

**STAFFORD COUNTY PLANNING COMMISSION**  
**September 26, 2018**

The meeting of the Stafford County Planning Commission of Wednesday, September 26, 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, Denise Knighting, Mike Zuraf, Brian Geouge

DECLARATIONS OF DISQUALIFICATION

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

Mr. English: I have one. I met with Mr. Shalaby.

Ms. Vanuch: Okay.

Mr. English: I guess I pronounced that right, in reference to Holly Corner Manor a couple of weeks ago.

Ms. Vanuch: Okay. And I have... any others?

Mr. Bain: Yes. I also met with Mr. Shalaby regarding Holly Corner Manor.

Ms. Vanuch: Okay, any others? Okay, seeing none others, I do have one. I am actually going to recuse myself from the first public hearing this evening. So moving onto Public Presentations this evening, if you're here to speak on the public hearing, and tonight the only public hearing that we have is the Holly Corner Manor public hearing, so if you're here to speak on that this would not be the time to come down. But if you're here to speak about anything else, it could be anything, you can come down to the podium. You have 3 minutes to speak on any topic of your choosing except for the public hearing topic, and when the green light comes on, please state your name, your address, and if you know the district that you reside in please state that as well. And when the yellow light comes on you'll have 60 seconds left. And when the red light comes on please complete your comments. Do we have anyone who wants to come down and speak for their 3 minutes? I know Mr. Waldowski does. Come on down Paul. I saw you in the parking lot today, you told me.

PUBLIC PRESENTATIONS

Mr. Waldowski: Paul Waldowski in the Hartwood District. Oh, I'm sorry, the gerrymandered Rock Hill District; I made a mistake. You know I'm also... have the four-letter words after my name, AICP; that's the American Institute of Certified Poker Players, okay. AICP is certified planners, just so you know. I couldn't come up here and not mention the empty Sheriff's car by the hospital, it scared me. I was hoping I didn't have to use my medical training in case someone's in there. You need to tell that Sheriff, I'm telling you. It's just amazing how those things happen. I don't think I sent you all Shelton Woods but it's a perfect example of development. You'll see that my 2030 cicadas, you know, the ones that are gonna graduate in 2030, get a PhD, public high school diploma. It's really neat to see all the equipment

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out there. They can't do nothing; it's so muddy. Man, it's beautiful. And Florence was my mother's name so, hurricane Florence. Thanks mom. Now, let me rearrange some letters for you, okay. You know silent, if we rearrange it, it's listen. Hmm. If we rearranged dormitory, we get dirty room; can you believe that? How about Presbyterian? Best in prayer. How about George Bush? He bugs Gore. Golly, no movement yet, huh? How about election results? Lies, let's recount. Oh, I should use that for the Board of Supervisors. Let's see... a decimal point, I'm a dot in place. Eleven plus 2 is 12 plus 1. Same letters, rearranging them. Wow! How about desperation? A rope ends it. I should have used that as my last line. Wow! Let's see, do I have any more comments? Oh, we want to deal with service and fairly. Lady Justice wears a blindfold, she's trying to be transparent, she doesn't wear a pirate's badge. When I first moved here Planning Commissioners did not get stipends. I think if you really want to do public service, that's, let's see, 10,000 times 7, that's 70,000, times 4 years, that's \$280,000. I wonder how many school buses we could buy when they start that new school year.

Ms. Vanuch: Thank you. Would anyone else like to come down and speak? Ok, seeing no one come down, I will close out the public presentations this evening and move onto item number 1 on the agenda. Mr. Apicella?

Mr. Apicella: Thank you Madam Chairman. Mr. Harvey, item 1.

PUBLIC HEARINGS

1. RC18152255; Reclassification - Holly Corner Manor - A proposed zoning reclassification, with proffers, from the A-1, Agricultural Zoning District to the R-2, Urban Residential—Medium Density Zoning District, to allow for the development of up to 120 single-family dwelling units on Tax Map Parcel No. 43-64, consisting of approximately 48.6 acres (Property). The Property is located on the south side of Holly Corner Road, approximately 850 feet west of Country Manor Drive, within the Hartwood Election District. **(Time Limit: January 4, 2019)**

Mr. Harvey: Thank you Mr. Chairman. Mike Zuraf from the Planning and Zoning Department will be making this presentation.

Mr. Zuraf: I'd like to have the computer please. Good evening Mr. Chairman, members of the Commission, Mike Zuraf with the Planning and Zoning Department. I'm going to present item 1 which is a project known as Holly Corner Manor. This is a reclassification request. It would be a reclassification from the A-1, Agricultural Zoning District to the R-2, Urban Residential—Medium Density Zoning District, to develop up 120 single-family homes. The parcel is parcel number 43-64 which covers 48.6 acres. The applicant is Holly Corner Associates, LLC. The property owner is Stansbury Burton, Jr. This is the site. It's on the south side of Holly Corner Road. It's approximately 850 feet west of Country Manor Drive in the Hartwood Election District. This is a zoning map of the site and surrounding properties. The property is zoned A-1, Agricultural with no proffers. It has not been the subject of any zoning changes. The R-1 zoning does exist to the east of the site. This is the Stafford Lakes Village subdivision, and that area is highlighted in yellow on the map. The A-1 zoning in light green, that zoning is located adjacent to the site to the north, south, and west. There are large lot residential uses to the north and west, and then an undeveloped property to the south of this site. The current A-1 zoning density requirement would permit up to 16 single-family dwelling units on the site. The aerial photo shows that the majority of the site consists of open fields with forested land cover in the northeast corner of the property. The property primarily sits on a hilltop and ridge that has a north to south orientation and the land slopes down each direction from that ridge. A farm retention pond is located in the western end of the property. Centrally located on the site is a brick rambler single-family dwelling constructed in 1970. Then there's also several farm structures and utility sheds in the vicinity.

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Access to the property is by a private driveway directly off of Holly Corner Road. This is the Google Street View from the existing driveway entrance from Holly Corner Road into the site. The general development plan depicts how the 120 homes are proposed to be developed on the site. There are two access points proposed. The main access point off of Holly Corner Road is in this location. And then there is an inter-parcel connection on the southern end of the site in this location. There's an existing stub connection off of... from Stafford Lakes Village into the property. Between those two points, the current plan does show a direct street connection from one point into the other. The proposed R-2 zoning would permit up to 3.5 dwelling units per acre. That would amount to up to 170 dwelling units. But the proposal limits the number of lots to 120 and that's limited within the proffers. The 120 lots would equal 2.55 dwelling units per acre. There's common open space proposed in locations of potential stormwater management on the western and eastern ends of the property, then also along Holly Corner Road to provide some additional separation of the proposed dwellings from the roadway, from Holly Corner Road. A tot lot is also proposed... a tot lot is also proposed in a central location on the site as a community amenity. Also, sidewalks would be provided along all the neighborhood streets as required by County Code. The GDP does identify three development phases. The first phase is on the western end of the site, and those phases are generally marked with these dashed lines. So this is the first phase with initial access off of Holly Corner Road. And then the next... there's the two remaining development phases head over towards the east. So the connection to Stafford Lakes Village would be identified within phase 2. The Comprehensive Plan's Future Land Use Map classifies the property as part of the suburban designation. It's identified by the bright yellow shading across the map. The Comprehensive Plan states that suburban areas of the County are areas where suburban scale development is most appropriate. The proposed development is generally consistent with many of the recommended development standards for this designation as described in the Comp Plan. Those include that the site's consistent with infill development policies; it meets development density recommendations as the project does not exceed three dwelling units per acre; the site layout and building design complements and is in scale with the existing Stafford Lakes Village, a neighborhood to the east; sidewalks would provide connections to the existing adjacent sidewalks and neighborhood in Stafford Lakes Village; and then the site does preserve a limited amount of sensitive environmental features that exist on the site. Staff has also evaluated how the request will impact these listed public facilities which residents rely on. The Comprehensive Plan includes policies that recommend that new development proposals should be phased to coincide with infrastructure and not develop until the projected infrastructure and services have been implemented or scheduled to be phased concurrently with demand. On the next few slides I'll review the impact evaluation that we went through and provided in the staff report. First, looking at schools, the total 120 dwelling units proposed would generate 115 students, with the greatest number of students in the elementary schools. For the purposes of proper mitigation we need to evaluate the impacts based on the net new 104 units. This would exclude 16 by-right development units. The 104 units would generate approximately 98 school-age children in total according to estimated student generation factors for new development. The attendant zones for the site include Hartwood Elementary School, Gayle Middle School, and Mountain View High School. This table identifies the available capacities at the receiving schools based on year 2017-18 enrollment data in its relation to capacities. And we look at 90% of program capacities at elementary schools, the 90% level of design capacities at middle and high schools. In the table, the column identified as Capacity Utilized, that refers to the current enrollment at each of those schools. So, Hartwood Elementary School is identified as having a deficit with no available capacity currently, and that that's why that is highlighted. The middle and high schools have adequate capacity to accommodate the 24 and 29 students that are anticipated from this development. From this information the applicant estimated a per dwelling unit contribution amount to mitigate the elementary school impacts, and the estimates utilize costs provided in the CIP to construct an elementary school and specifically looked at the Moncure Elementary School, which is the latest elementary school project identified in the CIP. Staff has determined, in looking at some of the other public facility types, but first with Parks and

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Recreation, staff has determined that there is adequate park capacity in this location. To determine the capacity of parks by a geographic area in the County, the 2017 Parks Utilization Plan, it identifies service levels including where park facilities are lacking and assigns priority areas where additional parks are most needed. This area is defined as having adequate parks. For public safety, the sites within the first response area of the Berea Fire & Rescue station, it was determined that the current service level deficits exist and any additional homes would further add to the current service level deficit on fire and rescue. Stafford's fire and rescue response time standards are used to determine if a deficit exists. The standards they use is to respond to a call within 8 minutes 90% of the time. At station 12, the 8 minute response rate is 65%. And so, in this case, it would be reasonable to receive a proffer to mitigate fire and rescue impacts. And looking at transportation, the Transportation Impact Analysis was prepared. The traffic study assumed 130 new dwelling units, which exceeds the 120 that they're limiting the site to. Those 130 units would generate 1,336 vehicle trips per day, and then also that's equivalent to 101 morning peak hour trips and 133 afternoon peak hour trips. The study evaluated levels of service during the morning and afternoon peak hours at two intersections; first the new site entrance intersection onto Holly Corner Road, and then the intersection of Holly Corner Road with Warrenton Road. At the new site entrance intersection with Holly Corner Road, Level of Service of A was... the traffic study identified that a Level of Service of A would be maintained during the peak hours all the way through build-out of the project, which build-out is anticipated to occur in year 2022. So, since it's Level of Service A, no mitigation is needed or recommended at this intersection. So now, looking at the other intersection, the Warrenton Road/Holly Corner Road intersection, the results of the TIA indicate that the site development would have a negative impact on the intersection at build-out in year 2022 if there was no mitigation. And specifically, it looks at specific traffic movements and identified the problem occurs in the eastbound approach on Holly Corner Road to Warrenton Road, and this is identified with the red arrow. Yes?

Mr. English: Question in reference to that intersection. Are there plans to put a light there, a traffic light there? Or do you know?

Mr. Zuraf: There, I'm not aware of any plans for a light there, and that's not been determined as part of this.

Mr. English: I understand that but I just wondered if you knew if there was just...

Mr. Zuraf: I'm not aware of any plans for a light. So, this table, which is part of the traffic study, identifies the level of service conditions at this intersection, as well as queues, which queues are a measurement of the length of vehicle stacking that occurs at an intersection. The eastbound approach traffic movement is highlighted because that's identified where... that was identified as the biggest problem. You can see that the level of service is a failing F currently and is expected to continue that way into the future without this project. The severity of the Level of Service F can also be determined by the queueing distance. So you can see, as it progresses, the queueing distance increases in future years, without the project. And then with the project it worsens without any mitigation. The final row or the final section highlights the conditions with mitigation. The applicant is proposing to construct a second eastbound approach lane which would basically allow for a dedicated left-turn and a dedicated right-turn lane as people approach Route... Warrenton Road on Holly Corner Road.

Mr. Apicella: Mr. Randall?

Mr. Randall: Could you show (inaudible - microphone not on)?

Mr. Zuraf: Yes. That'll be the next slide, yes.

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Mr. Randall: Sorry.

Mr. McPherson: And I have one question, too. I still see the eastbound left is still an F even after mitigation, is that correct?

Mr. Zuraf: Yes, and yes I'll get to that, too, yeah. That's all right. So, you know with this the queuing distance though, as you proceed it is reduced to levels that are below the future 2022 conditions without the project. And dealing with the issue of the Level of Service F, Comp Plan policies state that if achieving a level of service of C or better is not possible, improvements to a new development project should be designed to not further degrade level of service. And so, how we measure whether a project's further degrading is that queue length. And so the fact that the application reduces the queuing length below future conditions, we see that as lessening and not worsening the situation. So now, this image illustrates the improvement that the applicant has proffered at the Holly Corner Road and Warrenton Road intersection. The improvements include acquiring additional... an additional 8,400 square feet of right-of-way. This is on the north side of Holly Corner Road. So, they would obtain right-of-way from that property along Holly Corner Road and then construct an additional lane that would... and you can see on the black and white image where the left and dedicated left and right turn lanes are and the eastbound approach. Now moving onto the other public facilities, the general government category includes facilities such as the County's Government Center and Courthouse Complex. Staff determined that a deficit exists with general government services based on current capacity issues with the Courthouse. The Courthouse has run out of room to accommodate regular operations. To address this, the County's Capital Improvement Program includes construction of a new Courthouse facility; that's scheduled to be completed in year 2022, which is in line with the build-out that's projected of this project. Now looking at libraries, the libraries are identified as having an adequate level of service through the build-out of this project. The Comprehensive Plan projects future needs and does not identify the need for a new library until the year 2023, which is after build-out of this project. So, this rezoning is subject to the July 2016 proffer legislation which limits what proffers the County can accept. Under the state law, proffers to mitigate off-site public facility impacts are limited to transportation, public safety, schools, and Parks and Recreation facility types. The proffer can only be tied to the need that is in excess of the existing public facility capacities and the residential use will receive... has to receive a direct benefit from the proffer that's being provided. The public facility impact evaluation we just reviewed is how staff is determining if public facility deficits exist or are created by the proposed use. The proffer statement includes cash contributions for schools and public facility impacts. These contributions account for the by-right dwelling unit credit, and you know, so only looks at the additional units that would be gained by this rezoning. So, this is kind of a summary of the overall public facility impacts. The levels of service would be adequate through project build-out for Parks and Recreation and libraries and general government, and for general government specifically at the time of build-out assuming the completion of a new courthouse facility in 2022. The project would generate level of service deficits upon schools, public safety, and transportation. Impacts to schools and public safety would be mitigated with cash proffers. You can see that for schools, that proffer amount would be \$14,037 per unit and for public safety \$1,148 per unit. Combined, that would be \$15,185 per unit, and then over the 120 total lots, that would amount to \$1.82 million in proffers. And then, the transportation impacts identified on Holly Corner Road would be mitigated by the road improvements that we previously reviewed. The applicant is not proffering specific building elevations; rather they are providing general design guidelines that the design of the building shall follow. The guidelines are in conformance with several of the recommendations in the Neighborhood Design Standards Plan of the Comp Plan. Some of these guidelines include material limitations. It would require brick or stone on 75% of the units and also require brick or stone on the foundations of any side of dwellings that are facing the street. And also, different features that are required on the homes -- side facing façades on corner lots should include at least two working windows; roofs must be symmetrically sloped with a

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pitch no less than 5:12. Then also there's a proffer to avoid continuous roof planes on the front side of any dwellings by incorporating features such as gables. Late last week the applicant did provide these exhibits of potential home designs to staff. They are not part the proffer statement because the applicant does not have an agreement yet with the home builder, but they did want to provide these elevations so the Commission can get an idea of where... what the homes may look like. So, reviewing the summary of the overall proffer statement, the proffers would establish a maximum of 120 single-family detached dwelling units; R-2 zoning does allow townhouse dwelling unit types but through these proffers they would limit the dwelling unit types to only single-family detached homes. Also, it establishes the character and quality of architectural design of the homes; require the construction of the tot lot prior to occupancy of the 60<sup>th</sup> unit; require the right-of-way dedication and transportation improvements along Holly Corner Road that were reviewed; also require the phasing of site access to ensure that the initial phases would require access off of Holly Corner Road with inter-parcel connections happening through to Stafford Lakes Village at a subsequent phase of development; also require restrictive covenants on the lots to ensure consistent design and quality development; also the cash contributions for school and public safety that I've already reviewed. Looking at the overall findings, the positives -- it is consistent with land use recommendations in the Comprehensive Plan; consistent with the established development patterns; proffers would ensure the use will be consistent with the surrounding properties; mitigation of schools, public safety, and transportation impacts were considered reasonable; also it's consistent with infrastructure phasing policies in the Comp Plan related to parks, libraries, and general government; then also the building designs are consistent with many of the design guideline recommendations in the Comp Plan. And staff does not see any negative aspects with this proposal. Staff believes the project benefits outweigh the negatives and supportive of the application and recommends approval with the proffers pursuant to Ordinance O18-42. And I'll take any questions at this time.

Mr. Apicella: Additional questions for staff?

Mr. English: Mike, was the... I'm sorry, Mr. Chairman... was the subdivision next to it, Stafford Lakes, notified about this?

Mr. Zuraf: Yeah, all abutting property owners were notified.

Mr. English: Did you get any feedback from anybody?

Mr. Zuraf: I spoke to a few people but I did not necessarily get... nobody identified themselves specifically as residents of Stafford Lakes Village.

Mr. English: But they were notified.

Mr. Zuraf: Yes.

Mr. English: Okay, thank you.

Mr. McPherson: I have a question, Mike. Regarding the 120 single-family homes per that proffer statement, I don't know if this is a legal question, you said that multi-family homes are allowed but the proffer just states 120. Does that also limit it to only single-family homes or...? I'm just kind of thinking loopholes here, or could they build 120 single-family and then a couple multi-family on top of that because the proffer doesn't specifically say that they're not going to that?

Mr. Zuraf: The language?

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Mr. McPherson: Yeah.

Mr. Zuraf: The applicant agrees to limit the development of to a maximum of 120 single-family detached dwelling units. So, that would...

Mr. McPherson: Okay, so they couldn't build anything...

