

STAFFORD COUNTY PLANNING COMMISSION MINUTES

February 28, 2018

The meeting of the Stafford County Planning Commission of Wednesday, February 28, 2018, was called to order at 6:30 p.m. by Chairman Crystal Vanuch in the Board of Supervisors Chambers of the George L. Gordon Jr., Government Center.

MEMBERS PRESENT: Crystal Vanuch, Steven Apicella, Darrell English, Albert Bain, Roy Boswell, Fillmore McPherson, Barton Randall

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Mike Zuraf, Susan Blackburn, Andrea Hornung, LeAnn Ennis, Denise Knighting, Melody Musante

DECLARATIONS OF DISQUALIFICATION

Ms. Vanuch: Perfect. Thank you, Commissioner English. Any articles of disclosure, declarations of disqualification for any of the items on this evening's agenda? Okay, seeing none from the Commission, I actually have two items that I'd like to note. The first is on item one. I wanted to inform the public that I've met with residents and hosted a community meeting in January where the developer was invited to speak with the public in addition to the public hearing on the Cardinal Meadows Reclassification Project. Residents and notices of the meeting went out to Berkshire, Amyclae, and Augustine in an effort to increase our public awareness and transparency in the Rock Hill District. Subsequent to that meeting, I have had multiple meetings with residents on the impending concerns on the project. So I just wanted to state that for the record. On item two on the agenda, which is the proposed repeal of the Cluster Ordinance, I received a message via social media from a developer/builder and asked them to email my County email and attend the public hearing tonight, if they did not wish to meet prior to discuss their position on the Cluster Ordinance. They declined to meet or on the phone. But the purpose of this statement is to inform the public that in the social media message, the developer/builder mentioned purchasing a 1 one-acre parcel of land where my father was the realtor on the seller's end, since he is a realtor in the Stafford area. I want to inform the public I do not work with my father. He is an independent realtor, and I have no personal interest in his business or any interest otherwise. The lot would not be part of the Cluster Ordinance regulations and has nothing to do with the issue before us tonight. Now we're moving on to a special guest presentation. If you'll just give me a moment to come down to the floor. So tonight we have a very special guest with us, Mr. Mike Rhodes. For those of you who aren't familiar with Mr. Roads—although I don't know how you couldn't be—he served on the Planning Commission for 2006 to 2017. During his time serving Stafford County, he worked with the Youth Driver Task Force in 2004, which was near and dear to Supervisor Dudenhefer's heart. He wishes you all the best and is very sorry he couldn't be here this evening. Mr. Rhodes also worked on the Transportation Committee, the Comp Plan Committee, Proffer Guideline Committee, Parking and Drive Aisle Committee, multiple TRC meetings, and the review of countless plans for Stafford County. He is a true public servant. And one of my favorite things about Mike is he always had a way in our meetings to break things down so even I understood them. So thank you so much for your service. We're going to give you two little things. Here's your proclamation. The Commission chipped in to get you... hopefully you'll be able to use these. To remember all of your days on the Planning Commission, a couple of whiskey glasses. There are two of them in here. Would you like to say anything?

Mr. Rhodes: [Off microphone; inaudible]

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Ms. Vanuch: We probably wish we had some.

Mr. Rhodes: Thank you very much. I would just share that it's been a privilege to serve for three supervisors. It's been a privilege to serve with twenty-one other fellow commissioners over these twelve years, be able to sit through these 485 meetings—by the way, I counted them—of the full Commission. Most importantly, it's been a privilege to work with this staff. The staff that you have here—I've been a public servant my entire career, for thirty-four years. Thank you very much. To see people who serve this County, the citizenry, the customers, the applicants, the commissions, the bodies that they have to serve, the way they do it, the professionalism they present and provide every single day, it has just been an honor to work with them throughout that time. So thank you. It's just been a pleasure, a tremendous opportunity. So I appreciate it. Thanks.

PUBLIC PRESENTATIONS

Ms. Vanuch: All right, now on to the good stuff. I'm going to bring it back to the Commission, and we're going to start our public presentations portion of tonight's meeting. But before I do this, I wanted to explain a couple of things since we have such an immense crowd here wishing Mike Rhodes well. First, I wanted to explain that there are two items on the public hearing agenda this hearing. The first item is the reclassification of the Cardinal Meadows. The second is the proposed repeal of the regulations on the Cluster Ordinance. I'd kindly ask you if you're here for the Cluster Ordinance, there is an overflow set up upstairs in the ABC Conference room. Please allow room for the Cardinal Meadows folks for their public hearing first. It'll really make the public hearing portion go much faster so we can all get home at a decent hour this evening, and it'll help them come up to the podium quicker. Just so you understand the flow of how things are going to work this evening, we're going to take a recess after the Cardinal Meadows vote, in that portion of the meeting, to allow for everyone to be able to either leave the meeting, if they were here for that, or move down from the ABC into the Board chambers, if you so choose. Lastly, tonight is definitely going to be a long meeting. So if you see any of us get up to take a quick break, just so you know, there is a speaker in the back. We're not getting up because we didn't like what you said. We can hear everything. We're just going to the back to either use the restroom or get a drink of water. A couple of items from the fire marshal. We can't have anyone blocking the aisles or standing in the aisles unless you're speaking in front of the podium. They'll be able to be three people at a time there, and I will call your name for those. The other thing—which a lot of you in the back are not going to like this next statement—there is no one allowed to stand at the back wall. So you either have to find a seat or go up to the ABC conference room. Again, I ask for your respect. If you're here for the Cluster Ordinance, allow the people who are here for the Cardinal Meadows presentation access to the room. Right now, if you're a member of the public and you wish to just come down and speak on anything other than the two public hearings that I just mentioned, you may come down and do so. You'll have three minutes to speak when the green light comes on. You can state your name, address, the district you reside. When the yellow light comes on, you'll have one minute to remain. When the red light comes on, you must cease your comments this evening. I also ask that the audience not participate in any outbursts, talking, applauding, or comments otherwise while someone's at the podium speaking or at the conclusion of their comments. It will really help things run much smoother and quicker this evening. So at this time would anyone like to come down and speak? I think I see some cards here. Mr. Paul Waldowski.

Mr. Waldowski: What an audience; I love it. Paul Waldowski. This is my one-year anniversary of full retirement. I see we have a new Planning Commissioner. Your area code, 717, that's Pennsylvania, that's a commonwealth. I just want to educate everyone about commonwealth. There are only forty-five states—we used to say forty-six; four commonwealths, where commonsense is not common; and the

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Republic of Texas, a young Boy Scout taught me outside the chambers last week. So I told him I would publically do that. Commissioner English, you didn't call yourself *commissioner*. I love how you guys use these formal greetings. All right. I'm always here to talk about gerrymandering. I was the Commission from Garrisonville. It's good to see that you live in Garrisonville. We just honored someone who didn't live in Garrisonville, but he represented Garrisonville. Simply amazing how you can break the rules. Golly. All right, gerrymandering. Here we go. 101. You have seven supervisors in seven districts. Once we redistrict in 2021, we will only have five Board of Supervisors, which will save 40K per year, times four years, is 160K. That means there will only be five planning commissioners: northeast, southeast, northwest, southwest. There won't be no Hartwood or any of these other fictitious names that are going on. And the most important thing is we'll only have five school board members because we only have five high schools. And I always ask high school students, who's your school board member? They don't know. The cicada will be out in 2030. They'll be graduating with a PHD—that's a public high school diploma. So if we remove two school board members, that's 24K a year, times four is 96K. That's 336K every four years. And there's a lot of hungry students in this County, folks. I'm sure as Planning commissioners, you're here as a service, and I'm sure you're giving up your 10K stipend so it will feed some of the hungry children in this County. Just an observation. Some of the old-time Planning commissioners didn't get anything until—I won't mention any names. They're almost like senators, you know. They give themselves a pay raise. Golly. One more thing. I heard about the Comp Plan. It's good from 2016 until 2036. You don't even know what's going to happen in 2020.

Ms. Vanuch: Thank you, Mr. Waldowski. Next speaker, Jo D. Knight. Just a reminder, no one's standing on the back wall this evening.

Ms. Knight: Good evening. My name is Jo Knight. I spoke at the Supervisor's meeting not long ago about the redevelopment area here at Stafford Courthouse. I can't for the life of me understand why Shirley Highway Contracting is doing the redevelopment of the Courthouse Road area where we—that's part of our Courthouse Redevelopment area—is not putting power lines underground. We are expected to that with our homes and businesses when we build new and when we do major redevelopment. Why would we approve a redevelopment plan and not put utility lines underground? And when they're out there doing this for the highway improvement, it's the best time to start. You don't just string cost out and multiply the cost by not doing it efficiently. I can't believe this isn't being done. Every redevelopment area that you see to the north of us and to the south, those power lines go underground. And it looks polished. And that invites new economic development. They like pretty places to go. And we need that. And I would encourage a lot of thought to be given very quickly to encouraging it in this area. I understood once the difference in cost was approximately \$2 million, and no one seemed to have it. I tend to think we could come up with \$2 million someplace. That I'd like to leave you with. Thank you.

Ms. Vanuch: Thank you, Ms. Knight. Next, Mr. Jim Fry.

Mr. Fry: Madam Chair, Commissioners, staff, ladies and gentlemen. My name is Jim Fry. I'm actually here as a Lion, a member of the Aquia Harbour Host Lions. Everybody's asking for millions; I just want a lot less than that. As you know, a good Lion never misses an opportunity to promote a fundraiser. Aquia Harbour Host Lions has an Aquia Harbour charity, and we're having a fundraiser on February the 28th at the Riverside. This fundraiser is to support St. Jude's Research Hospital, which has pioneered integration of research and care for deadly childhood diseases, doctors and researchers working together have made discoveries, medical advances, treatments, and have made a big difference in the treatment intervention at St. Jude's. They have helped the childhood cancer survival rate to go from 20 percent in

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1962 to 80 percent today. Our fundraiser is going to be held at the Riverside Dinner Theater, as I said, on February the 28th, starting at 6:30. We hope that maybe the community—

Ms. Vanuch: Do you mean April 28th?

Mr. Fry: —and the Commission might by a ticket or even—yeah, I did; don't know where that came from—may buy a ticket to the event or sponsor the event. It's dinner, and the entertainment is a well-known gentleman by the name of Michael Hoover. And Michael performs memories of Elvis. He's an Elvis impersonator. So there will be live music and dancing, and we should all have a good time. And hopefully we'll get some support for the fundraiser at St. Jude's. Thank you. Appreciate your time.

Ms. Vanuch: Thanks. And just a note of clarification. I believe the fundraiser is April 28th. Otherwise, it would be happening right now, and we all better get out of here.

Mr. Fry: I'm sorry. Yes, April 28th. I'm sorry.

Ms. Vanuch: Thank you, Mr. Fry. Those are the speaker cards I have for the public presentation portion of tonight's meeting. Does anyone else wish to come down and speak on any other item other than the two public hearings, which are the proposed Cluster repeal and the Cardinal Meadows reclassification? I see someone. Come on down.

Ms. Hazard: Good evening. My name is Holly Hazard. Welcome to the Board members. Some of you know I sat, at one point, in some of those seats, and some of you are still here. It's an honor, and thank you for recognizing Mr. Rhodes this evening. What I'm coming to say tonight—many of you know I do serve on the School Board. I am not here on behalf of the School Board speaking on behalf of the Board. I am speaking as myself. However, having that experience, I just wanted to share with the Commission about some of the changes that the School Board in the last several months has done about looking at growth in Stafford County. One of the most important things that we have done is we have relooked at our elementary schools, and we are looking at our elementary schools and making sure that we are using a capacity that really shows what our schools are being used as. Design capacity, program capacity has been a debate for many, many years, if you have sat up here. I just wanted to tell you that the School Board is looking very strongly at that, has revamped—at least at the elementary level—that before. I can speak to Mr. Apicella. I know in the past when I was in a leadership role over in the School Board, we offered to come and have that briefed to the Commission. I cannot offer that service, but if that is something I think the Commission—I think it is very useful for you all to see how our projections are doing. In the last several years, we have only been off between 1 and maybe not even 2 percent of our projections. So projections are doing very well. But this change in our capacity is something that is very important. I know is the right thing to have done, having sat in your seat and in the seat that I sit now, that relook at our community. I do believe that one of the biggest things we need to do as a community—not that this is only within our concern, but also yours and the Board of Supervisors—is really are we building schools that are the right size. The Comp Plan right now says 950 for an elementary school, 1100 for a middle school, and interestingly, 1800 for a high school, which we are not building now. We are building like 2100. I think we as a community and as the elected bodies—and for you all the appointed ones—we need to start looking at, is that the right size? Is that what we really want for our students? Do we want them that large? We are one of the school districts that has very large schools. So I just wanted to come and share that this evening as you deliberate not just on these matters, but on all matters that are coming before you. And I would say perhaps reaching out for that kind of briefing if you or the new Board members would be interested. Thank you for your time.

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Ms. Vanuch: Thank you, Ms. Hazard. Would anyone else like to come down and speak? Come on down. If anyone else wants to speak after the next speaker, you can just stand behind her and kind of form a small line.

Ms. Lowe: My name is Jenny Lowe. I represent the residents of Amyclae in my immediate area of Stafford. And we do have quite a few that are still left outside. Is this being publicized to them, and will they be able to speak from the other location?

Ms. Vanuch: Typically we don't answer questions during this portion, but I'm going to answer this one because we covered it in the beginning. If there are folks that are part of the Cardinal Meadows rezoning, when we get to that part, I'll make another announcement for everyone to clear the room that's not part of it. Okay?

Ms. Lowe: Okay, thank you.

Ms. Vanuch: Anyone else care to speak? Okay, seeing no one rushing the podium, I'm going to go ahead and close out the public presentation portion of tonight's meeting. Now we're going to be moving on to item number one on the agenda, which is the reclassification of Cardinal Meadows. Before I had that over to Mr. Harvey, I'm going to ask again if any members in this room are not here for the Cardinal Meadows rezoning, and you're here on behalf of the Cluster Ordinance, if you could please go and view this by the room upstairs. It's a wonderful room. They've got a TV; you can hear us. We're going to give you plenty and plenty of time to be able to come back downstairs in between when this part of the meeting is over and before your issue starts. I'd really appreciate it. Just give them a minute, Mike. Since we've got some folks that need to come in, let's take about five minutes. We'll break and let everybody come into the room. Is that okay? All right. We'll take a five-minute recess.

[FIVE-MINUTE RECESS]

Ms. Vanuch: If anyone is in the lobby or in the ABC overflow, and they want to come into the room for the Cardinal Meadows Reclassification, now would be the time to walk down.

[RECESS CONTINUES]

PUBLIC HEARINGS

Ms. Vanuch: Okay, I'm going reconvene. The Commission would like to recognize Mr. Zuraf for the presentation.

1. RC16151556; Reclassification - Cardinal Meadows - A proposed reclassification from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District, to allow for the development of up to 72 single-family detached dwelling units on Tax Map Parcel Nos. 28-130 and 28-130A (Property). The Property consists of 48.30 acres, located at the western termini of Kinross Drive and Nugent Drive in the Stowe of Amyclae Subdivision, within the Rock Hill Election District. **(Time Limit: March 23, 2018) (History: December 13, 2017 Public Hearing continued to January 2018, then re-advertised)**

Mr. Zuraf: Good evening, Madam Chairman, members of the Commission. Mike Zuraf with the Planning and Zoning Department. If I could have the floor computer, please. This is a zoning reclassification for a project known as Cardinal Meadows. This is the second public hearing for this

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case. The first public hearing was held on December 13, 2017, and continued to January. The applicant requested additional time, and the public hearing was rescheduled to this date. In the meantime, a community meeting was held on January 18th, and a meeting between the applicant and the Amyclae homeowners was held on February 19th. Much of the staff report summary is the same as on December 13th, but important to reiterate as time has passed, and new commissioners are now considering the proposal, and there are a lot of new people observing this as well. This is a request for reclassification from the A1 Agricultural Zoning District to R-1 Suburban Residential to develop up to seventy-two single-family homes. This is on two properties that cover approximately forty-eight acres. The applicant is Wakefield Development, and the property owner is the Fitzhugh family with Charlie Payne as the agent for the applicant. The site is at the western termini of Kinross Drive and Nugent Drive in The Greens at Amyclae subdivision. It's located to the west of Rodney Thompson Middle School and north of Courthouse Road. This is a zoning map of the site and surrounding properties. The property is zoned A-1 Agricultural with no proffers and has not been subject of any zoning changes. R-1 zoning exists to the east and west of the site—that's the yellow shaded areas—and A-1 zoned property is located to the north and south of the site. The current A-1 zoning density requirement would permit up to sixteen single-family dwelling units by right. This aerial photo shows the site consists of a mix of open fields and forested land cover. The site's bisected by a perennial stream that flows from north to south and includes wetlands and a 100-foot Resource Protection Area. On the southern end of the site is an existing home on the property that was constructed in 1981. Access to the property is by a private access easement off of Courthouse Road. And bisecting the site from east to west is a Dominion power line easement with underground power line present. A family cemetery also is located within the center of the property. The general development plan depicts how the seventy-two single-family homes are proposed to be developed on the site. This is the original general development plan that the staff report is based on. A new general development plan was submitted after the completion of the staff report. You did receive a copy of that. I will review that at the end of the presentation. Looking at this plan, five of the lots would be accessed from the planned, un-built Shelton Knolls development on the left side of the plan. And then sixty-seven lots would be accessed via two neighborhood streets in Amyclae, located to the right. The two areas are divided by the RPA stream. There's an inter-parcel access proposed to undeveloped property to the north. Also, the applicant is proposing a cluster development, which includes approximately twenty-eight acres of open space. That's approximately 58 percent of the site. Open space does include a power line easement, the RPA buffers, wetlands, stormwater management facilities, community recreation areas, and the family cemetery. The recreation areas proposed to include two tennis courts, a multipurpose court, and gazebo. Its location is separated from the homes by the Resource Protection Area stream buffer. There's a trail to provide access. Staff does note that the remote location of the amenities may create some challenges. Specifically, it could create some crime and/or vandalism issues there in that location. The Comprehensive Plan's Future Land Use Map classifies the property as part of the Suburban designation. It's identified by the yellow shading across this map. The Comp Plan states that suburban areas of the county are areas where suburban scale and development is most appropriate. The proposed development is generally consistent with many of the recommended development standards for this designation as described in the plan. The site's consistent with infill development policies, meets the development density recommendations, exceeds open-space recommendations. The site layout and building design compliment and is in scale with the existing neighborhoods. And sidewalks would connect to the existing adjacent sidewalks. And the site preserves sensitive environmental features. Staff has evaluation how this request will impact these listed public facilities which residents rely on. The Comprehensive Plan includes policies that recommend that the new development proposal should be phased to coincide with infrastructure and not develop until projected infrastructure and services have been implements or scheduled to be phased concurrently with demand. On the next few slides, I'll review the impact evaluation of these facilities. First looking at schools, the proposed development would generate approximately sixty-nine school-age children in total

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according to estimated student-generation factors for the new development. Staff originally identified that students residing in the development would be in two different attendance zones, as identified on the chart on the screen. And that was part of the original application. School Division has since clarified that the entire site would be located within the attendance area that includes Winding Creek Elementary, Rodney Thompson Middle School, and Colonial Forge High School. The applicant has modified the expected pupil generation that accounts for the single attendance zone. But it also excludes the by-right dwelling units. This reduction is made generally for the purpose of determining what is considered reasonable for the applicant to mitigate based on the state code requirements that we have to follow. The project will still generate sixty-nine students, but only the impact of fifty-four students can be mitigated, according to state law. Originally in December the school capacity enrollment numbers were based on data that was in the process of being updated. Since then, the new data was released. This chart identifies the updated available capacity at the receiving schools based on current 2017 and 18 enrollment data and its relation to 90 percent of the design capacity of each school. The schools that have a deficit with no available capacity are highlighted. From this information, the applicant has estimated a per-dwelling unit contribution amount to mitigate the elementary and high school impacts which are shown to have a capacity deficit according to this chart. Currently, the middle school has adequate capacity. But staff does point out that at project build-out in the years 2020, Rodney Thompson Middle School would be projected to exceed the 90 percent design capacity threshold. Staff has determined that there is adequate park capacity in this location. To determine the capacity of parks by geographic area of the county, the 2017 Parks Utilization Plan identifies service levels, including where park facilities are lacking and assigns priority areas where additional parks are most needed. This area is defined as having adequate parks. For public safety, staff has determined there are current service level deficits that exist, and any additional homes will further add to the current service level deficit. Stafford Fire and Rescue response time standards are used to determine this deficit. At Station 14, which would serve this site, the average response times are not meeting those goals. In this case, it would be responsible to receive a proffer to mitigate first and rescue impacts. Under the original General Development Plan, the vehicles from this project would utilize existing streets in the Greens of Amyclae development to access sixty-seven of the proposed lots. In addition, five of the lots would access the property via the planned Shelton Knowles subdivision to the west. It's estimated that the use would generate up to 776 vehicle trips per day. Of these trips, 60 would occur in the morning peak hour, and 78 in the afternoon peak hour. To clarify, the peak hour trips do not represent all the vehicle trips in the morning or evening. Rather it represents the vehicle trips during the busiest hours of the morning and afternoon. Transportation impact analysis was not required with this application. As the development would generate under one thousand vehicle trips per day, no transportation improvements offsite are proposed. Here are some additional points regarding transportation. With The Greens at Amyclae, the trip volume is shown at 2,154 vehicle trips per day with 200 homes. The additional trips from Cardinal Meadows would result in a 33 percent increase in vehicle trips on the streets within Greens at Amyclae. Walpole Street—a minor collector street where much of the traffic would feed into—has approximately 4,300 vehicle trips per day. Without a traffic study, staff is unable to determine if service level deficits exist. But as we did note, a traffic study is only required for projects with greater than 1,000 vehicle trips per day. Lower traffic-generating uses that do not require a traffic study are less likely to have a negative impact on levels of service. The multiple access points will also serve to minimize some of the impacts to the existing streets. The applicant will be required to pay transportation impact fees, approximately \$3,000 per dwelling unit for all new homes within the proposed development, which helps towards countywide transportation mitigation. Now looking at libraries. The libraries are identified as having adequate levels of service. The Comprehensive Plan projects future needs and does not identify the need for a new library until the year 2023, after build-out of this project. The general government category includes facilities such as the County's government center and courthouse complex. Staff has determined that a deficit exists with general government services based on current capacity issues with

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the courthouse. The courthouse has run out of room to accommodate regular operations. To address this, the County's Capital Improvements Program includes construction of a new courthouse facility, scheduled to be completed in the years 2022. According to the state code, it would be considered unreasonable to accept any proffer contributions to offset impacts to general government facilities. This rezoning is subject to new proffer legislation, which applies to proffers relating to new residential uses and makes it unlawful for localities to suggest, request, require, or accept an unreasonable proffer. For a proffer to be considered reasonable, it can only address transportation, public safety, schools, and parks, public facility types. Proffers can only be tied to a need that is in excess of existing public facility capacities, and the residential use will receive a direct benefit from the proffer. In other words, the funds should be used for improvements to facilities that they would utilize. The public facility impact evaluation we've just review is how staff is determining if public facility deficits exists or are created by the proposed use. The proffer statement includes cash contributions for schools and public facilities. The following school contributions are based on the multiple attendance zones and all enrollment and capacity data. These are contributions for public safety that are being offered. These contributions do not account for the by-right credit that we had mentioned, and the estimations have been adjusted. I will note that new proffers have been submitted with modified contribution amounts. And I'll review those at the end of this presentation. This kind of provides a summary of level-of-service impacts. The level of services would be adequate through project build-out for parks and recreation and library facility types. The level of service determination could not be made regarding the impacts on transportation; that's marked as undetermined. The project would generate immediate level of service deficits upon schools, public safety, and general government. Impacts to schools and public safety would be mitigated with cash proffers, but the original proffers are not considered reasonable. New proffers do attempt to address this. And general government level of service deficits would not be mitigated until 2023 after the projected 2020 build-out of the development. These are representative images of the general type, character, and quality of the architectural design of the homes in the proposed development. These house designs are in conformance with several of the recommendations in the Neighborhood Design Standards Plan of the Comprehensive Plan. This is a summary of the original proffer statement. The proffers would:

- require development in general conformance with the General Development Plan;
- limit the amount of development to seventy-two single-family detached dwelling units;
- establish of the character and quality of architectural design as seen in those last images;
- require the cash contributions for schools and public safety that have been proposed;
- restore a portion of the RPA buffer;
- grant access to cataloging existing historic structures;
- require installation of recreation amenities; and
- require emergency vehicle access for secondary access into the site.

