

STAFFORD COUNTY PLANNING COMMISSION

September 12, 2018

The meeting of the Stafford County Planning Commission of Wednesday, September 12, 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, Rysheda McClendon, Stacie Stinnette, Mike Zuraf, Andrea Hornung, Susan Blackburn

DECLARATIONS OF DISQUALIFICATION

Ms. Vanuch: Any declarations of disqualification or disclosure this evening?

Mr. McPherson: Madam Chair, just a disclosure. As we discussed, I will be... I'm feeling under the weather so I'll be here for the public hearing portion and leaving after that. So, when people see me leaving it's just because I'm not feeling well and I wanted to be here for the public hearing portion. Thank you.

PUBLIC PRESENTATIONS

Ms. Vanuch: Thank you Commissioner McPherson. Okay, now moving on to the public presentations this evening. If you are here to speak on anything outside of the public hearings, you may come down to the podium for three minutes and speak. When the green light comes on, please state your name and address and the district you reside. When the yellow light comes on you have one minute left. And when the red light comes on, please conclude your comments. Would anyone like to come down and speak?

Mr. Waldowski: Paul Waldowski, gerrymandered Rock Hill District. I also own property in the gerrymandered Griffis-Widewater District. Oh, that's not one, that one's not gerrymander; it's the other GW that's gerrymandered. I still want to know why area code 717, which is in Pennsylvania, and I happen to know that area code 716 is in western New York. And for those of you who don't know how New Yorkers think, we call Pennsylvania Baha New York; that's lower New York. It's really New Jersey is who's it stood for. Now invocation starts with the word in in it which is pretty powerful. Today is the eighth anniversary of the passing of my father so I thought it would move me to come here today and just speak and see what's going on. It's ironic that Florence is the name of my mother and she knows I to create storms especially in counties you know. I just like to make you think which is subjective but I'm more concerned about you being objective. I do want to praise VDOT who, I have my own acronym for them, but they fixed Enon Road finally after I reported all the potholes. Remember, VDOT sometimes is very dumb on transportation so be careful what they do. Oh, let's see what else. Oh, I got stuck on 630 today. We had a nice smash up. I couldn't tell if it was the volunteer firemen who were doing it or the paid ones. But we finally got through after two miles of traffic. Had me worried about me maybe making it here at 6:30 p.m. I know I'm retired but I'd rather come here at 7:00 p.m. Then I can get to the poker game later and people have smaller stacks than me. I also saw the sign Liberty Knolls, you know. Who shot Liberty Knolls. Orion Homes did; they're building it. And I want you all to go down Shelton Shop Road and look at Shelton Woods and look at what you passed.

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And I hope the rain just comes and just... because you killed all my cicadas. You know I am the chairman of the cicadas of 2030. They're going to graduate from high school in 2030, the 17-year ones. I happened to see a cicada in the Griffis-Widewater District just before my new tenant moved in. It's pretty interesting; one of the most interesting bugs on earth. And that's about it. You'll hear me for nine more minutes. I don't know what we're talking about but I'll be here.

Ms. Vanuch: Thank You Mr. Waldowski. Anyone else like to speak during the public hearing or public presentations? Alright, seeing no one come forward, now we can move onto the public hearings portion of tonight's meeting. Number one on the agenda is the reclassification of the Stafford Nursing Home and Retirement Community, which is a minor proffer amendment. And for this we recognize staff member Mike Zuraf.

PUBLIC HEARINGS

1. RC17152139; Reclassification - Stafford Nursing Home & Retirement Community Minor Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel Nos. 44FF-2 and 44FF-2B ("Property"), zoned LC, Life Care/Retirement Community Zoning District. The Property consists of approximately 16.77 acres and is located on the east side of Berea Church Road and along both sides of Brimley Drive, within the George Washington Election District. **(Time Limit: December 21, 2018)**

Mr. Zuraf: Good evening; if I could have the computer please. Good evening Madam Chairman, members of the Commission, Mike Zuraf with the Planning and Zoning Department. This is a proffer amendment for the project known as Stafford Nursing Home and Retirement Community. This is a request to amend proffered conditions on two parcels, parcels 44F-2 I'll refer to as parcel 2, and 44FF-2B, I'll refer to that as parcel 2B in the presentation. The sum total of these two parcels is 16.77 acres. The applicant is Stafford SNF Investors, LLC., with Charlie Payne as the agent for the applicant. The site is highlighted in red and located on the east side of Berea Church Road and along both sides of Brimley Drive, which is the main street through this through this community. The site itself is zoned LC, that's Life Care Retirement Community. And to the south is another portion, the third parcel of the original LC rezoning that occurred several years ago. This site to the south has an existing nursing home which is not subject to... not part of this proffer amendment. Other surrounding zoning and uses, you have R-1 zoning to the north and east in the yellow shaded properties. Those are single-family detached homes in the England Run and Berea Knowles subdivisions. And to the south and east is M-1, Light Industrial zoned property in the Stafford Industrial Park where you have some flex office warehouse uses, and some undeveloped land as well. So, in the presentation I use a few acronyms, so kind of in an attempt to kind of minimize confusion I want to just point out these and clarify their meaning. So, AL, that refers to assisted living; IL, the assisted living dwelling unit types; IL is independent living dwellings. Also, AL and IL density is measured kind of differently, is referred to differently at times. Typically, assisted living is measured by the number of permitted beds, and independent living is measured by the number of dwelling units. So, to kind of establish an appropriate comparison we... between the two uses we kind of say we assume that one independent living unit equals two beds in one of those units. So, looking at the zoning history, back in March of 2008 land was originally zoned to the Life Care zoning district for the retirement community. A year later in June of 2009, the site plan was approved for the entire facility. In August of 2009, the proffers were amended to allow for some phasing and temporary access because the initial street, Brimley Drive, was not complete. And then also, in June of 2014, the proffers were amended. It was the first amendment to increase the maximum number of assisted living beds from 127 to 142, and concurrently decrease the independent living units from 240 to 207. And then just last year the proffers were amended again to increase flexibility between the independent living and assisted living units. You meant that last

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amendment; it modified the mix of dwelling unit types permitted on the property to basically allow the approved number of beds to be either assisted living beds or independent living units. And then there were some conditions that there'd be at least a hundred independent living units through the full build-out on the remaining site that's currently undeveloped. And then at any one time no less than 30 independent living units in place. This amendment would permit... that amendment that occurred permitted the remaining development to include assisted living or independent living units, so it allowed more flexibility than you had before. Also, the amendment would have allowed the existing facility to adjust the level of care it offered as needs changed into the future. So, looking at the aerial view of the site and the existing conditions, the subject area includes the two highlighted parcels that I've mentioned. Parcel 2 has been fully developed as part of the original project with structures and associated vehicle travelways and parking. The Crossings at Falls Run is a facility on that site. It has 142 assisted living beds and 46 independent living units, which would equate to 92 independent living beds. Parcel 2B has been graded and does include a 42 space parking lot with the remainder of the site vacant. The parking lot does provide required parking for both the Crossings and at Falls Run and the existing nursing home facility, which is just to the south that you can see outside of the blue shaded area. This is an image of the original general development plan that was approved. The GDP shows how the current uses fit into the overall original development scheme. The GDP identifies the location of the current and planned uses. Parcel 2 identifies the existing Crossing at Falls Run facility with the structures and parking developed as originally... much mainly as originally envisioned in that site. Parcel 2B identifies a potential for three separate buildings, identified as including independent living units. Parcel 2B has not been fully developed and currently just contains the small parking lot as mentioned. So, going through the amendments that are proposed, first is amendment proposed to proffer 2 which would modify the GDP that would apply. This GDP would apply specifically to parcel 2B and it illustrates development of a proposed single-story 90 bed nursing home in place of the previously approved the three buildings that were proposed. The plan submitted...

Ms. Vanuch: Mike, real quick, how many beds were in the other one?

Mr. Zuraf: That one, well...

Ms. Vanuch: Sorry.

Mr. Zuraf: It was a number of units or beds and I'd have to do a little math to kind of figure that out.

Ms. Vanuch: Okay, maybe Charlie will probably know later.

Mr. Zuraf: So, and I may actually may mention that later... I think I have that information later on a later slide, so we'll maybe get to that. The plan with the proffer amendment identifies the location of the nursing home on the site. Access to the facility would be provided via two entrances off of Brimley Drive. Just for reference, Brimley Drive runs in this... so this map is re-oriented from your other maps. Berea Church Road is in this location and here's Brimley Drive, and here's your two access points.

Mr. Randall: So, Mike, if I could Madam Chair, if I can ask a question.

Ms. Vanuch: Yes.

Mr. Randall: So parcel 2 is below us, right?

Mr. Zuraf: Yes.

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Mr. Randall: Okay. So, we're looking at Brimley Road is the one that they've built to access both sides of that, correct?

Mr. Zuraf: Correct.

Mr. Randall: Okay, thank you.

Mr. Zuraf: So then you have a travelway and parking spaces circling the building on three sides. A portion of the travelway encroaches into the Resource Protection Area buffer slightly in this location here. The encroachment will be evaluated during the site plan process. It may also require approval by the Chesapeake Bay Board, but that will get determined at that time. The 75 required parking spaces for the new nursing home would be accommodated within this parcel. The 42 parking spaces that are currently on the proposed nursing home site provides 40 required spaces for the other existing uses. So, this nursing home would displace those existing parking lot spaces. The general development plan proposes relocation of the 40 spaces in the following way; four of the spaces would be included on this site, and then also 25 parallel parking spaces are proposed along Brimley Drive, and then 11 spaces would be added to the Crossings at Falls Run property on the other side of Brimley Drive. So prior to approval of the site plan for the nursing home, those 40 parking spaces are going to have to be accommodated on the site plan in another way and as... either as mentioned or in some other fashion. The staff report did note fire and rescue concerns about the amount of parking and the impact on fire lane concerns and pedestrian hazards. Since the release of this staff report, the fire and rescue staff has had additional discussions with the applicant and they got more of an understanding of what was going on and is okay with the proposal and parking. They got a better understanding that the amendment is comprehensive in that it addresses the parking that's required for the current facilities and how that can be handled. They note that they may provide additional suggestions at the site plan stage to consider additional... adding additional parking above what's already required to further improve the parking conditions on this... in this complex. Another amendment would be to proffer 3 that deals with phasing and access. This is kind of an outdated proffer. Initially, when the project was being developed, the existing nursing home was the first project part of the project. The nursing home is immediately adjacent to Brandywine Court in this location, which is through the adjacent industrial park. So, through the amendment the nursing home got initial primary access via Brandywine Court, and part of that required a temporary access via the alignment of Brimley Drive as a... it was a gated kind of temporary access because it didn't meet... the road didn't meet full state requirements or full requirements, so there was secondary access via Brimley Drive until the full access to an intersection improvements to Berea Church Road were constructed. And then future phases then required Brimley Drive to be fully built and that has happened, and they basically flipped now so primary access is via Brimley Drive and secondary access is via Brandywine through via a gated access. And that's all been done and satisfied, so they're proposing that be deleted. So, proffer 5 is another change. This would reduce the number of assisted living beds or independent living units and beds from 556 to 346, and restrict these unit types to parcel 2 where the Crossings facility is located. And then add that the 90 bed nursing home facility would be permitted as the only use on parcel 2B. So evaluating this change...

Mr. Apicella: I'm sorry, so that's a net reduction in overall residents.

Mr. Zuraf: Yes it is.

Mr. Apicella: Okay, thanks.

Mr. Zuraf: So, the limitation on the location of the assisted living and independent living unit beds would be to parcel 2 and that would be reflected in the reduction from 556 to 346. And then also the

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proffer would keep a requirement that you have at least 30 independent living units to still require at least some mix of independent living and assisted living units. And overall, the amendment would result in a net reduction of 120 residents I think maybe is what you were getting at Madam Chairman with the question. So, this would result... be a result of 210 fewer potential independent living and assisted living beds on parcel 2B, but then adding 90 nursing home beds. Then also the amendment does reduce the likelihood for new independent living units and corresponding cash proffers. Proffer 6 does require contributions of approximately \$8,000 per independent living unit. No contributions are required for assisted living or nursing home beds. The contributions have been made for the existing 46 independent living units in the amount of approximately \$367,000. Additional contributions could be made only if the current assisted living beds that are in the Crossings facility were to be converted over to independent living units. That could happen. There are no current plans for this to occur but, if it does, then the applicant would be required to pay additional proffers if that change was to happen. There could be up to 115 independent living units in that facility while still maintaining a minimum amount... a minimum required amount of assisted living beds. So there could be an additional \$919,000 in proffers collected if the facility was to change and become more of a place for independent living units. But again, there's no specific plan for that to happen.

Ms. Vanuch: Hey Mike, real quick. So, am I following this right? So, they're reducing the amount of independent living units.

Mr. Zuraf: That could occur in the future.

Ms. Vanuch: Okay. But we get proffers for those.

Mr. Zuraf: Right.

Ms. Vanuch: And they're replacing it with nursing home beds of 90, right?

Mr. Zuraf: Yes.

Ms. Vanuch: Where we get no proffers.

Mr. Zuraf: No proffers.

Ms. Vanuch: Okay.

Mr. Zuraf: Some of the other minor amendments that are proposed, with proffer 9, the amendment to proffer 9 would amend the timing of the recreation proffer. That would require the remaining contribution of \$50,000 to be provided in a single payment prior to occupancy of the nursing home; \$50,000 of a required \$100,000 has already been contributed during prior phases of the project. The proffers require final payments of in two \$25,000 payments and those were tied to two of the remaining three buildings that were envisioned. But now, since the amendment only has one... would have potentially one more building, the applicant did modify that proffer to basically just pay the remainder prior to occupancy of the nursing home. So proffer 10, that deals with travelway standards. This increases all on-site private travelways with requirements from 18 feet to 22 feet, consistent with ordinance requirements. Proffer 24 is a proffer related to the existing nursing home. This deletes the proffer that applies to the existing nursing home facility because it's not subject to this proffer amendment, because these amendments only apply to the other two properties. Then proffer 28, that's a proffer dealing with site cleanup and that was prior to the initial development of the site. It deletes a previously satisfied proffer requiring waste cleanup in the RPA buffer along Falls Run.

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Mr. McPherson: Mike, quick question. Proffer 24 has been completely satisfied? The one that's going to be deleted?

Mr. Zuraf: Proffer 24 would... let me get the language of that... but that would still be in place on the existing nursing home site. So, that language...

Mr. McPherson: I just know for proffer 28 you said previously satisfied; I didn't see previously satisfied for proffer 24, so I just wanted to check. If it hasn't been satisfied we probably don't want to delete it, right?

Mr. Zuraf: I didn't catch that. It completely refer... so, basically, that proffer 24 still exists on the nursing home site. It says the area south of the designated perennial stream and as designated on the GDP will not be utilized for any independent living units and only as a nursing home facility. So, that requirement still applies on that nursing home site. So, it's a restriction; it doesn't have to deal with something being satisfied or not, it's more of a use restriction. And that still is in place on that existing nursing home.

Mr. McPherson: Okay. But you said it... but they said they're going to delete that, so that's my confusion.

Mr. Zuraf: It's deleted from the...

Mr. McPherson: The existing.

Mr. Zuraf: Well... So, it's deleted from the areas shaded in blue because it doesn't... it's an area that doesn't apply.

Mr. McPherson: Okay. Alright, thanks.

Mr. Zuraf: So it's still where the area is circled in red, that proffer still applies there, still requires that to be a nursing home. This all ends up getting very confusing because you're changing some proffers and not others.

