

# **STAFFORD COUNTY PLANNING COMMISSION**

**October 24, 2018**

The meeting of the Stafford County Planning Commission of Wednesday, October 24, 2018, was called to order at 6:30 p.m. by Chairman Crystal Vanuch in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Mike Zuraf, Kathy Baker, Brian Geouge, Lauren Lucian

## **DECLARATIONS OF DISQUALIFICATION**

Ms. Vanuch: Now would anyone like to state any declarations of disqualification or disclosure for today's meeting?

Mr. McPherson: Yes, Madam Chair, I'd just like to state a disclosure that regarding the Transfer of Development Rights, I did several says ago, about a week and a half ago, meet with one of the applicants, a major player in this, Joe Samaha. It was just myself and him and nobody else present, just to discuss the Transfer of Development Rights. Thank you.

Ms. Vanuch: Thank you, Commissioner McPherson. And any others? Okay. I will continue to recuse myself from item 1 as previously mentioned at the last meeting. Moving onto Public Presentations, prior to opening it up to the public, we do have a presentation on the County Transportation Construction Project Quarterly Update by Mr. Bryon Counsell. Mr. Counsell?

## **PUBLIC PRESENTATIONS**

County Transportation Construction Project Quarterly Update by Bryon Counsell, Deputy Director of Public Works Capital Construction

Mr. Counsell: Thank you Madam Chair. Bryon Counsell, Deputy Director of Public Works for Capital Projects. Just as a matter of information, the newly created office, Capital Projects, not only do we work with the Transportation Projects, we also do manage the other public facilities, parks projects, other types of buildings, on behalf of the County, as well as Utilities, water and sewer now. So, any questions that you may have regarding any of those, not just transportation, but any of those that I'm able to answer, I'd be happy to answer any of those as we get to any point in the presentation or afterwards. So I'll go ahead and start. Just as an update, I know you guys know this, but just an update on where the Garrisonville Road widening project is. All the... 99.99% of the work is complete. We're just doing some last punch list items that are very small and final VDOT closeout. There's a process that VDOT uses to close out the projects and we're in that process. And we should have that project completely closed out over the next week or so. But the project is open to the travelling public. Brooke Road transportation improvements - you guys are probably aware that Brooke Road is currently closed, at the bottom southern end of the Aquia District and as you go into the, I guess it's the Falmouth and George Washington Districts. That's going to be closed until about the middle of January while they use the entire right-of-way through there to more expediently do the improvements that are planned through there. If you recall, that project was originally bid and the bids came in pretty high. So, one of the cost

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saving measures that we did was we worked with VDOT to be able to close the road so they could use a shorter duration which kept them onsite less duration and brought the cost down. But that's underway, and what they're doing now is they're working on the extension of the culverts that are part of the project. Belmont/Ferry Farm Trail - if you've driven down River Road, you've seen that construction underway. This is the portion that links the Falmouth Beach area to just on the other side, the downstream side of the Route 3 bridge. They put in a lot of the drainage structures and some of the grading has been done. Poplar Road and Mountain View Road intersection improvements - this is another project that was bid not too long ago. We had one bid; the one bid was a little higher than what we had budgeted, so we've moved a little bit of scope around but, for the most part, we're going to re-advertise that in a more favorable bid climate coming up this fall. Juggins Road Improvement Project - this is a roadway project associated with the new school up off of Garrisonville Road. We've done the communications realignment and some gas... new gas lines in there. We're getting ready to advertise this project and we're working with VDOT to create an incentive for the contractor to really complete within his duration. Hopefully he can, but there's really no failure on this project as if we run late, that means that delays the opening of the school. The school doesn't have a contingency plan for not being able to open, so the pressure is on us to get that done. But we're confident between us and VDOT we can make this a doable project. Route 1/Courthouse Road Intersection Improvements - that's the intersection right outside here. There's quite a bit of work up and down both roads for that. But we're in right-of-way acquisition right now. That sometimes can be a time consuming process, especially in a highly developed intersection like that. We have a few more offer letters to go out, but mostly everybody has received it and we've had some positive feedback, some are asking more questions, and some are not satisfied with the offers. We've met with most everybody that's accepted. We've got the paperwork all in order to start acquiring that land. There are going to be some more challenging acquisitions though. Berea Church Road Safety Improvements - this is a transportation improvement project between US 17 and Truslow Road. We've had all the VDOT public meetings and everything like that, and we're starting the right-of-way process very soon as design is pretty much complete. Belmont/Ferry Farm Trail Phase 6 - this is the section that will join the Jett Drive/Naomi Road intersection with Route 3 with the Boyhood Home, but it's not going to go quite to the Boyhood Home now. We've revised some drawings and we're submitting them back to VDOT. So, I think the name of the trail is probably going to change because the alignment is going to change, and it'll stop short as it stands right now of the Ferry Farm.

Mr. Bain: Can you explain why that is the case?

Mr. Counsell: To the best of my knowledge, and this is pretty accurate, the Boyhood Home and the County could not come to an agreeable path through their property. They had a lot of reasonable objections to where we wanted to put the trail and we thought it was appropriate to bring it at least somewhere on the site, and they were not interested in that. So, we've changed the alignment to make the project viable without going onto their property. Ferry Road and Route 3 Improvements - it's the intersection at Ferry Road and Route 3. There's a 7-Eleven and McDonald's right there. That project's going to go to bid in November; it's just going to improve the overall performance of that intersection, from both the Ferry Road aspect as well as it's going to create a left turn lane from Route 3 into the Boyhood Home. Onville Road Sidewalk Extension - this is going to install sidewalk from just north of Garrisonville Road, where the intersection project a couple years ago extended sidewalk. This is going to take it on up about 1,500 feet to the north to join... to connect some of the denser residential development there with the Garrisonville Road. Some of the items we've submitted for Smart Scale applications for roadway funding, Enon Road is one of the ones that has recently been awarded and we're starting that project up. But four others that we submitted... or three others that we submitted were some improvements on Winding Creek Road and Eskimo Hill from the landfill up to Route 1, and then a roundabout or traffic easing measure at Stefaniga/Mountain View Road intersection. One of the

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projects of note that we're working on is Fire Station Number 14, it's on Shelton Shop Road near Garrisonville Road. If you've driven by there, you've seen that a lot of the CMU block walls going up the perimeter, some of the interior walls, most of the slab is down. I think there's a small section of slab that's not been installed yet. They are running a little bit behind schedule due to all the bad weather we've had this spring and summer, but they've got some mitigation efforts underway that will likely mitigate most, if not all, of that delay. And that's all the ones I had prepared, but I'll be happy to try to answer any questions you may have.

Mr. English: I've got a couple for you. What's going on on 95, between 17 and the middle of 95?

Mr. Counsell: That is the southbound HOT lanes extension project.

Mr. English: So, it's a hot lanes.

Mr. Counsell: Yes sir.

Mr. English: Okay. And the other thing, is there any plans for Mountain View and Kellogg Mill Road for a light at that intersection? Also up there by the church. I mean, that's a nightmare in the evenings.

Mr. Counsell: Especially when there's an issue on 95.

Mr. English: Exactly. So, is a light or anything going to be put in or...?

Mr. Counsell: To my knowledge there's no plans by VDOT to put a light there. It's on a list that we keep of difficult situations and as different pots of money come up, Highway Corridor Safety money, CMAC, some other things that acronyms are all over the place but, we constantly look for things to spend that money on. That is on a list. I'm not sure where it is in priority; I'm just getting involved in that stuff. But it is on a list and the County staff is aware of it; so is VDOT. It's just... depends on where it is on the priority.

Mr. English: I think everybody is. Okay, thank you.

Mr. Counsell: You're welcome.

Ms. Vanuch: Mr. Randall?

Mr. Randall: I have a quick question. It's in relation to the commuter lot, the new commuter lot that they've built for the interchange.

Mr. Counsell: Yes sir.

Mr. Randall: There's a right turn only lane out of there that's been blocked off for a while. We talked about this I think a couple of months ago. There's no intent to open that up and make that a right-in, because I come in and out of there every day and in the afternoons maybe for a selfish reason it gets pretty bad to come have to make everybody get into that center lane and wait for the light. Sometimes that light can be long. And if everybody could make that right-hand turn out of there, it would make that a lot easier transition. So, I didn't know if VDOT had any means of, any intent of doing that or what the plan was.

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Mr. Counsell: We've brought up a number of alternatives there to what we believe will aid traffic in and out. And we've been... it's been confirmed that the plan is that it's not going to be changed. It's going to be... all the traffic is going to come in off Wyche Road except for the right-outs onto Courthouse.

Mr. Randall: Courthouse, okay.

Mr. Counsell: But that's going to be a ways down the road before it's all opened up.

Mr. Randall: Did they give a reason or just because...?

Mr. Counsell: Traffic movement, patterns, efficiency, interruption of traffic on Courthouse Road -- there's a list of them.

Mr. Randall: Gotcha. Alright, thank you.

Mr. Counsell: You're welcome.

Ms. Vanuch: Any other questions on this side? Any questions down here? Mr. Apicella?

Mr. Apicella: This may be outside your purview but do we have a No Block the Box rule in Stafford?

Mr. Counsell: You mean a rule where Stafford County prohibits that or...?

Mr. Apicella: Yeah, I mean, you know there are times of the day on Route 17 if you're trying to get out of the CVS and get onto Route 17, big tractor trailers sitting in the middle of the road blocking traffic not allowing you to make a left or a right even though you've got the light.