Looking at the overall evaluation of the proposal, there are several positives. It's consistent with the land use recommendations in the Comprehensive Plan, it's consistent with the established development patterns, and has proffers to ensure the use will be consistent with the surrounding properties. The next point I've highlighted, the staff report does note that school and public facility impact mitigations are reasonable. The original proffers are actually not consistent with the latest enrollment and capacity date, although the new proffers do follow the latest data and attendance area information and are considered reasonable. It's also consistent with infrastructure phasing policies and the Comp Plan related to parks, libraries, and transportations. And the building designs are consistent with architectural design guidelines. Negatives points are it is inconsistent with infrastructural phasing policies and the Comp Plan related to general government service deficits, and there are potential safety and maintenance

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concerns with the location community recreation amenities. At this point, I do want to quickly go over the new plan that we just received after this report was prepared. The revised General Development Plan does show a new layout that does still include seventy-two lots. The big change is to the street network. The majority of the lots—fifty-two of them—would access through Shelton Knolls to the west out to Shelton Shop Road. The remaining twenty lots would be accessed via Amyclae to the east. An inter-parcel access easement is still proposed to an undeveloped property to the north, and a new inter-parcel connection is proposed to the south (at the bottom of the screen). This would allow for potential connection directly out to Courthouse Road. And the community recreation area has been relocated to a central location on the site, and there's a potential trail connection to the middle school (shown on this new layout). Now I do want to go over the summary of the amended proffer statement that you received.

Mr. English: Mike, back to that last slide. This is a new design? It's not going through Kinross. Is that what you're saying?

Mr. Zuraf: It does still connect to—

Mr. English: Up to the left?

Mr. Zuraf: The connections are here and here.

Mr. English: Oh, okay. Then where's the one at Courthouse?

Mr. Zuraf: Courthouse would potentially connect down that way. And this is the connection to Shelton Knolls. And there's a potential trail connection to the middle school.

Mr. English: Okay, thank you.

Ms. Vanuch: Mr. Zuraf, really quickly. If memory serves me correctly, Shelton Shop at the entrance where Shelton Knolls would be gaining access to their subdivision was graded a C in their Transportation Impact Study. A C when I was in school meant I was locked in my room, and I had to study. So are there any plans to increase that grade from a C to higher? To widen the road or—I'm assuming it got a C for a reason.

Mr. Zuraf: The C was the result of the conditions. Part of the Shelton Knolls construction plan does show that they are going to be required to include a left-turn lane on Shelton Shop Road into the project.

Ms. Vanuch: But not do anything else to Shelton Shop.

Mr. Zuraf: Other than kind of lane improvements to allow for appropriate tapers to the left turn lane. So there are not new lanes being added.

Ms. Vanuch: Do you know what the grade would be after that?

Mr. Zuraf: That's to a level service C.

Ms. Vanuch: Oh, that's to a C.

Mr. Zuraf: Yes. In general terms with transportation, planning, and traffic study scenarios, and in our Comprehensive Plan, levels of service that are determined to be acceptable.

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Ms. Vanuch: Okay. Do you mind, I have one more question regarding Courthouse Road. It looks like that's a grade level D. I remember in our community meeting there were a couple of residents who had talked about some agreement that happened with the Augustine support of that project and the widening of Courthouse Road. I think proffers were given. I think it was Shelton Woods who gave proffers to widen the road, or maybe Shelton Knolls.

Mr. Zuraf: Shelton Knolls, yes.

Ms. Vanuch: Okay. There are so many subdivisions; I can't keep them straight. They were supposed to widen Courthouse. Is that still going to happen?

Mr. Zuraf: The way that proffer was written is they are providing a per-unit cash contribution that would go towards the widening of Courthouse Road when that phase of the widening happens.

Ms. Vanuch: Do we have any plans in the near future, like five years or below, to widen the end of Courthouse Road by Shelton Shop?

Mr. Zuraf: There are no immediate plans in our six-year transportation plan.

Ms. Vanuch: So a D, according to your standards, is not acceptable. Correct?

Mr. Zuraf: According to the Comprehensive Plan, it's not.

Ms. Vanuch: I know you would be A or B. Okay, thank you.

Mr. Zuraf: Mmm-hmm. Okay. Highlighting the changes to the proffers, the development would still be required to be in conformance with the revised General Development Plan. The total cash contributions would be reduced down from 1.72 million in total to 1.48 million. The reduction was due to the by-right credit that was required to be added. The value of the facility impact's based on fifty-six new units rather than the total seventy-two units. That does reflect the sixteen by-right unit credit that has to be recognized. This is conformance with state code regulations for residential proffers. On the fourth point, the school proffers are based on the single attendance zone rather than two, as I reviewed. The cash proffers would 20,500, approximately, per unit, broken out by the majority of that for schools and the remainder for public safety. It does remove the proffer to restore the Critical Resource Protection Area buffer. It does modify the location of the recreation area and amenities into a central location. It will also include benches, picnic tables, and swings, but removes the requirements to have the two tennis courts and multi-purpose court and gazebo in the latest version. It also adds a requirement for a buffer area with plantings and a six-foot fence on land adjacent to Amyclae. The last changes would offer to Amyclae HOA the opportunity to either acquire or have access to the recreation area on this project and then also the option to annex the twenty adjacent lots. I've highlighted this last point just to point out that this proffer would likely not be enforceable by the County.

Ms. Vanuch: The last one on the Amyclae HOA.

Mr. Zuraf: Yes. So overall, at this time staff is recommending deferral of the application to provide additional time to allow for staff to address the prior comments and concerns and evaluate the newly submitted General Development Plan and proffer statement. We'll take any questions at this time.

Ms. Vanuch: Anyone on the Commission have questions? Mr. Randall?

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Mr. Randall: Mr. Zuraf, thank you for your presentation to us. Just so I'm clear, the old to the new proffer went from approximately twenty-four per unit down to twenty per unit. Is that correct?

Mr. Zuraf: Approximately, yes.

Mr. Randall: Okay, thank you.

Ms. Vanuch: Any other questions from the Commission? Mr. Apicella?

Mr. Apicella: Madam Chairman. Can you go back to the slide that has the school impacts? Thanks. You mentioned the new state proffer regime and that we're only allowed to accept reasonable proffers tied to existing capacity, right?

Mr. Zuraf: Right.

Mr. Apicella: And we can't take into consideration any other un-built lots in the vicinity that might also impact the schools at the same time.

Mr. Zuraf: Correct.

Mr. Apicella: Where does the 90 percent benchmark come from?

Mr. Zuraf: That 90 percent benchmark is recognized in the Comprehensive Plan.

Mr. Apicella: Okay. And does the state code indicate that the reasonable and acceptable level of proffer contributions can be on anything other than 100 percent capacity?

Mr. Zuraf: The state code does not get into the details of percentage.

Mr. Apicella: Okay. Do we know if any other jurisdiction has a similar standard?

Mr. Zuraf: I'd have to research that.

Mr. Apicella: So for the moment, we don't really know if those proffers are truly reasonable and acceptable under the state requirements.

Mr. Zuraf: Well, I guess based on the recommendation in our Comprehensive Plan we find it reasonable at this time.

Mr. Apicella: Right. But that's an interpretative kind of an issue because this is our first package under the new proffer rules. So it hasn't been tested whether something below 100 percent is what they had intended.

Mr. Zuraf: As far as I know, there has not been any . . . well I—

Mr. Apicella: So if it were at 100 percent—and that's hypothetical; I usually don't like to speak to hypotheticals—could the proffers potentially be considerate unreasonable based on the current capacity?

Mr. Zuraf: If we just based in on 100 percent, yes, any school proffers would be unreasonable.

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Mr. Apicella: Okay. Thank you.

Ms. Vanuch: Any other questions from the Commission? Okay. I just have one more questions, Mr. Zuraf. If you took a magnifying glass and kind of circled it into a two-mile radius around the proposed reclassification of Cardinal Meadows, how many approved homes that are either under construction or that are two be built are within that two-mile radius?

Mr. Zuraf: I looked up that information, and it's 1,617 homes.

Ms. Vanuch: So 1,617 house—

Mr. Zuraf: Yes.

Ms. Vanuch: —in a two-mile radius are already approved, planned to be built.

Mr. Zuraf: Yes.

Ms. Vanuch: And there's nothing we can do to stop that.

Mr. Zuraf: Correct.

Ms. Vanuch: They're already done.

Mr. Zuraf: Right.

Ms. Vanuch: Okay. Thank you. Okay. Would the applicant like to come up?

Mr. Payne: Good evening. Madam Chair, other members of the Stafford County Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer, and we represent the applicant. It's good to be before you this evening. Welcome to the new Planning Commission members. This is my first time being in front of you, and thank you very much for your service. And I appreciate, obviously, staff's report giving the update, where we are at this point in time, and also reiterating our last public hearing, which was in December and our initial presentation. Quite a few folks were at that meeting as well who were voicing their opinions in regards to the application; and we heard them loud and clear. So you'll see, when I go through our PowerPoint presentation that we believe that we've addressed those concerns. And we think it will be a positive project for Stafford County. With that, I think Mr. Harvey has control. Thank you, Mr. Harvey. As staff has noted, the property is owned—well he didn't know—well they did know it. This property is owned by the Fitzhugh family. I don't know if any of you know the Fitzhugh family. They're long-time residents of Stafford County. They've owned the property for other eighty years, and they've been at that location when all of this growth has been occurring right around them. The property does consist of two parcels, and its total acreage is just about fifty acres. We are proposing a rezoning from A-1 to Suburban Residential (cluster) to development seventy-two single-family detached units, as staff has noted. It's also important to note that this project is fairly low- and modest-dense. It's at 1.49 units to the acre. Your Comprehensive Plan encourages in the Suburban Land Use District—where this property is located—up to 3 units to the acre. In fact, our surrounding neighbors are at 2.5 units to the acre and 2 units to the acre. So in regards to what's around us, this is a much lower-dense project. We are preserving over 57 percent of the property, which will be preserved as open space, which exceeds the minimum requirements, as staff has noted. The applicant's proposal does conform to the policies established in the Comprehensive Plan. Again, it's located in a Suburban

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Land Use District. This is an encouraged area for infill development, which when you saw the overview of the projects that are around us and the various different developments, you'll see that this is an infill project, fitting quite nicely within. And it is lower dense, as I had stated. The project also has a positive fiscal impact analysis of at full build-out of \$193,000. The estimated sales price for these homes is about 525,000, which is consistent with the development at Shelton Knolls, which is to our west. This is the revised plan, as staff had presented to you at the end of their presentation. If I could, Mr. Harvey, go to the next slide and then bounce back to that plan, it would be much appreciated. We had a public hearing in December in which many residents came out and spoke. Most of the concerns that we heard regarded access through Amyclae. Amyclae was developed in the '90s through the 2000s. The project does include as part of their development—which many, many projects in Stafford County do—inter-parcel connection for future development. So we heard from them that they were not expecting this growth next to them next to the west and the sixty-seven units that were planned to go through there would have an impact on them. So what we have done is we revised the plan. And Mr. Harvey, if you could go back, please, it would be much appreciated. So the revised plan is this. At one time, we had sixty-seven units projected to go through the locations here and here through Amyclae. We have now limited that to only twenty units to go through this location. That significantly reduces the impact. I saw the old analysis, which said we increased traffic by 33 percent through Amyclae. That's no longer accurate. It's about 8 percent. Just a little less than 9 percent is now the new traffic generation through there. I'll get to some of the peak-hour comments as well.

Ms. Vanuch: Mr. Payne, really quick? I saw in the new proffer statement that you had suggested that the Amyclae HOA could take over those—are those the homes that you're talking about?

Mr. Payne: They could annex those, yes.

Ms. Vanuch: Do you guys have an agreement on that? They're gung-ho about accepting them?

Mr. Payne: I'll get to it in just a second.

Ms. Vanuch: Okay.

Mr. Payne: It's part of my presentation. Thank you. The remainder of these units will access to the west through Shelton Knolls. So again, a significant reduction in the transportation and traffic impact, again from 33 percent to 8 percent. So we heard the neighbors loud and clear. Also remember the by-right development in this area would be sixteen units. So if you think about that what we could do by right and also access through Amyclae, it's about the same with the twenty units. So again, we think that this is a fair and reasonable solution to those concerns. Go back to the next slide, Jeff. Thank you. Again, the remaining fifty-two lots will be served by an extension through Edmund Drive, which is in Shelton Knolls, which will access Shelton Shop. As staff had noted, that is at a level service C. That will continue with our project at that area as well. As staff also noted, the Comprehensive Plan does encourage a C or better at those intersections. The applicant did meet with the HOA. We had the meeting here. Obviously, the public hearing. There was also a community meeting, which not only included the Amyclae subdivision, but also surrounding properties that are in the nearby vicinity. They also attended that meeting, which staff organized. We were there as well. We also had a meeting subsequent to that with the HOA. That was just a couple of weeks ago. As pursuant to that meeting, we got some feedback from them, very positive feedback on the redesign of this project. We also heard from neighbors that were closest to our development about some of the key things they wanted us to focus on. One of those as to provide a tree buffer and plantings along lots 11 through 20, plus lot 1. I'm sorry to bounce around. That would be these lots in here, about providing adequate tree buffering and

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buffering between their development and our site. My understanding is Amyclae would love to have some recreational amenities, whether passive or active. We said that we would obviously offer up access to our recreational amenities. In fact, there are 0.61 acres that are reserved for that purpose. Staff had noted as one of the negatives in their initial presentation was the location for our prior amenities. Those amenities were down in this location right here. The concern was that it was outside of sort of the attention zone, if you will, of the neighborhood. There was concern that this area might have some security concerns. We have now moved it up here—so hopefully that's no longer a negative—closer to the development and closer to Amyclae for their use. We also stated that we would provide the option to the Amyclae HOA of annexing those twenty lots. Typically, they like to do larger developments like the annex mall or development sites for purposes of their HOA certainly when there are some shared costs and impacts. That was one of the things that we also agreed we would do. We also agreed to put up a six-foot fence along the common property lines between the project and the Amyclae development. This is also a request that came from HOA members that meeting. I think there has been a little bit of confusion on the cash proffers, so hopefully I can clarify that. And again, we got this to staff a little late, so we apologize for that. Again, we've been working really hard to transform this development. The total aggregate cash proffers is 1.48 million plus, which comes out to about 20,566.46 per unit. And that is using all seventy-two units across the board. Most of that, not surprisingly, is schools. As Mr. Zuraf had noted, the impact analysis has changed quite a bit under the new legislation. You can evaluate capacity as of the time of the rezoning, as Mr. Apicella properly stated. That capacity is not for projects that have been previously approved or projects that may be coming forward in the future or, for that matter, what your Comprehensive Plan is looking at. One of the challenges under the new statute I know for local jurisdictions and for us, but that's the law. And we have to follow the law and those requirements. So the law says we have to look at the capacity as of the time of the rezoning, which is why we're going through this exercise. Public safety is also an impact as well from a public facilities perspective. That analysis has come out to \$816 per unit. And the transportation impact fees, which are not part of proffers, but the County has an impact fee. It doesn't matter whether it's a rezoning or otherwise. If you have a new development in Stafford County, you pay the impact fee. So we don't get around that under this new legislation, so that would be paid. What's all in from a cash perspective? It's 1.6, almost 1.7 million, if you're looking at the seventy-two units and you include, obviously, traffic impact fees or about 23,565.46 per unit. The state code also says you cannot count and evaluate for impacts the by-right units, which are those sixteen units. That's the law. It is what it is. So you have to discount them out. If you discount them out, you're looking at 30,298.30 in cash proffers being paid. For those of you who may not be familiar with the prior legislation, that was pretty consistent with what was being paid proffer-wise for projects being approved in Stafford County. A change in the formulation of how capacity is evaluation, a change in the formulation of how the proffers were paid. But again, I think it's getting pretty close to where we were before the new legislation. Other key proffers—and I'll get to that slide as well. Architectural materials and features are also being proffered. We've proffered a sheet for that purpose. Cultural resources will be protected. The Historic Resource Commission is interested in coming onto the site to evaluate the current dwelling there and the farm structures, which we agreed to do. The Garrison Family Cemetery will be buffered and protected. That's not only a County ordinance, but that is also a state code requirement, and we've shown that on our GDP. And recreational amenities will also be proffered and provided. Again, it's about 0.61 acres of the site that will be set aside for that purpose. And we are more than welcome to share that with our neighbors. There are the architectural features that I was discussing. Again, a high-quality, high-end focus for the type of homeowner we think will desire to live in this neighborhood. Again, the type of homeowner that would generate positive tax revenues and not negative. With that, I'm happy to answer any questions you may have, Madam Chair. And thank you gain for your time and attention to this matter.

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Ms. Vanuch: Thank you so much, Mr. Payne. Any members of the Commission have any questions at this time? Mr. McPherson.

Mr. McPherson: On the upper left-hand portion of that plan, pointing north is seems to be fairly obviously a street connection stub. Can you expand on why that is there, anticipated future need for that street stub?

Mr. Payne: I'm sorry.

Mr. McPherson: It's the one pointing to the left.

Mr. Payne: That's the inter-parcel connection that we're required to provide under County ordinance. So we just show it as a potential connection.

Mr. McPherson: Do you have any details on the parcel next door?

Mr. Payne: We don't.

Mr. McPherson: Okay.

Mr. Payne: It's a typical policy—VDOT, as well as County policy—to ensure inter-parcel connection between properties. It improves traffic flow, etc. School buses to get to, fire trucks, etc.

Mr. McPherson: For any potential future development north of your subdivision.

Mr. Payne: Right. Remember, we're in the Suburban Land Use District area, so this entire area is encouraged for growth. It's encouraged for greater growth. It's not a targeted growth area, which is much denser, which you'll see a lot of townhouses and a lot of apartments and a lot of commercial mix. But this area is encouraged for single-family detached growth up to three units per acre. And as I stated, we're at half that number.

Mr. McPherson: Understood. I'm aware of that. I just wanted to bring up that stub. Thank you.

Mr. Payne: Yes sir. And the same for the stub that goes towards Courthouse.

Ms. Vanuch: Mr. Apicella, go ahead.

Mr. Apicella: Mr. Payne, the gap between the two sections. What is that? What's there?

Mr. Payne: When you say "the gap," do you mean the creek that runs through here?

Mr. Apicella: Further up north.

Ms. Vanuch: Where your S is.

Mr. Payne: Oh, this right here? That's a power line.

Mr. Apicella: The recreational amenity will be in close proximity to the power line?

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Mr. Payne: Well, it . . . it's outside the power line to the appropriate setback and buffer distance that's required.

Mr. Apicella: Okay, thanks.

Ms. Vanuch: Mr. Bain?

Mr. Bain: Thank you. The new connection to Shelton Knolls—through Shelton Knolls, I'm not familiar with that subdivision. It raises a question in my mind. Are we just transferring the concern about traffic from Amyclae to Shelton Knoll? Are the Shelton Knoll people going to be coming in here and saying we don't like this traffic increase? Can you tell me a little bit about that subdivision?

Mr. Payne: That was previously approved. It's undeveloped at this point. It was approved a few years ago for a very similar use. We have been talking to the property owner about it, and they're fine with the access.

Mr. Bain: Okay.

Ms. Vanuch: Thank you, Mr. Bain. Oh, go ahead. Do you have more questions?

Mr. Bain: No, that's all right. Thank you.

Ms. Vanuch: Thank you. Anyone else have other questions? Mr. English.

Mr. English: I have one question. Mr. Payne, you have the two roads that are going to Kinross and the other one. What that just up the street there?

Mr. Payne: Nugent.

Mr. English: Okay. If you reconfigured it already to this, why are you dumping into that subdivision? Why can't you just dump it out of the one subdivision? Why couldn't it be configured that no traffic goes through Amyclae? Couldn't it just go out through Shelton or Courthouse and not even affect Amyclae? Was that looked at?

Mr. Payne: We have to have two accesses, if I understand.

Mr. English: Well that would be—you said you were going to have one on Courthouse, and you're going to have one—

Mr. Payne: No, there's not one on Courthouse.

Mr. English: You're not going to have—

Mr. Payne: That's just a future inter-parcel connection.

Mr. English: Okay.

Mr. Payne: There are a couple properties between us and Courthouse.

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Mr. English: Okay. That's it.

Ms. Vanuch: Mr. Payne, you weren't there, but Mr. Murphy was. At the community meeting, they had talked about a transportation analysis that was being done. Do you have the results of that that you could share with us?

Mr. Payne: We didn't undertake a transportation impact analysis because we moved fifty-two of the units to the west. So at that point in time, we didn't feel like one would be necessary. Again, one is not necessary pursuit to the density of this project. And just back to Mr. English's question. As you know, Mr. English, there's a future connection through Amyclae for this property. Of course on the cul-de-sac it identified that. I think it only identified it on one of the streets. That was always contemplated as a connection. And again, we've gone from a 33 percent impact to 8. Our by-right units are sixteen; now we're talking twenty. So I think we're in the ballpark for that reasonability standard.

Mr. English: Okay, thank you.

Mr. Payne: Yes sir, thank you.

Ms. Vanuch: Any other questions? Mr. Bain?

Mr. Bain: Yes. One more. We haven't really had a chance to look at these drawings very closely, so I'm basing this on what I'm seeing on my screen. The proposed recreational facilities, is it two different areas, one with kind of a polygon around it and the other with a circle around it?

Mr. Payne: The area that is hatched off and marked. See the arrows to it? So it's hatched off.

Mr. Bain: Can you color that on your—

Mr. Payne: Yes, it's hatched off. I'm terrible drawing this. But it's hatched off here. See the hatches?

Mr. Bain: All right. Yes.

Mr. Payne: That's the area.

Mr. Bain: Right. What's the area just a little bit down and to the left that has a little square in it?

Mr. Payne: That's a cemetery.

Mr. Bain: Oh, that's the cemetery. All right.

Mr. Payne: Yes sir.

Mr. Bain: The area surrounding the recreational area, who's going to be responsible for maintaining that? Would that also be the HOA?

Mr. Payne: Yes sir. We have an HOA. You'll see our proffers, when you get a chance to look at the proffers, that the restrictive covenants will run with the land. And the HOA will maintain those areas.

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Mr. Bain: All right. I thought maybe that was two separate play areas and they were going to have to through the weeds to get to them.

Mr. Payne: We have to show the buffering around the cemetery, which is why that's there.

Mr. Bain: I see. All right. Thank you.

Mr. Payne: Thank you.

Ms. Vanuch: Thank you, Mr. Bain. Any other questions? Mr. Randall.

Mr. Randall: I have a couple of questions, Mr. Payne. The recreation area on the new layout is less because of space? You got rid of the tennis courts and the gazebo because of the space limitations that you had?

Mr. Payne: Right. And we had a lot more space in this corner. But again, staff we concerned for security purposes that it was kind of out of the way. So we had to relocate it in another location and that was the only place.

Mr. Randall: That was really the only place.

Mr. Payne: Yes sir.

Mr. Randall: All right. And that easement for the power lines is approximately 200 feet?

Mr. Payne: 335.

Mr. Randall: 335.

Mr. Payne: Yes sir.

Mr. Randall: Okay. So somebody from the east side—I'm sorry. As I'm looking at it, as you're looking at, somebody from the right would need to walk through the easement to get to the recreational area? Is that available for them?

Mr. Payne: Yes.

Mr. Randall: Okay.

Mr. Payne: And again, these power lines run through—

Mr. Randall: Right, I'm clear. When you had your conversation with the HOA, was there anything else that the HOA brought up that you were not able to satisfy them on?

Mr. Payne: I was not at the HOA meeting, but my understanding is everything that they had requested we've included in this list. Was there anything we missed? Okay.