Mr. Apicella: I mean, is the reason it's being removed because of the change in the GDP that makes it moot?

Mr. Zuraf: It's more so just that these proffers are applying to... they don't apply to that property.

Mr. Apicella: Gotcha.

Mr. Zuraf: I mean, it could remain and it wouldn't necessarily be the end of the world if it still exists, you know, still left there in the proffers. But, kind of more of a housekeeping type of thing. So looking at the overall evaluation, in the positives, the proposal is consistent with the Comprehensive Plan as the existing zoning is in compliance with the suburban future land use designation, and the amendments to the proffers will not affect the previously approved residential land use of the area. Also, the adjustments from the independent living units and assisted living beds to nursing home beds decrease the overall number of residents in the facility. It allows for the development to adjust its residential offerings based on changing needs. And then, also, the proffer amendments update non-applicable or previously satisfied development standards. And I had already... we listed in the staff report the, as a negative, the concerns from Fire and Rescue about the parking concerns and, as I noted, this negative

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aspect stemming from their concerns has been satisfied to their... by Fire and Rescue. And staff is supportive of the amended proffers pursuant to Ordinance O18-41 and recommends approval. And we'll turn it back for any questions.

Ms. Vanuch: Thank you Mike. Any questions for Mike so far? Mr. Bain?

Mr. Bain: I have a few. In your presentation on proffer number 5, you're saying modify the mix of dwelling types on parcel 2 in such that it would restrict it from 556 to 346 units?

Mr. Zuraf: Yes.

Mr. Bain: Or is that beds? I'm a little confused about that first.

Mr. Zuraf: Yeah.

Mr. Bain: Is it beds?

Mr. Zuraf: Well, it's stated as beds which it basically would have the equivalency of, you know, two beds per one; so you take half of that for the number of units that would apply.

Mr. Bain: I don't think that cleared up my confusion. If it's a unit...

Mr. Zuraf: Because we always... the way we look at it is one unit would have two beds.

Mr. Bain: Two beds. So if it's 346 units, it would double it.

Mr. Zuraf: It's beds, it's stated as beds.

Mr. Bain: Its beds, okay, its beds; that's good. Then I go back to your existing conditions which was page 5 of your handout and you indicated there that parcel 2 has been fully developed. And, if my math is right, you have 142 assisting living beds and 46 independent living units, which is 92 beds, and the sum of the 142 and 92 is 234. So if it's fully developed, why would you allow 346 beds? Why shouldn't that 346 be 234, unless they have plans to expand on parcel 2. Maybe my math is wrong or I'm confused about beds and units.

Ms. Vanuch: I think that what you're saying is that parcel 2 equals 234 beds and they're asking for 346 beds, but what was in the proffers was the max of whatever you just said which equals 112 were left over. So they should be asking for 112, so we're essentially giving them more beds by this proffer amendment?

Mr. Bain: That's sort of what I'm getting at. Instead of 234, they're asking for 346 and yet it says that it's fully developed.

Mr. Randall: Yeah, if I could Madam Chair. To build on that, is it fully developed or is it not fully developed? If it's fully developed then we wouldn't expect to have any more... anything added to parcel 2.

Mr. Zuraf: I think that as far as the building area it's pretty much maxed out and...

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Mr. Randall: So, the maximum amount of beds that are going to be on parcel 2 is 234, not the... not the stated 556 down to 346. It would be 556 down to 234 because it's fully developed and we're not adding any more beds to parcel 2.

Mr. Zuraf: I guess their potential might happen where... and I'm probably going to have to defer to the applicant to address because this is how they proposed this... if there's any interior modifications that might allow for more beds to go within the existing building, that's something...

Mr. Bain: Over a hundred beds? Wow, they'd be jamming them in.

Mr. Zuraf: Well...

Ms. Vanuch: Going from king size to twin.

Mr. Bain: We'll see if the applicant has something to say on that. The other issue that I was very confused about, on the drawings the tabulation for parking spaces did not make a lot of sense to me. Let me find that now. On sheet 2 -- I was working at home off the little drawing so it was rough -- the applicant has indicated there that as part of the requirement there are... the number of spaces for the beds and for employees and then says 22 spaces for parcel 44FF-1 and 18 spaces for parcel 44FF-2. Why are those... what are those being required for, if it's a requirement?

Mr. Zuraf: Those are listed because those are currently being accommodated on that property, and right now...

Mr. Bain: Ah, those are the overflow parking.

Mr. Zuraf: ... those are the 40 spaces that they...

Mr. Bain: Ah, okay.

Mr. Zuraf: ... need to accommodate somewhere in this complex.

Mr. Bain: Okay, that was not clear to me. And they then say further down, provided future on parcel 44FF-2, 11 spaces; 44FF-2 is parcel 2 is it not?

Mr. Zuraf: Yes.

Mr. Bain: And parcel 2 you've already said is fully developed, and looking at the layout for parcel 2, I don't know where they're going to find more spaces. So, that I find very questionable that they could accommodate that. Then I looked at the layout drawing for the proposed building and I just... the parking does not seem to add up.

Mr. Apicella: Can I ask the question in a different way?

Mr. Bain: Sure, sure.

Mr. Apicella: With respect to the proposed use and the parking spaces, is that intended to accommodate the number of parking spaces for that use, as currently required by our parking standards, plus the 40 spaces that are already there?

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Mr. Zuraf: The current site... the parcel 2B, they would have enough spaces to accommodate that nursing home site, plus...

Mr. Apicella: Plus the 40.

Mr. Zuraf: ... plus 4 extra. Then the other spaces are, as I kind of mentioned, they're proposing adding parallel parking spaces along Brimley Drive.

Mr. Apicella: Okay, do you have a...?

Mr. Zuraf: Those are kind of... I'm kind of marking them with a highlighter here.

Mr. Bain: We're not seeing the map on the screen.

Mr. Zuraf: Okay. Can you bring the computer up please? So on Brimley in red they're parallel parking spaces proposed.

Mr. Apicella: How wide is Brimley?

Mr. Zuraf: I'm not certain the total width but I did scale it out; it appears that the... you know, they're going to have to make sure that those spaces still can accommodate an adequate travelway.

Mr. Apicella: So was that one of the concerns that Fire and Rescue mentioned, that parking spaces along Brimley?

Mr. Zuraf: Yeah, and from scaling it out, it looks like it still exceeds 22 feet in width with the parallel parking spaces which would be one of the requirements. And so you have the spaces on each side in these locations.

Mr. Apicella: So, again, just to kind of build out this conversation, how many parking space... how many parking spaces are proposed as part of this change? The ones on Brimley and around this use?

Mr. Bain: The total was 115 but I'm not sure I understand how they can provide more spaces when they had to build overflow parking for the existing building.

Mr. Apicella: I think it just depends on how many spaces are required for this building, right, plus the ones that they already had. That's what I'm trying to get at. So, how many spaces would be required for this use?

Mr. Zuraf: For this use, 75 spaces.

Mr. Apicella: So that goes to the, what, 115?

Mr. Zuraf: Yeah, that's part of the 115, and then the remainder are the 25 on-street spaces and then 11 spaces or kind of what they list as... that they would accommodate over in the parcel 2 which we're questioning how that would happen.

Mr. Bain: I think I would want to see how they're going to accomplish that.

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Mr. Zuraf: The applicant may be able to address that. They did talk about there may be an area along one of the travelways where that can be added in, so I would ask the applicant to try to explain whether they're planning that.

Mr. Bain: The final issue I wanted to bring up, looking at this site, and I realize this is something that's dealt with down the road with the land development plan, I don't see where they can provide stormwater management on-site. They're that close to the stream; underground storage probably would not work because of the hydraulics. So, it's just a comment that I really am concerned about that type of issue with this site.

Mr. Zuraf: Underground storage is provided over in this area of the site.

Mr. Bain: Offsite. Off of site 2B.

Mr. Zuraf: Yes.

Mr. Bain: Is that existing?

Mr. Zuraf: It's existing and my understanding it was designed to accommodate development of parcel 2B.

Mr. Bain: Oh, okay, that was not mentioned so. Alright, thank you.

Ms. Vanuch: Mr. Randall?

Mr. Randall: I have a quick question. So just so I'm clear, the 42 spots that are currently on 2B, parcel 2B, are they there as a requirement to meet the parking ordinance for the development on parcel 2?

Mr. Zuraf: Forty of the spaces would be...

Mr. Randall: So, 40 of the 42 are required.

Mr. Zuraf: Are required and therefore some of them are for parcel 2 and some of them are for parcel 1, which is the existing nursing home...

Mr. Randall: Which is the nursing home at the bottom of the...

Mr. Zuraf: Yeah, yeah.

Mr. Randall: Okay, alright. The private travelway that you mention in proffer 10, is that the Brimley Road that you're talking about?

Mr. Zuraf: That would include Brimley Road... Brimley Drive and travelways through the development, through the site.

Mr. Randall: Okay. So in proffer 10 we're talking about increasing... widening Brimley Road from 18 feet to 22 feet. Is that what it says?

Mr. Zuraf: No, it is already wider. It is just making sure that the travelways maintain 22 feet width. It's already wider...

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Mr. Randall: It's already at 22 feet?

Mr. Zuraf: It's more than that.

Mr. Randall: Okay, alright. So why would they prefer something if it's already more than that?

Mr. Zuraf: Well, because they're looking to add in the parallel spaces that don't exist now.

Mr. Randall: Okay, so, currently it's wider than 22 but not wide enough to handle the parallel parking spaces that they plan to put there?

Mr. Zuraf: I believe it is; it's just this will ensure that that's maintained.

Mr. Randall: Okay. I guess I would need probably a little more specificity that says how wide it will be when they're finished, so that we know that there's adequate parking, as well as a travelway for both incoming and outgoing traffic. Okay. And then I have the same concerns about the parking; I guess I would need to see a little more of the parking. This parking that they've identified is based on the current parking ordinance, is that correct?

Mr. Zuraf: Yes.

Mr. Randall: Alright, thank you.

Ms. Vanuch: Okay, I don't see any more questions. I just have one thing I want to mention to you but I'll let Charlie answer it in his presentation. Since the parking is going to be so far away from the building, what are they going to do, like sidewalks or whatever, to make it easily accessible for people maybe that are in wheelchairs or that are handicapped and we are dealing with the elderly, to make it easy for them to get from point A to point B so.

Mr. Zuraf: There's sidewalk along the one side.

Ms. Vanuch: Maybe have a valet there or something? Thank you. Come on down. I know you have to be quick tonight so we'll hold all of our questions till the end, maybe you can address some of them. What time do you need to be out of here by?

Mr. Payne: I'm good.

Ms. Vanuch: Okay.

Mr. Payne: Yeah, I'll get there in time. I appreciate you accommodating me to be up here first. Charlie Payne. I represent the applicant. I appreciate your time this evening and thanks for staff, I think they've covered a lot of bases and know there have been a lot of questions. Just for purposes of the GDP, in parking and stormwater management, access, those kind of things, I'm going to have Mark King answer those questions if you still have them and if they weren't answered. I think the interesting thing here is you've got a fairly built-out development. It was initially proposed obviously for two phases; the first phase was the 90 bed nursing home facility, which is done. And then the second phase was two buildings; it's the building that's currently there that this Planning Commission approved last year for an amendment to give us a flexibility to move AL and IL around, which is assisted living and independent living. We saw a need, still see a need for AL. We also see a need obviously for skilled nursing which is why we're here asking for a proffer amendment on the second building of phase 2. So that's not built

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yet, so that's why we're here for the proffer amendment. So I know there's been a little confusion on, you know, what's out there now, what currently is in sight. Onsite now, just to answer Ms. Vanuch's question, there are 46 IL units currently onsite. We have the capacity to build 115, build-out 115 units. So the capacity is not maxed for beds in the current building one of phase two, if that answers your question, which is parcel 2 on your GDP.

Mr. Randall: Right, so then to answer the question, it's not fully developed. There is some more developmental...

Mr. Payne: No. The building's built, max, it's already built-out to handle the beds, the number of beds, and the number of people that can be in the facility. So we're not going to expand that building anymore. But it's not... we haven't filled it up, the beds if you will, completely yet. So we've got 127 AL units in there today, 46 IL, we have the ability to go... we have a license for 142 AL, and we have the ability to go up to 115 IL if that answers your question. Remember, IL is a unit so you multiply it by 2 for beds, and AL are beds. I know it's confusing but that's how they're licensed so I apologize for any confusion there. So, what we were approved initially were 556 beds for parcel 2 and parcel 2B, okay. So collectively, for those two buildings, it was to be 556 beds. So what we're doing is reducing that number by 210 overall beds and replacing that delta with 90 bed nursing... skilled nursing facility. Hopefully that addresses any confusion so I apologize for all of that.

Ms. Vanuch: So, really quickly, what does that do to the proffers then because...

Mr. Payne: Well, for proffers is you...

Ms. Vanuch: ILs get proffers.

Mr. Payne: Yeah, and you can remember, we could go IL or AL so there might not be any IL and it'd just be AL so you wouldn't get proffers anyways, if it was just all AL. We can always go to IL in the future, which would give us the ability to go up to 115 total I think was the number, which would bump up the proffer number another 900,000 as staff has reported. But I can go through kind of what we paid already in proffers. Also, if you don't have IL, you don't have the assumed impacts, if you would, for having IL. But we can still do IL in building 2... phase 2 building 1, sorry, that's currently there. And we can max that out to 115 today. That's units, units.

Mr. English: But it's not maxed out right now.

Mr. Payne: It's not maxed out right now, correct. Okay? Sorry for all the confusion. Anyways, I do have a quick PowerPoint that I would walk through fairly quickly I hope. Can I have the computer please? Thank You Mr. Harvey. And I can move this right? Okay, great. Since this was initially approved in 2009, the market at that time I was a little different. We all thought that there would be a sort of age in place development, life care development. They're still very possible but things have changed, people living longer, some people went back to work. There's been a greater need in this area for AL and now nursing, skilled nursing facility. But we have built out like I said most of the proposed development including the 90 bed nursing home facility, which is currently there today. And also, just to avoid confusion on all the changes in the proffer amendments you're seeing, the 90 bed, current 90 bed facility is a different tax map parcel. So all the proffers that run with that tax map parcel continue today and aren't impacted by this proffer amendment. So your question about it just be nursing home facility and not AL and IL continues today as staff noted. It's just not part of this proffer amendment because that parcel is not impacted by this, okay. So, sorry for that confusion. It just gets a little confusing; you get multiple parcels and multiple uses. Again, the request is to address the minor

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changes to the GDP which we have stated, and again, we'll go through some of the parking questions if you still have them. And again, this is the second building in phase 2 to be developed as a maximum 90 bed skilled nursing home facility. What's the genesis of this? What is, one, the Commonwealth of Virginia has determined that this Planning District 16, Stafford is included, has a need, a significant need for skilled nursing beds by 2020, which is going to take us that long to get the facility up in place if we were to get approved.

Mr. English: Mr. Payne?

Mr. Payne: Yes.

Mr. English: Let me stop you one second. Skilled nursing -- what do you mean by skilled nursing home? When you say skilled, is that going to be like rehabilitation also or is it just like a flat nursing home...?

Mr. Payne: It's nursing home facility, correct.

Ms. Vanuch: Twenty-four hour care.

Mr. Payne: Twenty-four hour care, 7 days a week.

Mr. English: That's the reason for the skilled, right?

Mr. Payne: And it's a different licensing procedure as well.

Mr. English: Okay.

Mr. Payne: More... maybe just to put it in kind of layman terms, a greater need of care than assisted living in the next level.

Ms. Vanuch: You could also call it long-term care.

