrs. Blackburn: Yes sir.

Mr. Apicella: The applicant can seek a rezoning that either mentions multi-family, they can proffer it out, or they can reserve the right to develop multi-family units in the future because they didn't specifically address it in their rezoning plan.

Mrs. Blackburn: Yes.

Mr. Apicella: And I'm not talking about the person who put this forward, I'm just saying in general, if this is approved throughout Stafford County, that's the possibility. There's kind of three avenues that could be taken. So, you didn't find any other age-restricted zoning that you could see in any of the localities that you researched; specific age-restricted zoning categories?

Mrs. Blackburn: No, not really, that was designated as that.

Mr. Apicella: So, they just had large density-related developments that would allow age-restricted uses, if that's what the developer wanted to push forward?

Mrs. Blackburn: Yeah, it appeared that... well, when they went into the mixed use, that was a different, you know, a different story, just as our mixed uses can be very different. Yeah, particularly like in Fairfax County and Prince William, they talked about that the description of the districts were to complement the mixed use dwelling developments, but they did not specify it had to be.

Mr. Apicella: Right. It was an allowable use but it wasn't an age-restricted specific zoning category.

Mrs. Blackburn: Right, right. Exactly.

Mr. Apicella: Now, as I understand the way this was advertised, the maximum number of units is 12, right?

Mrs. Blackburn: Yes.

Mr. Apicella: And for multi-family, that doesn't have to be apartments; it could be townhomes, it could be villas, whatever fits broadly under the multi-family umbrella.

Mr. Harvey: That's correct Mr. Apicella.

Mr. Apicella: And we have other categories of zoning in the County and/or areas that are allowed to have up to 12 units?

Mrs. Blackburn: We have the units in the Life Care Retirement District that are 15 dwelling units. We also have the P-TND that allows for more dwelling units per acre. But those again are multi-use developments.

Mr. Apicella: Right. And the TGAs also.

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Mrs. Blackburn: Yes.

Mr. Apicella: You can develop up to 12 units an acre. Did we set a minimum or maximum size for the parcel?

Mrs. Blackburn: In this particular text amendment, yes, it was 2 acres.

Mr. Apicella: So that's the minimum. How about the maximum?

Mrs. Blackburn: We did not set a maximum.

Mr. Apicella: So, it could be 200 or more acres that this could be applied to.

Mrs. Blackburn: Yes.

Mr. Apicella: During the last meeting, I think it was over a month ago, you indicated, based on questions from the panel, that there are other zoning categories that the person who put this forward, the applicant who suggested this R-5 zoning category, that they could actually do on their property in the absence of getting this approved, right? They don't need... there isn't an absolute need to have an R-5 zoning category for them to be able to develop that 6-acre parcel.

Mrs. Blackburn: No, not to develop it, but to develop it with the dwelling units that they would like to put on the property. What we have in place would not accommodate that.

Mr. Apicella: Under federal and state rules, does a jurisdiction have to designate a parcel or a complex that's age restricted? Or is that something the developer can do on their own?

Mrs. Blackburn: I am not aware that they have to... that we have to state that. Ms. McClendon?

Ms. McClendon: Commissioner Apicella, that's the developer's choice.

Mr. Apicella: Okay. At the bottom of page 2 and the top of page 3 -- I'm almost finished, Mr. Chairman; I appreciate your indulgence -- the staff report mentions some Fire and Rescue comments alluding to 55+ age-restricted housing. Can you kind of articulate or help us understand what they were alluding to there?

Mrs. Blackburn: Well, in the comments that they had submitted originally, which was part of this report, they were stating that they have issues with assisted living situations and they also have issues with just 55 and older complexes. But as they had... I had requested that they relook at this and look into it further. And I can make... I didn't get this sent to you because I just got it this morning, but the Fire and Rescue does not support this proposal and it was stated, as I said earlier, multi-story apartments for older adults and elderly are extremely challenging for fire and rescue services. And in fact according to the National Fire Protection Association, older adults 65 and older are more than twice as likely to die in a fire as compared to the remainder of the population. And they went on to say we talked... excuse me.

Mr. Harvey: To add onto that, Mr. Chairman and Mr. Apicella, part of the concern is that when people move into a place they usually want to stay there for a long period of time. And the fire departments noted that as folks get older, they're less mobile and less able to respond in case of an emergency. In the case of an assisted living facility, there's often staff that's required to be there that can assist people who

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have mobility issues to get out of the building; whereas, a just age-restricted project does not necessarily have anybody on staff that can do that.