Mr. Randall: Okay.

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Ms. Vanuch: Perhaps if they're here for the public hearing, they can answer it too.

Mr. Randall: I'm sure that we'll get answers that way too.

Mr. Payne: I'm sure we didn't satisfy all of the 200 homes or so in Amyclae.

Mr. Randall: I wasn't asking for individual issues.

Mr. Payne: At least the ones that came up we addressed.

Mr. Randall: All right. One of the things that they talked about at the community that I was able to attend in January was they talked about the row of trees between Amyclae and back into your property and leaving some of those trees as a natural buffer. Is that the intent, or is the intent to strip that down and then plant new trees?

Mr. Payne: The intent and quite honestly the cheapest way to do it is to leave it as-is as versus having to clear it and replant.

Mr. Randall: So that would be the buffer that you would try to maintain.

Mr. Payne: Right.

Mr. Randall: And the size of that buffer would be roughly?

Mr. Payne: Twenty feet wide or so. And then of course there's landscaping in the backyards of these properties.

Mr. Randall: Of course, of course. And then the six-foot fence that you're talking about would go through the middle of that, those trees?

Mr. Payne: Yes sir. Along the property line.

Mr. Randall: Along the property line.

Mr. Payne: Yes sir.

Mr. Randall: Okay. Now you have no information about any access into Courthouse Road, correct?

Mr. Payne: No. In fact, we're not planning any.

Mr. Randall: Right. And I want to make sure that we're clear on that. It's a cul-de-sac as it's written, but the intention will be that will be a cul-de-sac for a long time. We really don't have any plans or you know of any plans to move that into Courthouse Road.

Mr. Payne: Absolutely right. Quite honestly, VDOT wasn't excited about us trying to extend that location to Courthouse anyway. There's a bend right there. It's not a very good entrance site there.

Mr. Randall: That's correct.

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Ms. Vanuch: Any more questions, Mr. Randall?

Mr. Randall: No. Thank you.

Ms. Vanuch: Okay. Mr. McPherson, I know you had one.

Mr. McPherson: Yes, thank you. Speaking of access to Courthouse Road, if my memory serves correctly, the new plan has an emergency vehicle access at that dead end. Is that correct? A gated—

Mr. Payne: That was the old plan.

Mr. McPherson: The old plan.

Mr. Payne: That was an old plan we were looking at.

Mr. McPherson: So the new plan does not have the—

Mr. Payne: Correct. There are adequate access points now on the new plan. We wouldn't need an emergency access area.

Mr. McPherson: Okay. Thank you.

Mr. Payne: I apologize for the confusion on the prior plan and new plan and getting it in late. We wanted to have the HOA meeting first before we finalized everything. And it took a while to get to that point.

Ms. Vanuch: Any other questions? Okay, I think I have one. You talked a little bit about the access point on Courthouse. When did you have those conversations with VDOT about the entrance on Courthouse? Was that in the preliminary plan drawings? Was that . . . ?

Mr. King: [Off microphone; inaudible]

Ms. Vanuch: Can you get up and talk into the microphone? I think we have 500 people all around the building maybe.

Mr. Payne: It's Mark King with Bowman Consulting, our civil engineer.

Mr. King: Mark King with Bowman Consulting. We actually met with David and sent him a copy of it at VDOT to get his concurrence. He still wants the connections in Amyclae to work, and that's why we separated it. And he asked for a future right-of-way connection to that southernmost property line. When, if ever, it will be extended, that will be up to VDOT. As Mr. Payne said, I think it's a fairly dangerous place to put an entrance. I live across the street, and a lot of times you're kind of waiting and—

Ms. Vanuch: Close your eyes and . . .

Mr. King: Yeah, and just go, and hopefully everything's good. I don't expect that to be connected, but they like to ensure that if they want a connection that the right of way's in place to do it. There are a lot of environmentally sensitive areas down there too. That's where the creek goes across the road. So there

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are a lot of RPA, wetlands, and stream impacts. So I don't think it's going to go anywhere. But VDOT definitely had input on there. We had emails back and forth.

Ms. Vanuch: When did you meet with them?

Mr. King: This was early February. I would say somewhere around February 4th or 5th.

Ms. Vanuch: Okay. I guess the point I'm trying to get to is that it was after the January—what date did we meet, like January 14th or 15th?

Mr. King: We met January 19th, I think.

Ms. Vanuch: Okay, January 19th.

Mr. King: And then from that meeting, hearing the residents' concerns and homeowners' concerns, that's when we went back to the drawing board to see how can we cross this creek, how can we take most of the impact, most of the homes, and take it back to the west. This is where we've come with fifty-two lots going that way. VDOT, David had no problem with what we were doing. He was satisfied. Now moving forward, there are not going to be issues with that.

Ms. Vanuch: Okay. I just remember at the community meeting Mr. Murphy got up and said that it was an already vetted plan that the access was going to be completely shut off from Amyclae and would ingress and egress directly off of Courthouse. So I just was confused why the residents got told that. And apparently you hadn't even talked to VDOT.

Mr. King: That did come up in that January meeting. When Mr. Murphy and I met with the HOA, I guess it was a couple weeks ago. How VDOT operations—these are County code requirements to have these inter-parcel accesses. VDOT wants them. When I explained to the homeowners that night when we met with them, I even asked David that question. I said if we just eliminated these two entrances and, like Mr. English said, just take everything to the west, his comment was, no, VDOT wants these. This meets their SSAR requirements. And if it's not there, he said then, you know, if they don't want it, we'll take their roads out of the state system. He's not going to do that, but that's the extreme of it. But they want these connections where the Amyclae roads are being VDOT-maintained, state-maintained. He said if these connections aren't made, VDOT could have the option of removing that from their maintenance, and it would go back to the HOA. And I don't think anybody wants that at this point. By eliminating this and making it twenty lots, we would get sixteen. We wouldn't make three creek crossings with sixteen lots because it's a half-a-million-dollar crossing. It doesn't make sense for a small number of lots to cross this creek. So there are going to be sixteen lots accessing this if we do it by right; this one's twenty.

Ms. Vanuch: Okay. Mr. Payne?

Mr. Payne: Yes, Madam Chair.

Ms. Vanuch: You looked like you were going to mention something else. Do you have anything else? Anybody else have any questions for Mr. Payne before we start the public hearing? Okay.

Mr. Payne: Thank you all. Appreciate your time.

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Ms. Vanuch: Thank you. Okay. So now we're going to start the time for the public hearing on Cardinal Meadows reclassification. As I stated before, you'll have three minutes to speak when the green light comes on. Please state your name, your address, and the district that you reside. When the yellow light comes on, you have one minute left. When the red light comes on, please conclude your comments. Again, I'm going to ask the audience no applauding, speaking, or making comments of any kind when someone is at the podium or at the conclusion of their comments as it really will help us get through the speakers much easier, and it will just flow much better. Please address your comments to the Commission as a whole and not any individual members. And as a reminder, we cannot answer any questions during this portion of the meeting, so there will not be a direct dialogue exchange between you and the Commission. I will call you down in groups of three. If you would line up behind the podium so we can get through all of the speakers. At this time, I think my first speaker is Ms. Amy Hall. The second speak is Charles Spencer, and the third speaker is Dan Hicks.

Ms. Hall: Good evening. Amy Hall, Rock Hill District. In the interest of time, I'll be brief. No public notice, no changes, no backup documents, no deferral, no development, just no more. Please vote no tonight.

Ms. Vanuch: If we could all keep it that quick that—no.

Mr. Spencer: Charles Spencer, Rock Hill District. Thanks to everyone for serving on the Board. I know you could certainly be doing other things this evening. I'm against the Cardinal Meadows development, primarily due to the things that you've heard during this brief and at previous briefings for those that were there. School capacity, traffic increase, response time for County services for fire, police, ambulance. And at a higher level . . . I don't have any numbers with me to back it up, but I do believe there's a good percentage of the Stafford County citizens that work in the federal government. Some day in the near future there's going to come a reckoning with the federal budget, and it's going to be downsized. If we keep building all these house as a bedroom community for Northern Virginia and the federal government . . . I think we all have to do is look at Detroit when that day of reckoning comes. So I urge you to vote against this, and I thank you for your time.

Ms. Vanuch: Thank you. Mr. Hicks. After Mr. Hicks, we'll have Michael Stonehill, Shethir Riva, and Jenny Lowe.

Mr. Hicks: Okay. Ready?

Ms. Vanuch: Oh, go ahead. I'm sorry.

Mr. Hicks: Okay. I was waiting for the little light. There we go. Dan Hicks. We've lived here since 1986. I am opposing this reclassification of Cardinal Meadows for several reasons. One is access. Again, getting access to this proposed housing addition is going to—you're talking about getting to and from right through the existing neighborhoods. What about actually getting there off of 95 or Route 1 or some other location? Access to this particular location's almost impossible now. With the continuation of the additional development that's going on along Courthouse Road and other places, the traffic is going to be a nightmare. Right now there is no proposal. And there's no way of adding any additional traffic into this area. So you're going to add another seventy-two houses—I'm sorry—detached dwelling units, which I think are houses, I believe.

I'd like to challenge the data point from there. They said it was going to be like sixty-nine school students impacting our local system. I think it's going to be a lot more than that. I've looked at these

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homes. Based on my math, there is going to be more than one child in those houses. So I'm thinking that's going to be more like twice that many. So just to round off to round numbers, 140 students is what I'm guessing. So another additional 140 students to a school system that's already saturated. The next question about the actual number of cars that are going to be into this addition. It's going to be at least two cars per house, unless there's someplace out here that there's only one family that's got one breadwinner earning the money for the household. That might be true. But two cars per house, that's going to be anywhere around 140 additional automobiles coming up and down either Courthouse or Shelton Shop. The bottom line is this: Stafford County's already given up too much farmland for houses. God's not making any more land, and I don't think we should put any more houses up at this point. Not until we get a little bit more look into how we're going to support it, both through emergency services and through the school system. Thank you.

Ms. Vanuch: Thank you, Mr. Hicks. I don't see Mike Stonehill, so I'll just move him to the back in case he's maybe upstairs.

Ms. Riva: Good evening, I'm Shethir Riva, Greens of Amyclae, Rock Hill District. Thanks so much to the Board. I appreciate the communication that the County has made in regards to this issue. I want to express my absolute opposition to the rezoning of Cardinal Meadows. I attended the December hearing and provided comments then. I oppose it for the follow reasons. The amount of homes that they're proposing, whether or not they're connected to Amyclae or not, I think it's significant enough where it impacts our community. The lack of infrastructure, notably the lack of entrances from Courthouse Road. And I think in the presentation, from what I understand, there will not be any entrance from Courthouse Road, so where will these construction vehicles go if there's no access to Courthouse? Will it go through Amyclae? Will it go through Shelton Woods? This has significant impact on the quality of live in our community. The further overcrowding and lack of capacity of the public schools, I know firsthand. Up until 2015, my son attending Winding Creek Elementary. We had to pull him out because, frankly, the teacher said, "I don't have enough resources to provide your reading assistance." That was like a deer in the headlights for me as a parent because I wanted to provide the best for my child. What does that do to this community when you're proposing homes without proper infrastructure, proper support for the children of the community? We lack the capacity. We lack the public safety and emergency services such as fire and police. Also, the increased response times. If you're cutting through Amyclae to get to a house in a new development annex, what does that do to response time? Also, the absolute degradation of the roads and [unintelligible]. I don't think the proffers are enough to satisfy us or to recoup what will impact our community. It was mentioned at the hearing no construction traffic; I mentioned that. But the project engineer said at the time in the December meeting that that access point was so dangerous that it couldn't be made. So I'd like some clarification on that going forward. And also just I guess further clarification about the impact to our traffic. So thank you very much.

Ms. Vanuch: Thank you so much. Ms. Jenny Lowe. And after Jenny, Mike Shoup . . . Mike Shoup is here two times. And Kristen Barnes.

Ms. Lowe: Good evening. My name is Jenny Lowe. I live in the Greens of Amyclae in the Rock Hill District. On President's Day, February 19, 2018, my HOA held an informational meeting regarding the proposed Cardinal Meadows development. The applicant and his engineering consultant spoke to my community about a new plan for Cardinal Meadows. This was a new plan that you had just been presented this evening. We were told ten days ago their new plan had been vetted by the County as well as VDOT. I was assured in front of my fellow residents the new plan for Cardinal Meadows would be submitted the following day to the County. It appears they just submitted the new plan yesterday, clearly leaving the County without any time to review it before this meeting tonight. The original proposal was

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reviewed at the Planning Commission meeting in December. At that time, it was deferred until today, due in part to the many concerns and issues with rezoning the proposed property. Those same problems have not magically disappeared. We are left with a flawed plan that will only add to school overcrowding and traffic problems of our county. Who wants another school redistricting fight? Not me. Our schools do not have the space to accommodate another development full of students. In my immediate area of Stafford County, nearly 300 homes have already gone through the process of being approved for construction in the next three years. It's hard to even process these increases to our schools. I'm not even counting Liberty Knolls, Liberty Knolls West, Colonial Forge, Winding Creek, and Embury Mills, which add an additional 2,387 homes. Units. When you research all the active residential development listed in the County's website, it's outrageous to think we can accommodate all these students. Without plans to build new schools within the next five years, I urge you not to support any more rezoning that will further crowd our schools. I also urge you to evaluate the original application proposed by the developer and to not allow any more delay or confusion caused by a last minute substitute. I ask this Board to vote this flawed proposal down tonight. Thank you for your service to our County and for standing up for the residents' interests over outside developers. Thank you.

Ms. Vanuch: Thank you, Ms. Lowe. Mr. Shoup?

Mr. Shoup: Good evening, Mike Shoup. Sorry for double entry. I was helping with a Girl Scout science meeting before this one. I would request that you defer decision on this plan this evening. I would like to actually commend our developer for trying to come up with a plan B that they presented to us and minimize the impact to our community. I realize it shifts it to somebody else. However, I do think there are a number of details that still need to be worked out. I say that because I sort of have a feeling of an inevitability toward development. I, like most people, want you to cut down trees to build my house and then stop. And I understand most people think that; however, given the community development plan, I don't know if we can say no effectively, given that this area is target for development. That being said, I think the impact to my neighborhood has been mitigated. I would like to bring up one [unintelligible] size. I know we keep bouncing around it. That is an apples-to-apples comparison of lot size to lot size for the lots that attach directly to Kinross and Nugent Drive. One of the concerns I have about that is the fact that my house at 62 Nugent melted the siding of my neighbor at 70 Nugent because of the proximity of houses and today's high-efficiency windows. Insurance covered his siding. I replaced my own windows at my own cost. Again, this is an effect of how houses are spaced nowadays. I don't know from the plans when they look at windows facing other units if they take that into account. However, I think if you go online you'll see it's a growing trend in housing developments now with high-efficiency windows and siding. Again, that's another reason we need to take a look at lot size and I think a good hard look at—because essentially this new street becomes a part of our neighborhood—making those twenty house as much like the existing Amyclae houses would be a good idea. Thank.

Ms. Vanuch: Thank you so much. Ms. Kristen Barnes?

Ms. Barnes: Hello, my name's Kristen Barnes. I probably could not disagree more with my neighbor in a lot of the things that he just said about addressing the issues that we have as a neighborhood at Amyclae. I think he's probably standing alone on that one. This is so much more than just about Amyclae. This is about all of Stafford. At the last meeting, I believe that Mr. Payne spoke about the landowner and the proposed development. Mr. Payne conveyed that the landowner and her family were long-term Stafford residents. He expressed that they are good people, and they only want what is fair. I'm sure all that is very true. But I would argue that your worth as a citizen of any consideration in front of this Commission should be the same whether you've lived here for one year or fifty years. Length of stay in Stafford should have no place whatever in this discussion. I would also argue that the people of

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Stafford are good people, too, and that we only want what is fair. So I ask you, is it fair to the good people of Stafford that our traffic is a nightmare because either our roads are under constant construction to handle the traffic from all of this development or that our long, winding country roads are insufficient to handle the pace of development? Is it fair to the good people of Stafford that we are losing the rural soul of our county with every new cluster development and every acre of forest cleared, that we are losing our refuge from Northern Virginia? It is fair to the good people of Stafford that our schools and classrooms are so overcrowded that we have seen a marked decline in the quality of our children's education over the last couple of years? Is it fair to the good people of Stafford that we currently have well over 8,000 approved homes/units without a single new school in sight, without any infrastructure in place first? Is it fair to the good people of Stafford that with the new proffer laws out of Richmond we can no longer require developers to help with infrastructure costs, and we're left footing the bill? Is it fair to the good people of Stafford, or to this Commission, that the day before this very public hearing this develop submits yet another iteration of the Cardinal Meadows application? Is it fair to the good people attending these meetings to drag this out month after month, probably in the hopes that those of us paying attention will eventually tire and go away. I can help you out here—no, it's not fair. I don't need to see any further iterations of this project to know that this is a mess. Let's get this over with tonight. Let's take this project to the Board of Supervisors. Vote no, and vote tonight. Thank you.

Ms. Vanuch: Thank you, Ms. Barnes. Mr. Paul Waldowski. And Mr. Stonehill, if you're around, now would be the time to come on down. And then we'll open it up to anybody who didn't submit an entry.

Mr. Waldowski: Paul Waldowski. Lady Justice wears a blindfold, ma'am, for fairness. But in these projects, she wears a pirate's patch over the right eye so she can protect Nancy Pelosi. First of all, the first public hearing was held in a lame duck session, so let me educate you about that. You shouldn't let commissions who are appointed to be involved in a project when they're not going to be here. There's no such thing as state law; it's commonwealth law. Look it up. There are not state codes; it's commonwealth codes. I already explained to you in my first speech what's going on. [There are] 1,617 approved already. Now let's do a little bit of revenue here for you. Okay? Seventy-two homes times 525K is \$32,800,000. Golly. And how much are you going to give back to that school? 1.7 million. Wow, that's a little bit of math there. That's a pretty nice profit. I'm so in favor of farmers getting forty-eight acres and \$32 million. It's amazing. The only reason you can't name this Stafford Meadows is because I own property in a subdivision called Stafford Meadows. But I'm more than willing to rename it to Stafford Ghetto, then you guys can be Stafford Meadows instead of Cardinal Meadows. Because eventually I'm going to have to get of it because of the crime. I always hear these developers say, "I think this is what's going to happen." Well thinking is great, but it's subjective. And I hear the number 33 percent, and then it's 8 percent or 9 percent. It's not. I challenge you to come out to Margret Brent and Mountain View and watch how many cars. These people drive their kids to school. They don't use our buses. Even when they use our buses, they don't know how to use a cul-de-sac. They know how to just drive up and then back it out. They're going to hurt someone one of these days. And I love the comment about the bedroom community; that was a really good one. But I want to inform you all about HOAs. It's the Houses of Aristocrats. That all started in houses of [unintelligible] where all the power lines are. And let's do an evaluation of the cancer that's happening there. If you keep putting recreational areas around those aspects . . . and this is an RPA. We have wetlands to protect. We're in the Chesapeake Bay watershed. I wish I had that lady's time who was the first one up here.

Ms. Vanuch: Thank you, Mr. Waldowski. Would anyone else like to come down and speak during the public hearing? Cardinal Meadows, yes. If you want to talk about Cardinal Meadows, come on down. And if there is more than one of you, just try to maybe do two or three at a time in the aisle.

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Mr. Culleton: John Culleton, Rock Hill District. I filled out one of those white papers. I don't know why you didn't receive it.

Ms. Vanuch: Oh. It might be in the other pile maybe. I just called them all out, but it's very possible.

Mr. Culleton: Okay, that's fine. I see the PowerPoint right here in front of me. If you subtract the wetlands and the easements for the power lines, there is very little land left as open space. The open space that they have is just unbuildable land. I don't think that was the intent of the ordinance. As you can tell, they had to move their recreational area. When they did that, that was because they have no other place to put it. They're squeezing every possible house into this piece of property. I'm not sure, the calculations. I'd have to ask you guys. For the amount of houses per acre, are you including all the wetlands and power line easements in that calculation? If you only include the buildable land, they are much more dense than they present themselves to be. The houses are on much smaller lots. Second thing, the vehicles. We talked about there are 1200 homes already approved in a two-mile radius. Yet I don't know if any of those developments exceeded a thousand trips per day; therefore, we haven't had a traffic study. That's a lot of traffic. And we already know that most of the traffic is going to go up through Park Ridge. That's where I go to work every day. I work for the federal government. If you've ever been in Park Ridge when the school lets out, it's a nightmare. There are people parked on the grass. There are people driving all the way around. They're going through the library parking lot to get around all the people waiting to pick up their kids. Very dangerous. Adding another seventy-two houses on that road is not a great idea. The width of the lots on the Amyclae side are probably larger. Again, I can't verify they are larger. They're eighty-foot lots. And your lots are what, fifty feet?

From the audience: They're eighty.

Mr. Culleton: Yours are eighty.

Ms. Vanuch: Just remember, you can't ask questions during this.

Mr. Culleton: Okay. I apologize. I highly suspect VDOT would not remove our streets from being maintained because our HOA or the Board was denied interconnectors. Another thing I noticed is the homes that they're presenting are not of the—they say they're of the same quality. I saw split-level foyers in there. Every home in Amyclae is a Colonial with a brick front, or at least a half brick front. The last two or three homes that I saw there were all siding on the front with a pushed-out garage. They appear to be split-level foyers. Since I can't ask, I can't verify that. Those are much lower quality homes than we presently have. We're worried about our values going down. But we're more concerned about the traffic and the danger with the extra homes. And since my time has run out, I appreciate it. Thank you.

Ms. Vanuch: Thank you. We did find two other cards accidentally mixed up in the wrong pile, so next would be Colleen Meyers and then Dave Edson. And then we'll open it to anybody who didn't sign in. sorry about that.

Ms. Meyers: Good evening. My name's Colleen Myers, Rock Hill District. Our county simply does not have the infrastructure to support more homes. Our roads and school are beyond capacity. Yet, here we are discussing the idea of building more houses. And access to those houses would be right in front of my house next to the sidewalk where my kids will be learning to ride bikes over the next few years. Have you ever tried to corral four-year-old triplets on a sidewalk outside anywhere. They're like kittens; you can't corral them. And now you want to add more construction equipment and more traffic to the

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sidewalk where my kids are growing up. We moved to Stafford after my husband finished with the Army serving our country. We wanted to live here. We wanted to raise our kids here. My son started kindergarten at Winding Creek a couple years ago. At the beginning of the 2016 school year, his kindergarten teacher told me, "We don't even have a break room for teachers anymore." There is no teachers' lounge. Where are we going to put these children that would come into these houses? I'm here to tell you that I do not want a picnic bench; I do not want swings. I want less traffic in front of my home. I do not want construction vehicles. I want my kids to go to schools that are not overcrowded. Please do not move forward with the Cardinal Meadows project.

Ms. Vanuch: Thank you. Mr. Dave Edson? He's coming down. Okay. If we don't have Mr. Edson, then come on down if you would like to speak.

Mr. Rogers: Good evening, everyone. Thank you again for serving. My name is Lee Rogers. I live in the Rock Hill District in Amyclae. I just want to note my opposition to the Cardinal Meadows neighborhood. I've been in Stafford since 1997 when I bought my first home, and I've been visiting since I was a child because I had family that lived here. I've seen the growth in the county. I just went through the redistricting fight with the school that affected Amyclae and the schools that that neighborhood feeds. Frankly, the Stafford County residents are tired. The developers come in, and they leave, and we're left with the damage. We're left with the crowded roads. We're left with the traffic. I think it's time to put a stop to it. And I'm here to ask this Board to say no to the Cardinal Meadows development. Thank you.

Ms. Vanuch: Thank you. If anybody is in any of the overflow rooms, now would be the time to start making your way to the Board chambers if you'd like to speak on the Cardinal Meadows public hearing.

Mr. Edson: There are a lot of them waiting for you.

Ms. Vanuch: I think they might be here for the next one.