Mr. Payne: Long-term care. Thank you. We have determined, not just us, the Commonwealth of Virginia has determined that there's a need in this district. In fact, Stafford will have the greatest amount of population, age population growth in any other district, any other jurisdiction in the Planning District 16. There's a new statute, fairly new statute out that allows Planning Districts to transfer these beds. Of course, you guys know this has to go through a process. The state has to approve the need for these beds in any jurisdiction. It's a very difficult process, a very complicated process. When there's already been an approval, now you have a unique opportunity to transfer those beds. That also requires approval but obviously it's a little bit different process. So we have done that. We have Planning District 22, the Eastern Shore, there was a termination; they had too many beds licensed so now we have the ability to transfer those beds to Stafford County. Without the transfer, as I've stated, we think it could be very difficult to get those beds here anytime soon. Planning District 16, I'm sure you're all familiar with it, includes Stafford, the City of Fredericksburg, Spotsylvania, King George, and Caroline County. You can see number nine is the hospital but you see, other than the star where we are, which is number four, only Woodmont, which is a fairly older facility, is in Stafford County. We have the greatest population, we have the greatest aging population and by 2021 you're going to see that we're going to be in significant need of this. I hear the numbers and this is done by the Weldon Cooper Group. Currently approved are 208 in Stafford. By 2020 we're going to need 287 and then by 2021 we're going to need

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305. So we're 97 short. So this 90 would cover that gap. And you can see that's significantly more than any of the other jurisdictions in PD 16.

Mr. McPherson: If I can ask real quick, does that include the transfer from District 22? These numbers?

Mr. Payne: It doesn't. That number... this is just what's in need, this is not what's... So, what we have today are 208 was approved in Stafford County.

Mr. McPherson: How would the transfer rights though affect this? I mean, I know this is just the need but.

Mr. Payne: So, we have a gap of 97, so the transfer rights would actually help us fill that gap.

Mr. McPherson: Okay.

Mr. Payne: So right now we have 208 approved, so we need to add... and by 2021 we'll need 305, so that delta is what this is going to help fill. Yes sir. Here's the approval that we got from the Commonwealth Virginia Department of Health allowing us to make the transfer, and that was just recently done. Again, this is a unique opportunity for Stafford County to obtain these necessary beds for our community, allows our community who are aging to age in place, be close to their families. I hear tons of horror stories where folks have to go long distances to see their loved ones, so I'd like to keep them in Stafford County, keep them in the community. These facilities are very positive net tax revenue generators so just to kind of go to your question about proffers, these do generate significant taxes for the county and they do create high-paying... higher-paying wages because it is a skilled nursing facility which requires skilled technicians and skilled health care personnel on-site. Total project costs and investment is nine or ten million dollars. You know, of course, that would be construction jobs as well locally. You probably have in your packets -- I hope you do -- we have signed petitions in support of this project, about 60 so people. We know the facility very well and who have relationships and family members who have been there and part of it. And Mary Washington Healthcare has also provided strong support for the project. And here's a letter from Dr. McDermott who is the President and CEO of Mary Washington. As you can see in his letter, he has a strong relationship with the current facility and has identified that the need is real and he's encouraging this use in Stafford County. Again, many of the residents in our current facility are from Stafford. The current facility as the Fire Marshal always wants to ensure, is completely fire sprinklers, 24-hour supervision and care in a residence building, a more modern building; that is extraordinarily important certainly from a healthcare preventive injury and from an ability to react to healthcare needs. Station 12, the Berea Fire & Rescue, is located less than two miles away.

Mr. Apicella: Madam Chairman? On number 12, so it used to be and I think it's still the case when somebody gets transferred by the rescue squad say to the hospital, that person has to pay some fee or their insurance pays that fee. In this case, if somebody gets transferred to a hospital, who pays that fee?

Mr. Payne: Mr. Culp who is the administrator of facilities is here as well. He likely can answer that question.

Mr. Apicella: You probably need to come up and...

Mr. Culp: So, when someone transfers to a hospital from a skilled nursing facility, that is either paid... it's paid by their insurance, either Medicaid or Medicare. It's covered under those fees that we get

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already and so they are covered. And typically if they're on a private insurance, that is also covered by them.

Mr. Apicella: Okay, thanks.

Mr. Payne: So, again...

Mr. Harvey: Madam Chairman? For the record, could we identify who the gentleman was who just spoke?

Mr. Payne: Mr. Jeffrey Culp who is the administrator at Falls Run.

Mr. Harvey: Thank you.

Mr. Payne: Thank you.

Ms. Vanuch: Thank you Mr. Harvey.

Mr. Payne: Again, as we have stated, we can still provide up to 69 additional IL units in building one of Phase two. Proffers -- just to reiterate, we've already paid \$368,000 in cash profits for the 46 IL units and, as you recall from our last proffer amendment, that can't be refunded or changed and that will stay. We've already made the road improvements at Berea Church and 17 and Fleet which was estimated at \$582,000 at the time. We are paying the additional \$50,000. Knocking out the IL and AL units would have negated that \$50,000, but we decided to go ahead and pay that. We thought that was important to do as well. All the entrance improvements, as you know if you've been there, are already in place and have been made. Again, sprinkler system consistent with proffer 19 stays in place and the emergency gate stays in place. Those are just some key proffers to bring your attention, not all of them. I'm happy to answer any questions you may have.

Ms. Vanuch: Any questions to the right? Any questions to the left? Alright, thank you very much.

Mr. Payne: Thank you Madam Chair, thank you Planning Commission.

Ms. Vanuch: Alright, any additional questions... oh, we've got to do the public hearing. Okay, so since we don't have any questions for staff or the applicant, now we'll open up the public hearing for the public. So if you're here to speak on this issue, please come down to the podium. You have 3 minutes to speak when the green light comes on. When the yellow light comes on you have 1 minute. When the red light comes on, please wrap up your comments. And when you come down, state your name, address, and the district that you reside for the record. Would anyone like to come down and speak?

Mr. Waldowski: I already gave my name and address. Paul Waldowski, gerrymandered Rock Hill District. Yes, I am a senior citizen and you would have to wheel me there to do assisted living, because there are sidewalks to nowhere. My main concern is safety. I don't think station number 12 can get in there and get out and safely help someone who might need the help. Unlike what I see on the other side of 8 Picket Lane in the over 55 community where station 14 visits almost daily. Just because someone brings you letters from people and they make these assumptions, let's get some facts. There's Medicaid and Medicare. Medicaid does not pay for a private room. Look it up, I have first-hand experience. You must supplement someone's room if it's a private room if they're in assisted living. Now, anyone that's my age and a baby boomer, we're never going to do IL in some facility, because we'd have to be i-l-l; we'd have to be real ill to go to IL. So, what you're talking about is you're giving projections of 2020

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and 2021 and it's all subjective. This does not meet the Comprehensive Plan. It's a subjective statement. Staff pointed out to you, you don't have ample parking. Just because you add 4 feet to something doesn't mean anything. If you're on a secondary state road, you need to park the right way. You have so many opportunities here because I'm not with the Board of Supervisors; they call it issues. So, you have many opportunities here and the applicant has failed to show to the public, because I'm... I represent the public because I'm the only one who tries to understand this and I can see most of you are confused. This looks to me like the first time you saw this. It's like oh my goodness. Hmmm, 25 seconds. So, once again, just because staff recommends something, I don't see anyone on staff who knows anything about Medicaid or Medicare or who's ready to do it. You gotta go on Medicare when you're 65. Been there, done that.

Ms. Vanuch: Thank you Mr. Waldowski. Would anyone else like to come down and speak? Okay, seeing no one rush the podium I'm going to go ahead and close the public hearing on item number 1 and bring it back to the Planning Commission. Do we have any... actually I want to bring it back to the Planning Commission and then bring it back to Charlie. Would you like to come up and address any of the concerns brought up by the public?

Mr. Payne: Thank you Madam Chair. Again, Charlie Payne; I represent the applicant. I don't know if you have any additional questions for me or if you want me to answer the Medicaid question. I'd be happy to do that. Most of the patients in nursing homes are on Medicaid. They can't have private rooms, they have shared rooms. And I've got an aunt on who's on that program today. So, any questions I'm happy to answer.

Ms. Vanuch: Anybody have any questions for Charlie? Okay, I think we're good.

Mr. Payne: Thank you.

Ms. Vanuch: Thank you. Alright, any questions for staff? Are we ready to do something? Mr. Bain, this is in your district.

Mr. Bain: Thank you Madam Chairman. Mr. Waldowski was right; I'm still a little confused about the parking issues and counting beds and ILs and ALs. I would really like to see a more definitive plan for those extra parking spaces that are just sitting out in space right now and have not been addressed on the drawings that we have been provided. I think that's an important issue. So, I think I'd like to make a motion to defer this application until we can get some supplemental information from the applicant.

Ms. Vanuch: So, we have a motion to defer. Do you have a timeline on that? It's due by December 21st; do you have a meeting that you would like to see it back? I think we have a April 26th... or April, oh my God, sorry not April... September 26th, October 10th, October 24th, and November 14th are the next ones that we have.

Mr. Bain: Would October 10th work for the applicant?

Ms. Vanuch: You can come on down, you can come up.

Mr. Baine: Even I mean September 26th would be acceptable to me if..

Mr. Payne: Thank you Madam Chair. We do have a tight timeline because of the approvals from the state and we have to get moving pretty quickly. We can answer the parking questions and we're happy to do that tonight if that would be helpful. Our engineer's here...

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Ms. Vanuch: I don't think we can do it now that there's was a motion on the floor, I don't think we can discuss that. Rysheda... Ms. McClendon?

Ms. McClendon: Madam Chairman, you actually need a second then once you have a second you're allowed to pursue a discussion.

Ms. Vanuch: Okay, so let's get you a date, maybe the September 26th?

Mr. Bain: The 26th of September, this year.

Ms. Vanuch: Okay, so there's a motion on the floor... hang on... a motion on the floor to defer this until September 26th. Do we have a second?

Mr. English: I'll second for discussion.

Ms. Vanuch: Okay, so we have a motion on the floor, September 26th by Mr. Bain, second by Mr. English. Any comment Mr. Bain?

Mr. Bain: No.

Ms. Vanuch: Mr. English?

Mr. English: No.

Ms. Vanuch: Okay, discussion?

Mr. Apicella: What I think I'm hearing though, irrespective of comments, is that we want to see something on paper to understand where the parking spaces will be, how wide Brimley... is it Brimley?... Road is. So that part is a little unclear, how the parking is associated with the new building versus the old building. So, some kind of visual that helps us understand the parking layout and how it accommodates both the current needs and the future needs.

Mr. Bain: Correct.

Mr. Randall: I do have a question.

Ms. Vanuch: Mr. Randall.

Mr. Randall: Mr. Payne, I have a question for you'd like to... So, based on the current parking ordinance, how many parking spaces do you expect to build for the... we know 40 have to go back to parcel 1, right, the first phase of 2, right. Forty would have to go back over there.

Mr. Payne: Before we answer that question, Mark, do you want to... our civil engineer is here. He can probably answer that question a lot better than me.

Mr. Randall: That's fine. Just have him identify himself when he gets to the podium please.

Mr. King: Good evening everyone, I'm Mark King with Bowman Consulting Group. The question that everybody's had about this parking, there are some existing parking spaces on this parcel. Brimley is a private road 50 feet wide. We made the easement as wide as the road.

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Mr. Randall: Okay.

Mr. King: So you've got... and the plan shows if you look at Brimley, there are 25 parallel parking spaces showing up that'll be striped. So, just doing the math, the parking spaces are 22 by 10, so that leaves you 30 feet in the middle; 15-foot travel lanes. And then as a part of the GDP and the nursing home, we're picking up four additional spaces above and beyond what would be required. So, there's 29 and then on parcel 1 where the existing AL building is at, we're going to add 11 spaces. There's a place to add 11 spaces to that so that's the 40 spaces that we make up. The 11 spaces do not show up on this GDP, but it's something...

Mr. Bain: Something that I would like to see though is where they are and how they will be accessed.

Ms. Vanuch: And then the other question that I think Mr. Randall was really getting at is the parking ordinance is number 3 on our agenda which is unfortunately after this. And there are, you know, projected changes to the parking ordinance. So we want to know how those changes will relate to this particular facility, so we really want to get through parking ordinance, you know, figuring that out.

Mr. King: Absolutely correct, because this is park basically based on the new regs. Because the regs right now classify this as a hospital and it's three spaces per bed. I mean you're starting to talk over 200-300 parking spaces which it just doesn't work.

Ms. Vanuch: So you actually like what we're doing then?

Mr. King: Absolutely! It's a good thing.

Ms. Vanuch: Can you say that louder?

Mr. King: We like the parking ordinance.

Ms. Vanuch: We don't get told that very often.

Mr. Randall: If I could continue just for a second. So, how many current parking spaces do you have on the site currently? Do you know?

Mr. King: There's 75.

Mr. Randall: There's 75 and 44 of them are in parcel 2B, correct?

Mr. King: Yes.

Mr. Randall: And those are part of the required amount that you need for what's currently located, the AL facility on parcel 2.

Mr. King: Correct.

Mr. Randall: Okay, so 40 of those will need to be required just for parcel 2, and then we'll need to build an entirely new set of parking spaces for parcel 2B.

Mr. King: Correct.

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Mr. Randall: Correct?

Mr. King: Correct.

Mr. Randall: Okay, so how many... by the parking ordinance, how many spaces would we need to build for parcel 2B?

Mr. King: By the current would be 3, there's like 270.

Mr. Randall: Okay, so you need 270 spaces...

Mr. English: That's too many, that's under the old ordinance.

Ms. Vanuch: That's under the one that is right now, because it classifies it as a hospital.

Mr. Randall: So based on the new one... on the current one it's what?

Mr. King: The current ordinance is 0.25 parking spaces per bed or one space for every 4 beds.

Ms. Vanuch: Alright, I think we need to wrap it up, wrap up the discussion.

Mr. King: That's two strikes I guess.

Ms. Vanuch: No. I think...Mr. Randall.

Mr. Randall: And to my point, this is why I think this is this is somewhat confusing because we have a current ordinance, we're working on an amendment to that ordinance, but it's important that we know that parcel 1 or parcel 2 has their set of parking requirements and they're independent of what we're going to do for 2B. So, the parallel parking spaces that you're talking about I understood to be part of the 2B requirement. So if that's the case, where am I going to put the 40 spaces?

Ms. Vanuch: Okay, okay, hold on, hold on. This is how confusing it is, this why it has to get deferred in my opinion because obviously there's a lot of communication. We're going to be here all night trying to figure this out, so I think what would be helpful if we put those comments that you have maybe in writing, we can send them over to Mr. Payne and we can hash this out before the 26th. It's only two weeks away. I don't think the Board would be able to take action on it anyway between now and then, so we're just deferring it two weeks. It gives us an opportunity to answer these questions so, do you guys want to go ahead and take a vote?

Mr. Apicella: Madam Chairman?

Ms. Vanuch: Any more discussion? Yes, I'm sorry Mr. Apicella.

Mr. Apicella: I think what would be helpful either if the applicant does it or staff does it or they confer, what the parking requirements would be -- just kind of a side-by-side -- parking requirements under existing regulations, and parking that would be required if we were to amend the parking regulations in the way that Mr. Payne has recommended. We may not get there but it would help advise and inform us what that number... range might be and how it would relate to this parcel. Does that make sense?

Mr. Bain: And where the additional spaces will be. I'd like to see a drawing for that.

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Mr. King: We will highlight it and make it stand out.

Ms. Vanuch: Okay. thank you.

