

STAFFORD COUNTY PLANNING COMMISSION MINUTES
May 10, 2017

The meeting of the Stafford County Planning Commission of Wednesday, May 10, 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, Roy Boswell, Darrell English, Mike Rhodes

MEMBERS ABSENT: Sherry Bailey

STAFF PRESENT: Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Brian Geouge, Mike Zuraf, Susan Blackburn

DECLARATIONS OF DISQUALIFICATION

Mr. Coen: Next item are the Declarations of Disqualification; are there any?

Mr. Rhodes: Yes, Mr. Chairman?

Mr. Coen: Yes, Mr. Rhodes.

Mr. Rhodes: For item number 5, I briefly was discussing some business with the applicant that's on that property, and while I'm not conducting any business with him I think since that was a recent discussion I will recuse myself from any action on that matter.

Mr. Coen: Thank you Mr. Rhodes. And that is consistent when this came before us before, so thank you sir.

Mr. Rhodes: Sure.

Mr. Coen: Any others? Alright, seeing none, we now go to the public comment period of our meeting. At that point, if you wish to comment on any item other than the items that are hear for public hearing. So, if you wish to speak on items 1, 2, 3, or 4, there will be a time later on to speak on those. This is just in general on other topics. We ask that you talk to the Commission as a whole, not to individual members. You have 3 minutes; once you come up, please state your name and address. Then when you are speaking, the green light is on. When you see the yellow light, it means you have 1 minute left. And then at the red light we wish that you wrap up your comments. And again, these are for comments that are not related to any of the public hearings this evening. So, is there anyone that wishes to talk about any topic other than the public hearings? Yes sir? And it's not on any of the public hearings... okay. Alright.

PUBLIC PRESENTATIONS

Mr. Gavan: Yes, my name is Gregory Gavan. I live out in Hartwood at Lake Curtis. I would like to introduce the subject of gun control. I was... I don't know if anyone is aware but there's some flaws in our gun ordinances. I don't think they've been addressed in a long time. Maybe you could tell me; does anyone know if anyone's addressed the gun ordinances in our County in the last 5 years?

Mr. Coen: We can't respond.

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Mr. Gavan: Oh, I'm sorry. Oh, okay. I was wondering if I could introduce legislation -- I don't know how to do it -- that would restrict discharge of firearms within 100 yards of a public road. The way the law is written now in 26.3 is you are allowed to... you're not allowed to hunt from a public road within a hundred yards, but you're allowed to discharge firearms. It seems... it's kind of bizarre to me. I did have a problem with my neighbor discharging firearms from their front porch. To prevent them from doing this, I had to rely on another part of the law which restricts discharging of firearms within a hundred yards of an occupied dwelling. It's very uncomfortable for me to pull out my measuring tape while my neighbor is having a firearms party. I wanted to know how one proceeds with getting the law changed.

Mr. Coen: Thank you sir. And I'm sure staff can help with which department to talk about that at a future time. Alright, anyone else wishing to speak on a topic? Good evening Ms. Callander.

Ms. Callander: Hi. Alane Callander. I noticed you have item 5 on your Unfinished Business regarding Stafford Nursing Home and Retirement Community. I wanted to remind you of some of the excellent comments brought to you by citizens at the public hearing regarding the height of buildings, the serious issue of transporting folks who may need to go to the hospital along windy or congested roads. This location is quite a distance from the hospital. And I thought there was an excellent point made by a gentleman about isolating seniors in places where... in remote places. This is something of a remote place. It's good for seniors to be able to get out and walk, even walk to shops or community centers and so forth. So, when we're planning this kind of facility, it's good to keep in mind the total community planet... total community, not just isolate people in a remote place. So, I just wanted to remind you of those points that were brought up. Thank you.

Mr. Coen: Thank you Ms. Callander. Anyone else wishing to speak on any item in general? Seeing none, alright, we come to our general meeting. Mrs. Vanuch?

Mrs. Vanuch: I'd like to make a motion to move item number 4, the Amendment to the Zoning Ordinance on outdoor lighting standards and reorganize that to item number 1.

Mr. Coen: Okay, we have a motion to amend the agenda by shifting item number 4 to the beginning of the public hearings. Is there a second?

Mr. English: I'll second it.

Mr. Coen: Seconded by Mr. English. Any comment Mrs. Vanuch?

Mrs. Vanuch: The only comment I'll make is that Mr. Gavan was here last time and I think he had mentioned it was uncomfortable for him to sit for quite a long time due to an injury, so we're just trying to accommodate you and move this up so you can speak earlier, and then we'll do a recess and then once it gets dark enough we'll go out and view the outdoor lighting.

Mr. Coen: Okay, Mr. English?

Mr. English: No.

Mr. Coen: Anyone else? Alright, okay, so we have a motion to amend the agenda, so if everyone will either vote or, Ms. McClendon, can I just ask for a unanimous consent? Alright, do we have unanimous consent on that? I see it, so alright. So, we are adjusting the agenda so that item 4, which is the

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Amendment to the Zoning Ordinance for lighting, is now at the top of the agenda. Mr. Harvey, we are now in public hearing mode.

PUBLIC HEARINGS

4. *Amendment to the Zoning Ordinance - Proposed Ordinance O17-13 would amend Stafford County Code Sec. 28-87, "Outdoor lighting standard," to clarify the current lighting standards for residential property by establishing a maximum light level at the property line and reducing the duration of a security light activated by a motion sensor light. (Time Limit: June 1, 2017) History: April 26, 2017 Public Hearing Continued to May 10, 2017*

Mr. Harvey: Thank you Mr. Chairman. As you recall, this was a public hearing at our last meeting and Mrs. Blackburn led the staff presentation regarding the proposed changes. Would you like the staff to summarize those changes or open it up for public comment at this point in time?

Mr. Coen: I think it'd be fair for her to summarize the changes, then we'll go on to the public hearing and public comment.

Mr. Harvey: Thank you Mr. Chairman. Please recognize Mrs. Blackburn for a summary of the ordinance amendment.

Mr. Coen: Good evening Mrs. Blackburn.

Mrs. Blackburn: Good evening Mr. Chairman and Planning Commission members. This is a text amendment for proposed Ordinance O17-13 and it is to provide a measurable lighting level at the property line of a residential use property. It also is to reduce the amount that a security light can be activated from 15 minutes to 7 minutes. And at the last meeting, we had some comments from Mr. Gavan and we did not have our CPTED Officer, who is here this evening, Officer Hamilton, to be the expert to discuss this and give you some insight into the world of CPTED and light levels. And so, at this meeting it was postponed so we could do that. And do you have any questions?

Mr. Coen: Any questions for Mrs. Blackburn? Seeing none, alright, thank you ma'am. Alright, now we will go to... we continued the public hearing so now we will go to the public hearing. Again, you have 3 minutes to speak. When you come up, please state your name and address, address the Commission as a whole. I remind you it's not a dialogue; you speak, we listen to what you have to say. And then when it hits the yellow light, that means you have 1 minute left. And when the red light blinks, then it's time to wrap up your comments. And so anyone wishing to speak on this item? Come on up sir.

Mr. Gavan: Gregory D. Gavan, I live out in Hartwood. The definition of light trespass is when light spills over a property line to an adjacent property. It's for excessive illumination, the Zoning Administrator has set this on as .5 lumens. Illumination above this value extending onto the adjacent properties would be a violation of County Code. I provided a copy of that in front of you. Mr. Dayton wrote it to me February 9, 2015. If I could point out the operative points here is that .5 lumens. Somehow we have a resolution in front of us that is .5 foot-candles which represents a ten-fold increase. I'm here to point that out to you. I don't think anything has changed in safety or laws in the last 2 years. What would validate a ten-fold increase in the light allowance? Another problem I have with the law is in the exemption, the words aimed at and pointed at were vetted in previous meetings in which Mrs. Blackburn was not present. The words were and still are decidedly problematic as they are subjective and argumentative. They fit no legal description. That opinion came, I believe, from Mr. Harvey and

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from the County Attorney. He basically said that the law that we have with those words was ineffective, that there's nothing he can do. He cannot go to a judge and order a neighbor or anybody to do anything. I'm here to solve that problem. The exemption which I'm here to speak against... my third point provides... I'm against the exemption, please don't have any exemption... it provides a common loophole for abuse as the lights from my neighbors went on and off sequentially all night long. What is to prevent this scene from repeating itself? Seven minutes that you decided that it can come on, that just seems arbitrary to me. I don't know whether someone looked at the 15 minute rule and knew that I was against that and decided to go down to 7. I'm against the 7. Basically, the lights just come on all night long. My neighbor told me there's nothing that I can do about it. The lights were shining on the second floor of my bedroom window, inside my bedroom window. I pulled out the light meter to do the reading; it was 8 times the legal limit. I proposed that back to Mr. Harvey at the time and I said, how does allowing my neighbor to shine his lights at 8 times the legal limit provide any public safety at all? His answer was, it doesn't at all. That the lights should be restricted at the border... at the property border. It's argumentative, it causes a gray area that happens (inaudible) lights very destructive between neighbors. These are points that Mr. Harvey has agreed with me. Somehow this was not conveyed in this resolution. I'm shocked, to be honest with you. And this is uncomfortable to say... to tell everyone, oh, you got it wrong. Maybe this is how politics goes? Someone stands up and points out oh, you got the number wrong, and that's what I'm doing.