Mr. Counsell: That's correct.

Mr. Apicella: So, what rules do we have in place to prohibit that?

Mr. Counsell: Well, the first level of rules is you're not supposed to block an intersection. Okay, we know it happens all the time. Stafford's recently been successful in getting two No Block the Intersection boxes installed; one is at... drawing a blank now... oh, at Route 1 and Truslow Road. And that one has been enforced by tickets as I understand it. Then the second one that was recently installed was part of the 630 widening project at near Colonial... or at Woodcutters Road. That was in response to traffic or constituent complaints. If that can be documented by VDOT as substantial enough a problem, then they will go out and put one out there. I don't know that that has been mentioned to VDOT by our staff but I can certainly do that and let you know what we find out.

Mr. Apicella: Yeah, two places in particular; where you come out on McWhirt Loop onto Route 17 and also the road where Lowe's is. Those, to me, are the two worst areas. I don't... Darrell, do you have any perspective there?

Mr. English: No.

Mr. Apicella: No.

Mr. Counsell: The second location you meant, you said Lowe's; the one out on 17?

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Mr. Apicella: Yeah, 17.

Mr. Counsell: Okay... okay, okay, just further up, same issue just further up. There's a light there but it's still being blocked. Okay.

Mr. Apicella: Well, that's the problem. You're allowed to make a left or a right and you can't because there's a big tractor trailer sitting there. Second question is, again going kind of back to 17 as an example, in today's dollars what would it cost to construct an additional lane mile?

Mr. Counsell: Well, it depends on where. If you did a lane mile on 17 eastbound, it would be terribly expensive. If you did a widening on Poplar or Hartwood Road, it would be much less expensive. Typically, if there's very little work to be done other than a widening, you can look at about a million dollars to two million dollars per mile. On the more urbanized areas with lots of commercial entities, lots of communication lines, gas lines, water and sewer, you could be as much as six to nine million dollars a mile.

Mr. Apicella: And that's just one side.

Mr. Counsell: One side.

Mr. Apicella: Okay, thanks.

Ms. Vanuch: Mr. McPherson?

Mr. McPherson: I had one quick question. Just south on Route 1 where Bells Hill Road crosses Route 1 in terms of the Coal Landing Road, there's some sort of construction going on there. Is that a Transportation project?

Mr. Counsell: No sir, that's a Utilities project.

Mr. McPherson: Okay. I just wasn't sure because it looked like they might have been doing a road or something. That's all I needed, thank you.

Mr. Counsell: Okay.

Ms. Vanuch: Any other questions? Thank you so much.

Mr. Counsell: Thanks.

Ms. Vanuch: And can you send us those slides if you haven't already? Oh, we got them? Okay. Alright, thank you very much. So, now is the public presentations portion of tonight's meeting. So if anyone would like to come down to the podium, please state your name, address, and the district that you reside, if you know that. Tonight the light is broken so you'll still have 3 minutes but, at the 3-minute time, Stacie has a fancy little bell that she'll be ringing instead of the -- ding -- there we go. You'll hear that; that means that your 3 minutes is up so you'll have to keep track of your own time and you won't have that warning for the 60 seconds. We kind of thought that would be more distracting than helpful. So, just for everyone's clarification, the two public hearings on the agenda for this evening are Holly Corner Manor and the Shoreline and Streambank Erosion Amendment for the Comp Plan. So, if you're here to talk about those two issues, you would not come down right now. But if you want to talk about anything else, you're free to come down to the podium. Anybody? Okay, seeing no one I'm going

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to close out the public presentations portion of this evening and move on to item number 1 on the agenda which is the Reclassification of Holly Corner Manor, and for this I will turn it over to Commissioner Apicella.

Mr. Apicella: Thanks, Madam Chairman. Mr. Harvey, item 1.

Mr. Harvey: Thank you, Mr. Chairman. Item number 1 is the Reclassification for Holly Corner Manor and Mike Zuraf will be giving the update presentation.

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) (History: September 26, 2018 Public Hearing Continued to October 24, 2018)**

Mr. Zuraf: Good evening; if I could have the computer please, thank you. Good evening Mr. Chairman, members of the Commission, Mike Zuraf with the Planning and Zoning Department. This is a continued public hearing for Holly Corner Manor. I'm just going to go through a brief summary on the issue. This is a proposed zoning reclassification of 48.6 acres. It's on the south side of Holly Corner Road, just to the west of Country Manor Drive and Stafford Lakes Village. It's in the Hartwood Election District. This is an image of the zoning map and the site is highlighted in blue. The property itself is zoned A-1, Agricultural, with no proffers. The applicant's proposing rezoning the site to R-2, Urban Residential -Medium Density. Surrounding the site to the east is R-1 zoned property; that's in the yellow shading. And then to the north, south, and west is other A-1 zoned property; that's in the light green shading. The applicant's proposing to develop 120 single-family homes on the site. There'd be a primary access off of Holly Corner Road and then an inter-parcel connection on the southern end of the site into Stafford Lakes Village near the intersection of Country Manor Drive and Wild Rose Drive. A public hearing was first held on this matter on September 24<sup>th</sup>; the hearing was left open and continued to this meeting. The Commission had several comments and questions during the discussion. There were notification concerns to adjacent residents. The applicant did initially conduct a community meeting in advance of the public hearing, but there were concerns about residents not getting notice of that meeting. Then also, due to the County's notification requirements, some of the closer adjacent property owners were not notified of the public hearing because of an open space parcel that is between them and this subject property. So, the applicant was asked to conduct another community meeting. This map identifies the homes that the applicant delivered notice to on October 5<sup>th</sup>. That notice is in your package. They provided that notice and also a General Development Plan that we previously saw. On October 9<sup>th</sup>, a community meeting was held at the applicant's offices, which is in the England Run area. The applicant did approach the Stafford Lakes Village Community Association. They felt that the applicant had already met their obligation to hold the community meeting and was not supportive of having another one in the community center, so they did have it at their offices. The HOA did say they were going to post the meeting notice and the General Development Plan on their website and then also add it to the next community newsletter. The applicant did inform staff that no one attended their community meeting and they also did not get any calls on the matter. So, there were some other comments as well that were raised. The Commission did question the estimated elementary school costs and requested a summary of what is included in the stated costs, specifically as it relates to the Moncure Elementary School, because that's the cost that's referenced... that we referenced in our report. In

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particular, the Commission did question if the typical school costs includes buses as part of the overall improvement. Staff did for the concern in question on to the School Board staff. Their response, they said the cost of a rebuild of Moncure Elementary School which is estimated at thirty six and a half million dollars, that captures the cost involved in project design, the cost to acquire land, to construct the school itself, then also outfit the school with all the equipment and supplies needed for that school. It does not... buses are not included in a typical project cost as the buses are not specific to one school. Then on the next point, there were concerns expressed with the condition of Holly Corner Road. Due to its condition, it's a relatively narrow road, narrow lane widths, and then also it has sharp curves. The Commission asked staff to reach out to schools as it relates to the transportation division and also get some input from Public Safety. The school's transportation division, their response was that although the road is narrow and windy, buses do currently travel that road and it's not optimal but they do make it work. That was the extent of their comments on the issue. And then regarding input from Public Safety, we reached out to the Fire Marshal's office. There are concerns... their comments said that, you know, typically a road width of at least 20 feet is the minimum standard that they would deem acceptable. From there... from what they could see from the GIS mapping, and it did appear that the road width maybe near 20 feet, they also note that the project is served by two separate fire department access routes. You know, you do have access through... will have access through Stafford Lakes Village and then via Holly Corner Road, and they state that the Stafford Lakes Village access would comply with the minimum requirement. They know that to be certain. And then they say, you know, nevertheless ensuring at least 20 feet... a 20-foot wide roadway throughout Holly Corner Road would be a good benefit to emergency services and is strongly encouraged.

Mr. McPherson: Mike, quick question. When you say close to 20 feet, did you mean a little bit more or a little bit less than 20 feet?

Mr. Zuraf: Well, they're not positive because it was just based on a rough kind of rehab meal measuring tools via GIS and, you know, it's not an exact measurement that we have.

Mr. McPherson: Okay, thanks.

Mr. Zuraf: And then on the last point, staff does note that the applicant did modify their proffer analysis and proffer statement to reflect a value of... that accounts for an increased school cost. The monetary contribution offered for school impacts is proposed to increase from \$14,037 per dwelling unit up to \$14,204 per dwelling unit. The analysis and proffer statement documents are attached. You may be aware, the applicant did request a deferral after the September 24<sup>th</sup> meeting. They did request a deferral of this issue to the November 14<sup>th</sup> Planning Commission meeting due to a scheduling conflict with Mr. Shalaby. In Mr. Shalaby's absence, Kristen Johnson is here to try to address any issues that may come up. Regarding the deferral request, the fact that the public hearing is still open did require the issue to be considered before the full Commission and to still hold that public hearing that was already stated at the last meeting. But regardless, the applicant still has that request for a deferral to the next meeting. The Planning Commission, you know, regarding the deferral, they do have 3 potential options: they could defer the case and keep the public hearing open again to the November 14<sup>th</sup> meeting; they could close the public hearing and still defer the issue to the November 14<sup>th</sup> meeting; but also you could close the public hearing and vote on the matter as well. And then, just as a reminder, staff does recommend approval of the case concurrent with the proffers under Ordinance O18-42. And I'll take any questions at this time.