Mr. Bain: Very good.

Ms. Vanuch: Okay, you guys want to go ahead and vote? For deferral until September 26th. I think you might have fallen asleep back there. Okay, just you Steven.

Mr. Apicella: I pressed it.

Ms. Vanuch: We're just waiting... alright, so the motion carries 7-0. Alright, moving on, item number 2 on the agenda, Proposed Ordinance O18-30, which will amend two different road names. And this is going to be presented by Ms. Hornung.

2. Index of Official Road Names - Proposed Ordinance O18-30 would amend the Stafford County Addressing Ordinance by amending the Index of Official Road Names to rename a road as follows:

<u>Location</u>	<u>Current Road Name</u>	<u>New Road Name</u>
Private Street off of Courthouse Road adjacent to 602 Courthouse Road and across 621 Courthouse Road	N/A	Pierce Bailey Place
Private Street off of Widewater Road between 499 and 511 Widewater Road (Time Limit: September 21, 2018)	N/A	Tank Creek Way

Ms. Hornung: Thank you Madam Chairman, members of the Commission. We have the Index of Official Road Names and it's proposed Ordinance O18-30 and it would amend two private easements in the County; one off of Courthouse Road and one easement off a Widewater Road. And the reason for this is that through... public safety found out that there are these easements that are serving more than two structures. And according to our address ordinance, any easement or driveway or road that serves more than two structures should be named in order to help with addressing and emergency 9-1-1 facilities. So, the first one is the easement off of Courthouse Road. Could I have the computer please?

Ms. Vanuch: Ms. Hornung, really quickly before you get into the details on these, since it's just one ordinance number are these going to be voted on together or will they be independent?

Ms. Hornung: They can be voted on together.

Ms. Vanuch: Can they be voted on independently?

Ms. Hornung: Yeah, you can vote on it independently. They'll be in the same ordinance.

Ms. Vanuch: Okay, okay, thank you.

Ms. Hornung: Okay. So, on June 5th the Community and Economic Development Committee met and I explained to them the situation with these easements. The map that you see shows... the map that you see, there's Courthouse Road to the north and then there's this easement that bisects quite a few

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properties in red. And this square at the top is actually a stormwater pond for VDOT for the right-of-way. But you have a number of parcels; this one is vacant, as is this one is the school... is owned by the County and this is owned by the school, and then you have houses here and here and here. So you actually have three houses that are being served by this easement. So, by the ordinance, we have to name this road. And the Community and Economic Development Committee looked at this and when we sent out the letters in January to all the affected property owners along that easement we asked for recommendations for street names, to give us the top three. And because this is family that lives along this road, the people who responded recommended Pierce Bailey with a different suffix. But it was chosen to name it as Pierce Bailey Place. And so this road would be named Pierce Bailey Place, and there was no conflict or question over why the name was chosen; it was because it was the family who lived off that road. Yes sir?

Mr. Bain: If I could ask a question. None of the landowners names had Bailey in it, so I'm wondering who is Pierce Bailey?

Ms. Hornung: It could have been the original. They were saying that the Pierce Bailey was the family name, so the people who are there now are possibly heirs to the name or related.

Mr. Bain: Alright.

Ms. Hornung: So that was the reason for...

Mr. Bain: And there's no historical significance to that name?

Ms. Hornung: No, there was nothing that was... no, it was a family name. I presume it may have been a family subdivision that happened a long time ago. And what we're doing now to avoid any of this is that whenever any land is subdivided, we are working with GIS that they will address the lots if there's a structure and we also name the roads if it's going to be more than two lots just for future so that there's no question of naming the road after the houses are built and the addresses are assigned. May I have the... I was looking for the... I wanted to forward the...

Mr. Harvey: I did.

Ms. Hornung: Oh, you did. Oh, I'm sorry. I've been looking at them so much they look the same. The second one, also we took this to the Community and Economic Development Committee on June 5th and this is an easement that bisects several properties. You have these properties are served by this easement. The ones that are circled, they have addresses off this easement. Well, off of Widewater Road, but because the easement is serving more than two structures, this easement has to be named. And, like the other one, this was also brought to our attention in January. We sent the letter to everybody whose property is along this easement, regardless if they access it, because of the easement being partially on the properties and to name that easement because of having more than two structures. And for this situation, the recommendation for this, we had a number of recommendations for road names. There was Reid Road which is not acceptable because we already have that in the county. There was Farmhouse Lane and Reed Road, Reed Lane, Palmer Hayden, Farmhouse Trail/Lane, and Military Way. But several of those were very similar to roads already named or we have a Reed, R-E-E-D and R-E-I-D wouldn't be acceptable. So, the name that was chosen is Tank Creek Way. The reason for that is because there is a Tank Creek that bisects this property from the Marine Corps Base. So, that is actually to the... no, it's to the right of this parcel back here, because this 2295 is a huge parcel and I wanted to focus mainly on the easement. But it bisects this large parcel with Marine Corps Base, so it separates it. So that was an acceptable name, Tank Creek Way. And aside from the ones that were

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recommended, we took the top three and relayed that to the Board of Supervisors' committee and we also had this owner back here, her daughter was at the meeting and also reiterated the information to why that name was chosen and everybody was in agreement. So there was no conflict over choosing that name. So, before you are these two names for these two easements, Courthouse Road being named as Pierce Bailey Place and the easement off Widewater Road to be named as Tank Creek Way. And for Courthouse Road I did make sure you were provided with an email from Mr. Klemaj. He did not mind what the name of the road was. He did have an issue with the location of the driveway, but that is a private issue so that's not something the County would necessarily work with on an enforcement issue, because that is a private easement and it bisects properties. And whatever the information is on the deed would have to be between the owners and what they were agreed to and what's... how it's recorded.

Mr. Bain: (Inaudible - microphone not on) any difference, the Courthouse Road one?

Ms. Hornung: No.

Mr. Bain: Okay.

Ms. Hornung: No, because the easements are... I'm sorry? Right, right, and it's existing. These access easements have been in existence for quite a few years. The addresses along Widewater... the easement off of Widewater Road were created back in '97 and similar to the easement off of Courthouse Road, those addresses were created in '07.

Mr. Randall: I have a question.

Ms. Vanuch: Go ahead.

Mr. Randall: Can we go back to the first map please? So, the easement doesn't run up along that property line all the way to Courthouse? It cuts through that VDOT stormwater; that's where the easement goes or the easement runs as he states right up along the property line to Courthouse Road?

Ms. Hornung: Well, according to the aerial, it appears to work this way as its...

Mr. Randall: I can't see what you're writing.

Ms. Hornung: Oh. Let me get another color. The easement runs, according to the aerial...

Mr. Bain: The road, the existing road runs that way?

Ms. Hornung: The existing...

Mr. Bain: Driveway.

Ms. Hornung: ... private way, correct, to these properties.

Mr. Randall: Right. And I think what the letter was is that is it an easement because of the road or is it a road because of the easement? That he stated an easement goes up along a property line doesn't cross... doesn't cross...

Ms. Hornung: He's saying the driveway wasn't in the location that they agreed to.

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Mr. Randall: Okay.

Ms. Hornung: And so that is...

Mr. Randall: It's just interesting that the easement would make that right turn and not just go straight up to Courthouse. Okay, thank you.

Mr. Bain: Just a general question. Would the private property owners be responsible for putting up the road sign? Or is that the County?

Ms. Hornung: No, that would be the County.

Mr. Bain: So, if this easement issue and location of the driveway should change, does the County have to go back out and move the sign?

Ms. Hornung: We probably would. We'd have to be notified of that.

Mr. Bain: Okay, just curious.

Ms. Hornung: Unless whoever's moving it has (inaudible) to move the sign.

Mr. Bain: It has nothing to do with voting on the road names, I was just curious.

Ms. Vanuch: Depends if they like the name, maybe they'll just take it down.

Ms. Hornung: Then they'll notify the County and then we'll work to re-purchase another sign to be put on that road.

Ms. Vanuch: Thank you. Any other questions? Alright, thank you very much. Is this... the County is the applicant on these technically, right?

Ms. Hornung: Yes ma'am.

Ms. Vanuch: Okay. No questions for staff? Then we'll go ahead and move to the public hearing. So, if you're here this evening to talk on this issue, you'd like to come down to the podium, you can speak for 3 minutes. When the yellow light comes on you have 1 minute left. When the red light comes on please wrap up your comments. And please state your name, address, and the district you reside when you come on down to the podium. Mr. Waldowski, come on down. Do you not sit up front because you don't want to be on camera?

Mr. Waldowski: What's that?

Ms. Vanuch: I said do you not sit up front because you don't want to be on camera?

Mr. Waldowski: I've been on camera so many times it doesn't matter. Paul Waldowski, gerrymandered Rock Hill District. Alright, I'm a historical buff about names. And I like the Tank Creek Way one because the USMC, in honor my dad, that'd be really good, we need a tank there. I think that's a good thing. But I'm not too fond of family names. I believe this County has a lot of history and I just don't like that a group of people get to sit around and now it's 11 years later and they decide, oh, I'm going to name it Pierce Bailey Place. Well, it's just not right in my mind. Now a thing you need to consider

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when you name any road is you need to also give it a number. If you make it a secondary state road, guess what? VDOT has to take care of it. That means VDOT's got to put the sign up. VDOT's got to sand it. VDOT's got to do snow removal. Then it's not a County burden. Not even considered, huh? I guess the County was the applicant so what can I say. One more comment about this stuff about several of these were not available to duplication. Well, it didn't really apply to Widewater; but you know, Franklin Pierce, he was one of our presidents. He wasn't from a Commonwealth, thank goodness, so maybe we should name it Franklin Pierce Bailey Place. You know, I gotta give you some suggestions, you know. You're not... I don't have my parallelogram shirt on today. I wore yesterday to the School Board to welcome to Superintendent. But one other comment I'll have and that is about GIS. You know, I just got a \$10 GIS of my neighborhood. I have one before 2005 when the property was built and now I have one in 2018 and I have one in between. I think you can solve a lot of problems, especially the last public hearing, if you go use GIS. It's there, it's a 21st century tool, it'll give you the visual of what you need, and you need to go back and see, especially the last public hearing, what did that land look like? Don't take letters, use GIS.

Ms. Vanuch: Thank you. Would anyone else like to come down and speak? Okay, seeing no one come forward, I'm going to go ahead and close the public hearing, bring it back to the Planning Commission. Anybody have any questions for staff on this one? Mr. Apicella?

Mr. Apicella: Just if staff can respond to the comment about who's going to be responsible for the road.

Ms. Vanuch: I know the answer to this one.

Mr. Apicella: I know, but just to get it into the record.

Ms. Hornung: The road is a private easement and it will be maintained by the property owners. And if that was ever to want to come into the state system for VDOT, there would have to be a plan in place to show construction of that road and then they would have to dedicate the road so it had 50-foot of right-of-way.

Ms. Vanuch: And also bring it to VDOT standards.

Ms. Hornung: Right, and doing the plan and dedicating it and bringing it up to VDOT standards, having the inspections, and once VDOT would accept it they would assign a route number to it. But, because this easement is a small easement bisecting properties, I don't foresee that that's going to happen unless the owners come together and develop plans and put forth that information and submit it to the County for review.

Ms. Vanuch: And if memory serves me correctly, VDOT standards is culverts under every driveway, the ditches dug by the road, 50-foot of right-of-way, and 25-foot paved, of like I think like three inches of blacktop or something to VDOT blacktop standards.

Ms. Hornung: It sounds familiar because my brother works for VDOT but I don't know the exact details.

Ms. Vanuch: Okay, thanks.

Mr. Apicella: If I can ask or say one other thing. I'm with Mr. Waldowski on the historical names. I wish we had that in our naming guidelines that that would be something that we could at least recommend to property owners. It's not one of the provisions in the current process for renaming streets.

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That's on Attachment 3, page 1 of 2. But family... it does say family surnames may be used as road names. Is that correct?

Ms. Hornung: That is correct and staff is working toward amending the address ordinance in the future...

Mr. Apicella: To do?

Ms. Hornung: To make it a policy and have the ordinance go straight to the Board if there's any questions for naming the road, because right now it's in the Zoning Ordinance and appeals are set to go to the County Administrator which is in conflict with the process for appeals; on the Zoning Ordinance they go straight to the Zoning Administrator. So there's some things that staff is working... is going to start working with the County Attorney to get this address ordinance in a form so that it's easier to administer then we have been in the past. And it takes less time if they need to change road names so that the applicants, the owners, or even the County doesn't have to go through so many meetings and public hearings in order to get this changed.

Mr. Apicella: So, would that mean that we would be out of the process, the Planning Commission? Is that what you're saying?

Ms. Hornung: If it becomes a county code chapter, that is correct.

Mr. Apicella: Well, I still think that part of the process ought to be I know the civil off topic considering historical names, first researching it, maybe consulting with the Historical Commission as one option for naming a particular road. Thanks.

Ms. Hornung: Thank you.

Mr. Bain: I had one thing that just popped in my mind. Is there a Bailey Place in the County that could cause confusion?

Ms. Hornung: No. When we were looking at the names, we do a wild character search and take both parts of the name or syllables of the name to make sure there is not a Bailey something or a Pierce something. So it's... we already checked our address database that there'll be no confusion. And of course, in all of this we're working with GIS, our Fire Marshal and... yeah, Fire Marshal and GIS and then County staff to make sure that when we're naming these roads we're not duplicating anything. Because we do have somebody in GIS who's working with Public Safety and he brings certain things to our attention if we need to name roads.

Mr. Bain: Alright.

Ms. Hornung: And which these two were part of it that come to find out there are three or more structures on that easement, so we need to name it.

Mr. Bain: Okay, that's good. Thank you.

Ms. Vanuch: Any other questions? Alright, we'll bring it back to the Commission. Mr. English, Mr. Boswell, this is in your two districts?

Mr. English: Yeah, I'm going to make a motion to approve Ordinance O18-30 as is.

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Mr. Boswell: Second.

Ms. Vanuch: Okay, so we have a motion by Mr. English, a second by Commissioner Boswell. Any comments Commissioner English?

Mr. English: No.

Ms. Vanuch: Mr. Boswell? Any discussion? Alright, we can vote. The motion is to approve the road names for both Widewater and Hartwood District. Alright, the motion carries 6-0 with Mr. McPherson being absent. Okay, moving on, item number 3 on the agenda. Ms. Hornung, I guess you get to stay up here for the proposed off-street parking ordinance.