Mr. Ficks: I had to run the gauntlet to get in here. Good evening. Phil Ficks, Hill District. I think the previous gentlemen that spoke earlier, for me when this development was first proposed it was all about I didn't want that many cars coming by my house with four kids. I don't have triplets, thankfully, but four is certainly a handful. I knew that my personal interests weren't going to really be a good argument, and I started to do some research into capacity, what would be the other negatives to this proposal. What I found is as an echo chamber of what you've heard this evening about the schools being overcrowded, no traffic studies. That number as shocking: 1,617 homes in a two-mile radius. You've got to be kidding me. That's amazing. And we're going to add another seventy-two. That's a great idea. Not. So I just want to lodge my opposition to this. I don't know what you would have to study when you look at the capacity problems within the County by deferring this decision tonight. I recommend you vote no this evening. Thank you.

Ms. Vanuch: Thank you. Come on down.

Ms. McWhirt: Good evening. Bettina McWhirt, Hartwood District. The Fitzhugh families have been assessed, taxed on prime developmental potential through all these years, so they should not be penalized by the comments opposing further development in the county. If the building requirements are up to the Stafford County code, and they're legal, and they're within the Comprehensive Plan, it should be approved. We have a third option. If the people don't want further development in their area, then

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they also have the option to buy the land and let it sit idle. It wouldn't be a lot of additional cost on the taxpayers. If you want the space, then buy the land and let it sit idle. Thank you.

Ms. Vanuch: Thank you. Anyone else like to come down?

Ms. Hazard: Good evening. Holly Hazard, again. I am not personally impacted by this one, but I'm coming with—and I'm sure Mr. Harvey will cringe, because this was something I did not understand when I was on the Planning Commission before. I had looked at the former plan, so I only heard the second one tonight. What concerns me about this—not just on this particular one—is this use of by-right to be a credit. If you take—and I'm not a math major—a 48-acre piece of property and you divide it into your sixteen pieces by doing it like this, that's your get sixteen. However, on this property, there is through the middle of it a power line easement—which some of my friends here know I am fairly familiar with—of 325 feet. Then you put a river—or no; sorry—a perennial stream and an RPA that goes through like this. I don't believe you get sixteen after you do this. I don't think that this should be a policy in general of the County to credit just based on taking a piece of land that should be perfect and credit towards it. I don't think that you could get sixteen homes on something like this in a power line easement that's 325 feet and a perennial stream. This is not just about this particular application. I think it's something that this Commission needs to look at, are we going to give credits in that manner? I think this one shows it fairly well, but it's the only one I've looked at recently. I hope that is a policy. Or if it is not a policy, that the Commission looks at as we go forward. This is had been something I have struggled with for a long time, but I think this is something we need to address as a Commission. Thank you very much.

Ms. Vanuch: Anyone else like to come down?

Ms. Knight: My name is Jo Knight. I see everyone's point of view. I know those who have moved here, moved here thinking it was rural, enjoy that thought and to maintain it. I've lived here my entire life, seventy-four years. And I have watched the county grow. My dad was on the first Planning Commission. I do know that times are going to be changing if interest rates change. And these big homes that they're paying a half a million dollars for, which I understood—I'm not involved with this development. But I understood half-million-dollar homes. They pay their way based on analysis that I've heard during recent times and some boot [?] that goes toward other infrastructure. In addition, they do pay transportation impact fees. And these aren't neighborhoods that will become slums; they're nice neighborhoods that we can be proud of. I do believe that there is nothing perfect when it's adding people and no one wants it. But I don't believe the law would permit us to hold them off. Along this corridor between Washington and Richmond, I-95 and US Route 1, that's major employment. And there's going to be a lot of transportation with development in this county and the counties adjoining us to the north of us and to the south. When we have builders who come in and do put money at risk to build these very nice places, we're fortunate. We are going to be squeezed out of this opportunity as soon as interest rates escalate, in my opinion, which I think is almost inevitable. So I think when we have a nice development in an area that we feel it's deemed to be appropriate, it may be wise to try to work with that and see if we can make things work to accommodate and keep that type thing on the books. Thank you.

Ms. Vanuch: Thank you. Ms. Knight. Would anyone else like to come down? If there is anybody else, just form a line so we don't have to wait in between. Thank you.

Mr. Callahan: Good evening. Shawn Callahan, Amyclae. I just had a couple of comments and again to echo to ask that you vote no to this development. I wonder if the developers would do the sixteen homes. They're proposing these multi-million-dollar seventy-two homes. Would they be as interested

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with the by-right sixteen homes? If so, I don't think many of us would have a problem with the sixteen homes. It's the seventy-two homes. I know we don't want any development, but if they're going to, let's take a look at the sixteen homes that they have the by right for. They also talk about the proffers. I don't see how these proffers mitigate the school overcrowding or the safety. How does the \$50,000, or whatever how many thousand dollars, go into help the emergency services get there any faster? I'd like to see how is that going to make any difference. It doesn't matter how much money you throw at it if it's not available. Those are my only comments. Thank you.

Ms. Vanuch: Thank you. Anyone else? I see no one jumping down. Okay. So at this time I'm going to close the public hearing and bring the discussion back to the Commission. At this time, Mr. Payne or Mr. King, if you'd like to come up and address any of the comments that were raised during the public hearing.

Mr. Payne: Yes, Madam Chair and other members of the Planning Commission. Again, my name is Charlie Payne with the law firm Hirschler Fleischer. Appreciate your time this evening. Appreciate comments from the public and the community. Of course their comments and concerns are very important, not only to us, but I know to you. So we want to obviously address those, and I think we have, certainly based on our prior hearing and the many meetings that we've had on this project. The common theme that I hear in any land use case, especially when residential units are proposed, is there are too many people, there's too much traffic, you're going to impact our schools. Again, I want to reiterate and hopefully you respectfully understand that this project is not outside our urban services area, which is our key utility area, and where are major road arteries are. Let's also note that Courthouse Road is slated for significant improvements this coming year into next year. And we have a new interchange coming. This particular area where this project is being proposed in an infill development. It is within your Suburban Land Use District. This is where the growth is supposed to happen. This is not happening in agriculturally-zone properties. This is not outside of our urban services area. This is where the growth is supposed to occur. In fact, this is a modest project compared to our neighbors. Our neighbors have 200 units at Amyclae. God bless them. I'm glad they're here in Stafford County. I'm glad they pay taxes in Stafford County. I'm glad their kids attend our schools. I heard someone say that the school system is degrading because of the new population. That's absolutely not true. Stafford County has some of the best schools in the Commonwealth. I am a product of Stafford High School. I will tell you that Stafford County schools are applauded across the Commonwealth. Yeah, we got growth. Growth is concentrating in certain areas. But we're not growing out of control. It was barely 2 percent last year, maybe a little over 2 percent. Before that during the recession, the Great Recession, we didn't grow at all. And the anemic growth had impacts on our economy. People forget that the construction industry is the number two industry in this county; number one is government. It has a huge impact on our county, to it's a very positive thing that occurs. Yeah, it comes with some impacts, but it does have positive returns. Homes of this nature—500,000 or above—more than pay for themselves. The average home in Stafford County does not. It has a deficit. But with the new investment of these types of homes in Stafford County, it move than pays for itself in offset cost impacts. Concentrating these types of homes in this particular area increases opportunity for commercial investment, and new jobs, and employers to locate to our community. The sprawl impacts that the county has suffered over the past twenty or thirty years—and people forget about this—have had a huge impact on the county. Not rezonings. Most of the new growth has been by right. This is a modest project, a long-term property owner who's been here for over eighty years. Growth was around her. She never complained, she never raised opposition. She knew it would come, like all of us. In fact, the County has planned for this growth. Right? Our Comprehensive Plan says we're going to grow by sixty thousand people over the next twenty years. It's inevitable. It's going to happen. Smart planning is key. This is a smart plan project, and I believe a reasonable project. Some other issues that came up, some technical issues I just

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wanted to address on the TIA. Again, a TIA is not required for this project because it's low impact, it won't change the level of services. We've said that; staff has said that. It is what it is. What we did do, though, is we relocated units that would have a greater impact on Amyclae to the west. We went from 33 percent impact increase to 8. That's a significant change. In addition to that, sixteen by-right units would access Amyclae. We got twenty now proposed. That's a reasonable solution that we have put forward. Again, listening to our neighbor's concerns. Construction traffic, all coming through Shelton Knolls, not Amyclae. And we'll put that in a proffer statement as well. Capacity evaluations. How did you come up with your student number per household? That's not us; we don't come up with that. That's an analysis that is done by the County and the school system. We have to use those numbers and plug it into the analysis. So this was not something we create; this is something that is done by the County. In addition to that, what we study for capacity impacts is driven by state law. We don't get to choose; the County doesn't get to choose. It is what it is. You gotta look at schools, you gotta look at roads, you gotta look at roads, you gotta look at parks, you gotta look at public safety. All of those things we evaluated. The only two impacts were schools and public safety. And we have reasonably addressed those, as you heard staff say in their staff report. And in their staff report, there are twelve criteria for development that must be met—well not must be met—are evaluated for purposes of an analysis and an evaluation for a project. We meet all twelve. Not ten, not five, not two—all twelve. Power lines, they're buried. They're not above ground. So I want to make sure people understood that. So no one's going to be impacted. In fact, you may recall that process, the leadership—I mean Delegate Howell—Speaker Howell in make that happen. Value of homes, as I stated, this is not going to have a degrading impact on our surrounding property owners. The architectural features we proffered I promise you are significant and exceed what our neighbors have. Just in closing, again, we appreciate and respect our neighbors. We heard them loud and clear. We adjusted our project accordingly. We do apologize that we did not get the revised plans in when we said we would. I ran into a few issues that we had to address beforehand. It took a long time to get with the HOA; it didn't happen until last Monday. So we did scramble to revise our plan. We did scramble to revise our proffer statement. Of course we had to go to consultants to them have to plug back in information to get back to us. So there is a long process. We're not hiding the ball. The ball is actually reflective of addressing the impacts, and that's what we've done. So with that, Madam Chair, I'm happy to answer any questions that you or other members of the Planning Commission may have.

Ms. Vanuch: Mr. Randall?

Mr. Randall: I have a couple of quick questions based on new information that I was given and some from the past presentation. The cemetery that we're talking about, do you know how large that is, how many headstones we have?

Mr. King: [Off microphone] I'm sure we have that information. I know don't know [inaudible]. We actually showed the square around it.

Mr. Randall: I understand that. Is it protected? Is there a fence around it, the whole nine yards?

Mr. King: [Off microphone] We will put a fence around it.

Mr. Randall: It does not currently have a fence.

Ms. Vanuch: Mr. King, if you want to answer, can you come up?

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Mr. Payne: I got the answer. We're required to buffer it and put a fence around it and allow access to the family members who are relatives of that cemetery.

Mr. Randall: Okay. Was there a thought about moving that cemetery?

Mr. Payne: We can't move it.

Mr. Randall: Okay. All right. Second thing is based on the fire and safety requirements that we have and the issues that we already have in the county on response time, you're assuming that Shelton Knolls would be built first and that they would access in through a paved road into your Cardinal Meadows so that they could get there without having to run on an undeveloped road if you decided—or for some reason your Cardinal Meadows was built before Shelton Knolls. Is that correct?

Mr. Payne: Remember, if Shelton Knolls is not built or has the improvement that extends to Shelton Shop Road, we can't develop the fifty-plus units that are the west side of the development.

Mr. Randall: So those are contingent upon—

Mr. Payne: That's exactly right.

Mr. Randall: —Shelton Knolls being built first.

Mr. Payne: That's exactly right. And just so you know, our first and rescue analysis and response times, we don't come up with those numbers. We have to work with the fire marshal, etcetera, to come up with that analysis.

Mr. Randall: Right. Understand. Okay. The last thing I had was about schools. You do recognize that we have two major schools that this is a feeder area into that are already above the 90 percent capacity set by our Comp Plan.

Mr. Payne: Right. Right.

Mr. Randall: And that without a school on the near-term CIP to be built that you would then just be adding capacity to those schools and that we would then be putting them in a more precarious situation. You're aware of that, correct?

Mr. Payne: Well, I'm aware of what the data provides. I'm also aware of what we're required to evaluate. So that's how we do our analysis.

Mr. Randall: I understand the evaluation; that's on a paper. I'm just talking about commonsense-wise we see the fact of where we are with the schools in the county.

Mr. Payne: Right.

Mr. Randall: And we understand that adding more growth to that without some way of the County mitigating that through redistricting our schools.

Mr. Payne: Right. Well, I mean, there's capacity it other schools in the county. Whether the County decides to redistrict, we have no control over that; that's a school board issue. Whether they build a new

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school, we have no control over that either; that's a Board of Supervisors' decision. We are located in an area where the school attendance zone is designated. We have to evaluate those three schools. They may change.

Mr. Randall: Understand.

Mr. Payne: They may relocate. It happens. It happens everywhere. And not every jurisdiction uses a 90 percent capacity impact. Some jurisdictions use something higher. But it's in your Comprehensive Plan, which means it will be supported under state law. So that's the number we use.

Mr. Randall: Okay. Thank you very much.

Mr. Payne: Yes sir.

Ms. Vanuch: Any other questions from the Commission? I just had one question that was raised in the public hearing. I don't think you went over it, but maybe I didn't hear you. One of the residents had asked about where the new construction entrance would be. Is it still going to be off of Courthouse?

Mr. Payne: No. We're going to come through Shelton Knolls.

Ms. Vanuch: Okay.

Mr. Payne: So nothing through Amyclae.

Ms. Vanuch: But how will you get to the other twenty houses in Amyclae? Over the bridge?

Mr. King: Same way.

Ms. Vanuch: Through Amyclae.

Mr. King: No.

Mr. Payne: We can get there.

Ms. Vanuch: Over the bridge?

Mr. Payne: There's no bridge. In order to get to these units here—Mr. Harvey, I hate to bother you. These units here and here, see this bridge connection across? That will have to be built to get to these.

Ms. Vanuch: Okay.

Mr. Payne: And then we can get over here for the construction.

Ms. Vanuch: Okay, through the cul-de-sac.

Mr. Payne: So nothing through Amyclae. I want to make sure that's clear.

Ms. Vanuch: Okay, any other questions?

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Mr. Payne: And we need to add that to our proffers as well.

Ms. Vanuch: Thank you, Mr. Payne.

Mr. Payne: Thank you.

Ms. Vanuch: Okay. Seeing no other questions, I am actually going to hand the gavel to the Vice Chairman, Mr. Apicella, since this is my district, so that I can act on the issue. Before I do that, if we have a series of votes or what have you, I just want to remind you that we will take a recess afterward. But please remain quiet after we do any of our voting and wait for the recess so that you can hear that, so that the folks upstairs know that they can start to trickle down in here for the Cluster Ordinance. Thank you.

Mr. Apicella: Ms. Vanuch, this is in your district. What would you like to see go forward?

Ms. Vanuch: Thank you, Mr. Apicella. I do have a couple of comments. The first thing, I would actually like to thank staff for all their hard work on this issue. Mike and Jeff, you guys were both phenomenal. You helped organize a community meeting, and I realize that that required a lot of after-hours work. A lot. You guys gave up nights, weekends, evenings with your families, so I really do appreciate that. And I know that that the community is very, very appreciative of that to try to get this project to a good place. And I think that we're all thankful in this room that we have you as part of the staff. The first motion I'd actually like to make tonight is a motion to not accept the new information that was sent to staff forty-hours prior to the public hearing to waive by by-laws so that this meeting is not automatically deferred to the next meeting on March 14th. And I will wait on a second to be able to discuss this.

Mr. Apicella: Is there a second?

Mr. Randall: I second it.

Mr. Apicella: Okay. Ms. Vanuch?

Ms. Vanuch: So the reason I'm making this motion is because I feel very strongly that the applicant has had over four months to address changes to this project. There has been a significant amount of disinformation given to the public, which is one of the reasons we held a community meeting. At that meeting, the developer made promises of changing access points (which weren't vetted by staff), promised a traffic study, said that the access to Amyclae would be closed off, and then finally attended an HOA meeting with residents on February 19th after we deferred this item back in December. At the February 19th meeting, another plan was presented as having staff support, supervisor, and commissioner support, of which I had never seen. The first time I saw this information was this Monday evening—two days ago—and then I saw it again tonight at the public hearing. The public hearing was not advertised with the new proffers and the new information; it was advertised with the old proffers and the old plan. The new transportation changes don't change the transportation impacts; they just shift it to another neighborhood and to another road that's graded a C. So why is it okay to completely change the project and the proffers right before the meeting and not give the public a chance to react and speak to those changes? This is not public transparency.

This item has had two public hearings on the advertised information, and I feel the time has expired, and we should move forward this evening on a vote on the project and not grant a deferral in which there

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will be no public hearing for the public to discuss. This is not the way we're going to deal with new developments and transparency of a project anymore, at least in the Rock Hill District.

Mr. Apicella: Thank you, Ms. Vanuch. Mr. Randall?

Mr. Randall: No.

Mr. Apicella: Anyone else? Seeing no one else, there's a motion to not accept the new information and to waive the bylaws so that the meeting is not deferred to the next meeting on March 14th. Cast your vote. Motion carries 7 to 0. Anything else, Ms. Vanuch?

Ms. Vanuch: So now I would like to make to deny the reclassification of Cardinal Meadows.

Mr. English: Second.

Mr. Apicella: Okay. It's a motion and a second. Ms. Vanuch?

Ms. Vanuch: This proposal is completely inconsistent with the infrastructure phasing policies in the Comprehensive Plan related to the general government service deficits. That means the Courthouse area. We need a new Courthouse, not to mention all of the infrastructure issues that we have as a whole. School proffers and associated analysis are inconsistent. There is a major resistance and concern from most of the residents of Amyclae. I know I spoke to dozens of folks in Berkshire and Augustine who had concerns as well. I was sent a petition that had over 115 signatures, I think. So I don't see how this rezoning is a better option for Stafford than the by-right zoning that they could do. And this is completely based on our Comp Plan, that information. So those are the reasons that I am recommending that we deny the reclassification.

Mr. Apicella: Thank you, Ms. Vanuch. I think Mr. English, you had the second?

Mr. English: Yes. The only comment I have is this. I live off Courthouse Road, and the traffic is awful. I know some people think that seventy-two houses isn't going to make a difference. It does make a difference. It makes a difference in the schools and everything like that. And then the other thousand homes we're looking at. I feel bad for the Fitzhughs because they have lived here all their lives, and I sympathy with them. I've lived here all my life. I understand it and I get it. But this day and time, what do you do? You have to look out for the citizens, and you have to look out for the schools, fire rescue, and the first responders and all that stuff. That's the reason I am voting to deny that.

Mr. Apicella: Thank you, Mr. English. Anyone else? Okay, seeing no one else, there's a motion to deny the reclassification of Cardinal Meadows. Cast your vote. Motion carries 7 to 0. The Planning Commission will stand in recess for ten minutes.

[Ten minute recess]

Ms. Vanuch: Okay, we're back from recess. A couple of comments that I made in the beginning of the meeting that I just would like to reiterate. No congregating the aisle way except if you've been called as one of the public speakers when it comes to the public hearing. And the fire marshal has informed us that no one should be standing on the back wall. So if you are one of the unlucky folk at the back wall, maybe try to find an empty seat. Or there is overflow in the ABC conference room that you can participate from, and then you can just come on down when it's your turn. Yes, there are three seats here

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in the front. There are two and one. If you're in a row with empty seats, if you just scoot down. Okay. So now we're on to item number two on the agenda, the amendment to the Subdivision and zoning Ordinances to repeal all the regulations concerning the cluster subdivisions and developments. For this I'm going to recognize Mr. Harvey.

2. Amendment to Subdivision and Zoning Ordinances - Proposed Ordinance O18-13 would amend the Subdivision and Zoning Ordinances to repeal all regulations concerning cluster subdivisions and cluster development. The proposed Ordinance would repeal the following Stafford County Code Sections as they pertain to cluster subdivisions: Sec. 22-58(13), "Open space land in a cluster subdivision;" Sec. 22-77(m), "Open space land in a cluster subdivision;" and Article IX, "Cluster Subdivisions," in its entirety. The proposed Ordinance would also remove clustering provisions regarding by-right and conditional uses, and intensity, lot area, yards, and lot width requirements from County Code Sec. 28-35, Table 3.1 District Uses and Standards, as applied in the A-1, Agricultural; A-2, Rural Residential; R-1, Suburban Residential Zoning Districts. **(Time Limit: February 28, 2018)**

Mr. Harvey: Thank you, Madam Chairman. For this presentation, Susan Blackburn will be giving the staff report.

Ms. Blackburn: Good evening, Madam Chair, Planning Commissioners. This evening, you are asked to consider proposed Ordinance O18-13, which would amend the Subdivision and Zoning Ordinances to repeal regulations concerning cluster subdivisions and cluster development. The proposed ordinance would repeal the following County code sections as they pertain to cluster subdivisions: Section 22-58(13), Open Space Land in a Cluster Subdivision; Section 22-17(m) [sic], Open Space Land in a Cluster Subdivision; and Article IX, Cluster Subdivisions, in its entirety. The proposed ordinance would also remove clustering provisions regarding by-right and conditional uses, and intensity, lot area, yards, and lot width requirements from County code Section 28-35, Table 3.1 District Uses and Standards. The cluster development is a form of development that allows for reduced lot sizes to preserve open space. On this slide on the left-hand side, you can see the layout of the conventional subdivision where all the land is included in the individual lots. On the right-hand side, the cluster subdivision design is grouping of lots providing non-developed land. These are some photos of what we would hope that it would look like. Suburban Residential subdivision development, as you can see on the left, is conventional subdivision. Again, all the land is included in the lots. In the cluster subdivision, it's where the lots are grouped providing non-developed land. These are photos of that type of development, conserving land and, of course, provisions for recreational space. You can also do this in regards to historic sites and scenic vistas. And this can be done both in the rural and suburban open-space land. The Clusters Development Authority comes from the Virginia Code, Sections 15.2-2242 and 15.2-2286.1 states:

- Cluster development regulations must be applicable to 40 percent of the unimproved land in agricultural and residential districts.
- Land use requirements for cluster development shall not be more stringent than that of the zoning district.
- Limits and prohibits the localities that may consider regarding open spaces, as defined by the state code.
- Density calculations for cluster developments shall be based upon the same criteria for the property as would be applicable to the zoning district.
- Proposals for clustering must be approved by right and implemented administratively.

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The Comprehensive Plan Objective 1.6 also states “preserve rural and agricultural areas of Stafford County and establish mechanisms for ensuring their continued protection from development.” And policy 1.6.5, that the County supports the preservation of rural County through the clustering of residential development. And cluster development would permit smaller lots in exchange for preservation of open space, farmland, and sensitive resource areas. We have had in Stafford County clustering provisions that were originally adopted in 1987. That group of regulations was amended in 1993, 1994, 2000, 2005, and 2007, and was repealed on March 20, 2012. New regulations were adopted in June of that same year. Those regulations were amended in 2013 and 2014. And those amendments addressed things such as lot size, shape, use, and use of open-space land. Now the current cluster regulations are allowed in the A-1, A-2, and the R-1 zoning districts. In the A-1 zoning district, the minimum lot area is 1.5 acres with open-space requirement of 50 percent of the total development. A-2 is Rural Residential District, and that minimum lot area is .7 acres. Open-space requirement is 30 percent of the overall development. R-1, we go to density, and that is 1.5 dwelling units per acre. And you can have up to 2.6 dwelling units per acre with the approval of a conditional use permit. And the open-space requirement is 30 percent. Now the subdivision regulations are that open-space maintenance, design, and use standards, and review and approval process is for clustered subdivisions. At the Board’s annual planning retreat in January of this year, they had discussed various growth management strategies and also voiced citizen concerns about clustered subdivision developments. These concerns were:

- not promoting the intended goals and objectives for land preservation and good subdivision practices as envisioned in the Comprehensive Plan;
- open-space land configuration such that was not visible by the public, creating a perception of overcrowding in rural areas and loss of rural character;
- increased number of lots and driveway accesses on existing rural roads, also creating a perception of overcrowding and loss of rural character;
- increased development in rural areas of the county where less development is desired and less County services exist to support the development; and,
- more lots are being created through cluster development than could be obtained by conventional subdivision development on the same properties.