Mr. Apicella: Thank you, Mr. Zuraf. Any questions for staff? Mr. Bain?

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Mr. Bain: Concerning the road width, I'm assuming that regardless of the actual width of the pavement the road right-of-way would be 50 feet, 25 to each side of the centerline for that particular road?

Mr. Zuraf: For Holly Corner Road?

Mr. Bain: Right.

Mr. Zuraf: It may not be. It is an older road so that 50 feet is typically a current standard of, you know, a current VDOT standard, 50 to 60 feet. It may not be the case because it's an older road.

Mr. Bain: Okay, thank you.

Mr. Apicella: So, what would it take to further investigate the actual size of the road?

Mr. Zuraf: It would just probably, in this situation, be a matter of probably a site visit to run a tape measure, you know, in a few spots to...

Mr. Apicella: I mean, it was a concern raised by several people at the last meeting and I know it's a little bit of effort but it might be worthwhile just for us and the Board to know, you know, to the extent to which that is a problem.

Mr. English: Yeah, and I'm still getting some issues about the traffic, too, so, yeah.

Mr. McPherson: Mike, I have a quick question. The fire department or Public Safety said that there was access to the existing subdivision. Do they... I'm sure they did but taken into account, it's one thing to drive down a road that doesn't have maybe cars parked on the street, kids running around, all sorts of stuff. It seems to me that a fire engine couldn't go very fast through there; there's a lot of turns, a lot of pedestrian, children, trafficking, and cars. Did they bring that up at all? Any concerns about that?

Mr. Zuraf: They did not discuss that. I would assume that the primary route would be via Holly Corner Manor; that's the quickest way to get to this subdivision.

Mr. McPherson: Right, so that's the secondary going through that subdivision.

Mr. Zuraf: Right, right.

Mr. McPherson: Okay, thank you.

Mr. Apicella: Thank you, Mr. McPherson. Any other questions?

Mr. Randall: I have a couple of questions.

Mr. Apicella: Mr. Randall?

Mr. Randall: In reference to the right-of-way that they're talking about on Holly Corner Road, there's no timeframe for the development of that. Did they mention when they were going to have those improvements made?

Mr. Zuraf: It is... it's...



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Mr. Bain: Not in the proffer statement (inaudible).

Mr. Zuraf: Right, yeah, it's not stated within the proffers.

Mr. Randall: What would be the expectation that the County would have?

Mr. Zuraf: I think that's likely going to be a... I think that's going to be improvement that the County is probably going to expect prior to the first occupancy permit.

Mr. Randall: Is that something that...

Mr. Zuraf: It would be beneficial I think to state... have a timing specified.

Mr. Randall: I absolutely think that, especially for the transportation, it would be important I think to put the timing in that so that everybody knows that's an expectation before they even do much with the building of the properties.

Mr. Zuraf: That would be a good addition.

Mr. Randall: Alright, I have one more question for you. And I'm asking for effect. Did you happen to read the letter that was sent out to these different homeowners?

Mr. Zuraf: Yes I did.

Mr. Randall: Okay, what was your impression of that letter?

Mr. Zuraf: It notified the property owners of the upcoming subdivision.

Mr. Randall: Of their new neighbors, right?

Mr. Zuraf: Well, right.

Mr. Randall: Do you think that there's a correlation between nobody showing up and the fact that many may have thought this was already a done deal?

Mr. Zuraf: I think may but I don't want to say one or the other.

Mr. Randall: I'm not asking you to speculate, I'm just asking in your opinion do you think that maybe have been a cause?

Mr. Zuraf: It could.

Mr. Randall: Okay. Alright, because when I read that letter I myself, and I had several independent parties read the letter without any much background and they were like, yeah, seems like this is pretty much we're already done and we're just introducing ourselves to you, which I think defeats the purpose of having an open and clear dialogue. Alright, thank you. I don't have any other questions.

Mr. Apicella: Thank you, Mr. Randall. Mr. English?

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Mr. English: Mike, is there any way you can get a traffic count of how much traffic comes in there on a day, Holly Corner? I don't need it right now, I mean, just later if you could send it to me.

Mr. Zuraf: Okay.

Mr. English: Alright, thanks.

Mr. Apicella: Thank you, Mr. Zuraf. Does anyone have any questions for the applicant? I think they have a representative here. Okay.

Ms. Johnson: Good evening, I'm Kristen Johnson with Development Consulting Services. And, if I could just have a second, I wanted to touch on a few items that Mike brought up that I could elaborate a few more pieces of information.

Mr. Apicella: Sure.

Ms. Johnson: We did actually... the last person that I spoke with, the Stafford Lakes HOA did ask them if they have had anybody come in and ask any questions. And they did have one person come in and the reason that came in was because they were not aware that there was an inter-parcel connector. Of course, the HOA took the position that that was their issue, not our issue. There is a sign there, it's been knocked down, it's been buried in grass for I don't know how long. So, that sign had been knocked down and so this homeowner felt like they were not aware that that was an inter-parcel connector for future. We also reached out to the five adjoining parcels on Holly Corner Road and sent them... hand-delivered a notice. One person has their property barricaded and no box to leave a notice in so we did not reach them, but we did to the other four adjoining parcels. We did have one lady give us a call and her concern was two questions; was there any construction on... she's across Holly Corner Road from the proposed Holly Corner Manor... was there any construction on her side of the road to which we answered there was not. And her other question was her concern about her goose because she has a goose on her property and she want to make sure there was no construction on her side of the road. So, we did address those with her. We did also talk with a gentleman at the Transportation Board and about Holly Corner Road itself and we got the same information that Mike had gotten. And the one other piece of information that they gave us was that they have no reported accidents on Holly Corner Road, school bus accidents as well. And the other item that I wanted to say was that we're happy to, with this deferral we have the time, we're happy to take on measuring Holly Corner Road at intervals and documenting those width. I can do that with Mike, I can do that on my own. However you want that to be done. We are happy to make sure that the proffered road improvements at the intersection of Warrenton Road and at our entrance are done before any occupants, say that they're done with the site plan work. Also, in reference to the opinion of the content of the Stafford Lakes letter that we delivered to everybody, we did deliver the proper if you will pre-written notices that the County requires to the joining parcel owners. So, the rezoning notice did go to the Stafford Lakes HOA and however they discern that information out to the residents. And this was a notice beyond that at your last request to try and give people additional information. That was the intent of that letter. I'm happy to answer any questions.

Mr. Apicella: Thank you. Mr. Randall, did she answer your question?

Mr. Randall: Yes, to the level of making an attempt to talk to all the people there. I guess I'm just hesitant with the content of the letter. You know, instead of hey, this is what we're proposing, this is what we want to do, we're looking at doing this, we're in the approval process, we are asking for your feedback, we'd love to get your feedback, you know, we're going to have a community gathering, you

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know, those types of things. I got the impression when I read it and when I sent it out to some people to look at it themselves they got the impression that, you know, we're already here, we're going to be your new neighbors, we're going to be side by side with you, and so welcome us to the community type stuff. And it came to me... it came across to me as a little cart before the horse type thing.

Ms. Johnson: I understand.

Mr. Randall: Okay.

Ms. Johnson: Part of our reaction, just so I can give you a little bit more background, is the Stafford Lake HOA, as much as we try to get there and say let us meet with your residents, let us just... okay, you don't want to have a meeting, we'll come and just tell them we're going to sit at your Clubhouse for four hours one evening or a couple evenings whatever, can you extend your office hours, and we'll make ourselves available to them. They politely said no thank you, we don't want notices, we don't want... no we're not going to hand out anything, we've met your obligation, and you're coming, if you come you come, we know it's a rezoning and so I do get your point.

Mr. Randall: No and I understand and some HOAs are more involved in those processes than others and we had one prior to us that came before us in the spring and this separate community was very engaged, very much involved with the process. Their HOA was very much a part of that decision or a part of that input. So I know you get them both ways and so I appreciate your responses, thank you.

Mr. Apicella: I guess I'm going to follow up on that. Some HOAs are run by the people who actually own houses and some HOAs are run by, at certain points in time, especially at the beginning of the development process, by the developer themselves. And who's part of the HOA? Who's controlling the HOA at this point in time?

Ms. Johnson: I guess I can't exactly answer that, but I do know that the original person that I was to contact was an agency that was located in Richmond, and then they brought me back to a physical person in Stafford Lakes. I know the Board is Stafford Lakes residents and I'm assuming the HOA reports to that person.

Mr. English: Steven, I think they are run by the residents but it's managed by a management company. So it's most of the residents.

Mr. Apicella: No, I understand. I mean, I served on an HOA and at the beginning of the process, we were I don't want to call it silent partners but the developer had the majority of votes on our HOA. So, I just I thought at least bring it out there for the sake of transparency. Any other questions? Thank you very much.

Ms. Johnson: Thank you.

Mr. Apicella: So, for those in the audience, the public hearing was left open so I'll invite anyone who's interested to come up now and speak if they'd like to. This is an opportunity to address any issues or concerns, positive or negative, that you have about the proposed project. When you come up, please state your name and address. You have up to 3 minutes to speak; apparently the lights aren't working so I think the process tonight is if and when you hear the bell if you could wrap up your comments. So, if anyone would like to come up, please come forward.