3. Amendment to the Zoning Ordinance - Proposed Ordinance O18-02 would amend the Zoning Ordinance, Stafford County Code, Sec. 28-102, "Off-Street Parking," and Table 7.1, "Required Parking Spaces" and repeal Table 7.3, "Required Loading Spaces" regarding Parking Space Requirements. **(Time Limit: September 21, 2018)**

Ms. Hornung: Yes ma'am. Well, you've seen this a little... a few times. This is the amendment to the parking ordinance, Code section 28-102 for off-street parking, Table 7.1 for required parking spaces, and then to also repeal Table 7.3, the required loading spaces. Because what staff did is we combined the parking and loading space requirements into one table for less confusion and easier to figure out what the requirements were. The Board had created a committee and then the Planning Commission had a subcommittee. We've been working on this since about April 2017. There are a number of things to look at; size of parking spaces, drive aisle widths, location of required parking, number of parking and loading spaces by type of use, regulations for drive-through facilities, uses for the spaces, ingress/egress for parking and loading, commercial vehicle parking, shared parking, parking credits, handicap parking and access, clear sight triangles, right-of-way protection, and restricted access entrances. Also, through going to the Community and Economic Development Committee after the Planning Commission forwarded the recommendation to the changes in the parking ordinance, Supervisor Shelton recommended changing the parking spaces for hotel and motels back to one space per room because the... well, the current has it as one space per rental unit. And then the committee recommended one space for two beds. So that was changed to go back to one space per room. Also, Supervisor Coen recommended increasing the parking space size to 9 feet by 20 feet because the typical size is 8½ by 18 and our ordinance doesn't require anything more than that. The minimum is 8½ by 18; if they choose to do larger parking spaces that's allowed. Also, there was an audit of the Stormwater and Environmental Chesapeake Bay Act Program and the Virginia DEQ made some recommendations that in order to minimize impervious surface to areas in the County, some ways to establish that or assist with that would be either putting a cap on parking spaces or changing the sizes of parking spaces so that you have less impervious surface. Some of the recommendations that actually came up for that were we could reduce or change the parking space sizes and incorporate 8½ by 18 feet maybe for a standard, 8 by 15 feet for a compact, or 9 by 20 feet for an oversize space. Currently, the parking spaces aren't... there isn't a requirement for any particular size. Then there was also another option that if you maximize parking spaces, that has been talked about but there has not been any actual work on trying to develop a maximum parking space for each use. What the parking... the new parking table that you have before you incorporated a lot of the B-1 and B-2 uses but, because in the older parking... the existing parking table we didn't have a lot of uses listed. So we tried to be very comprehensive so that every use that there is in the B-1, B-2, B-3, they're all listed so that when somebody is preparing a development plan it's a little bit easier to figure out what the calculation will be for the parking size. Another item in order to address that information from the DEQ requirement audit would be maybe to have pervious pavers. If we were to do that we would have to have an ordinance amendment in our ordinance to allow that,

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because right now there isn't anything specifically referred to that you can use pervious pavement when you're creating a parking lot or parking spaces. There were some other... we've had some other things come up at the same time. Mr. Payne had written a letter regarding the parking spaces for hospital and nursing homes. And currently the parking space for hospital and nursing homes are one space for two beds plus one space per employee of the largest shift. And the revision changes it to have two spaces per bed instead of one space per two beds. So we basically double that space but it's still one space per employee on the largest shift. So he was recommending that you do one space per two beds and to also separate out hospital nursing home. Staff has discussed that and looked at it that while we have a listed calculation for assisted living, right now it's one per four beds, which doesn't seem appropriate. So, staff was looking at to divide those up, which assisted living is already on its own, but have hospital as one per two bed plus an employee from the largest shift. The nursing home would be one per two beds plus the employee on a largest shift. And then we would do the assisted living the same as the nursing home. So assisted living and nursing home would be one space per two bed plus one per employee on the largest shift. Those are some of the things that staff was looking at that might be a better recommendation. We didn't change anything but that's something to think about. As far as any of the other changes in the ordinance, there's been no comments necessarily from anybody. We sent that to the... the old ordinance and the possible recommendations were sent to the development community, some of the professionals, and we already incorporated any of those changes with the committee. So, I think right now the new ordinance that shows the parking spaces per, you know, gross floor area with a loading space, the only one that's come into question were the numbers for the assisted living facility, hospital, and nursing home to quantify those separately, which assisted living is already separate.

Mr. Apicella: Can you... again, those are listed I think in Attachment 1 starting on page 7 of 12; can we just go back through those and go through the respective use and the numbers that you all were thinking of? I think assisted living is on page 8, about the middle of the page.

Ms. Hornung: Right. Currently, assisted living is one space per four beds.

Mr. Apicella: Okay.

Ms. Hornung: That's it.

Mr. Apicella: So, you were thinking about changing that one?

Ms. Hornung: No. That was left the same in the new ordinance; one space per four beds.

Mr. Apicella: Right, so now that you have another chance to take a look at it, there's no... you still think that's appropriate?

Ms. Hornung: Staff was looking at it and thought that might be more in line with the nursing home and make it one per two bed plus one space per employee on the largest shift.

Mr. Apicella: Okay, so one per two bed plus one space per employee largest shift. Okay. What's the next one you guys were thinking of?

Ms. Hornung: And then the hospital, currently the hospital is... currently the hospital is one space per two beds -- it's actually hospital, nursing home, and similar uses -- and that's listed currently as one space per two beds plus one per employee of the largest shift.

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Mr. Apicella: Yeah, I'm looking at it on page 9, it says two per bed plus one per employee of the largest shift.

Ms. Hornung: That's the new one.

Mr. Apicella: Yeah, right, that's one I'm talking about. I want to go through the changed version to see if we're going to adopt that based on the additional changes you all were thinking of.

Ms. Hornung: Right, so the ordinance before you to change it from hospital, nursing home, and similar uses, it's listed as two per bed plus one per employee on the largest shift. But the recommendation would be to separate those out and have hospitals separately and make nursing home and assisted living the same. So the hospital will remain as it's written here on page 9, two per bed plus one per employee of the largest shift, and then the assisted living and nursing home would actually be one per two bed plus one employee on the largest shift. So you basically have more spaces for the hospital because of typically short-term care and more traffic in a shorter time than you would for assisted living and nursing home, so the parking is reduced per bed.

Mr. Apicella: So, where it says nursing homes and similar uses, the similar uses are associated with nursing homes, not with hospitals.

Ms. Hornung: Correct.

Mr. Apicella: Okay.

Mr. Bain: Just out of curiosity, what would be a similar use?

Ms. Hornung: Assisted living, which is already called out, and if there was anything else. We have independent living. Independent living is in there; I think that was at one time a catch-all just in case a use was associated with a nursing home but it was not listed. But since then, we have listed assisted living separately, independent living separately, nursing home separately.

Mr. Bain: So would it be appropriate to strike that portion of the phrase? I mean, if somebody comes up with a new use...

Ms. Hornung: The Zoning Administrator may have some additional information.

Ms. Blackburn: Good evening Mr. Bain. Yes, we could strike similar uses, but in my zoning world I don't like to eliminate possibilities of uses that it may change with the state code. We have various things that you could actually have group homes that you are allowed to have some people being cared for, so it would include things like that and many times the state codes can change as far as the types of facilities that are allowed to care for individuals. So, it would help allow for some of that.

Mr. Bain: Okay.

Mr. Apicella: But, so again, somebody looking at the Zoning Ordinance, how would they know what similar uses are?

Ms. Blackburn: They would have to ask me.

Mr. Apicella: Gotcha.

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Mr. English: There wouldn't be a footnote for that? You wouldn't have a footnote in case you're not here for that?

Mr. Apicella: Was there any other change that you guys were thinking of?

Ms. Vanuch: What about the one... wasn't for hospitals, right? We already covered that.

Ms. Hornung: Right, to separate hospital and nursing home...

Ms. Vanuch: No, hotels is what I meant to say.

Ms. Hornung: Oh. The hotels was already done from the last time.

Ms. Vanuch: Okay. That's right, we did that one.

Ms. Hornung: We fixed that and made those changes, so it's one per room, one space per room, and that's hotels and motels.

Mr. Bain: Again, and I think we talked about this before, how do you deal with a hotel that has a conference center? Is that covered separately so that there would be additional parking for the conference center portion?

Ms. Hornung: I believe so. The uses are... yes.

Mr. Harvey: Yes, Commissioner Bain, on page 7 at the bottom there's a conference facility parking rated one space per 4.5 persons based on maximum occupancy for that space.

Mr. Bain: Okay, and what I'm getting at is it would be two separate computations and then the parking required would be the sum of both.

Mr. Harvey: Correct.

Mr. Bain: Okay.

Ms. Hornung: We have several developments that we look at it that way, if it's office or whatever the business is. Several... frequently we do calculations for several uses on the same development.

Mr. Bain: Alright.

Ms. Vanuch: Do we want to do anything with the size of the spaces?

Mr. English: I would go with the Supervisor Coen's request on that.

Mr. Apicella: What page is that on?

Mr. English: It's going to be in your notes.

Ms. Hornung: Page 3 of 5 of the staff report, at the bottom.

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Mr. Harvey: Madam Chairman... and then on the amendment it's on page 2 of 12, subsection 1 of section 28-102, Changes to size of parking spaces to 9 by 20.

Ms. Vanuch: And Mr. Harvey, when we spoke about this on the parking and drive aisle committee, you said most developers when they come in they build spaces at 9-foot width anyway approximately versus the 8½. I feel like you told me that, but I might have made it up.

Mr. Harvey: Well, when we looked at the comparative jurisdictions, it was sort of half and a half. Some were 9 by 20, some were 8½ by 18. Some developers do the 9 by 20 just as a general rule because it's Supervisor Coen had talked about it when he was a member of the Planning Commission is that people who want to accommodate customers and welcome them they prefer to have larger spaces because if they drive a large vehicle it's much more convenient compared to the narrower spaces.

Ms. Vanuch: Okay. So, yeah, my car's always getting dinged up.

Mr. Bain: I support the larger spaces and just in terms of general discussion I'm totally opposed to mixed space sizes allowing for compact cars and etcetera, because my experience is that at the time of year when all of the spaces are needed, nobody pays attention to space sizes. And you'll get a Cadillac SUV in a compact size space and taking up two spaces. So, if that was ever considered I would definitely vote against it.

Mr. English: You need to sell your Cadillac.

Ms. Vanuch: Why you guys picking on SUVs?

Mr. Harvey: Madam Chairman and Commissioner Bain, that provision currently is in that subsection 1, but it deals with any parking spaces in excess of the minimum number required may be allowed to be compact spaces, which are 8 by 15. So that's the current ordinance language.

Mr. Bain: I'm not happy with that, to go on record anyway.

Ms. Vanuch: So, are you going to ask this question about public hearing notice? Because if... this is a public hearing. Are we going to violate notice because we're going more restrictive? Is that more restrictive? Is that not more restrictive?

Ms. McClendon: I believe the public hearing notice for this particular consideration was pretty broad because there were so many changes, so I don't feel like we're probably going outside of it. But if there are specific considerations, we would have to look into the ad and then get back with you.

Ms. Vanuch: Okay.

Mr. Apicella: So, in line with Mr. Bain's thinking, Al 1 I think is on his license plate, and if we were to strike out the last sentence of 28-102(1) would that cause some concern for us to have to re-advertise? So I'm going to be more specific. So again, right now it says any spaces beyond the minimum required; so if you're required to have a hundred and you had 120, those 20 spaces currently could be compact car spaces. If we struck that, all spaces regardless of whether they're the minimum or above would have to be the 9 feet by 20... yeah, 9 by 20. Is that going to be an issue? Is that kind of where you were at?

Mr. Bain: That's what I was wondering.

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Ms. McClendon: I need to look into the advertisement. I will see if I have access to it but if not then I can't answer that question at this time. If you give me a few minutes to look into the ad...

Ms. Vanuch: Yeah, we'll keep discussing while you look into because I think we have to vote on it tonight. Okay.

Mr. Bain: The other the other comment generally I'll make, since you mentioned pervious paving, my history with pervious paving as an engineer is that porous pavement does not work well after about two years. Paving blocks on the other hand can be very successful, so I would, if that's ever considered, I would recommend specifying paving blocks and not porous pavement until they come up with a better design.

Ms. Vanuch: Mr. Apicella?

Mr. Apicella: Sorry, just where were you thinking that would be? Is that in response to the...

Mr. Bain: I'm sorry, it was just something commented because the Chesapeake Bay program suggested that that be considered for offsetting the level of impervious cover. But it's not in the ordinance, no.

Mr. Apicella: I guess, just kind of stepping back, based on the staff's comments and the discussion we've had previously, I just don't think we're ready to address VDEQ's comments and I kind of agree with the recommendation that if we were to go forward with it, it would be another shot at making changes to the ordinance. So, I don't think that piece of it is ready for primetime.

Mr. Bain: I'm fine with that.

Ms. Hornung: So, Mr. Apicella, the only change would be to 28-102 is striking that last sentence, any parking spaces exceeding the number of required spaces may be designated as compact car spaces with a minimum width of 8 feet and a minimum length of 15 feet.

Mr. Apicella: If our attorney says it's permissible to strike that based on the advertisement.

Ms. Hornung: But there's no direction to look into any other additional ordinance amendments to allow paving blocks.

Ms. Vanuch: Any other questions? Do we want to go ahead and hold the public hearing part? Okay, while Rysheda looks this up. Okay, thank you so much.

Ms. Hornung: Thank you.

Ms. Vanuch: Alright, so no more questions for staff, so we'll go ahead and open up the public hearing on this. So if you'd like to come down to the podium and speak, please state your name, address, and the district that you reside. And you'll have 3 minutes. When the yellow light comes on you have 1 minute left. When the red light comes on if you'd wrap up your comments. Good evening.

Mr. Lovell: Good evening, my name is Everett Lovell. I happen to own the Aquia Pines RV Park and a suburban hotel. I'm very happy you rechanged the parking for hotels back to one per room and not one per bed, because one per bed just wouldn't have worked at all. My main questions tonight concern maximum parking size, which I heard addressed. I also didn't hear, how many vehicles are you allowed to put in a parking spot? I have some parking vehicles that are 40-foot long by 8½ feet wide and they're

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towing maybe a 25-foot travel trailer and that's on one parking spot. So I'm very concerned if you're going to start specifying how many vehicles go in a spot or what the maximum spot is. I'm also concerned because I don't see anything about loading docks or loading spots with a suburban hotel. When we were constructing that, that was a big issue. Initially we had to have five loading spots and I think eventually it was reduced down to two 12 by 25-foot loading spots. So, I'm a little concerned about delivery vehicles and I didn't see that addressed in here. And also I... in the campground we get bicycles and we get motorcycles. So that's sort of on the minimum side, you know, the smallest vehicle. So if you're considering compact, that's incredibly compact; but I'm not sure if you want to specify that as well. Hopefully you can clarify a bit.

Ms. Vanuch: Thank you Mr. Lovell.

Mr. Lovell: Yes ma'am.

Ms. Vanuch: No, I said thank you Mr. Lovell.

Mr. Lovell: Oh, thank you.

Ms. Vanuch: Would anyone else like to come down? Mr. Waldowski? It's your last opportunity. Did you like that? Opportunity? For tonight, not ever.

Mr. Waldowski: Silent and listen have the same letters in them. Paul Waldowski, gerrymander Rock Hill District. I got a lot of notes here but the first thing you need to do is defer this until Florence finishes because, you know, my mom's on her way. And you're all going to see one of the... we're in that circle of flash floods. And guess where it's gonna hit? Parking lots, because we keep on paving stuff over. I really like the engineering comment. I think that needs to be put in the ordinance. I think we need to get these developers to look at paving blocks. Once again, we got lawyers who are contacting our staff with letters and telling us about hospitals and nursing homes, and you need to educate them and send them your comments and so he knows the sizes of parking spaces and standards for driving. What concerns me most with parking is places like Vista Woods that don't belong with HOAs, you know, the Houses of Aristocrats; those are working people. They're on state roads. They have a hard time parking, especially when they have graduations, different types of events. Just some common sense aspects, but we all know the Commonwealth -- common sense is not common in a Commonwealth. Now Mr. Coen, you know, great Planning Commissioner but he's a selected Supervisor, he's not a elected one. Hard-coding anything, any space, anytime... you know, I worked for the Senate for 15 years and 5 months and I had to fill out the ethics committee because some idiot hard coded a salary. And just because I fit in that salary, I had to keep doing it for hard coding. It was geared for people who were above me. So, be careful when you hard code anything because the only change that matters is the change in people's pockets. That's the numbers that you really want to work on, not on hard coding ordinances so people can't deal with it. Now, one more comment about assisted living, because I just went through this ordeal. Assisted living people usually don't have a vehicle. If they go somewhere it's a relative, it's an uber, it's in a community van. You know, wake up, it's the 21st century. I mean I went through this for four years, so umm. Same thing I'll mention to you about Medicaid. Be careful, Medicaid doesn't pay everything.