The Board, through the County’s Comprehensive Plan, is committed to ensuring quality development practices and believes the cluster development, if done correctly, can result in neighborhoods that preserve farmland, forestland, and natural resources, and provide areas for recreation, and maintain rural landscapes. There is concern that the current cluster development regulations may not promote the intended goals and objectives for land preservation and good subdivision practices as envisioned in the Comprehensive Plan. And the Planning Commission’s consideration is that you have been requested to hold a public hearing and provide its recommendation back the Board on the repeal of the cluster development regulations per Resolution R18-39. And just in summary, proposed ordinance O18-13 would repeal County Code Article IX, Cluster Subdivisions, amend to remove cluster development regulations in County Code Sections 22-58, 22-77, and County Code Section 28-35, Table 3.1, Districts and Uses. Do you have any questions?

Ms. Vanuch: Mr. Apicella?

Mr. Apicella: Thank you, Madam Chairman. Is it fair to say, then, that the Cluster Ordinance has been revised several times as issues and concerns have been raised?

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Ms. Blackburn: Yes sir.

Mr. Apicella: And you mentioned some of the current issues. What were some of the previous issues?

Ms. Blackburn: The previous issues that were amended?

Mr. Apicella: So you went through kind of the history of the Cluster Ordinance.

Ms. Blackburn: Right.

Mr. Apicella: You mentioned that it was in place back in the '80s, and it's been modified multiple times. So I would presume that it was modified because at each interval, and as this ordinance has evolved, some issues were raised that were presumably addressed and incorporated into those revised versions.

Mr. Harvey: Mr. Apicella, the number of the changes that occurred prior to 2012 dealt with usable open space within a cluster subdivision. Also the use and number of pipe stem lots, which are also known as flag lots, issues involving shared driveways and those accesses for the flat lots. There were also amendments throughout time regarding the use of power line easement and floodplains counting towards the required amount of open space. Those were the types of amendments that occurred prior to 2012. And those were under the old code prior to the current state legislation.

Mr. Apicella: Okay. Can you bring back up the slide about the Board's concerns? Presumably, these were issues that either weren't fully addressed or didn't arise at the point in time that previous modifications were made.

Ms. Blackburn: Yes, that appears so.

Mr. Apicella: In 2012 when the ordinance—I think you said it was repealed and replaced?

Ms. Blackburn: Yes sir.

Mr. Apicella: So there is a precedent for repealing and replacing this ordinance.

Ms. Blackburn: We have done it before, yes.

Mr. Apicella: Okay. Okay. When it was going through its revision process, were stakeholders from all sides at least invited, if not having had an opportunity to participate in those revisions?

Ms. Blackburn: Yes sir.

Mr. Apicella: And how long did it take from the time that it was repealed to the time that it was reinitiated?

Ms. Blackburn: We initiated a new ordinance in June, and we repealed it in March. So it was March to June.

Mr. Apicella: So it was a grand total of three months.

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Ms. Blackburn: Yes.

Mr. Apicella: From repeal to replace.

Ms. Blackburn: Mmm-hmm.

Mr. Apicella: So we're not talking about years; we're talking about months.

Ms. Blackburn: Not at that time, no.

Mr. Apicella: Okay. There's been a lot of advertising that's been circulated both in the paper and online. I've got two kind of cover pages from some of the websites. There's a website called Be Smart Stafford. I think this might be FABA's website?

Ms. Blackburn: I don't know.

Mr. Apicella: You don't know? Okay. And then there was another website called nodownzoning.com. Have you seen this?

Ms. Blackburn: No, I haven't looked at those.

Mr. Apicella: Okay. Do we know who owns or created this website?

Ms. Blackburn: No, I am not aware.

Mr. Apicella: Okay. Well I'm just going to talk about this one, because I think the folks from FABA can probably talk about the issues and such that they raised on their website. Since this is anonymous, I don't know if anybody's going to come up and speak to it. Can you explain what *downzoning* is?

Ms. Blackburn: Ms. McClendon, can you help with that one? I'm not sure I would get it perfectly correct.

Mr. Harvey: Or I can assist. *Downzoning* is often referred to when a locality changes its zoning scheme and reduces densities and intensities that were previously allowed in the zoning category.

Mr. Apicella: With this initiative—and that's what I'll call it—does the Board propose that this Cluster Ordinance, its repeal and replacement involve a downzoning?

Mr. Harvey: No sir. In fact, the way the cluster regulations are required based on state law, we cannot require any less density through a cluster development plan than we can under the normal zoning category requirements. So if a new Cluster Ordinance is adopted, it must comply with the underlying density and intensity requirements of the zoning districts that apply.

Mr. Apicella: Okay. And the normal type of zoning, that's called *conventional zoning, traditional zoning*?

Mr. Harvey: Yes, conventional zoning is indicative of one of the examples Ms. Blackburn showed that basically the subdivision is primarily lots and streets.

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Mr. Apicella: Okay. And should the Board decide that it wants to repeal and replace this current Cluster Ordinance, would folks still be able to do conventional subdivisions during that period?

Mr. Harvey: Yes. Conventional subdivisions would still be permitted.

Mr. Apicella: So it's simply untrue that this initiative involves downzoning. Is that correct? It's one of the statements that's made in that website.

Mr. Harvey: Yes sir.

Mr. Apicella: Is it true that this initiative is aimed at—or Stafford County is planning to reduce land values by 50 percent as part of this initiative?

Ms. Blackburn: Not to my knowledge, no.

Mr. Apicella: Okay. That's one of the other assertions. What are the rules regarding the building of homes on wetlands?

Ms. Blackburn: You're not allowed to construct homes on wetlands.

Mr. Apicella: So whether there's a cluster ordinance or there's not a cluster ordinance, you can't build on a wetland.

Ms. Blackburn: No.

Mr. Apicella: Or you have to mitigate it.

Ms. Blackburn: You can go through permit processes to do various things. But they're land that you don't just get to build on.

Mr. Apicella: So wetlands wouldn't be any better protected if we had a cluster ordinance than if we had just a conventional zoning.

Ms. Blackburn: As I said, you can get permits to do certain things in wetlands. And you're right; it probably wouldn't be any different.

Mr. Apicella: So another one of the assertions on that website—I think it's what you're saying—it's untrue that this initiative would force development to occur on wetlands.

Ms. Blackburn: Correct.

Mr. Apicella: How many approved but undeveloped lots are there in Stafford County at the moment?

Ms. Blackburn: I don't know.

Mr. Apicella: Hundreds, thousands?

Mr. Harvey: Mr. Apicella, when we look at the active residential development list that the County has on our Planning and Zoning webpage—we track all residential developments whether it's through a

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rezoning or a submitted development plan. We track the number of lots that have been approved, ones that have been recorded for development. In other words, the lots are available to build a house on. And then of those, how many have been built. When we look at the difference between what's been approved and what's been built—in other words, what's eligible to be built,—we have about approximately 8,000 dwelling units that could occur based on what's already been approved.

Mr. Apicella: So there are eight thousand potential buildable lots in Stafford County.

Mr. Harvey: Yes sir.

Mr. Apicella: Okay. And is it fair to say that now that the economy is starting to be on a roll that that construction is starting to flourish throughout Stafford, I suspect throughout the region because of the economic changes? Are we seeing an increase in building permit requests?

Mr. Harvey: Well Mr. Apicella, building permit activity has been stronger in the last few years. Our overall Comprehensive Plan anticipates an average annual growth of a thousand new homes a year through 2026. It does vary a bit, as you can look at some of the charts in the Comprehensive Plan. We have tracked development on the previous twenty years, and it generally follows a bell curve. The bell curve would indicate if all things were similar to past trends. I believe around the year 2024 is when we'd hit the peak, and then it would start slowly going back down as far as an overall height of development.

Mr. Apicella: But based on that average that you just mentioned, we have an inventory—I'll call it an inventory—of buildable lots, a thousand a year, that could last us for eight years whether or not there's a cluster ordinance in place.

Mr. Harvey: Correct. Regardless of approving any additional development.

Mr. Apicella: So in theory, if the ordinance were repealed and replaced, especially if it's just a couple of months, probably would NOT have that big of an impact given that there's conventional zoning subdivision opportunities and already—I'll call a surplus of buildable lots in Stafford County. Is that a fair statement?

Mr. Harvey: Mr. Apicella, I can't really speak to impacts because there are a variety of ways you could look at it. If you look at a total number of development units that could be approved, a three-month window is probably not a big number of dwelling units. But it depends on the size of the project. If a really large project is approved, that could have a significant—

Mr. Apicella: Right. But I guess what I'm trying to say is that with inventory of available lots, there are lots of opportunities if someone wanted to start building and hire people to help build those houses. There's an inventory out there already that exists for them to do that. Is that correct?

Mr. Harvey: Correct. These that approximately eight thousand units that could be built based on prior approvals.

Mr. Apicella: Okay. And again, I'm just going to some of the claims made on this website. Regarding affordable housing, is there any evidence that clustering on its own has led to significantly reduced home prices compared to conventional zoning?

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Mr. Harvey: Mr. Apicella, I'm not familiar with the assessments of cluster homes versus conventional homes, if there's a price difference.

Mr. Apicella: But we just had a project, the one before this, where the homes were going to be priced around \$525,000. That doesn't sound like what I would consider a target for affordable housing. I mean normally it would be much less than that. And this was a proposed cluster development, right?

Mr. Harvey: I guess affordable housing can be relative. If you're looking at workforce housing, the price of the house would be less than the price that was quoted in the previous public hearing.

Mr. Apicella: Okay. So again, just going back to this one website, I feel like it made some claims that weren't true, so I'm just going to summarize. And we're only making a recommendation. We don't have any ability on our own to make the final decision here, so ultimately the Board is going to decide what it wants to do with regard to repealing and replacing.

Mr. Harvey: That's correct.

Mr. Apicella: So should the Board decide to go down that path, and it's a process that could take three or four months based on recent history, with all the available lots in this County, this initiative, it doesn't involve a downzoning. It won't lead to construction on environmentally sensitive lands. It won't affect conventional zoning. Probably won't have a significant loss of construction jobs, especially if the window is fairly narrow. And it probably won't have a big impact on affordable housing opportunities in Stafford. Is that kind of a fair summary?

Ms. Blackburn: I think you could say that.

Mr. Apicella: Okay, thank you.

Ms. Vanuch: Any other questions. Mr. Randall?

Mr. Randall: I have one quick question. Regarding the coverage of the Cluster Ordinance today, the requirement is 40 percent. Is that correct?

Ms. Blackburn: Yes sir.

Mr. Randall: And currently our Cluster Ordinance covers how much of Stafford County?

Ms. Blackburn: It is allowed in all the A-1 zoning classifications.

Mr. Randall: So 100 percent of the A-1—

Ms. Blackburn: Yes.

Mr. Randall: —it covers when the requirement is only 40 percent.

Ms. Blackburn: Yes. It's 40 percent of unimproved land that is agricultural, residentially zoned.

Mr. Randall: Okay, thank you.

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Ms. Vanuch: Ms. Blackburn, it's my understanding that the Cluster Ordinance actually pertains to A-1, A-2, and R-1 land?

Ms. Blackburn: Yes ma'am.

Ms. Vanuch: Okay. All right. Any other questions from the Commission. Mr. Apicella.

Mr. Apicella: I'm trying to interpret what the question is aimed at. The way our current ordinance is structured, what percentage of unimproved land is covered by that ordinance? So if the floor is 40 percent based on the state code, do we know what percentage is actually covered by our ordinance today?

Mr. Harvey: Well Mr. Apicella, there is no limitation in our current ordinance. Any unimproved agricultural—A-1-, A-2-, or R-1-zoned property could be eligible for cluster. There is, I believe, an exception in the state code that allows localities to not permit clusters on parcels less than two acres in size. But from a practical standpoint, it may not be cost effective for someone to try to do a cluster in the R-1 zone on two acres because that would only yield three lots.

Mr. Apicella: Thank you.

Ms. Vanuch: Ms. Blackburn, I do have a couple of questions. The first is, is a power line easement buildable? Can you build on top of power line easement?

Ms. Blackburn: Not according to our ordinance. We do have a provision that you can build on easements if you get permission from the easement holder.

Ms. Vanuch: So in the Cluster Ordinance, is there a provision or whether or not the power line easement is allowed to be included in the open space?

Ms. Blackburn: It can be included in the open space, yes.

Ms. Vanuch: But that's typically something like in the Cardinal Meadows' project you saw that wasn't being built on because it was a power line easement.

Ms. Blackburn: Correct.

Ms. Vanuch: Are community drain fields included in open space?

Ms. Blackburn: They can be.

Ms. Vanuch: And are there any requirements in the current Cluster Ordinance for contiguous open space?

Ms. Blackburn: No.

Ms. Vanuch: So it could be ten feet here, ten feet here, as long as you get to 50 percent.

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Ms. Blackburn: We have provisions in the code that do state that you have to state the use of the open space, and you have to state who is going to own it, and how it is going to be maintained. If how you are going to use it is conducive to that kind of configuration, then it would be permitted.

Ms. Vanuch: What if I bought a 100-acre parcel and wanted to do clusters off of let's just say a long strip of road. So it was a very narrow lot, but very, very long. Could I essentially put forty-eight, forty-nine driveway entrances right off the main road to access the homes based on the current Cluster Ordinance?

Ms. Blackburn: Based on our current Cluster Ordinance, it would also depend if VDOT would permit it. Depending on the road.

Ms. Vanuch: Okay. That's all my questions.

Mr. English: Ms. Blackburn, I have one question. Retention ponds on this, would that be considered open space?

Ms. Blackburn: They could be in the open space, yes.

Mr. English: So retention ponds, power lines are considered open space.

Ms. Blackburn: They could be in the open space, yes.

Mr. English: Thank you.

Ms. Vanuch: Any other questions? Okay, seeing no questions, since there is no applicant for this, we can move on to the public hearing. Now is the time we're going to move forward with the public hearing. If you do wish to speak regarding the proposed repeal of the cluster regulation/ordinances, we will call you down based on when you signed in. We'll call three at a time. If you wouldn't mind lining up, it'll help move things along much quicker. This is not a public hearing on downzoning. So if your comments about downzoning, I'll remind you one time that that's not a covered issue for tonight's public hearing. When you come to the podium, you'll have three minutes to speak. When the green light comes on, please state your name, address, and district. When the yellow light comes on, you'll have one minute. And when the red light comes on, please conclude your comments. Again, please no applauding or speaking when someone is at the podium or at the conclusion of their comments, as it will help us get through all of the speakers much easier. Please address your comments to the Commission as a whole and not to any individual members. And as a reminder, this is not a back-and-forth conversation; we cannot answer any of the questions you might have during this portion of the meeting. So at this time, if you've signed in, I'm going to call you down. And if you do want to be a little quick than three minutes, that would be great, especially if others have comments. We have a big stack, probably about fifty when I last counted. So the first speaker, Israel Villatoro, George Anderson, and Alane Callander.

Mr. Anderson: George Anderson in Rock Hill District. My question is, what are we wanting to change it to? What is the intention? Okay, we suspend that cluster, what is the intention to get out of it and how is going to benefit the County to do so, the landowners, etcetera? How is this going to benefit us? That's what I'd like to actually see published somewhere so I can actually see what we're going from and what we intend to go to. That's all.

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Ms. Vanuch: Thank you. Israel Villatoro, are you here? Come on down. And then next would be Alane Callander. And if you guys could line up here, it'll help make things go much, much quicker.

Mr. Villatoro: My name is Israel Villatoro with Corinto Construction. I just wanted to see what we can do to—

Ms. Vanuch: I know you gave me your name and address, but can you just state it for the record?

Mr. Villatoro: What did you say?

Ms. Vanuch: Your address.

Mr. Villatoro: I own my own business, so I want to see if we can keep on building following the codes. That's all I got.

Ms. Vanuch: Okay. Thank you. I like his timing. Alane? And then after that, we'll have Hunter Simpson and Tim Reffner.

Ms. Callander: Good evening. I'm Alane Callander, in the Falmouth District. I've been around a while. I've seen some of these cluster ordinances come up before here at the Planning Commission. I remember it was intended that clustering lead to smarter use of our rural lands, to better manage growth, and to protect our environment. So now we know that some changes need to be made. That really hit home with me when I started hearing about wells running dry out in the Hartwood District. There was a concern that placing houses close together, as is done in clustering, was putting much demand on groundwater in that part of the county where we don't have public water and sewer. I was hearing about people building beautiful new homes and not having enough well water to serve the needs of the home. Can you imagine being in such a situation? So then when word got out that the County recognized a need for some changes with the Cluster Ordinance to protect consumers and our natural resources and for other reasons, I'm sure, the building industry decided that they might not fully be able to exploit the value of the land. So at least one group I'm aware of—Stafford Property Rights LLC—started buying ads on the front page of the newspaper with the purpose of frightening landowners, claiming that their agricultural land would be devalued. Clearly it was scare tactics. It shows no concern whatsoever for the quality of life in Stafford. I'd like to thank Mr. Apicella for his on-point questions that helped dispel a lot of the myths that are being spread around our community. So I think it's appropriate for you to repeal the current ordinance, correct it, and come back and pass a new ordinance. Thank you.

Ms. Simpson: Good evening. Ann Hunter Simpson is my name. Hartwood District. Thank you very much, Madam Chairman, members of the Commission, and County attorney, and the Planning Director. I own 235 acres in Hartwood Magisterial District on which I raise cattle and hay. My farm, or a portion of it, has been in my family for since about 1906. My next comment, I apologize for, but I'm required to make it according to the Code of Ethics that govern me. I am a retired circuit court judge. Sat is this county for years. I am subject to recall, so I am required to state whenever I address the public in any fashion that I am making these comments on my own behalf and not on behalf of anyone else or in any official capacity. It seems to be, Madam Commissioner and fellow commissioners, that the question to is, can you repeal an ordinance that I understand is mandated by state law, a law higher than our local legislative ability? I come to not on any particular position for or against the Cluster Ordinance. I come to you out of a concern that this County not take any action that is intentionally or unintentionally in derogation of state law, which I understand requires a Cluster Ordinance. It would seem to me that an orderly fashion of transition or modification to address some of the issues that you have raised tonight

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before the public hearing started would be to offer to the public, as well as to yourself and to the Board, any recommendations for replacement simultaneously with any repeal of the existing ordinance you might make this evening. I applaud you for reviewing this ordinance. I applaud the staff for making the recommendations. It is important that we follow planned development in this county. It is also important that we follow the state law. Thank you very much for the opportunity.

Ms. Vanuch: Thank you. After Tim we have Justine Stonehill and David Stewart.

Mr. Reffner: Hi. My name is Tim Reffner. I live in Fredericksburg, Virginia. I'm not sure what the name of the district is, but I voted Dickson Smith. Okay? And I sure wasn't hoping to be this early in this conversation. I've read the ordinance. I've called my supervisor and spoke with her. What I want to say is the building industry is my livelihood. If for some reason a decision is made that would stop the building industry, that directly affects my abilities to earn an income. I understand that you have to look at what the laws are. I understand that you have to be concerned about maybe somebody hasn't done what they're supposed to do regarding the way that they have developed the land. I'm asking that all the elected officials, all the government officials take time to listen to the builders, the builders' association, and work together that makes it a feasible thing for Stafford County. I've been in Stafford County now for twenty-six years. I love Stafford County. It's the best place I've ever lived. It's a great place. I'd like to see it continue to be a great place. I understand there's a big decision to be made, but make it for all the people. That's all I have to say.

Mr. Stonehill: Justin Stonehill. I think I'm in the Falmouth District; I'm not sure, though. I'm going to be real quick. Like someone previously said, the state code says you guys have to have the cluster ordinance. If you're going to repeal it, at least have something in place already. It's not fair to just repeal it, and wait six months, and then have something in place then. Also, if you're going to repeal it, there should be some sort of a grandfather rule also because people are out there buying land and making deals based on the code. If you change it in the middle of a deal and you have a project already in the county, it should be grandfathered. That's all it got. Thanks.

Ms. Vanuch: Thank you. David Stewart, Michael Stonehill, and Mike Swick. Any of you guys here? Okay, I'm going to put them off to the side then and give you time. Alex McCallister. Ruth Carlone, and Paul McKinney.

Mr. Stonehill: Hi, my name is Michael Stonehill, Jr. I live in the Rock Hill District. I'm proud to say that I'm not only born and raised in Stafford, but my wife and I just bought our first home in Stafford last year. I was informed of this meeting by reading the proposed resolution from the January 23rd Board of Supervisors' meeting where the Board adopted the following resolution, and I quote: "A resolution to request that the Planning Commission hold a public hearing and make a recommendation regarding the repeal of the current cluster development regulations." I found this request puzzling, honestly, in its essence. Because in the Virginia State Code, Section 15.202286.1, it says, "Any locality within Virginia shall provide a cluster ordinance to its citizens." So it just doesn't make any sense to me how you can repeal something without having an immediate replacement in place to replace it with. All I would ask of you is can you explain to me and everybody else in the community why would you repeal the ordinance without having a replacement ready for it. The County needs to take the proper channels to revise any law or ordinance, and this one is no different. US-appointed members of this Planning Commission, I request that you make a recommendation to the Board of Supervisors to not illegally repeal this ordinance and take the proper channels to revise it as they have done in the past. Thank you for your time.

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Ms. Vanuch: While Ruth is coming down, we have Paul McKinney, Alex McCallister, Mike Swick, and David Stewart.

Ms. Carlone: Ruth Carlone, Mt. Olive Road. I've rewritten this about twenty times while we've gone through the others, so excuse me for errors here. There is no valid reason to ignore the financial, educational, and environmental protection of the County's Comprehensive Plan to continue with the cluster zoning as it is. An example with the by right of one house with three acres. That's adequate to have for chickens, a horse, children, trees, and even a profit for the developers. On the site plans, I hope you take a look at Saratoga Woods and the Kellogg Mill site. They are riddled—in each of those lots, there are wetlands, there are RPAs. This is not the way you're supposed to do it. When you take out—and this is an example. It's so disgusting the way they've been set up. When you have a lot on 1.5 acres, you have to allow for the footprint of the house, driveway, garage, the primary, and the 100 percent septic field backup, setbacks, and the RPAs, now, and wetlands that have been added. What space is left for the purchaser of a 1.5-acre to be able to build a patio, a deck, swimming pool, or permanent sheds? Anyway, I want you to take a look at that. Now, there is so much more to say, but everybody's getting tired here, and I understand. In our area in Hartwood, we have a tremendous problem of water availability. Excuse me. Well, I'll send you an email, guys. But anyway, please remove the cluster development zoning in non-USAs. That means where there's no water and sewer lines available. Okay. Because who's going to pay for the trucking in and out of septic and bringing in drinking water. Okay, thank you. And welcome new members.

Mr. McCallister: Alex McCallister, Richmond, Virginia. My company's Eastern Virginia Land Company. I want to take this time to thank you all for the service to the county and for listening to my comments tonight. I have developed several cluster subdivisions over the past years, largely due to the encouragement I received from the Planning Commission when I came before them for approval. Based on how well received my projects were by the Planning Commission, I continued to develop cluster subdivisions rather than conventional subdivisions. Many of the subdivisions that I've done lately I could have done as conventional subdivisions and gotten the same density as I've gotten from cluster. Based on what I'm seeing from the County or their feelings about the clusters, I wish I had done some of those as conventional subdivisions. I currently have one cluster subdivision construction plan submitted under review at the County. Repealing the existing cluster regulations without having a replacement ordinance will hurt my company, my employees, and many of the small businesses that I hire. A repeal without replacement will require work on my project to immediately stop, and some of my employees I will have to lay off until a new cluster ordinance could be adopted. Let me ask you to put yourself in my shoes. It's really going to be tough for me to tell these employees that I'm going to have to lay them off while we wait for a replacement. Repeal of the cluster regulations is a massive change that was just announced in January. The proposed repeal of the cluster regulations can take less than sixty days, but my planning for a cluster subdivision can take over a year. My employees and I have been working on a construction plan that I have submitted to the County for over a year that is currently being reviewed by the County. A huge amount of time and resources have been expended in the development of this plan. All that was done in good faith and reliance upon the current Cluster Ordinance. As I've said before, a repeal without replacement will have huge consequences on my company, as well as the building community. I very much hope you will not repeal the current cluster ordinance without a replacement or, at the very least, I strongly request that you consider protecting the plans that have already been submitted to the County and that are currently under review. Thank you.