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Mr. Balderson: My name is Bill Balderson. There is a large amount of traffic on Holly Corner Road already. And my personal opinion, it should be a stoplight at the corner of 17 and Holly Corner. Probably 5, 6 years ago the Postal Service had everybody move their mailbox from the north side of Holly Corner to the south side of Holly Corner because the rumor was they were going to widen Holly Corner from 17 to Country Manor. Well, we know that didn't happen. And in the mornings anywhere from 4 o'clock, 4:30, its cars lined up 2, 3, 4, 7, 8 deep trying to make a left turn onto 17. And with these 120 or so houses, average what two cars per house, it's going to be a whole lot more traffic backed up trying to get across 17. As you know yourself. it's hard to get across 17 from CVS and it's just as hard to get across 17 at Holly Corner Road. As a matter of fact, a light would help me get out on 17 also. But I think somewhere along the line, either VDOT, the developer, or somebody should put a stop light up. Thank you.

Mr. Apicella: Thank you sir. Anyone else? Okay, seeing no one else I'm still going to keep the public hearing open and bring it back to the Commission. Mr. English, this is in your district; how would you like to proceed?

Mr. English: Yes sir, Mr. Apicella, I'd like to go ahead and leave the public hearing open and to the next meeting, November the 14th please.

Mr. McPherson: Second.

Mr. Apicella: Okay, there's a motion and a second to leave the public hearing open until the... well, to defer and to leave the public hearing open until the 14<sup>th</sup>. Any further comments Mr. English?

Mr. English: No sir.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No.

Mr. Apicella: Anyone else? Okay, please cast your vote. The motion carries 5 to 1, 1 abstaining (*Mr. Randall opposed; Ms. Vanuch abstained*). Madam Chairman, I'm going to pass the gavel back to you.

Ms. Vanuch: Thank you Commissioner Apicella. Now, moving onto item number 2, Amendments to the Comprehensive Plan for Shoreline and Streambank Erosion; for this we recognize Ms. Kathy Baker.

2. Amendments to the Comprehensive Plan - Shoreline and Streambank Erosion - A proposal to amend the Stafford County Virginia Comprehensive Plan 2016-2036, adopted on August 16, 2016 (Comp Plan), regarding the prevention of shoreline and streambank erosion to ensure compliance with Chesapeake Bay Act regulations. The proposed amendment would modify Comp Plan Chapter 2, "The Foundation for the Future," to incorporate background information on the County's shoreline areas. The amendment would also create Objective 3.9, "Prevent and reduce shoreline and streambank erosion resulting from natural or man-made occurrences," and establish policies to provide a framework for implementation of this objective. **(Time Limit: November 11, 2018)**

Ms. Baker: Good evening, and if I may have the computer. Very good. This item is a Comprehensive Plan Amendment regarding shoreline and stream bank erosion. This is an amendment that would modify Chapter 2 of the Comprehensive Plan, the Foundation for the Future, to incorporate background information on our shoreline areas. It would also create a new objective, as well as policies, regarding prevention and reduction of shoreline and streambank erosion. Earlier this year, Virginia Department of

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Environmental Quality conducted a five-year compliance review of our Chesapeake Bay Program and they are requiring additional language in the Comprehensive Plan that references how the County addresses streambank erosion problems. I will note, just for your information, the existing comp plan components that we have regarding shoreline and Chesapeake Bay do address the erosion problems or concerns, but these plans are somewhat dated. We are looking, as part of our Comprehensive Plan recommendations, at our latest update to actually compile all of our environmental plans into one master environmental plan. That's going to be an ongoing process over the next few years, but that is in the works and this amendment will lead toward some of those changes. With regard to the proposed policies that we are recommending, we would look to update our GIS maps to show the shoreline and streambank conditions and areas of concern. We would also promote the use of Department of Conservation and Recreation's Shoreline Erosion Advisory Service, we refer that to SEAS, and this would provide technical assistance to the County for shoreline erosion problems. We would also promote utilizing the Virginia Institute of Marine Sciences Coastal Resource Management Portal to monitor and manage our shoreline erosion problems. This is a portal that is open to many of the localities that can use this, go in, look at look at areas, and have different... it's an interactive process to help look at certain problem areas. And then the policies would also encourage future development projects to mitigate any erosion problems. Just a little bit of background -- our shoreline does include both tidal and non-tidal areas. Historically we've had low shoreline erosion rates from a countywide perspective. There are areas of concern which includes some portions of the Potomac River shoreline and some of the lower reaches of Aquia and Potomac Creeks. And obviously, streambank erosion has increased in areas where there's been more development. In your staff reports, you did see the VIMS shoreline report that was done in 2015. Many of the localities throughout Virginia have had reports completed. It has certain recommendations that are specific to Stafford County but, in general, I think it was a common theme through all of these reports that noted traditional practices of shoreline management, such as your bulkheads and your hard structures, are not always the best solution; they can have issues in themselves. So there's some suggestions for living shorelines as alternative practice and this is more of using your plants and stone breakwaters and such where you're going to have more of a natural shoreline but have help with some structures that are going to break shoreline activity, wave activity. And the report also does talk about a combination of both of these practices in some areas. It's going to be specific to what the different causes are in a certain shoreline area. And this is just a sample recommendation that came out of the VIMS report for a specific area along the Potomac River just showing a conceptual design for how this shoreline could be stabilized or preventing future erosion. So, staff is recommending approval of the amendments. This does provide a framework for future recommendations in our Comp Plan. The time limit for the Planning Commission to make a recommendation is November 11<sup>th</sup>. We did have a request from DEQ to have our action completed by October 31<sup>st</sup> but we report to them that we are in process and we do have to go through the actual procedural steps so. I'll note that the Planning Commission can modify any of the language as they see fit within the advertising regulations. So, I'll be happy to answer any questions.

Ms. Vanuch: Does anyone have any questions over here?

Mr. Apicella: Madam Chairman? Can you go put the slide back up for a second?

Ms. Baker: Which one?

Mr. Apicella: That one actually, where it shows the breakwaters. Who would be responsible for putting those in?

Ms. Baker: It would depend. If there is a development that would come in for that particular property, it may be something that we would work with an applicant to create those breakwaters. But it could be

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if there are enough problems in that area that the County would make a recommendation that certain practices be implemented, then that's something the County would have to address at that time.

Mr. Apicella: So, the taxpayers.

Ms. Baker: Yes.

Mr. Apicella: Because, I mean, presumably people who own property, their property line ends where the water begins, right? So, who owns the water? I'm just throwing out, who does? Is it the County?

Ms. Baker: Right, you have different areas, if there is a jurisdiction...

Mr. Apicella: Yeah, I know, it depends on where. So, either Stafford County or Maryland I guess, right?

Ms. Baker: Mm-hmm. But there, you know, if you look say where Widewater State Park is, now that I know the state is putting in some of this type of living shoreline, if anyone wants to use that as an example. But that's something that the state is actually doing because that's part of their shoreline.

Mr. English: Back on what he said, when Aquia Landing, when they did that I think they did some stuff down there; who paid for that? Was it the County? Because I know they put those... they put the rocks in to the point and I think they put breakers out to the right side of it so did we pay for that?

Ms. Baker: Are you aware Jeff?

Mr. English: Remember that Jeff? That's been years ago.

Mr. Harvey: Commissioner English and Ms. Baker, I do not recall who installed it. I know it's a necessary feature for our park. I'm not sure if it was done under grant funds or if it was County funds.

Mr. English: Right, okay.

Mr. Apicella: You know, I guess the reason I bring it up is if it's needed because of a development, and I don't know if it says this in the document I did read through it but I can't remember every word, should we suggest that the developer who potentially causes the problem or causes this need consider offering a proffer?

Ms. Baker: Well, it's not necessarily something that a developer's... it's going to be caused by them. They may have a property that comes with the issue that's already there. You can't necessarily control ongoing, you know, boats from going by your property and causing more shoreline erosion. There's certain things that...

Mr. Apicella: Well, wouldn't the disturbance that they cause on the parcel potentially further erode the situation as it exists?

Ms. Baker: Not necessarily; it depends on... you have varying shorelines out there. Some of them are a couple feet high, some of them are 10 to 20 feet high. So, it's not necessarily going to be the development on the land that's going to impact the shoreline there. It could be but it's going to be again something case-by-case which is where VIMS and DCR come into play to offer suggestions and help localities work through these issues to make that determination.

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Mr. Apicella: Right, so I don't have specific words to add, I'm just saying that to the extent that a developer does have an impact based on what they're doing that changes the landscape that they ought to consider, the County ought to -- I don't know the right words to mention here -- but to put us into a problem but I think it shouldn't be on the taxpayers dime to fix a problem that somebody else causes.

Ms. Baker: And it may not...

Mr. Apicella: If it is something that's shared by the community I understand it. But if it's something that's caused by somebody else's actions on a piece of land, then you know I think it shouldn't be something that shouldn't be on the taxpayers dime. Just my philosophical thought.

Ms. Baker: We would certainly evaluate that at such time.

Mr. Bain: If I could I think King George County is going through a serious situation; I believe it's called Fones Cliffs where a developer came in, did not do the preliminary development work properly, caused significant erosion on the cliffs, now they're being sued. I would mention that if the water is tidal then it's considered waters of the United States and the Corps of Engineers can get involved in serious problems and you can get federal funding for those remedial measures. And the Corps used to be all concrete and steel to solve erosion problems but they've become much more environmentally sensitive. So it is an option if... and a lot of the Rappahannock, even in Stafford County, is tidal. So, if there are problems in that area, certainly in the Potomac and Potomac Creek, that would be one possible source of funding.