Ms. Vanuch: Thank you.

Ms. Long: Verna Long and this is my first time. I'm in the Aquia Harbour District. And your parking so I had to talk.

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Ms. Vanuch: Can you pull the mic down a little bit closer to you, we can hear you better.

Ms. Long: Verna Long in Aquia Harbour, and I had to talk on parking. If you've got a bus, you can eliminate a little bit more parking. But when you talk about employees parking at a hospital or a nursing home, ever tried to go there at change of shift? There is no parking space. So us third shifters always had to park on the side of the road and then have to find a way to go move your parking... your car. Same way with hotels. When you're traveling and you get there late at night, all of those campers and motorcycles have taken up every parking space, so keeping it within a range that people can find a parking space. And the pavers, sir, we need the pavers to stop the water's buildup on the... You go to a parking lot and you've got to wade through the water to get to the store. And I would relook at that watershed at the nursing home because some of these watersheds are really good and they've done a really good job, but some of them have filled in and need to be cleaned out. Thank you sir.

Ms. Vanuch: Thank you. Anyone else? Okay, seeing no one else so I'll go ahead and close the public hearing and bring it back to the Planning Commission. Does anybody have additional questions for staff? I know I do. Go ahead Mr. Apicella.

Mr. Apicella: So just in response to Mr. Lovell's comments and concerns, I don't know how those would be impacted by these changes because when I look at 102(1), irrespective of taking out that last sentence, we're just changing the width of parking spaces. It wouldn't necessarily deal with what vehicles can park in those spaces. I don't think we even address that.

Ms. Hornung: Right, no, it would just... it's all on future development also. Anything existing, unless they come in with the change, redevelopment, or new development, they would be subject to these parking standards. Also, at the beginning of Table 7.1, what staff did there were or there exists in the current ordinance two different loading space sizes for certain uses. And what we did was we combined it and said that predominantly most of them are just one loading space, a minimum of 12 by 25 feet. If they choose to build a larger loading space, depending on what their use is, they can do that. But we have a minimum of one... for most of them, a minimum of one loading space -- of course the residential are zero -- and some of the larger more intensive uses have 2 loading spaces as a requirement.

Ms. Vanuch: And that was, just to interject one comment, when we did the stakeholder input comments we got a lot of comments that we, as a County, were requiring way too many loading spaces. And I think Mr. Lovell mentioned he had five in the beginning. And now I looked up the new ordinance; it would only be one that is required.

Ms. Hornung: Correct.

Ms. Vanuch: So we definitely made a lot of changes on loading spaces.

Ms. Hornung: Yes, because certain uses didn't necessarily require a large number of loading spaces because maybe they were smaller but they still came under industrial, commercial, the different intensity of uses. So that's why we went through and added each individual use so that the parking requirement is tied to that use instead of a general descriptor.

Mr. Apicella: Right. And again, just to flush out a little bit further, so we are, whether it was an 8 by 18... 8½ by 18 or a 9 by 20, if somebody parked an RV in that spot, that's not an issue with respect to this specific ordinance.

Ms. Hornung: Correct.

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Mr. Apicella: Okay. Was there anything else that he mentioned that...?

Ms. Hornung: It was the loading and then who parks in... or what type of vehicle parks in a space.

Ms. Vanuch: And we took... we're hoping to take that out, the compact versus large...

Ms. Hornung: Right.

Ms. Vanuch: ... that part.

Ms. Hornung: So, it's just all spaces are a minimum 9 by 20, regardless.

Mr. Apicella: Okay, and back to the paver issue. I mean, it's a good thought, I just don't see how we address it at this point under this ordinance where we are now.

Ms. Vanuch: Yeah, we need a new or... yeah. Okay, thank you. Any other questions? No? Okay.

Mr. English: Ms. McClendon, can we go ahead and make the change and we would go ahead with that after you're looking at that?

Ms. McClendon: Madam Chairman, I believe that would be a permissible change pursuant to the advertisement for this public hearing.

Ms. Vanuch: Okay. Do we need to review the nursing home stuff one more time? Are we good on that if somebody's going to make a motion with the numbers that we're changing it to?

Mr. Apicella: I think I captured it, if you want me to walk through it.

Ms. Vanuch: I think... are we ready to... thank you Ms. Hornung. I think we're ready for a motion if the Commission so chooses.

Mr. English: I will make a motion to approve the amended Zoning Ordinance number O18-02.

Ms. Vanuch: Okay, we have a motion by Commissioner English to amend... to approve the amended, but I'm going to let you second it maybe with the additions or at least give him the additions...

Mr. Apicella: Well, can I offer a friendly amendment? I don't know if that's appropriate before I second or after I second.

Ms. Vanuch: It has to be seconded, right?

Ms. McClendon: I would recommend you make the motion with the corrected amendments in it.

Mr. Apicella: Any chance you would be willing to withdraw your motion?

Mr. English: Well, nobody seconded so...

Mr. Apicella: Would you be willing to withdraw it and let me...?

Mr. English: Yeah, it's lack of it didn't do the second so go ahead.

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Ms. Vanuch: Yeah, withdrawn.

Mr. Apicella: Okay. Madam Chairman, I moved to recommend approval of the draft parking and drive aisle standards with the following changes. On Attachment 1, page 2 of 12, Section 28-102(1), striking out the last sentence in its entirety. On page 8 of 12, under assisted living, change the numbers as follows: 1 per 2 beds plus 1 space per employee based on the largest shift. On page 9 of 12, removing nursing homes and similar uses from the hospital use and adding as a separate use nursing homes and assisted living facilities.

Ms. Vanuch: And similar uses.

Mr. Apicella: And similar uses... I thought we were... okay, my fault. One space per two beds plus one space per employee of the largest shift. That's it Madam Chairman.

Ms. Vanuch: Thank you. Okay, do we have a second?

Mr. English: I'll second it.

Ms. Vanuch: Alright, so motion by Commissioner Apicella with all the amended changes -- I'm not going to repeat them -- second by Commissioner English. Any discussion Commissioner Apicella?

Mr. Apicella: Madam Chairman, a lot of time has been spent on this.

Ms. Vanuch: A lot of time.

Mr. Apicella: I appreciate the work of the subcommittee and staff. I think it's a well needed adjustment to our parking standards. I think it'll be easier on the folks who are impacted by these changes and, in my view, in many cases reduced the number of spaces where they might be otherwise unnecessary. And I also appreciate the change of the space size from 8½ to 18 to 9 to 20 because I know there's a lot of big vehicles in Stafford County where those vehicles conflict in a smaller space. So, again, kudos to everybody involved and I think it's a worthwhile change to move forward to the Board of Supervisors.

Ms. Vanuch: Thank you. Mr. English?

Mr. English: No.

Ms. Vanuch: Any further discussion? Alright, let's vote. The motion carries 6-0 with Mr. McPherson absent. Okay, so this evening we don't have any Unfinished Business. If we move on to item number 4, which is New Business, we have a Waiver of Subdivision Ordinance Section 22-143 regarding the shape of a lot where we recognize Ms. Eva Campbell this evening.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

4. WAI18152400; Jose Rivera Serpas - A waiver of Subdivision Ordinance Section 22-143(a) regarding the shape of a lot whereas the depth of a lot shall not exceed five times its width. The applicant proposes a consolidation of two lots located on Tax Map Parcel Nos. 55-C-1-4 and 55C-1-

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20B, zoned A-2, Agricultural, on 1.8144 acres. The property is in the Belle Oaks Subdivision on the north side of White Oak Road and east of Belle Plains Road in the George Washington Election District. **(Time Limit: November 11, 2018)**

Ms. Campbell: Good evening Madam Chairman and fellow Planning Commissioners. I'm here to present item 4, a Waiver from the Subdivision Ordinance 22-143(a) regarding shape and elongation. The site is located on Assessors Parcels 55C-1-4 and 55C-1-20B with a combined acreage of about 1.8. It's zoned A-2 in the George Washington Election District. It's located in the Belle Oaks subdivision on the north side of White Oak Road and east of Belle Plains Road. Here is a location map showing the subject parcels located in the red hashing. And here is an aerial view of the two parcels, with the star on the intersecting line of the two. The applicant and owner, Jose Rivera Serpas, is seeking a consolidation of the two parcels, 55C-1-4 and 55C-1-20B, but by doing this he puts the new consolidated lot in non-conformance with Section 22-143(a) of the Subdivision Ordinance that states, the depth of a lot shall not exceed five times its width, which we measure at the front building line. Parcel 55C-1-4 contains a house with a failing drainfield as confirmed with the Virginia Department of Health. The applicant and owner of both parcels is pursuing a new drainfield location on Tax Map Parcel 55C-1-20B as there is no suitable location on 55C-1-4. I discussed the new location with the soil scientist, Mr. Rubin Lakin from Fall Line Soils, who has found a viable location on Parcel 55C-1-20B but has not applied for a permit as the Health Department informed them that they could not receive a permit for the new location until the consolidation is approved. The Subdivision Ordinance does not allow off-site drainfields. Section 22-118(4)(e) states that lots served by non-community onsite sewage disposal systems shall have a disposal site located on the lot in which they serve. Consolidating the two parcels would also bring the parcel with the house on it in conformance with the Zoning Ordinance minimum acreage requirement of one acre per lot in the A-2 Zoning District. This is the copy of the plat submitted for the consolidation of the two parcels. The parcel with frontage on White Oak with the house has the current failing drainfield, and the parcel to the back has a new proposed drainfield around here, which I'm going to show in the next slide. It's hand drawn by the soil scientist that went out there and checked for the perk. So, the applicant formally requests that the Stafford County Planning Commission consider the waiver request from 22-143(a), Shape and elongation. Approving this waiver would only impact the current property owner of the two parcels in question. And I would be happy to answer any questions at this time.

Ms. Vanuch: Any questions? Commissioner Bain?

Mr. Bain: Not a question, just a comment. I did discuss this with the engineer for the applicant. The applicant, when he purchased the property, was not aware of the problem with the existing drain septic system and has tried in earnest to resolve it without needing to do this waiver. But, as you mentioned, there's just no place on the existing site for a new drainfield. The ordinance concerning the width versus depth of the lot, a comment I'll make is that if you can go back to the lot... the drawing that showed the lot boundaries, I think it was your very first drawing...

Ms. Campbell: This is the plat.

Mr. Bain: No, keep on going back. The one... there you go. If you look at that drawing there are 3, 4, 5, 6 parcels that are landlocked there. The one that's hatched is one of the six. I asked Mr. Harvey how that happened. There are no easements for those lots and it had something to do with an early subdivision of this area and, in my mind, things got really messed up with it. So applying or enforcing the current ordinance and saying that you can't have it this long since it's only this wide really wouldn't be applicable. We're trying in a way to correct some errors of past subdivision layouts. So, just a couple of comments.

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Mr. Apicella: Madam Chairman, I have a comment as well. The way I understand it, in the absence of our approval of this waiver the applicant would not otherwise be able to use their property.

Ms. Campbell: That's correct.

Mr. Apicella: Alright, thank you.

Ms. Vanuch: Thank goodness he has that lot behind him. I don't know what he would do if he didn't.

Ms. Campbell: It worked out.

Ms. Vanuch: Any other comments/questions? Okay and the applicant is not here to speak on this.

Ms. Campbell: No.

Ms. Vanuch: Okay. Alright, well, no questions, no more comments. Mr. Bain, this is in your district; what would you like to do? No, it's not under public hearing; yeah, it's just new business.

Mr. Bain: Yes, I would like to make a motion to grant this waiver from Ordinance Section 22-143(a) and the waiver request number is WAI18152400.

Ms. Vanuch: Okay, we have a motion to approve; is there a second?

Mr. Randall: I second that.

Ms. Vanuch: Okay, motion by Commissioner Bain, second by Commissioner Randall. Any comment Commissioner Bain? Randall?

Mr. Randall: No.

Ms. Vanuch: Anyone else? Alright, go ahead and vote. Okay, motion carries 6-0 with Mr. McPherson being absent. Moving on, next item on the agenda; Planning Director's Report, item number 5, Bicycle and Pedestrian Facilities Plan update.

PLANNING DIRECTOR'S REPORT

5. Bicycle and Pedestrian Facilities Plan Update

Mr. Harvey: Thank you Madam Chairman. The Planning Department recently conducted some community outreach meetings on our Bike/Pedestrian Plan. And we had a fairly nice turnout. There was approximately 40 people at the first meeting, and then 10 at the second. We also had a survey that we put out online asking people for their comments with regard to the Bike/Ped Plan. We had initially come up with a draft alignment of potential bike routes and it had typical sections that could be applied to bike lanes as well as pedestrian areas. We received over 350 responses from the survey, so we think we've got some pretty good feedback with regard to that endeavor. So the next step for staff is to take and assimilate the comments that we got from survey, as well as the comments we got from the public meetings and reincorporate that into the draft maps, as well as the typical sections for the biking/ped trails. Then after that the next step would be for us to come back to the Planning Commission with a draft plan element and potentially move that forward to public hearing. So we look forward to bringing that back to the Planning Commission next month or so.

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Ms. Vanuch: Excellent, thank you.

Mr. Bain: If I could make a comment. I attended one of those meetings and I was really encouraged by the number of people that were there. I was discouraged to find out that there's no County funding, direct funding for bike and pedestrian paths, that everything has to either be through VDOT as a portion of their road improvements or through grants that would be requested or applied for. And I just want to go on record that I think the County should be trying to fund some of these recreational activities for residents.

6. E-commerce Text Amendments Update

Mr. Harvey: And Madam Chairman, the next item is talking about the e-commerce text amendment. In particular, the Planning Commission previously had a public hearing on this and, after the Planning Commission it's public hearing we were preparing for the Board hearing we realized that there was some adjustments that still needed to be made to the ordinance. Ms. Blackburn can provide more detail with regard to the amendment. We will have to hold another public hearing on the revised amendment.

Ms. Vanuch: You just want to hit us with the highlights.

Ms. Blackburn: Yes.

Ms. Vanuch: And then we'll take a vote to send it to public hearing.

Ms. Blackburn: Madam Chairman, Planning Commissioners, as Mr. Harvey stated, this was having to go back before you all due to some additional zoning districts that were included with the home business and e-commerce terms being replaced. And on... in your staff report, well we brought this before you in July and you asked to have lot widths of these various districts. And these happen to be the planned development districts, and they were the PD-1, the PD-2, the Planned Traditional Neighborhoods which are called P-TND, the Residential Development Area 1, Boswell Corner, and also in the ordinance was the UD. And the plan on this entire ordinance, besides creating an e-commerce definition, was to also deal with the Home business 1 and make it a by-right use for single-family detached dwellings. And in these particular zoning districts they weren't to begin with; they were all special exceptions and to just replace that term with home business would have gone from a special exception in the PD-1 and PD-2, conditional use permits in the Planned Traditional Neighborhood, and the Residential Development, the RDA as we all know for the residential development area in Boswell Corner, and in the UD they were special exceptions. And the in the staff report I state because of the characteristics of these developments, and they tend to be compact developments with smaller lots and narrower streets, and the lot dimensions as you can see from the chart range from 18 feet to 120 feet wide and the setbacks are 6 feet to 50 feet, it may be not possible for the home business I's with our requirements for parking and customer visits to be able to be accommodated in these developments. And I had made a recommendation that they may want to be done by a special exception because then they can, if they come forward asking to do one of these we could mitigate in potential impacts to the neighborhoods and also have time limits placed on them. And the special exceptions are heard before the BZA or Board of Zoning Appeals. It was also brought to my attention after this had been printed that it may be that we do allow for them and if they cannot meet the requirements then they just don't meet the requirements that we have placed on the home business I, but do allow them as a permitted use as we have been allowing them in the other districts with single-family dwellings. And so I am asking for guidance on this.

