

STAFFORD COUNTY PLANNING COMMISSION

May 23, 2018

The meeting of the Stafford County Planning Commission of Wednesday, May 23, 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, Albert Bain, Roy Boswell, Darrell English, Fillmore McPherson, Barton Randall

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Daniel Wisniewski, Kathy Baker, Denise Knighting, Brian Geouge, Mike Zuraf, Eva Campbell, LeAnn Ennis, Andrea Hornung

DECLARATIONS OF DISQUALIFICATION

Ms. Vanuch: Now any declarations of disqualification for any of the public hearings or unfinished business items on the agenda? Okay, seeing none we'll move on to the public presentations portion of tonight's meeting. This is where anyone can come down and address and the Commission for up to three minutes. When the green light comes on please state your name, your address, and the district that you reside. You'll have three minutes when the green light comes on, one minute when the yellow light comes on, and when the red light comes on your time has expired. And the only public hearing we have this evening is on Whitson Woods Proffer Amendment, so if you're here and you'd like to talk about anything other than that, please come forward to the microphone now. You can... come on. We usually don't have a rush of people.

PUBLIC PRESENTATIONS

Mr. Strait: I can. Okay, I'm Bob Strait, I do not know the district in which that falls, my apologies. Okay again, I'm Bob Strait, I'm also a member... volunteer member with Virginia Organizing, your chapter here in Fredericksburg Virginia. I'm here this evening to provide you a presentation on affordable housing. Specifically the insufficiency of affordable housing within planning district 16, which includes Stafford County, as you are aware. Virginia Organizing's emphasis this year in this campaign on affordable housing is for those households earning between \$24,000 per year, which is the federal poverty level for a household of four and \$61,000 per year, which is the Virginia survival budget for a family of four. In front of you, you have a pie chart, I direct your attention to that please, that would be slide number three. This pie chart was pulled from a report put together by United Way of Virginia. It's called the ALICE Report, the Asset Limited Income Constrained Employed population. That report... the ALICE population within that report, are those incomes between \$24,000 per year and \$61,000 per year. You'll see in that pie chart beneath it the total households in Stafford County are approximately 43,000. The median household income is \$95,800. Your percent of ALICE population, again those persons, those households between \$24,000 per year and \$61,000 per year, is 30% of your total household population. That equates to between ALICE and poverty, poverty takes up 5% of this county, that equates to approximately 15,300 households in Stafford County make between \$24,000 and \$61,000 per year. And there is an insufficiency of affordable housing for those personnel. What are the factors behind this insufficiency of affordable housing? The cost of land, zoning and building codes that increase the per unit cost upon the developer? This includes density, vertical height building restrictions, and requirements such as sidewalks, energy efficiency. There's also a lack of government authority, such as a housing authority, to mandate development. Specifically, aestheticize for those people who require affordable housing. Gentrification, we are aware of that, gentrification increases

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value of adjacent property and property taxes, and along with that goes rent. NIMBY, Not In My Backyard, and we believe there is a lack of political will to either recognize this issue within Planning District 16, including Stafford County, and we need to develop the political will to recognize this issue. What are some of our recommended solutions? Regulatory reform, tax incentives for developers, land owners and landlords, government owned land cells for affordable housing development, political will to include a housing trust. The bottom line is the issue of affordable housing is likely to worsen. The fix will require innovative, out of the box approaches, and to fix this will require the political will to address the issue. Thank you very much for your time.

Ms. Vanuch: Thank you so much. And we did get your presentation via email and then the one before tonight's meeting, so thank you. Would anyone else like to come down and address the Planning Commission?

Mr. Patterson: Thank you Madam Chairman. Good evening Commissioners. My name is Glen Patterson and I reside in the Rock Hill District of Stafford County. I testified before the Cemetery Sub-committee on February 15 of this year and provided background and the details of the process which has taken place over the last two years and the many reasons why you should send Ordinance 016-39 back to the Board of Supervisors unchanged. I guess at this point, I'm pretty much wondering why we're still even discussing this. I have a petition with over 100 signatures of Stafford County residents who are firmly opposed to modifying Ordinance 016-39 as it was enacted in December of 2016. I've agreed to act as a representative of those individuals this evening and to disseminate any information I gather as we consider filing a Class Action lawsuit against Stafford County if this Ordinance is modified in any manner which might impact the safety of our drinking water. We've already been through numerous hearings of both the Board of Supervisors and the Planning Commission, which solicited testimony of interested parties and to this date, no one has presented a shred of scientific evidence to refute the well-documented evidence that burial of bodies in close proximity to sources of drinking water presents a significant risk to those who consume it. This is science people this isn't just my opinion. I'd like to note once again that the Planning Commission and the Board of Supervisors carefully considered this evidence prior to both bodies voting unanimously in favor of enacting Ordinance 016-39. The studies which were considered were conducted worldwide and documented with scientific facts that cemeteries have negative health impacts when in close proximity to sources of drinking water and they provide recommendations as to minimum setback requirements to ensure community safety. These guidelines are what form the basis for the setback requirements enacted in Ordinance 016-39. I'm also more than a little concerned that I've been notified by representatives of the Civil Right division of the Department of Justice, Housing and Civil Enforcement Section, that they'd like to interview me about, as they put it, the proposed cemetery on Garrisonville Road. To my knowledge, there has still not been any proposal put forward to establish a cemetery on that site, nor anywhere else in the County. And the notice requirements under Section 57-26 of the Code of Virginia have not been complied with either. Yet, the Department of Justice has gotten involved in what appears to me to be an attempt to thwart my right as a citizen to speak freely on topics which affect me or my property. I once again strongly urge you to keep Ordinance 016-39 intact and send it back to the Board of Supervisors unchanged. Thank you.

Ms. Vanuch: Thank you Mr. Patterson. Would anyone else like to come forward to address the Planning Commission? Okay, seeing none, then I'm gonna go ahead and close the public presentations portion of tonight's meeting and move on to the public hearings. Our first public hearing is on the reclassification for Whitson Woods, the minor proffer amendment. And for this we recognize Mr. Zuraf.

PUBLIC HEARINGS

1. 17152111; Reclassification - Whitson Woods Minor Proffer Amendment - A proposal to amend

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proffered conditions on Tax Map Parcel No. 20-125 (“Property”), zoned R-3, Urban Residential – High Density Zoning District. The Property consists of approximately 17.64 acres and is located on the south side of Highpointe Boulevard, 270 feet east of Independence Drive, within the Garrisonville Election District. **(Time Limit: August 31, 2018)**

Mr. Zuraf: Okay, if I could have the computer please. Good evening Madam Chairman and members of the Planning Commission. This item is a minor proffer amendment for a project known as Whitson Woods. This is a request to amend proffer conditions on this property. It covers 17.64 acres. The property is zoned R-3, Urban Residential. The applicant is Matt Murphy with Wakefield Development with Charlie Payne as the agent. Here’s a image of the zoning map and location of the site. The site is highlighted in red and located on the south side of Highpointe Boulevard and 270 feet east of the intersection with Independence Drive. The R-3 zoning is the brighter orange surrounding the site on three sides and R-1 zoning in the lighter yellow, is adjacent to the property to the south. Looking at the zoning history of this property, back in 2004, an R-1 cluster subdivision plan was approved for 22 single family homes along the single street on the property. In June of 2013, the property was re-zoned to the current R-3 zoning designation. This included proffers and included a proposal for a 55 unit town house community. In... subsequent to that, in June of 2014, a preliminary plan and waiver of the second entrance requirement was approved and a month later construction plans were submitted but not acted on or approved and nothing has happened on the site since. This is a image of the original generalized development plan that was approved in 2013 for the 55 townhouse units. You see the site shows the two potential street connections. The main connection off of Highpointe Boulevard, in this location, the second connection would have occurred in this location but that was waived. County Code requires a second connection would have been required with 55 dwelling units and this would have been required in this location off of the existing townhouse community that’s adjacent. The Planning Commission has the ability to waive the requirements for that second connection. At the time of the consideration of the rezoning, those residents were opposed to that connection that was written into the proffers that the applicant would seek a waiver and the applicant did do that and the waiver was granted, so no second connection would actually have occurred if this developed in this manner. So looking at the existing conditions, the site is located between the Settlers Landing subdivision, that’s the single family development to the south of the property and Liberty Place subdivision which are the townhouse units surrounding the site on three sides. The parcel is currently undeveloped and includes forested land cover. Whitson Run a perennial stream, bisects the property, includes associated wetlands and resource protection area. The topography on this site does include steep slopes with elevations ranging from approximately 128 feet along the creek up to 238 feet up in the northern, near the northern property line. Southern end of the property is land locked with limited buildable area. The entire parcel is actually land locked from... as it does not have frontage on Highpointe Boulevard. The land owner would actually need to obtain access easements from the Liberty Place townhouse community that owns the open space land between the subject property and the road. There was a possibility of a cemetery being located on the site. This had been examined in the past during the initial development in 2004, the applicant hired a consultant who evaluated the site and determined that no cemeteries were present. In 2013, the Cemetery Committee also surveyed the site. They did not find any, any headstones or grave markings. They did believe that the cemetery may have been compromised by the surrounding developments so no further action is being requested at this time regarding that. So, looking to the... what’s being proposed for amendment with the proffers, first proffer one regarding the site layout. The original proffers required substantial performance with the original GDP which I had on a previous slide. The amendment would allow for a new modified GDP for the same 55 lot townhouse development. It would also allow for minor modifications to meet site plan requirements to provide some flexibility. This is the new proposed general development plan. The original GDP utilized a majority of the site, of the northern half, of the site which did traverse a high knoll. That high ridge or knoll area is approximately in this location with steep slopes dropping down from that and so according