Mr. McPherson: I have a quick procedural question. I notice that the time limit on this is November 11<sup>th</sup> yet on one of the pages says a component of the DEQ compliance must be met by October 31, 2018. So, what's the difference between those two dates please?

Ms. Baker: Our County deadline is the November 1. The DEQ requested that it be completed. When they did our entire compliance review, I think back in August is when we officially got the review, that was the deadline they put in motion. But we had a similar case where we didn't actually have a component in place at that time. We let them know that it's in the process, here's where we are, we've had the public hearing, we're working towards getting this you know ultimately to the Board of Supervisors. So...

Mr. McPherson: So, next week.

Ms. Baker: But it's, I mean, it's not going to get to the Board obviously before the October 31<sup>st</sup> deadline either. So, we're requesting that the Planning Commission take action because we don't have a meeting before the October... excuse me, before the November 11<sup>th</sup> deadline.

Ms. Vanuch: Any questions on this side? Mr. Randall.

Mr. Randall: I've got a quick question. I'm looking at the proposed language. Do you have that in front of you? It would be under the shoreline and streambank erosion. I think it's the...

Ms. Baker: Okay.

Mr. Randall: ... the fourth paragraph; it talks about erosion in non-tidal streams? The streambank erosion? Do you see where I'm at?

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Ms. Baker: Mm-hmm.

Mr. Randall: Alright. We talk in that paragraph about how streambank erosion happens and we understand that development pressures, impervious services increase, those types of things, and then in the next paragraph you talk about proper monitoring and mitigation of erosion along streambanks. Who is that meant for? Is that meant for the resident to do the proper monitoring and mitigation of erosion along streambanks? Should they tell anybody? Is there any process they can go through? Is that monitoring and mitigation listed somewhere else that talks about here are some possible things that can be done or who would be monitoring?

Ms. Baker: And that's part of the, when I talked about both VIMS and DCR, they... this was going to enable us to use their system to assist with monitoring the shoreline changes that may happen, you know, over years. So, it's actually going to be kind of a joint effort. But this puts in place some processes for us to use by using these other agencies to work on (inaudible).

Mr. Randall: Is that the same for streambanks as well? I understand the shorelines and I understand that, but is that the same for the streambanks that we're talking about?

Ms. Baker: Yes. I mean, the online information addresses all of our...

Mr. Randall: Does both of those things. Okay, great.

Ms. Baker: And that's part of us updating our GIS maps to show what's there now and then, as we continue to monitor it, with any changes using those other agencies' information.

Mr. Randall: Okay, great, thank you.

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

Mr. Bain: Just a quick one. Is there a state agency that we could call and ask them to come out and evaluate an erosion problem? Or is that... if a resident or landowner complains, is that at the County level only? Or do you know if there's a state agency that we could go to? Is it environmental quality or...?

Ms. Baker: Well, there is but that's part of the SEAS advisory service, they do actually do site investigations as well so.

Mr. Bain: Alright, thank you.

Ms. Vanuch: Any other questions? Okay, seeing none, thank you so much. So, now we'll open it up to the public hearing portion of tonight's meeting. So if you'd like to come down to the podium and talk for 3 minutes until you hear the bell ring; would anyone like to come down? Okay, seeing no one rush the podium I'll close out the public hearing and bring it back to the Commission. Any additional questions for staff that you thought of? Nope? Alright, do we have any action then? Does anybody want to make a motion?

Mr. English: I'll make a motion to go ahead approve the amendment.

Mr. Bain: Second.



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Ms. Vanuch: Okay, so we have a motion on the floor by Commissioner English to approve the amendment to the Comprehensive Plan for Shoreline and Streambank Erosion, and a second by Commissioner Bain. Any further discussion Commissioner English?

Mr. English: No ma'am.

Ms. Vanuch: Mr. Bain?

Mr. Bain: No.

Ms. Vanuch: Anyone else? Okay, please cast your vote. The motion carries 7-0. I wish they were all that easy. Okay, Mr. Randall?

CLOSED MEETING

Mr. Randall: Whereas, the Commission desires to hold a closed meeting for consultation with legal counsel and briefings by staff members regarding cluster subdivision provisions and the Transfer of Development Rights Program, which are specific legal matters requiring the provision of legal advice by counsel; and whereas, pursuant to Virginia Code § 2.2-3711(A)(8) such discussions may occur in closed meeting; now, therefore, be it resolved that the Stafford County Planning Commission on this the 24<sup>th</sup> day of October, 2018, does hereby authorize discussion of the above matter in closed meeting.

Ms. Vanuch: Okay, we take a vote to go into closed meeting? We need a second.

Mr. Bain: I'll second.

Ms. Vanuch: Okay. Motion by Commissioner Randall, second by Commissioner Bain; any discussion?

Mr. Randall: No.

Ms. Vanuch: Okay, let's go ahead and vote. You're going to stay out here Mr. Apicella? Alright, we'll be back shortly folks.

*Closed Meeting: 7:27 p.m. to 8:13 p.m.*

Mr. Randall: WHEREAS, the Commission has, on this the 24<sup>th</sup> day of October, 2018, adjourned into a closed meeting in accordance with a formal vote of the Commission and in accordance with the provisions of the Virginia Freedom of Information Act; and whereas, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such closed meeting was conducted in conformity with law; now, therefore, be it resolved that the Stafford County Planning Commission does hereby certify, on this the 24<sup>th</sup> day of October, 2018, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the said closed meeting was convened, were heard, discussed, or considered by the Commission.

Ms. Vanuch: Okay, we have a motion by Commissioner Randall; do we have a second?

Mr. English: I'll second.

Ms. Vanuch: Okay, second by Commissioner English. Any comments? Okay, let's vote. Okay, motion carries 7-0. Thank you so much. Okay, moving on now to Unfinished Business, item number 3 on the agenda which is the Amendment to the Zoning Ordinance for Transfer of Development Rights, and for this we recognize Ms. Kathy Baker.

UNFINISHED BUSINESS

3. 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. **(Time Limit: December 21, 2018) (History: Deferred on September 26, 2018 to October 24, 2018)**  
*(Authorize for Public Hearing By: November 14, 2018)*  
*(Potential Public Hearing Date: December 19, 2018)*

Ms. Baker: Good evening. This is an ordinance amendment regarding Transfer of Development Rights, or TDR, and we have two separate amendments that are part of this item. The first is with regard to Section 28-359, the calculation of development rights to clarify the eligible lots are entitled to transfer at least one development right. The second piece of this is section 28-364 regarding development approval procedures, and this is basically to change the timing for landing transfer development rights from the preliminary plan to the final plat phase. The Planning Commission discussed this item on September 26<sup>th</sup> and raised some concerns with implications of the ordinance amendment with regard to the guarantee of one development right for each lot in Crow's Nest Harbour. So, just to summarize a bit, these are the TDR sending and receiving areas. As you see to the right, the sending area is highlighted in blue and the receiving area is to the left bounded in the red line. These were the sending area parcels that were shown back during the development of the TDR Program, the ones that are eligible as you see in the cross-hatched. It should state in this, it was estimated that 1,490 development rights could be transferred out of the sending area. And this shows the receiving area parcels; they are parcel specific as far as what is eligible to receive development rights. The gray properties that you see do not have the appropriate zoning for that. So we have A-1, R-1, B-3, and UD that are eligible. And within the receiving area, there was estimated with the expansion that occurred back in 2017 up to 3,081 development rights could be accommodated within the receiving area. There was a question at the meeting about the applications that have occurred in Crow's Nest Harbour. I'll note that we have approved TDR applications, 13 TDR applications. Out of those, 4 were not part of Crow's Nest Harbour, and I have put... there's a purple or blue star that you see on the parcels that are not considered part of Crow's Nest Harbour. So, with all of the applications in total, there were 297 parcels, at about 1,048 acres, with a total of 501 development rights that have now been determined and issued for those applications. The specific Crow's Nest Harbour applications included 292 parcels, 681 total acres, and 339 development rights that have been determined. So you'll note if you see on the map within the Crow's Nest Harbour area, 61 of the parcels that you see indicated in white are properties that have not had applications submitted yet. There are 61 remaining; out of those we've estimated that 10 may not contain at least one acre of usable area based on the steep slopes and hydric soils that are present on those lots. This shows an environmental constraints map that was prepared again back when the TDR Program was being developed. You'll see the yellow or green hatched areas that were lots potentially that may not be able to meet that one acre of usable area. Again, these were just estimated based on GIS drawings. The Commission also asked at their meeting... at the last meeting how many multiple parcel owners there were in Crow's Nest Harbour and, under the approved applications, 7K Investments had submitted an application with 129 lots that they owned. The JCM East had 131 lots. Heron Harbor LLC had 25 lots, and just an individual owner, Vuong, had 2 lots under ownership. And then the other