Mr. Coen: Thank you Mr. Gavan. Anyone else wishing to speak on this item? Ms. Callander.

Ms. Callander: Alane Callander. I wasn't planning to speak on this but given Mr. Gavan's comments, it seems to be this needs to be looked at further and find a better resolution. Thank you.

Mr. Coen: Thank you Ms. Callander. Alright, anyone else? Okay, seeing none, I will close the public hearing.

Mrs. Vanuch: I'd like to make a motion to table this and go out and look at an outdoor lighting in a little bit.

Mr. Coen: Okay, so we have a motion to table... well, why don't we wait till he has to deal with all that? Alright, so we have a motion to table this item, is there a second?

Mr. English: Second.

Mr. Coen: Okay, motion was made by Mrs. Vanuch, seconded by Mr. English. Is there any comment Mrs. Vanuch?

Mrs. Vanuch: No further comment.

Mr. Coen: Mr. English?

Mr. English: No.

Mr. Coen: Anyone else? Alright, is there a unanimous consent to table to item? Alright, seeing no objections, we'll table this. And Mr. Harvey, now we go back to item what was number 1, the Cool Spring Storage.

1. RC17151632; Reclassification - Cool Spring Storage - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the M-1, Light Industrial Zoning District to allow for the

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development of a mini-storage facility on Tax Map Parcel No. 54E-2-19A (“Property”). The Property consists of 2.65 acres, located on the east side of Cool Spring Road 450 feet north of Pine Road, within the George Washington Election District. **(Time Limit: August 18, 2017)**

Mr. Harvey: Thank you Mr. Chairman. If you’d please recognize Brian Geouge for the presentation.

Mr. Coen: Good evening Mr. Geouge.

Mr. Geouge: Good evening Mr. Chairman, members of the Commission; Brian Geouge here with the Planning and Zoning Department. Tonight I’ll be presenting the Cool Spring Storage reclassification request. Again, this is a request for a reclassification, specifically for the development of a mini storage facility as proposed. The existing zoning district is A-1, Agricultural; the proposed zoning district is M-1, Light Industrial. This is on Assessor’s Parcel 54E-2-19A, consisting of 2.65 acres. The applicant is Johnson Commercial Real Estate, Inc. Here’s an aerial view of the site. The site’s located on the east side of Cool Spring Road, about halfway down across from Cool Springs Road Industrial Complex. This is a wooded site. There’s a CSX rail line along the eastern property line known as the Dahlgren Spur; this is a spur line. The site’s surrounded by various M-1 zoned Light Industrial uses, including the industrial complex to the west across from Cool Spring Road, warehousing to the east across from the CSX spur line, equipment sales and service businesses to the north and south, there’s also a former residence along the southern property line which is now being used as a contractor’s office, and the parcel immediately adjacent to the subject parcel on the western side has an existing cell tower and existing equipment storage yard. Let’s see if I can generally outline that storage yard here. This parcel is also owned by the applicant, and I’ll refer to this simply as the cell tower parcel throughout the presentation just for simplicity. A portion of the southern property line is also shared with the adjacent church. And that’s this piece here. The subject parcel is relatively level but the elevation is about 6 to 8 feet higher than the adjacent cell tower parcel, with slopes that generally follow the western property line. Here’s a view looking east from Cool Spring Road. You’ll see in the foreground there’s a fenced area; that’s the equipment storage yard that’s located on the cell tower parcel. The cell tower parcel is here in center and the subject rezoning parcel is the wooded piece in the background. Also note that there is an existing continuous right-turn lane, there is an existing entrance from Cool Spring Road, and there’s also, not in picture but for southbound traffic there’s an existing left-turn lane and median break that serves the site. Here’s the site in relation to the Comprehensive Plan Land Use Plan. You’ll see the area in blue, this is all land use designated for Business and Industry, and that really follows the whole Cool Spring Road corridor. This is actually the last remaining A-1 zoned parcel along Cool Spring Road. Here’s the Generalized Development Plan and it depicts... well, first of all, you’ll see the subject parcel here shown in red. The GDP is depicting development across both the subject parcel and the adjacent cell tower parcel. The applicant’s intent is to combine those and use them both for the mini storage facility. A single point of access is proposed to Cool Spring Road, and this is in line with the existing access point that you saw earlier in the picture. A total of about 77,000 square-foot of storage buildings is proposed with a 900 square-foot office in the front. That’s located here. About 53,000 square-foot of buildings is shown within the subject rezoning parcel. Two internal drive aisles are proposed which provide access to the subject parcel, and those points are here and here. And this was an approach to try to utilize the existing topography because, with the cell tower being there, it really limits the ability to do any mass grading on the site. There’s also fencing proposed around the mini storage facility with two gates at the entrance; one here and one here. There’s also landscaping shown along Cool Spring Road, and a transitional buffer where the property abuts the adjacent church. The applicant has not proffered that the development will be in conformance with the GDP, so the layout here is subject to change. And the property could also potentially be developed for other by-right uses in the M-1 zoning District; there’s no proffer stating that it has to be a mini storage or warehousing type facility. The proposed proffers state the access to the subject parcel will be through the adjacent cell

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tower parcel and no new access points will be created on Cool Spring Road. Also, the existing equipment storage yard and associated fencing will be removed in conjunction with the first phase of development. The subject parcel and cell tower parcel will be consolidated as well. And the combined use or uses established on the subject parcel will not result in the generation of more than 500 vehicle trips per day, which really places controls on the intensity of development that can occur here. As for staff findings, the positives are the proposed M-1 zoning district classification is consistent with the land use recommendations. The proposal is also consistent with the established development patterns in the vicinity. And the proffers will help mitigate impacts on the transportation network. No negatives are noted. Finally, staff recommends approval pursuant to proposed Ordinance O17-23 with the proposed proffers. And I'll take any questions.

Mr. Coen: Thank you Mr. Geouge. Any questions for Mr. Geouge? Seeing none, thank you sir. Alright, we'll now open up the public hearing. For this item, as with the last item, individuals can come down. You have 3 minutes to talk about this item. When they come forward...

Mr. Harvey: Mr. Chairman?

Mr. Coen: Yes sir.

Mr. Harvey: Please recall, we need to have the applicant give their presentation.

Mr. Coen: Oh, okay, sorry. Applicant, go right ahead. Thank you Mr. English.

Mr. Johnson: What do I need to do Jeff?

Mr. Coen: Just say anything that you want to in favor of your proposal.

Mr. Johnson: Okay, yeah. My name's Bill Johnson. I've been a resident about 25 years. My family's been in the Fredericksburg area since the 1800s. My father formed the Fredericksburg Board of Realtors in 1954. I'm not new to the area. I purchased the first parcel where the cell tower is about a year or so ago. The owners of the other parcel approached me about buying the one that I'm trying to have rezoned, which I did. And I met with staff; everything seemed fairly positive. Everything around it is zoned M-1. One thing that hasn't been brought to light is there's a deed restriction on this property and I'll just read it, from 2007, when the church initially bought this, then Dicky Sisson bought it and I bought it from him. The Grantee, by acceptance of this deed, hereby covenants that its successors, heirs, legal representatives or assigns shall not use the premises for any purpose other than industrial or commercial purposes, and the premises will not be used for any residential purpose of any kind or nature. So, I can't use it residentially. It's obvious, at least to me, that somehow this just got missed and wasn't rezoned. I approached the County to ask them to rezone it but they wouldn't do it. So, then I said well do I need a GDP and they said yes. I said that's why I'm submitting a GDP. I haven't fully vetted this particular use, that's why I didn't want to proffer it at this time. So, but you know, my neighbor to the left can use it for M-1 uses, my neighbors to the right can use it for M-1 uses, and across the street can use it for M-1 uses under the current code, so I don't see philosophically what difference it would make to use this for M-1 uses. So, that's my spiel and I appreciate your time, and if you have any questions, I'd be happy to answer them.