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to the applicant that development in that manner was cost prohibitive due to the excessive retaining walls that may have been needed. The new layout avoids this highest point of the site in an attempt to reduce some of the site work costs. Even with these adjustments there are still a number of retaining walls that will still be needed for this development proposal. The new GDP retains the same site entrance off of Highpointe Boulevard and does show the potential second entrance connection to the adjacent townhouse street to the east. This new layout, because it is a revision, will require a new preliminary plan and the applicant would need to seek another waiver to eliminate the requirement for that second connection which is a requirement in the proffers for them to seek that waiver. And the connection was waived originally due to the opposition expressed to those adjacent residents. The other big change to the proffers is the, regarding the offsite improvement agreement. It's part of the applicant obtaining access easements from the Liberty Place HOA, the original proposal agreed to make several maintenance improvements to the existing community. The proffer amendment would reference a new agreement between the applicant and Liberty Town Homeowners Association in place of the prior language which is more of a contingency of obtaining written approval from the HOA in the future. So now they have that written agreement that has been since been approved. The improvements that would be provided by the applicant include sidewalk repair along Highpointe Boulevard, that's actually filling in a gap in the sidewalk network along that street, providing parking lot and curb repair and final paving of the current townhouse street and parking areas, and then slope stabilization in two locations. This improvement plan is included as an exhibit to the agreement and identifies the location of the required improvements, so to kind of point those out, the sidewalk improvement, the connection in the gap in the network is basically going be provided in this location all along Highpointe Boulevard. And then the parking lot repair are going be in these red cross hatched areas, so I'll kind of roughly identify... and then slope stabilization in two locations, one adjacent to this one parking area near, that's right adjacent to Whitson Woods and the other is somewhere, sorry, it's up here in this location somewhere. Also the amendment would delete the requirement to contribute \$420,000 to the County should authorization from the HOA not be granted, this contribution would have been required if an agreement was not reached, the County would have utilized these funds to complete the improvements but since the agreement has been reached, that proffer is not necessary anymore. Also, another proffer change requested by staff, to Proffer 11, this is a new proffer that would provide evergreen tree screening between the proposed and existing townhouse units in the area identified with the red in the red box. Proffer provides enhanced screening where a transitional buffer would otherwise not be required. Looking at the overall evaluation of the requests, the amendment would support a site design that is more sensitive to the site conditions. The amendment does not change the intensity or use of the development that's already approved. The amendment reflects agreements that support needed off-site improvements and there are no negative aspects to this request in staff's opinion. Staff is supportive of the amended proffers pursuant to Ordinance 018-28 given the positive aspects of the request and we'll take any questions at this time.

Ms. Vanuch: Thank you Mr. Zuraf, does the Commission have any questions for Mr. Zuraf? Mr. Apicella?

Mr. Apicella: Just a process question, you mentioned the waiver needing to come forward again, is that a separate action item that would come to us at a later date?

Mr. Zuraf: Yes, it would generally come to the Commission during the preliminary plan process.

Mr. Apicella: Okay, thanks.

Ms. Vanuch: I'd just like to, I don't know if this is really a question but just a statement given that we were got a resident letter ahead of time on a reclassification, just to clarify, this is not a reclassification

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or a rezoning, this has already been granted, this is really just to clean up some of the proffers for the work that was agreed upon between the HOA and the neighboring subdivision.

Mr. Zuraf: That is correct.

Ms. Vanuch: Okay. Anybody else? Mr. Randall.

Mr. Randall: Thanks. Thanks Mike for your presentation. A couple of questions, we have these proffers that are gonna help fix some of the things that are out there, how do we make sure that that's all done in accordance with the county codes, state law, state requirements, how are we gonna make sure that that's all done in accordance with those?

Mr. Zuraf: Okay, referring to the off-site improvements...

Mr. Randall: To the off-site improvements, that's correct.

Mr. Zuraf: ...in a few different ways, the sidewalk improvement, that would be part of any construction plan for the project and so being part of the construction plan, it would it would be required to, a bond would have to be posted since an improvement is part of the construction plan but also that sidewalk is, if it's in VDOT right of way, VDOT's going have a say and to make sure that the sidewalk is built properly before they accept it. With the slope stabilization, that also would be part of the construction plan that's submitted in that is included in the bonding of the improvements to ensure if anything happens then the County can go in and use that money to finish the work that may have started or something to that effect. With the parking lot repaving, that's seen as more of a normal maintenance issue, so that wouldn't necessarily be part of a construction plan.

Mr. Randall: Okay,

Mr. Zuraf: And not necessarily something that's bonded, but I will point you to the agreement there, in the agreement between the two parties, there's an escrow of \$100,000 that is provided. That helps to ensure that the work is done in a satisfactory manner, at least between the two parties.

Mr. Randall: Okay. And could you go back and show us the easement that's required in order to get into the property?

Mr. Zuraf: Sure.

Mr. Randall: Thank you.

Mr. Zuraf: Actually this kind of shows it, the... I'm not certain the exact limits but in, approximately it's probably going to be somewhere across here, because there's going be grading needed and so it's going be all of this area.

Mr. Randall: Okay, that's... those are all the questions I have right now.

Mr. Zuraf: Okay.

Ms. Vanuch: Alright. Any other questions from the Commission before the applicant comes up? Alright thanks Mr. Zuraf. Would the applicant like to come up?

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Mr. Payne: Thank you Madam Chair and other members of the Planning Commission. My name is Charlie Payne from the law firm Hirschler Fleischer and we represent the applicant. Appreciate staff's presentation and they've covered most of the major points of this application, I know you have a full agenda so I'll be as brief as I can and then answer any questions you may have. So I appreciate your time this evening and I think this is working today. Alright, just real quick as staff had noted, this is one parcel and includes about 17.6 acres. It is situated in the Garrisonville Election District and the property is currently zoned R-3 from a prior rezoning. It's generally located along Highpointe Boulevard next to the Liberty Townhouse subdivision, as you'll note, basically three sides of the parcel is surrounded by townhomes. To the south is a single family detached development, Settler's Landing. Under the prior rezoning approval the applicant did have approval for no more than 55 single family attached units, of course we're not asking for any additional units in this proffer amendment. This is a minor proffer amendment; there are two types of proffer amendments, a minor and a major. This is minor for two reasons, one we had adjusted, if you will, the generalized development plan on the site, so the site work has been adjusted for that purpose as staff had noted, and also in the prior approval there was no agreement with the adjoining HOA, so now we have that in place as staff has noted as well. And I just stated that obviously in the second bullet. The proffer amendments, just to get into some of the specifics, what are the GDP changes that Mr. Zuraf went through some of those but just some real key highlights here, the new GDP does reduce 75% of the retaining walls which I recall was a concern before. We also, which means we don't have to acquire to move any dirt from the site which is also an issue, you get a lot of haul trucks, a lot more construction activity, for that reason, so that reduces the impact on the surrounding property owners. It does now include two car garages for every unit, the prior approval only provided two car garages, just car garages for 23 of the units, so 32 of the units did not have any car garages, which requires a lot more impervious surface area. And again it also reconfigures utilities on the site. As I noted earlier prior approval did not, at the time, didn't have an agreement with the adjoining HOA, we do have that in place, it's part of your packet. It's also attached to the proffer amendment which I think is significant because we can't change anything substantial in the agreement with the HOA without having to come back here and having to get approval by the Planning Commission and by the Board of Supervisors, so what's in the agreement is what's enforceable. And, a couple things, highlights in there as staff had noted there is a requirement before the end of this year if this is approved that we pay in to escrow \$100,000 for those improvements. Thereafter we have until April of 2019 to finish the improvements. Now there's some, also some options in there, if the HOA, we're not moving to develop a site, the HOA wants to make the improvements they can do so, they can draw from the escrow and then we would have to reimburse them for those improvements as well. But basically, the HOA is not required to convey one easement to us or to provide any public dedication until those improvements are in place. Okay? Including the more important one which had access and the staff has noted we have no access and we can't develop the site unless we get that access easement from the HOA, so that's the big one. And again, the Proffers 6 and 7 delete the utilities and lighting proffers cause that is required by County Ordinance and we did add the landscape proffer as staff had noted and I did see the email from the concerned citizen about having, developing that site, they were told I guess by an agent or something of that nature, that that site, that area would not be developed, and I'll show you, when we get to the, and I think the GDPs in this PowerPoint, this is a significant distance and buffer between us and Settler's Landing to our south, so the tree area that's there now will remain, so it will not be disturbed and of course there will be landscaping and buffering between our... between that location and the back of the homes, so again, I think that will resolve the concerns they may have. And here again, here's the GDP, you'll see, I hope I don't mess this up, this area here, this... all of this here, this is where Settler's Landing is. All of this area here will remain as it is today. Okay? And with that I'm happy to answer any questions you may have.