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multiple parcel owners that have not had applications submitted yet -- Northern Virginia Conservation Trust owns 8 lots; Stafford County owns 6 of the lots; and then there are two other individual property owners that have 2 lots each. There's also some questions subsequent to your meeting regarding the TDR application review process, so I'll be brief on this. But we do have four application types. The first application would be your actual determination of development rights. So, if somebody wants to know what they have on their property, they submit an application and then the Planning Director would issue a determination on that. That's what gives them the... they can go out and start marketing their number of development rights and use that as a basis to work with other owners. The second application which can be combined with the first application is severing those development rights. So, that's actually having a certificate recorded and documents recorded that basically put covenants or an easement over those severed rights. The third application would be the transfer or sale of development rights, because we do have to track ownership and so that would be part of that process. And then the last one is affixing the development rights to your eligible receiving properties. As far as the determination, there are specific documents that have to be submitted, including your legal documents and your plat of subdivision, and also the map of the hydric soils and the steep slopes. And these are calculations that are prepared and submitted by an engineer. The Director of Planning, as I mentioned, would review the applications that's submitted and then issue the signed determination. And this just shows you a sample of one of the applications that we had. The total... the screen shot is just a portion of that total application, to give you an idea of what is shown. The red areas are the steep slopes that are on those particular lots that were determined in the calculations. So, with this particular application we had 310 total acreage, there were 28 acres of hydric soils, 143 acres of steep slope, there's also a portion in the calculation that talks about removing road right-of-ways or easements in this instance. As you see up in the right-hand corner there was .18 acre of right-of-way easement actually that went through one of the parcels. So that was also subtracted out. So, once you do your calculations, subtracting out those three areas, the slopes, the soils, and the easement, we did account for the overlap where you had soils and the slopes that were in the same area; you don't count that twice. So, there's some overlap area that was accounted for and the total there 145 development rights. So what you see at the left, the chart, that's just a portion of the chart showing this is how each lot is calculated and then there's a running total. So, I wanted to let you know that subsequent to your meeting, we did receive a request from the originator of this ordinance amendment that wanted to separate the two issues, if possible, for public hearing purposes. They understand that one of them may not be as entailed and have as much discussion, so they were requesting that. I would also note that just today we received a request that we look at some additional language. You all received that; it was emailed out to you and I believe handed out, and so that's something else if you all wish to consider before authorizing this for public hearing. So, I note here, you should authorize the public hearing for November 14<sup>th</sup> for your December 19<sup>th</sup> hearing and that would allow you to make your recommendation before the December 21<sup>st</sup> time limit. And the Planning Commission can modify the draft language so. I will leave it at that and answer any questions you may have.

Ms. Vanuch: Thank you Ms. Baker. Any questions from the Commission? No questions? Okay. Oh, Mr. Bain.

Mr. Bain: If you could go back to the slide that showed the number of applications that had been processed.

Ms. Baker: This one?

Mr. Bain: The one before that I believe... keep going. Oh, no, that was the one. So, on that far left lower left corner box, the 501 development rights that have been processed. That's over and done with, right?

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Ms. Baker: Correct.

Mr. Bain: Nothing we decide regarding these ordinance amendments would have any impact on those.

Ms. Baker: That's correct.

Mr. Bain: Okay. Now, the 61 parcels that are remaining and possibly only 51 since they cannot contain a one acre of usable area, those could be some, looking at your map, some of them could be combined and under the computational method that you have been using could possibly get a few more TDRs or development rights by area, but it would only be a couple I presume, wouldn't be much of a change there.

Ms. Baker: Correct, and I believe as the ordinance is written... well, no, they can change ownership, they just had to have been platted. So, yes when you submit an application they do have to be under the same ownership in order to...

Mr. Bain: Oh, they do have to actually own it...

Ms. Baker: Yes.

Mr. Bain: I see. Okay, well that's good clarification. Alright, so in terms of Crow's Nest Harbour, the impact of these ordinance changes would be really minimal it seems to me.

Ms. Baker: Most likely, yes.

Mr. Bain: Alright, thank you.

Mr. Randall: Madam Chair? I have one quick question. Could you... I think it's the next one or one more.

Ms. Vanuch: Can you send us these, too, these slides?

Mr. Randall: It's overlay with all the different slopes and soils.

Ms. Baker: Oh, that was this one.

Mr. Randall: I thought we had one that was closer. That one, right there. So, theoretically, if I have a parcel... and this is in Crow's Nest, correct?

Ms. Baker: This is Crow's Nest Harbour.

Mr. Randall: Crow's Nest Harbour. So, theoretically, if I had and I looked at all of these and so all of them have either some soil or some slope, some of them much more than others, but theoretically I would have I... could potentially have a lot that would have no slopes, no soil issues, and I could get two developmental rights for that particular lot. Is that correct?

Ms. Baker: That's correct. There are some in Crow's Nest Harbour that don't have it.

Mr. Randall: That have already had that and they've been able to identify because it's one acre per and if they don't have any issues with it, I could get two developmental rights out of it.

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Ms. Baker: That's correct.

Mr. Randall: Is that correct?

Ms. Baker: Mm-hmm.

Mr. Randall: Okay, so now what we're asking is that for those few that I think to Mr. Bain's point, for those few lots that wouldn't have... would have less than an acre, we're really only talking of the 297 in Crow's Nest; you're only talking probably a small handful, is that correct?

Ms. Baker: About ten lots is what we've estimated.

Mr. Randall: Okay, okay, thank you.

Mr. Apicella: Madam Chairman, I'm going to piggyback off that. So, kind of looking at the contrary view, I'm going to look at... I'm going to point out 49D-A-32. To me that looks like a lot that probably has less than one acre of buildable space, is that correct?

Ms. Baker: I'd have to do my calculations.

Mr. Apicella: It's the bottom one. I see a couple more like that; 49D-B-18, 49D-B-2...

Ms. Baker: Yes.

Mr. Apicella: ... 49D- I can't even tell what the number is looks like it's got railroad tracks running through it. So, I'm seeing at least four lots here that might not make the one acre minimum.

Ms. Baker: That's correct.

Mr. Apicella: Even so, the folks who submitted an application and were able to get, in this case, 145 development rights, they still had to prove something to the County that they had a certain number of development rights by the current process. It wasn't just guaranteed; they had to go through some process.

Ms. Baker: That's correct. They had to have an engineer do the calculations and submit that to the County to verify.

Mr. Apicella: And is it a fair statement to say that just because somebody buys a lot in Stafford County, at the end of the day, it may not be buildable once they start investigating what particulars are on that lot.

Ms. Baker: I would assume there could be some restrictions on a particular lot but...

Mr. Apicella: Not every... from your experience, not every single lot in Stafford County is buildable, not every single lot.

Ms. Baker: I can't really answer that but I'm sure there are lots out there where people may have not gotten a septic field on a lot so they couldn't build on it. There are probably issues that may preclude someone from building on a lot, yes. Steep slopes is...

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Mr. Apicella: We do have a steep slopes provision in the code, right?

Ms. Baker: You can build homes on steep slopes. There's no restriction; there are certain engineering and certain erosion control measures...

Mr. Apicella: Right, but if you couldn't meet those measures you probably wouldn't be able to build on that lot.

Ms. Baker: If they cannot meet what's in our current code or building codes.

Mr. Harvey: Commission Apicella, the Zoning Ordinance does have a maximum slope height based on the post construction condition. So, it may be this one has to put in retaining walls so they don't violate that or do other structural measures. So, some of the constraints that you see with lot development may be a function of engineering and cost. And, as we've seen over time, some lots in the County that didn't qualify for septic systems over time now do because of change in technology and also change in lot prices. As house prices go up, lot prices go up. The relative cost to develop may make some properties more feasible where they hadn't been in the past. So I think that's part of what Ms. Baker was qualifying in her answer.

Mr. Apicella: Okay, thank you.

Ms. Vanuch: Additional questions?

Mr. Randall: Ms. Baker, how hard would it be to break this out as per ownership, to be able to show the 129 lots that are all combined and the number of those acres using the same map that you just had but then conglomerated by different owners.

Ms. Baker: We have those maps in our files for each application.

Mr. Randall: Okay, alright, thank you.

Ms. Vanuch: Any additional questions? Okay, thank you. Okay, this is not a public hearing so the Commission has the ability to make a motion at this point in time, ask for additional information, and make a motion on the November 14<sup>th</sup> meeting. Does anybody have anything that they would like to make a motion on currently?

Mr. McPherson: Madam Chair, I'd like to make a motion.

Ms. Vanuch: Okay.

Mr. McPherson: I move -- a motion as a couple parts -- I move that, first of all, we do separate the two items under consideration. We can consider them in the same meeting but they could be separately discussed in public hearings and voted on. And I also move that we open a public hearing on a special session on the December 5<sup>th</sup> to give us time; we need time to get the advertisements out and that would give us time to have a public hearing and discuss again if needed on the 19<sup>th</sup> to meet our deadline later in the month of December.

Mr. Apicella: Madam Chairman?

Ms. Vanuch: Mr. Apicella.

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Mr. Apicella: I have a substitute motion.

Ms. Vanuch: There hasn't been a second. Does anybody want to second that?

Mr. Boswell: Second.

Ms. Vanuch: Okay, so we have a motion to... I'm trying to remember... to bifurcate the items and consider them independently, and to move them to public hearing November 14<sup>th</sup>?

Mr. McPherson: We don't have time.

Ms. Vanuch: No, oh, December 5<sup>th</sup>, and have a... we're adding a special meeting to our calendar.

Mr. McPherson: I'm open to other dates.

Ms. Vanuch: Do we... can we even do that Rysheda? Can we just make up a date without having it as a planned meeting? Don't we have to take the motion to make the meeting first? Okay. Okay, so that's the motion; I have a second by Commissioner Boswell. Any discussion? Okay, Commissioner Apicella?