Mr. Coen: Go ahead Mr. English.

Mr. English: So you say the storage thing may not work; you're not going to do that then?

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Mr. Johnson: Well, what I said is I haven't vetted it in fullness, in terms of I still need to get a market study to see that this particular site will support what I have projected here.

Mr. English: And if not, then do you have anything that you have else in mind?

Mr. Johnson: No. I would try to find out, you know, I'm an entrepreneur, I'll try to find out what demand is there and create the use to the demand.

Mr. English: Okay.

Mr. Coen: And Mr. Johnson, with the cell tower smack dab in the middle, it sort of will prohibit you from doing a good number of things.

Mr. Johnson: Correct. As my engineer, you know, we've got about a 7 or 8-foot grade between the cell tower site and this particular site that wraps around it, so it makes it very difficult to do anything, you know, of a big nature or a larger facility. Say a hundred thousand square-foot warehouse, you couldn't get it on here, it wouldn't work.

Mr. Coen: Right. And I was looking at the different M-1 things and many of them, on that type of parcel just with a cell tower smack dab in the middle, it would be a little difficult to do.

Mr. Johnson: And I think it is a positive that eliminating another access point on Cool Spring Road, and this is the access that was created when they added the additional lanes and I guess the highway department built it.

Mr. Coen: Any other questions for the applicant? Seeing none, thank you sir.

Mr. Johnson: Thank you.

Mr. Coen: Now we'll go to the public hearing. Thank you Mr. English. So, again, if you wish to comment on this item, come forward. You have 3 minutes. State your name and your address. When you start talking the green light comes on. When you see the yellow light that means you have 1 minute or less, depending on when you looked at it. And then when you see the red light, we ask that wrap up your comments. So, anybody wishing to speak on this item? Seeing none, we close the public hearing and does staff have anything else they would like to add, which is our normal thing?

Mr. Harvey: Not at this time Mr. Chairman.

Mr. Coen: Alright. And I'm assuming since the applicant just spoke, you don't have anything else to add?

Mr. Johnson: No sir.

Mr. Coen: Okay, thank you. Mrs. Vanuch, I'm passing the gavel to you.

Mrs. Vanuch: Thank you. And Mr. Coen, since this is residing in the George Washington Election District, what is your desire to move forward?

Mr. Coen: Yes, I would move for approval of Ordinance O17-23.

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Mrs. Vanuch: Okay, do I have a second?

Mr. English: Second.

Mrs. Vanuch: Thank you Mr. English for the second. Mr. Coen, any further comments?

Mr. Coen: Just several things. One, I think the applicant has gone and done some due diligence on this project. Quite honestly, if it's the last part... parcel that's A-1 and everything else is changed, it just makes sense to make it like everything around it. As I've said, the cell tower being in the middle limits the other possible uses that are there. I appreciate... I had raised because of another item on this road, the question about a fence and, while the applicant is not proffering a fence, I think his view about a fence was pretty much the same way I was thinking on a fence of making it look appropriate for the area. And then his information about the deed sort of makes it sensible. So, for all these reasons, I strongly move for approval.

Mrs. Vanuch: Thank you Mr. Coen. Mr. English, do you have any further comments?

Mr. English: No.

Mrs. Vanuch: Anyone else on the Commission any other further comments? Okay, seeing no further comments, we shall take a vote to approve the reclassification of Cool Spring Storage. Okay, the motion passes 6-0 with Mrs. Bailey being absent. Mr. Coen?

Mr. Coen: Thank you Mrs. Vanuch. And good luck to you Mr. Johnson.

Mr. Johnson: Thank you for your time.

Mr. Coen: Alright, so Mr. Harvey, we move on to item number 2 on our agenda, which is now theoretically number 3, but to those who have gotten the agenda it would be item number 2.

2. Amendment to the Stafford County Comprehensive Plan (the Plan) - A proposal to amend the "Stafford County, Virginia, Comprehensive Plan 2016-2036," dated August 16, 2016, to expand the Transfer of Development Rights (TDR) receiving area. The proposed amendment would modify Chapter 3, "The Land Use Plan," to incorporate amendments to the textual document and amend the map entitled Figure 3.8, Transfer of Development Rights Sending and Receiving Areas ("Map"). The proposed Map expands the receiving area on the east side of Jefferson Davis Highway, past the current southern boundary of the Courthouse RDA south to Accokeek Creek and Eskimo Hill Road. The proposed text amendment deletes the requirement that property be designated as part of a Redevelopment Area (RDA) to qualify as a receiving property, and increases the maximum number of dwelling units the receiving area could accommodate from 2,240 to 3,081 future units. **(Time Limit: May 20, 2017)**
3. Amendment to the Zoning Ordinance - Proposed Ordinance O17-09 would amend the Zoning Ordinance, Stafford County Code Sec. 28-358, "Receiving properties," to modify the Transfer of Development Rights Ordinance by deleting the requirement that property be designated as part of a Redevelopment Area (RDA) to qualify as a receiving property. **(Time Limit: June 29, 2017)**

Mr. Harvey: Mr. Chairman, staff would request the Commission's indulgence to combine both items 2 and 3 on the agenda for a combined presentation. Item 2 is a Comprehensive Plan Amendment, item 3

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is an Ordinance Amendment pertaining to the same subject, Transfer of Development Rights. If that's okay Mr. Chairman?

Mr. Coen: I think that's certainly acceptable. Thank you Mr. Harvey.

Mr. Harvey: Thank you.

Mr. Coen: Go ahead Mr. Zuraf.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission; Mike Zuraf with the Planning and Zoning Department. If I could have the computer please? So, this is a presentation on items 2 and 3 on Transfer of Development Rights regarding amendments to the Comprehensive Plan and Zoning Ordinance. So, the specific requests: first, there would be a proposed amendment to Chapter 3.8 of the Comprehensive Plan text and map amendments to expand the Transfer of Development Rights receiving area. And then amendments to County Code Section 28-358, Receiving properties, to modify the TDR Ordinance by deleting the requirement that property be designated as part of a redevelopment area to qualify as a receiving property. So, first looking at the Comprehensive Plan Amendment, the proposed map expands the receiving area on the east side of Jefferson Davis Highway, south past the southern current boundary of the Courthouse Redevelopment Area and south of Accokeek Creek and Eskimo Hill Road. The area of expansion is in the red hatch location on the map on the screen. And so just kind of for a point of reference, the northern point of this new expansion area in this location, that's approximately where the new road is being cut for the Abberly apartment project; that's in this location right here. And so that road that's cut, that's going to be South Campus Boulevard for point of reference. So, in addition, the change would delete the requirement that property be designated as part of a redevelopment area to qualify as a receiving property, and then also increase the maximum number of dwelling units the receiving could accommodate from 2,240 units to 3,081 future dwelling units. So, just kind of to provide some background on the County's TDR Program, the TDR Program became effective in 2015. The TDR Program can be used as a growth management tool by transferring development rights from rural areas where future growth is not encouraged – these are known as sending areas – to areas of the County where infrastructure is adequate to accommodate new growth and new growth is desired. These are known as receiving areas. This is a voluntary program where the development rights can be bought and sold almost like real estate between individuals or individual entities. The TDR Program is different from the County's PDR Program. Just to clarify, the PDR Program is operated by a locality, in this case Stafford County. For a PDR Program, the County would acquire conservation easements voluntarily offered by property owners. The development rights then are permanently retired and not transferred to other properties as in the case here. So, the current TDR sending and receiving areas are defined in the Comprehensive Plan. This is the Figure 3.8, the map identifies a single sending and a single receiving area currently in the County. The sending area is generally comprised of the Marlborough Point and Crow's Nest Peninsulas east of the CSX rail line. That's surrounded by blue on the map. And then the current receiving area is the location of the Courthouse Redevelopment Area east of Interstate 95, highlighted in red on the map. If all properties in a sending area had the development rights transferred, it would equate to 1,490 dwelling units not being built in this area. And in the receiving area, it's been determined that that area could accommodate up to 2,240 dwelling units based on the current zoning. For the TDR Program to be legal, you have to have an adequate... the receiving area has to be able to accommodate all the potential units that could be sent from a sending area, and that's what we have now. And then, as justification of this amendment, since the program's inception, no property owner has transferred development rights, and expansion of the receiving area and increased number of eligible properties is an attempt to kind of kick-start participation in the program. So, looking at the evaluation of this request, the expanded receiving area would increase the number of potential dwelling units in this receiving area an additional 841 units.