Ms. Vanuch: Mr. Randall, do you have any questions?

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Mr. Randall: I do.

Ms. Vanuch: I saw you going for your mic, so...

Mr. Randall: Mr. Payne, the same, pretty much the same question to you as it was to staff. Concerning the offsite improvements, specifically the parking lot, those types of things, we've talked about how VDOT can be involved in some of those things, with a construction plan, but with the parking lot and those types of things, how can we be assured... how can the folks that are already there be assured that this is top notch, this is going to last awhile this won't crumble in six months.

Mr. Payne: Right, so the agreement contemplates specific conditions for purposes, specific planning for purposes of those improvements. I think in Section 4B, also we're subject to the HOA's engineer. So they will hire and retain an engineer who will also inspect the site. Of course the county will inspect the site for purposes of all the improvements where the building permits are approved and of course that's bonded, but the agreement contemplates that we'll be working together with the HOA during that process.

Mr. Randall: Alright.

Mr. Payne: And we'll be subject to that in an agreement and again, the biggest hammer here is they can hold off on providing those easements until we do the work and do it in conformance with the agreement.

Mr. Randall: Would there be an official transfer that says okay, as of this date, we're doing a final inspection...

Mr. Payne: Sure.

Mr. Randall: ... once we do the final inspection...

Mr. Payne: Yes.

Mr. Randall: ... we'll sign off on them and do...

Mr. Payne: Yup, punch lists and final sign off. Because we're going toward that so we can move forward.

Mr. Randall: Oh, absolutely. Absolutely. Alright, thank you.

Mr. Payne: Yes sir.

Ms. Vanuch: Thanks Mr. Randall. Any other questions? No, okay, thank you.

Mr. Payne: Thank you very much.

Ms. Vanuch: Okay, so now it's time for the public hearing portion of this item on the agenda. So now is the time if you're here to come down and speak about this item, you can come down to the podium state your name, address, and district that you reside. You'll have three minutes just like the other folks did. When the green light comes on, that's when your time starts, the yellow light means you have one minute and the red light means your time is expired. So come on down if you'd like to speak.

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Ms. Bloom: Hi, my name is Jennifer Bloom. I'm on the Board of the HOA, the LT HOA as you saw on the thing. I'm really bad at this so I apologize now in advance; I do not like public speaking. Basically I'm just here to show that as you saw that last, the last approval was for the waiver and all that was in 2014, it's been four more years of roads with no top coat that are just tearing apart, no action holding from favorable market conditions, Matt came in with Wayfield and actually found a way to make it work, which we're very happy about, he's been very communicative with us, very cooperative with us, so all signs point to good, so we're happy about that. We're happy to see this happen as quickly as possible, again, as I always say, without cutting any corners that could hurt anybody in the future we'd love to see this go through as quickly as possible. As for that second entrance, that was waived, if you want input on that, I mean that section of Highpointe where that was approved a long time ago to go through is... doesn't even... I mean in my opinion wouldn't even support two lane traffic for 55 homes to run through it and that other entrance they proposed, they're going to be able to build, develop correctly for that in and out traffic. I mean originally last time we talked also we had talked about putting a buffer there or a gate or something that if the fire department really had a problem and wanted to have it another access it would be something that pedestrians wouldn't be able to use, or household traffic wouldn't be able to use but they would be able to use if need be. I mean even if it's a grass buffer then they can drive over it. Yeah, I don't know what else to say but if there's any... yeah. I've got nothing else.

Ms. Vanuch: Okay.

Ms. Bloom: I appreciate your time and your consideration and if you ever have any questions you guys can always feel free to contact us too. So I know Jeff and Mr. Randall have our information.

Ms. Vanuch: Excellent.

Ms. Bloom: So, thank you.

Ms. Vanuch: Would anyone else like to come down and speak? Okay, seeing no one coming down, I'm gonna close the public hearing on this item and bring it back to the Planning Commission and let the applicant if you would like to come up and address anything from the public hearing or from the Commission.

Mr. Payne: Thank you Madam Chair. Again, Charlie Payne, nothing specific, just want to thank you all for your time and also Jennifer and the HOA Board members have been very nice to work with and we're happy to help them moving forward. Thank you.

Ms. Vanuch: Thank you. Alright Mr. Randall, this is in your district, what would you like to do?

Mr. Randall: Well first of all, I'd like to, I'd like to make a comment that it's nice to see the developers and the current associations working close together. It's nice that we see an example of that, where everybody can benefit from this, where it's something that we'll both see some benefit in the long run. So based on this and based on what we have, I'd like to make a motion for item 17152111, the proffer amendment to approve it at this point in time.

Mr. Boswell: Second.

Ms. Vanuch: Okay, so we have a motion by Mr. Randall and a second by Mr. Boswell. Mr. Randall, do you have any other comments?

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Mr. Randall: No, not at this time.

Ms. Vanuch: Mr. Boswell? Okay. Anyone else on the commission have any comments? Okay, seeing none, go ahead and take a vote. Okay, motion passes 7-0, thank you guys. Okay now moving on to unfinished business, item number two on the agenda, Conditional Use Permit for the 5 Twelve Convenience Store Expansion. Mr. Geouge is the staff member presenting this, but before you get into any presentation I think the applicant has requested another deferral. I believe he has requested deferral until the June 27th meeting, however the Commission has decided to cancel the June 27th meeting as a lack of items on the agenda and so June 13th will be our only June meeting so, I... if the Commission doesn't have any issues with it I'd like to make a motion to grant the deferral on this item until June 13th. Mr. Apicella?

UNFINISHED BUSINESS

2. CUP17151679; Conditional Use Permit - 5 Twelve Convenience Store Expansion - A request for a Conditional Use Permit to allow for the expansion of a vehicle fuel sales facility in a B-2, Urban Commercial Zoning District and HC, Highway Corridor Overlay Zoning District, on Tax Map Parcel No. 19A-1-42. The Property consists of approximately 2.47 acres, and is located on the south side of Garrisonville Road and east side of Patton Drive, within the Rock Hill election district. **(Time Limit: July 6, 2018) (History: Deferred on March 28, 2018 to April 25, 2018, Deferred by Applicant to May 23, 2018)**

Mr. Apicella: Just for proper protocol do you want to pass the baton over to me?

Ms. Vanuch: Sure.

Mr. Apicella: Ms. Vanuch, since this is in your district, do you have any motions to offer at this time?

Ms. Vanuch: Yeah so, my motion would be to grant the applicant the deferral until the June 13th meeting, which will be the meeting we have to take a vote as to the time limits.

Mr. Apicella: Is there a second?

Mr. McPherson: Second.

Mr. English: I'll second it.

Mr. Apicella: I think Fillmore won by a nose there. So there's a motion to defer to the June 13th meeting. Motion was made by Ms. Vanuch, seconded by Mr. McPherson. Anything further Ms. Vanuch?

Ms. Vanuch: I'd just like to make comments that I think the applicant is working on trying to address some proffer issues on the property from a site inspection from residents' concerns around the lighting and different things on the site. And I believe they have 30 days to address those concerns so the 30 day time limit should be over by the June 13th meeting and my hope would be that all those proffer violations have been addressed by that time.