Mr. Zuraf: ... prohibit them from building townhomes.

Mr. McPherson: Okay, thank you.

Mr. Apicella: Other questions?

Mr. Randall: Yes, I have a couple questions.

Mr. Apicella: Mr. Randall?

Mr. Randall: To piggyback on the question that was asked, do you know if the Stafford Lakes Village HOA or residents are aware that that's going to be an inter-parcel connection and that they'll be going back and forth through that subdivision? Was that a part of the notification to that?

Mr. Zuraf: The notification was basically our standard notification that there's a rezoning happening on property adjacent to you and we didn't get into details.

Mr. Randall: Okay.

Mr. Zuraf: That stub street should have sub-streets that are built. They have a sign; now, I don't know if one is still there but typically we'll have a sign posted saying this plan... this street is planned for future extension and to contact us.

Mr. Randall: I just didn't know if your notification included the fact that there would be an inter-parcel connection allowing access for however many cars per day through that.

Mr. Zuraf: It didn't get into that level of specificity.

Mr. Randall: Alright. Another question -- for purposes of school capacity, it's reasonable to think that we're going to talk up to 120 dwelling units, not the 104 dwelling units, correct?

Mr. Zuraf: Correct.

Mr. Randall: Alright. And so with Hartwood being at capacity, what would we rec... was there a recommendation given as to what we were going to do with those students? Do we think that \$14,000 is going to find a place for them to go to school?

Mr. Zuraf: Yeah, proffer, you know, through the proffer legislation we're limited to evaluating the estimated cost and then how that...

Mr. Randall: What they were given, I understand.

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Mr. Zuraf: ... and then as those projects come in, School Board planning staff is... they're well aware of all the projects that are kind of in the pipeline and when the preliminary plans come in they look for it and have an idea of what's happening and where the needs are going to be coming up.

Mr. Randall: Do you know offhand how many other developments are in the Hartwood Elementary School district that have not been built-out yet as of now?

Mr. Zuraf: One large one is Westlake, which is...

Mr. Randall: How many units is that?

Mr. Zuraf: Seven hundred.

Mr. Randall: So, you got 700 unit that's... between 700 and 800 that are not yet built but still designated to go to the Hartwood Elementary School.

Mr. Zuraf: Right.

Mr. Randall: Okay. Alright, and the last thing is the transportation. We do talk about the transportation study although the ordinance says we're not making it worse, that any improvements seem to make it better. It still is an F by our standards, correct?

Mr. Zuraf: Correct.

Mr. Randall: Alright. And there's really nothing we could do to change that other than maybe put in a light or having some improvements in the Capital Improvement Plan or the Transportation Plan that says that area is destined for an upgrade. Is that correct?

Mr. Zuraf: Correct.

Mr. Randall: Okay, thank you. That's all I have.

Mr. Apicella: Other questions? Okay, I've got some questions. Mike, can you pull up the slide that relates to school proffers? Okay, I don't see the monetary analysis that was in our staff report, but that analysis that's in the staff report, I think they based their or you based your figure on a \$35.5 million school.

Mr. Zuraf: Correct.

Mr. Apicella: Was that analysis vetted with the Stafford County School System?

Mr. Zuraf: The application was initially sent to the school system, the school planning staff. We didn't get specific comments on that. We worked back and forth with them as to the latest costs of schools and capacities and we get comments back on some cases but not every one.

Mr. Apicella: So that \$35.5 million, that's what the school system says it's going to cost to build a new elementary school going forward.

Mr. Zuraf: Well, that was based on the CIP at the time when this proffer analysis was prepared. Just last week we received new information from the schools that had the latest information in the latest CIP



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and it did go up from \$35.5 to... it went up to \$36.5 million. So, you know, the latest information then actually that's a little bit more.

Mr. Apicella: So it's a million...

Mr. Zuraf: A million more, yeah.

Mr. Apicella: Okay. And that comparable that was used, that's the Moncure Elementary School rebuild?

Mr. Zuraf: Correct.

Mr. Apicella: Okay. And that \$35 now \$36.5 million, does that include the cost of land acquisition?

Mr. Zuraf: Yes it does.

Mr. Apicella: Okay. What other costs are included in determining the impacts on schools, besides brick and mortar? I'll just throw some out -- do we include furniture? Do we include equipment? Do we include buses?

Mr. Zuraf: That includes for the planning and design, the construction of course, hardware, software, equipment, and then there's a contingency.

Mr. Apicella: So it doesn't include buses?

Mr. Zuraf: I'm not certain if and I can't speak to whether the buses are included under equipment or not.

Mr. Apicella: Okay. And in what year do we expect the school impacts to occur?

Mr. Zuraf: For this project or...?

Mr. Apicella: Right, this project.

Mr. Zuraf: They'll be immediate.

Mr. Apicella: Immediate as in '19?

Mr. Zuraf: As far as when... well, it may depend on when...

Mr. Apicella: What I'm really trying to figure out is...

Mr. Zuraf: ... when they're going to start, when the homes are going to start being occupied.

Mr. Apicella: So, we were at \$35.5, now we're at \$36.5. If it's not built for another year or two, that price tag could start to increase presumably.

Mr. Zuraf: Correct.

Mr. Apicella: So I'm just trying to figure out what is the actual cost of a school once the need arises.

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Mr. Zuraf: Right.

Mr. Apicella: We don't know that?

Mr. Zuraf: Yeah, I'd have to look into that.

Mr. Apicella: Okay, can you pull up the zoning map slide? Okay, so what I see and what it indicates in the staff report that there are three sides abutting this parcel, which are A-1 to the north, the south, and the west. Some of those lots only have a single home on them, some have no homes on them. Is that correct?

Mr. Zuraf: Correct.

Mr. Apicella: And the abutting property to the east, that's zoned R-1, Rural Residential?

Mr. Zuraf: It's Suburban Residential.

Mr. Apicella: Okay, but it's R-1?

Mr. Zuraf: R-1, yes.

Mr. Apicella: Okay. And I see another parcel just slightly to the northeast, that's an A-2 parcel?

Mr. Zuraf: The darker green, yes.

Mr. Apicella: Okay. So I just want to run by some zoning categories and allowable residential units based on a 48 acre parcel; you tell me if my numbers are right. So A-1, which is one unit per 3 acres, that would yield up to 16 units, right?

Mr. Zuraf: Correct.

Mr. Apicella: A-2, one unit per 1 acre, that would yield up to 48 units.

Mr. Zuraf: Correct.

Mr. Apicella: R-1, which is 1.5 units per acre would yield up to 72 units.

Mr. Zuraf: Yeah, that sounds right.

Mr. Apicella: And you've indicated that in this case it's... they're requesting R-2, which is 3.5 units per acre, that would yield up to you said 170, I got 168, and they've proffered a cap of 120 units.

Mr. Zuraf: Correct.

Mr. Apicella: Can you tell me the purpose of A-2, Suburban Residential... I'm sorry, Rural Residential and R-1, Suburban Residential zoning?

Mr. Zuraf: Well, the R-1 is going to be smaller lots that are typically 1/4 to 1/2 an acre in size, served by public water and sewer, and within the Urban Service Area, close to amenities and public facilities. A-2, that, and I'm just kind of generalizing not word for word, A-2 would be Rural Residential single-

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family lots that are on typically 1 acre, a minimum of 1 acre in size. Also, those are typically outside of the Urban Service Area and would be served by well and septic.

Mr. Apicella: Okay, and as I read the description of A-2, it's also considered a transitional type of zoning between urban and rural?

Mr. Zuraf: It could be viewed that way, yes.

Mr. Apicella: Okay. Would either of those categories, A-2 or R-1, be appropriate on this parcel?

Mr. Zuraf: They could be because they're still within... they're under the full recommendation. Now the suburban... the Land Use Plan does recommend suburban densities so, maybe the A-2 might be a little low.

Mr. Apicella: Can you pull up the slide that shows the suburban? So, unless I'm mistaking it, that A-2 parcel is also in the suburban, right?

Mr. Zuraf: It is, yes.

Mr. Apicella: And, just for the sake of argument, since the three abutting sides to this parcel are A-1, would not A-1 still be appropriate on this parcel?

Mr. Zuraf: It could be appropriate, yeah.

Mr. Apicella: Okay. So, they've chosen to rezone to R-2 and that seems to me to be a category that would yield the most units as compared to A-1, A-2, and R-1. And I just want to throw out some delta's here. So, in comparison to R-2, there'd be a 104 more units than A-1. In comparison A-2, it's 72 more units. And in comparison to R-1, it would be 48 more units. I just took the 120 and divide... you know, although you might want to check, my math isn't always that great. And so my last question is, are there any R-2 zoned parcels abutting the subject parcel?

Mr. Zuraf: No.

Mr. Apicella: No. Alright, thanks. Any other questions? Alright, thank you Mike. Would the applicant like to come forward?

Mr. Shalaby: Good evening members of the Planning Commission, my name is Samer Shalaby. I'm with Development Consulting Services, and I live in the Hartwood District. I guess Mike kind of covered a lot of the details. I won't kind of go through them all again, but just a few points I want to highlight. With regard to Stafford Lakes, I know there's a couple questions on that, I did meet with the HOA personally and to kind of inform I did give them a plan, a copy a plan, and went over with them exactly the connection and entrance. There is a sign at the end, at that stub that says this is a future county road. I guess the typical signage that is placed. So, the sign is there. I gave them a copy of plan. I met with them to kind of to vent any concerns, and I also asked them that if they... I think they put it in a newsletter a matter of fact of the community and I asked them if there's any particular questions or concerns to let me know and we'd try to address them. I did not hear anything so hopefully there is none. But if there is anything from here until it moves through the process we'll try to address that. A couple of things about transportation. We obviously, you know, looked at that. I know there's concerns about the level of service and typically... unfortunately we can't fix every road in terms of improving a level of service. But if you look at that chart also, if there's no built, the queue time or the queue in feet

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is about 483 feet I think. And I don't know if we can go back... do you know which slide that was? So, if you look at... if you look at the no build, it's 413 feet queue; we're taking it down to 98, which is less than a quarter of it. So the improvement there, if you can imagine of people having to wait instead of queuing up for 408 and 13 feet, now it's going down to 98, so we're bringing that almost 25 to 75 percent improvement. So that's definitely an improvement from that standpoint. The same thing with the other, you know, the a.m. peak which is 505; we're taking it to 160. So, while again technically it does not, you know, make it a level service better but it obviously if you can imagine just the distance of how many cars that is and people waiting they'll wait a lot less time and they'll move a lot quicker. And that was one reason with did it. And again we did that because we realized that there was some impacts from the project and even though even the TIA was designed, like Mike said, about 130 units and we're only 120, but we kept the same numbers to make sure that we covered the impacts there. With regard to schools, I know things change and I know there's always concerns about that. When I met with the school, we started this project almost two years ago, a year and a half ago, and I met with the schools to kind of try to figure out the impacts and, at that point, Hartwood had no impacts. Hartwood had enough capacity and that was before again some of the redistricting which I know that changes quite a bit. So, at that point, there was no impacts and we were, you know, there was no proffers as we were looking at it. I was one of the members of the public that was on the CIP Committee with the Board and the School Board, so I kind of understood some of the process of the, you know, the school improvements and obviously having to build additional schools and whatnot. So when the redistricting happened, we use the 35.5; I know the number is something that just came up about a week ago. Again, if that's the number we have no problem, you know, modifying and using the additional million dollars in our calculation. So that's not a problem. Just again, we used the numbers that were available at the time. In terms of just... one thing I don't think Mike kind of covered, but just from a fiscal impact today and I just wanted to point out a couple of numbers which is in your report but just to kind of make sure that's clear. Today under the current A-1 zoning, the County collects in taxes about \$2,655.18 a year. When this project is built, you know, with single-family homes, and again that's assuming a price that the County has set, which is I think it was almost \$300,000 that was set, generate about \$395,189 a year in taxes. So, from \$2,600 to almost \$400,000 a year so obviously that's a... there was an improvement there. With regard to the number of units, the reason we went with the R-2 is we were trying to be... or, you know, consistent with the same type of houses which is Stafford Lakes, especially if the access point was going to be through there it makes sense that they have the same kind of type of units, the same kind of streets, curb and gutter, sidewalks, etcetera, to have that same access up to Hartwood... up to a Holly Corner Road. And the only way we can do that and have it consistent was to go to the R-2. Obviously, with the proffers and everything else, we hope that we are... that offsetting mitigates any issues that we have with that in terms of transportation, in terms of schools, and obviously there is a component also for the fire and rescue. So anyway, again I said I don't want to go through every single thing but I guess that does highlight those few points. If there's any particular questions that anybody has, I'll be glad to answer.

Mr. Apicella: Questions for the applicant? No questions? Thank you, Mr. Shalaby.

Mr. Shalaby: Thank you, appreciate it.

Mr. Apicella: Okay, I'll now open the public comment period. This is an opportunity for members of the public to address this particular agenda item. When you come up, please state your name and address. When the green light comes on, you have 3 minutes to speak. The yellow light means you have 1 minute remaining. And when the red light comes on, I'd ask you to please wrap up your comments. If you'd like to speak, please do come forward. Please direct your comments to the Planning Commission as a whole and not to any particular member. Would anyone like to speak?

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Mr. Brito: Okay, hello, I'm Joe Brito. Can I have this analysis put up on the screen? I don't know how to do that. Okay, it's up there, okay. Alright, I probably don't have enough time to go over this analysis but I just wanted it part of the public record, okay. First, I want to say that both Hartwood Elementary and Rocky Run Elementary schools are currently at over 100% capacity. According to the CIP, even after redistricting all of the elementary schools next year, they will all be averaging over a 100% capacity in 2022 because there is not enough money in the CIP to build the next elementary school until 2027. The CIP tells us that all 17 elementary schools will be overcrowded for five years unless a new elementary school is built in 2022. But the next high school is a priority and the County can't afford to build two schools and the courthouse at once, especially since high school number six is projected to cost \$20 million more than what is budgeted in the CIP. You should really take a look at the CIP and read the details. My question is, how can you vote for a rezoning that will exacerbate the overcrowding problem of all 17 elementary schools without having a plan to fix it. I live off Holly Corner Road along with 300 of my neighbors. We had our second access road taken away from us when the reservoir flooded Rocky Run Road a few years ago. We now rely on only Holly Corner Road to get to Route 17. We must pass by the Burton farm every day. Our road has been blocked by storms and accidents many times. Each time we get blocked in we have to sit in our cars and wait up to an hour before the road is cleared. There are currently seven subdivisions that have been approved or in the process that will be adding another 200 homes along Holly Corner Road. Those 200 houses does not include the 120 houses from the Holly Corner Manor project. This rezoning, when combined with the other subdivisions, will double traffic on Holly Corner Road. When these homes are built there will be 500 houses on 10 miles of roads that will have only one access in and out. How can you approve a plan to add more impacts to our road without giving us a second way out? There is no funding or plans in the future to widen Holly Corner Road or to give us a second access. The developer has only proffered to widen a turn lane that already exists.

Mr. Apicella: Mr. Brito, I just ask you to please wrap up your comments.

Mr. Brito: Okay. Well I urge you to reject this project until infrastructure can catch up. I also believe this project is in the transition zone that is more suitable for one acre lots since it abuts A-1 on three sides. Thank you for bringing that up.

Mr. Apicella: Thank you sir.

Mr. Brito: And if the staff can give a copy of my analysis to all the Planning Commission members. And I just want to say the next elementary school in 2027 is projected to cost \$52.8 million. Thank you.

Mr. Apicella: Anyone else?

Ms. McCloud: Good evening. Thank you guys for having this and for listening to us, we appreciate it. My name is Casey McCloud. I live approximately 1/3 of a mile from the proposed development, the reclassification at Holly Corner Manor. I'm a licensed architect, so I'm all for smart growth in building and all for this county growing. But Holly Corner Manor is not a reclassification or rezoning that should be considered. In fact, according to Stafford County's Code of Ordinances, under Chapter 28, Zoning Ordinances, Article 12 clearly identifies the requirements for a rezoning and a reclassification. These are the needs that need to be met in order to reclassify. You know, these are the things that we want, the goals that we have, in order to reclassify. There is listed public necessity. By no stretch of the imagination is a reclassification necessary for this... for the Stafford County residents. We currently have 11,737 active approved residential units within Stafford. These are lots where construction activity is authorized, according to the active residential development map on the zoning website. Convenience. By no stretch of the imagination is it convenient. This is going to be... we currently have 2,480 of the

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previously mentioned units are within a four-mile radius of this lot. In fact, it will prove to be terribly inconvenient to the residents on Holly Corner as we've talked about prior to this. General welfare. This development in fact will endanger rather than increase the general welfare. Approximately 300 homes, as previously mentioned, on Holly Corner have one entrance and one exit to get out of there. As an architect there's not a room in the state that you're allowed to have over 50 people in one room without one... with less than two entrances. So, this this means now we're adding 120 houses. Now I understand the second phase there's gonna be a second exit and that'll help. But during that first phase we've still got 120 people adding to the 300 and plus people that are exiting. So, it's a terrible idea. Now keep in mind this road has no shoulder, none whatsoever, so VDOT would agree with that and there's no way to get a firetruck in or out. If there's an accident at that intersection, we're done, we're in trouble. Finally, good zoning art practices are required. Please know that this property is bordered mostly as you saw by A-1 properties. In fact, 70% of the lot's perimeter is A-1. To sum up my thoughts, it would be a terrible move by this County, by this Commission, to approve a reclassification that is not necessary, not convenient, unsafe, and is in bad practice. That's it.

Mr. Apicella: Thank you.

Ms. McCloud: Thank you.

Mr. Apicella: Anyone else?

Mr. Boss: My name is Bill Boss. Holly Corner Road is so narrow now that the fire trucks and rescue squads, when they go down and when they come back out, they go through the subdivision at Stafford Lakes. And in the mornings it's nothing to see 10 or 15, 20 cars backed up trying to get on 17 along with the school buses. Instead of a turning lane I think a stoplight would help also. That's all I got to say.

Mr. Apicella: Thank you sir.