Mr. Apicella: Thank you. Under the state proffer rules, can localities accept proffer money for public safety improvements and/or fire/rescue vehicles?

Mrs. Blackburn: Mr. Harvey?

Mr. Harvey: Mr. Chairman and Mr. Apicella, under state law the County can accept proffers for fire and rescue. There has to be a demonstrated need that's attributable specifically to that project.

Mr. Apicella: And is it like schools, based on the capacity at the time of the rezoning application, not what happens...

Mr. Harvey: Yes sir.

Mr. Apicella: ... in the future once the parcel is fully built out? Thank you Mr. Chairman, that finishes my questions.

Mr. Coen: Alright, any other questions? Mrs. Vanuch?

Mrs. Vanuch: I did. So, just I guess tying onto Mr. Apicella's comment. Can you define multi-family dwelling unit?

Mrs. Blackburn: Yes. A multi-... and this is out of our ordinance... a multi-family dwelling is a building containing more than two dwelling units on the same lot in which the units, building, common areas and facilities are owned by the individual person or entity.

Mrs. Vanuch: And so, just to be clear, the way that this is written currently, it necessarily wouldn't have to be multi-family dwelling units that are age restricted? It could essentially be multi-family dwelling units outside of the age restriction? Because it's very confusing the way it's written because it's like A, B, C, D. You know, you have A, uses permitted by-right, assisted living facility, community use, multi-family dwelling, retirement housing. Could it be all of those different uses?

Mrs. Blackburn: It could be all those different uses, but they would have to be 55 and older to live there.

Mr. Harvey: Yes. The purpose of the district restricts it to that requirement.

Mrs. Vanuch: Okay, I just wanted to be clear, okay.

Mr. Coen: So even if it was multi-family townhouses or whatnot, they would all have to be restricted as far as 55 or older.

Mrs. Blackburn: Yes.

Mr. Coen: Okay. And then, since we received the information this morning from the Fire and Rescue... I mean, if I understood the way you read that, Fire and Rescue's concern is that with it being multiple stories...

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Mrs. Blackburn: That is one of their main concerns, and I asked him specifically if it were a single-story would we have the same issues, and he said no, the issues would be much less on their part. They would not having to be dealt with multiple stories to try and get people just down the stairs. And it would lessen the burden on them quite a bit.

Mr. Coen: Okay. Alright...

Mrs. Vanuch: I have one additional question and this might be to legal. Is it possible to change this now and add in a maximum lot allowable size? So, right now the minimum is 2 acres. Is there an ability to add in like maximum 65 acres or 50 acres or whatever we so choose?

Ms. McClendon: Commissioner Vanuch, I believe that would be acceptable as it would be limiting the size of the district.

Mrs. Vanuch: Okay, thank you.

Mr. Coen: And two other questions, Ms. McClendon. One, Mrs. Blackburn raised the question about the language from HUD. Do you see any need or any issue with that? Since that actually wasn't in this beforehand. Since you raised it I just thought it'd be nice.

Ms. McClendon: I apologize, I missed that question.

Mr. Coen: Did you want to ask it Mrs. Blackburn?

Mrs. Blackburn: We had submitted in the packet at one point in time definitions for 55 and older age-restricted according to the Department of Housing and I had just asked the Commissioners if they wanted to add it into our code, if we could at this point, or if we would just always refer to the federal guidelines, which is fine.

Ms. McClendon: Mr. Chairman, I believe when this actually came up, my office recommended not adding it in. There are very specific definitions in federal law and state law, and if we put that specific definition in our ordinance, we may become out of compliance at some point if the Board didn't take up an amendment. So I recommend leaving it the way it is, because we can't control the definition.

Mr. Coen: Alright, thank you. Any other questions for Mrs. Blackburn?

Mrs. Vanuch: I have one additional question, and you may have covered this and I may have overlooked it. Where is the closest Fire and Rescue and the closest rescue squad?

Mrs. Blackburn: That I do not know.

Mrs. Vanuch: Okay.

Mr. Coen: Alright. Thank you Mrs. Blackburn. And no other questions for Mrs. Blackburn? Alright, thank you Mrs. Blackburn. I'll now open up the public hearing. During the public hearing we have the public comment time period. This is where... is the developer here? He can come forward and talk at that juncture. This is the time where people can come forward, after Mr. Janney speaks, people can come forward with their opinions. Remember, you'll have 3 minutes to speak. Please state your name and address, when the green light comes on you start. Yellow light you have a minute, and then red light we ask you to wrap it up. And now Mr. Janney, you can talk about the concept.