Mr. Apicella: Okay thank you. Mr. McPherson do you have anything?

Mr. McPherson: No.

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Mr. Apicella: Anyone else? Okay, please cast your vote. Motion carries 7-0, back to you Ms. Vanuch.

3. CUP17152112; Conditional Use Permit - Patriot's Crossing Car Wash - A request for a Conditional Use Permit (CUP) to allow a car wash within the HC, Highway Corridor Overlay Zoning District on an approximately 1.53-acre portion of Tax Map Parcel No. 20-12 (Property). The Property is zoned B-2, Urban Commercial Zoning District, and is located on the south side of Garrisonville Road near its intersection with English Road, within the Garrisonville Election District. **(Time Limit: July 20, 2018) (History: Deferred on April 11, 2018 to May 23, 2018)**

Ms. Vanuch: Thank you Mr. Apicella. Okay, so now moving on to item number three, Conditional Use Permit for Patriot's Car Wash. For this recognize Mr. Geouge. Can we make it that fast?

Mr. Geouge: I will try. Good evening Madam Chairman, members of the Commission. I'm Brian Geouge with Planning and Zoning, presenting the Patriot's Crossing Car Wash application. The request is a Conditional Use Permit to allow a car wash on a 1.53 acre portion of parcel 20-12. This is zoned B-2, Urban Commercial and is also within the HC, Highway Corridor Overlay District, or HCOD. The applicant is Don C. Hart and the agent is Sherman Patrick, Jr. with Compton & Duling. This is within the Garrisonville District. The Planning Commission held a public hearing on April 11th and deferred action on the application to this date. In response to concerns raised by the Commission, the applicant has agreed to additional conditions. Concerns raised at the public hearing include that conditions did not adequately limit scope of development and in response to that a condition was added which limits development to a single wash stall within a building no more than 4,000 square feet in size, and that is consistent with what is depicted on the GDP. Also, there were concerns regarding traffic generation from this specific use and the development in general. Staff notes the traffic generation for the proposed car wash use was evaluated and an operational analysis provided with the approved proffer amendment in 2017. And also a condition has been added which further limits hours of operation for the car wash, in order to reduce conflicts with AM school traffic. And I say further reduced, because the existing proffers on the property which limit hours of operation specifically for the car wash to between 7 AM and 9 PM. The proposed condition would limit it to between 8 AM and 9 PM. Here is another look at the GDP. There have been no changes to the GDP since the public hearing. Finally, staff is recommending approval of the application with conditions pursuant to Resolution R18-85 and I'll take any questions at this time.

Ms. Vanuch: Any questions? No questions? Okay. Thank you very much Mr. Geouge. Would the applicant like to come down?

Mr. Patrick: Good evening. I'm Sherman Patrick. I'm here this evening representing Virginia Properties and this application. The staff has given you a complete summary of the last meeting and the issues that were discussed and how those have been addressed. So, sensing that you have other things to do this evening, I'll just defer any further comment, unless you have questions and then I'm prepared to try to answer anything that you may have, that you may need clarification about.

Ms. Vanuch: Thank you. Any questions? No questions? Alright. Thank you.

Mr. Sherman: Thank you.

Ms. Vanuch: Okay and since this is not a public hearing, we won't have any public comment on this, so we'll bring it back to the Planning Commission. Mr. Randall, this one is in your district also. What would you like to do?

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Mr. Randall: I would like to make a motion for Conditional Use Permit 17152112 to approve.

Mr. Boswell: Second.

Ms. Vanuch: Okay, so we have a motion by Mr. Randall to approve the Conditional Use Permit for Patriot's Crossing car wash and a second by Mr. Boswell. Mr. Randall, do you have any further comment?

Mr. Randall: No. I met with the applicant a couple of times. They were receptive to my concerns to the limit that we were able to do with the Conditional Use Permit. They understand the overall concerns with that area and the traffic, but that's going to be dealt with at hopefully another time. But I think this is good. I think this is a benefit to the County and so that's why recommended to approve this.

Ms. Vanuch: Mr. Boswell?

Mr. Boswell: No, ma'am.

Ms. Vanuch: Alright. Anyone else like to comment? Okay, we can vote then. Alright, motion passes 7-0. Thank you guys. Now moving on to item number 4 on the agenda, which is an amendment to the Stafford County Comprehensive Plan Cluster Subdivision Areas, Mr. Zuraf.

4. Amendment to the Stafford County Comprehensive Plan - Cluster Subdivision Areas - A proposal to amend the Stafford County Virginia Comprehensive Plan 2016-2036, adopted on August 16, 2016, to relocate the criteria for cluster subdivisions, "Criteria," in the textual document and further define the Criteria based on the location of a development project. The proposed amendment would relocate the Criteria from Chapter 2, "Goals Objectives and Policies," to Chapter 3, "The Land Use Plan," Section 3.9, "Cluster Subdivisions," and further define and amend the Criteria that applies to all cluster subdivisions, cluster subdivisions inside of the Urban Services Area (USA), and/or cluster subdivisions outside of the USA. **(Time Limit: May 31, 2018) (History: Deferred on May 9, 2018 to May 23, 2018)**

Mr. Zuraf: Okay, good evening again. Mike Zuraf with the Planning and Zoning Department. This item is a comprehensive plan amendment regarding cluster subdivision areas and criteria within the... design criteria within the comprehensive plan. On May 9th the Planning Commission held a public hearing on this matter and the Commission deferred the amendment to consider modifications to the corresponding item, which is a Zoning Ordinance Amendment regarding Cluster Standards. And so no modifications were requested or made to the proposed amendments to the comprehensive plan. And that's the summary.

Ms. Vanuch: Alright. I like it. You're trying to get out of here for the Caps game in 48 minutes, aren't you?

Mr. Zuraf: Yes, maybe.

Ms. Vanuch: Alright. Thank you very much. Does anyone have any questions for Mr. Zuraf on this? Okay, no questions? So are we... are we ready to make a motion? Does anybody want to make a motion? Because there's no applicant on this, no public hearing. Anybody want to make a motion?

Mr. English: I make a motion to accept it, the amendment of Stafford County Comprehensive Plan Cluster Subdivision Ordinance.

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Ms. Vanuch: Okay, so Mr. English has made a motion to approve the...

Mr. McPherson: Second.

Ms. Vanuch: ... amendment. And there's a second by Mr. McPherson. Any comment Mr. English?

Mr. English: No, just thank staff for all the hard work they've done with this.

Ms. Vanuch: Mr. McPherson?

Mr. McPherson: No, Madam Chair.

Ms. Vanuch: Okay. Anyone else have any comments? Okay, seeing none, we can go ahead and vote. Okay, motion passes 7-0. Item number 5 on the agenda, amendment to the Zoning Ordinance O18-16. For this we also recognize Mr. Zuraf.

5. Amendment to the Zoning Ordinance - Proposed Ordinance O18-16 would amend the Zoning Ordinance, Stafford County Code, Sec. 28-25, "Definitions of specific terms," Zoning Ordinance Sec. 28-35, Table 3.1, "District Uses and Standards," Zoning Ordinance Sec. 28-39, "Special Regulations," regarding Cluster Development Standards. **(Time Limit: May 31, 2018)**
(History: Deferred on May 9, 2018 to May 23, 2018)

Mr. Zuraf: This one is going to be a few seconds longer. This is the corresponding Zoning Ordinance amendment with the... regarding Cluster Development Standards. Also on May 9th, the Planning Commission had its public hearing to consider several ordinance amendments to modify regulations concerning cluster subdivisions and cluster developments. The Commission requested one change to the design standards that were proposed to be part of the amendments. And basically that was to allow for an exception that portions of sewer and water utility easements that may be identified in the comp plan may be used to satisfy required minimum open space acreage and we... the language that we sent you with the staff report, we did make some adjustments and you did receive tonight two new copies of the proposed ordinance and in addition to the adjustment to that language, staff had some internal discussion as well on another issue regarding the ordinance. So first, looking at the proposed modifications, we... on the very last page, we provided more of a narrow focus to that exception to say that all portions of utility easement that is identified in the sewer and water master plan element of the comprehensive plan may be used to satisfy the required minimum open space acreage. The idea there was that if there's a future improvement that's envisioned, it would be beneficial to be able to acquire that easement at the time the development happens. So the County is not having to acquire that easement for a cost at some future time and potentially taking property or improvements. So we made that adjustment. The other issue that we're just making you aware of is, the portions of the ordinance that would refer the cluster subdivision areas to the map that is now adopted as part of the comp plan, the discussion that we've had with legal staff was that it would probably be better to not make that adjustment and retain the language that we have now, which is essentially referring to the map that currently is part of the Zoning Ordinance, and so this would be a proposal really to make that... to remove that adjustment entirely so we would retain the language that we have now, retain the referral to the cluster area map as it currently exists. So this first version proposed modifications is just proposing to remove that language from the amendment, but it essentially, it will retain it in its current form. So it just does not become part of this amendment. And the final draft version just shows all these changes in final form for your consideration. I'll take any questions at this time.