Ms. Vanuch: Mr. Apicella?

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Mr. Apicella: Madam Chairman, as I look at home business I, again there are certain requirements that have to be met in all cases. No employees other than the family members who reside at the dwelling, no substantial increases in vehicular traffic, customers by appointments, that they have to provide an off-street parking space, if they had a large vehicle they'd have to park it off street, there's no outdoor storage, and they can't engage in retail or wholesale sale of merchandise. So, I guess I'm of the mind that I'm not really clear why certainly a CUP would be necessary, if even a special exception would be necessary. I guess my view is the rules themselves would govern when and if it's possible for someone in a single-family home in these respective districts to operate a home business based on the existing requirements. I don't really see where having an additional layer of approval gets us anywhere or helps the applicant. Usually the Board of Zoning Appeals is going to go the other way; they're going to be more restrictive in terms of the conditions, not less restrictive than the existing role. So, I guess if I had a choice here, I would say all residential uses should allow home businesses, home business I by-right, including the other districts that are mentioned here.

Ms. Vanuch: Yeah, and I think we talked about that a little bit in our subcommittee, I think.

Mr. Apicella: I think we... well, I don't know that we talked about P-TND or planning districts or...

Ms. Blackburn: Yeah, that was part of... we had centered so much on the more conventional zoning districts to get the definitions and the requirements organized according to the majority of those lot sizes and those types of developments. And in doing the searches for home businesses is when these planned developments came up.

Mr. Boswell: So, in the in the RDA, was this an oversight? Because I don't recall requiring a conditional use permit. But is that a \$10,000 conditional use permit?

Ms. Blackburn: This is how it is now.

Mr. Boswell: Oh, it is?

Ms. Blackburn: Yeah.

Mr. Boswell: Wow.

Ms. Blackburn: Yes, it is.

Mr. Apicella: So, the other change I would recommend, if we were to move forward tonight with putting some language to a public hearing, on page 6 of 11, Attachment 1, item 4, it says fleet parking is permitted. Well, that's something that we've discussed as a committee doing the (inaudible) changes and we've actually removed fleet parking as a use, a permitted use. I would recommend striking that out and maybe you can help us understand what fleet parking is.

Mr. Randall: Was that page 6 of 11?

Mr. Apicella: Six of 11, Attachment 1, item 4. Closer to the bottom.

Ms. Blackburn: Commissioner Apicella, fleet parking is offsite parking and storage of more than 5 operable vehicles other than automobiles which are used in the daily operation of a business or the parking and storage of more than one vehicle with a gross weight in excess of 10,000 pounds. This does not include parking and storage of farm vehicles, construction equipment, or similar devices not licensed

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to operate on state roads. In the A-1 uses, which we will discuss later on in this meeting, it allowed for fleet parking as a by-right use. And I defer to Ms. McClendon, in allowing it in a rural home business, I would present... well, think that we are using it as an accessory tied to the rural home business and not as a permitted use in the district.

Ms. McClendon: I can look into that further. That information was not requested for tonight so I'm not prepared to answer that question.

Mr. Apicella: Again, if we were to remove the first part of that sentence, fleet parking is permitted, including or just if we struck from fleet parking is permitted including the and just started with parking and storing of farm vehicles, construction equipment, or similar devices not licensed to operate on state roads is permitted. Would that work for you? Does it make sense? Well, it would work unless the people had trucks that they used for their business.

Mr. Boswell: Say for instance a roofing company or something operating out of their home that might have 5 or 6 pickup trucks or maybe a dump truck? That's just one example; I'm sure there's plenty more. A towing company.

Ms. Vanuch: How many trucks do you have?

Mr. Boswell: That many.

Mr. Apicella: Well, I don't know how to fix this on the fly. I mean, I understand that that may be the case and that some reasonable number of vehicles parked just on the site associated with that business makes sense, but there's a point where there's probably too many.

Mr. Boswell: Yeah, 50 would be too many.

Ms. Vanuch: I think... could we advertise it with like, you know, no more than 5 fleet like it says? And then if we go higher then that's okay. So if we decide that the best number is 8 or 9, or is 5 too many and you want to advertise it 2?

Mr. Apicella: I missed the 5 part. Is that the definition?

Ms. Blackburn: That's part of the definition.

Mr. Apicella: That's in the definition?

Ms. Blackburn: That's in the definition.

Mr. Randall: So, you're saying that to define fleet parking says no more than 5? Up to 5? As a minimum 5?

Ms. Blackburn: Off-street parking and storage of more than 5.

Mr. Randall: More than 5.

Ms. Blackburn: So it'd be 6 and up.

Mr. Randall: Six and up.

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Mr. Apicella: So, if we said, as you just indicated, the parking of no more than 5 vehicles, would that work? Well, yeah, but then you I mean basically were saying you can't have more than 5.

Ms. Vanuch: And most HOAs... Yeah.

Ms. Blackburn: Well, this is for the rural home business.

Mr. Randall: Right.

Ms. Blackburn: Which is permitted in the A-1 zone.

Mr. Randall: Minimum of 3 acres.

Mr. Bain: But rural home business can be on a large farm that has multiple vehicles associated with the farm operation.

Ms. Vanuch: Yeah, but farm is exempt.

Mr. Bain: And so how would you...

Ms. Blackburn: Well, this is another suggestion and...

Mr. Randall: Well, that's why if you take fleet parking out, that statement out, there would be no limit on the other parking that was... that's listed. So if you just say the parking and storing of farm vehicles, construction equipment, or similar devices not licensed to operate, that would make it unlimited; there would be no limit to that. The limit comes from the fleet parking statement.

Ms. Blackburn: The other suggestion, and I don't know if this will work either, we can ask Ms. McClendon, is in the AG uses in the A-1 uses fleet parking was struck. Now that's still in its total discussion stage, and if we did not completely strike fleet parking but said fleet parking as accessory to overall home business.

Mr. Apicella: I don't understand the distinction there though.

Ms. Blackburn: If you don't have a home business, you can you can park cars on... you can park trucks on property. Just park them there. Yeah, but now you can. If it's... yeah, yeah, and it has to be which are used in a daily operation of a business. So if Mr. Boswell wanted to have a piece of property in A-1 zone and Mr. English had a plumbing company, you could park your vehicles on his property and you didn't have to have the business there.

Mr. Apicella: Madam Chairman, I guess we probably need to take another look at this, that maybe staff can come forward with a more concrete recommendation on how to deal with a limited number of regular vehicles, as well as other types of non-licensed vehicles on a parcel associated with a rural business. Because I really don't know what that number should look like on the fly.

Ms. Vanuch: Can we bring this back September 26 to discuss?

Ms. Blackburn: Sure.

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Mr. Randall: Can I make a recommendation maybe then and just see how this sounds? Do we want to... I like the idea of removing the fleet parking is permitted including and just leave it at the parking and storing of farm vehicles. And then maybe address fleet parking in a separate paragraph, a separate sentence that addresses it individually so you're not having to look for it per se.

Mr. Apicella: Right, but I think the point is it's not just about farm vehicles. What if you have bulldozers and, you know, other construction equipment that you're parking on your site because you operate a, you know, a home-improvement business that's probably too small scale. But, you know, you have 20 acres and you want to put your construction equipment there. So I don't think it's just farm equipment.

Mr. Randall: Do we want to get in the fact of going to a 20-acre saying okay 1, 2, 3, 4, 5, 6, 7, oh you got 10 you only are allowed 9. Would we get to that point?

Mr. Boswell: I think we're over-regulating.

Mr. Apicella: I guess the bottom line, I don't know what the right answer is. I mean, it's just now coming up that we might need to make some distinctions here.

Ms. Vanuch: I totally see it though, because I know contractors who have like 3 or 4 work trucks for their staff; you know, their employees they have a you know an excavator... Exactly and they have an excavator, a bobcat, a cat, like you know, they have like 4 or 5 different pieces of equipment plus trailers to tow some of the stuff with. You can get up to five real quick. I mean I have more than 5. Luckily its farm equipment so don't come. Yeah, so and I think if you have 20 acres, I mean, that's kind of why you buy the land so. I think we just need some more time. I think you're right; let's just look at it over the next couple weeks.

Mr. Randall: Now that we brought it up, do what you can and come up with a recommendation and we can definitely look at it at our next meeting.

Mr. Apicella: And also make the changes with respect to eliminating CUP and special exceptions for those other categories.

Mr. Randall: Yes, that's all... yeah, I think we're agreed on that part of it.

Ms. Blackburn: And in some of those districts, like in the UD district, single-family homes are only allowed in the 1 and 2 sections, so it will end up being striking things out of other parts of the code. And I will get that to you next time to show you. It's cleaning it up. Single-family homes are not allowed in the other sections of the UD code, and so a home business, there's no reason to even state that they're allowed or not allowed because they're only allowed in single-family homes.

Ms. Vanuch: Okay, we're good.

Mr. Bain: I have a couple other comments if I could real quick.

Ms. Vanuch: Okay, go ahead.

Mr. Bain: On page 5 of 11 of the ordinance, in the paragraph that starts home business rural, there's a typographical problem there. If you read down to where the strikeout is that says outside storage, the

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sentence doesn't make any sense. It says construction uses which may include and then it goes down of materials necessary to the conduct of. So either the word of has to go out or something else.

Ms. Blackburn: Do you have storage in there?

Mr. Bain: No.

Ms. Blackburn: Which may include...

Mr. Bain: Oh, oh, I see -- storage. Ohhh, I missed that. I thought that was part of the cross out. My fault, sorry. The other comment I had, under the home business rural on page 6, paragraph number 5, the rural home business shall not engage in retail or wholesale goods of merchandise or merchandise to customers directly on the premises. For the home business I and II, a similar statement was made but they said, however, direct sales shall equal to the number of customer visits allowed per day. And I think something like that should be included under the home business rural as well. Why wouldn't you allow them to have some limited retail sale onsite if you're going to allow for a home business?

Mr. Apicella: Yeah, I think the problem is you're not limiting... the distinction here is I and II limit the number of customers, right? We don't have that limitation in our area. You could have an... infinite is too high a word, but you could have an extreme number of customers. So, we were trying to avoid turning this into a different kind of a business operating out of somebody's house; would they have a lot of customers.

Ms. Blackburn: And you can still have a home business I.

Mr. Apicella: In a rural area.

Mr. Bain: Ah, okay, okay.

Ms. Blackburn: This is limiting you to only a home business rural.

Mr. Bain: I see.

Mr. Apicella: Or a home business II.

Ms. Vanuch: So, in the interest of keeping things moving, if we have additional recommendations let's just email it to you, we'll work it out between now and September 26.

Ms. Blackburn: Thank you ma'am.

Ms. Vanuch: Perfect. Okay, next one, amendments to RBC zoning district referral.

7. Amendments to RBC Zoning District Referral

Mr. Harvey: Yes, Madam Chairman. Silver Companies has requested this amendment, and they've also applied for a proffer amendment to expand the retirement housing component within the Celebrate Virginia project. As you may recall, Celebrate Virginia is currently zoned Recreational Business Campus. The original concept behind that was that there's going to be a large office park with a variety of retail uses that could support it, and also a golf course and other recreational amenities to be ancillary and supportive of the large business campus. However, as time has gone along, that original vision has

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morphed. Right now there's a substantial retirement community there and the proposal is to expand and create a second retirement community. If that were to occur, there would need to be changes to the open space ratio. Right now the open space required for the overall district is 45% and the open space would need to be reduced by down to 30%. And in reviewing the request, staff made a number of recommendations because the way the development is occurring in that zoning district it's no longer primarily focused on business; it's becoming more of a mixed use district. So, staff is suggesting that the name of the district be changed from RBC, Recreational Business Campus to PD-3, Planned Development-3. Also, we're suggesting that some of the commercial uses that are not... or industrial uses are not compatible with residential activity be removed from the zoning district. Also, there are some unnecessary uses that are specified as far as recreational activities that probably need to be taken care of as a general cleanup of the district regulations. As I mentioned about the open space, likewise there also needs to be a percentage increase in what's allowed as far as age-restricted housing within the project. And then reorganizing our ordinance because right now the PD-3... excuse me, the RBC zone has a number of performance standards in one section of the code and it should probably be moved to the planned district standards. And staff was suggesting that the Planning Commission consider moving this forward to a public hearing, but maybe not set a date at this point in time. We do have the rezoning application that's floating forward and it may be beneficial to consider both at the same time; but that's up to the discretion of the Commission.

Ms. Vanuch: Does anybody have any comments?

Mr. Apicella: Madam Chairman, I'm going to have a lot of questions on this. It looks like it's a big change. I would suggest that we not move this forward to a public hearing and have this as a regular agenda item and have normal, you know, a more thorough briefing package and discussion back and forth before we decide how to proceed forward on this.

Ms. Vanuch: Okay. Can we do that Jeff?

8. Amendment to the Transfer of Development Rights Ordinance Referral

Mr. Harvey: Yes ma'am. And the next item is dealing with Transfer of Development Rights. And earlier today Mr. Apicella reminded me that there were several Commissioners who were not involved in the process of creating the TDR Ordinance, which was adopted in 2015. So, at your desk we've attached a map which shows the Transfer of Development Rights area. With Transfer of Development Rights it's one of the few tools that the state code gives us that allows us to directly influence where development can occur and not occur. It's a voluntary program and you have certain areas in the county where you say you want to discourage development and encourage them to relocate that development to another part of the county. So the map you have in front of you, the blue area is the sending area where we would discourage development and encourage people to sever their development rights. In the red area, which is in proximity to this location we're at here, near the courthouse and Route 1, Courthouse Road all the way down to Eskimo Hill Road, would be a receiving area where someone could land those development rights. And it's a by-right activity and it's a voluntary activity between property owners. The code sets out standards for what is eligible for people to determine their development rights and how many developing rights they have in a sending area for where they want to send them to the receiving area. This proposed code amendment would do two things; one, it would clarify that if you have an existing lot of record at the time we adopted the TDR Ordinance in 2015, that you would be entitled to at least one development right on that lot. Because we've had a couple of inquiries from specifically in Crow's Nest Harbor where someone has a lot and under our current regulations they have to go through an analysis to see if they're entitled to a development right. And they have to hire an engineer do that. So, if they have one lot and they're willing to limit themselves to one development

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right, this proposed amendment would allow them to do so without having to go through the detailed analysis. Also, from a fairness perspective, if under the current scenario you could do the analysis and determine you have no development rights for your property but they could still potentially develop that property and put a house on it. So this would potentially incentivize some people to participate in the program. The other part of the amendment deals with when you actually transfer those development rights from a sending area and land them on a piece of property in a receiving area. In doing so, they have to record a deed to extinguish those development rights and to fix it to the zoning of the property and receiving area. Right now there's two mechanisms in which they do that; one is a preliminary subdivision plan, and two is a site plan in the case of commercial development. So, the way the ordinance is written now, if you have property that you've severed in the sending area, it's equivalent to one dwelling unit per development right or 3,000 square feet of commercial space per development right. So if someone wanted to do a residential project for every development right they added to the property, they could do one more house. If they wanted to do a commercial project for every development right they add to their property, they could do three more thousand square feet of floor space. The amendment would modify, for the residential part, that the developer could wait to sever their development rights and affix them to the property at time of record plat rather than preliminary subdivision plan. We've had that request by property owners wanting to participate in a TDR program but they have a number of things going on because they have... the property owner for the sending area, and they're somewhat related to the property owner in the receiving area, but there's a developer involved and a home builder involved, and there's a lot of contract issues. So, in order to facilitate this, they say that if they have to fix all the development rights at the time preliminary plan, that puts the developer and home builder at risk because they have to essentially buy those development rights from somebody and be willing to put them on a piece of property that they don't own. So that puts them at substantial risk, so that's why they would prefer to and have requested that we consider allowing the fixing of the development rights for residential to be postponed to a record plat. When they record the record plat, then under their contract agreements and that's when they would take possession those lots and everyone be kept whole. That's the rationale behind this request.