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Mr. Janney: Do I have 3 minutes also?

Mr. Coen: No, the feeling is sort of let you explain.

Mr. Janney: Well, I've been building hoses for over 30-some years now, so I'm very familiar with building and quality of building, and certainly we would not build anything that would endanger our elderly. Our whole concept here is to do a quality senior project close in near hospitals. This has two Fire and Rescue Departments close by; you have the downtown Fredericksburg, which I'm sure they would respond less than a half a mile away, and then you have the Falmouth Fire Department which is less than a half a mile away. So it essentially has two fire departments within a half a mile on each side of the property. The intent of this ordinance, this new zoning category, would be to create infill property to provide, you know, senior housing close to town where they can walk. We're talking about tying this trail into the George Washington Boyhood trail. So, our goal is to build a quality project close to the hospital where, you know, a mile or two away from the hospital and that's the number one concern with people this age -- you know, how quick can they get to the hospital. We have engaged an architect last week who has a lot of experience in this. His name is Bob Steele out of Richmond. He's a very quality-oriented guy and he's had a lot of experience with senior housing projects. And that would be one of my first concerns that I would bring up to him just to address, you know, fire and rescue and make sure we had plenty of access. And design the building to be as safe as it possibly could

Mr. English: Mr. Janney, I've got a question about (inaudible) for the project that you're building. Are you familiar with the senior development up there by Mountain View High School? Are you familiar with that?

Mr. Janney: No sir. Which one are you referring to?

Mr. English: It's the one right beside (inaudible); it's 4 stories, it's for senior living. I just wanted to know if that's the same concept you were going with.

Mr. Janney: Well, we...

Mr. English: Because it's apartment building but for senior living, and it's not... they do have some staff but staff's not there 24/7. But I was just saying, if it's sort of going to be like that, I mean, that's where I had my question about fire and rescue, why there were concerns if you've already got a building there already. So that was my concern.

Mr. Janney: Well, actually I envision this being a 55 to 70 category people who are of good health and maybe have part time jobs.

Mr. English: So, they're mobile, they're going to be able to park their cars there, and they come and go.

Mr. Janney: Yes sir.

Mr. English: And then the one that's at... I'm trying to think of the one in Falmouth. Wait a minute, I'll think of it. I'll come back to you.

Mr. Janney: Well, to answer your question, I envision it as a 55 to 70, 75 group that's still mobile, still can drive, still hold part time jobs, want to get out and walk the trail and ride their bikes. You know, we probably would ask people to leave if they were reaching a point of not being able to walk or to get out and move around very well. This is not the type of project that I envision that they would, you know...

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Mr. English: So, is it like the one in Fredericksburg now, there's one off... Fredericksburg by the river?

Mr. Janney: Old Mill?

Mr. English: Old Mill, yeah. Is it going to be sort of like that?

Mr. Janney: It's going to be probably a step or two up from that.

Mr. English: Well, understood but that's the same concept you're looking at.

Mr. Janney: That's exactly the concept. We envision a nice lobby, we envision people staying here that just don't want to keep up their yards anymore, don't want all the hassle, still are mobile and, you know, still active adults. This is not going to be a project.

Mr. English: Well, this is sort of like the one at Mountain View High School, but it's newer.

Mr. Janney: Yes sir.

Mr. English: Okay.

Mr. Coen: Any other questions for Mr. Janney? Alright, seeing none, thank you sir.

Mr. Janney: Very good, thank you.

Mr. Coen: Alright, does anyone else wish to speak on this topic? Seeing none, we'll close the public hearing and we bring it back to the board.

Mr. Apicella: Mr. Chairman, can I ask a question of staff?

Mr. Coen: Yes.

Mr. Apicella: Just to that issue of... I appreciate the applicant's vision, I'm just wondering if legally he can restrict the age and/or physical capabilities of the people who would live in such a complex?

Ms. McClendon: No, Commissioner Apicella, he cannot change those restrictions. They're set by federal law and they set the minimum age for age-restricted housing at 55 or 62 with meeting federal standards, but you cannot max... excuse me, you cannot set a max limit age I don't believe without running afoul of the Fair Housing Act.