Ms. Vanuch: Thank you. Anyone have any questions? Mr. Randall?

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Mr. Randall: So what does the language currently say then, if you're going to take that out and not refer to the new map 3.9?

Mr. Zuraf: So the current language, let's see, cluster design subdivisions are permitted on parcels within the boundary established on the map entitled cluster subdivision areas, which is the current language.

Mr. Randall: Okay, so we just took the figure 3.9...

Mr. Zuraf: And comp plan reference out.

Mr. Randall: ...out. And the comp plan reference.

Mr. Zuraf: So the map will still be in place in the comp plan, but the ordinance will refer to basically the same map that's part of the Zoning Ordinance.

Mr. Randall: Okay, thank you.

Ms. Vanuch: Mr. Apicella?

Mr. Apicella: Madam Chairman, this is a small issue. I think on "D" on the last page, page 6, all portions of a utilities easement, I don't think that is necessary. I think... it doesn't sound quite right to me, so I would recommend just striking it to say all portions of a utility easement identified, yada, yada, yada. Is that okay? Does that work?

Mr. Zuraf: Yes.

Ms. Vanuch: Yes.

Mr. Zuraf: That's fine.

Ms. Vanuch: Anyone else have any questions, comments, concerns? Okay. Thank you so much. Since there is no applicant or no public hearing on this one this evening, I bring it back to the Commission and open up the floor for any motions.

Mr. Randall: Madam Chair, I make a motion to approve the amendment to the Zoning Ordinance.

Mr. Apicella: With the change?

Ms. Vanuch: Yes, make that clear.

Mr. Randall: Yes, with the... that is stricken from the record.

Ms. Vanuch: Alright. Do we have a second?

Mr. Bain: Second.

Ms. Vanuch: Okay, so we have a motion by Commissioner Randall and a second by Commissioner Bain. Any comments Commissioner Randall?

Mr. Randall: No, I have no further comments.

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Ms. Vanuch: Okay, Commissioner Bain?

Mr. Bain: No.

Ms. Vanuch: Alright. Anyone else? Okay. I will make just one comment. First of all I'd like to thank staff for their hard work on this and the sub-committee on the... that worked on the cluster language. I know they turned this around pretty quickly. And then also for the resident input which ultimately led to this change, because it does really make a lot of sense and I'm glad that they were there to be able to help us understand that we were missing something pretty important and that we were able to get it into the draft. So that's the conclusion of my comments, so we can go ahead and vote. Alright, motion passes 7-0. Okay, moving on to new business now. This is Cannon Knolls, lots 9 and 10 which is a boundary line adjustment. And for this we recognize Ms. Campbell.

NEW BUSINESS

6. WAI17151933; Cannon Knolls Lots 9 & 10 Boundary Line Adjustment - A waiver of Subdivision Ordinance Section 22-146 regarding side lot lines for a Boundary Line Adjustment on 2 lots located on Tax Map Parcel Nos. 26F-9, and 26F-10, zoned A-1, Agricultural, on 6.0602 acres. The property is located in the Cannon Knolls Subdivision, on the north side of Artillery Drive, approximately 600 feet from its intersection with Cannon Knoll Drive within the Hartwood Election District. **(Time Limit: August 21, 2018)**

Ms. Campbell: Good evening Madam Chairman and members of the Planning Commission. I'm here to present a side lot line waiver for Cannon Knolls lots 9 and 10. The site is located on Assessor's Parcels 26F-9 and 26F-10 with a combined acreage of about 6 acres. The zoning is A-1 located within the Hartwood Election District within the Cannon Knolls subdivision on the north side of Artillery Drive. You can see the site here located within the red hashing. It's east of Hartwood Road, west of Poplar and just north of Stoney Hill Road. And here is an aerial view of the site so you can see the two lots here at the end of the cul-de-sac. So a little history, Michael Evangelisto purchase Tax Map 26F-9 in October of 2017, unaware that he previous owner of the parcel built a new driveway and retaining wall on the neighboring property to the east, parcel 10, owned by Mr. Andrew Detoll. A survey was done a day after Mr. Evangelisto purchased the property, which confirmed the encroachment onto Mr. Detoll's property. A boundary line was submitted to us to create an even swap of property to remedy this issue, but the new configuration failed to meet the required zoning lot width minimum standard of 200 feet for lot 10. The existing retaining wall currently straddles the property line, which is also prohibited. Section 22-146, side lot line of the Subdivision Ordinance states side lot line shall be approximately at right angles to or radial to curves of the front lot line, except at cul-de-sac terminal points. The proposed lot line configuration to meet the 200 foot minimum zoning width requirement and to keep their retaining wall out of the property lines would change from one single line from the street to three lines, creating the need for the waiver from the subdivision ordinance. The configuration is shown here and in your attachment 3.

Mr. English: Can you highlight that?

Ms. Campbell: Yeah. So as you can see, as it stands now, runs like this, so it runs through this existing retaining wall here, that the previous property owner had built and a portion of the driveway he had built here as well. So it looks like it's on... if you drive out there, it looks like it's on this property, on lot 9, but it's actually on the lot 10 property which was... Mr. Evangelisto did not know when he purchased it. So here's some picture of it where you can see, where I'm drawing this line is kind of approximately where the property line runs, so this is all over here on the left is Mr. Evangelisto's property and to the

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right of this blue line is his neighbors. So the previous owner had built this without permission, pretty much. And then... so the applicant formally requests that that the Stafford County Planning Commission consider the waiver request from section 22-146, side lot lines, and approving this waiver would only impact the parcels 26F-9 and 26F-10. In section 22-241, authority to grant, states, where permitted, one or more of the minimum requirements established under this chapter may be waived by the Planning Commission upon assurance of the subdivider that each of the following has been met; 1: The minimum requirement, if applied to the proposed subdivision, would impose an unreasonable burden upon the subdivider and 2, the granting of such a waiver will have no substantially adverse effect to the future resident of the proposed subdivision nor upon any property adjoining such proposed subdivision. I'd be happy to answer any questions that y'all may have.

Ms. Vanuch: Awesome. Thank you. Any questions?

Mr. English: Ms. Campbell, I'm sorry, all parties are in agreement with this, correct?

Ms. Campbell: Oh yeah, yeah. No, both owners have signed, yeah.

Mr. English: Okay, thank you.

Mr. Randall: Madam Chair. I have a quick question.

Ms. Vanuch: Go ahead Mr. Randall.

Mr. Randall: Can you go back to the lot plan please?

Ms. Campbell: To the layout here?

Ms. Vanuch: And can you make sure that the microphone... maybe you just pull it up a little bit.

Mr. Randall: So that's...where your blue marker is...

Ms. Campbell: Yeah, sorry.

Mr. Randall: ... is the old property line?

Ms. Campbell: So the old property line, yes, is the straight line here.

Mr. Randall: Okay.

Ms. Campbell: The one that I drew and then the other curve that I drew is the existing retaining wall.

Mr. Randall: Okay.

Ms. Campbell: So as it stands it runs right through, which is...

Mr. Randall: Right. So what's the new one that you're looking at?

Ms. Campbell: The bold line. Can I clear these?

Mr. Harvey: You can change color if you want to.

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Ms. Campbell: Okay, hold on. The bold line here I'm drawing in red is the new property line to avoid the retaining wall and still meet the 200 foot minimum.

Mr. Randall: Okay, and then in the back of the property, or... I see the lines, is that the property that's going back over?

Ms. Campbell: Oh yeah, here, so this is the existing line and this is what they're swapping, is the bold here. So this would be the new line.

Mr. Randall: How is that delineated on the property? Is that just wooded area that's...

Ms. Campbell: It's wooded area.

Mr. Randall: ... they just know now that...

Ms. Campbell: Yeah.

Mr. Randall: ... where it was, now it's 15 feet farther?

Ms. Campbell: Yeah, I'm not sure exactly the feet, but they're swapping evenly still in this configuration.