Ms. Fant: Good evening. Can you hear me? Is that better? My name is Armae Fant, I live in Stafford Lakes in the Hartwood District. So, it's very interesting that he brought up the sign because that's what brought me here tonight. It's a tiny little sign and I went for a walk this morning and that's how I saw it and I went for a walk last week and I didn't see it. And it does not say that there's a proposal for a through street, it just says there is... I have a picture of the sign if you want to see it... it says that there is a proposal and there's a meeting tonight. So, I did not know until I went online that there was a proposal for a through street through Stafford Lakes. And it is not a good idea. Stafford Lakes is a large community and we have plenty of traffic. Village Parkway does a great job of taking care of that traffic. But if you add another 120 houses adjacent to Stafford Lakes, that's 240 cars. That's a lot of traffic. And we do have sidewalks up and down Village Parkway and lots of kids use it and, you know, I walk my dog and it's just not safe for sure for there to be a through street. I don't understand what the benefit is. I understand what the benefit is of course to the gentleman who's proposing it, but I don't see the benefit for Stafford Lakes Village. And I will tell you he may have spoken to the Homeowners Association but I don't know if you guys know how some Homeowners Association works. They may talk amongst themselves but the information does always not get trickled down to the residents. So I can tell you we didn't know, we didn't know. And if we did we'd be here up in arms telling you no don't do it. But really, just consider it because it doesn't... it's not just about the 120 people who of course would love to use that street to get to Walmart. I mean, it's going to be a cut-through for most of the people and if you looked at where the houses are gonna be arranged, people are gonna use it. It's not going to be like every other car; most people are going to use that street. So, that's definitely not a good thing. And I concur with everything that's been said about Holly Corner Road. It's a treacherous road, it

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really is. And if you're gonna add another 120 houses and really not widening that road at all, it's not safe, it really isn't. So, please be... please be aware of that if you're going to rezone which I really think that if you look at all the information it's not in the best interest of Stafford County and the residents of Stafford Lakes and Holly Corner to rezone. Thank you.

Mr. Apicella: Thank you very much. Would anyone else like to come forward and speak?

Mr. Waldowski: I'm gonna make you smile. Paul Waldowski, the gerrymandered Rock Hill District. I'd like to see a 3-3 vote today. That'd be kind of nice. I mean, that just stops things. Now, the Comp Plan, number one, libraries are a 20th century entity, so that proves that the Comp Plan is out of date. But staff said there's no negative impact. Come on, Public Safety and transportation, number one and number two. You all didn't see this week in front of Margaret Brent Elementary School. I've told people a long time ago it's a racetrack. Three separate three-car incidents. And what I really love about the Hartwood District is now you're gonna come to Mountain View, which is across from 8 Picket Lane, okay, and the Hartwood School Board member represents Colonial Forge. So that also proves that we are gerrymandered. Pretty simple mathematics. Now, I've got so much stuff here it's unbelievable. HOAs are houses of aristocrats, so you know. You want to go live in the houses of Aquia? That's one way in and one way out, okay. So we already been there, done that. Insanity is doing the same thing over and over again and expecting a different result. Look at Shelton Woods. We're in phase 2. I told you Hurricane Florence took care of phase 2. I'm gonna watch; let's see them develop it. Okay, we're just watching. You got all these great things. And I told this Board and the other Board about the Rocky Pork Reservoir; any time man messes with stormwater management, you pay. And look at what we're paying. You got that retention pond there, and I do appreciate the analysis of the A-1, A-2, R-1, R-2, 120 houses at \$300,000 is \$36 million. That's change in his pocket, okay. I've lived through... I live in a subdivision with 25 houses and they made \$13.8 million on 8 acres. And what do we get for it? I own 125th of a park. So, you know I'm anti-development. Quit approving thing. She gave you all the figures; 11,700 active approvals and there's 24 80 units that just touched that. A-1 is A-1. I got 15 seconds. Let's see, what else do I have? Hmmm. I just love to take up my time, you know; that's my whole goal. Public safety. That's all I can say.

Mr. Apicella: Thank you sir. Anybody else? Would anybody else like to come forward?

Mr. McCloud: Good evening, my name is Antonio McLeod. I'm the other architect that lives in the house with that architect. So we're definitely for growth, but one thing I just want to bring to your guys' attention is the traffic, you know. I leave Holly Corner. I used to work in McLean for the past five years. It's not uncommon to come home and 17's backed up beyond Holly Corner. So it's great that they're gonna have a right out, which is kind of already there; they're just gonna extend it make it more, you know, usable. But 17 backs up, they're bringing the express lanes down, 95 is getting wider, 17 is gonna get more robust. So, Holly Corner being the one way in and out is gonna feel that pressure. It is very white-knuckling when a school bus goes by or construction truck goes by and you're on Holly Corner because there's no room for error. So I can only imagine when construction takes place what's it gonna look like on Holly Corner with concrete trucks or brick-and-mortar trucks. I mean, it's gonna be a scary road in. I don't know how many of you guys or ladies have driven on Holly Corner. The runoff, if you miscalculate a turn, you're gonna have some issues. So, just to take in account, Holly Corner I don't think can handle any more growth. Thank you guys.

Mr. Apicella: Thank you sir. Anybody else? Okay, would the applicant like to come forward and address any of the comments?

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Mr. Shalaby: I guess I'm trying to kind of comment on a few things. Unfortunately, a lot of the roads in Stafford County are small country roads and unfortunately, you know, I've been in Stafford County for almost 30 years and, you know, we'd like to fix every road. I'd like the County to fix every road. I'd like VDOT to fix every road. But unfortunately there's only so much we can do. I live off Richards Ferry Road which is a pretty small road, if anybody's been on that; it's even smaller than Holly Corner Road. And that's where the crucible is and that's where we get, you know, full 50 passenger buses, etcetera. But that's... so things do happen unfortunately. With regard to the Stafford Lakes subdivision, unfortunately I'm sorry to hear that, you know, the person here did not hear from the Homeowners Association, which again, they told me that they posted it on their website the plan. And with regard to these stub outs, I just want to make it clear that all these inter-parcel connections are a requirement that Stafford County requires from all new subdivisions and it acquires VDOT has an SRA requirement that you have to do, it's not by choice, that's the whole plan. So if there God forbid is an accident at the intersection of our project, people have some other way out that they can go through, you know, Stafford Lakes, not necessarily on a daily basis but they can do. And vice versa. Frankly, if there's an accident in Stafford Lakes that blocks that main road, they at least have another way out; they can get through the subdivision to go out. And that's the intent and purpose again for safety and allow people to go places. With regard to... and also on a comment on transportation is one thing that we did not mention or you know staff didn't mention and I didn't mention is also there is a transportation impact, you know, fee but the County basically, you know, which is almost \$3,000 a unit, that the County imposes and that's the whole purpose is for transportation impacts. So, not only the almost \$250,000 that we're spending to improve the Holly Corner Road and 17, but there's also the regular impact fees there for transportation but that's over and above that. In terms of... really that's, you know, again obviously some of the, you know, in a perfect world if we can pick and choose where development goes or say stop this and ,you know if things were available obviously that would be easy. Unfortunately there's a lot of lots in Stafford County there by-right or there's platted, etcetera, and some of them are not platted, but it is... a lot of them you can't build on ,you know, because a lot of them are well and septic and we all know the issue of well and septic here today in the County. You know, this is one of the parcels that the County itself included in the USA and I'm assuming the County included it with intention that they wanted it to be developed since its location next to Stafford Lakes. This was not you know something that we're trying to include it in and change the Comp Plan to put it in there, that was part of the Comp Plan to be able to allow you know a little denser heavier development there. And again, it's consistent with the surrounding of the neighborhood next to it. So, hopefully again, I'll be glad to answer any particular questions. I hope that you think that you know you'll approve it. Again if there are specific issues or concerns, we will definitely try to address them best we can and thank you very much.

Mr. Apicella: Any further questions for the applicant? Mr. English.

Mr. English: Sir, is it possible that you could reach out to the Stafford Lakes again?

Mr. Shalaby: Sure, absolutely.

Mr. English: Because I know what she's saying. The HOAs, they just kind of talk amongst ourselves and they don't get the information out. So I think it's viable for you to reach out to them in Stafford Lakes again.

Mr. Shalaby: Sure, I'll be glad to do that. And the idea's again we're trying to be consistent with Stafford Lakes, making sure that...

Mr. English: Have you offered any, like maybe a round table with them?



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Mr. Shalaby: I did and that's why when I met with the Board, you know, I told them if you want to have a larger meeting, you want to meet with the residents, what means of communication do you prefer, and they said none, we'll pass along, we'll put it in a newsletter, it's on our website.

Mr. English: Did you think about putting anything in the Free Lance? People don't read it anymore, I know it's gonna cost you.

Mr. Shalaby: Typically that's not something that, you know, I guess...

Mr. English: I understand that.

Mr. Shalaby: And again, keep in mind, this is not, you know, if this was Stafford Lakes we would be doing that, you know, 800 or ever...

Mr. Apicella: Mr. English, do you mind if I ask, Mr. Zuraf, is it possible to provide the applicant the names and addresses of homeowners at Stafford Lakes?

Mr. Zuraf: Yes.

Mr. Apicella: Okay.

Mr. Shalaby: So, and we can definitely send out, you know, a mail or something else.

Mr. English: I'd appreciate if you'd reach out to them.

Mr. Shalaby: Sure.

Mr. English: Okay, thank you.

Mr. Shalaby: Thank you.

Mr. Apicella: Any anyone else? Mr. Bain?

Mr. Bain: Just a question, I guess. All of the homes and Stafford Lakes that border the proposed site plan, would they not have been sent a notification letter?

Mr. Shalaby: Actually I don't know if they would have been because the Homeowners Association is what borders. There is a buffer between the houses... is that correct? There's a buffer between the houses and that so it went to the Homeowners Association and that's their responsibility to... or they were supposed to notify their residents.

Mr. Bain: Is that the way it's supposed to work, Mr. Harvey? Just because there's a buffer they don't have to notify adjacent property owners?

Mr. Harvey: Commissioner Bain, in this case what's been described as the Homeowners Association is the adjacent property owner. So they are the ones that get provided the notice.

Mr. Bain: Okay, alright.

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Mr. Shalaby: I mean typically the association, that's their job is to you know look after the residents and be able to do things. Unfortunately, it doesn't always work, but that's the intent.

Mr. Apicella: How about the other adjacent property owners? Were they notified by mail? Yep? Okay. Any other questions? Mr. Randall?

Mr. Randall: I do have one question. Could you go back to, on the computer, could you go back to the drawing of the sub... the road and the connection with 17? Yes. Regarding the right-of-way, you have access to that right-of-way?

Mr. Shalaby: We've been in communication with the Mary Washington Foundation, yes, to be able to purchase that.

Mr. Randall: Okay, so it's still pending the purchase of that right-of-way...

Mr. Shalaby: We have we have an agreement with them, you know, so.

Mr. Randall: You do already have an agreement with them that...?

Mr. Shalaby: Yeah, to be able to purchase that. Because one of the things also, there's a pump station that is designed to go in that corner for the overall West Lakes project. And so we're also talking with them about you know they're having to moving the pump station so. All that's been... And I understand that they also have a site, proposed site for an elementary school, you know, because of their project has 700 or 800 units.

Mr. Randall: Alright.

Mr. Apicella: Anyone else? Mr. English?

Mr. English: No.

Mr. Apicella: I have a question for you, Mr. English. I'm not sure what you're going to do since this is in your district but, since you asked the applicant to do some more public engagement, do you want to leave the public hearing open?

Mr. English: Yeah, that was going to be part of my motion, yes.

Mr. Apicella: Okay, thank you Mr. Shalaby. Okay, so I'll bring it back to the Commission. Mr. English, this is in your district.

Mr. English: Yes, Mr. Chairman, I do want to... I'd like to defer this until at least the first meeting in November and leave the public hearing open. That gives...

Mr. Shalaby: Do you want to do it sooner than that?

Mr. English: Is that going to give you enough time to reach out to the...

Mr. Shalaby: If we get that information, we'll send them out this week. We have some contractual obligations with the current property owner.

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Mr. English: When's the next meeting in October, the last meeting in October? Because I think we only have one meeting in November, right?

Mr. Apicella: Right.

Mr. English: Yeah.

Ms. McClendon: That would be October 24<sup>th</sup>.

Mr. English: Okay, then I ask that you extend it to October the 24<sup>th</sup> but leave the public hearing open.

Mr. Apicella: Okay, so there's a motion to defer until the October 24<sup>th</sup> meeting; is there second?

Mr. Bain: Second.

Mr. Apicella: Okay. Any further comment Mr. English?

Mr. English: No sir, uh-uh.

Mr. Apicella: Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Okay, I think I heard some get backs, at least there was a get back from me, maybe not directly stated but implied. I would appreciate it if we would reach out to Stafford Public Schools and revisit the issue of how much it's actually going to cost to build this elementary school and what should be included in that cost determination. And I also understand, and I think the applicant agreed, to do some reach out with the neighbors at Stafford Lakes. Is there anything else that we want or need?

Mr. English: I'm, and I don't know how this would be handled, but my concern is that the road is not wide enough, you know. Of course everybody knows I work for the Sheriff's Office and I work that area and I know what they're talking about that road. My concern is the school buses, you know. How much space do they have when they stop and so that's really my concern. I'm going to take a visit out there myself and just see that.

Mr. Apicella: So Mr. Zuraf, can we reach out both to the school system and I assume...

Mr. English: About the school buses.

Mr. Apicella: ... Fire and Rescue as well, just to see what their views are about Holly Corner Road? Anything else?

Mr. English: No, that's it.

Mr. Apicella: Okay, so there's a motion to defer. Please cast your vote. I'm sorry, a motion to defer and keep the public hearing open until the October 24<sup>th</sup> meeting. Cast your vote. Mr. Randall? Okay, motion carries 6-1, I'm sorry 5-1 (*Mr. Randall opposed; Ms. Vanuch recused*). Thank you very much. Passing the gavel back to you Ms. Vanuch.

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Ms. Vanuch: Thank you Commissioner Apicella. Now moving on to item number 2, and for this we recognize Mr. Zuraf for the reclassification of Stafford Nursing Home and Retirement Community Minor Proffer Amendment.

UNFINISHED BUSINESS

2. 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) (History: Deferred on September 12, 2018 to September 26, 2018)**

Mr. Zuraf: Good evening Madam Chairman, Members of the Commission. Mike Zuraf again from the Planning and Zoning Department, this is a proper amendment for Stafford Nursing Home and Retirement Community. This is a request to amend proper conditions on parcels 44FF-2 and 2B. The site is zoned LC, Life Care Retirement Community. This would permit the development of a proposed single-story 90 bed nursing home in place of a previously approved assisted living and independent living unit complex in three buildings. The item was deferred from the September 12<sup>th</sup> meeting to request a more definitive plan for the parking spaces that are being relocated from the site of the proposed nursing home. The proposed nursing home is on parcel 2B. And then also the parcels subject to the proffer amendment, they're highlighted in blue. The 42 space parking lot on the proposed nursing home site is located in this location, 40 of those spaces serve as required parking for the other uses in the complex, 22 of these spaces are intended for the existing nursing and then 18 of the spaces for the assisted living facility known as the Crossings. In response to the Planning Commission concerns at the last meeting, the applicant did prepare this overall parking exhibit. The exhibit identifies where the 40 required parking spaces would be relocated in the development and then also in relation to the 75 required spaces for the new nursing home. The 75 nursing home spaces are highlighted in blue, those are all within that nursing home parcel, parcel 2B. The relocated 40 spaces, those are highlighted in yellow and they're kind of highlighted in different... they're relocated in different locations, you have spaces within the parking lot of the proposed nursing home facility. Then you have 25 parallel parking spaces along Brimley Drive, which is the access road into the complex, and then 11 spaces in the parking lot of the Crossings at Falls Run. The applicant also provided a complete kind of history rundown of the parking requirements and how they were satisfied during the different phases of the development going back to the initial site plan. So after staff sent out our review, our memo, there were some comments that came back to staff with some questions and issues that were raised. One of the questions was would the project be in conformance with the new parking regulations that are now under consideration. Those deal with changes too parking space requirements and also parking space size requirements and in relation to travel ways as well. Regarding the parking space requirements for the proposed nursing home, the nursing home would be in conformance with the new regulations. In the latest draft ordinance, the required parking rate does not change from what we have currently. That would be 1 space for every 2 beds and then also 1 space per employee of the largest shift, and that's how the 75 spaces were determined. Then regarding the parallel parking and travel ways, there's a proposed increase in parking space width from 8½ feet to 9 feet. And that would result in the project not meeting the proposed parking and travel way width requirements for the 25 parallel spaces proposed Brimley Drive. Currently the travel way is wide enough to just barely meet the minimum parking spaces if they were to be 8½ feet wide and then the remaining travel way width of 24 feet. With the parking space width requirement from 8½ to 9 feet, basically Brimley Drive would be 1-foot short of being able to meet the parking space and travel way requirements. So those changes are not approved yet, the

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applicant would need to get a site plan approved prior to the ordinance being adopted. But the ordinance is scheduled to go to the Board in October, so that's unlikely. Some other solutions for the applicant would be to actually widen the width of Brimley Drive from curb to curb to make that work or limit parallel parking to one side of the street. The applicant has provided a revised exhibit that I'll have added to the end of the presentation. We just received that this afternoon that addresses that option. So you know, in here the developer is definitely faced with some challenges with incorporating these site design revisions into a project that's already been built and some of these details we typically would handle at the time of site plan. But, you know, those are definitely something that it's good to know upfront as well what the likelihood is of being able to make things work. Some other concerns was the location of the 11 spaces to the rear of the Crossings facility. Farther away from the main entrance, this is an image of the original site plan which provides more background regarding the potential constraints that might be a reason for the location the parking in this rear location. There's a CRPA buffer that's identified in green, so that's limiting where, you know, being able to put parking along a large stretch of the travel way. The travel way is kind of highlighted in red in this image. And then also there is an underground stormwater facility that's in blue, that's underneath the travel way but then does go beyond that. There is a possibility that parking could be constructed over top of that underground stormwater facility, so the applicant may be able to address that in more detail. Some other concerns regarding the location of the relocated parking question, could the parallel parking spaces be relocated entirely off of the main street and onto the parcels? Again the applicant did submit a revised exhibit that relocates half of the parking spaces, so they retain half of the on street parking on one side of Brimley Drive. So this was something that we just received this afternoon, they've relocated and added some spaces onto the Crossings parcel, and I'll defer to the applicant to come up and kind of describe some of the changes here., And with that I will take any questions that you have.

Ms. Vanuch: Any questions?