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And then, as mentioned, there's several criteria... there are five criteria that must be met to qualify as a receiving area property. And just kind of going through those, first, criteria one requires a receiving property to be one of several different zoning districts. And as depicted on this zoning map of this expanded receiving area, A-1 in light green, A-1, Agricultural is one of the eligible districts that would be eligible for receiving development rights in the expanded receiving area. And that does cover... that zoning district covers a majority of this receiving area expansion. The TDR Program zoning provisions allow for potential development density of up to 2.25 acres... 2.25 dwelling units per acre on A-1 zoned properties by-right. This is consistent with the density recommendations on the Future Land Use Plan for Suburban Land Use that is recommended in this location. For criteria two, it requires a site be located within a receiving area in the sending and receiving area map, and this action of course would expand the potential receiving area to include this... to allow for this expansion. The third criteria, the proposed expansion area needs to meet the requirement that the receiving area has to be within the designated Urban Service Area. The expanded receiving area is entirely within the Urban Services Area. Criteria four stipulates that the receiving area must be part of a designated redevelopment area in the Comp Plan. In order to enable the proposed expansion, this provision is proposed to be removed as part of this Comp Plan amendment. And then criteria five requires an assessment that identifies the ability of existing planned utility services to accept increases in density within the designated receiving area. To evaluate this TDR expansion, the provided chart estimates the water flows... public water flows in the proposed TDR expansion area based on the planned Comp Plan build-out against the density permitted under the TDR alternative, and the results show that the TDR alternative would not allow for more water usage than what's already anticipated and planned for under the Comprehensive Plan. Sewer flows and associated improvements would correspond closely with the water flow estimates. So, now, just looking at the Ordinance amendment, the Zoning Ordinance includes the same five qualifying criteria for inclusion in the receiving area, so the Ordinance amendment would be consistent with the Comp Plan amendment being proposed. And inclusion... staff's comments on the criteria of being required to be in an RDA, inclusion in the RDA is not the most important location criteria in staff's opinion. The focus of the RDAs is on general planning concepts and infrastructure needs, and to a lesser degree on land use densities. And the current requirement could limit the County's ability to establish additional receiving areas due to the limited availability of suitable land for this type of program. Staff does recommend approval of the Comprehensive Plan Amendment pursuant to Resolution R17-93. It does provide additional opportunities to implement the TDR Growth Management Program. And also recommends approval of the Zoning Ordinance request subject to adoption of the Comprehensive Plan amendments. And I'll take any questions.

Mr. Coen: Alright, any questions for Mr. Zuraf? I just have one if I may. I know when we were talking about the creation of this way back a decade ago, of doing TDRs, there was a great debate over whether it's one for one moving, or it's one for two where they get two units for every one. This doesn't actually change that matrix, it just puts more land which gives more availability.

Mr. Zuraf: Correct. Yeah, it does not change any ratios; it's all still a one to one transfer.

Mr. Coen: Thank you. I just wanted to make...

Mr. Harvey: Mr. Chairman, also to clarify, this does not change the number of development rights that are eligible to participate in this program. Again, as you said, it expands the area where it gives more options for where land owners can put those development rights.

Mr. Coen: Thank you Mr. Harvey and Mr. Zuraf. Any other questions? Mr. English is moving.

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Mr. English: Mike, in your opinion, do you think this is going to help boost this, do you think, the program since you say...?

Mr. Zuraf: It couldn't hurt, because you are adding more land. And the land that is being added, it's undeveloped, it's adjacent to areas that are starting to develop.

Mr. English: So, it'll be a benefit.

Mr. Zuraf: Yes.

Mr. English: Okay, thank you sir.

Mr. Coen: And, Mr. Harvey, do I understand correctly that the applicant is the County?

Mr. Harvey: Mr. Chairman, yes, this was initiated at the request of the Board.

Mr. Coen: Okay. I just didn't want to avoid the applicant speaking when it's actually there's no one who can speak. Thank you Mr. Zuraf. Alright, so now we will open up the public hearing on both items 2 and 3, the Comprehensive Plan for the TDRs. If you would like to speak on either of those, we ask that you come forward at this time. You have 3 minutes. When you start talking, please give your name and address. When you start the green light will come on. At 1 minute the yellow light comes on, and then the red light comes on when your time is up and we ask that you wrap up your comments. Alright, anyone who would like to speak? Good evening again Ms. Callander.

Ms. Callander: Alane Callander. Well, this was brought to my attention this afternoon, so I hurried on over. Sorry there's no one else here lined up behind me. But I think there is reason for the public to pay attention to this. Why is this being initiated by the Board? Is there a specific project that's being talked about behind the scenes? How is this going to impact the residents of this part of the County? What negatives are there to this? It's all sort of a blank slate. We don't really know much detail. Why, if I understood correctly, you're going to remove the USA requirement and that's always something you have to stop and think about – why would we do that? So, I'm wondering who benefits from this amendment other than just perhaps opening up an additional area for the TDR Program. I'd like to know why there haven't been folks interested in participating in the TDR Program; there must be some specific reasons. Anyway, the public is really in the dark and I'm just here asking questions, bringing attention to this so that perhaps we can learn more of the details and why this is being proposed. Thank you.

Mr. Coen: Thank you Ms. Callander. Anyone else wishing to speak? Seeing none, I will close the public hearing. Mr. Zuraf, do you wish to respond to answer some of the questions that Ms. Callander brought forth?

Mr. Zuraf: Well, I can just say that there's not been a specific project being... that's been submitted on any of the expansion area. There's a comment about moving the Urban Service Area; that's not part of the proposal. The proposed additional receiving area is all within the existing Urban Services Area where growth has already been planned for higher density. And there was, you know, all I can say is why there's not been any proposals brought forth so far, it does require the purchasing of development rights between individual property owners, so that's a whole element that the County's not involved with and we can't speak as to why. You know, it could be individual property owners maybe having to come to an agreement on terms, and also the area is somewhat limited; it's not a countywide effort as well.

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Mr. Coen: Thank you. Any other questions for Mr. Zuraf while we have him? Alright, seeing none, okay, so we have items 2 and 3 in front of us. Is there any action?

Mr. Rhodes: Mr. Chairman, I would just first like to make a comment. As the County has tried to do this program for a number of years, made an attempt at it, took an extended amount of time to even get something that the Planning... through the Planning Commission and through the Board for the Board to ultimately approve, which it would have to do in this as well. And then when it's been in place it's not been something that's been actively participated in. However, in all that discussion, if you look back through it, there was... it was done extremely conservatively. And it was always stated we could always expand it, we could always move forward and see what's right, because this is kind of a test trying to see what might work effectively to help and promote development in the areas the County wants development, which is the whole intent behind this, and reserve other areas that we want reserved. But this County's always been a little bit conservative in our approaches and there's nothing wrong with that. And we did it in a very narrow limited fashion and manner, and now this is just a prudent step to expand a little bit to see what is the right level to make this an effective tool. We have very few tools in this County and in the State to be able to guide development. And this is one we're trying to make work. And so I think it's a prudent attempt to find what is the right level, what is the right balance, what is the right way to use this tool to put development where we want development and to limit development where we want to limit it. So, it just makes sense. And with that, I'd make a motion to recommend approval of the amendment to the Comprehensive Plan, item number 2, as presented here.

Mr. Coen: Alright, and if I understand correctly, Mr. Harvey, I'm sure you'll let me know, that would be R17-93?

Mr. Harvey: Mr. Chairman, that would be correct, yes.

Mr. Coen: Okay, I thought I read Mr. Zuraf's slide correctly.

Mr. Rhodes: Thank you, I couldn't find it. Thanks.

Mr. Coen: Okay. And then, is there a second for that?

Mrs. Vanuch: I'll second.

Mr. Coen: Okay, Mr. Rhodes, any further comment?

Mr. Rhodes: No sir, thank you.

Mr. Coen: Mrs. Vanuch?

Mrs. Vanuch: No further comment.

Mr. Coen: Alright, anyone else? Alright. I'll just say that, first of all so people will know, that the time limit for this is May 20th, which is prior to our next meeting. So, on this item there would had to have been some type of action this evening. Also, stating that with this element, once again, this isn't approve a specific program as in a specific transfer of a specific parcel from x to y, this is just opening up a possibility. So, and also I'll just say that I know that this has been supported by numerous Supervisors; Ms. Bohmke has spoken in favor it, I have had conversations with my Supervisor, Mr. Thomas, about this. I have heard him at Board meetings express a desire that we actually widen the area that could possibly give up some of their development rights to our end of the County and not just be

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that one parcel. But, as Mr. Rhodes points out, this is just a trial for this program and this is an actually a specific feel that's coming for us. So, with that, I will support it because of the idea of the concept of preserving some of our rural area. Alright, with no other comments, we now take a vote. And that has passed unanimously with Mrs. Bailey being absent, so it passes 6-0 with one abstention.