Mr. Coen: Alright, Mrs. Blackburn, do you have anything else you want to add? Alright, I'm going to turn the gavel over to Mrs. Vanuch.

Mrs. Vanuch: Thank you Mr. Chairman. I think this is primarily in your district. What would you like to move for?

Mr. Coen: Before I make an actual motion, I just would like to check with Ms. McClendon and Mr. Harvey. If I understood you correctly on one, we could limit the maximum lot size? So say, right now it's unlimited, so we could say 20 acres if we wish to? Is that...?

Ms. McClendon: Commissioner Coen, yes you can limit the tract size for the development.

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Mr. Coen: Pardon?

Ms. McClendon: You can limit the tract size for the development.

Mr. Coen: Yes, we can, okay. And then what about the number... right now it's set at 65 feet. Could we make it less than that? I mean, I know that one of the concerns was having too many multiple stories. So, if we made it 25 or something, I mean, it would make it lower but it would also take into consideration the concerns by the Fire and Rescue. Are we able to do that?

Ms. McClendon: Yes, you're able to do that as well.

Mr. Coen: Okay, thank you ma'am. So, with that in mind, I would like to move for approval of O17-08, with the amendment or the change that it be 20 acres as a maximum. I believe Mrs. Vanuch did the math and that would make it about 240 units roughly with that. And with the concern from the Fire and Rescue, I'd like to bring it down... Mr. Harvey, I'm correct that it's usually 10 feet per story?

Mr. Harvey: Mr. Chairman, it depends on the type of construction. A lot of times it's 16 feet.

Mr. Coen: Okay. So, I'll ask you, if we went to 2 or 3 stories, how tall would that be?

Mr. Harvey: Mr. Chairman, in a lot of our residential districts, we have a maximum height of 35 feet. Those are for single-family homes or townhomes.

Mr. Coen: Okay. So, I'll make a motion to approve this with a 20-acre lot size and then 35 feet so it's in concert with the other districts.

Mr. English: I'll second that motion.

Mr. Rhodes: I would just ask in general. What is the... what is right or wrong about 20 acres versus 30 versus 25 versus 40? I just think there's an element to it that just reactively hits me as a bit arbitrary versus a more thoughtful reason for the limitation that we're identifying.

Mr. Coen: Well, and I believe that when we were having discussions, we selected 20 acres because if memory serves me, and Mr. Harvey you can correct me, but many of our infill development that we've been doing lately are around 20 acres or so. They're not very large, they're not 30, 35 acre ones. I think many of the ones that have been approved by this Commission have been 20-plus, 24 acres or something of that nature.

Mr. Harvey: Mr. Chairman, yes, that would be more suited for infill development. The Life Care zone, you have to have a minimum of 20 or 25 acres in order to qualify. So that's more of a green field type development. Also, Mr. Chairman, just for my clarity purposes, trying to clarify what the Commission's intent is. Is the Commission looking in this motion... or are you looking in this motion to limit it to 2 or 3 stores? Because then you may either want to stipulate that in the height or we can probably go to 45 feet maybe, if it's 3 stories.

Mr. Coen: Okay. I'll ask you again for your wisdom. Do you feel better with saying a specific number or stories rather than feet?

Mr. Harvey: It depends on the intent of what you're looking at. Stories gives you more flexibility, because the height is a hard number.

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Mr. Coen: Okay. Alright, so then I'll make it clear. So, Mr. Rhodes, that's why I went with 20. I mean, we can go to 25 if you feel more comfortable at 25.

Mr. Rhodes: I just...

Mr. Coen: But that's why I went that because I was just remembering our past infill developments that people have been voting in favor of tend to be 20 to 20-some acres.

Mr. Rhodes: My... P-TND, we set it at one acreage and then we had to increase the acreage because we set it too low. And when we set these limits, I think we tend to come back and find that we box ourselves in and wrestle with ourselves again, so I would want to be careful if we are going to put a top limit on it that we left enough flexibility for a more deliberate application versus a very limited or targeted to a specific application.

Mr. Coen: And I respect that. So I'll go 25; is that acceptable to you?

Mr. Rhodes: To be honest, I don't know what is the right number, that's why...