Mr. Bain: Just... can you go back to that last slide? The parking spaces shown in blue on there, are those sized for the proposed ordinance revision of 9 feet or are those still at the 8 1/2 foot?

Mr. Zuraf: According to the applicant those are 9 foot wide spaces.

Mr. Bain: They are 9, okay.

Ms. Vanuch: Mr. Cohen will be happy. Mr. Apicella.

Mr. Apicella: Can you, again go back to the previous slide? I am certainly not parking expert nor a driving expert, but I'm looking at the travel way and the alignment of these spaces in yellow and it just seems awkward to me for somebody who's trying to, number one, drive around the parking lot, but number two, someone who's trying to park. And let's go all the way to the bottom left side of this slide, if you look at the last couple of spaces, it just seems like a very awkward alignment of where those parking spaces are. Especially if some of these folks are going to be older. I am just concerned about, you know, whether those spaces where they are identified are going to be problematic in the long run. I appreciate the circumstances about the issues on the ground with respect to the parcel itself, but that shouldn't necessarily drive a bad alignment of parking spaces, in my opinion. I mean you have a view on where these parking spaces are?

Mr. Zuraf: I may... what may be beneficial to have the applicant come up because there may be some other access points into the building that may...

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Mr. Apicella: It's not just access points into the building it's just where the parking spaces are. I'd like to see somebody make an immediate left hand turned it into that space all the way at the left, at the bottom left of this slide. I think you'd have to go all the way around to get into that one space. You see what I'm saying?

Mr. Zuraf: Not... this space?

Mr. Apicella: Yeah and maybe the space next to it. It just seems like a very awkward alignment. So this seems like they're trying to put a square peg into a round hole there, just to meet the numbers. Just saying.

Mr. Zuraf: Okay.

Mr. Apicella: Thanks.

Ms. Vanuch: Anybody have any questions for staff? We can bring the applicant up if not. Mr. McPherson did you have a question?

Mr. McPherson: This might be a better question for the applicant, but I'll ask anyway. If you could go back to that slide and looking at the site plan, those blue parking lots in the upper... to the upper right corner.

Mr. Zuraf: Right.

Mr. McPherson: I see that there might be a slope behind there, but is there a particular reason why those... the additional parking isn't maybe coming from expanding that area which is closer to the building rather than way down in the lower left? Why is that not an option? And that might be for the applicant.

Mr. Zuraf: Are you referring to... and I'm just gonna... I'm not positive which area, this area?

Mr. McPherson: No, up above the blue, behind...

Ms. Vanuch: The big white space behind the blue.

Mr. McPherson: ... those blue lots. The big white space, why can we not expand between...

Ms. Vanuch: No, behind the blue.

Mr. Zuraf: Sorry.

Ms. Vanuch: Behind the blue spaces that you have.

Mr. McPherson: Behind the blue space.

Ms. Vanuch: The only spot on the screen that's not circled, up in the corner.

Mr. McPherson: Yes.

Ms. Vanuch: Top right.

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Mr. Zuraf: Here.

Ms. Vanuch: Yeah, those spaces.

Mr. McPherson: To the north... to the northeast of that.

Mr. Zuraf: Yes.

Mr. McPherson: Why are we not expanding in that area?

Mr. Zuraf: There is a Resource Protection Area.

Mr. McPherson: That is also an RPA?

Mr. Zuraf: Yes.

Mr. McPherson: Okay, I saw it further back. I didn't realize... I wasn't sure how close it got, so that was my question. Thank you.

Ms. Vanuch: Alright, so we have two good questions for the applicant. I think I seem shaking their head, they look antsy like they have the answer. So maybe they want to come up and... come on Charlie, you know you have all the answers.

Mr. Payne: On that note Madam Chair, can I exit real quick? No I'm just kidding. Charlie Payne, law firm Hershel Fleischman, represent the applicant. I'm also here with the applicant and our engineer from Bowman. Of course I am not the engineer, even if I try to pretend to be at times. But I think we need to take into context kind of where we've come from and where we are on this parking issue. Of course this development is a integrated life care development that was first approved in 2006 or 2007... I'm sorry 2008, and we've built out about 70 plus percent of it. So the last phase of it, if you will, is this portion of the development, which we've come to you for a proffer amendment because we're changing the types of beds that would be in this site versus that actual site being developed. So we've got parking in place it doesn't show on here, it's all around the building in the AL/IL building, which is shown here. Of course it's also around the nursing home, so there's always been part of this process that contemplation of shared parking. So one of the questions that came up was, are there easements or covenants that allow parking along Brimley and/or shared parking? Yes, there is a covenant of record that allows that very same... that very thing. The property owner obviously was given notice about this public hearing, about the application. They've been part of this process, so they understand that shared parking is the thing that we do as part of this integrated campus, if you will. So throw that into connection with the revised parking ordinance and you know we got a little bit of a challenge to find the parking and make it work. We think we can, we think we can make it all work quite honestly at final engineering. Which staff has noted that's a site plan stage kind of component. But we want to make sure that you're comfortable about where the parking is located. So the parking is located in the areas where we're able to put parking. We can't put parking anywhere else quite honestly. We wanted to make sure, for example, along Brimley that the Fire Marshal was comfortable with parking on both sides, nonetheless on one side, which they are comfortable with. Access to that parking along the drive isle, may be a little complicated from the eye. If you've been on that drive you see that it's fairly easy to maneuver with the bulb and if you go into the new facility you'll be able to come around in park pointing towards Berea Church Road. Most of our visitors are probably parked there anyways, not residents, most of our residents park, who do have cars, which would be the only the IL units park in the main area. The parking around the back we are contemplating in this area here...

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Ms. Vanuch: Computer please.

Mr. Payne: I'm sorry. The parking here in this area would be staff only, we have it restricted staff only and they'd be able to access the building much easier from there versus guests or residents. Of course we'd have typically, we have guests here and again there would be guests here in this location. Of course this area would be reserved

Mr. English: Charlie.

Mr. Payne: Yes.

Mr. English: The first one that you circled...

Mr. Payne: Yes.

Mr. English: Is there like an employee entrance right in that area somewhere?

Mr. Payne: There is.

Mr. English: That is what I thought, okay.

Mr. Payne: There's access area as well.

Ms. Vanuch: Yeah, that looks kind of like employee parking to me.

Mr. Payne: Right. So we took comments from the last meeting and it's not perfect but we did our best to get there. So and with that I'm happy to answer any questions you may have.

Mr. McPherson: I do have a one quick question regarding the staff report that the width of the on street parking that long yellow lot there, is not wide enough. It seems to be a safety issue. So what are your plans to address that?

Mr. Payne: Yeah, we think with final engineering... our engineer is here and he can probably answer better. But we think with final engineer we can make it work, whether we've got a widened Brimley slightly or whatever the case may be but we think we can make it work. And just a reminder and I hate pushing anyone especially you guys in regards to land-use decisions. You've seen this project, you know, at various different times in different phases. We do have this pending COPN that's been approved, which does require us to get our entitlements in place. We really want to get those beds here for the community, and 63 we'll be able to do in the first phase for skilled nursing and then 90 total at build-out. So this is really important to move forward if we can do that this evening.

Ms. Vanuch: Go ahead Mr. Bain.

Mr. Bain: I'm sorry, back to the issue about the proposed parking spaces that were shown in blue, are you saying that those were actually designed as 9 feet wide?

Mr. Pyle: The current...

Mr. Payne: Get up here.



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Mr. Pyle: Sorry, Bill Pyle with Bowman Consulting. The current submission of the GDP, which presented to you guys, was done before the parking ordinance changed past the Planning Commission. So they're currently drawn at 8½ feet wide by 18 feet deep. But based on the site, I'm confident that we will be able to get the 9-foot wide by 20-foot deep parking spaces on the site.

Mr. Bain: Okay. That's why I was raising the question. When I looked at the site plan or GDP that we had for the last meeting, they didn't change positions or widths.

Mr. Pyle: Correct.

Mr. Bain: And yet when I asked the question earlier you said... somebody said that yes those were the 9 foot wide. So they actually hadn't been changed to 9 feet wide.

Mr. Pyle: Not yet.

Mr. Bain: You just...

Mr. Pyle: The deal...

Mr. Bain: You do know that you can get 9 feet and yet you're struggling to get the 40 spaces positioned with the new site requirement, proposed site requirement.

Mr. Pyle: Onsite we have the room to adjust the spaces, it's the existing portions of the site that are already built that are causing the majority of the struggles.

Mr. Bain: I don't know that I quite agree with that. The other comment I wanted to make, it was my understanding or maybe my assumption that the 40 spaces were primarily for visitors or employees that would work in the existing facility. And the ones that are proposed along Brimley Drive and the four that are stuck on the south end of the new proposed lot, just seem to be so far away from that existing facility as to make it very inconvenient. I think you ought to really look to see if you could find spaces closer to the existing facility. You have some shown in the curve of the one aisle that's close to the underground parking facility. I don't see any reason those could not be extended down you might have to build a wall for... because there is a little drainage swale there, but it wouldn't be that significant. You also have some area, I'm looking at the... I guess the map that's on your screen is the same. You have that little triangular area at the north up near the shuttle bus stop. Perhaps some spaces could be put in there. I don't know if there are other restrictions associated with that area, but that might be an area to look into.

Mr. Pyle: As a note both the larger bay of parking located here that will already require a retaining wall to be constructed. This parking area over here, there's an existing storm drain inlet here...

Ms. Vanuch: He's got it.

Mr. Bain: He just drew that black dot.

Mr. Pyle: Sorry, sorry. So there's an existing storm drain inlet here an existing storm drain inlet here which is limiting the spread of those parking bays in addition to the existing underground stormwater management, that is located there.

Mr. Bain: Why are you saying that they are limiting it?

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Mr. Pyle: Because the storm drain structures already exist and I mean, that's where the water currently drains and...

Mr. Bain: It could be replaced with pavement rather than inlets, I'm sure.

Mr. Pyle: That's a possibility.

Mr. Bain: Yeah.

Mr. Pyle: There's also the... in the initial approved... like it was stated earlier, this is an integrated campus. The 40 spaces that are currently short were the original, I don't know if... we probably have the original site plan scanned in. But the original design of this site had roughly 3 independent living buildings, here, here and here with underground garages and the 40 additional spaces that we're providing in the areas highlight in yellow here, were located in and around... in the garages of those 3 buildings and around those. So they were... even though they were serving the nursing home off to the south and the IL/AL facility, they were still located even further away than the ones that are currently shown in yellow.

Mr. Bain: So it was poorly planned from the very beginning.

Mr. Pyle: It was integrated from the very beginning and we're trying to retrofit this revised design to the currently constructed portions of the site.

Ms. Vanuch: Mr. Randall.

Mr. Randall: Yes, I have one question for the engineer. You've simply identified them in yellow and blue to identify the amount of capacity that's required for those parking spaces, correct?

Mr. Pyle: The numbers, correct yes.

Mr. Randall: They're not going to be restricted as to who can park where?

Mr. Pyle: I would doubt that.

Mr. Randall: If I going to the current location I literally can park in any open parking spot available, correct?

Mr. Pyle: I would assume so, yes.

Mr. Randall: The ones in the yellow away in the corner are simply because you needed to count for those extra to get to the 40 required for the current location?

Mr. Pyle: Correct.

Mr. Randall: Is that correct?

Mr. Pyle: Yes.

Mr. Randall: Okay, so they're not going to be restricted one way or the other.

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Mr. Payne: It's all shared parking.

Mr. Randall: Okay, thank you.

Ms. Vanuch: Any other questions for the applicant?

Mr. Apicella: I...

Ms. Vanuch: Mr. Apicella.

Mr. Apicella: So the... so where the one, two, three, four, seven parking spaces are in yellow, what is that area just above it? What is there?

Mr. Pyle: I am sorry, which parking spaces in the yellow...

Ms. Vanuch: And you thought you could sit down.

Mr. Apicella: So this you've got your two dots...

Mr. Pyle: This group here?

Mr. Apicella: Yeah. So what's the area to the, I will call it my north?

Mr. Pyle: If I remember correctly there's a... there's that storm drain out there. I think there might be a fire hydrant located here and there's a berm, you know, kind of a raised area here. I actually have a copy of the original construction plan that I can refer to, if you want to give me a moment.

Mr. Apicella: That's all right. I just think, you know, at least from my vantage point and what I think I hear from my fellow colleagues, is it's just an awkward alignment of spaces and it's just... it seems like we're just trying to meet the numbers and scatter spaces wherever we can make it work, not necessarily ones where it's gonna make sense for this particular use and location of different buildings. So that's just my vantage point and I'll go back to what I said earlier if you go back to previous slide. I just think that the alignment of some of those spaces just don't make sense to me as a driver trying to park into a space. I just don't see how they're going work in reality. It's great to have them on the paper but I don't see how they're going to work in reality, the ones that are all on the curve there.

Mr. Pyle: I think they're okay. But, I mean, like... as Charlie said we can we can work that stuff out in more detail with when we get to the site plan.

Mr. Apicella: And so I guess my question the staff is, how do we have somebody who evaluates the... or does the reality check on whether spaces are really viable? Who does that for the county?

Mr. Harvey: Madam Chairman and Commissioner Apicella, the county's review of parking spaces is primarily focused on one, do they meet the number of required spaces. Two, do they meet the distance requirement from the building and then three, do they meet the size requirements. So for the most part we don't regulate the functionality of the parking spaces in any form or fashion. Some of that is subjective to the user, some people like to park in front of the building others don't mind parking further away.

Mr. Apicella: Do we know any sites that have parking scattered in the way that this is proposed?

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Mr. Pyle: This site (inaudible).

Mr. Apicella: I mean do we have an example somewhere we can go drive to and take a look at and see...

Mr. Pyle: This site actually does if we... Mike, which button is erase or clear to get rid of all my other scribbles?

Ms. Vanuch: You mean you don't want to add to that?

Mr. Pyle: I could. There we go. Alright, so there's an eraser button. Alright, so here's a green button. So, right now there's currently a bay of parking here, a bay of parking here, a bay of parking here. They're all already currently spread out on this site similar to... there's a bay parking here. There's a garage here that contains... is it 50? Yeah in here through this access here, so I mean there's a bay, you know, there's parking here. So this site has parking spread out similarly.

Mr. Apicella: Right but I see nothing that's along a curve as proposed here.

Mr. Pyle: The curve of the travel lane. (Inaudible). Yeah, he's just saying the actual physical curved portion of the travelway.

Mr. Apicella: Alright, thanks.

Mr. Pyle: Sure.

Ms. Vanuch: Okay, any other questions from the Commission? We are good? Okay.

Mr. Payne: Thank you Madam Chair.

Ms. Vanuch: Seeing none, thank you so much Mr. Payne. Alright, so this is not a public hearing so we're going to bring it back to the Commission. Mr. Bain this is actually in your district. What would you like to do this evening?

Mr. Bain: Madam Chairman, I'm not happy with the parking, but I do have faith that County staff, during the site plan process, could work it out and come up with a better solution than what's been shown here tonight. So, I'm going to make a motion that we... the application be approved.

Mr. McPherson: Second.

Ms. Vanuch: Motion on the floor to approve with a second by Mr. McPherson. Any additional comments? Mr. Bain?

Mr. Bain: No.

Ms. Vanuch: Mr. McPherson?

Mr. McPherson: No.

Ms. Vanuch: Anyone else? Mr. Apicella.

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Mr. Apicella: I'm going to support the motion but I saw the concern especially since what we heard from Mr. Harvey is they don't really look at the viability of whether spaces make sense or not they just look at whether or not the code requirement has been met. So I appreciate what you're saying, I don't think that's what they're going to try to try to accomplish at site plan. They're just going to see whether the numbers are adequate.

Mr. Bain: (Inaudible, microphone not on).

Mr. Apicella: Okay, thanks Mr. Bain.

Ms. Vanuch: And I saw him at a TRC meeting today, so I know he will be there. Does anybody else have any additional comments? Okay, I just have one comment that I would like to make before voting. I'm going to support the motion on the floor as well and I do believe that you guys will be able to work with staff and with the site plan to adjust the spaces as needed. I'm not crazy like Mr. Apicella said about the ones on the curb, but I do think that you'll be able to move it around and trying to refocus what we're looking at tonight, which is the proffer amendment to allow you to expand your facility to something that is a more reasonable use and be able to take advantage of the beds that have been given to you by the state. Because I do think that Stafford County does need more attainable skilled nursing facilities local to some of the residents here and I understand the time constrictions of that. So, I support what you guys are doing and I know you'll get to a good place. Alright, anybody else? Go ahead and vote. The motion is to approve the proffer amendment. The motion carries 7-0. Thank you guys. Okay moving on to New Business this evening, the Amendment to the Zoning Ordinance for definitions of home occupation. This was going to be presented by Ms. Blackburn, but I think she is out this evening. So, Mr. Harvey is going to step in.

NEW BUSINESS

3. Amendment to the Zoning Ordinance - Proposed Ordinance O18-06 would amend the Zoning Ordinance, Stafford County Code, Sec. 28-25, "Definitions of specific terms," to amend the definitions of home occupation; home business; retail sale; home business, rural; manufacturing, light; and manufacturing, heavy; and to create definitions for e-commerce, home business II, and handicraft.

Mr. Harvey: Thank you Madam Chairman. This is a continuation of the discussion as to what to advertise for a public hearing. At the last meeting the items that were discussed were to allow home business one in all single-family detached dwellings, that has been amended in the draft ordinance. There was still a question outstanding about a fleet parking associated with rural home businesses. Staff is recommending if they the Commissioner wants to allow fleet parking that parking up to five vehicles associated with the business could be permitted and/or parking associated with a business may be permitted through a special exception. Staff would note that currently for rural home business it does allow for those types of activities. They are required to go through a special exception with the Board of Zoning Appeals in order to allow the business to locate in that type of situation. Through the special exception process the Board of Zoning Appeals can impose conditions regarding the number of vehicles as well as the location where they are parked and other issues that are site-specific. Also with the special exception process the Board of Zoning Appeals can limit the exception to the individual owner of the property. So, if the ownership changes hands, then the subsequent purchaser would have to come back through if they wanted to continue a similar type business on the property. So staff would seek guidance from the Commissioners as to how they want to pursue the issue of the fleet parking or commercial vehicle parking; limit it to five vehicles, or just allow it to be determined by the special exception process.