Mr. Randall: Okay.

Ms. Campbell: (Inaudible) unclear.

Ms. Ennis: They had a survey there so the property corners have been set, so both the owners know where...

Mr. Randall: Oh they've got... okay, so those are marked out then? Okay. Thank you. I don't have any more questions Madam Chair, thank you.

Ms. Vanuch: Okay. Anyone else have any questions?

Mr. Apicella: Madam Chairman, just one question.

Ms. Vanuch: Mr. Apicella.

Mr. Apicella: Just, again, another process question. As I understand it, this is one of the few items that the Planning Commission has full purview over, that we make the final decision, unless it's appealed? Is that the way it works?

Ms. Campbell: Yes.

Mr. Apicella: Okay, thanks.

Ms. Vanuch: Okay. Is that it? Okay. Anyone else have any questions? Okay. Thank you.

Ms. Campbell: Thank you.

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Ms. Vanuch: And this is not a public hearing and there is no, well, is there really an applicant, Dan? Technically? So should we allow the applicant to come speak?

Mr. Harvey: Madam Chairman, it's at the Commission's discretion. If you would like to have the applicant state their case.

Ms. Vanuch: Is the applicant here?

Mr. Harvey: I will note that the Code requires the Commission to find that the applicant's demonstrated there's a subsequent issue that requires the waiver. So if the Commission is satisfied with the written submittal, that's fine. Or if the Commission wants the applicant to come and also give oral presentation, that's fine as well.

Ms. Vanuch: Okay.

Mr. English: It's in my district. I spoke with one of the gentlemen, so I have no issue, unless they need to speak. I think it's cut and dry what they need done.

Ms. Vanuch: Are they here? Would they like to speak?

Mr. English: Do you need to speak?

Ms. Vanuch: Would you like to speak?

Mr. Evangelisto: (Inaudible, speaking from the audience).

Mr. English: I spoke with him, yeah.

Ms. Vanuch: Okay. Alright. Perfect. Okay, well then we'll bring it back to the Commission. Commissioner English, this is in your district.

Mr. English: And I make a motion that we approve...

Mr. Boswell: Second.

Mr. English: ... WAI17151933 Cannon Knolls lots 9 and 10, boundary line adjustment.

Ms. Vanuch: Okay, so motion to approve by Mr... Commissioner English and Commissioner Boswell had a second. Any comment Mr. English?

Mr. English: No, uh-uh.

Ms. Vanuch: Mr. Boswell? Any other comments from anyone else? Okay, we get to vote then. This is the second time you've gotten off easy. Alright, motion passes 7-0. We're on a roll tonight. Alright, so now we're going to move on to the Planning Director's report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Madam Chairman, I only have one item to report. At last week's Board of Supervisors meeting they took up the issue of the renaming of the private portion of Big Springs Lane

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and the Board determined to name the entire length of the road Mineral Spring Way. And that concludes my report.

Ms. Vanuch: Well thank you, Mr. Harvey. County Attorney's report. Mr. Wisniewski?

COUNTY ATTORNEY'S REPORT

Mr. Wisniewski: Thank you Madam Chairman. I have no report.

Ms. Vanuch: Okay, thank you very much. Now moving on to Committee reports. And the first committee report on the agenda is the cemetery ordinance subcommittee final report and for this we recognize Ms. Baker. And while you're walking down, I'd like to just read a statement for the record. According to state law I do not have a conflict of interest in participating in the cemetery ordinance subcommittee or its matters before the Planning Commission. This ordinance is a county wide ordinance and treats secular and non-secular groups and organizations equally. For the record, the AMAA did file a conflict of interest complaint on me back in December, which I promptly responded to within 10 days, as it was very clear that there was no conflict of interest on my part. As a member of the subcommittee I did wait until the Commonwealth Attorney completed his investigation before moving forward to bring the final report back to the Planning Commission to make any appropriate disclosures necessary. However, according to the conflict of interest act, I have no conflict and I am not required to make any additional disclosures, but in an abundance of transparency and good faith, I am making this statement this evening and I will be able to participate in the subcommittee and Commission with no bias and that concludes my statement. Thank you. Go ahead Ms. Baker.

COMMITTEE REPORTS

- Cemetery Ordinance Subcommittee
Final Report

Ms. Baker: Good evening Madam Chair, members of the Commission. At your last meeting the Planning Commission cemetery ordinance committee presented the report of its findings regarding the Board of Supervisors' request to review the existing Cemetery Ordinance and the request included making a recommendation whether any changes were necessary to the existing ordinance. At your last meeting you all noted that you had just received the report and so needed time to review the information that was submitted. So just to summarize the background of the Ordinance, originally in December 2016 the Board adopted Ordinance O16-39 which provided the standards and processes for establishment of cemeteries in accordance with state code. Among other items, the Ordinance requires consent of any property owner within 250 yards of the cemetery, unless separated by a public road, also requires a tract of land must be between 25 and 300 acres. It also states that no burials may be located within 900 feet of property owned by the County that has a well, used as a public water supply. It also requires that no burials are to be located within 900 feet of a terminal reservoir or perennial streams that drains to a terminal reservoir. The Ordinance also requires no burials to be located within 900 feet of any private well used as a drinking water supply. And lastly it requires site plan approval for the establishment of any new cemeteries. In September 2017 the Board discussed amending the cemetery Ordinance with regard to setback from existing wells and water resources and this was based on citizen concerns that were raised at a Board of Supervisors meeting. The Board requested the Planning Commission consider whether any amendments to the existing ordinance were needed. So in November 2017 the Planning Commission discussed the item. They established a Cemetery Ordinance Committee, which consisted of Commissioners Vanuch, English and Mr. Coen. Mr. Coen was... ended his term on the Planning Commission at the end of the year. Two committee meetings were held. Notification was

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sent to citizens that either spoke or... at the Board of Supervisors meeting, or had previously expressed interest in the issue. So at the first meeting on December 6th, the committee reviewed information that had been presented, including the Ordinance, during the adoption of the original Ordinance. They also looked at cemetery provisions in other localities, reviewed mapping of potential cemetery properties and looked at related cemetery studies. The committee also received public comment at this meeting. Then the second committee meeting was held in February 2018, and as I stated, Commissioner Coen was now no longer part of the committee, since he was no longer on the commission. So the committee had reviewed information presented by the public, including the use of vaults in cemeteries for burials and whether the County could require certain burial methods, including the use of those vaults. The committee also reviewed whether other localities prohibit cemeteries and discussed the draft groundwater management study for piedmont areas of the County. And this was to gain an understanding of the potential impacts to drinking water wells. Public comment was also received at this meeting and additionally documents were presented by Ms. Debrae Karnes of Leming and Healy, as well as a citizen, Mr. Glen Patterson. Information from the committee meetings is included in the report that you all had received. The report was also posted with this agenda under the committee reports. The committee, as I noted last meeting, recommends leaving the existing Ordinance in place and forwarding this recommendation to the Board. They acknowledged that the primary reasons include the distances required in the existing cemetery Ordinance between drinking water wells and burial sites are supported by scientific evidence. There was no new information that was presented during any of the committee meetings that refuted the studies on the burial distances specified in the existing Ordinance. The committee also noted that while cemetery owners may follow certain practices that would help protect drinking water resources, such as the use of vaults, the county can't require these practices. And also the existing Ordinance permits the establishment of new cemeteries while taking into consideration the protection of the County's drinking water resources. I will note that you all received a handout tonight that we received this afternoon, a letter from Leming & Healy. So with that, I would be happy to answer any questions.

Ms. Vanuch: Thank you Ms. Baker. Does anyone on the Commission have any questions for Ms. Baker.

Mr. English: I have none Madam Chairman, but I'd like to make a motion to add the reports and studies submitted by the subcommittee and by Mr. Patterson to this report.

Ms. Vanuch: And just so everybody understands, so, Mr. English is making a motion to add some studies that were dropped off to the subcommittee by Mr. Patterson, some scientific studies.

Mr. English: Yes.

Ms. Vanuch: In addition to that, do you want to amend the motion to include his questions that he asked to be attached, and they were missing.

Mr. English: Yes.

Ms. Vanuch: I think that Mr. Apicella saw that they were missing in the report. The attachment was missing.

Mr. English: Right, yep.

Ms. Vanuch: Do we have a second?

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Mr. Randall: I second that.

Ms. Vanuch: Okay so we have a motion by Mr. English, second by Mr. Randall. Mr. English? Comment?

Mr. English: No, I have none.

Ms. Vanuch: Mr. Randall?

Mr. Randall: No.