Mr. Coen: And I think since... if this is my time to talk... since this is just a zoning category, it will be quite honestly a situation of people come in, we look at it, we talk, and maybe we'll find, as you said, as we found out in other instances, we set up something with something in mind and that turns out that we need to make it a larger area. And so we'll go 25 acres, if Mr. English is okay with that since he seconded the motion, and 3 stories. It addresses the concerns of the Fire and Rescue from their aspect, but it also sort of gives the mentality that we're not looking for very high buildings, and 3 stories is a little bit easier to get people in and out of. So, my reasoning for this is, first, this is just creating the district; this isn't necessarily approving it in any particular spot. Once that comes forward, then we can look at it and see if the particulars of that proposal have merit. I believe that it also, as Mrs. Blackburn pointed out, is that we have a lot of senior population so it makes sense to address that. We have decreased the density down so that it's now in line with other zoning categories. And then I'll just go with one of the things that Mr. Rhodes is very consistent in talking about it in that we are getting more people in this County and so we need to have more flexibility to deal with that. And so for all those reasons together, that's why I'm saying to go with approval of this category.

Mrs. Vanuch: Any additional comments Mr. English?

Mr. English: No sir... no ma'am, I'm sorry, I'm sorry, no ma'am.

Mrs. Vanuch: Okay, so to recap I think, we have a motion by Mr. Coen to...

Mr. Apicella: Madam Chairman? I'd like to make some comments.

Mrs. Vanuch: Okay.

Mr. Apicella: I greatly appreciate the changes, I think they're good ones; the start of changing it from 24 to 12. I also think it's wise to limit the maximum size though I'm kind of struggling, as Mr. Rhodes is, with what that should be. And that's part of my problem here. I think we don't know what we don't know. This might be a great new zoning category for Stafford County. Unfortunately, again, we'd be the trailblazers because no one else has it, no one else has tested it, and we don't know what's good or bad because we haven't done it before. So it'll be a bit of trial and error. And we do have a good, or an increasing aging population in Stafford County. That's not a bad thing. But I think when we have new

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zoning categories, we ought to try to do it right and I'm not sure it is right yet. So, I can't support this specific age-restricted zoning category at this point in time, not knowing everything I think that we need to know. Again, I'm particularly concerned that no other Virginia locality has a separate and distinct age-restricted zoning category. We already allow 12 units essentially by-right in the TGAs if someone was able to get rezoning, which could be age-restricted or not age-restricted depending on what the developer needs and wants to do. I'm very concerned about the impacts on the public safety community and our ability to be able to get offsetting proffers when and if such development proceeds forward. So the bottom line for me is, I don't there's a sufficient need. Only one person has come forward with this request. I don't think there's enough merit and I don't think there's sufficient examples for us to proceed forward with this specific zoning category as it's been put forward Mr. Chairman. Thank you.

Mrs. Bailey: Mrs. Vanuch? I just wanted to make a couple of comments. I'm not sure if... well, first of all, I'm in favor of the R-5. But I'm not so sure if we pigeonhole the size; we're talking about mostly infill development anyway, and just because you have 20 acres doesn't mean that you're going to develop on all of the 20 acres. I'll support it but I don't necessarily think that it's necessary. I do like the idea of the R-5, 55 year or older housing. I have the opportunity in what I do as a profession to meet with many people. And there seems to be that missing link out there. There's assisted living facilities, there are a lot of developments that you can have 55 years of age or older, there are larger developments. A lot of times they're not affordable for a lot of the 55 years of age or older. The other thought to that is someone who lives locally, they're getting up in years and they're living in a townhouse or maybe even a small single-family home and they want to go to an apartment, but they don't want to move into an apartment where there's going to be a lot of other different age around them. So, something that's supported for 55 years or older certainly makes sense. And even from a cost perspective it's a little bit more feasible. Maybe you can have some rents that would be a lot more affordable than going into a facility where you have a lot of amenities that maybe they won't even use or don't even want to have to pay for. And then one last thought on that too; we do have a lot of mobile 55 years and older who they'll go down to Florida during some months but their family lives up here and they want to be close to their grandchildren. So they don't want to have to take care of a single-family home from that perspective. So I'm very much in support of it.

Mrs. Vanuch: Mr. Boswell, you're the only one who hasn't chimed in here. Would like to make any comments? Okay. Alright, so...

Mr. Coen: Mrs. Vanuch, I did want to sort of feel out people because there was the concern about the multi-family, and I didn't know if we needed to specifically strike the term multi-family from it or leave it in there. I see one head shaking.

Mrs. Bailey: I would absolutely leave it in. I don't see why you would want to take that out.