Mr. Rhodes: Mr. Chairman, I make a motion for item number 3, proposed Ordinance O17-09, to recommend forward recommending approval.

Mr. Coen: Okay, we have a motion for O17-09... is it 09 or 19?

Mr. Rhodes: 09.

Mr. Coen: 09? Alright, 09; is there a second?

Mrs. Vanuch: Second.

Mr. Coen: Alright, Mr. Rhodes?

Mr. Rhodes: No further comment Mr. Chairman.

Mr. Coen: No further comment?

Mrs. Vanuch: No further comment.

Mr. Coen: Alright, anyone else on the Commission? Seeing none, we'll put it to a vote. And that also passes with a 6-0 vote with one member absent (*Mrs. Bailey absent*). Alright, so that takes care of items 1, 2, and 3; we now move back to item 4, the light Ordinance. Mrs. Blackburn, you're back up again.

4. Amendment to the Zoning Ordinance - Proposed Ordinance O17-13 would amend Stafford County Code Sec. 28-87, "Outdoor lighting standard," to clarify the current lighting standards for residential property by establishing a maximum light level at the property line and reducing the duration of a security light activated by a motion sensor light. **(Time Limit: June 1, 2017)**
History: April 26, 2017 Public Hearing Continued to May 10, 2017)

Discussed before item 1.

Ms. McClendon: Mr. Chairman?

Mr. Coen: Yes.

Ms. McClendon: Because this item was laid on the table, the Commission needs to take a vote to pull it back...

Mr. Coen: To bring it back on the table.

Ms. McClendon: Yes sir.

Mr. Coen: Alright, is there a motion to bring it back on the table?

Mr. Rhodes: So moved.

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Mr. Coen: So moved; is there a second?

Mr. English: Second.

Mr. Coen: Is it unanimous consent to bring it back on the table? Alright, by unanimous consent, it's back on the table. So now, Mrs. Blackburn. I know we have a guest, but I also know that we are being so expeditious that I'm not certain...

Mrs. Vanuch: It's not dark yet.

Mr. Coen: Right. Is there any... I'm not sure if there's any more information that the Officer can bring forward or if we just want to go forward from there?

Mr. English: I suggest we just keep going forward with it.

Mr. Coen: Okay, alright, Mr. English has said that we can just move forward.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, Officer Hamilton is here to I think answer any questions concerning the measurement of foot-candles. I know there's been a question about foot-candles and lumens and the way they are measured and how they are dealt with out in the field. And he does have some information about that. And I know we were planning to go out in the parking lot, and I'm not sure we've had sunset yet.

Mr. Coen: Yeah, not unless he talks exceedingly slow. Yes, we welcome you Mr. Hamilton... Officer Hamilton; come on up.

Officer Hamilton: (Inaudible – not at the microphone).

Mr. English: Jim... microphone.

Officer Hamilton: ... from some of the classes that I've been in the past. I guess I should give you a little bit about my background so you know that this isn't my first rodeo so to speak. I'm in my 43rd year of law enforcement, and 25 of those years just specifically in the crime prevention related field of CPTED, lighting, access control, common observation, that type of stuff. So, I do my best to try to keep up with everything that's involved lighting. I don't like to call myself an expert because all that does is get you in trouble. But, at any rate, there's technologies that are involved in lighting systems that are continually changing as well. So, I wanted to address that issue also because there's terms that a lot of people don't understand, and I was hoping that if we were able to go out so you could get some idea what 1 foot-candle actually is and I think that was a controversy. But this document right here actually pretty much explains what 1 foot-candle is. It also goes over typical foot-candles in different areas and whatever on the first page, energy facts about how it uses electricity based on the technology. And on the second page it goes into color temperature and that's where the technologies come into play. Because you have incandescent, you have fluorescent, you have high pressure sodium, low pressure sodium, metal halide, and now the new LEDs. Well, essentially what they're saying, and if you read it, is that that is what the temperature of the light is considered is the brightness of that light. And, if I can address your attention to the very last sentence on the right side on the back of that page, this is a GE document where it says "all present day light sources will be replaced with LEDs." So essentially what that's saying is that once all those fixtures get changed over and whatever, all of these measurements and whatever are going to have to be taken back into consideration because since the temperature of that type of lighting is higher, we might be able to back off on some of the recommendations based on that

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technology, if that makes any sense. But that's essentially what we're talking about. But as far as measurements go, as far as the Ordinance goes this is pretty much, and I'll give that to you also sir, is the point of where we would measure when it comes to residential lighting at a borderline, and just to give you a little bit of background on the Ordinance, this Ordinance had been initiated probably, gosh, I'm going to say 8 or 9 years ago and it was a long, almost a 7 year process to get this. The Planning Commission and the planners asked me for input from my experience. And, as a result of that, this is another thing that we came up with when they were trying to adopt the Ordinance, as far as what type of lighting standards based on what type of use would be in the realm of what we consider a safe environment, comfortable environment, for people to live, work, and play in. So, if you go through that, it might give you some idea of what the lighting actually is. But I tried to do my best to touch on those things that have an effect on actual the lighting. But one of the things that we were focused on is the type of fixtures be what we call cut-off fixtures, and what that means is that the light is actually is up inside the fixture. So instead of like the globe, the bulb where it just lights out everywhere up, sideways, and down, (inaudible) to be cut off. So once it was up inside, you had a triangle of light that comes down, so it doesn't go out and it doesn't go up, it goes down to where it needs to be focused. The benefit of the LEDs is that they're made up of diodes if you ever look at them; they're about maybe the size of my finger and they can actually put prisms on those diodes where they can actually aim where the light needs to be so they can get it where it needs to be. So, in essence, you can have a property line, the pole can be there and with a mere amount of feet, you can be down to zero on one side and the lighting goes to the other side, because we focus the lighting on parking and pedestrian areas for the safety and the comfort aspect. So, if that makes sense. But essentially the 1 foot-candle, and that's what I was always trained in measuring in the foot-candle – there are lumens and it explains the lumens in there as well – but on the first page, if you take a candle and you put it a foot away from a piece of paper, that round circle of lighting that it puts on that paper, in the middle of it that's 1 foot-candle. So, it's not obtrusive light being 1 foot-candle. So, any questions? Did that maybe help a little?

Mr. Coen: Okay, thank you Officer Hamilton. Any questions? Mrs. Vanuch.

Mrs. Vanuch: I have a quick question. How often does the Sheriff's Office get calls from concerned constituents in Stafford regarding neighbors or other people shining lights into their homes and they want you to come out and do measurement to determine if it's within the Ordinance?

Officer Hamilton: Actually, I've been here 13 years and this is the first one. Now, on the other hand, the lack of lighting, I can't even count how many times I've been called out by neighborhoods, Homeowner Associations, management companies, because of the lack of lighting. And that was one of the reasons where with my previous experience in another jurisdiction doing the same thing, those were primarily the issues that I was called to go try to take care of. So once I came here I wanted the lighting Ordinance to cover those things so we didn't have those issues, and that those spaces were comfortable as they're built as opposed to after the developer builds it and goes without putting it in, then the management company or Homeowners Associations are responsible for putting in that lighting which is much more expensive to do after the fact than doing it while it's built. So, that's why I sit on the Planning Commission when they have their meetings on the new developments so at least I can give them some idea of what type of lighting I feel is adequate for that. And so far we've been pretty successful. I'm sure if you drive around to some of those new spaces and you see some of the new LED lighting, it's great. And what we're trying to do is get a consistent lighting so you don't have that roller coaster of the bright and the dark and the bright and the dark. So, what I'm looking to go and try to accomplish is to get more poles shorter so you have that consistent lighting pattern, instead of real tall poles, real bright in the middle, dark, then bright again. I want it consistent. So, as you age, your eyes aren't so great and you don't have that trying to readjust as you walk. And they're going to the town

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center design where a lot of people are going to be pedestrians or whatever, so that's kind of what we're looking at.

Mrs. Vanuch: Thank you.

Mr. Coen: Alright, any other questions? Yes, Mr. English.

Mr. English: I guess this is going to be to Mrs. Blackburn. Mrs. Blackburn, a quick couple of questions for you. How long have you been with the Planning Commission? I mean, how long have you been in your job?

Mrs. Blackburn: Here at the County?

Mr. English: Yeah, doing this...