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Ms. Vanuch: That's a question to us. Does anyone have any comments they'd like to make on that? Mr. Randall.

Mr. Randall: I'd be interested in keeping it to a particular amount. I would prefer not to leave it open to another process. I think this is a good spot, this is a good place to come up with a limit.

Mr. Apicella: Mr. Randall, the only thing I would say about that, I think Mr. Harvey alluded to it, if you wanted to, under the current ordinance as it exists now today, a rural home business has to go through a special exception. As we're proposing going forward, a rural home business would still have to go through a special exception process. So, there is already going to be another process that somebody has to go through in order to obtain approval for a rural home business. So, with that in mind, I appreciate what you're saying. I think the circumstances may vary depending on the particular use and the size of the parcel. And so, you know, in some cases up to five might make sense on a small parcel, but what if somebody's got a, you know, 40-acre parcel and we're only limiting them to five vehicles. So, with that in mind, I would recommend, especially as someone who sits on the BZA, I think we've been given two options to replace the current language in the draft ordinance. On Attachment 1, page 6 of 12, now under 4 where it says fleet parking is permitted, I'd strike out that entire verbiage, add a new 5 that says parking associated with the business may be permitted in accordance with the approval of a special exception, and remember 5 to 6, 6 to number 7, and 7 to number 8. That would be my recommendation.

Ms. Vanuch: Mr. Randall, what do you think about that?

Mr. Randall: That's fine.

Ms. Vanuch: Okay, anyone else have any other comments?

Mr. English: That makes sense.

Ms. Vanuch: Is that your motion?

Mr. Apicella: Madam Chairman, I'd like to make a motion to move this draft ordinance to a public hearing with the change that I just offered under the rural home business, and to put it to a public hearing as soon as possible.

Mr. English: Second.

Ms. Vanuch: Alright, so we have a motion on the floor to move this to public hearing with the changes listed by Commissioner Apicella and a second by Mr. English. Mr. Apicella, any additional comments?

Mr. Apicella: No ma'am.

Ms. Vanuch: Mr. English?

Mr. English: No.

Ms. Vanuch: Alright, anybody else? Alright, go ahead and vote. The motion carries 7-0. Item number 4, Amendment to the Zoning Ordinance for the RBC transition over to PD-3. And for this we recognize Mr. Brian Gouge.

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4. Amendment to the Zoning Ordinance - Proposed Ordinance O18-31 would amend the Zoning Ordinance, Stafford County Code, Sec. 28-25, "Definitions of specific terms;" Sec. 28-33, "Districts generally;" Sec. 28-34, "Purpose of districts;" Sec. 28-35, "Table of uses and standards;" Sec. 28-39, "Special regulations;" Sec. 28-53, "Planned development districts;" Sec. 28-55, "Planned Development-2 District (PD-2) regulations;" Sec. 28-56, "Application for planned developments;" and Sec. 28-129 "Types permitted in commercial and office districts" to redefine the RBC, Recreational Business Campus Zoning District to the PD-3, Planned Development-3 Zoning District, and to modify district requirements and amend other zoning ordinance provisions accordingly.

Mr. Geouge: Good evening Madam Chairman, members of the Commission, I'm Brian Geouge with Planning and Zoning presenting the proposed ordinance changes for the RBC District. The proposal is to amend Chapter 28 of the Zoning Ordinance to redefine the RBC or Recreational Business Campus Zoning District to the PD-3 or Planned Development-3 Zoning District, and to modify district requirements and amend other ordinance provisions. These amendments are related to a proposal by Silver Companies to develop a 1,177 unit retirement housing development in the area of the existing golf course. First, I want to give you a history on the RBC district and how the development of that district has evolved over time. So, back in September of '98, the Board adopted a resolution requesting the Planning Commission develop a Recreation and Business Zoning District. In July of '99, the Board established the RBC Zoning District to promote economic development. And this also supported a development proposal by a contract purchaser who, at that time, envisioned 3 to 5 golf courses on the property, up to four and a half million square feet of office space, a 400 room villa, and other supporting commercial uses such as restaurants. The Board then reclassified 1,170 acres and the Hartwood District from A-1 to RBC, which became known as Celebrate Virginia North. And at that time, the only type of housing permitted in the district was executive style housing, and that was limited to 50 lots initially with one additional lot permitted per 10,000 square-foot of commercial developed. Here's an image of the original preliminary concept plan which is required to be submitted with the RBC zoning. The concept plan includes land use pods that designate areas where different types of developments will occur. The original plan identified four pods, a commercial district, an office district, a resort district, and a combination office/resort district, and be allowed uses within each of the pod or established on the preliminary plan itself. You can see some of those uses listed up here under each category. In July of 2003, the ordinance was amended to allow retirement housing as a by-right use in the RBC district, and this included other performance standards for that retirement housing, including the maximum amount of retirement housing that can be developed. The proffer amendment was also approved for a development of a 1,450 unit retirement housing community on two parcels of land. And that's generally shown in the area shaded in purple here. The revised preliminary plan is shown here with that shaded area. So, the combination office/resort pod and the commercial pod were removed with this change. However, commercial uses are still... can still be constructed in the other remaining districts. So, as you can see, the retirement office resort district is added which displaced around 74 acres of the office district, as well as some of the resort district. In October 2013, the ordinance is amended again to allow multi-family dwellings with a conditional use permit in the RBC District. And 18.19 acres was rezoned from M-2 to RBC in that area as shown here. A conditional use permit was also approved to allow a 192-unit multi-family development. And, as you can see here, the preliminary plan was revised once again with the multi-family district added as a new district. And the resort district was also expanded here to encompass the executive housing development. These changes resulted in about a 100-acre reduction of the office district. In 2015, the ordinance is amended to increase the maximum area of multi-family from 1.5% to 2.1% of the gross area of the district. A rezoning was also approved for 14.73 acres, generally shown here, from M-2 to RBC, as well as a proffer amendment on that parcel. A CUP was also approved which replaced the previous CUP and allowed a 278-unit multi-family development on the parcels. In July of this year, the preliminary concept plan was revised once again to

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add 18 acres of retirement... of the retirement district just south of where the apartments, Silver Collection Apartments are being constructed. And, in doing so, this maxed out the allowed percentage of retirement housing that can be constructed in the district, which is limited to 30% of the gross district area. The proposed development, which is called Celebrate NOW, consists of 44 age-restricted townhomes. The current ordinance amendment request, as I said, is related to a request by Silver Companies. They've submitted an application for a proffer amendment, as well as an ordinance amendment to increase the allowed percentage of the district that can be used for retirement housing. And their proposal is to construct, as I said, a 1,177-unit age-restricted community generally in the area of the existing golf course which is shown as this new purple area at the south end of the development. The total area, which I believe it includes this portion at the bottom, is 441.67 acres, is referred to as the Villages at Greenbank. They're revised preliminary, proposed preliminary concept plan is shown here. You can see they've added a new district type, this light blue area which is referred to as the conservation district. It includes all these areas on the perimeter which are under a conservation easement, as well as this larger area at the south end which they're proposing to be a passive park. And that is actually... I think there's a viewshed easement on that currently which limits the development potential of that piece. This concept plan does not show the Celebrate NOW project up here so, as with the previous slide show, that was changed, that was approved administratively so they will need to update this plan to show that. The current development includes completion of the infrastructure, main infrastructure for the development. Celebrate Virginia Parkway is constructed. It starts as a six-lane divided facility, transitions to four-lane divided, and includes a dedicated ramp on Route 17 for westbound traffic. One golf course is constructed at the south end of the development, including a clubhouse. The Battleground Estates, which is the executive housing development, is complete and includes 50 units. The Del Webb age-restricted housing development is roughly 65% complete, and that includes a mixture of single-family and duplex units. And the proffered limit on that development was 1,450 but the actual development is around 1,100. And the Silver Collection apartment development up here at the north end is about 50% complete; and again, that's 278 units total. And there's one commercial structure on the property located just north of the Del Webb development. It's 11,000 square feet and it's I believe a Centra Rivermont School is the current tenant. Staff did a, I'll emphasize, rough estimate on the traffic generation of the current development, as well as what the proposed Villages at Greenbank development would add and hypothetical build-out. So, back in 2003 there was a TIA for the proposed development at that time, which did include the initial retirement housing development. That TIA also included some areas outside of the RBC zoned area, some I believe M-2 and B-2 zoned areas. So, the total projected traffic volume with that TIA was 66,500 vehicles. And this was the traffic volume that a lot of road improvements were based on, which is why Celebrate Virginia Parkway was built the way it was built. So the existing development, as it is today, partially constructed for some of it, is estimated to have about 5,267. This compares to what we sort of extrapolated out of the 2003 TIA for what can be considered coming from the current RBC zoned area, which we estimated at about 22,000. With the build-out of the current Del Webb Silver Collection apartments and the proposed Celebrate NOW development, that's... traffic generation is estimated to be around 7,800. If you add in the Villages that Greenbank development, it goes up to about 12,000. Hypothetical build-out of the entire RBC district with the Villages of Greenbank and assuming the remainder of their property develops only as office uses would be around 18,000. Of course, that could go up if you throw other commercial, higher intensity commercial uses in the mix such as restaurants. Hypothetical build-out without the Villages of Greenbank we estimated to be around 14,000 vehicles per day. And again, that assumes office on the remainder. The current ordinance amendment request, so Silver Companies, as I said, submitted the proper amendment application to allow the... and an ordinance amendment request to allow the 1,177 unit development. The ordinance amendment requested is to increase the allowed percentage of retirement housing from 30% of the gross area of the district to 45% of the RBC zoned area. There are currently no proffers on the 441 acre property they're proposing for development. The proffer amendment they submitted was simply to try to address some of the impacts of the development



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in support of their ordinance amendment request. Staff finds that the reduction of district open space would also require an ordinance amendment. Currently, it's required to have 55% open space and the district, which the golf course contributed a large portion of that, so staff's interpretation of that would need to be reduced to allow for this proposed development. And additionally, staff is recommending comprehensive ordinance amendments to accompany this application since the proposed residential development or the result and a significant shift from the original intent of the RBC district as a recreational business campus. So, to break it down, there are a couple sections here. I first wanted to cover what the bare minimum required ordinance changes would be to allow this proposed development. And firstly that would be to increase the limit on the retirement housing developments. So, as I said, currently it's limited to 30% of the district land. Right now about 28% is being developed with retirement housing with the Celebrate NOW project that increases it to a maximum of 30%. With the proposed projects, if you factor in the Celebrate NOW project, this would increase to we believe around 47%. The draft ordinance shows an increase to 45%, so that would need to be changed; it would need to be increased a little bit more to factor in the Celebrate NOW project. The second required change, as I said, would be to decrease the required district open space. So, currently it requires 55%. I will say that it was the staff's interpretation that that 55% is common area open space. It was the developers belief that they could include open space on individual residential lots towards their district open space requirement; however, we don't believe that was the intention, therefore we are recommending that that district open space be reduced because they would not be meeting it with the proposed development.

Mr. Apicella: Can you say that again? They're saying that an individual lot owner's open space or unused space, their yard...

Mr. Geouge: Yard.

Ms. Vanuch: Don't tell the cluster subdivisions.

Mr. Apicella: ... would be considered open space? That's their interpretation?

Mr. Geouge: Well, there's sort of two different types of open space for residential developments. One is what's sort of referred to as open space ratio, which for a lot of developments it's around 25%. And that means that of your individual residential lots, at least 25% of it has to be pervious surface. And then you have sort of common area open space requirements like in PD-1 and PD-2 where, in addition to your pervious area on individual lots, you have to have I think for PD-1 and -2 it's 25% minimum open space as a common area. So like an HOA owned and managed area, that could be used for a recreation or just green space. So, it was our interpretation that that 55% district open space requirement was intended to provide common areas and recreational areas given that the original intent of the development was a recreational business campus. So it had a large recreational component, it had the planned golf courses which, of course, would contribute a significant amount to that district open space. It says here staff believes a requirement of 35%. The actual proposed ordinance is 30% so that was a typo. So, the 30% common area requirement would be reasonable if the district, the retirement housing limit is increased to 47%. If you factor in both of those requirements together, even at reducing to 35%... or 30% rather common area, it doesn't leave a whole lot of room for other uses like office and commercial if they build out the retirement housing to the fullest extent. PD-1 and PD-2, as I said, require 25% common area, so this proposed change would still be higher than that requirement. With the proposed project and future developments, we've estimated the actual district open space would be more in line of in between 40 and 45%. The...

Mr. McPherson: That's assuming the going ahead with the project?

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Mr. Geouge: That is with this project, correct. Because with this particular development, they do have a significant amount of conservation easements, and with the proposed development they are showing that park at the south end which would contribute towards that district open space.

Mr. Randall: Madam Chair?

Ms. Vanuch: Mr. Randall.

Mr. Randall: But that would be non-buildable land, or are they talking about taking buildable land and making it part of their open space?

Mr. Geouge: That would be the area at the south end. The park area would be non-buildable. I think they're allowed only one structure on that in that area and that's limited to 2,500 square feet or something.

Mr. Randall: Right, so when we have the percentage of the open space that we're talking about, we're talking about areas that don't have houses on them period.

Mr. Geouge: Correct, correct.

Mr. Randall: No matter what... whether they could build or not, no matter what's on the land, open space in this... for this definition is anything that doesn't have a house on it.

Mr. Geouge: Yes and in this context you could count common areas within neighborhoods. So, such as HOA owned and maintained open space. You could count areas used for passive recreation such as parks. You could not include pervious areas within any office or commercial developments towards that district open space requirement.

Mr. Apicella: Madam Chairman, if I may.

Ms. Vanuch: Mr. Apicella.

Mr. Apicella: That's under a conservation easement, at least some of it, isn't that under the Fredericksburg conservation easement and they control what does or does not happen along their easement?

Mr. Geouge: That's a separate property so... let me try to find a good image here. So the Fredericksburg owned property that has the easement on it is this shown in between the river and what they're showing in blue here.

Mr. Apicella: Okay, thanks.

Ms. Vanuch: Really quick question at Ms. McClendon. This is not part of the new proffer legislation because this is an amendment on an existing reclassification; this would not be subject to the proffer legislation?

Ms. McClendon: I believe that's correct. I would advise the Commission that we are looking at an application that's seeking to amend the Zoning Ordinance, so I may want to withhold that answer until we actually have an application before us.

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Ms. Vanuch: Okay. Because I have a couple recommendations, but I want to make sure I can make them first.

Mr. Geouge: Additional ordinance amendments recommended by staff to be considered to go along with the proposed development would be to rename the Recreational Business Campus to the PD-3 or Planned Development-3 District. And the way we see that is, with each change that has happened to this development, it's been adding residential uses and that has taken away significantly from the original intended space that was going to be used for office and, in this case, space that's used for recreational purposes. So, we feel that the way this development is heading is not in keeping with the original intent of the RBC District, so it's something that we think should be considered if moving forward with this new residential development. We also recommended removing some of the higher impact uses that are allowed in the district currently, such as industrial, manufacturing, high intensity commercial, auto service, vehicle fuel sales, and nightclubs. And also, I thought it would be a good opportunity to clean up the ordinance some by removing some recreational uses that are listed unnecessarily. The district lists a lot of specific recreational uses like bocce ball, bowling, croquet, racquetball, swimming pool, and those aren't necessary because they're covered under general terms that are defined in the ordinance such as active recreation, passive recreation, parks and playgrounds, recreation facility. Also, we are proposing moving the special regulations that apply to the RBC District from Section 28-39 to where the other planned development regulations are, which is Section 28-53, and to reformat those regulations to be consistent with the PD-1, PD-2 format. We're also proposing some revisions to the regulations which would include removing those which apply to the uses that are proposed to be removed, such as special regulations for industrial manufacturing, auto service; removing regulations which are already addressed in other ordinance requirements such as those pertaining to lighting and landscaping; to clarify open space requirements since there was that disagreement and we wanted to make sure that the district open space requirement is very clear so there's no confusion in the future; and also we are proposing to change the requirement for revisions to preliminary concept plans and having any change to the concept plan go to the Planning Commission for approval. Under the existing language, only changes which propose a greater than 25% change of a land-use pod or overall open space is reduced by 10% or 4 or more land use pods or really relocated, and only if that change does not increase traffic by more than 10%. Those changes are required to go to the Planning Commission for approval. I wanted to highlight some key differences between the proposed PD-3 District and PD-1, PD-2 District. They're similar in that there are minimum acreage requirements for the districts. They are required to be located within the Urban Services Area. By-right commercial uses are generally low intensity. There is a required percentage of the district land that must be designated as open space for common use. Residential densities and floor area ratios are also similar. The differences is that PD-3 consistent with the current RBC requirements would require a minimum of 500 acres for any rezonings to that district. The PD-3 would also limit commercial retail to no more than 10% of the district, and that is consistent with the current RBC requirements, whereas PD-1 and PD-2 requires between 10% and 30% of the zoned area to be developed with commercial uses. However, I will note that commercial uses in the context of the PD-1 and -2 requirements could include office. So, even though PD-3 limits commercial retail, there still could be more than 10% office within the PD-3 area. PD-3 residential uses allowed by-right are limited to retirement housing, whereas PD-1 and PD-2 have other permitted uses by-right. PD-3 also would require a larger percentage open space for common use. Finally, staff recommends authorizing a public hearing for this ordinance amendment for October 24<sup>th</sup>. I'll note that the Planning Commission has until December 7<sup>th</sup> to make its recommendation. Staff also recommends holding a public hearing for the proffer amendment concurrently with the ordinance amendment as these matters are related. I don't think that one would work without the other. And I'll also note that the Planning Commission does have the ability to modify the draft ordinance as they see fit. And I'll take any questions.

Ms. Vanuch: Any questions on this side?

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Mr. English: How long has that golf course been closed? Was it reopened a second time?

Mr. Geouge: The end of 2017 I believe is when it closed. It changed management...

Mr. English: It was open and then it was closed again, right?

Mr. Geouge: Yeah, and I'm not sure how long it was open under the new management before it closed again.

Ms. Vanuch: Any questions?

Mr. Boswell: I have a question.

Ms. Vanuch: Oh, go ahead Mr. Boswell.

Mr. Boswell: The residents that are living there now, are they going to be notified, or... particularly the ones in the Del Webb community, the retirees? Are they going to be notified that they're losing their golf course, because one would have to assume that when they purchased their place there that some of the marketing probably was done with a nice pretty picture of that golf course and I would think that some of them probably thought they would... that would be part of the community. I mean, I'm just wondering... I know we notify... Are we going to notify all of them is my question. Are we going to notify every resident there that they're losing their golf course?