Ms. Vanuch: Any other comment? Okay, go ahead and vote to add that in. Passes 7-0. Okay so now we can move on. Does anybody have any questions for Ms. Baker on this? Mr. Apicella?

Mr. Apicella: I have a few questions. So as I understand it, the primary reason for establishing a safe distance between burial sites and drinking water is to promote public health, safety and welfare. Is that kind of the broad umbrella?

Ms. Baker: Yes.

Mr. Apicella: So based on the information on the report, what I saw were several academic research papers which recommended a 250 meter distance between burial sites and wells used for drinking water. Is that your recollection? I counted at least five different studies.

Ms. Baker: I did not go back and look at all of the studies and all the different distances. There were some different distances in different studies.

Mr. Apicella: Right, but there were at least five papers that I saw that recommended a 250 meter distance.

Ms. Baker: Okay, I will have to look and count the five studies to concur with that, but I'll take your word for it.

Ms. Vanuch: You can just take his word for it.

Mr. Apicella: And I also think that I saw some information indicating that actually some countries have adopted that standard, for instance the UK and Ireland, have a 250 meter... meter, not foot, distance between burial sites and wells. Do you recall that being in there?

Ms. Baker: I will also take your word on that.

Mr. Apicella: Okay. I think you said this, but I just want to clarify or be sure that I heard what I think you said. Was any other scientific evidence presented by members of the public identifying a different standard? Not opinions, but scientific evidence.

Ms. Baker: I indicated there was no new information presented, that refuted the studies that the committee had used to come up with their decision.

Mr. Apicella: And do we know of any science that would demonstrate why or how municipal water resources that are actually filtered or treated should be handled differently than untreated, private wells?

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Ms. Baker: I'm not scientifically qualified to answer that, but...

Mr. Apicella: But we don't know of any specific reason why? I mean, the state has a certain standard. It's 900 feet from public water resources. Is that kind of summarizing what I think I saw in the package?

Ms. Baker: The State Code references 900 feet distance.

Mr. Apicella: Okay. From your research, do you feel, and what you know about Stafford County, are there parcels in Stafford 25 acres or greater which could meet the new, or what our current standards are for cemetery?

Ms. Baker: Without doing independent studies on each individual parcel, I can't confirm that, but there would likely be parcels large enough that could accommodate setbacks. Not all of the parcels are going to be adjacent to wells. Not all parcels are going to be adjacent to streams. So there could potentially be sites out there that do not have limitations on them that a cemetery could be developed.

Mr. Apicella: And certainly, as you get a larger parcel, say 50 or 100 acres, and I know there are parcels in Stafford that are undeveloped that are that size, you're even more likely to be 900 feet around the entire parcel from a private well.

Ms. Baker: I would assume so, yes.

Mr. Apicella: Again, from your research and the way we understand our current, new ordinance, are secular and non-secular entities treated the same or differently under current cemetery requirements?

Ms. Baker: I'm not going to answer that question, because that's not my bailiwick but I would certainly let Mr. Harvey, or Mr. Wisniewski answer that.

Mr. Harvey: Madam Chairman and Mr. Apicella, the Ordinance does not speak to one type of use versus another. It just speaks to cemeteries, regardless of who is operating the cemetery.

Mr. Apicella: So the way you understand it, there is no difference between the way we treat secular and non-secular operations?

Mr. Harvey: Correct, with the exception the County has adopted the State standard that speaks to church yard cemeteries not having to go through the zoning approval process by the Board of Supervisors.

Mr. Apicella: Okay thank you. Are there any parcels in Stafford currently zoned for a cemetery use, but not developed?

Ms. Baker: I'm ... Can you restate that?

Mr. Apicella: Today, are there any parcels in the County that are zoned for a cemetery use, that have not yet been developed as a cemetery?

Ms. Baker: I mean, cemeteries are permitted in the A-1 zone.

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Mr. Apicella: Right, but presumably there might be somebody who has already sought or was allowed a cemetery use and has not yet developed that particular parcel or parcels as a cemetery?

Ms. Baker: We have not had any applications for new cemeteries.

Mr. Harvey: Madam Chairman, Mr. Apicella, we do have one cemetery in the County on Enon Road. They have gone through zoning approval. My understanding is one interment on that property and it has not been fully developed. Is that responsive to your question?

Mr. Apicella: Yeah. So presumably someone could use or purchase that property and they'd be grandfathered under the old cemetery rules? Is that correct?

Ms. Vanuch: That is correct.

Mr. Harvey: Yes, the zoning is in place for the cemetery use on that property.

Mr. Apicella: Okay.

Ms. Vanuch: Yes.

Mr. Apicella: Thank you.

Ms. Baker: Sorry, I misunderstood your question. I thought you were just asking the zoning?

Mr. Apicella: I misunderstood the question, so don't feel bad.

Ms. Vanuch: That happens often. I did Google really quickly while you were asking the question about the distance and the acreage. The most standard shape for acreage is one furlong by one chain, or 660 feet. So one acre is usually a distance of 660 feet, so I think 900 feet is pretty attainable since the state requires a 25 acre minimum. So, I don't know if that helps.

Mr. English: For the record, 250 meters is 860 feet.

Ms. Vanuch: It's, what is it, 3.3... I'm not European, so...

Mr. English: Is that right?

Ms. Vanuch: So it's like 850 something feet.

Audience member: 820 feet Madam Chairman.

Mr. English: That's 250 meters? Okay thank you. Just for the record. Okay. Thank you.

Ms. Vanuch: Alright, any other questions for Ms. Baker? No other questions? I'm just going to really quickly highlight some of the studies. Some of the old studies that the Commission used, in the very first go-round, because we do have three new Planning Commissioners on this Planning Commission and then I'm going to cite some of the stuff that was provided in some of the studies that Mr. Patterson had provided to the subcommittee, that we reviewed for additional scientific input. The first one is, and I'm just going to read off the titles, because I'm sure you guys have a pretty large packet. The first one is The environmental damage and public health threat caused by cemeteries article and I'm just going to

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high-level point out one or two things that the studies actually point to. The first item in this study was contamination of 400 meters and beyond, which is 1,348 feet. So it actually surveyed cemeteries and found that there was contamination up to 400 meters. Participants were in the United States and in Brazil, and I quote from the article that “they created unhealthy conditions for the human population”. The second study is the actual European... the Government Regulations for the UK. They have a tiered assessment for cemeteries. There are no cemeteries allowed in zone 1 and in zones 2 and 3 you have to undergo significant testing and monitoring quarterly and annually. You can’t bury a body deeper than... I think it was... I can’t remember how deep, but there was a limitation on how deep the body could go and that you could only bury the body 1 meter under... it had to be at least 1 meter underground, which I think is like 3.3 something feet, which, in the United States we can’t dictate how deep a body is buried, because different religions practice different things and the way that they bury their loved ones. The next one is The toxins leaking from embalmed bodies in graveyards, they pose a threat to the living. This was the environmental agency basically did a study and said for up to 10 years there are dangerous chemicals that dissipate from the body, so that they do actually provide seepage for up to ten years. The next is our very own Commonwealth of Virginia Department of Environmental Quality, which have... these are the animal mortality and onsite burial guidelines and they have a limit of 2,000 pound animal per acre. So that would mean that I could bury one horse per acre or maybe one cow and that they still have to be 200 feet from any well or perennial drinking stream that provides drinking water. And again, that provides limits. They also dictate how deep the animal has to be, how shallow it has to be, etcetera. All of which we don’t translate over to humans. The next is the study that’s titled Groundwater near Cemeteries. This also states that cemeteries are supposed to only be in zone 1 and they should have a 250 meter distance and it also states in here that everybody that’s buried, that goes through the traditional embalming process, is buried with 3 gallons of formaldehyde and that means for a typical cemetery, that would be three to five million gallons of formaldehyde annually. The next is The arsenic contamination in graveyards study and this was just an older study that talked about how older, back in the day when bodies were buried with arsenic, there was an outbreak of arsenic contamination. The next one is actually a Planning and Zoning article for Planning Commissioners. It’s specific to Planning Commissioners and it talks about planning for cemeteries. So I’m going to read a quote, so if you will just bear with me on this. It’s on page 6 for those following along at home. It says Many also regulate the location and characteristics of cemeteries through their zoning code. Some communities include cemeteries among the list of permitted or conditional uses and various districts. Others designate and define specific cemetery zoning districts. Most ordinances also require that they be located away from flood plains and sensitive environmental areas. Other standards often found in Zoning Ordinances include minimum parcel sizes, minimum setback limits, screening requirements, draining standards, maximum density standards for grave lots, standards for accessory structures and uses and even special platting requirements for burial lots. So that’s from that study. The next one is another study that talks about the 250 meter setback, but then also adds on to it that if the slope is more than, I think it’s like 10% or 17% and it’s in a flood zone or there is prone flooding that it should be additional footage... additional meters to the 250 and it also talks about how many bodies a buried on the site and the depth of those bodies should require additional setbacks. And the next one is the impact of cemeteries on groundwater contamination. This one reads that even healthy humans release bacteria when they’re decomposing and this cites a 290 meter setback and it also lists all of the things to avoid when burying bodies. A lot of which that we can’t do, because they would violate religious practices in the United States and then, you guys are probably wondering, if you didn’t follow along, if you weren’t part of the Commission back in, I think, 2016, why there’s a dwarf wedge mussel packet in here and that’s actually a protected mussel in the Aquia Creek and its number one killing source is nitrogen and if you look into the study for mineral contamination for cemetery sites, I think that’s the study, it actually talks about all the different contaminants that a body releases and nitrogen, it’s like, I think it’s over like 1,800 grams in a typical human body and so that’s why it’s very important that we have these setbacks, so that the nitrogen doesn’t seep into areas where the protected mussel is and the last two papers, or the last paper is