Mrs. Blackburn: Five years.

Mr. English: And how long... have you done this lighting before?

Mrs. Blackburn: I have done some lighting before. In reviewing plans I was able to understand reading photometric plans and things like that. But this has been a very good learning experience.

Mr. English: So, my next question I guess, since you've been in here, you have nobody that's complained about this at all that you know of?

Mrs. Blackburn: We have had I think just a few, and it has been with residential and we've gone out and investigated it of course and have been able to come to some agreements in compliance.

Mr. English: And the other question I have for you, if this LED like Office Hamilton said is going to be the new... that's the new craze or whatever, so you're looking at probably changing the whole Ordinance again within the next year and a half, correct?

Mrs. Blackburn: I don't know what the timeframe is.

Officer Hamilton: It's hard to say because as we go, the technology is getting so good we're even dealing with different color renderings of the new LEDs (inaudible).

Mrs. Blackburn: But in... I have gone to a couple seminars and that has always been, as Officer Hamilton has said, the technology is changing so fast that it will just depend on how quickly the industry can get that technology to particularly the homeowners. And I'm sure, as you've seen in Lowe's and in Home Depot, LED lights for home use are much cheaper than they were even a year and a half ago.

Mr. Rhodes: But even then, it's retrofitting out. We're slowly... we'll be doing it over 10 years in our parking lots up north, just because just the cost and the time process. I think we'll probably ordinance wise be going through some point in time where we almost have a parallel. We'll have to put some in for both so we can address both and then it'll be awhile till we get them all over there.

Mr. Coen: Thank you Mr. Rhodes. Anything else Mr. English?

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Mr. English: Mr. Hamilton, we went from 15 minutes to 7 minutes. Can you explain why we went from 15 minutes to 7 minutes on leaving the lights on?

Mr. Coen: If you can move over to the microphone; thank you.

Officer Hamilton: Well, you're talking about the amount of time a central light would stay on at a residential area?

Mr. English: Right.

Officer Hamilton: We just felt that 15 minutes was excessive; 7 minutes should be more than enough time for you to be able to drive in to wherever you are driving, the lights go on, you're able to see if there is anybody there or any issues. You get out, you unload your vehicle, and you go in. Hopefully it goes out, you don't need it any longer unless something else moves into it to turn it back on. So we just felt 15 minutes was excessive, so... we always get issues like that and we try to do what we can to compromise. As long as it doesn't, I guess, cause issues for that safety concern that we might have. And that's all based on the use and the specific problem at the time.

Mr. English: Would it be feasible for the businesses maybe to have it at 7 minutes instead of a residential?

Officer Hamilton: Say that again?

Mr. English: Would it be... would this fit better for a business instead of residential? In other words, we recommend that residential could leave it on for 7 minutes instead of... and maybe just not put a time limit on a residence, or should it be fixed for a business it should be for 7 minutes? Should that just be standard across... do you follow what I'm trying to say? If a business has theirs...

Officer Hamilton: Well, a business environment, their usage hours might be different, which might have an effect on how long it stays on based on the time.

Mr. English: Okay, that's fine.

Mr. Coen: Thank you.

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes Mr. Rhodes.

Mr. Rhodes: For Officer Hamilton or Mrs. Blackburn, I don't know which best, but there was the comment... I was struck by the comment in Mr. Dayton's letter or referred to Mr. Dayton's letter about one-half lumen being the standard and then the comparison of basically a lumen is one-tenth of a foot-candle. I know where I work we use foot-candle, one foot-candle on the parking lots and other things, and I couldn't imagine anything being effective whatsoever at one-twentieth of that level. So, it was surprising to me to see a reference to one-half lumen as a standard. Can anybody comment to that?

Officer Hamilton: I don't measure in lumens, I measure in the foot-candles. And if you look at that diagram up at the top left of the first page, where it shows the candle, if you move that candle another foot away, it would go from one foot-candle to .5, which is half. Does that make sense?

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Mr. Rhodes: Mm-hmm, yeah.

Officer Hamilton: So, in other words, the farther away you get the lower the casted light would be on that.

Mr. Rhodes: I was just trying to understand this reference in the memo, the February 9, 2015 memo from Mr. Dayton that says, "As for excessive illumination, the Zoning Administrator has set this at 0.5 lumens" as being excessive illumination. And when you... depending on what conversion there is, there's a couple different conversions, both the DSI and then at another level. One is a more one to one with foot-candle, the other is about one to ten or ten to one with foot-candles. So. I was just trying to understand what this is... if anybody knows what this is referencing?

Officer Hamilton: No.

Mr. Coen: Alright, any other questions for...?

Officer Hamilton: The diagram that I sent around that actually shows the measurement point for residential area, that would be where whatever the minimum standard. That's where that measurement would be taken and it shouldn't exceed anything beyond that on the other side of the property line.

Mr. Rhodes: Okay.

Mr. Coen: Okay.

Officer Hamilton: Regardless of what the standard is, the standard would be right there where that measurement point would be.

Mr. Coen: Okay.

Mr. Rhodes: Okay.

Mrs. Vanuch: Can you just state for the record before you leave, what the current Ordinance is for the property line light. What is the foot-candle for the border line property line?

Officer Hamilton: It's my understanding that it started out at .1.

Mr. Rhodes: Point 1?

Officer Hamilton: I'm sorry, one.

Mr. Coen: Regular one.

Mrs. Vanuch: So one foot...

Officer Hamilton: And .5 is half of that. So 1 foot-candle, so .5 would be half of the foot-candle.

Mr. Harvey: Mr. Chairman?

Mr. Coen: Yes, Mr. Harvey.

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Mr. Harvey: Again this amendment was trying to get at the point that Mr. Gavan raised earlier. And in my discussions with him is that the current Ordinance talks about light should not be directed to adjacent residences. But that doesn't give you an objective measure. This proposed Ordinance is an attempt to give an objective measure by giving a light level that can be checked out with a luxometer.

Mr. Coen: Okay, thank you sir.

Mr. Rhodes: And the Ordinance is set on foot-candle?

Mr. Harvey: Yes sir.

Mr. Coen: Yeah.

Mr. Rhodes: That's what I thought. I just perceive that this is an error in Mr. Dayton's thing. But we'll be able to address that a little bit later as we go outside. Okay, thank you Mr. Chairman.

Mr. Coen: Okay, alright. Anything else for Mr. Hamilton? Thank you Officer Hamilton. Anything else Mrs. Blackburn? Alright, so this comes back to us, is there any feeling from the Commission on this issue?

Mr. Rhodes: Do we want to move on to 5, since we're going to do our little field trip?

Mrs. Vanuch: It's still not dark enough.

Mr. Coen: I still don't think it's dark enough.

Mr. Rhodes: I know, so do we want to move on to item number 5 and then come back to this again?

Mr. Coen: If that is the will of the Commission we can go with that.

Mr. Gavan: Do I get a chance to speak at all?

Mr. Coen: No, that was at the beginning of the public hearing. At the public hearing you did, right, at the beginning of the public hearing.

Mr. Gavan: So, if I do, not that I did, do I get a chance to speak again?

Mr. Coen: No sir. That's how the public hearing works. Alright, is there a feel by the Commission that we move on to 5 and table this again?

Mrs. Vanuch: That's fine.

Mr. Coen: Alright, so is there unanimous consent to table this once again?

Ms. McClendon: Mr. Chairman, you still need a motion and a second.

Mr. Coen: Right. So, Mr. Rhodes make the motion.

Mr. Rhodes: Motion.

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Mr. Boswell/Mrs. Vanuch: Second.

Mr. Coen: Battle between Boswell and Vanuch for the second, and so we have unanimous consent to table this again. So now we move to item 5.

UNFINISHED BUSINESS

5. RC16151470; Reclassification - Stafford Nursing Home & Retirement Community Minor Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, zoned LC, Life Care/Retirement Community, consisting of 21.77 acres, located on the east side of Berea Church Road and along both sides of Brimley Drive, within the George Washington Election District. **(Time Limit: July 21, 2017) (History: Deferred on April 12, 2017 to May 10, 2017)**

Mr. Harvey: Mr. Chairman, please recognize Mr. Zuraf for the presentation regarding the Stafford Nursing Home and Retirement Community Proffer Amendment.

Mr. Coen: Thank you Mr. Zuraf.