Ms. Vanuch: Thank you. We have David Stewart, Mike Swick. Are you guys coming down? Okay. Jenny Lowe, Amy Hall are next. And then Jay Brown.

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Ms. Lowe: Good evening. My name is Jenny Lowe. I live in the Rock Hill District. I am speaking to you tonight about my concerns over the Stafford County Cluster Development Ordinance. According to Virginia law, a cluster subdivision must have common, open space that can be used for recreation while preserving sensitive areas. A developer has recently proposed a cluster development called Cardinal Meadows in our county. The development would be built on approximately forty-eight acres. The application claims twenty-eight acres of open space. This is misleading. If most of the open spaces are occupied by environmentally sensitive areas, the parcel should not be allowed to be considered a cluster development. The land targeted for development is covered by a massive Critical Resource Protection Area, also known as a CRPA, and a power easement that should not be considered open space. CRPAs are supposed to be protected from stormwater and pollutants. If approved, stormwater would dump into the protected CRPA. Stafford County needs to change its ordinances to provide protection for our wetlands and perennial streams from further harm. It is absurd to think that no harm will come to these vulnerable areas with homes so close by. The power easement on this particular property has lines that were buried in 2008. Power easements should not count towards open space percentages either. At any time, Dominion Power reserves the right to replace those lines above ground to meet the demands of our power grid. Would you consider playing under power lines, a County-approved recreational area? The developers do. Stafford County should repeal their ordinances and replace them with more specific guidelines that will protect environmentally sensitive areas while truly requiring open space for residents to enjoy outdoor activities and protect the environment. I urge this Commission to repeal our existing ordinance and replace it with more specific guidance which prevents developers from counting environmentally sensitive areas and power easements as open space for recreation. This commonsense planning and changes we need immediately to improve our county for the next generation. Thank you.

Ms. Hall: Amy Hall, in the Rock Hill District. Cluster developments done well are an asset to our community. As Jenny just told you, Cardinal Meadows is the perfect example of a cluster development done poorly and is not an asset to our community. It demonstrates exactly what's wrong with our ordinance. In the interest of time, I won't repeat what she said; she was perfect. I'd also like to add that I find it very distressing that for some we've chosen to include 100 percent of our A-1, A-2, and R-1 parcels in this. We're required to do 40 percent. For some reason we've sent 100 percent. There's no question in my mind why we're all now feeling the pinch over overdevelopment; that's it. So tonight I'd like to ask you to recommend the repeal. And then let's get busy and let's fix this, because it can be an asset to our community if it's done correctly.

Mr. Graham: Good evening. My name is Jay Graham. I live in Fredericksburg. I'm an architect that works with several developers and builders in this area—Fredericksburg, Stafford County, Spotsylvania County, and others. Cluster zoning I understood as an architect. Cluster zoning I looked up today for what it does for the community. You saw slides of what it looked like when cluster zoning was done correctly. Surely there have been mistakes. Surely things have been done incorrectly. But to completely say that all zoning changes have to be made, all housing is bad—housing is going to happen in Stafford County. We live in an area that is growing. We live in an area that is well desired, and an area that will grow. We can't stop growth. As long as people are raising babies and turning into adults, they're going to have to have a house. And housing will grow. So we need to do it right. I don't even think from what I read that we can do away with cluster zoning without some type of replacement. And maybe what we really need to do is adjust some of the things that we're doing that aren't right so that we can improve cluster zoning because it's part of our world, it's part of our future. Thank you.

Mr. McKinney: I may be going out of turn; I stepped out for a second. My name is Paul Kenney.

Ms. Vanuch: Yes, you are on the list.

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Mr. McKinney: Okay. My understanding of cluster development is if you have like ninety acres you get 33 acre lots or 31-1/2 acre lots. The other forty-five acres goes into a reserve. It may be all one big parcel or it may be several small parcels, a little bit adjoining each parcel. Or in some cases they have a pond or something. They may do the pond open that up for the residents. It makes sense to me if it doesn't increase the density and you have something that looks like there's forty-five acres over here that's not developed and will never get developed. So I just want to say—I'll make it short and sweet—it makes sense to me to do it, but do it right. So I also recommend not repealing it unless you have a replacement. It almost makes me think of some of what's going in the White House with the dreamers. Hopefully, you'll think it through and consider either not repealing or having a replacement with the repeal. Thank you.

Ms. Vanuch: Mike Swick, David Stewart, if you're out in the foyer, come on in. Next up is Kristen Barnes, Antoinette Frank, and David Coleman.

Ms. Barnes: Hello again, everyone. Kristen Barnes. This is a subject which I hadn't really considered immensely until . . . Cardinal Meadows. It became very clear to somebody who's not involved in this business that this Cluster Ordinance is a cluster all of its own. It needs to be fixed. We need to repeal this cluster; we need to replace it; we need to do it now. If you do not repeal this cluster, I wish you luck because the flood of applications that you're going to get is going to be overwhelming. Find a way to get this repealed. Be creative. I know you can do it. Thank you.

Ms. Vanuch: After David Coleman will be John Loving.

Ms. Frank: Hello, I'm Antoinette Frank from the Hartwood area. As that man said before, growth is inevitable in Stafford County. But we had a Planning Commission designed to make it smart growth. The Board of Supervisors could repeal the Cluster Development Ordinance temporarily while considering how to best fulfill the County goals. Stafford officials said that the Cluster Development Ordinance does not appear to be meeting the intended goals for land preservation and subdivision practices as envisioned by the Comprehensive Plan. Cluster developer in rural areas does not keep rural areas rural. The best thing that the County can do is to raise the cluster standards and require that all clusters be in the urban service areas or the targeted growth areas of the county.

Ms. Vanuch: David Coleman, John Loving, Henry Thomassen. After that it Tommy Franklin and Danny Hatch. And it's okay to form a line in the aisle way. Are you going to speak?

Mr. Thomassen: I'm Henry Thomassen.

Ms. Vanuch: Okay. Go ahead, speak.

Mr. Thomassen: Thank you. I'm Henry Thomassen in the Aquia District. I'd just like to reiterate and support what our esteemed retired judge earlier said. Why do something that's against the law? What she didn't say was what will happen if you do. We've had several people up here who have spoken as contractors and owners of businesses who've said their business would be impacted. Well I guarantee you the minute that this is repealed and not replaced immediately, they will contact their lawyers and sue the County. And they will win. I know the Board of Supervisors has had two closed sessions with council. I have no idea what they said. But if I was council, I'd say don't do it until you actually have a replacement. It's perfectly fine to modify the rules and regulations if you have something for the contractors to go by. And I hope you work with them to make sure it's something that will not impact their businesses adversely. These projects cost millions of dollars. What the County would do, and what

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the Board of Supervisors would do if they repealed this, is subject the County to tens of millions of dollars in legal fees. That is not something that my tax-payer dollars should towards. Thank you very much.

Mr. Franklin: My name is Tommy Franklin, Hartwood District. I'm a resident, landowner, and business owner of eighty-plus employees in the construction industry. I asked the question of how can the Board repeal something with such short notice and not take into account the people that will be out of work either temporarily or possibly permanently. The cluster zoning law is not what's creating the extra housing. A strong economy is doing that, so why punish the companies and employees of these companies because of the lack of planning up to this point. Has there been any thought as to what this will do to the land values, because the companies that have purchased based on the current cluster law. I personally bought a 37-acre parcel and had intentions to utilize the 1-1/2-acre cluster law to create five lots, leaving myself with 15+ acres to build a home for my family. Under the 3-acres structure, I'll be forced to create more lots in order to get the value out of the land, to make sense out of my investment. This will in turn create more households or rooftops, so I personally don't feel the current cluster law creates more households in the county. Anyone that's opposed to current law because of the belief that it'll add additional homes, currently lives in the county, and probably moved here from another county. So what gives them the right to tell new people that want to move into the county that they're not wanted are allowed? If you do feel a change is imminent to the current law, I feel like more time should be given to the companies that have plans in process and allow for preparation of new laws. If we all operate our companies on sporadic decisions, the outcome would not be very good. So why should be allow the County to operate in that manner. Thank you for your service. I look forward to your decision.

Ms. Vanuch: Danny Hatch, Linda Mueller, Jerry Trickett.

Mr. Hatch: Madam Chair, members of the Commission, my name's Danny Hatch. I live in downtown Goldvein, Virginia. So I'm just across the line from you there. My company, Dominion Soil Science, we do a lot of work in Stafford County. I am a soil scientist. Worked many years for Virginia Tech mapping soils throughout the state of Virginia. What I'd like to add to this conversation is I have worked up front with many homeowners, many landowners like this gentleman that just spoke, as they do things with their property to get their value out of it. What I do and my company does is to go in there and make a detailed soil map of the property and identify these sensitive areas that have been spoken about here a lot tonight. I've done a lot of work with the conventional subdivisions that we've heard a lot about and with the clusters as well. It is my opinion that the cluster subdivision allows us to do good planing where we can isolate these sensitive areas—wetlands, [unintelligible] soils, erosive soils, shallow bedrock. We can isolate these areas, put them in the 50 percent open space, and not have them to where individual homeowners can go in there and abuse these areas. So in my opinion, to repeal this, go back to even conventional, is a huge step backwards for Stafford County. Many people have said about repealing it, not having something in place. I certainly do agree with that. I am working with many homeowners and landowners and developers right now that have projects in midstream, if you will, as we move forward to get these reviewed by the County and approved. The ones that we've worked with, the thing that impresses me the most as we work with the developers and the landowners of these properties is that you do have the open space that is set aside. I've heard all of the discussion out here as it's not up front. It is there. I think it's much better planning today than we had back in the day. I continue to ask, like the other folks have, have something in place. It certainly will affect my business if things did slow down even for a short period of time. So again, thank you for your time. If you have any questions, I'd be happy to answer those. But let's get something in—let's keep this in place until something is looked at. Thank you so much.

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Ms. Vanuch: Linda Muller, Jerry Trickett, Jim Fry.

Ms. Muller: Good evening. My name's Linda Muller, and I reside in the Aquia District. I want to thank Madam Chairman for holding a very well-regulated meeting despite the numbers we have. I've lived in Stafford County for twenty-eight years, and I have attended numerous public hearings, meetings, and a variety of other gatherings on proposed zoning ordinances, recreational business zones, urban development areas, which I believe are now called *targeted growth areas*. They come and they go, but remains is the consistent increase in traffic congestion, jammed neighborhood subdivision roads that are used as shortcuts, and an overwhelming impact on our school resources. But something I did notice within the last four years is that the development around where I live—which is near the Brooke Point High School—has been in hyper-growth. There are developments that literally line the entranceways to the Stafford Middle School, as well as the Brooke Point High School. A recent development filed about 2-1/2 weeks ago, I guess the developers know that something's going on, so they're filing their plans. One particular cluster development would add thirty-eight houses right behind Brooke Point High School and use the high school entrance as the entrance to the development. To me, that's mixing up a lot of different types of traffic, school traffic with development traffic. This is not planning. It's more akin to jamming. It's like you're trying to jam as much as you can in the little space you have available. To me that's not thoughtful planning. I do support the repeal of the existing ordinance. If there can be improvements made, so be it. But I do support the repeal of the current ordinance. Thank you.

Ms. Vanuch: Thank you.

Ms. McClendon: Madam Chairman, if I may interject, I believe the Planning Commission should take a vote to extend the meeting past 10 p.m.

Ms. Vanuch: Okay. Does anybody have a motion?

Mr. Apicella: Madam Chairman, I move that we continue with our public hearing past the ten o'clock hour and potentially take a break maybe at about a half hour.

Mr. English: Second.

Ms. Vanuch: Okay. Maybe after him we'll take a quick break? Is that okay? All right. Just so everybody knows, our meetings in our bylaws, at ten o'clock we have to take a vote to continue the meeting, and so that's what we're doing now is to take a vote to continue the meeting, and then take a quick recess, and then reconvene the public hearing. So that's what the motion is on the floor. Cast your votes, yes. Okay, motion passes 7 to 0. Go ahead, Mr. Fry.

Mr. Fry: Cluster subdivisions. Is it a good ordinance or a bad one? I guess that all depends on your point of view and how you look at things. Madam Chair, commissioners, staff, my name is Jim Fry. I in the Quail Run subdivision, Aquia District. I'm here for two reasons, as a property owner and as a real estate agent. I am a member of FAAR, the Fredericksburg Area Association of Realtors. There are a lot of plots in the county that could qualify under the current Cluster Ordinance. If there were a mad rush to buy up these properties, can you imagine what the county would start to look like? Can you imagine what kind of traffic issues we would have and the kind of demand on county services? What would it do to the value of our current real estate. It's basically Business 101, supply and demand. If we oversupplied a community and there's no increase demand, then it's going to decrease the value of properties. We have a Planning Commission and Board of Supervisors that we have elected. They've come up with a five-year Comprehensive Plan. It identifies the targeted growth areas, the urban service

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areas, and those areas of agricultural concern, and open spaces. There is already a limit in the A-1 area of one house per three acres. What I'm concerned about as a realtor and selling property, especially cluster property, is when you're clustering this stuff up and it has no services—no water, no sewer—and you have the cluster the homes together, and you need well and septic. You need a primary perk site and a secondary perk site. What happens if the well gets contaminated? You have this small lot, and you have issues trying to find another well. You have issues trying to get another septic field when these things get contaminated. So it does impact the value of this real estate, and we're already experiencing that in the County. The second thing is, I believe that the Board already has a lot of authority. They can go from 100 percent of allowing clusters down to 40 percent, and I don't think you need approval from anybody. Thank you very much.

Ms. Vanuch: Thanks. We talked amongst the Commission. We're going to do a break at ten thirty, so we're going to continue with the public hearing. Robert Gollahon, Bruce Reese, and Gene Brown.

Mr. Gollahon: Good evening, Chairwoman and Board members here. My name is Robert Gollahon. I've been here about thirty years. I am a property owner. My concern is that I am opposed to this ordinance for all the reasons that you're hearing here tonight. But my main concern is the leadership—or should we say the lack of leadership with the Board of Supervisors in the way they want to handle this. It's sort of like going to the doctor with a cut on your arm, and the doctor wants to cut the arm off. I think their plan is a little drastic for whatever it is they're trying to accomplish. When I read the paper, I used to hear an old saying that the real story was that you had to read between the lines. When I read the story in the *Freelance Star*, it appears to me that the supervisors were kind of baffled and surprised as to what was going on in the cluster zoning subdivisions. They appeared to be surprised that wetlands and storm ponds are all included in that save area, the 40 or 50 percent of what's to be saved was included in that. Well I say that's good. Make sure that they're going to be protected. That's all in the development plan. Then we had one supervisor that said that he was really surprised that the land that was set aside suddenly had a value to it. It was an asset I guess as opposed to a liability. So that seems to be a good thing. So I think that the Board of Supervisors should not take such drastic actions to cure some of what they perceive to be problems. I think they should isolate and decide what is wrong, if anything, and offer solutions to the public, and do not stop what is proven so far to be a good thing. We're getting land preserved, we're putting the houses on less property. And my time is up. Thank you.

Ms. Vanuch: Thank you.

Mr. Brown: Good evening. My name is Gene Brown. I'll be speaking on behalf of the Fredericksburg Area Builders' Association. So could I get five minutes, please?

Ms. Vanuch: We're doing three-minute comments tonight.

Mr. Brown: The Fredericksburg Area Builders' Association is made up of many people from all walks of life—developers, builders, and trades people from ditch diggers to engineers and everything in between. We represent many businesses, but at the core of our association are local builders, trades, and small businesses. As a homebuilder, I have the unique privilege of knowing both the people who buy new homes, as well as those who build them. Our kids go to the same schools. They play on the same ball fields, they swim in the same pools. We worship together, and we sit in the exact same traffic together. As families grow, people age, families are transferred and relocated, the needs for housing change also. Our industry has no control over the demand for housing. We exist only because people need homes. Cluster development is a smart way to do this. It benefits land values, preservation, decreased infrastructure, and affordable housing are clear. I believe the County recognizes the benefits

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that clustering offers. We do not oppose revising the Cluster Ordinance to help Stafford County achieve its goals. But nobody has told us what the revisions will entail. And this has created a great amount of uncertainty. What we are opposed to is repealing the Cluster Ordinance, something that is overall good, smart, with tremendous benefits to so many, without taking the time it deserves to come up with a new ordinance that includes all stakeholders. And if the County repeals and does not grandfather projects already submitted to continue through under the current ordinance, this uncertainty will turn to fear. And let me explain why. Many of those projects are the livelihoods of many people and families, and every day without an ordinance will eventually turn into a day without pay for these families. Today it's landowners. Nobody is buying land. Tomorrow it will be engineers, surveyors, and environmentalists. And this will continue until it affects everyone in industry and community. A repeal without a replacement will cause lost pay. Now allowing the plans that are currently submitted to see their way through the process will absolutely cause layoffs. I realize that you as a Planning Commission are tasked with doing what is best for Stafford. I also ask that you do what is right. I ask that you please recommend to the Board not to repeal the Cluster Ordinance and take the time it deserves and include all stakeholders in developing a new ordinance that meets everybody's goals. Thank you.

Ms. Vanuch: Thank you. Bruce Reese, Jo Knight, Jay Jarrell.

Mr. Reese: Madam Chair, member of the Commission, my name is Bruce Reese. I'm a partner in a small firm, Legacy Engineering. We do land development and civil engineering in Stafford County. Thank you for bringing that graphic up. Is that something that everybody can see? This was a mandated requirement from the state. And not just for every County in the state; it was only mandated for those counties that are high-growth counties. And there's a reason for that. The reason was that this is a planning tool to help manage growth. Cluster is a benefit. It counters suburban sprawl and land-consuming development. Who has advantages to this? The landowner, because they get their by-right density. We don't get extra lots; we get the by-right density that that particular piece of property deserves. Why is that a good thing? It's because the more land, the more lots that we can get on any particular piece of property is fewer lots that have to go somewhere else. That's the benefit of the cluster, that you're not having to use up other land in other places. Maximize the use of every piece of property that you have so that you don't have to use property and sprawl. How does the county benefit? Again, the maximum number of lots per piece of property is a benefit to everyone in the county. Open space is a benefit to everyone in the county. It protects sensitive environmental areas, and it requires less infrastructure. That's good because we don't have to have school buses going up longer roads. We don't have to have VDOT maintaining longer roads. It benefits the homebuyer because of the open space. It benefits the homebuyer because—this is a little esoteric—high-speed internet is based on how many houses per linear mile. So the closer the houses are, the better change a particular neighborhood is going to have of getting high-speed internet. And I'm sure everybody understands that's literally critical nowadays. And it helps the developer because of reduced infrastructure cost. And if I could direct everybody to the screen very quickly in my extra ten seconds, I'm showing two layouts. One's a conventional subdivision and the other one is a cluster subdivision. I can tell you right away that the conventional was 4800 feet of road; the cluster was 2,000 feet of road. The conventional had two wetlands crossings; the cluster had no crossing. Same number of lots. And I think you'll agree that the footprint on the land is much lighter with the cluster than it is with the conventional. Thank you very much for your time. I would ask that you do not repeal without a replacement Thank you.

Ms. Vanuch: Thank you.

Ms. Knight: Good evening. My name is Jo Knight. I took a drive through a lot of the communities, the newer ones in Stafford this past week after all this arose. And I'm telling you, the cluster developments

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in these agricultural areas and others are the crown jewels of our communities. They allow us to have single-family detached homes at an affordable price the way it's currently designed. And these homes are offered at prices that are generally no less than 450,000 and up to 700 and more. They pay their way plus boot [?]. They give us extra. When we say we're not downzoning, in all honesty, and I haven't done the advertising or anything else, it's the equivalent of downzoning when you take rights away and redefine what can be done in a use. It's downzoning in effect. It is technically not. I will tell you that this is something—as long as there's a demand for housing, that could go away with a hike in interest rates tomorrow. I have seen our economy up and down, up and down. We went for a dry period where houses were not even selling hardly. It was terrible as far as even existing homes because of interest rates. That's going to happen. Right now people can get into homes at a nice value that brings good revenue to our county. It pays their way, and then it even subsidizes some of the other. And they aren't future slums; they're going to be nice places that we'll remain proud of. And there will be a demand for housing because we're on this corridor to high-growth areas. You get off and away, and then you keep your open space. But we're getting it with 50 percent of the lot. If you build the regular development, three-quarters of a lot can be wetlands or RPA, as long as you've got the space to build your home without disturbing it. And that's not cluster. I think that we're making a bad mistake when we also hurt a lot of families who are depending on this for their livelihood and they're in midstream on certain properties. I would certainly encourage any changes to be with future development, if you must make them, and not in midstream. That hurts a lot of people. Thank you.

Ms. Vanuch: Jay Jarrell, Susan Stonehill, and Sherry Bailey.

Mr. Jarrell: Good evening. I'm Jay Jarrell. My address is in the city of Fredericksburg. I'm a landowner here in Stafford. I'm a real estate developer, both residential and commercial. With regard to the residential, it's pretty clear that there will be changes to the Cluster Ordinance. You and the Board are not happy with it. I would just caution you, every professional planner that you talk to across the United States, they'll tell you that cluster planning is smart planning. So you will tweak the ordinance, but I implore you don't cut off your nose to spite your face. The changes that you make must still make cluster zoning attractive to everyone. It has to be a win-win. Now with regard to my commercial development. I've made a pretty big investment here at Stafford Courthouse. I purchased some real estate right by Ms. Knight's office. I've talked to Mr. Harvey about coming in to do some pretty nice commercial office buildings. I've even got leases in the works. I'm talking to some pretty exciting businesses. And I'm afraid I've made a mistake. With a good conscience, I'm concerned about recommending people to bring their business to a county that doesn't obey the rule of law. You've had a circuit court judge come tell you that you cannot repeal this ordinance. You have had a judge tell you in court in 2012 that you cannot repeal the ordinance. There is no emergency in this situation that would cause any of you to breach your oath of office. I've taken a similar oath for another office. I've made a lot of decisions that I didn't like because the rule of law said A. I thought B would be better for the person in front of me. I thought B would be better for the community at large. But the law said A. The law says you must have a cluster ordinance. It doesn't say if you like it. It doesn't say if it's working perfectly. I implore you, let me have a good conscience with these businesses and tell them that Stafford County is a safe place to do business. Thank you very much.

Ms. Stonehill: Hi, my name is Sue Stonehill. I am a new homebuilder in Stafford and Fredericksburg. My home [?] is called Hermitage Homes. I've lived in the area for thirty years, and I've watched Stafford grow into a beautiful county with bountiful natures, small communities nestled in place, creating a great place to live and call home for so many families who discovered Stafford County. I've sold homes to close to a thousand families who want to live in Stafford and call it home. As time progressed, the trend to purchase new homes with acreage in Stafford County became prevalent. And

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the County requirements were for land to be developed with three-acre lots. This was a success as more families were able to move to Stafford and own homes on acreage. As land became less available and to preserve the beauty and to protect natural resources of Stafford, the County decided to consider doing cluster homes with requirements for large areas of open space and lot sized of 1-1/2 acres. This approach to zoning had a lot of benefits. Environmentally, only approximately one-half to two-thirds of the land was developed and built on, leaving an area of open space that had less erosion and development than if the entire piece was developed as three-acre lots. It yielded the same amount of homes as if there three-acre lots. Aesthetically, the neighborhoods were beautiful. There's plenty of space between homes and yards big enough to have privacy and recreation and open space to remain forever untouched. Finally, financially there is less development cost to put more road in than with cluster. And it allowed builders buy land at a reasonable price and build in the buildable areas and leave the wetlands and unbuildable areas untouched. The County benefits from the income and revenue of sales of homes. I know the County remembers the market dive from 2007 and 2008, which led to recession in the county, and in the country. Stafford County was affected dramatically. It has been ten years, and the housing industry it still healing after loss of value and real estate foreclosures. This proposal to repeal cluster subdivision and cluster development regulations will affect the ability of builders and developers to buy affordable lots, which will in turn affect the County's financial ability to not only survive but to thrive once again. The newest cluster community of Churchill Meadows is spacious and beautiful. It is a prime example of success resulting from the Stafford County Cluster Ordinance that is in effect. There are open spaces a mile long of nature trail reserve for future generations to enjoy. The homebuyers can afford to purchase homes in this community and live the American dream. Cluster development has allowed developers and builders to afford to purchase lots and build homes in quality neighborhoods in Stafford County today. It is not in anybody's best interest to remove clustering provisions from the Subdivision Ordinance temporarily or change in any way the current cluster regulations. This will have an impact and once again affect the ability of builders to buy affordable land and build affordable—

Ms. Vanuch: Thank you, Ms. Stonehill.