Mr. Coen: Okay. Alright. Since that came up I wanted to be respectful and feel people out.

Mrs. Vanuch: Age-restricted multi-family. Okay. So, if we're all done commenting, I can move forward with this sort of a recap here. So we're going to be voting on the approval of this Ordinance with a maximum lot size of 25 acres and a maximum story height of 3 stories. So those will be the changes that are made. So if everyone wants to pick up their device and go ahead and vote. Okay, so the motion passes 6-1 (*Mr. Apicella opposed*). Mr. Chairman?

Mr. Coen: Okay, thank you and thank you Mrs. Blackburn for all your work. Thank you Mr. Janney and we'll look forward to seeing you sometime in the future once it goes before the Board of Supervisors. Alright, so we move... we have two other public hearings. While we're not continuing

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with them this evening, I just bring them forward just for comment. I didn't know, one, Mr. Harvey, if we received or staff has received any new information from the long laundry list of items that we had brought forward on either items 2 or 3.

Mr. Harvey: Mr. Chairman, on item 2, staff is awaiting for a response back from the applicant. With item 3, the County staff is going back and forth with the applicant's representative on some of the questions that they had, too, based on the commentary during the staff presentation at the public hearing. So, we're continuing to work to try to address those issues so they can come back to your meeting on April 26th.

Mrs. Vanuch: Okay, very good...

Mr. English: Madam Chairman, I've got a question. On RC16151347, Reclassification, Sycamore Grove, is it possible we can move that to April 12th?

Mrs. Vanuch: Mr. Harvey?

Mr. Harvey: Madam Chairman, Mr. English, unfortunately we can't because of the advertising requirements. And since the Commission set this to continue the public hearing at a date certain, we have to have the Commission make a separate motion schedule a new public hearing. Unfortunately, the advertisement's already gone to the newspaper.

Mrs. Vanuch: Okay.

Mr. English: Okay. Thank you sir.

Mrs. Vanuch: Alright, so that concludes the Unfinished Business. So, moving on to any New Business, I see none. And moving on to the Planning Director's Report -- 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 east side of Centerport Parkway and north side of Mountain View Road, and within the Hartwood Election District. **(Time Limit: June 2, 2017) (History: February 22, 2017 Public Hearing Continued to April 26, 2017)**
3. RC16151459; Reclassification - Falmouth Village Commercial - A proposed zoning reclassification from the R-1, Residential Zoning District to the B-1, Convenience Commercial Zoning District, to allow for office and other commercial uses on Tax Map Parcel Nos. 53D-1-34, 53D-1-35, 53D-1-43, and 53D-1-43A. The property consists of 1.15 acres, located on the north side of Carter Street at the intersection of Gordon Street, and the east side of Gordon Street just north of King Street, within the George Washington Election District. **(Time Limit: June 16, 2017) (History: March 8, 2017 Public Hearing Continued to April 26, 2017)**

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

* May 2, 2017 Joint Meeting with Board of Supervisors

Mr. Harvey: Thank you Madam Chairman. Since our last meeting of the Commission, it's been confirmed that the joint meeting date for May 2nd with the Board of Supervisors is set for 5:30 p.m. in the ABC Conference Room. For recordation sake it would be preferred if either the Chairman would declare that that would be a meeting of the Commission, or if the Commission wants to take a motion and take that as a special meeting date.

Mr. Coen: Is there a preference by anyone or I'll just say I declare it? I declare.

Mr. Harvey: Thank you Mr. Chairman. Continuing on with my report, I have a number of things to report from the Board of Supervisors meeting yesterday. They made two referrals to the Planning Commission. One is dealing with the Falmouth Redevelopment Overlay Ordinance. After the public hearing that the Commission had, there was some discussions about the prohibited uses and whether there should be an expanded list of prohibited uses. The Board saw some wisdom in that logic and referred it back to the Commission with the ability for the Commission to make specific changes. Right now the proposal is to add two more prohibited uses, which would be adult uses as well as nightclubs. But the Commission would have latitude to make changes as you deem necessary. The other item was a...

Mr. Coen: Mr. Harvey, if I may, and if memory serves me in watching last night, the Supervisors are sort of delaying dealing with the entire Falmouth Overlay District until we come back with that.

Mr. Harvey: Yes Mr. Chairman. Last night there was a public hearing to rezone properties to the Falmouth Overlay and, as you mentioned, the Board wanted to take advantage of the Planning Commission's work on the prohibited uses, and wait on voting on the Overlay rezoning until that Ordinance amendment was brought forward.