Mr. Zuraf: Good evening again Mr. Chairman, members of the Planning Commission. If I could have the computer please? So, this is a request to amend proffered conditions to increase the number of assisted living dwelling unit types permitted on the Stafford Nursing Home and Retirement Community property, and allowing for flexibility between the independent living units and assisted living units. On April 12th the public hearing was conducted and the application deferred to this date to address concerns raised at that meeting. Going through the issues that were raised, Commissioner English questioned if the current gated access off of Brandywine Court could be permanently open to traffic to reduce vehicle trips onto Berea Church Road. The location of the gate is identified within the red circle on the image that you see, and to the south is Brandywine Court. Regarding this issue, staff has a few... provided a few comments on that suggestion. Proffer 31 in the current proffers requires a current access restriction. The emergency access gate was required to be in place prior to any occupancy permit in phase 2 of the project where The Crossings facility is located. An amendment to proffer 31 would be required to remove that gate, that emergency access restriction. Also, during the initial rezoning request, staff did comment on the issue of access through to Brandywine Court. Staff did express concern about connection adding more traffic onto Berea Church Road in its unimproved state. And proffers did require onsite frontage improvements along Berea Church Road and offsite improvements at the Berea Church Road/Fleet Road/17 intersection to improve the conditions of Berea Church Road and, at the same time, place the access restriction through to Brandywine Court. Staff had commented from a planning best practices perspective the mixing of the industrial use and industrial traffic with retirement community traffic may be undesirable. In addition, the applicant may have concerns about the industrial traffic passing through their project. Staff had observed... has observed the gate being open during the daytime at random times, but is uncertain of the schedule for the opening and closing of that gate. Also, in the image, the road configuration highlighted with the blue line makes for an inconvenient cut-through route between Brandywine Court and Brimley Drive as the travelway is in a circuitous route around the nursing home building and under its portico. Next issue, there was a concern raised with flexibility in the unit types and resultant loss in future cash contributions that might result. Proffer... the last version of the proffers did allow an immediate reduction of independent living units from 46 down to 30, with no requirement for any future independent living units. So, potentially no more cash proffers would be required to be paid by the applicant in the prior version. So, at the meeting and subsequent, proffer 5 was amended by the applicant to require there be a total of 100 independent living units identified and resulting from the buildout of phase 2, basically the remainder of the project, with no less

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than 30 independent living units at any one time. So this would basically require at the time when they come in for a site plan anywhere from 54 to 70 new independent living units to be constructed as part of that last section of development. And, along with that, there'd be the collection of cash proffers at that time. And then, after that point, they could shift units back and forth between assisted and independent living units after the additional cash proffers were collected. So, staff did prepare a cash proffer analysis on what has been originally paid, with the remaining value and potential total contributions resulting from the latest change. The original total proffer amount amounted to \$1.6 million. Looking at the current contributions, with the 46 independent living units the applicant has paid cash contributions of approximately \$367,000. Also, the proffers have required as part of those proffers in-kind transportation improvements. This involve the transportation improvements at the Fleet Road/17 intersection with Berea Church Road, those improvements had a value of \$582,000 and have been completed. They were completed back when The Crossings was constructed. So, your current total contributions amount to \$949,000 with the cash and in-kind transportation improvements. And the potential future contributions with I mentioned anywhere from 54 to 70 independent living units that would occur on the last site plan, if there were 54 future independent living units, that would amount to an additional cash contribution of \$431,000, for a total of \$1.3 million in contributions. Or if there is a need for 70 additional independent living units, that would amount to \$559,000 or \$1.5 million in contributions in total in the future. Staff is supportive of the proffer amendment pursuant to Ordinance O17-21. The amendment does resolve concerns about proffer tracking with the payment that would be required. Upon completion of the last phase of the project we would... the County would be able to collect that cash contribution all at once prior to the occupancy of that building. And the additional contributions, with the latest amendment of up to \$1.3 to \$1.5 million does resolve concerns staff expressed about potential unmitigated impacts on public safety and transportation. And I'll take any questions.

Mr. Coen: Alright, any questions for Mr. Zuraf. Seeing none, okay, thank you. Then the applicant can come forward.

Mr. Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer; I represent the applicant. I appreciate your time this evening. I hope you're all doing well. I appreciate the time getting this meeting going because the Caps are on so I just want to make sure I try to make game 7 here in a few minutes; I'm not sure what the score is. But anyway, I think staff has covered the issues that were raised by the Planning Commission in regards to confirming our proffers. As we stated at the last meeting, we were willing to do at least a hundred minimum independent living units and no less than 30 at any one time. So the plan currently is to back the current 46 independent living units to 30 to get 16 extra assisted living units in the first building of phase 2, which is the second of the three buildings to be constructed at the site. And again, that's just a minimum; we could go up higher than a hundred units if the market was directing it that way. I just would also add, in addition to the proffers, that Mr. Zuraf just discussed that we have already contributed or paid. There's also \$75,000 in recreational proffers that we've already paid as well that were required through the first building of phase 2. So, with that, I'm happy to answer any questions you may have and I appreciate your time this evening.

Mr. Coen: Alright, any questions for Mr. Payne? I do have one. One of the things that I raised last time was this came before us a couple years ago where it got moved, and now here again. So, is it the forethought in this planning that this is a long-term solution to this? Granted, I understand markets change. And I'm happy to see a head nodding, but I just wanted to make sure we're not going to see this back in a couple years from now.

Mr. Payne: It's certainly not our expectation. The markets have changed. I mean, we're responding to what the community needs are. Assisted living is a great need in Stafford County and in this region, and

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this is the way to keep families here in place in Stafford County. You know, quite honestly, the independent living units are much more profitable for the development for the client. Assisted living is much more regulated, there's a lot more cost to it, you've got to have a lot more 24/7 personnel. So, you know, if the incentive is there, obviously from market perspective to add more independent living as a combination of this development, sure. But right now, the assisted living component is driving the market.

Mr. Coen: Okay, thank you.

Mr. Payne: Thank you.

Mr. Coen: Alright. Okay, I will turn the gavel back over to Mrs. Vanuch.

Mrs. Vanuch: Thank you Mr. Coen. Since this is in your George Washington Election District, what do you desire?

Mr. Coen: Yes, I'm going to make a motion to approve O17-21.

Mrs. Vanuch: Second?

Mr. English: Second.

Mrs. Vanuch: Thank you Mr. English. I have a motion by Mr. Coen, a second by Mr. English. Mr. Coen, any further comment?

Mr. Coen: Just a couple. I think the applicant has made some movements on the different issues that we raised. I understand and can respect the concerns about this isolating seniors as was raised earlier, but this complex has already been approved. So this is just... it's already going to be there so it's just a question of what's going to be there. I was supportive of this when it came a couple years ago because I understand the need for flexibility because of the aging population. I do appreciate that they have put in there a certain set number, the hundred, and the head nodding that the idea is this a long term solution that this won't be continually coming back to us. So, with that in mind, I'm going to move for approval.

Mrs. Vanuch: Thank you Mr. Coen. Mr. English, any further comments?

Mr. English: No.

Mrs. Vanuch: No? Any other comments from the only two remaining Planning Commissioners up here? No? Okay, so with that, seeing no further comments, we shall take a vote on the reclassification of RC16151470. Okay, so the motion passes 5 - 0 with Mrs. Bailey being absent and Mr. Rhodes recusing himself.

Mr. Coen: Thank you very much. Alright, and just since we have a moment before we get into anything else, I do want to publicly thank Ms. Callander for her suggestion of putting information out there on the public hearings so that the public can have that information. And you weren't here last meeting when we started it, but I wanted to publicly acknowledge that that was your brain child and staff has been wonderful in making that happen. We now have one item still on the table.

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Mr. Rhodes: Mr. Chairman, we might... we've got a few other items on the agenda with the Planning Director's Report, etcetera. We could go through those, just give us a few more minutes of time until it gets darker and then circle back.

Mr. Coen: Okay, to do that I am informed by Ms. McClendon that we would have to take a motion to alter the agenda so that we could take it up after these other items. Am I correct in what you said?

Ms. McClendon: You're correct, I actually misstated, I'm sorry. You need to waive the by-laws such that you could take up that unfinished business item after. But you can do that at that point. The motion... excuse me, the item remains on the table until you decide to take it up and it should be a super majority vote at that time to (inaudible).

Mr. Coen: Okay, so we go through all the other items and then we ask to waive the by-laws so that we can take it off the table.

Ms. McClendon: Yes.

Mr. Coen: Thank you Ms. McClendon. Thank you Mr. Rhodes. So we will press forward with all possible dispatch. Mr. Harvey, your director's report.