Mr. Geouge: As far as our notifications, it would be limited to just the abutting properties.

Mr. Boswell: Right.

Mr. Geouge: But the applicant has held 2 community meetings; the first one was with the executive housing Battleground Estates development, the 50 lot development. I did attend that community meeting but not the second one which was with the Del Webb community. I think they just attended one of their HOA meetings and...

Mr. Boswell: Any feedback at all?

Mr. Geouge: With the Battleground Estates meeting, surprisingly receptive to the idea since I think the thought there was they could, you know, develop it potentially with higher intensity uses. They saw the golf course as possibly not viable for continuing on so.

Mr. Boswell: Thank you.

Ms. Vanuch: Mr. Apicella.

Mr. Apicella: First I want to say a big thank you, Brian, for this very in-depth and helpful staff report. Of course, the first time we're seeing a lot of this information and absorbing what I think is a very big comprehensive change to an existing zoning district that only appears in one place in the County. So, I do have some questions I'd like to run by you. So, you mentioned back in 2015 the County traded off M-1, M-2 uses for a 278-unit family apartment. And when those apartments were approved in 2013, there was 192 units which were, at that point in time, pitched as workforce housing, not family apartments. Are both those points correct?

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Mr. Geouge: They are.

Mr. Apicella: And how many vehicle trips, when those 278 apartment units are fully built out, how many vehicle trips will that generate?

Mr. Geouge: I believe the factor for those is probably around 4... I don't have the numbers in front of me. Actually maybe I do. Give me one second. So the apartments, that build-out we're anticipating would generate about 1,500 vehicle trips per day.

Mr. Apicella: Okay, and if I get the gist of what's being proposed here, the applicant is suggesting to trade the current golf course for an additional roughly 1,200 residential units, is that...?

Mr. Geouge: That's correct.

Mr. Apicella: And the golf course is the recreation in the current category called recreational business campus, is that correct?

Mr. Geouge: A significant portion of that, yes.

Mr. Apicella: And is it, as I see it the presentation that you gave us, over time this parcel has evolved into more and more residential units than some of the other originally proposed uses, is that correct? In terms in terms of acreage.

Mr. Geouge: That's correct.

Mr. Apicella: And it also seems to me that they're proposing to trade off common space for residential units, is that correct? They both are about 20%, if you look at the two numbers side-by-side. How many more vehicle trips would this additional 1,200 units add to Route 17?

Mr. Geouge: Compared to leaving it as the golf course, it would be around I believe 4,000 or so additional.

Mr. Apicella: And I'm not trying to be flipping here; I drive that road in the morning and in the evening, and I know we've added lanes on both sides of the road. Have you been out there in the morning during rush hour and the evening during rush hour where the traffic is basically at a standstill? It's fast becoming Garrisonville Road, if not, in my opinion, worse than Garrisonville Road, because there's a good portion of that traffic that's generated by people who don't even live in Stafford County. A lot of truck traffic for example, is that correct?

Mr. Geouge: Yes, I have been out there in the afternoons for that rush hour.

Mr. Apicella: All in all, what would the total number of units be based on the applicants proposal that already... those units built, those units underway, and the additional units they're now proposing?

Mr. Geouge: For retirement housing it would be...

Mr. Apicella: Total housing.

Mr. Geouge: Total housing, it would be roughly 2,600 -- with the addition... with the proposed development.

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Mr. Apicella: Okay. And how does that compare in terms of residential units to Aquia Towne Center and Embrey Mill, which I think are the first and second largest residential developments in Stafford?

Mr. Geouge: I want to say Embrey Mill is within the 2,000 range but I'm not positive.

Mr. Harvey: Madam Chairman and Commissioner Apicella, I believe you're referencing Aquia Harbour which has approximately 2,500 homes. Embrey Mill, when it's built out with the residential lots as well as the apartments, will be close to 1,600 homes.

Mr. Apicella: Okay, I appreciate the clarification; I meant Aquia Harbour. So this would actually be the largest residential development in Stafford County, based on those numbers. No, no, he said he said Aquia Harbour was 2,500; this is 2,600. So, yeah, I mean unless a new development comes forward with a higher number, this would be number one, right? And you sort of talked about it but I just want to kind of pin it down. Based on the 2,600 units, what amount of traffic would be generated?

Mr. Geouge: That would be approximately 18,000 vehicles per day.

Mr. Apicella: Eighteen thousand.

Mr. Geouge: Assuming that would be the build-out. Assuming the office uses. Was that what you were referring to or just the current development with...

Mr. Apicella: I'm talking about just the residential units portion.

Mr. Geouge: Oh, okay. That would be probably 15... probably close to 12,000.

Mr. Apicella: Twelve thousand. So the office uses would potentially add another 6,000 on top of that.

Mr. Geouge: That's correct.

Mr. Apicella: All coming out onto Route 17. Okay, thanks.

Ms. Vanuch: Any other questions?

Mr. Randall: I have a quick question.

Ms. Vanuch: Mr. Randall?

Mr. Randall: Did they give any indication of what recreational facilities they would be available on the lot, on this plot to meet the requirement... to make up kind of for the golf course going away? I don't see anything that they've distributed as we're going to build some pickleball courts, we're going to do some retirement things for those that retired, they get engaged in these kind of activities. I didn't see anything like that on there. An open field I don't think meets the requirements of recreational facilities.

Mr. Geouge: Right.

Mr. Randall: So, did they give any indication that they were going to replace the golf course with something else?

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Mr. Geouge: So here the slide shows a conceptual development plan for that proposed development. Included with that, they're proposing a clubhouse, which would include things such as court games. They have submitted revised proffers but I haven't looked at those yet to see if they get specific as to which types of recreational facilities are provided. And they're also proposing three different villages; so three different sort of sections of development. And each one of those would include a pocket park. They're proposing shared use multi-use trails throughout the project, and at the south end they're proposing the I think it's referred to as the Greenbank Farm Park, which would include some historical interpretive elements, signage, and I think they had a visitor center proposed, a small structure, and also trails and overlooks and things like that. So, more of a passive recreational.

Mr. Randall: Right, but no active, no facilities, as the golf course was a facility where you went and did things physically active, nothing to replace that.

Mr. Geouge: Other than perhaps some court games or something like that at the clubhouse, no. No active recreation.

Ms. Vanuch: Checkers. Chess. Puzzles.

Mr. Randall: Well, I don't know what court games they're going to do inside a clubhouse, but.

Mr. Geouge: Well, I mean, in the area surrounding the actual building...

Mr. Apicella: You don't think they'll be playing basketball in that clubhouse?

Mr. Randall: Have you seen retired people play basketball? Okay, okay, thank you.

Ms. Vanuch: And how many thorough ways? There's only one way out, right?

Mr. Geouge: Well, currently you can go down Greenbank and Banks Ford, so that's this connection here, and then go up to Sanford which connects up to the interchange; but that connection is being closed off, so their plans, and currently I'm not sure if they're approved or not, to close that connection off and allow access from Greenbank only for emergency vehicles. So it would be a gated access there.

Ms. Vanuch: So it will be one entrance.

Mr. Geouge: Right. It would be Celebrate Virginia Parkway.

Mr. Harvey: Madam Chairman?

Ms. Vanuch: Mr. Harvey?

Mr. Harvey: I know right now we're discussing an ordinance amendment to consider sending forward to public hearing, but we're starting to debate an application that's not yet in front of the Commission.

Ms. Vanuch: That is true, it's just hard to fathom but, yeah, point taken. I withdraw the question.

Mr. Apicella: You know, I appreciate that but they're in intricately tied together. We wouldn't be having this discussion if there was not an application that drives this change, ordinance change.

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Ms. Vanuch: I agree and I'm a little nervous about making such a sweeping change and then having something come in another area of town. I mean, we're making an ordinance amendment, which isn't just to this particular parcel; somebody could find another parcel and make some changes, too. So, I get it, okay.

Mr. Harvey: So Madam Chairman, would the Commission want us, as far staff, to come back to another meeting and give you a briefing about what's been filed so far with the zoning change?

Ms. Vanuch: So, I guess let's look at the timeline on here, because I think that the timeline on this is December 7<sup>th</sup>, which is good but that means that we have to vote on it by our November 14<sup>th</sup> meeting, unless the Board gave us more time. So, that means we have three meetings before we have to take a vote. And we have to authorize a public hearing, correct?

Mr. Harvey: Correct, and typically your...

Ms. Vanuch: And we need about 30 days' notice.

Mr. Harvey: ... public hearing will be 30 days after you authorize it.

Ms. Vanuch: So if we didn't vote this time and we voted the next meeting, which is October 7... no, October like 10<sup>th</sup> or 13<sup>th</sup>...

Mr. Harvey: 10<sup>th</sup>.

Ms. Vanuch: Okay, October 10<sup>th</sup> then that would put the public hearing at November 14<sup>th</sup> which means we'd have to vote on it at the very first public hearing that we're having.

Mr. Harvey: Correct, unless the Commission asks the Board for additional time to consider the ordinance amendment.

Ms. Vanuch: Okay. And if we decided tonight to send this forward to public hearing, what kind of sweeping changes could we make to the ordinance without messing up the advertising requirements and public notice requirements?

Mr. Harvey: Madam Chairman, typically there's some latitude allowed but you can't really change the effect and intent of the overall amendment. You can't really create new aspects of the amendment and, some in some cases, you can't be more restrictive than you advertised. In other cases you cannot add additional things that you didn't advertise, so there is some flexibility but there's also limitations in how you can modify the ordinance after you've authorized the hearing.

Ms. Vanuch: Mr. Apicella, I know you're...

Mr. Apicella: We are working under what I think is a very compressed timeframe where again an ordinance change is driven by an applicant's requested proffer amendment. I think the creation... the elimination of the RBC District and the creation of a brand new zoning category, with all these potential changes and all these potential impacts, which are pretty sweeping, I've got to ask are we really ready at this point to put this to a public hearing? I already think I heard staff say that they have additional changes maybe that weren't incorporated into the draft that's in front of us.

Ms. Vanuch: The open space and 47%? The 45 to the 47, the open space requirements?



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Mr. English: Can we make a motion maybe to ask the Board if they would give us a little bit more time on this? Can we do that? And see what they say.

Mr. Harvey: Most certainly.

Mr. English: Okay.

Mr. Apicella: And I also don't think it would hurt to get a briefing on what's being proposed since, again, they're so intro... I can't even say this word... intrinsically tied together in my humble opinion.

Ms. Vanuch: So...

Mr. English: I'm going to...

Ms. Vanuch: But before you make a motion, I think what I'm hearing is that we want staff to come back and brief us on what's been worked on so far. We would like you to come to us closer with a final draft of what this ordinance would look like. And maybe we could do it rather quickly so we can actually edit it; you know what I mean? Because at the next meeting we will have to vote to send this to public hearing unless the Board gives us more time at their very next Board meeting, which I don't know if that's possible. And then we're going to be asking the Board for more time. So, does that sound like what we've discussed? Mr. Randall?

Mr. Randall: I think asking for more time is appropriate. I just... do we want to give them some indication of how long we'll need? Do we want to say, you know, give us until the second... the end of January? I don't know if we want to leave it open-ended.

Ms. Vanuch: We could ask for like another, well, they're usually 100 days, right? So we could ask for an extra another 100 days?

Mr. Randall: Do we need 100 days?

Mr. Apicella: To me, even though it's called a proffer amendment, it seems a lot like a rezoning to me because it's actually being moved to a different zoning category. So, I think we would need the same amount of time as if we were looking at this with fresh eyes. I'm not calling it a rezoning, but if it were like a rezoning, so what amount of time would we normally get on a rezoning request.

Mr. Harvey: Madam Chairman, Commissioner Apicella, any amendment to the zoning ordinance, which a proffer amendment is, the Commission has 100 days. Same with a code amendment; the Commission has 100 days. So, in this case, the Commission is talking about taking more than 100 days to do the code amendment and needing additional time from the Board. So, as far as how much additional time you think you need, I don't think staff can answer that at this point. But the Commission may have some idea of how much time you might need based on your own thoughts about the situation.

Ms. Vanuch: I would say a minimum of an additional 60 days just because we're working on the holiday schedule. This is coming to us right before the holidays, so we have one meeting in November, one meeting in December, then we kick off our organizational meeting in January and we never do any business. And so that kind of kills that meeting.

Mr. Apicella: So, let me ask a different question. So, the staff has indicated that they would like the ordinance change and the proffer amendment to be considered at the same time.

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Ms. Vanuch: But we don't have the proffer amendment.

Mr. Apicella: I know. We don't have that in front of us. So to me that should start the clock for the 100 days from the time that we actually get the proffer... we see both together, see how they fit together or don't. That's the amount of time in my view that we need. So we're only dealing with...

Ms. Vanuch: Good point.

Mr. Apicella: ... it's like looking at a cake and only having half the picture that's on the cake and not knowing what the other half of the cake looks like, or a puzzle or whatever you want to call it.

Mr. Geouge: One point of clarification -- 100 days for the proffer amendment would start from the time of the first public hearing for that proffer amendment. So, yeah, it may be want to be taken into consideration. It wouldn't be from the time it's on New Business I don't believe. Mr. Harvey?

Mr. Harvey: Madam Chairman, proffer amendments typically don't come under New Business.

Ms. Vanuch: Yeah, they just go to the public hearing.

Mr. Geouge: Yeah.

Mr. Harvey: Typically, yes. So this would be staff working with the Commission to do something different than the norm.

Mr. Randall: My suggestion is, is we ask for 60 days to get to the end of January and then we have... well, I think we'd be prepared at that point in time to make a decision or make a vote on the last meeting in January.

Ms. Vanuch: Do we have any idea when the application for the proffer amendment is going to be coming in?

Mr. Geouge: The application is in.

Ms. Vanuch: Okay.

Mr. Apicella: Mr. Randall, 60 days would not take us into January if my math is correct. That would take us into...

Mr. Randall: Just an extension.

Mr. Apicella: Oh, from the date that this is...

Mr. Randall: From the date that's required as of December 7<sup>th</sup>, you know...

Ms. Vanuch: That would be February 7<sup>th</sup>. That gives us one meeting basically after the beginning of the year. That gives us the end of January meeting.

Mr. Randall: That was my point.

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Ms. Vanuch: So it's in and you're just... it goes to the Board and then they need to send it down to us, right?

Mr. Geouge: No, doesn't need to go to the Board.

Ms. Vanuch: Okay.

Mr. Geouge: We've just been holding off on scheduling the proffer amendment for a public hearing to let the ordinance amendment catch up.

Ms. Vanuch: Gotcha. So, I guess... these are just my initial thoughts. I think we definitely need a briefing at the next meeting. Come to us with what this actually should look like, you know, with the updates that you mentioned this evening. I think this was a good starter place for everybody. And then, at the next meeting, we'll decide if this is ready to go to public hearing and if what changes and then we can marry it up with the application perhaps for the December meeting I'm thinking.

Mr. Apicella: Right, but are we still asking for an extension of time?

Ms. Vanuch: Yeah, oh, yeah...yeah...yeah...yeah. I'm sorry, yeah. The extension of time is a given. I hope that Chairman Bohmke is listening and Tom Coen, Wendy, I hope they're all listening. Okay. Is everybody... yeah, do you want to make motion?

Mr. English: I'm going to make the motion that we ask the Board for an extension of... is it 100 days or just ask for an extension?

Mr. Randall: To the first meeting in February, February whatever the date is.

Mr. English: Yeah, we'll ask for 100 days then.

Ms. Vanuch: A hundred days, yeah, that's good.

Mr. English: Yeah, 100 days; that probably gets us to where we need to be. That's my motion.

Mr. Randall: Second.

Ms. Vanuch: Alright, motion by Commissioner English to extend... ask the Board for an extension for 100 days to try to marry it up with the application. Second by Commissioner Randall. Any comment?

Mr. English: Nope.

Ms. Vanuch: Anyone else? Alright, go ahead and vote. Alright, motion carries 7-0. Alright. And so staff is all set to give us a briefing at the next meeting on where the application is. Next on the agenda is item number 5, which is the Amendment to the Zoning Ordinance for Transfer of Development Rights. And for this I recognize Mr. Harvey again.

5. Amendment to the Zoning Ordinance (Transfer of Development Rights) - Proposed Ordinance O18-34 would amend the Zoning Ordinance, Stafford County Code, Sec. 28-359, "Calculation of development rights," and Sec. 28-364, "Development approval procedures" to clarify that eligible lots are entitled to transfer at least one development right and clarify the process to use transferred development rights for residential subdivisions in a designated Receiving Area.

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Mr. Harvey: Thank you, Madam Chairman. This is a discussion about scheduling a public hearing for a code amendment for proposed Ordinance O18-34. I mentioned it at the last meeting under the Planning Director's Report and there was a desire to have a little bit more background. This proposed code amendment does affect how development rights are calculated. Specifically, the proposed language allows for a guarantee of at least one development right for every lot that's eligible to send transferred development rights, and also to clarify the process for how development rights are fixed in a receiving property. As some background, the County amended its Comprehensive Plan and Zoning Ordinance. In 2015, it created an active and functioning Transfer of Development Rights Program. The area in blue on the map is the area where we call the sending area. So this is an area that the County wants to conserve and limit development. From the sending area, property owners can voluntarily choose to sever their development rights and send them to the red area, which is part of our targeted growth area for the Courthouse Area. The sending of the development rights and the receiving of the development rights is all a by-right transaction. The contribution or payment of one party to another party, as far as the cost to purchase or the cost to sell development rights, that's something that's completely out of the County's control. That's just like any other real estate transaction. When development rights are severed, they're basically saying that they're not going to use their property except for some limited conservation purposes and agricultural purposes. So, the parts that are severed with their development rights can no longer have houses built on them. So, when the property owner does that, they basically own those property rights as a separate real estate entity and the County issues a certificate of... a TDR certificate. And that TDR certificate is recorded in the courthouse and, again, it becomes separate real estate. When that TDR certificate gets recorded, also a covenant is recorded that restricts the use of the remaining property in favor of the County so that that property is duly restricted and can no longer be developed for residential purposes and be conserved. As part of the overall process, the County, by state code, had to determine how many development rights are eligible to send from the sending area and how many are eligible to receive in the receiving area. The receiving area has to be established where the existing zoning categories have enough capacity to absorb equal or more development rights than can be severed. This next map shows the original sending area and the eligible parcels. This map reflects in the blue the potentially eligible parcels to sever development rights and send them. This area is primarily bounded by Brooke Road to the... and the CSX rail line to the west, and we have Aquia Creek, Accokeek Creek, and Potomac Creeks off to the east. This is an area where we don't have public water and sewer. Some of this area coincides with park designation on our Comprehensive Plan for the Crow's Nest Nature Preserve. So, these potential parcels could sever their development rights and send them to the receiving area. Currently, we've only had one property owner sever development rights and that property owner severed 50 development rights with their project. As part of that process of severing development rights, they have to file an application with our office to determine how many development rights they have on their specific piece of property. And the code stipulates how you go about determining how much development rights somebody has. We basically have to have them provide a survey of the property and we subtract out any hydric soils, any steep slopes in excess of 25%, right-of-ways that have to be dedicated, and easements and other things. From that we take the total acreage and deduct those items, and that tells us how much buildable land they have. And from the amount of buildable land we compare it to what the zoning classification allows for minimum lot size or density, and that determines how many development rights they have. Under the code, a property owner that's eligible to sever develop rights either has to have one, 20 acres of land that's zoned A-1 or A-2, or two, have multiple parcels that comprise 20 acres of land that are all contiguous and under one ownership, or three, if they're in a park designated area they could have a parcel as small as 2 acres and be eligible to sever their development rights.