Mr. Stonehill: —quality homes for homebuyers to buy.

Ms. Vanuch: Sherry Bailey, Ryan Foroughi, and Angela Foroughi. After that will be Dan Hicks, and Selden Small, and Carol Master.

Ms. Foroughi: Madam Chair, members of the Commission, thank you for seeing us this evening. My name is Angela Foroughi. I reside here in Stafford County. I'm a licensed engineer, and I practice civil engineering in this area. As you all are aware, back in 2012, Stafford passed an ordinance enacting cluster subdivisions in the Agricultural District. Since then, it's been modified, it's been tweaked, it's been changed over time. But one thing that's remained consistent is the intent of the Cluster Subdivision Ordinance. I would like to read in part Stafford County's Subdivision Ordinance Legislative Intent. And I'm reading Section 22-266: The purpose of the Cluster Development Provision is to encourage housing developments that concentrate the location of dwellings in specific areas on a site to allow the remaining land designed as open-space land to be preserved for park or recreational purposes, conservation of land or other natural resources, historic or scenic purposes, assisting in the shaping of the character, direction, and timing of community development, wetlands, or agricultural and forestal production. That was a whole lot of verbiage I know I just spewed. But my main takeaway from that is that the purpose of the cluster development is to concentrate the lots to allow the remaining land, the open-space land, to be preserved for parks and recreational purposes, conservation of land, and historic or scenic purposes. Based on that definition, a practicing engineers such as myself have been submitting and processing plans to meet this intent. Can we pull up that exhibit that I have? Here you will see one of the first

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cluster subdivisions proposed in the Agricultural District of Stafford County, and it was Hartwood Landing. What I'd like to call your attention to quickly is the shaded green area, the hatched green area, which is a Hartwood Landing open space. You'll see there are red arrows through part of that. That was designed for the unobstructed wildlife corridor, which was important to the Planning Commission at the time. And it's important to me personally. You'll also see other areas of green, open space of Oakley Farms, as well as Royal Hills. This full meets the intent of the Cluster Ordinance of contiguous land. In fact, I would like to quickly read over comments made from two of the commissioners at the time at the December 11, 2013, meeting. In part, I applaud the applicant and their agent on this proposal. I think it is exactly what we're asking for when we talk about cluster subdivisions and trying to get contiguous open space. And in addition, they didn't have to, but they didn't increase the density, and I think that's another win for the County. So this is a really great proposal, and I hope that it's a sign of proposals that we might get in the future. And hopefully developers who thinking about cluster subdivisions will look at this one as a model. Another commissioner at the time tagged onto that and said in part: "Just to echo that, the spirit of the law, not just the letter, is excellent. The planning. I just think this is excellent. This is exactly what the County is looking for, as well as having the neighbors who would come in who would be adjacent to it being support. So hurray." So in summary, I would just like to say if there's a problem, please let the development community partner with the County to achieve mutually beneficial goals. Thank you.

Ms. Vanuch: Thank you. Ryan Foroughi, Dan Hicks, and Selden Small.

Mr. Foroughi: Hi, my name's Ryan Foroughi, a Stafford County resident. I live in Aquia Harbour. I wanted to expand on some of the remarks from the previous speakers. The building and development community are absolutely baffled and surprised by this proposal for repeal, especially without a replacement. Furthermore, the development community has not heard any negative feedback from the public of the Planning Commission. What we have been told, as the previous speak just said, is that simply these are great proposals, and hopefully future developers will consider cluster subdivisions. Now that isn't to say there isn't a lot of misinformation being verbalized to the public from un-credible sources. The main misconception we hear is that clusters produce more lots. Or better yet, that builders and developers are exploiting a loophole to create more lots as a result of cluster subdivisions. Let me be the first to tell you this is patently false, just absolute incorrect. As a matter of fact, not one cluster subdivision, not one, as produced the maximum number of lots permitted by right. Not one. Now you may ask how I can make such an assertive statement. Well let me give you my résumé. Since 2012, I've produced fourteen cluster subdivision projects in Stafford County. Not one has achieved the maximum number of lots. Not one. Hartwood Landing, 40 by-right lots, 36 platted. Saratoga Woods, 66 lots by right, 58 lots platted. Overlook at Hickory Hill, 22 lots, 20 lots platted. Saddle Ridge, 21 lots, 18 lots platted. Reserve at Hartwood, 20 lots, 17 lots platted. Crane's Corner, 29 lots permitted, 21 platted. Spartan Oaks, 17 lots permitted, 15 lots platted. The list goes on and on and on. I implore the public to go look at any of the plans that I have approved. And not only that, this requirement, what I just stated, is required on all plans by Planning staff. We have to demonstrate that we are not generating more lots that what is permitted by right. So, let me dispel one other misconception is that the clusters are benefiting from unusable area. Again, the fact that the cluster subdivisions are benefiting from unusable area is just inaccurate. Slide 1 represents Kellogg Mill. There's been discussion about this. Kellogg Mill was recently approved within the last thirty days. As anyone can see, there is large contiguous loss of open space. Tremendous amounts of open space. That open space backs up to Saratoga Woods. From there there's thirty-six lots. The next slide illustrates that, again, as a conventional subdivision, three-acre subdivision, that we can generate the same number of thirty-six lots with an extra 500 feet of road. Let me explain to you what cluster subdivisions allow. It allows flexibility, flexibility in development, flexibility in the community, flexibility to the builder. It does not create more lots. Thank you.

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Ms. Vanuch: Thank you. Dan Hicks, Selden Small, and Carol Masters.

Mr. Hicks: I'm Dan Hicks. Homeowner. I think I'm voting to repeal. I'm a little confused. When I got here tonight, I thought one way. And then I've listened to everybody else that's been talking. But it seems like this is a debate between builders, developers, realtors and then homeowners. The way I see this, right? All I do know is that we've lived here now since 1986. And for the first twenty years, living in Stafford was great. Brought my kids up. Schools were great. It was a nice place to live. But recently, I can't say that. Congestion is bad. Houses are going up next to each other. Just totally dominating the area. And of course that causes congestion on the highway. It causes problems. But where I'm confused is in 1987 when we first started this regulation, it went for twenty-five years pretty much unchanged. There were some modifications along the way to stay in line and step with the Commonwealth. That I understand. But then something happened. In 2012, it was repealed. In then about two or three months later, they adopted a new regulation. And then again in 2015, it was modified yet again to stay on concert with the state. Okay, no problem. So now here we are, 2015 was modified. And then here we are in 2018, and you want to repeal it again. What I'm trying to figure out is what's happened. What are we getting wrong here? Why makes the repeal and the follow-on regulation is going to be right? What are we doing wrong? What have we done wrong, and what do we want to change? At this point, I'm for repealing the current regulations. And if it means stopping all construction, legality, whatever, I think we need to take a breath, figure it out, get it right this time, and then talk to the homeowners and the residents. Again, I understand where the developers and the builders are coming from. But, you know, I live here, and my kids live here, my grandkids live here. And I'd like to try to retain what it was in the 1980s, and we've lost that. Again, I'll defer to the commissioners. You guys know a lot more about this than I do. But please let's do what's best for Stafford County and the residents that are currently here. Thank you.

Mr. Small: All right. Selden Small, Fredericksburg. I'm a thirty-year Navy veteran, and I've heard "pull up the ladder; I'm aboard" type thing, which I hope you don't listen to. I would like to say two things that have already been said, really. One of them is that the current ordinance may or may not be what it's supposed to be. But I don't see any reason that it should be cancelled and then another one inserted later on. Why don't we modify the current one and then replace—or modify the current one, replace it with the modification—the current one with the modification. You've already been told by a Stafford judge that you're in jeopardy for the law of not having something in place. That's the essence of my remarks. Thank you.

Ms. Vanuch: Carol Masters. She'll be the last speaker before we take a ten-minute recess. No Carol? Okay. So we're going to adjourn for ten minutes. We'll reconvene at 10:40.

[Ten-minute break]

Ms. Vanuch: Okay, we're going to reconvene and move on with the public hearing. We have about thirty cards left. But I see lots of people have left, so hopefully we get through this pretty quickly. I'm going to call five up at a time since we've been missing several people. Will Carmene, Marina Solomon, Dirk or Isaac Avery, and John Angelo.

Ms. Vanuch: All right. Raymond Loving, Doug Sims, and Bill Decourcey.

Mr. Decourcey: I'm Bill Decourcey, Rock Hill District. I'll just reiterate what the judge said to have a replacement before the repeal.

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Ms. Vanuch: Raymond Loving, Doug Sims. Lee Murray, Margaret Carver.

Mr. Murray: Good evening. Lee Murray, George Washington District. I'm not a developer. I'm not a homebuilder. I don't have a predisposition. I don't have a dog in the fight. But I do have a true concern with . . . I think it's willful blindness, just willfully breaking the law of the Commonwealth. I can't speak to whether it makes sense to repeal or not. But if you're going to repeal, make it open, make it a conversation, people do it together. And I think at the end of the day, if you can figure that out, do it collectively, and the modify. Don't say we're going to repeal it, figure it out six, nine, twelve months from now. Do it so it's continuous. I think that's fair. Thank you for your time.

Ms. Vanuch: Raymond Loving, Doug Sims, Margaret Carver, Jeremiah Horstick. Okay, Raymond's gone. Donald King. D. R. Hall. John Howell. Shawn Halsey. Stacie Lampman.

Mr. Howell: My name's John Howell, and I live in Fredericksburg, Virginia. Madam Chair, committee members, I'm here this evening to encourage you to probably modify the Cluster Ordinance as it is now written. I think we need to take some time to review the effectiveness of the ordinance as it now stands. I would like the working group to address some of the following items: We need to ensure that some land remains available for farm and forest or timber production. I would encourage you not to allow counting as open space drainage area and retention ponds and other such areas that are necessary to develop land. And then in addition, I think we need to ensure that environmental concerns or issues related to septic systems and wastewater disposal. And then ensuring sustainable water supplies are addressed in this process. In conclusion, I think it's a sound action to modify or consider modifying the Cluster Amendment [sic] as it now exists. Thank you for your time.

Ms. Vanuch: Thank you.

Mr. Halsey: Hello, my name's Shawn Halsey. I live in the Hartwood District. I've lived in Stafford County for twenty-eight years. My wife and I raised our two grown children here. We shop in Stafford County. We worship in Stafford County. We both work in Stafford County. We love where we live. What we don't love is our Board of Supervisors considering making rash decisions that are potentially going to cost the taxpayers of Stafford County a lot of time, money, and aggravation. Each of you knows that the County's required by state law to allow cluster developments. You also know that these developments help preserve open space and minimize the road infrastructure that we, the county residents of Stafford County, ultimately pay to maintain and send our schools buses down. These cluster developments help maintain open and green spaces. It's not a matter of how this green space is derived. Homebuyers decide what kind of communities they want to live in. Developers don't design not to attract people. The marketplace decides what is attractive and what is not. You talk about green space and not wanting wetland and other areas to be counted toward the 50 percent rule. That is ridiculous. One of the best filters the Chesapeake Bay and our Earth have are wetlands. Look at any study. Why shouldn't the owner of the property be able to count this acreage towards their yield? It is the best filter there is. I have several green building designations. I do know what I'm talking about in this area. My firm does not develop land. I generally build on a client's land or one spec at a time. But I do know that when you start making it more and more difficult for landowners and developers to develop properly the use of the land they own, then you start raising the price of the land for everyone else in the county. When this happens, it makes people look into further areas of the county for affordability. This encourages sprawl. It also starts driving out any chance or providing any affordable housing in our county. Our teachers, firefighter, and law enforcement find it hard enough to find affordable places to live in Stafford County. Forcing land prices up by eliminating the Cluster Ordinance or repealing it, even for a short period of time, will only make it worse. Yes, I know you only want to revise it. I know

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the local building and realty community have offered their support in working with the Board of Supervisors in revising the ordinance. They have not accepted the building community's input. Please allow the Board of Supervisors and the building community the opportunity to work together to save us residents the expense and headache of paying our way out of a lawsuit that is inevitable if this ordinance is revoked. Do not repeal the ordinance. Thank you.

Ms. Lampman: My name is Stacie Lampman. I'm a Falmouth District. I've been a resident for fifteen years. I have three children in the Stafford County school system. I am a small business owner with a local architecture and design firm that has employees from the area that have gone to school at Virginia schools and decided to come back, luckily. And live, work in the area. I absolutely support smart design and development. I spend every single day designing residential and commercial spaces that currently adhere to well-thought-out codes. I appreciate why codes are in place and why they exist. I'm concerned about the short period of time that this emerged and the lack of input from residents and businesses. And the short period of time to amend—which at hopes would be three months, but there's no designed time for that period—is concerning to me because we get plans through the department in four to six weeks, which does seem like a long period of time when you have clients that are waiting and have invested in properties. My recommendation is to take the time and research and provide a replacement before you completely repeal and sort of put a pause button on everything that has been submitted. We spend a lot of time and effort trying to adhere to the codes necessary. And then to sort of just stop everything for a three—or we're-not-sure undetermined period of time is detrimental. It's detrimental to a small business like myself who depends on small development and the builders in the community and all of the subs that we work with. So I recommend moving forward after you have replaced and find the proper replacement Thank you.

Ms. Vanuch: Thank you. I'm going to go over the names of the folks who didn't come down. Doug Sims, Margaret Carver, Jeremiah Horstick, Donald King, D. R. Hall. Now we can move on to Everett Obenheim, John Schindel, and Christopher Burns.

Mr. Horstick: Good evening. My name is Jeremiah Horstick. I'm a local builder. I live in Spotsylvania, Virginia. Currently working in Stafford County building homes. When I heard about repealing the Cluster Ordinance completely, my first question was why. What are we addressing? I understand the Cluster Ordinance is a . . . well-thought-out development strategy that makes sense for the county, it makes sense for the state. It makes sense to do developments this way for economical and environmental reasons. With that being said, we're better off with this ordinance in place. On top of that, obviously the legality of repealing it is illegal. I know a lot of the people in this room tonight. Highly intelligent people willing to contribute to improve the law of Stafford County, to contribute to the welfare of the residents of Stafford County, as I'm sure every one of you wish to do. It makes sense to work together on this to do what makes sense. That's all I have. Thank you.

Ms. Vanuch: Thank you.

Mr. Obenheim: Good evening. My name is Everett Obenheim. I'm in the Rock Hill District. I live in the Hidden Lake subdivision. My concern over whichever ordinance you decide to look at is you focus in on the existing wells that people have. We in the neighborhood, as an older neighborhood, we have people who have been affected by the new neighborhoods, and the development, and the water that is being pulled. My neighbor here behind me has demonstratives to show you, what is coming out of his—what his well looks like after a new development that moved in directly behind us. I'm not exactly sure how I stand on this proposed ordinance right now to repeal and replace. But I definitely think that it needs to be thought through and that existing homes in the neighborhoods needs to—you need to take into

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account our water. I have children. And I tell you what, when you see what John has here, I don't want my children's well—my water, what he has happening at his house. I'll just let him show you. Thank you.

Ms. Vanuch: Stacie, you want to restart the light?

Mr. Schindel: My name is John Schindel. I live in Hidden Lake. We're a service district back there, by the way. I'm sure a lot of you know it. I've been back there nineteen years. And they built a subdivision right behind my house. We live on the same street. There are like eight or nine other neighbors back there. Their water has been affected the same way. This is a before picture of a water filter. This is my water filter after changing it two weeks ago. That is just one year of water filter. Sometimes I have to change it twice a month. Sometimes within a couple of days. From the new subdivision. I can't have any white clothes. I have to buy bottled water. I have a handful of receipts on my grocery store. I have to buy bottled water every time I go to the grocery store. I work construction too. But like my neighbor says, we have to start thinking about our groundwater. I've already had to change out my expansion tank. The one I have now is virtually new. It's full of mud. I've had one neighbor on the end of Hidden Lake Drive who has already had to change his well out two times this year. Just from that one subdivision. So if the powers that would be would think about water and not just building and open spaces and things like that, it's really . . . what is my well going to look like five years from now if it's that bad already? Wendy knows about this too. We missed her at our last annual meeting. We were hoping she was going to show up. She actually had someone from the County come out and test my water, and the guy was just . . . you drink this? And I'm like, no. I wouldn't even let my dog drink it. But yes, I just changed this filter two weeks ago, and that's what it looked like before. And that's a whole bagful. And if you want me to, I'll spread them across the floor as per date.

Ms. Vanuch: I think we're good. We get the point.

Mr. Schindel: Okay. All right. Thank you very much.

Ms. Vanuch: Christopher Burns, Richard Gray, Clark Lemming, and Greg Gray.

Mr. Burns: Hi, good evening. My name is Christopher Burns. I'm a resident of the Hartwood District. I actually have the pleasure and enjoyment of living in one of these cluster communities. One of the examples that was given was Hartwood Landing, and that's where I live. We have approximately fifty-four acres of conservation space that entails a pond that our families fish in. We have trails, beaver ponds, beautiful hardwoods that'll be disturbed, never been developed, and they'll always stay in the ownership of our community. With the Cluster Ordinance being to protect spaces like this, I can guarantee our community was designed and it's being lived in with the intention of the Cluster Ordinance. There were a lot of great points that were made today, a lot of support that I feel that was in this group to keep our ordinance, whether it's in its current form or in a new form. What I fear is the unknown. We've seen words as the use of this ordinance, and it hasn't met our perception. That's vague. We're going to repeal. We've replaced it in the past. That's vague too. It's not very transparent. Communities that have growth with businesses, these businesses make decisions based on risk, things that happen, and that are long-term plans well in advance more than a month or two. I think it's appropriate and responsible for our Board of Supervisors to have a plan in place on how we're going to revise our Cluster Ordinance before repealing it. Thank you.

Ms. Vanuch: Thank you.

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Mr. Gray: Good evening. My name is Richard Gray. I reside in Oakton, Virginia. I'm the trustee and co-owner of 168.45 acres located on Kellogg Mill Road at Abel Lake. We've owned this land for over thirty years, and it's zoned A-1. The issues, with all due respect to a comment made at the beginning of this hearing, is not the eight thousand lots that may exist already. It's fine if you're one of the eight thousand lot owners. The issue is what a property owner can do with a finite asset to maximize the value to the owner. As the trustee, I have a fiduciary duty to the beneficiaries of the trust to maximize the value of the land we own. We have explored several options to develop our land. Cluster development may be the only viable option for our land. As property owners, we need certainty in what can be done, not changing the rules without knowing what's coming next. The existing three-acre lots would, in my opinion, in the majority or our land result in being wasted from a valuation standpoint. From an aesthetic standpoint, a cluster plan with 60 percent set aside means the majority of the land can be left undisturbed. This land was timbered forty years ago and is all second growth. The final point I would like to make is I listened closely to the staff claims at the beginning of this hearing that the development may violate the Comprehensive Master Plan. As a trial attorney in this Commonwealth, I can tell you that claim would never survive a motion to dismiss in any of our circuit courts. For those reasons, I think the plan is ill advised, and the proposal should be dismissed. Thank you.

Mr. Leming: Madam Chair and members of the Commission, I'm Clark Leming. I'll be brief tonight because I have to. The only real issue at this point at least is the interim repeal. There's no question that the Board of Supervisors can amend its ordinances, the Cluster Ordinance, as long as it's consistent with state law. But can it repeal its ordinance without having any ordinance in effect? In my view the answer to that is no, absolutely not. I don't envy your position. You've been asked by the Board of Supervisors—actually directed by the Board of Supervisors—to give them a recommendation tonight on this complex issue. What do you know about it? What statistics do you have from your staff? How many cluster lots are out there? How much open space has been saved? How many conventional lots are out there? A little bit of history. I know some of you are brand new. In 2006, the General Assembly adopted the statute that says you gotta have a cluster ordinance. It took Stafford six years to come up with a cluster ordinance. In 2012, initially it included what we call a *density bonus*. You actually got more density if you would cluster in that agricultural areas. A year of that and the Board said, oops, shouldn't have done that. Repeal that. So now you're working with the by-right density. And that's what this is all about. As some of you have learned—and Ms. McClendon can certainly advise you about—Virginia is a Dillon state. That means localities do what is delegated to them—can do what it is delegated to them by the General Assembly. And that's it. There is no provision in state law for an interim repeal of an ordinance where it's mandatory. Those jurisdictions that have tried to do that have not been successful. Those are the cases that have been in court. And Ms. McClendon can acquaint you with those particular cases. Now, I've tried to imagine what in the world the Board could have been advised. That you can get away with this if you move fairly quickly? Because before any court can make a decision, we'll have a new ordinance in place and everything will be moot? That doesn't change the illegality of what's being done, and don't count on how quickly somebody can get to court. Number one. Are you being told that well maybe if you're moving in the right direction it's okay? No, I don't think so. In my view, the law is black and white on this. You have to have an ordinance, it's mandatory, and what the Board is proposing is to repeal it and leave no ordinance in place. It's illegal. Thank you. And good luck with your decision tonight.

Ms. Vanuch: Thank you, Mr. Leming. Greg Gray, Jeff Liller [sp], S. Gayle Powell, Debbie Bruens, and Paul Waldowski. If you get there first, you can talk.

Mr. Waldowski: I believe you lost my slip. I was here way before these people. But now you're going to get a mouthful. Paul Waldowski. Clark, you said it perfectly. It's illegal what you're doing. It's rule

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of law. You are supposed to follow commonwealth law, because we're a high-growth community. Nineteen sixty to 1980 is the first time the population doubled since 1900 to 1960. Then it doubled again from '70 to '90, '80 to 2000, 1990 when I arrived here and I took an oath of office. Oh, that was before that. But beware, you have taken an oath of office, and there is rule of law. In 1990, let's see, 61,000 people; 2010, 128,961. And in 2020, the population will not double. You have heard all the good things about the Cluster Ordinance. It's great. This whole public hearing is based off one thing: your repealing all regulations, which is illegal. You are illegally doing it. The Board of Supervisors does not have the authority to tell you to repeal these ordinances. They don't have the authority. It's in black and white. You already heard a couple lawyers. I got a good one too. We already went through this illegality that came through in the lame duck session when the bylaws were broken by the Board of Supervisors. But we just let it slide away when you're trying to do your CUPs and your other aspects. There are a lot of people out here who really know the laws. You all are appointed. You get your nice 10K stipend. And like I said earlier, if you were a true giver of service, there are a lot of hungry kids that go to Mountain View High School and Margaret Brent across the street from me that could use your donation. Now, let me give you a few more acronyms of stuff that's going on. I'll tell you another thing that's wrong so the citizens know. The Comp Plan is inaccurate. You're fighting things because you're letting people get TIAs, and you're letting a lawyer sit here and tell you, "Oh, I don't have to get one of those." Well, then contact Bob Thomas. He's on the wall. You have Dudenhefer who's been in the delegates. And let's get the laws changed. It's pretty simple. I've said before we have people that are representatives in this county, and they don't even have 50 percent of the vote. We have a school board members with less than 40 percent of the vote. That means 60 percent of them didn't vote for you. And guess what? We gotta elect some people in 2019. So I hope you're all listening. Change the Board.

Ms. Vanuch: Robert Gollahoan, John Waters. Michael Stonehill, I pulled yours out of the previous because you marked both of the boxes. And Samer Shalaby.