Ms. Vanuch: Comments Mr. Apicella?

Mr. Apicella: Madam Chairman, we spent over five years coming up with the TDR legislation. I chaired the subcommittee that worked on it a good number of those years. There was a lot of consternation and back and forth, both within the Planning Commission and at the Board level, to finally getting to a TDR package that everybody could agree to. At first blush I don't really have a problem with the changes to Section 28-364, but in looking at the proposed change to 28-359(a)... I'm sorry (b), what I would say is that proposed change looks a lot like a provision that was referred to the Commission back in 2013. We discussed it all the way through 2014. I looked at all the agenda packages, both at the PC level and at the Board level. It was rejected by the Planning Commission and the Board ultimately decided not to include that I'll call it guarantee of a development right. And I think the logic trail was and is that not every single lot... and the sending area is primarily Crow's Nest, am I correct Mr. Harvey?

Mr. Harvey: Mr. Apicella, it includes the Crow's Nest Peninsula but also the Marlborough Point Peninsula.

Mr. Apicella: Right, no doubt. But, if you're familiar with the Crow's Nest area, if you've ever been out there, in my humble opinion not every lot is buildable. Some of those lots have ravines that are incredible. I mean, it's a beautiful area, don't get me wrong, and I can't speak to why folks bought lots there, you know, and my understanding is with respect to Crow's Nest Harbor there's about 350 lots, about 80 owners, which means there are multiple... some people own multiple lots. Again, in my

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opinion not every lot is buildable so why would we grant somebody a development right to transfer that development right where they couldn't build on their parcel in the first place? So, I think we need to take a hard look at this and see if it's the right way ahead, at least with respect to that change. I think we need some more information to see which lots would be impacted by the proposed change. Again, TDR is a pretty complex and comprehensive piece of legislation, so I would ask that we again not move forward tonight, try to get some more information, see which lots would be impacted, and why this change is necessary, and when and if it makes sense, and what public interest is served by giving somebody a development right where they couldn't otherwise build on their parcel.

Ms. Vanuch: Sounds good to me. So, can we do that Jeff? Get more information and then...

Mr. Harvey: Yes ma'am, we could bring it back to the next meeting with some more information.

Ms. Vanuch: Okay, perfect. Alright, next one.

9. Amendments to the Comprehensive Plan Regarding Shoreline and Streambank Erosion / Chesapeake Bay Act Referral

Mr. Harvey: And the next one is amendments to our Comprehensive Plan pursuant to our DEQ audit. They identified that we needed to have additional language in our Comprehensive Plan dealing with shoreline and stream bank erosion issues. So this proposed amendment would help address those comments from DEQ.

Ms. Vanuch: Okay. Do we need any action on that?

Mr. Harvey: Madam Chairman, if it's desire the Commission, we can move forward with the public hearing.

Mr. English: I so move for a public hearing on this.

Ms. Vanuch: Okay. So, we have a motion move forward with public hearing by Commissioner English.

Mr. Bain: Second.

Ms. Vanuch: Second by Bain. Any discussion anybody? Let's go ahead and vote for it. Okay, motion carries 6-0 with Mr. McPherson being absent. Alright, County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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

Ms. Vanuch: Thank you Ms. McClendon. Committee Reports -- A-1 Uses subcommittee.

COMMITTEE REPORTS

10. A-1 Uses Subcommittee
Update at September 12, 2018 meeting

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Ms. Blackburn: Good evening Madam Chairman, Commission members. The A-1 Uses -- the Planning Commission is you are considering submitting this proposed Ordinance to the Board of Supervisors for their review prior to any public hearing. And this is proposed Ordinance O18-35 and it amends the uses and how they're permitted in the agricultural district. And this was a resolution requested by the Planning Commission provide recommended changes to the uses of the AG districts. And this was a result of the Board of Zoning Appeals questioning the compatibility of the permitted uses in this zoning district. And a committee was formed by the Planning Commission and it consisted of Commissioners Darrell English, Steven Apicella, and Albert Bain, and two additional members from the agricultural community who is Mr. John Howe, and he is the Chairman of the Agricultural/PDR Committee and a retired Extension Agent, and Mr. John Harris who owns a farm and is a former Planning Commissioner. And both of these members did bring valuable insight into the committee. And the committee met in December of 2017, January, April, and May of 2018. And they revised and discussed every use that is currently listed in the district and reviewed the regulations for uses in the zoning district of the following counties. And they were Albemarle, Fauquier, Hanover, Loudoun, Prince William, and Spotsylvania. And the recommendations of the committee were to remove several uses, change the approval process for some, and add a minimum acreage requirement to others. And I have provided a copy of a draft ordinance for you showing strikethroughs and underlined uses, and a chart with a synopsis of most of them. Fleet parking is removed, and there were several uses added. And through the discussions, there were a few items that the committee felt the entire Planning Commission needed to review, and one was wedding venues, wedding and event venues, which are now treated as a rural home business, as a special exception in an A-1 zone, and those special exceptions are heard by the Board of Zoning Appeals. And we would... one of the... part of the discussion group was to actually name them as a use to be permitted by special exception and actually do some acreage requirements, because one of the big complaints we've heard from neighbors when these have come before the Board of Zoning Appeals is the amount of noise and the amount of traffic that are going to be generated. And if the venue is on a larger parcel, noise levels can be reduced by providing greater distance from the venues from the neighbors and also depending on screening. But one of the suggestions was to add an acreage requirement to it. Then there was the discussion of dog kennels. And we allow for commercial and non-commercial kennels in the A-1 zone. And a commercial kennel is permitted by conditional use permit and it is a location used for boarding, breeding, grooming, and/or training six or more dogs for pecuniary gain. And the non-commercial definition is exactly the same except it's not for pecuniary gain. And the committee did ask animal officer Michael Null to come to our meeting and give his input into how what he knows about kennels and how to deal with them. And one of our big discussion points was the noise from the barking dogs, and talking about setbacks from property lines and this kind of thing. And he said making the distances would help some, but it is not going to eliminate them at all/ But he did state that he would suggest a kennel be allowed on lots of six acres for six dogs and require an acre for each additional dog. And the rationale behind this was it would prevent kennels from being located in the minimum lot subdivisions for the A-1 zones which are 3 acres. And it would be increasing the distance from the adjacent dwellings, and it would help with mitigating the sound. And he also believed, as a sidelight of discussing increasing the acreage requirement for the keeping of livestock with an item that needed discussing. And the concern is that property owners on 3 acre lots would want horses, cows, chickens, or a combination thereof. And one of the suggestions was to require conservation plan approved by the Soil and Water Conservation District to help with this because there are no acreage requirements for keeping these animals. But the committee did state that this was outside the purview of what they were asked to do, but just as an item that it was comprehensively reviewed. And after reviewing the list, the staff suggest the Planning Commission also consider recommending changing the approval process for the commercial kennels from a conditional use permit to a special exception because it does allow for that time limit and it does not stay with the land. And also there were two items; it was agri-tourism and farm winery that were also added. And the farm winery definition that is in your packet is straight from the state code, and it is very, very long. And I would

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like guidance on how you want to deal with that, if we want to just refer to the state definition because it into if it is made in the Commonwealth, if it's a percentage of this, and they have a very... they have become with a very strong lobby and they're here. And it is a lovely tourist thing, you know. It's a great place. I'm sure everybody has gone to vineyards for wine tasting, and so it would be to just refer to the definition because that may actually be changing. That was one item I wondered. And the agri-tourism, I did include that definition in your draft ordinance, and that is also from the state... straight from the state code.

Mr. English: So we can just put in there as a footnote, see state code in reference to those two, right?

Ms. Blackburn: I can... if I can do that with some guidance from legal, if we want to do a very minimum type of description and then see state code.

Mr. English: I think we should just say go under the state code; that's what I recommend.

Ms. Blackburn: Okay.

Mr. English: And the other thing is, too, we need to remove this cemetery one because we have a county ordinance on cemetery so I think that trumps all by-right. So I think they need to eliminate it, is that correct, Rysheda, taking that cemetery out of the by-right because we have a county code for that?

Ms. McClendon: Cemetery as a use needs to be provided in the Zoning Ordinance. If you remove it from the by-right category, I'm not sure if it's provided for elsewhere in our Zoning Ordinance.

Mr. English: Even if we have a county code on the cemeteries, we still...?

Ms. McClendon: The cemetery ordinance is provided in our special regulations. This section provides a use. So I know we're looking at A-1; I would say staff needs to come back to the Planning Commission with more information to provide information whether or not cemetery is provided for in another part of our Zoning Ordinance. I'm not sure if it is.

Mr. English: Could we do that?

Ms. Vanuch: Yes sir.

Mr. English: Thank you. That's what I'm asking.

Mr. Apicella: Madam Chairman, just kind of going through the, I'll call for lack of a better term, a checklist here on additional things to consider, I think we just need some more information on wedding and events venues.

Ms. Vanuch: Okay.

Mr. Apicella: A potential definition and maybe how some other jurisdictions handle a similar use so we can see how we might apply it here in Stafford. On dog kennels, I think we should adopt and include in the language going forward, or when it comes back to us, the recommendation provided by Officer Null which again is a kennel be allowed on lots of six acres for six dogs and require an acre for each additional dog. On the keeping of livestock, I think having a conservation plan would be a good thing, I'm just not sure how it would work in terms of the language we would need to incorporate into this A-1 district change.

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Ms. Blackburn: Well, that was... we don't have... the question would be to Ms. McClendon if we could include that in this proposed changes to the ordinance because it was considered somewhat out of the scope of the resolution.

Mr. Apicella: Right, but if we were to...

Ms. Blackburn: If we can.

Mr. Apicella: If we can. I'm just not sure how it would look in terms of if I were looking at the ordinance or how A-1 is described, I don't know how it fits. So, maybe you can come back to us and show us.

Ms. Vanuch: Well, DEQ has regulations regarding like the requirement...

Mr. Apicella: Oh, I understand. I'm just saying in terms of, if you're looking at the zoning regulations and you see A-1 and you see livestock, I'm not even sure if it's explained or there's a definition for livestock, would it be under the definition? Where does that requirement for the management plan and review by soil and water, how does that get tied together?

Ms. Blackburn: Okay, I can work on that. Also, there has been some discussion to refer to some of these things through the Chapter 5, which is animals. And they have a whole list of definitions of caring for animals, how much space you have to have, you know, various things like that. And if we want to incorporate some of this into these changes, then I can go through and see what we can do with that, because that would help us with situations of keeping chickens and other livestock on small acres of land. We have A-1 lots that are only an acre and we have nothing to stop them from crowding animals on them, which does not work well for all involved.

Mr. Bain: That was a comment I was going to make. I know of a landowner who had less than 5 acres, raised 3 hogs on that property. Their neighbors were not real happy. They killed the hogs and then called our farm to come and get them and slaughter them, except that they didn't have any way to get them out of their backyard that was completely fenced in. So we had to tear down part of their fence to get it. So I think acreage requirements are very important.

Mr. Apicella: So, again, it might be a combination of both looking at the definitions and an acreage requirement, not just with regard to A-1 but other zoning districts as well, right?

Ms. Blackburn: Okay.

Mr. Apicella: And lastly, I think the other change that was recommended is commercial kennels being approved by special exception. I think that'd be fine.

Ms. Blackburn: Okay.

Ms. Vanuch: Any other comments?

Mr. Apicella: Again, those are just my comments.

Ms. Vanuch: Any comments from anybody else?

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Mr. Randall: Yes, I have a couple comments. I'm concerned that we're going to re-litigate this whole thing again. Yes, they need to be addressed but, it is A-1 for a reason. I don't know to what extent we want to get down and nitpicky and say you can have 3 chickens, you can't have 2 chickens, you can't have 4 dogs, you can have 3 dogs. So I'm concerned that we're going to get down a rabbit's hole and then who's going to be out there counting how many chickens they have or how many dogs they have or, you know, let's be reasonable in the fact that it is A-1, it is 3 acres, you understand if you're moving into a 3-acre lot...

Ms. Vanuch: Well, I think Mr. Bain's point is that some A-1 lots are 1 acre, so maybe, you know, since the standard should be A-1, 3 acres...

Mr. Randall: Right and this is 3-acre lots wanting horses and stuff so it's a 3-acre.

Ms. Vanuch: Yeah, I definitely don't think you should have a horse on 1 acre. I have two horses and that's not enough space.

Mr. Randall: So, that's my only concern is that we understand that it is an A-1 lot. You buy it... you get it on an A-1, you understand what that means and then we... anyway, that's all I have. Thanks.

Ms. Vanuch: Okay.

Ms. Blackburn: Okay?

Ms. Vanuch: We're good.

Ms. Blackburn: We're good.

Ms. Vanuch: Alright, can you have that back September 26th or do you need more time?

Ms. Blackburn: I should be able to do it by then, yes ma'am.

Ms. Vanuch: Okay.

Mr. English: Thank you Susan.

Ms. Vanuch: Yeah, thank you for all your hard work on this, and to the A-1 subcommittee. Cluster Ordinance subcommittee, okay. Steven and I are going to discuss a date and have that by the next meeting for our first cluster ordinance map meeting. And I think Bart, Al, you're going to have an update?

11. Cluster Ordinance
In Subcommittee

Mr. Randall: We're going to get together next Thursday. I was going to talk to Fillmore until he ran out.

Ms. Vanuch: Because they have to advertise it, so just make sure that you work with staff to give enough time to advertise.

Mr. Randall: How many days do you need prior?

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Ms. Vanuch: Three I think; 72 hours.

Mr. Randall: Okay, I'll let you know by the end of the week.

Mr. Harvey: Yes, and if we could build in more time that'd be helpful because we have to work through our communication staff to ensure it's posted properly.

Mr. Randall: Sure.

Mr. Harvey: Five days is preferable.

Mr. Randall: Five days is preferable?

Mr. Harvey: Yes sir.

Mr. Randall: Thank you.

CHAIRMAN'S REPORT

Ms. Vanuch: Alright, Chairman's Report -- I have none at this time. Other Business; TRC dates take of note. Approval of minutes, July 18; do we have a motion?

OTHER BUSINESS

12. TRC Information - September 26, 2018
- ✪ Big Spring Estates - Aquia Election District
 - ✪ Old Potomac Church Road - Aquia Election District
 - ✪ Dunkin' Donuts at Arby's - George Washington District

APPROVAL OF MINUTES

July 18, 2018

Mr. English: So moved.

Ms. Vanuch: Okay, Mr. English moves the motion to approve meeting minutes.

Mr. Randall: Second.

Ms. Vanuch: Second by Commissioner Randall. Any discussion? Nope, alright let's go ahead and vote. Motion carries 6-0, Mr. McPherson is absent. And the meeting is adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:31 p.m.