Mr. Coen: Mr. Harvey, do you think it would behoove us to sort of set a date where we would like comments that we would take from members to look through it and come forward and have a specific date certain when we'll discuss it? Then we can tell the Board of Supervisors this is when we expect to have a date for you.

Mr. Harvey: Well, Mr. Chairman, if you'd like, we can put it on the agenda for the next meeting for a specific discussion on how the Commission wants to authorize the public hearing and what uses to consider to be prohibited.

Mr. Coen: Okay, and if we bring it up next meeting, the earliest public hearing would be the beginning of May I believe?

Mr. Harvey: That's correct.

Mr. Coen: Alright. If everyone's okay with that...

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Mr. Apicella: Mr. Chairman, can we also have staff also take another look at it and see if they would recommend any additional uses (inaudible).

Mr. Coen: Yes, and I was going to ask if staff will send to us sort of an update as to what are the by-rights, the CUPs, and etcetera that are already in place. I know that that was part of the conversation last night with the Supervisors was the great, you know, what's by-right now versus then type thing. And then what are the CUPs that are possible so that when we come at our next meeting we sort of have it ahead of time.

Mr. Harvey: Yes, Mr. Chairman.

Mr. Coen: Thank you Mr. Harvey. Continue.

Mr. Harvey: Also, the Board referred a Comprehensive Plan Amendment and a Zoning Text Amendment to the Commission for potential expansion of the Transfer of Development Rights Receiving Area. Basically, an area on the east side of Route 1 south of the Abberly project and Jumping Branch Road over to Eskimo Hill Road. The Board felt that possibly expanding the receiving area might incentivize someone to participate in the program. The program was initially adopted and enacted in 2015. So far we've had no one apply for transfer of development rights. Expanding the area and also... may give other property owners the opportunity to participate who can't participate at the present time. The Comprehensive Plan Amendment would do two things; one, it would change the map to reflect the expansion area. Two, it'd change the... excuse me, it will change the map, then the Zoning Ordinance amendment will actually change the criteria to qualify to be a receiving area. Right now, one of the qualifying criteria to have a receiving area is it has to be in a Redevelopment Area, and the proposed expansion area is outside the Courthouse Redevelopment Area so we'd have to strike that language out of the Ordinance.

Mr. Coen: Mr. Harvey, on the map that you provided us at our seats, it has a picture, it says the proposed receiving expansion. And maybe I'm just not over being ill again, but it doesn't really delineate what it was the first prior and then what we're expanding it to. Am I understanding that correctly? The last page.

Mr. Harvey: Mr. Chairman, we can add more graphics. If you look on Attachment 3, page 5 of 6, it shows the expanded area but doesn't show... highlight what was expanded. We'll do a better job of getting that taken care of.

Mr. Coen: Okay, thank you sir. In looking at it, it was a little difficult to determine exactly where it was going. Thank you, sir.

Mr. Apicella: Mr. Chairman, may I ask a couple questions? So, as I understand the proposed changes submitted to us by this referral, we can't make changes. So the Board just wants us to again vote up or down on both the Comprehensive Plan and Zoning Text Amendment.

Mr. Harvey: Yes sir.

Mr. Apicella: Mr. Chairman, with that in mind, since we can't really make changes, I would recommend that we put both the Comprehensive Plan and Zoning Text Amendments to the first available public hearing date.

Mr. Coen: Okay. Mr. Harvey, do you have any concern with that?

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Mr. Harvey: No sir. The only thing I have to make sure I stay on top of is the Code requires that there be an analysis of water and sewer availability and capacity for that area in order to include it in the Receiving Area. So, I've already alerted the Utilities Department that we need some information to that effect, so now I'll have a deadline for them.

Mr. Coen: Alright. And then in theory, that consideration would be part of your determination of the earliest possible date.

Mr. Harvey: Yes.

Mr. Coen: Alright, is there a second?

Mr. Rhodes: Second.

Mr. Coen: Alright, second by Mr. Rhodes. Mr. Apicella, any comment?

Mr. Apicella: Nothing further Mr. Chairman.

Mr. Coen: Mr. Rhodes? Okay, we'll vote if we are in favor of moving this to public hearing as soon as possible. Alright, and that passes unanimously (7-0) so there you go Mr. Harvey. We're trying to move this in a judicious process for you.