Ms. Bruce: Hi, I'm Debbie Bruce. I live in Hartwood. I moved to Stafford County in 2016. We used to live in a high-rise in Alexandria. We craved a better quality of life, green space, and affordable housing. We found that here in Stafford County. At that time, I was still working and commuting to Northern Virginia. Last year I was blessed to start working for a local builder. My commute time is a fraction of what it was. The time with my family has increased. By making this decision quickly without compromise to benefit the County and those who work and live here, you jeopardize the employment of myself, my coworkers, and the trades who work with us. My family's quality of life is at stake if I need to find work outside of Stafford County. I don't want to do that; I love it here. Please be smart in your decision.

Mr. Stonehill: Hello, I'm Mike Stonehill. I live in Augustine North community. I have a little handout I'd like to hand out to all the members. It's our marketing plan for Avalon, one of our current communities. It pretty much outlines and shows what a nice cluster development could look like. I purchased this land in June from another developer, engineer, and he got it through the County last year, February of last year through Jeff. It consists of approximately 55 acres of land and 25, approximately, in open space. By right is approximately 17.33 lots, 3 acres each if you do the math correctly, minus the roadway. So he probably could have gotten 16 lots. It was approved for 16 lots. So anybody who says that you can get more lots on this cluster is not telling the truth, as Ryan Foroughi said earlier. He's done the most cluster plans in the history of this county, and he's saying every single one of his plans, the density is the maximum density or less. Actually less than he could have if he went out—as one of the largest developers in the history of this county. It just bothers me that the Board can just change their mind so quickly without any input from residents, builders, developers, engineers. It's just not fair to pull out the rug from all of us just because there's something wrong, that you all crave it. You all did

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the zoning back in 2012, the cluster. You all made the rules. We're just following the rules. And then all of a sudden they're bad. Well what's bad about them? I'd like to know. No one's told me about anything bad. Ryan Foroughi, no one told him. He's been in the county with Jeff a hundred million times. Jeff hasn't said a word that something's wrong with the Cluster Ordinance. And then all of a sudden there's something wrong with it. This is what's wrong with it: You all are just trying to stop growth. It's that simple. Right? Just admit it. That's fine. Just tell us. We'll work with you to try to get some proffer money to you or something. But just to pull out the rug from all of us? I look at my employees like family. I don't want to have to lay them off. I look at my sons here. I don't want to have to tell them to go to a different county. But we will if we have to. Thank you very much for your time. I appreciate it.

Mr. Shalaby: Good evening, Madam Chair, members of the Planning Commission. My name's Samer Shalaby. I live in the Hartwood District. I've been in the county for about twenty-nine years, and I've developed property, predominantly commercial. And I've done also some residential subdivisions. I just want to give a slight example, because I happened to developed two subdivisions side by side. One was by right three-acre lots, and the other one is a cluster. The one that's three-acre lots used about 60 acres, about 5400 feet of road, and basically wetlands, etcetera, is on the properties of the owners, the lots themselves. The other subdivision next to that was built on about 50 acres also, of which 25 of it is basically preserved forever. We did not cross a single wetland crossing. And there are a lot of wetlands on the site, but we left them all basically together, contained in a preservation area. The road was about 2,000 feet. And they both are 18 lots. So exact same number of lots, complete different scenario. There are possibly some subdivisions that have a few things that could be tweaked, and there's nothing wrong with that. In the twenty-nine years I've been here, a lot of ordinances have changed, a lot of things modified. And modifying this, there's nothing with that. But repealing it seems to be a little drastic. If we can go back and look and see what are the issues, what are the concerns and try to get them modified, I think that will work a lot better for everybody. Besides, of course, being the legality issue. Just a couple other quick items. Cost. The subdivisions again. I'm saying these are perfect examples because they're there and they can go look at them. They both were built about two years apart from each other. The one that was cluster, cost of lots is 20 percent cheaper than the other one. And mainly because there were lots roads, no wetland crossings, etcetera. So that again affords better pricing for builders, which affords lower prices and lower house costs. Again, I hope you guys will reconsider. I hope the county will look at this a little different. And let's, again, come up with some [unintelligible] that we can all sit down and come up with a plan that makes sense instead of just drastic repealing. Thank you very much.

Ms. Vanuch: Robert Gollahon and John Waters. That's the last of the sheets. So if you planned to make comments and we haven't called your name, please just line up in the aisle way now.

Mr. Gollahon: Good evening, Madam Chairman. My name is Robert Gollahon, George Washington District. I know that to be true because it's in my notes. When you get old, you have to write down your notes where you live and what your name is. Years ago I was on the board of directors for the Builders' Association. I was also on the board of directors for Stafford Council for Progress, and I actually also served on the Stafford Council Comprehensive Plan Committee with Jeff Arby [sp]. And my hair was darker than his back then. One of the problems here is we don't know what the problem really is. We passed a Cluster Ordinance to build less roads, save the environmentally sensitive areas. And amazingly what happened was we built less roads, made more open space, and saved more environmentally sensitive areas. This is the problem with this knee-jerk stuff from the Board. We have a great Planning staff here, but they haven't had any chance to prepare for this. They have no idea how many lots have been created under the cluster, how much open space we have saved, and how much critical area we have saved. So if the staff doesn't know these problems, I'm confident the Board doesn't know these

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problems. So we don't know what we don't know. So what we need to do is let's get the facts and fix the problems, if there is a problem. Say no to the repeal.

Ms. Vanuch: If you want to speak, come on down.

Mr. Michael: Madam Chairman and members of the Planning Commission, my name is Gary Michael. I think the cluster development is a good thing because you build less roads and have a lot of open space. And it's a homerun, basically. A cluster development is a homerun. About the only thing I could recommend you to do is listen to that judge. If you want to tweak on it, tweak on it. And the people that have jobs in the county now at the Planning Department, they should be grandfathered or vested. Thank you for your time.

Ms. Vanuch: Thank you.

Ms. McWhirt: Good evening. My name is Bettina McWhirt. I live on Poplar Road in Hartwood, and I'm also speaking on behalf of my father, George McWhirt. We are lifelong residents of the county. You can't stop growth. We're in a great geographical location on the East Coast. We have good jobs, good schools, and just a good quality of life in the county. I also feel you have a good Cluster Ordinance and a good Comprehensive Plan on the books. Sometimes you have a few occasions in which you might need a little bit more oversight or enforcement of some of the developments coming on. But other than that, I think you have a good, sound ordinance. In the staff presentation tonight, I didn't hear specifics on why the ordinance needs to be repealed. The chart did say that there are perceptions of problems. Currently on our farm, the wetlands, the easements, or other types of undevelopable land on the farm are assessed, and we pay taxes on it. And trust me, we pay taxes on it. If you're going to have changes to the Cluster Ordinance, I feel it will lower our property values. If there are dramatic changes as to what is or isn't counted now in any new proposed cluster development or ordinance, I feel you also need to make changes the Commissioner of Revenue on how they do assessment. Because then that land needs to come out of the assessment for landowners. Another option you should also consider pushing within the county or hopefully some of the people that want the no growth in the county, you gotta get extra funding for the PDR program so people can purchase the land, so it can just be pushed aside if they don't want growth. I still say that if people don't want growth, let them buy the land themselves. Just take it off the books. And also, I think you have a lot of people of a certain generation that didn't come out because of driving and dark. They're the generation also where their land is their 401K plan. So be very careful and do due diligence on any changes you have to the cluster development. I still say you have a good development program. Sometimes it just needs to be a little bit more oversight or enforcement of it. Thank you.

Ms. Vanuch: Thank you. Would anyone else like to come down and speak?

Ms. Maxin: My name is Kristen Maxin [sp]. I moved in Stafford in 2002, and it was the largest growing county in Virginia when I moved here. And it still now rated the largest. Some say it's been ten years; I say it's been fifteen years in the running. I've been here in front of the Board to hear that one day will cost them \$4,000 if they stop a project or delay a project. I know that's very difficult for the Board. I know that sometimes it ties their hands on good decision making. I would just like to ask if we slow down the growth, slow it down so that people can have their well waters clean, that they can drive safely on the roads, and that it is safe on the legal side. Thank you very much.

Ms. Vanuch: Thank you. Would anyone else like to come down? Anyone else? Seeing no one else coming, I'm going to close the public hearing and bring it back to the Commission. Ms. Blackburn,

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would you stand up, and we'll maybe have some questions to ask you based on what we heard from the public hearing. Does anybody on the Commission have questions? No questions? Okay. I have one question. I'm sorry. I do have one question. Do we get proffers on a cluster development?

Ms. Blackburn: Only if it is rezoned.

Ms. Vanuch: Okay. Thank you. All right. Before we take a vote, I just want to let the audience know that this is not the end of our meeting. So once we vote and we strike the gavel, this is not the end. So if you guys want to stay and quietly observe the rest of the meeting, you are more than welcome to do so, as I'm sure most of you will stay. We're not going to take a recess because we just have a couple of items, and we're going to try to power through it. So if you would be mindful of that and leave quietly and discuss out here. If you want to do discussion or talk to your neighbors, if you could move out to the lobby as quickly as possible so we can keep going with the meeting. I really appreciate everyone's participation tonight. I've been on the Commission for three years now, and this is definitely the largest turnout we've ever seen. It's always great to get to meet my neighbors and get to hear from the community. And I really, really appreciate that. This is not an ordinance repeal in any particular district, so it's really up to the Commission as a whole to take any action. With no one having additional questions, does anyone have any comments before we make a motion? No comments? Okay. So I'm going to open the floor for a motion on what we'd like to do tonight.

Mr. English: I understand and hear everybody's complaints. I hear what we're going through. But I think the way to get to where we need to be is I'm going to make a motion to repeal this and then also come with a committee to try to look at the problems. So my motion is to repeal the Cluster Ordinance.

Mr. Randall: And I second that motion.

Ms. Vanuch: Okay, just to summarize for everyone. We have a motion on the floor by Commissioner English with a second by Mr. Randall to recommend to repeal—to recommend to the Board of Supervisors—now remember, this is only a recommendation—to recommend to the Board of Supervisors the repeal of the current Cluster Ordinance. Mr. English, do you have any discussion?

Mr. English: No, nothing at all.

Ms. Vanuch: Mr. Randall.

Mr. Randall: Just to note that the Cluster Ordinance obviously has proven to be beneficial. It would be nice if all of them looked like this. But the fact is they don't. That's the only comment I have. Thank you.

Ms. Vanuch: Mr. Apicella.

Mr. Apicella: Madam Chairman, I wrote myself some notes, and unfortunately I can't even read my own handwriting, which is worse than a second grader. So bear with me here.

Ms. Vanuch: Sure.

Mr. Apicella: As you said, we're only making a recommendation. It's up to the Board to deal with any legal issues that I heard some folks talk about when they came up today. So the real question in my mind before us is whether the current ordinance is working as intended or it's flawed. And it needs to be

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fixed. We've gotten some good plans, and we've gotten some plans that have not been so good. I think we've seen some examples shown tonight that show the perfect clustering that is possible. Unfortunately, folks haven't seen some of the bad examples of what's come before the County. And I'll give some examples. Unfortunately, the way the process works is for most of the zoning areas in the county, it's approved administratively by the Planning director. And the only time the Planning Commission gets to see a cluster plan is when it's in the R-1 zoning district and it's proposed for a maximum density of 2.25 acres, and we see it as a CUP. For plans that have come forward under that construct, I would say every single project that's come in front of us as a Planning Commission they've scattered the open space throughout the parcel, kind of ignoring what I think was the intended purposes, which was to provide usable open space. So when you scatter bits and pieces throughout the parcel, it doesn't really kind of jive with what was intended. And as we saw tonight in the previous application, a big portion of the open space was under a power line. In that case, it's buried under a power line, and that's a good thing. Nonetheless, it is a power line. And as someone said, at any point in time whoever owns that power line could put it above ground. But we have seen examples or where open space is actually under a real power line. Again, I don't think that's what was hoped for intended by this locality or by the state. I don't believe this initiative is about stopping growth. And I definitely don't believe it's about downzoning. I think it's about getting a real, workable cluster ordinance that does serve as a win-win. I don't think we're there yet. We weren't there in 2012 when we repealed and replaced, so there is precedent for doing that on this particular ordinance. I think we've actually done that on other ordinances. And we still aren't there. As one speaker said, when done right, clustering a really good thing. And I'm supportive of clustering. And when done wrong, it is not a good thing. I've seen it in both circumstances. I'm hopeful that if the Board chooses to repeal and replace, it'll be done quickly and with stakeholder input, like it was done last time. Again, I think it took all of three months to go from the point where it was repealed to when it was replaced. So for those reasons, and ultimately to get a good cluster ordinance that works for everybody, I'm going to support the motion.

Ms. Vanuch: Thank you, Mr. Apicella. Any other comments from any of the other commissioners? Mr. Boswell.

Mr. Boswell: Yes, thanks, Madam Chairman. I am going to oppose the motion because it's the law; we have to have a cluster ordinance. So without one ready to go, I'm going to oppose recommending repeal.

Ms. Vanuch: Okay. I just quickly have a couple of comments on my position. I am actually going to vote with Mr. English, and Mr. Randall, and Mr. Apicella tonight. The reason the repeal of this ordinance is a good public policy is that basically unless and until we do something with this ordinance, we're going to continue to get some of the flawed development plans. Mr. Stonehill, I love that development plan. I wish they all looked like that, as I think somebody else said. But the bottom line is that they don't. And there are a lot of issues. And we want to work with the builder community. We don't want to argue with you; we want to work together and come up with a cluster ordinance that's the best ordinance for Stafford County. I heard you guys talk about what are the problems. In my opinion—and these are the things that I've heard that we need to look into. There is clear overcrowding on our roads and stress on our infrastructure, so I would like to see us look at being able to bring the Cluster Ordinance closer to the urban service area and reduce some of the taxpayer funding to service things that are so far out that require buses, public safety, ambulances, and rescue to go to the outer parts of the county. I would also like to address, if we can, the access points into a subdivision when they cut through a neighborhood or if there are fifty separate access points off of a particular road or fifteen or twenty driveways. I do believe that in a lot of the cluster plans the open space is not being configured in a way that the ordinance was intended to meet the land conservation goals. Power line easements wouldn't be built on anyway, so why should they technically be considered open space. The way the

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ordinance is being used by a lot of developers clearly doesn't match the intended use for the preservation of the rural character outlined in our Comprehensive Plan. And currently, and probably the most important, is that the current ordinance sits on 100 percent of all A-1, A-1, and R-1 land. It's only required to sit on 40 percent. So we need to really look at this and decide where does it make sense. And the water quality. I have been a huge proponent of water quality since the minute I came onto this Planning Commission. I'm on a well; I'm on a septic. Those people that live in Lake Arrowhead, I feel for them. I can't believe that that guy has to change his water filter. And that's just what we have to look at for all of the public citizens in the county. And using mass drainfields. Does it make it sense to require that the clusters be closer into the urban services area so that we don't have to deal with so many mass drain fields and more homes being on well and septic when we know that there are clear water quality concerns, specifically in the Rock Hill District. So I'm going to support the repeal tonight because I think it's irresponsible and reckless to not end this immediately. We clearly have a crisis, especially when it comes to water quality. In a crisis, it's our responsibility to work quickly and as efficiently as possible as public servants to address the issues to our community. However, I heard you guys loud and clear. And I understand. And we will work diligently with you to come up with a replacement. And that is my recommendation to the Board, that we work as quickly as possible with public hearings, whether the Planning Commission or CEDC or the Board of Supervisors sets up a subcommittee to come up with a cluster ordinance that works so that you don't have to lay people off or abandon your businesses from Stafford. That's the conclusion of my comments. I think we can move forward with a vote. It's the worst ten seconds. Okay. The motion passes 5 to 2. If you guys want to stay, you're more than welcome to. Or you can trickle out this evening. Now we move on to our e-commerce. I think Susan, are you going to present the ecommerce? No, we have to vote at the public hearing.

3. RC17151868; Reclassification - Dunkin' Donuts Rt17 & Melchers Drive - A proposed zoning reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of a restaurant with a drive-through on Tax Map Parcel No. 53B-1-7 (Property), consisting of 0.2 acre. The Property is located on the north side of Warrenton Road, approximately 550 feet southeast of Solomon Drive, within the George Washington Election District. **(Time Limit: May 25, 2018) (History: February 14, 2018 Public Hearing Continued to March 14, 2018)**
4. CUP17151869; Conditional Use Permit - Dunkin' Donuts Rt17 & Melchers Drive - A request for a conditional use permit (CUP) to allow a drive-through in the HC, Highway Corridor Overlay Zoning District on Tax Map Parcel Nos. 53B-1-7 and 53B-1-11 (Property), consisting of 0.83 acre. The drive-through is proposed with a restaurant use. The Property is located on the north side of Warrenton Road, approximately 500 feet southeast of Solomon Drive, within the George Washington Election District. **(Time Limit: May 25, 2018) (History: February 14, 2018 Public Hearing Continued to March 14, 2018)**

UNFINISHED BUSINESS

5. COM17152019; Comprehensive Plan Compliance Review - Stafford County Northern Fueling Station - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Section 15.2-2232, for the placement of a county vehicle fueling station on the site of the Aquia Wastewater Treatment Plant, Tax Map Parcel No. 30-3B, located on the north side of Coal Landing Road, approximately 550 feet east of Greenridge Drive, within the Aquia Election District. **(Time Limit: April 15, 2018) (History: Deferred on February 14, 2018 to March 14, 2018)**

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6. Amendment to the Zoning Ordinance - Proposed Ordinance O18-06 would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms" to create a definition for e-commerce. The proposed amendment would also amend the definition of home business to include e-commerce with the exception of a firearm transfer only business license and retail sales and amend the definition of rural home business to include e-commerce with no exceptions. **(Time Limit: April 2, 2018) (History: Deferred on September 27, 2017 to October 11, 2017) (Deferred on October 11, 2017 to October 25, 2017) (Deferred on October 25, 2017 to November 15, 2017) (Deferred on December 13, 2017 to January 17, 2018) (Deferred on January 17, 2018 - in Subcommittee)**

Ms. Blackburn: I think earlier this week you received a copy of a draft document that the committee had put together and also a summary that Mr. Apicella had put together of the issues that were dealt with concerning the ecommerce/home business/home occupation/home business 2. Rural home business was also touched on. I heard from Mr. Randall that he was fine with the document that was put forward. I did not hear from anybody else, so I am assuming everyone was pleased with it. We can put this in ordinance from and take it forward, if you all so desire.

Ms. Vanuch: Okay. Just so everyone's clear this evening, we do have a time limit on this. I think it's the end of March?

Mr. Blackburn: Yes.

Ms. Vanuch: So we actually have to vote it to public hearing tonight. Remind me, maybe Ms. McClendon, if we vote this to public hearing and we decide to make changes at the public hearing, can they be less impactful, more impactful?

Ms. McClendon: Madam Chairman, I believe the changes can be less impactful. It's not clear to me because I don't have the track changes version exactly what the ordinance would be changing. So I would just be mindful that there may be changes that you may not be able to make depending on what the code currently is and what's advertised. But changes can be made at the public hearing, yes.

Ms. Vanuch: Okay. So, Mr. Apicella.

Mr. Apicella: I just want to reiterate that we spent many months on this, several hours taking input from both the subcommittee members and from other folks on the Commission to tweak it. I'm not going to say it's a perfect change, but I think it achieves the goals that were intended. And my recommendation, unless folks have any additional changes, would be to put the language to a public hearing as quickly as possible.

Ms. Vanuch: Okay. Do any other Commissioners have any questions or comments? Mr. English?

Mr. Apicella: Yes.

Mr. English: I'll second it.

Ms. Vanuch: All right. So we have a motion on the floor by Mr. Apicella, seconded by Mr. English to move forward with a public hearing with the changes that you received regarding the proposed ordinance, changed to the e-commerce. Any discussion, Mr. Apicella?

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Mr. Apicella: No ma'am.

Ms. Vanuch: Mr. English? Any other Commissioners? Okay, let's vote. If they were only all this quick. Okay, the motion passes 7 to 0. Moving on to new business, we have none. Planning director's report? None?

NEW BUSINESS

NONE

PLANNING DIRECTORS REPORT

Mr. Harvey: That's correct, Madam Chairman.

Ms. Vanuch: Awesome. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. McClendon: Madam Chairman, actually I have a report.

Ms. Vanuch: Oh my goodness.

Mr. Apicella: Oh, write this one down!

Ms. Vanuch: Stop everything!

Ms. McClendon: I will keep it short. I just wanted to announce to the Commission that as of actually—well in about twenty-five minutes, I'm going to be promoted to County Attorney, and I'm going to be serving with the Board of Supervisors. So this will be my last meeting. Thank you.

Mr. Apicella: It's about time.

Ms. Vanuch: Well we don't like that part. Boo on that part.

Ms. McClendon: This will be my last meeting of service with the Planning Commission. But I wanted to let you know that Dan Wisniewski in my office will be taking over. And he will be starting to sit at your March 14th meeting. So in the interim if you have any questions or any concerns, please feel free to reach out to him. He's looking forward to serving with you.

Ms. Vanuch: Awesome. Thank you. All right. Well it has been a true honor and pleasure getting to know you and working with you on many of these ordinances and zoning applications. You're a wealth of knowledge and very, very smart woman. So I'm glad to know you. Does anybody else have any comments? Okay. So now we're going to move on to the Committee Reports. Mr. Boswell, Sign Ordinance Committee.

COMMITTEE REPORTS

* Sign Ordinance Committee

Next Meeting: TBD, if needed

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Mr. Boswell: Never met.

- * Landscaping Standards Subcommittee
Next Meeting: February 28, 2018, at 5:00 p.m.

Ms. Vanuch: Okay. Landscaping. It's a Board-appointed committee, so you need to wait on the Board. Landscaping?

Mr. English: We were going to meet tonight, but we had all this going on. We're planning on meeting the last meeting in March.

- * Parking and Drive Aisle Standards Subcommittee
Next Meeting: TBD, if needed

Ms. Vanuch: Okay. Parking and Drive Aisles. Mr. McPherson, I think we floated out to the Commission the parking and drive aisle changes that we came up with. Did you get any comments back on it? No? Okay, so we'll follow up with Ms. Hornung. I see her shaking her head *no*. So I think at the next meeting we'll vote to send it to the Board? Okay. Mr. McPherson, are you okay with that?

Mr. McPherson: Yes, Madam Chair.

- * A-1 Uses Subcommittee
Next Meeting: March 7, 2018, at 6:30 p.m. - Tentative

Ms. Vanuch: Okay, perfect. So we'll have that as part of the packet for the next meeting to vote to send to the Board. A-1 Uses Subcommittee update? Mr. English?

Mr. English: You're asking me again?

Ms. Vanuch: Yes, you're A-1.

Mr. English: Oh, we're going to have a meeting on March 7th. That's still good, right? About 6:30. [Inaudible] third member on it?

Ms. Vanuch: Oh, we need to appoint someone. I haven't talked to Mr. Bain about this yet, but Mr. Bain, would you like to be a member of the A-1 Subcommittee? It's more work. Congratulations.

Mr. Bain: Just what I always needed. I would be pleased to serve on that subcommittee.

Ms. Vanuch: Okay, perfect. So now you have your new members.

Mr. Bain: Who is in charge of that one? I'm sorry.

Ms. Vanuch: Mr. English, so I'm sorry.

Mr. Bain: Okay, all right.

- * Cemetery Ordinance Subcommittee
Next Meeting: TBD, if needed

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Ms. Vanuch: So next is the Cemetery Ordinance Subcommittee. We met. On February 15th we held a public hearing. We had about three or four people speak. So we are working on the report now. Staff is going to work on the report. And we're hoping to have it at some point at one of the March meetings for the Commission to review. They've been a little tied up here. Ecommerce Subcommittee, could we say it's officially closed out? All right, perfect. So that one can come off the list. I do not have a Chairman's report. Other business, TRC, March 14th. Mr. McPherson, you have a Black Hawk Ridge in the Aquia Election District, just to give you a heads up on that. Approval of minutes, we have none, so this meeting is adjourned.

- * E-commerce Subcommittee
Next Meeting: TBD, if needed

CHAIRMAN'S REPORT

OTHER BUSINESS

7. TRC Information - March 14, 2018
 - * Black Hawk Ridge - Aquia Election District

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 11:38 p.m.