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. I just wanted to let the Commission know we're having a little personnel change in the office. William Sugg, who is a planner in our department, has been with us for three years. You probably remember him from a couple presentations he made last year with waiver requests. He is moving onto Fairfax County; he's taken a promotion to become a Transportation Planner there. So, we wish him well. We're in the recruitment process right now so hopefully we'll have his position filled shortly and be able to continue to provide you with direct staffing at the Planning Commission meetings for development review issues. I also wanted to make the Commission aware of an initiative that the Planning and Zoning Department, as well as the Public Works Department has been working on for a number of months now. We're endeavoring in going to have an option for electronic permit and plan review process whereas someone can at home submit their permit application or at their place of employment submit their permit application to the County electronically, so they wouldn't necessarily have to have a runner come into the office and drop off large rolls of plans. It should save a lot of time, effort, and energy from the development community and homeowners' perspective because they will not have to make extensive copies of plans or provide a computer disk to the County. Again, they could be able to do this all from the convenience of their place of business or their home and not have to physically drive to the Government Center, stand in line and have their application submitted. So, we're hoping to roll out that process this summer. It requires a coordination and extensive effort with our IT Department and a vendor to marry up this software program that will allow us to do the plan review. It will be a really interesting thing to see because it allows you to take a look at marked-up comments from the County staff, and then when the applicant resubmits the plan, the plan gets overlaid on top of those marked-up comments so we can see if those issues have been directly resolved. Also, it allows us to review plans from the first submission and second submission to see what other changes may have occurred that weren't commented on the first time. So, if the design engineer makes modifications, they'll be more readily available and aware to us. So, we've been moving forward

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on that endeavor. We feel like with this software, we'll probably be the first one in the Commonwealth to implement it. But we're hoping it'll be found to be very convenient and worthwhile for the development community, as well as the County. Like anything, when you deploy new software, there's some wrinkles and we're going to try to work through all that, but our goal is to start deployment in the summer. Permitting would start first and then development review applications through Planning and Zoning would come later. And that concludes my report.

Mr. Coen: Thank you Mr. Harvey. Ms. McClendon, do you have anything for us?

COUNTY ATTORNEY'S REPORT

Ms. McClendon: No I do not Mr. Chairman.

Mr. Coen: Are you sure? Alright, so now we move to Committee Reports, the Sign Ordinance Committee.

COMMITTEE REPORTS

◆ Sign Ordinance Committee

Mr. Boswell: Thank you Mr. Chairman. We're scheduled to meet on May 18th at 1 o'clock in the Administrative Conference Room. That's all I've got.

Mr. Coen: Alright, thank you sir. Is... I believe there has been a tentative date for the Parking and Drive Aisle Standards Committee.

◆ Parking and Drive Aisle Standards Committee

Mrs. Vanuch: Yes, Mr. Rhodes and I talked before the meeting. We're tentatively scheduled for June 1st at 4:00 p.m. and we should have a confirmed date by the end of the week.

◆ Landscaping Standards Committee

Mr. Coen: Alright. And then the Landscaping Standards Committee, Mr. English and I have talked with staff about meeting at 4:30 prior to our meeting on 5/24. So we have dates set up. Chairman's Report, I have nothing to report, as much as we want me to talk. And so Other Business, we have the TRC information that has been provided to the appropriate people.

CHAIRMAN'S REPORT

OTHER BUSINESS

6. TRC Information - May 24, 2017
 - ◆ Ramoth Baptist Church Add - Hartwood Election District
 - ◆ The Garrison at Stafford - Garrisonville Election District

Mr. Rhodes: And to confirm, that'll start at 9 o'clock, is that the session, 9 and 10 for those two?

Mr. Harvey: That's what's contemplated, yes.

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Mr. Rhodes: Okay, thank you.

APPROVAL OF MINUTES

NONE

Mr. Coen: Alright, we do have approval of minutes contrary to our agenda. As a last item on the agenda, a last minute change, we had the minutes prepared by Mrs. Stinnette from our joint meeting with the Board of Supervisors last week, our dinner meeting. So, is there a...?

Mr. Rhodes: I make a motion for approval of the joint session minutes.

Mrs. Vanuch: Second.

Mr. Coen: Okay. Thank you Mr. Rhodes, you must be tired; I got through the whole sentence. We have a motion by Mr. Rhodes, seconded by Mrs. Vanuch for approval of the minutes. Mr. Rhodes, any comment?

Mr. Rhodes: No sir.

Mr. Coen: Mrs. Vanuch?

Mrs. Vanuch: Nope.

Mr. Coen: Anyone else? Alright, vote for approval of the minutes of our joint meeting with the Board of Supervisors last week. And that has passed unanimously with Mrs. Bailey not present and not able to vote.

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes sir.

Mr. Rhodes: Not purposely to drag this out, but if I could beg the indulgence of the fellow Commissioners for just a moment. I would like to highlight and reinforce that since 1984, the first full week of May of each year has been Public Service Recognition Week. It is an opportunity to recognize public servants at the federal, state, and local levels for their contributions and their service. And so consistent with that, I certainly want to thank the staff who... the tremendous professional staff that serves many clients from many perspectives and then does just a tremendous job in my opinion. So I want to thank them for their service and certainly thank the fellow Commissioners for your commitment to support in the County. Thank you Mr. Chairman.

Mr. Coen: Thank you Mr. Rhodes and that's a wonderful sentiment; thank you. Alright, we have one item that's sort of out on the table; is there is a motion?

Mr. Rhodes: Motion to waive the by-laws and bring it back.

Mr. Coen: Thank you Mr. Rhodes; is there a second?

Mr. Boswell: Second.

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Mr. Coen: Alright, is there a unanimous consent which we've met past our super majority that is required? And seeing no no's, that we have. So now we're back to item number 4, which was the lighting ordinance. Is there any will or desire by the Commission on this item?

Mr. Rhodes: Do we want to go outside and see how dark it is?

Mrs. Vanuch: It's not very dark.

Mr. Gavan: I'm sorry, I couldn't hear the gentleman on the left.

Mr. Coen: Oh, he was wondering if we were going to go outside. Mrs. Vanuch is checking the lights and it's still light out, so I don't think (inaudible).

Mr. Rhodes: I said, does anyone want to go outside and see the lights and they said they didn't know that it was dark enough yet.

Mr. Coen: Okay.

Mr. Gavan: May I respond?

Mr. Coen: No, no, again, you comment during the comment time. Alright, so since it's not dark enough at this point and our next meeting, this has to be dealt by June 1st, so it would have to be done by our next meeting which will be even more light later in the day, is there any...?

Mr. English: Mr. Chairman, I make a motion that we approve this Ordinance that was brought in front of us.

Mr. Coen: Okay, we have a motion for approval; is there a second?

Mr. Rhodes: Second.

Mr. Coen: Okay, Mr. English.

Mr. English: I think that Mr. Hamilton and Mrs. Blackburn has worked hard on this and I think they come up with good solutions and I think this is... this would work. And like I said, this thing's going to probably change within a year, year and a half anyway with the LED lighting, so that's why I want to go ahead and approve this and get it through.

Mr. Rhodes: Mr. Chairman, in the comment, I did want to ask staff just one point of confirmation from Mr. Harvey. Have we had any of our Ordinances set at a .5 lumen structure in this regard on measuring light issues?

Mr. Harvey: Mr. Chairman, Mr. Rhodes, Mrs. Blackburn's indicating we currently do not in our Ordinance.

Mr. Rhodes: Mr. Chairman, my reason for just asking that because that just stood out to me there in that memo, I believe that there was incorrect terminology that was used in that memorandum by Mr. Dayton, just in honest error. But it just perceives that to me and that certainly understandably was an issue for Mr., for the speaker this evening as they talked about that because that would be a 20-fold increase. But I don't believe that that was the measurement. I don't think anything... lumen and lux are used in very

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different ways for very different purposes and terms. But as compared to foot-candle, it is a 10:1 ratio and I understand that. I was asking my own staff on a different issue for things we do up there, but there's no real way to make that work for the purposes of this light issue. I mean, I feel very comfortable with the .5 foot-candle personally as that structure. Now, it's the bleed-over and it's the other issue and there's certainly been other things raised, but from that measurement perspective, personally I'm comfortable with it and that's why I seconded the motion.

Mr. Coen: Okay, any other comment by any other member? Seeing none, we have a motion for approval of the O17-13 I believe it is.

Mr. English: Yeah.

Mr. Rhodes: Which is to recommend forward to the Board which will have another public hearing (inaudible).

Mr. Coen: That's right, and the Board of Supervisors will have a say. Alright, and I believe we voted – yes. Alright, and that has passed 6 to 0 with Mrs. Bailey being absent. Alright, with that being done, we are done with all our items on our agenda and so this meeting is adjourned at 8 o'clock.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:00 p.m.