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the World Health Organization, which we used in the initial process that speaks to seepage and decay, major bacteria and viruses that seep out and also the metals can be very dangerous from coffins, etc. They also talk about burying bodies one meter below the ground. Again, we can't really dictate that in the United States, and the distance should be even greater when the property is garnered with slopes. All of which we didn't include in our Ordinance, we just created, just a scientific, baseline setback, In the very, very first subcommittee we did also talk about limiting, since the major concerns were around groundwater. We talked about limiting cemeteries, sort of like we made the cluster map and doing sort of a cemetery map and keeping it in the Urban Services Area and just having the setback from the perennial streams that drain into the public drinking water supply, because inside the Urban Services Area there are no private drinking water wells. But, we wanted to allow anyone who was wanting to purchase the cemetery access to the less expensive land out in more the urban areas of the County and the A-1 land that could be a lower cost, as long as they just met that minimum setback. And so, technically a cemetery could be created anywhere inside the urban services area as long as it wasn't next to one of the perennial streams where we get our drinking water. So, I just wanted to make sure that I mentioned all of that so that the new Commission members were up to speed on all of the studies that we looked at. Does anybody have any questions?

Mr. English: No ma'am. Madam Chairman I would like to make a motion that we send Ordinance O16-39 unchanged to the Board of Supervisors for them to approve.

Mr. McPherson: Second.

Ms. Vanuch: Okay, so we have a motion by Mr. English and a second by Mr. McPherson. Any comment Mr. English?

Mr. English: No I just, I think we've got a lot of stuff there to back us up, as far as your studies that you had and what we read and things like that so, I think we've got a good ordinance here.

Ms. Vanuch: Okay, thank you Mr. English. Mr. McPherson?

Mr. McPherson: I agree with Mr. English.

Ms. Vanuch: Okay, any other comments from any other member on the Commission? Okay, do we want to go ahead and take a vote? Alright, the motion passes 6-0 (Ms. Vanuch abstained) with one abstention. Okay, moving on, Landscaping Standards Subcommittee Final Report, alright, the final one! Ms. Hornung,

- Landscaping Standards Subcommittee
Final Report

Ms. Hornung: Thank you Madam Chairman.

Ms. Vanuch: You did the line by line last time and so what I think what we could do is make sure that if anybody provided feedback, hit the high levels on what feedback if anybody provided and the changes, if anything.

Ms. Hornung: Right, there was no feedback received and what you, what staff provided you was a copy of a version that had the track changes and another cleaned up version and the only things that staff changed were some format, grammatical errors that were fixed, and looked at content that it matched,

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and then there were a few things that came from another staff member who reviewed the Landscape Ordinance just to look at consistency and move certain paragraph items into other areas that fit better. So, as in the memo that you received, the buffer yards, it was changed wall to free standing wall and moved a section from 110.2 to 120.4 where it was best received because of what the content was of that paragraph. And similar to Section 120.4 for landscaping and street trees, incorporated some other sections, 110.2, and then subdivided the 120.4 into single family attached, multifamily and single family detached. So we expanded that a little more than just residential. And then Section 120.4 to fix a plant unit contradiction and so that everything matched and then removed the section of pre-existing hardships, because if you have a hardship that's the purpose of having the alternative compliance and the departure from the standards. Or, you also have a landscape credit section, which was expanded so that if you have credits onsite you can use those to incorporate so that you didn't have a hardship. And then section 120.4, section 3, 4 and 5, changed parallel easements to exclusive easements. And the document is ready for you to either send up to the Board for their recommendation and future public hearing or if there's any other comments I'll be glad to incorporate those.

Ms. Vanuch: Thanks Ms. Hornung. Anybody have any comments or questions? None? Okay. Alright, do we have any motions, what do we desire to do?

Mr. English: So we have to send it to the Board first before we do a public hearing, correct?

Ms. Hornung: Correct. The Board sent this document to you to review and change and then now it goes to the Board for them to make any comments, similar to the parking standards.

Mr. English: Okay, I want to make a motion that we go ahead and send this to the Board for their approval.

Ms. Vanuch: Alright, so we have a motion to send this to the Board.

Mr. Randall: I'll second that.

Ms. Vanuch: Okay, motion by Mr. English, second by Mr. Randall, any comment Mr. English?

Mr. English: No I just think Andrea and the group that we worked on this, it was tedious but we got it done, and thank you for all your hard work.

Ms. Hornung: Thank you.

Ms. Vanuch: Mr. Randall?

Mr. Randall: I have no additional comments.

Ms. Vanuch: Anyone else? Any comments? Alright, let's go ahead and vote then. Alright, motion passes 7-0. Chugging right along.

Ms. Hornung: Thank you.

Ms. Vanuch: Thank you. Alright, now A-1 Uses Subcommittee.

- A-1 Uses Subcommittee
Report on May 16, 2018 meeting

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Mr. English: A-1, that's mine. Did everybody get their summary meeting, everybody get that, looked at it? So what we're going to do, we got some just a little bit of clean up on the kennel work that Officer Mike Knoll is doing for the animal control he's gonna do some, he's got some studies to bring back with us. And once he's done that and we tie this up, this should be ready to come back to you guys and we can vote on this so, we're pretty much wrapped this up so...

Ms. Vanuch: Okay.

Mr. English: And like I said everything's mostly in your notes, what we've done.

Ms. Vanuch: Okay, great.

Mr. English: I'm not gonna read it so...

Ms. Vanuch: Anybody have any comments or questions about it? Okay, so we'll look forward to that and maybe in June or July?

Mr. English: Yeah, it's probably gonna, I'm thinking it's probably gonna be July maybe.

Ms. Vanuch: It's gonna be our only outstanding subcommittee.

Mr. English: Yeah, that's it.

- Cluster Work Session
Meeting: Discuss June 13, 2018

Ms. Vanuch: Finally. Okay, next one, this is not a subcommittee, but I just wanted to remind everyone that we're gonna be seeking feedback from each of the Commissioners at the June 13th Planning Commission Meeting on the cluster work session. We're gonna be talking about, you know, what we'd like to accomplish out of that meeting so we can start to advertise that, set the date, set it up for the public to be able to attend and I think the ultimate goal for that is to identify if any changes want to be made to the cluster map that we are able to allow staff the time to run new GIS models to prepare them for the work session. Does anybody have any comments about that? Nope? Okay, Chairman's Report, I don't have any. In other business, the TRC meeting for June 13 was canceled. We do have one set of minutes that need to be approved for March 28, 2018. Do we have a motion?

CHAIRMAN'S REPORT

None

OTHER BUSINESS

8. TRC Information – June 13, 2018 – *Meeting Cancelled*

APPROVAL OF MINUTES

March 28, 2018

Mr. English: I'll make a motion to approve.

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Ms. Vanuch: Approve minutes for March 28th

Mr. English: Yes, March 28th minutes.

Mr. Boswell: Second.

Ms. Vanuch: Okay, so a motion by Mr. English, second by Mr. Boswell, any comments?

Mr. English: No.

Ms. Vanuch: Mr. Boswell?

Mr. Boswell: No.

Ms. Vanuch: Anybody else? Alright, let's vote. Alright, motion passes 7-0, and that concludes tonight's meeting. Meeting adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:56 p.m.