Mr. Apicella: Madam Chairman, I move that we put forward the revised or proposed revised ordinance as is without bifurcation at the next possible public hearing date which would be November... December 19<sup>th</sup> okay. Do we have a second?

Mr. English: I'll second it.

Ms. Vanuch: Okay, so we have a motion by Commissioner Apicella to keep the items together, advertise them for public hearing on December 19<sup>th</sup>; we have a second by Commissioner English. Any discussion Commissioner Apicella?

Mr. Apicella: Madam Chairman, I appreciate that the requester asked to have the items bifurcated and that Mr. McPherson made the motion. I don't see the value added in separating the two. We can obviously do that at the meeting on the 19<sup>th</sup> in terms of how we recommend the Board consider the ordinance going forward.

Ms. Vanuch: Okay. Commissioner English?

Mr. English: I have nothing.

Ms. Vanuch: Anyone else want to discuss?

Mr. Randall: A quick question -- this is due, Rysheda, when? We have to make a decision by the end of December?

Ms. McClendon: Yes.

Mr. Randall: December 21<sup>st</sup>? So, I guess to the point, will we be able... do we think we can take care of it and do everything we need to do in one meeting?

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Ms. Vanuch: Yeah, it's pretty cut and dry. I mean, I think so. Our scope is very limited to those two paragraphs, so, I mean, if we... yeah.

Mr. Randall: I guess... yes. Okay, then I'm good then, thank you.

Ms. Vanuch: Okay. Alright, so we have a second or a substitute motion on the floor so we have to vote on that first. So everybody's clear that they're voting for what Steven said; keep the items together and move them to public hearing December 19<sup>th</sup>. Commissioner Randall or Commissioner English seconded so everybody go ahead and vote on the substitute first. Okay, motion carries 6 to 1 with Mr. Boswell voting no. So, that removes the first so we are good to move on. Okay. Item number 4 on the agenda, the Amendment to the Zoning Ordinance. For this we recognize Mr. Brian Geouge.

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. **(Time Limit: March 17, 2019) (History: Deferred on September 26, 2018 to October 24, 2018)**  
**(Authorize for Public Hearing By: February 13, 2019)**  
**(Potential Public Hearing Date: March 13, 2019)**

*Discussed after item number 5.*

NEW BUSINESS

5. RC17152130; Reclassification - The Villages at Greenbank Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel Nos. 44W-H and 52-1, zoned RBC, Recreational Business Campus Zoning District, to allow for the development of 1,177 age-restricted dwelling units. The site consists of 441.67 acres and is located at the southern terminus of Celebrate Virginia Parkway, within the Hartwood Election District.

Mr. Geouge: Am I able to speak to the proffer amendment item first?

Ms. Vanuch: We didn't amend the agenda or that, yeah, we didn't amend the agenda. Can we do that at this time, Rysheda?

Ms. McClendon: I believe the proffer amendment is actually a part of the zoning text amendment, so I think whichever order staff chooses to present them would be fine.

Ms. Vanuch: Okay, perfect. Go ahead Mr. Geouge.

Mr. Geouge: Good evening Madam Chairman, members of the Commission, Brian Geouge here with Planning and Zoning Department. First tonight I'll be covering a summary of a project that has yet to be scheduled for a public hearing. This is a proffer amendment request for the Villages at Greenbank. And the purpose of this is to provide some context for the Zoning Ordinance Amendment request. So, the proffer amendment request is to amend proffers in the RBC, Recreational Business Campus Zoning District, for a 1,177 unit retirement housing development. This is on tax map parcel numbers 44W-H



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and 52-1. The total site area is 441.67 acres. The applicant and agent is Chris Hornung. The owner is Silver Celebrate Virginia Golf LLC. The proposed proffer amendment, as I said, is related to an ordinance amendment requested by the applicant. The applicant has requested that the ordinance be amended to allow for greater percentage of retirement housing in the RBC District. The proffer amendment is offered in support of the ordinance amendment request. Here's a location and zoning map. The property's located at the southern terminus of Celebrate Virginia Parkway, outlined in red. A portion of the northern boundary follows Celebrate Virginia Parkway, as well as Scott's Ford Lane, which I will highlight here. The property is a southern portion of a 1,200-acre tract zoned RBC, Recreational Business Campus, that's shown in purple. The property was included in the original 1,170-acre RBC rezoning initiated by the Board of Supervisors and approved in 1999. There are currently no proffers on this portion of the RBC District. The property is currently developed with one 18-hole golf course, a clubhouse here, and associated parking area. The golf course generally occupies the eastern half of the property. Directly to the west of the golf course, there's a cleared area which is currently being used for soybean production. And to the west of that there's a wooded area which features a lot of steep slopes, and a large portion of this wooded area along the western property line is covered by existing conservation easements. To the east of the property there's an additional parcel owned by the developer which is also mostly covered with conservation easements. And surrounding the property to the south and east are additional conservation easements which are held by the City of Fredericksburg. Adjacent to the property, there's also the Lake Mooney Reservoir up at the north/northwestern end the property. The property boundary is shown in red in this image, and existing conservation easements are hashed or shaded. There are some wetlands and RPA on the property associated with streams at the western end and eastern end. There are also two small ponds. The image also shows the location of historic sites on the property. The sites include 19<sup>th</sup> century farmstead, Civil War huts, and gun emplacements, and as well as prehistoric camps. The sites were studied and phase one and two archaeological surveys performed on the property. No further study which... no further study was recommended for the sites shown in red on the map here. The sites in green were found to be potentially significant and are currently preserved in conservation easements or planned to be preserved and proposed parkland on the property. The sites in blue require additional study to determine if they're eligible for the National Register of Historic Places. The treatment requirements for these sites are detailed in a Memorandum of Agreement between the Celebrate Virginia CDA, U.S. Army Corps of Engineers, and the Department of Historic Resources. The MOA includes a requirement to create a restricted build zone and that's depicted by this dashed line at the south end of the property, and the MOA requires that no structures exceeding 1,000 square feet can be built in that area and structures that are built have to be screened. Here's an overall look at existing development in the RBC District. The district is shown with the black boundary. Existing development includes the 4-lane access road which serves the development; Celebrate Virginia Parkway, this is a 4-lane divided Road; the Battleground Estates neighborhood, which is 50 executive housing lots; the Del Webb age-restricted community which is around 1,100 single-family detached and townhouse units, as well as duplex units -- and that's shown here, about 700 of those are complete. Also, the Silver Collection apartments at the north end, which is... consists of 278 non age-restricted units, and one 11,000 square-foot commercial building. As I said, other adjacent uses include Lake Mooney Park and Reservoir, as well as some single-family residences along Greenbank Road and Sanford Drive. And here's an aerial image of the southern terminus to Celebrate Virginia Parkway looking at the property, the northern end of the property, with the existing clubhouse and parking area and golf course. The Comprehensive Plan designates this property within the Suburban Land Use designation with a maximum recommended residential density of 3 units per acre. The RBC District requires the submittal of a preliminary concept plan which establishes land use pods where different types of developments are permitted. This image shows the current concept plan and the plan proposed by the applicant on the right. The applicant proposes to expand the retirement district, which is shown in purple, and the area that's currently occupied with the resort district, which is shown in green. And this is to allow for the additional 1,177 retirement units.

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The Conservation District land use pod has also been added as a new category; that's shown in the light blue. This district coincides with the location of conservation easements and the restricted build zone that I mentioned earlier. The ordinance allows the applicant to establish land use pod names and allowed uses within each pod, but also requires that changes to the concept plan be acted on by the Planning Commission if certain criteria are met. And one other difference you'll note on these images is the current one shows this area in purple up here, this is the area of a recently submitted project referred to as Celebrate NOW which proposes I believe 44 additional retirement housing units. The concept plan submitted by the applicant has not been updated to reflect that change.

Mr. Apicella: Can you go back one? I'm sorry.

Mr. Geouge: Yes.

Mr. Apicella: So, despite the name change, the areas that are designated as Conservation District on the proposed are essentially the same as what currently exists. Nothing's changing there, they're not adding any more conservation area per se.

Mr. Geouge: No, it's just categorized differently, that's correct.

Mr. Apicella: Alright, thank you.

Mr. Geouge: This image depicts the conceptual layout of the proposed 1,177 unit development. Features include a primary access extending from the current terminus of Celebrate Virginia Parkway. I believe the current cul-de-sac is around here, so they're going to extend it down to a roundabout which will lead southwest to another roundabout, and these two roundabouts will divide traffic into generally three development areas. There's what they're referring to as Village A, B, and C. I'll just mark those on the plan here. One additional access point is proposed on Scott's Ford Lane. And a mixture of unit types are proposed with what's shown here includes 235 detached units, 588 duplex, and 354 townhomes. Several recreation amenities are proposed, including a clubhouse parcel up at the main entrance. There's also three small parks, one located within each village. And a... I'm sorry, that other one was here.

Ms. Vanuch: Brian, real quick -- these are all age-restricted, correct?

Mr. Geouge: That's correct.

Ms. Vanuch: And so what would happen if they wanted to take the age restriction off?

Mr. Geouge: They would not be able to do that without an ordinance change, because the ordinance doesn't allow for non age-restricted units. The only age-restricted units or non age-restricted units that are allowed are executive housing lots which are limited 50 with one additional per every 10,000 square-foot of commercial development. So they wouldn't be able to go that route and the only other residential uses allowed are multi-family but that requires a conditional use permit.