Ms. Vanuch: Are we, in this before us, are we allowed to edit the map, the zoning map or just the text in ordinance?

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Mr. Harvey: No ma'am. This is a small text amendment that we're dealing with at this point in time. If we were to go back through and amend the map, we'd have to amend the Comprehensive Plan and also the Zoning Ordinance, and it would be a fairly involved process and beyond the scope what the Board has sent the Planning Commission at this point in time.

Ms. Vanuch: So where did this come from? Like what, yeah, why now, why me?

Mr. Harvey: Well, I'll get to that in a moment.

Ms. Vanuch: Okay.

Mr. Apicella: Before you... can you go back? I'm sorry, Mr. Harvey. So, on this map, if you look at the bottom part or the south end as we're looking at the map where the concentrated area is, that's primarily Crow's Nest Harbor?

Mr. Harvey: Crow's Nest Harbor is in this location here.

Mr. Apicella: Okay, and that is park, right?

Mr. Harvey: That's designated park. There's also some other properties in the nearby vicinity that are designated park as well.

Mr. Apicella: Right, so those lots could be as small as 2 acres. Many of those are as small as 2 acres, right?

Mr. Harvey: Yes.

Mr. Apicella: And the part of the map that's to the north, that looks like Italy almost, that's Marlborough Point, right?

Mr. Harvey: Yes.

Mr. Apicella: Are any of those parcels designated as park?

Mr. Harvey: No sir.

Mr. Apicella: So they would need to be at least 20 acres, or a conglomeration of lots that would equiva... be the equivalent of 20 acres.

Mr. Harvey: Correct.

Mr. Apicella: Okay. Thanks. I'm sorry, Mr. Bain.

Mr. Bain: Excuse me, I was going to ask basically the same information. What areas were currently designated as park versus other land uses? And I think you covered that pretty well.

Mr. Randall: Madam Chair?

Ms. Vanuch: Go ahead.

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Mr. Randall: Mr. Bain, are you done? Okay, thank you. To the point of 2 acres in a park you're allowed, does that 2 acres still need to be buildable, there stills means to be buildable area of that 2 acres as part of the 20 acres in order to determine a developmental right?

Mr. Harvey: Mr. Randall, that is correct. Based on the code as it's written today, the property owner would submit their survey and their analysis of where the steep slopes are and hydric soils. When they subtract out those areas, they get a determination of how many acres they have left that are buildable. In the case of a 2-acre lot, it may be 1.2 acres of buildable land or a fraction of an acre.

Mr. Randall: Is there a minimum that you go off of to determine that? Is it a, you know, 10x10 house that we could fit on it, is a 20x20? What's the minimum acreage that the staff determines meets the requirement of a developmental right?

Mr. Harvey: In the case of Crow's Nest Harbor, that property is zoned A-2, Rural Residential. The minimum lot size in that zone is 1 acre. So the property owner would have to have a minimum of 1 acre of what we call usable land in order to sever one development right.

Mr. Randall: Okay.

Mr. Harvey: So, part of this proposed amendment is to consider whether or not if someone already has an existing lot, can they sever a development right without going through the calculation process. Because we've had some interest of a property owner in that area that have been working with other property owners to try to get them to sever development rights for their individual lots and Crow's Nest Harbor, but they've been reluctant to do so because they have to pay an engineer and they're concerned that they don't have a guarantee that they'll have a development right. So that was part of the genesis for the one part of the ordinance amendment. And I'll get to the other part...

Ms. Vanuch: Who's that owner? I'm sorry, go ahead.

Mr. Apicella: I really feel like I need to jump in at this point. So, you asked a question about whether the lot needs to be buildable, as I understood the question and Mr. Harvey answered that yes it does need to be buildable under the current ordinance. So, my question is how does that change under the proposed revised ordinance?

Mr. Harvey: Commissioner Apicella, under the proposed revised ordinance every lot that exists as of February of 2015 that's on this map would be eligible for at least one development right.

Mr. Apicella: Whether it's buildable or not. Whether it meets the minimum 1 acre or not.

Mr. Harvey: Whether it meets the minimum requirement to sever a development right or not. Because in some cases you have a 3-acre zone, so if they have... if they had 20 acres of 3-acre zoned property, that's potentially 6 lots that they could yield under normal development practices. But their actual developable area may be only supporting 4 development rights.

Mr. Apicella: So, I'm really going to these smaller 2-acre lots at Crow's Nest Harbor, again, the majority of which I think are 2 acres. And they need to be a minimum of... a minimum buildable area of 1 acre currently. So, if they were not eligible under the current ordinance because they couldn't meet the 1-acre minimum requirement therefore they could not transfer a development right, would they as a result of this change now be able to get a development right?

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Mr. Harvey: Yes.

Mr. Apicella: So that's a pretty substantial change.

Mr. Boswell: Have we determined that they're not eligible to build or are we just assuming that there is some property down that is not? These lots, they're already platted out, correct?

Mr. Harvey: That is correct Commissioner Boswell. And the way the ordinance is structured, the individual property owner has to hire an engineer to do the analysis. The County doesn't analyze it.

Mr. Boswell: But, as we sit here right now, we don't know that they can't go down there on each of those platted lots and put a house.

Mr. Apicella: Well...

Mr. Boswell: I'm just asking.

Mr. Apicella: So to that point, because this question was asked and answered back in 2014...

Mr. Boswell: Okay, well my memory doesn't go back very far so that's why I'm asking.

Mr. Apicella: Well actually it's 2015 in January. The Board of Supervisors asked staff to develop a GIS map...

Mr. Boswell: Okay.

Mr. Apicella: ... and it's in the February 24, 2015, staff report, out of the 350 lots at Crow's Nest Harbor, because that's really what we're talking about here, they identified 80 out of 350 that based on an initial scrub would not meet the minimum requirement of 1 acre once hydric soils and steep slopes were considered. Now, more investigation would need to be done...

Mr. Boswell: Right.

Mr. Apicella: ... but that's about 1/3 of the lots at Crow's Nest Harbor. I'm just saying that's the information that was initially...

Mr. Boswell: I guess the question would be either we intend to preserve that area or we don't. I mean, that's just a different point of view but I guess, you know, this was done to try to preserve that area down there.

Mr. Apicella: I have some questions along those lines, just kind of to talk back at the... because this was talked about before.

Mr. Boswell: Right.

Mr. Apicella: This issue of, I'll call it a minimum guarantee, was considered by the Planning Commission and the Board of Supervisors in 2014 and 2015.

Mr. Boswell: I understand and these people...

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Mr. Apicella: And they decided, irrespective of the goal of encouraging preservation, decided not to allow every single lot at Crow's Nest Harbor to get a development right because of this very issue. So, I mean, I'm going to, you know, I think it's helpful if Mr. Harvey finishes but I got some questions along those lines.

Mr. Randall: Okay. Yeah, I'll let you finish then.

Ms. Vanuch: Go ahead Mr. Harvey.

Mr. Harvey: And the next map I'm going to pull up is the receiving area map. And this is the receiving area map for the Courthouse Area, and I'll have to make it a little bit smaller to fit a little better. There we go. And the parcels as shown in gray are not eligible because they're not of the proper zone. But the zones that are eligible to receive development rights are the A-1, R-1, B-3, UD, PD-1, and PD-2 zones. Currently in this receiving area we do not have PD-1 or PD-2 zones. When someone transfers a development right, they have the option to use that single development right as either one dwelling unit, whether it's an apartment, a townhouse, or a single-family home, it's their choice, or they can convert it to 3,000 square feet of commercial or office space. So, they have the option to do either one. So, those properties that have severed their development rights, there's a couple things that can happen; one, that person, if they own land in the receiving area, they can directly send their development rights that they own in one part of the County to another. If they don't own other land in the receiving area, they could sell their develop rights to somebody who's pooling them and that person that pools them from multiple sources could land them on property here within the receiving area. As you've probably seen from your TRC list, we've gotten two residential subdivisions that are currently proposing transfer of development rights. One is generally in this location and that overall project is proposing 200 dwelling units. There are probably about 30 of those development... dwelling units would be by-right to begin with; they're adding about 170 through transfer of development rights. And the other project that's also under review is in this general area and that's, if I remember right, around 70 dwelling units are being proposed. So, under the TDR receiving area zoning requirements, you can add development rights up to a maximum of 2.25 dwelling units per acre for your agricultural zone. So in essence it allows you to condense your lot sizes to more similar to an R-1 or R-2 zone, but it does not require rezoning since it's considered to be a by-right transaction. So one of the issues that deals with the second part of the amendment is the issue that this owner in particular or developer in particular has talked the staff about, is that the way the code is currently written for a residential subdivision, you affix all your development rights at the time of a preliminary subdivision plan. In their case, they have the landowner in the receiving, excuse me the receiving area, yes, they also have a developer, they have a home builder, and they have owners that have multiple different development rights that are all trying to negotiate to get the same end point. So they're asking... have asked about changing the timing in which the development rights are actually landed on the zoning of the property and affixed permanently. And their proposal is to make it at final plat stage, which is reasonable because you are recording a subdivision plat, you're recording a new deed, and they can also extinguish a development rights at the same time they're recording that deed. That's in essence what happens in Frederick County, Virginia, where they also use transfer of development rights. They also have something similar to a preliminary subdivision plan that they use to help overall do their planning aspects, but they allow the actual affixing of development rights and extinguishment to be done with record plat. So, that describes the two components of this proposed ordinance amendment and gives you some background about TDRs.

Ms. Vanuch: Mr. Apicella?



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Mr. Apicella: So, again, I'm just trying to understand how this proposed language at 359(B), the new 359(B) is different from the similar provision that we considered back in 2014-2015 but was ultimately rejected.

Mr. Harvey: Madam Chairman, Mr. Apicella, I believe as you said earlier it's the same topic. I don't recall if the wording's much or significantly different but it's the same question as Mr. Boswell mentioned is if we are to allow everyone to sever development rights, that can maximize our conservation efforts. But maybe that's not the end goal that the County has; that's a policy decision to be made.

Mr. Apicella: Well, no one on this panel was more of an advocate for TDR than myself, and for the County Mr. Milde probably even more so than me. But again I spent five plus years as the Chairman of the subcommittee trying to get TDR passed. This particular provision, when it was proposed, caused me great concern and the public great concern because they did not want to and I did not want to give somebody a development right for a parcel that could not otherwise be built on. So, that was kind of the logic trail, so I'm just trying to understand why we're revisiting it at this point in time. If you can't meet the minimum requirement, isn't that essentially already preserving the lot because it couldn't otherwise be built on in the first place? They may not be transferring the parcel or the development right somewhere else but, if they've got a lot set in place that can't be built on, it can't be built on.

Mr. Harvey: Well, Madam Chairman, Commissioner Apicella, there's a difference between determining development rights for the purposes of the TDR ordinance and there's also a difference between what somebody can build on their property. And there are a number of properties in the County that have steep slopes that still can support drainfields and support construction of a home, even though if you were to try to use that TDR calculation you'd say no you couldn't build on it. But from a practical standpoint they can. So, there is that that possibility. Crow's Nest Harbor has a different dynamic because it's a platted subdivision where the public infrastructure hasn't been built yet.

Mr. Apicella: Right, but if you went out to Crow's Nest Harbor and I think the provision is based on the concept that at least 50% of the lot has hydric soils and steep slopes, so that's half of the lot, and if you've been out there, I've been out there several times, some of those parcels are deep ravines so I don't even see how someone could conceivably build a house on a steep deep ravine.

Mr. Boswell: I've seen a lot of houses that I wouldn't buy and I see people living them. So all I'm saying is I understand where this is coming from a little bit but, I mean, why risk it if we're trying to preserve that area.

Mr. Apicella: So, would the proposed change apply the same way to all landowners whether they own one lot or several lots?

Mr. Harvey: Commissioner Apicella, this ordinance amendment would apply to all property owners who are eligible to sever development rights. So, if they, for instance had... if someone had 4 parcels of property that comprised 20 acres, under this proposed amendment they would be entitled to 4 development rights at a minimum.

Mr. Apicella: And at Crow's Nest Harbor I think again there's 350 lots but maybe 80 landowners and of those 80 landowners there are a few who are significant multiple parcel owners, is that correct?

Mr. Harvey: Yes.

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Mr. Apicella: And those are... some of those are developers, is that correct?

Mr. Harvey: I believe so.

Mr. Apicella: Okay. Now, wouldn't this change, and I'm speculating here but, wouldn't it incentivize someone to buy up as many lots at Crow's Nest Harbor including unbuildable ones so that they can sell them for transferable rights? So, buying on the low end because the lot's not buildable but sell it on the high end because they can transfer that development right.

Mr. Harvey: Commissioner Apicella, I can't speculate as to how much someone's willing to pay for a piece of property and then resell it for, but it depends on what their goals are and how much information they know when they buy versus what the market is when they sell.

Mr. Apicella: Okay, that's fair. I'm still trying, again, several years later, we talked about it before, I'm still trying to understand at that point in time we did not see a public taxpayer benefit to granting a development right for an unbuildable parcel. I'm not sure what's changed or why it would be a public or taxpayer benefit going forward.

Mr. Randall: Well, I guess that's my question too. Is there a benefit to the County to allow somebody to automatically have a developmental right based on owning 2 two acres of Crow's Nest? Do we see an advantage to the County that may have been missed in the past? Or is this... do we know that that's the case or is this a question that's being asked by a developer to somebody on the Board and the Board said send it back to us and said look at it again? Do we know the genesis for the request?

Mr. Harvey: Commission Randall, my understanding of the request, a gentlemen who owns a lot in Crow's Nest Harbor but who has also been working with the number of the long term property owners that are individual owners has been trying to encourage them to either sell the property or use the TDR Program as a means to further land conservation issues and probably also help some of the property owners in some other situations. So that individual made the request.

Mr. McPherson: I have a quick question if I may. I'd like to concentrate on the receiving and so the density can be increased by-right; there's no zoning required. But I assume we can't take an A-1 and increase the density up to what would otherwise be an R-2, is that correct? There's a limit as to how many development rights can be transferred to a certain lot?

Mr. Harvey: Commissioner McPherson, yes. The code stipulates what the new density could go up to with transfer of development rights. As I mentioned in the R... excuse me, the A-1 zone, the density can go up to 2.25 dwelling units per acre with transfer of development rights. So, the way it would practically work, we look at how many acres does that person currently own that's zoned A-1; how many development rights could they have already based on the existing A-1 zoning; and then we look at how many development rights they're proposing to add to that piece of property. And we'd have to verify that the total number is still going to be below the 2.25 dwelling units per acre.

Mr. McPherson: Right. Okay, so that leads me to the actual question is, in the receiving area is there enough to absorb if this was to pass and everybody could... every lot could conceivably transfer a development right, would the receiving area be able to absorb all of those without running out of density so to speak?

Mr. Harvey: Commissioner McPherson, yes, I believe it would. The receiving area, when it was first established, had more capacity than the sending area was able to send. And since that time last year, the

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receiving area was further expanded which added more potential capacity. Now part of that is, an issue of property owners negotiating between one another to land development rights in the receiving area and they may or may not be able to make a deal work. So, that's an area it's outside the County's hands. But when you look at the raw numbers, yes, there's more than adequate capacity.

Mr. McPherson: Okay, thank you.

Ms. Vanuch: I have a quick question if anybody minds. I looked back at the minutes from this February 24, 2015 meeting and I found the conversation quite interesting. I did notice that several people spoke at the public hearing, but I think even more interesting I saw that Chairman Bohmke, I think she was a Supervisor then, mentioned to the public that the public deserved to know who the 7K investors were in the Crow's Nest Harbor. So that sort of spun my... piqued my curiosity so I went online and I looked up a lot of the parcels there, and there is a significant amount of land owned by 7K Investments. I mean, significant. And so I'm curious where they lie in this tray, because it's just interesting to me that they were listed in these minutes and now we're looking at this again, and what benefit would a developer have. Is there a developer who owns property who is looking and using maybe a constituent to drive this so that we essentially are giving one for one, you know, on non-buildable land.

Mr. Harvey: Madam Chairman, I know that particular company has filed a number of determination development rights we've already issued to them. I'm not sure if they have any other property left that they haven't requested that, but we can look into that.

Ms. Vanuch: Okay. And it'd be helpful I think to understand how many multi-parcel owners there are in that area. So, are there people who own 30, 50 parcels or, you know, I guess maybe even looking at land acreage to understand what the sweep of this would be if we ended up, you know, approving that particular change. Because I think it is concerning. I'm also very concerned that it's only in that area. I mean, I think that there are other areas of the County that could benefit too, but I guess that's outside of our scope so.

Mr. Harvey: Madam Chairman, just to clarify, are you wanting us to evaluate the number of property owners that own multiple parcels in the entire receiving area, or is it more targeted to Crow's Nest Harbor?

Ms. Vanuch: I think more toward Crow's Nest, because I think that's where most of the non-buildable land is.