Mr. Harvey: Thank you Mr. Chairman. Continuing on with my report, I will note that at your desk are copies of the presentation that I made to the Board of Supervisors yesterday regarding Comprehensive Plan school capacity projections. I made a joint presentation with Mr. Horan of the School Board staff and, in particular, the Board of Supervisors was interested in how the Comprehensive Plan views the need for future schools based on population growth compared to the enrollment projections that the schools provide. And basically our Comprehensive Plan is a 20-year plan that's more broad and general, and it uses fixed assumptions, whereas the school enrollment projections are a 10-year projection; it's looking at actual housing types that are being built, actual student enrollment coming out of different neighborhoods, and projecting forward based on cohort survival model of kids entering the kindergarten grade and then following them through to grade 12 when they graduate. And also, the schools work closely with our staff on looking at the neighborhoods and how quickly they're developing out, as well as the types of housing and the students being generated from those projects. And with regard to proffer administration, it's a briefing that describes the things that staff does after a rezoning is approved by the Board and proffers are accepted, and how they're tracked throughout the development process. And ultimately how projects are ultimately built out and ensured that the proffers are being met. And then one final thing...

Mr. Coen: On moment Mr. Harvey. Just in looking over the projections, does memory serve me correctly that when they came forward to us and explained their methodology, it was off an average of 183 students a year? Because I didn't see that in this presentation, but I just thought that that was a pertinent piece of information to make sure...

Mr. Harvey: Mr. Chairman, it's the next to the last slide. I believe there's a chart that has three consecutive years in which they've calculated.

Mr. Coen: Well, right, that's true, it's a 99% accuracy rate. But when they came to us they said specifically it's 183 students. I mean, saying you're 100%, or 99.-something is nice, but it's not the same as the actual number.

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Mr. Rhodes: It's the difference between the first two columns on there.

Mr. Coen: Well, added up but it's not definitively. So, okay... so they'd have to delineate that and determine that on their own.

Mr. Harvey: And one final thing; on your agenda we have a TRC item that's listed. However, there's been late breaking news that we have a new item to be added for that TRC meeting, and it's for an additional building at the Hospital complex. That's been determined to be a priority project. And that's in the Aquia District. And that concludes my report.

Mr. Coen: Alright; congratulations Mrs. Bailey. Alright, County Attorney?

COUNTY ATTORNEY'S REPORT

Ms. McClendon: Mr. Chairman, if you indulge me for one second, I just want to make sure that the special meeting notice that you declared meets statutory requirements. So, just to clarify, that would be a special meeting on Tuesday, May 2, 2017, at 5:30 p.m. in the ABC Conference Room for a joint meeting between the Planning Commission and the Board of Supervisors.

Mr. Coen: Yes ma'am.

Ms. McClendon: And that's the end of my report.

Mr. Coen: Thank you. That's right. And we did that so that you would be able to speak tonight. Alright, now we move to Committee Reports. Anything from our Sign Ordinance subcommittee?

COMMITTEE REPORTS

*** Sign Ordinance Committee**

Mr. Boswell: We haven't met any further. We will be attending a Planning for Sign Code Success Seminar on April the 4th. I'm sure Mrs. Bailey will have a detailed report after that.

CHAIRMAN'S REPORT

Mr. Coen: Alright, Chairman's Report. I don't have anything to report quite honestly. We have at our desks thanks to Mr. Harvey the revised schedule for our meetings reflecting our vote last meeting to alter our November meeting so that staff does not have to show up here two nights in a row, as they've had to do in the last two months. So, I personally appreciate the fact that everyone was so agreeable with that. So then, the other business Mr. Harvey has already addressed.

OTHER BUSINESS

4. TRC Information - April 12, 2017
 - * RDK Holdings Storage Yard - Aquia Election District

APPROVAL OF MINUTES

January 25, 2017

Planning Commission Minutes
March 22, 2017

Mr. Rhodes: I make a motion to approve the January 25th minutes.

Mrs. Vanuch: Second.

Mr. Coen: I haven't asked that yet. Any other business anybody else wishes to bring up? Seeing none, now Mr. Rhodes.

Mr. Rhodes: I make a motion to approve the January 25th minutes.

Mr. Boswell: Second.

Mr. Coen: Alright, we have a motion to approve the minutes for January 25th. Please vote. Alright, so that passes unanimously (7-0) and so an hour and 27 minutes in we adjourn it.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:47 p.m.