Mr. Harvey: Oh, I'm sorry, I meant the sending area.

Ms. Vanuch: I was on the same page as you.

Mr. Randall: So, Jeff, in relation to the receiving area, have we taken any consideration in the area that's been designated or the preliminary designation for downtown Stafford out of that map?

Mr. Harvey: May I have the computer again please? Commissioner Randall, the area where I'm going to talk about here later this evening with the downtown Stafford effort, it's generally this vicinity here. Much of the eligible properties to use TDR are owned by the County in this vicinity. There are some other properties that are owned by private individuals in this location and also over here.

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Mr. Randall: Okay. I figured it was in that area; I just wondered if there has been some idea of maybe cordoning those off so that if downtown Stafford is going to happen that those that we don't mix the two?

Mr. Apicella: And I think what you're saying is, and we're going to have a discussion about this later on, we're trying to incentivize people to do certain things that they might not otherwise do to create a downtown Stafford. So, if they're already getting additional density, then we're potentially losing that incentive. Is that... maybe I'm putting words in your mouth but.

Mr. Randall: Amongst other things. I just want to make sure that, you know, we don't have something going in there and then three years later say, oh we're going to have to buy you out or move you or do something because we need that area for our downtown. That may not currently meet the requirements or meet the idea of what we're doing. So, anyway, just a thought. And then one last question. The A-1 that we talked about, currently if it's 100 acres A-1, I can get 33 lots by-right. So, if I heard you right, I can now get 2.25 per acre, so I could get 225 by-right versus the 33 by-right that would normally be given in A-1 because I'm transferring developmental rights. Is that what I'm hearing?

Mr. Harvey: Correct.

Mr. Randall: Okay, thank you.

Ms. Vanuch: Mr. Bain?

Mr. Bain: And there's no additional evaluation of infrastructure to serve that higher density. In other words, that parcel that you are talking about that will more than triple the density, what are the road capacities like? This doesn't evaluate that at all, does it?

Mr. Harvey: Commissioner Bain, it does not. Under the statute, state statute, we have to have verification there be adequate sewer and water capacity to serve the properties. In that overall area that's the receiving area there is adequate sewer and water capacity. However, individual projects are going to need to extend sewer and water lines to them in order to build out the project. But overall there's enough treatment capacity and storage capacity to serve the proposed TDR development added to this area.

Mr. Bain: And the extension of those sewer and water lines, would the developer pay for that or would that be part of the County's infrastructure requirement or responsibility?

Mr. Harvey: Commissioner Bain, it would be dependent upon whether it's a master-planned improvement or not. Normal development, the developer provides the sewer and water to their project, but in some cases if it's a master-planned improvement that's needed for our Comprehensive Plan and full build-out of our planned development, then they may be eligible for reimbursement of some of the cost to build that.

Mr. Bain: Alright thank you.

Ms. Vanuch: Anybody else? Okay, so we do have to take action on this item by December 21<sup>st</sup> so I think we have a little bit more time to kind of talk about this. Does anybody have an opinion on how they'd like to see this move forward? Any requests of staff before the next meeting to follow up on?

Mr. Bain: I think your suggestions to get additional information on land ownership (inaudible - microphone not on).

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Ms. Vanuch: Okay. And if you somehow could project what land is maybe completely covered in like RPAs and swampland and things like that, that would be helpful for us to understand what's buildable versus not buildable.

Mr. Apicella: Yeah, I would suggest again that same Attachment 7 be provided as a separate document so that it's clear and right in front of us so we can see it.

Ms. Vanuch: Yeah. I just have heartburn with the County saying you don't have to do any engineering or soil samples and we're going to give you a free development right on something that may not be buildable. You buy land you're not guaranteed that. I think anybody who went and bought a piece of land would have to do that type of investment to determine whether it was buildable the not. So I don't think it's an unrealistic ask that we're asking residents to front the cost for engineering in order to get it to transfer of development right, but that's just my opinion. Okay, alright, so we'll continue that onto the next meeting. Planning Director's Report; Mr. Harvey?

PLANNING DIRECTOR'S REPORT

6. Downtown Stafford

Mr. Harvey: Thank you Madam Chairman. I wanted to bring to the Planning Commission's attention an effort that the Board of Supervisors is currently working on with staff, and I alluded to it in the previous discussion about creating a downtown Stafford. And this presentation was presented to the Board back in August. The Board of Supervisors is having overall discussion about helping to spur on in creating a downtown Stafford and maybe maximizing the use of county-owned property and working with the developer to help us start the process of building public infrastructure such as streets, a public gathering place, and also parking it will help facilitate our planned courthouse and government center expansions. So, the presentation will talk a little bit about our history and how we got here. Our current efforts working with development advisors who the are assisting the Board and staff with working on concepts and a zoning plan marketing gap analysis that was done to verify that indeed we're heading down the right path for building our downtown, and then some questions and follow-up and next steps. And I'm probably going to try to buzz through this since it's almost 10 o'clock now and our by-laws say at 10:00 we've got to stop and conclude the meeting or vote to extend it. Also, I've given a copy of this presentation to the Commissioners electronically so. Some of the background -- in 2006 we did a community survey with working on the Comprehensive Plan and citizens responded strongly and supported the establishment of multi-use Town Center's. In 2008 we began work on the Courthouse Redevelopment Area Plan to define a broader vision for the Courthouse Area and basing that off our work from our Economic Development Strategic Plan at the time. We had two facilitated workshops with the community and the vision statement that came out of that was creating a cultural civic workshop living and recreation areas that are woven together with park streets to create a walkable and a memorable town of Stafford to see the County government. And since 2003 at the staff level we've been discussing the concept of creating a Town of Stafford. Right now Stafford County is a suburban locality; there is no official Stafford in Stafford like a town, so the concepts that have been discussed in planning realms and also in our Comprehensive Plan in 2010 and 2016 were to create sort of urbanized town centers. The Redevelopment Area Plan finished in 2011 and 2012 we got a new concept for Interstate 95 interchange, so we started focusing on further studying of Stafford's downtown. We had additional community workshops and worked on a vision and these are some of the things that people said: they liked the southern town feeling; they liked Fredericksburg, Alexandria, Reston, and Arlington; they want options to get out of the car so they could walk around and do shopping and see places; they wanted community gathering spaces with restaurants, not just chain stores; they want to have an entertainment center for part of the County where you can actually go to cultural events and/or

other sources of entertainment; and the overall live, work, and play concept which we've heard throughout time in recent years. In 2012 we created the Urban Development Zoning District based on our planning efforts, and that was intended to create higher density development and focused on more urban style of development. In 2016 we amended our Comp Plan to further identify the Courthouse Area as a Targeted Growth Area for our urban style development. The Board has hired development advisors to help us with leveraging our county-owned property; we own about 25 acres across the street off Courthouse Road which has a variety of zones but are all suburban in scale, and we see that this is an opportunity potentially for the County to be in the forefront for economic development and also to help us with some of our infrastructure needs and costs. The consulting team discussed the vision with the Board in August and some of the findings that were had where we have limited locations to gather, recreate, shop, and dine; a few mixed-use walkable developments, even though a number have been proposed in the past they still haven't come to fruition yet. Our county-owned land is in a key location near the new interchange which also in July we found out that our interchange will also have an exit to the hot lanes at the edge of the community park lot so that's going to be another big draw, and gives a lot of opportunities for people that could live near that interchange to walk to the commuter lot and slug to work and slug home. So that provides some other additional options, too. We also looked at the buying power of the residents of the County and the potential to create a vibrant downtown. Then there was some visioning work about establishing a vibrant walkable authentic town center. We wanted to have amenities for pedestrian and bikes that are connected to neighborhoods, acknowledging that we're still a suburban locality that needs cars and that we want to create a new heart to our community in a signature place for Stafford County for our culture and values. There was a gap analysis done and this is an economic study that looks at what services we currently buy in the County versus what we buy outside of the County to see what the income or sales gap is to see what leakage we have as far as expenditures and businesses that we could see come here to the County and specifically our downtown. And this is a chart that talks about the amount of leakage. And the consultants working with the Board basically said, you know, we've got a lot of opportunity to recapture a number of retail and business opportunities in the County, because a lot of people who live in Stafford go to Fredericksburg or go to Potomac Mills or Prince William to do their shopping and would love to have some more opportunities here. And this kind of reflects some of the percentage leakage we have for these various different types of retail activities. Basically, the gap analysis says right now we have about 1.2 billion in retail spending in the County but we have a potential for 2.5 billion, and there's a retail gap of 1.3 billion. And we have you know very high median incomes and should be a very attractive place for retailers and other people to do business. In summary, we have rapid population growth, very little supply of multi-family housing in our market, and a favorable market gap analysis which can help us build a downtown. So, the downtown will likely have apartments. It'll also likely have townhomes and maybe single-family homes, but surely have some commercial retail and office space associated with it. How will this residential community downtown plan work to support the retail establishments? The consultant has developed a concept plan that shows about 700 new residential units in two phases and a lot of square-footage of retail and office space and entertainment space in our downtown. One of the things when we toured other downtown's that have been successful in the Washington metro area was that our consultant said you have to have a minimum of a thousand people that can walk to this downtown area. So, that's some of the thought process we have to start having as far as making sure that if we're going to have a successful downtown, its walkable. We know that from where we're wanting to do downtown we have about a thousand dwelling units now that could support it, but they're a little bit further distant away so that thousand residences is really a minimum floor to look at. And they also mentioned that the retail component needs about 12,500 units and a 15-minute walk radius, and that kind of gets to what I was referring to earlier. There have been some challenges for the Garrison and Aquia Towne Center. They're mixed-use developments but they're not quite like we're envisioning with the downtown. The Garrison is a multi-phase project that's more retail focused in nature and there's separation between the housing and the retail components and different blocks. And it's also a very car oriented opportunity.

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It's going to be a game changer for a North Stafford but it's not quite what we're thinking the downtown would be. And then Aquia Towne Center, that's also a car-centered segregated area with a retail and multi-family area with income restricted multi-family. And as you can see at Aquia Towne Center, their image of what they'd like to have is somewhat similar to a more suburban style town center. So, our concept for proposed downtown is vertically mixed uses throughout the project. We're having public roam space which would... this concept showing a small park in this location here in a grid network of streets and would also have sidewalks throughout to get towards trying to have our heart of the community in a signature place. This is a more broader vision of what downtown Stafford could look like. So, we're starting to work with the Board of Supervisors and we're going to keep the Planning Commission apprised of what's going on. The Board's working with staff right now to consider rezoning the County's property to potentially the UD-5 zoning category and it would be a Board initiated zoning change, with the end goal to negotiate a public-private partnership with a developer in the spring of next year to potentially work with them to help us build the infrastructure and start building downtown. So, that's the direction that the Board's going in and it is going to need participation and understanding from the Planning Commission. And there will be more to come. We can certainly bring other staff in to talk to you in more detail as we move through this process and/or bring our consultants if we need to. And that concludes my discussion of this item.

Ms. Vanuch: Thank you, Mr. Harvey. County Attorney's Report? Or wait, you have to do the Bicycle and Ped Plan, yeah?

7. Bicycle and Pedestrian Facilities Plan Update

Mr. Harvey: Yes, and Mr. Geouge is going to give an update on where we are with the outcome of our survey.

Mr. Geouge: Good evening again. You should have a handout. We wrapped up our online survey. I believe Mr. Harvey reported on that briefly last time. We had 538 respondents in total and we've compiled the results of that survey into various charts and graphs. So, just a quick rundown of those results. We saw the largest respondents were between around 35 and 54 years of age, somewhat consistent with the median age in the County. A vast majority of respondents were actually located within the County, so that's always a good thing. Skipping to the next page, we asked about the comfort level of people when it comes to cycling and the response there is consistent with what we expected. Most of them where they fell in the interested but concerned category which means they would like to do more biking but they are concerned about safety of doing that and lack of facilities. So, that tells us that improvements can really tap into a large portion of the population and get them out there walking and cycling more hopefully. And we also asked why people walk or bike, and the majority said that it was either for recreation or exercise although for cycling we did have a surprisingly high number, almost 10% said they cycle for commuting. So that's encouraging.

Mr. Bain: Just out of curiosity, what would be considered another or other use of biking that you hadn't included? Five responses said their use was other. I can't imagine what another use would be.

Mr. Geouge: Yeah, it's just some... I think they were one or two in there that said something like, you know, for medical reasons for instance; I have to get out and be active and things so sort of falling into the under other categories like exercise and things like that.

Mr. Bain: Thanks.

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Mr. Geouge: So, not necessarily needed for that other category. We also asked about factors that discourage people from cycling and walking and the majority said safety and lack of facility were at the top there. And moving on, we asked what destinations people would like to reach by walking or cycling and the majority said parks was at the top, followed by shopping centers and places where you do errands, and schools also scored very high which I think is a good indicator that that truly is a high need considering the low number of respondents that were youth. And we also asked the likelihood of biking more with additional safe facilities. Of course a lot of people said very likely there. And then asked what the most desired improvements would be and just more facilities in general was the top-scoring response there, and also better lighting came up a lot as a need. And then lastly we asked what types of facilities people were most likely to use. The majority said they would most likely use a shared use path so something that can accommodate both cyclists and pedestrians, something separated from vehicle travel, vehicle traffic, would be their desire, and also scenic nature trails. So, for instance, within parks or along riparian corridors or places like that. But also sidewalks and scenic loop nature trails within parks and bike lanes scored pretty well there too. And we also had a couple open response questions which I don't have summarized here but we asked people where they would like to see specific improvements. So, we got a lot of suggestions for specific road sections and just roads in general or areas, and we got a lot of general comments about we'd like to see more connections into Fredericksburg downtown and just connections to parks and schools in general. A lot of those desires are sort of focused where you think they might be; the 610 corridor, 17, Route 1, those came up a lot but also roads like Shelton Shop, Mountain View, Brooke Road, those, yeah, those came up a lot, there were a lot of references, especially to Brooke Road. A lot of people said they wanted a safe way to get out to Crow's Nest. And that's pretty much it. And we got a lot of good feedback of maybe where we should look at for priorities. We're continuing to draft chapters of the plan. We have a target of getting something to you in October, but we'll see what time allows. Any questions?

Mr. Apicella: Madam Chairman, I make a motion to extend the meeting beyond the 10 o'clock hour.

Ms. Vanuch: Second. Do we have a second? I'm not seconding, I'm just asking for a second.

Mr. Randall: I'll second.

Ms. Vanuch: Alright, so a motion by Mr. Apicella, seconded by Commissioner Randall. You guys want to vote? I can't imagine anybody wants to discuss it.

Mr. Apicella: Yeah, let's spend 10 or 15 minutes talking about it.

Ms. Vanuch: Yeah, I get crazy after 10 so. Alright, motion carries 7-0. Okay, thank you so much Mr. Geouge for that presentation. Committee Reports? Mr. Harvey, just in the interest of time if you want to hit... oh wait, I skipped over Ms. McClendon. I had no on there so that's why. Do you have a report Ms. McClendon?

COUNTY ATTORNEY'S REPORT

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

COMMITTEE REPORTS

8. A-1 Uses Subcommittee  
*Update at September 26, 2018 meeting*



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Ms. Vanuch: Alright, I'm sorry. Mr. Harvey, just in the interest of time, I know it's getting late and I know Ms. Knighting has to get out of here soon. So, do we just want to maybe email you the changes that we need to make by the next meeting and then have a final presentation and spend some time going through this? I think if memory serves me, two items came up, just one was the animal language and then if everybody could take a look at that and Steven maybe could expand on it. And then the other one was that Ms. McClendon I think told us that we couldn't take cemeteries out of that by-right but we could potentially add in, you know, that it would just have to meet the code requirements for the actual cemetery ordinance at the minimum to minimize confusion.

Mr. Harvey: Madam Chairman, that'd be very helpful. Also, I'd draw your attention to the comparative chart we put together.

Ms. Vanuch: Perfect.

Mr. Harvey: And we need some guidance from the Commission on acreage requirements for kennels and we would also want to define and allow by special exception potentially event venues. So, that's some things to think about and staff will look forward to receiving comments from the Commission.

Ms. Vanuch: Is everybody good with that? I know it's getting late so. Acreage requirements for kennels and event venues. And then if you wanted to adjust anything on the whole... yeah, or not in a minutes, they're in your agenda under the blue, you just click on it. Are we good? Everybody good with that? And then... Steven, are you good with that?

Mr. Apicella: Yeah.

9. Cluster Ordinance - Map Subcommittee

Ms. Vanuch: Okay, perfect. Cluster Ordinance Map Subcommittee. Steven and I discussed that we're going to have our first meeting on October 30<sup>th</sup> at 7 p.m. Ms. Knighting, is that in this room or is that in ABC?

Ms. Knighting: ABC.

Ms. Vanuch: In the ABC conference room for those of you... what'd you say?

Ms. Knighting: Would you prefer it here?

Ms. Vanuch: No, it's fine in the ABC. I just needed to know which room to tell folks. So that's on 30<sup>th</sup>. The Cluster Ordinance Policy Subcommittee, you guys are going to be meeting, what, the 27<sup>th</sup> of September?

10. Cluster Ordinance - Policy Subcommittee  
*Meeting - September 27, 2018*

Mr. Randall: Meeting tomorrow...

Ms. Vanuch: Tomorrow.

Mr. Randall: In the ABC Conference Room.

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Ms. Vanuch: In ABC at what time?

Mr. Randall: 6:30.

Ms. Vanuch: At 6:30 for those interested. Okay, do you have any other updates on that committee?

Mr. Randall: I have none.

**CHAIRMAN'S REPORT**

Ms. Vanuch: Okay. Chairman's Report -- I have none at this time. Other Business -- TRC is Aquia and Hartwood. I need a motion to approve minutes for August 29<sup>th</sup> and September 12<sup>th</sup>.

**OTHER BUSINESS**

11. TRC Information - October 10, 2018
  - ✿ Northern Fueling Station - Aquia Election District
  - ✿ Estates at Monroe Place - Hartwood Election District

**APPROVAL OF MINUTES**

*August 29, 2018*

*September 12, 2018*

Mr. Boswell: So moved.

Ms. Vanuch: Alright, second? Who is seconding?

Mr. McPherson: Second.

Ms. Vanuch: Alright, motion by Mr. Boswell, second by Mr. McPherson; any discussion? Okay, let's vote. The motion carries 7-0. Meeting adjourned.

**ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 10:03 p.m.