Ms. Vanuch: Okay, thanks.

Mr. McPherson: If I could piggyback on that if I may. Speaking of age-restricted requirements, are there preset ages to which age-restriction applies? Or could we have in the ordinance it's age-restricted and then they could advertise it, all right, anybody with a child under 8 years old can't live here, but anything older than that would apply. What are the parameters for age-restriction?

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Mr. Geouge: So, the definition for retirement housing refers to state code regulations which requires the age-restricted housing be for 55+.

Mr. McPherson: Oh, so retirement living and age-restriction are different words for the same thing?

Mr. Geouge: Right. I'm sorry, I meant that our code actually refers to it as retirement housing.

Mr. McPherson: Okay, so age-restricted does de facto mean retirement housing.

Mr. Geouge: Those are... Yes, yes.

Mr. McPherson: Okay, thank you.

Ms. Vanuch: But could a kid live with his grandparents?

Mr. Geouge: I believe the state code allows for some temporary housing of younger folks, but I'm not sure how that's regulated or enforced. I'd have to look into that more.

Mr. English: Could we get a copy of that code?

Mr. Geouge: Yes.

Mr. Randall: Madam Chair? Brian, the Del Webb community currently is under that ordinance, correct?

Mr. Geouge: That's correct.

Mr. Randall: Because it's as well age-restricted housing.

Mr. Geouge: Mm-hmm.

Mr. Randall: Okay. Alright, so we should have something in place and there should be a way to say if you're going to have somebody living with you, you need to go through this process in order to get it approved, no longer than 30 days; those types of things should be in the ordinance already?

Mr. Geouge: I believe they would be, yes. I'm not I'm not positive on that.

Ms. Vanuch: I'm more interested in the enforcement and understanding like, if a kid goes there, how they register him for school and then how do we know? For school capacity numbers essentially.

Mr. Geouge: Yeah, I'd have to get back to you on that unless Mr. Harvey, you happen to know?

Mr. Harvey: Madam Chairman, Commissioners, the County does not directly regulate that requirement; that's a state and federal requirement. A lot of times it ends up going back to being able to get mortgages for your property. If you want to buy a house, the community has to be in compliance to be able to keep that age restriction.

Mr. McPherson: Like a restrictive covenant is what you're saying?

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Mr. Harvey: They are handled through a restrictive covenant, as well as the federal regulations, because it is exempt from some of the Fair Housing Act standards, but they have to meet the requirements in order to do so.

Mr. Randall: So, to follow on, thank you very much, so to follow on, the Del Webb you said there were 700 already built of the...

Mr. Geouge: Approximately, yes.

Mr. Randall: ... 1,200 that were planned?

Mr. Geouge: Eleven hundred, yes.

Mr. Randall: The 1,100 that were planned. Do we know... could you please find out from the school whether or not they actually go in there with a school bus to pick up kids for schools?

Mr. Geouge: I will; I'll verify that. I know the applicant has stated that they requested that information from schools and they indicated there were none from that existing community. But I will verify that.

Mr. Randall: Okay.

Mr. English: What about on the... when you come in on Celebrate, where the clubhouse is on the left as you're going in, on the right I thought that was... is that multi-family on the right?

Mr. Geouge: That's... I believe the majority of that is townhomes, but that's also part of the Del Webb. Are you talking about the apartment complex?

Mr. English: No. When you go in on Celebrate... if you're familiar with it, when you're going on Celebrate, where the waterfall is on the left, but on the right side of that there's multi-families in there I think. I don't think it's age-restricted on that right side.

Mr. Geouge: Are you talking about here in green on the image?

Mr. English: Yes, yes, exactly. I don't think that's age-restricted in there.

Mr. Geouge: It is.

Mr. English: It is?

Mr. Geouge: It's part of the Del Webb community; it's age-restricted.

Mr. English: Okay, alright.

Mr. Geouge: Let's see here. A Civil War interpretive park is also proposed on the east side of the property. It's shown here in blue. And a 66-acre park as proposed to be located at the south end of the development, and this would be a passive recreational park. The developers are also proposing shared use paths, 8-foot in width throughout the development. These paths would connect to the existing 8-foot path along Celebrate Virginia Parkway. It'd also connect to the planned park sites.

Ms. Vanuch: Brian, Mr. Bain has a question.

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Mr. Bain: I'm sorry; I was going to let him finish. But the 66-acre park, is that going to be restricted to residents of the age-restricted community? Or is that open to anybody?

Mr. Geouge: As it stands now, it would be a most likely a private park. The developer and their applicant was interested in seeing if the County would want to take ownership of that park; they would do the improvements and then turn it over to the County to be a public park. But in talking with Parks and Recreation, I don't believe they'd have the resources to take on something like that so they're not interested in taking that on as a public facility at this time.

Mr. Bain: Thank you.

Mr. Geouge: As I said, there are shared use paths in addition to the sidewalks proposed along the primary internal roads, and also connecting to the small pocket park sites. And they're also proposing to extend that along Scott's Ford Lane which would facilitate bike and pedestrian access over to Lake Mooney. They have provided a park concept plan shown here. Proposed facilities at the 66-acre park at the south end of the development include a parking lot with small building with restrooms, open field for special events, a trail system which would utilize a lot of the existing paved golf cart paths, community gardens and areas for historical interpretation, and wildlife observation.

Mr. McPherson: Brian, if I may real quick -- would the farm wineries and agri-tourism business be allowed in that area if they so desired, assuming that the ordinance changed?

Mr. Geouge: That's the intent to... for that to be provided on at least a portion of that 66-acre area at the south end.

Mr. McPherson: Okay, so it's not in the concept plan but it could go there.

Mr. Geouge: That's right, if it's approved and added to the ordinance.

Mr. McPherson: Okay, thank you.

Ms. Vanuch: And just remember guys, this is just... he's just running through; this is not the actual application and presentation so we need to keep whatever we're asking kind of related to the ordinance even though I know they're intertwined.

Mr. Geouge: Just real quickly, a couple points on transportation and public facility impacts. A TIA, Transportation Impact Analysis, has been submitted for this application. It estimates that the development would generate 4,700 vehicles per day, 282 in the AM peak hour, 388 in the PM peak hour. One thing I'll note is a current connection from Scott's Ford Lane to Greenbank Road and Sanford Drive is proposed to be closed and utilized for emergency access only. So, public access to the development would be only via Celebrate Virginia Parkway. Also, safety improvements to Celebrate Virginia Parkway and Banks Ford Parkway are being considered, that intersection. There's been some concerns about safety there so there's some consideration to improvements there which could include a signalization or roundabout. For public facilities, a draft proffer statement has been submitted and included in the packet. And one note is that the project will be reviewed under the old proffer guidelines since this is a proffer amendment. And additional analysis is to be provided with the public hearing staff report. And finally, public hearing for the proffer amendment will be scheduled concurrently with the proposed ordinance amendments since these issues are intertwined. And that is, of course, once the Planning Commission initiates the public hearing for the ordinance amendment. And I'll take any questions.

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Ms. Vanuch: Thank you Mr. Geouge. Any questions on my right? Go ahead Mr. Bain.

Mr. Bain: I wasn't on the Commission when this was originally developed, but it's my... in reading the history it seems that the entire Celebrate Virginia area was a special ordinance change and that they basically sold it as a mixed-use with a significant public park component to be the golf course, and that the County was very much in agreement with that. They thought the golf course would be a significant benefit. There have been several changes to the zoning in this development over the years; every one of them has gone to a higher density development configuration indicating to me that the Silver Companies are basically working their way to maximize their profits based on zoning changes. And now we have this one that is to me monumental. Not only are they getting a tremendous density improvement but the County is losing a significant recreational benefit. And I know in the documents provided they were saying, well, the golf course has failed. I'm suspicious in nature at that. It could have failed primarily due to poor management. I played that golf course and I know how poorly it was managed. So, it could have something to do with that. I just feel that to convert all of that open land to a high-density residential situation is really counterproductive for the County. And that's just my opinion, so thank you.

Ms. Vanuch: Okay.

Mr. Apicella: Madam Chairman?

Ms. Vanuch: Mr. Apicella.

Mr. Apicella: Just to kind of springboard off Mr. Bain's comment, presumably when the applicant came forward with the golf course, they did some kind of economic analysis and said what that would bring into the County. So, once this comes forward, I'd like to know what they pitched as that economic impact of a golf course and what we're losing by not having the golf course or an alternative recreational amenity.

Mr. English: And I think that golf course has done changed hands twice, I think, hasn't it Mr. Geouge?

Mr. Geouge: It did change management I believe for a couple of years and...

Mr. Bain: Management but not ownership.

Mr. English: Okay.

Mr. Geouge: I believe so, yes. And I believe it closed for the second time at the end of last year.

Ms. Vanuch: Any other questions on this and then we'll get to the ordinance? Okay, go ahead.

Mr. Geouge: Okay.

Ms. Vanuch: So, just for those following along at home, now we're going to go to item number 4 on the agenda which is the Amendment to the Zoning Ordinance O18-31 for the RBC District.

4. *Amendment to the Zoning Ordinance*

Mr. Geouge: Okay, next item, amendment to the Zoning Ordinance relating to the RBC, Recreational Business Campus Zoning District. The proposal is to amend Chapter 28 of the Zoning Ordinance to

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redefine the RBC District to the PD-3, or Planned Development-3, Zoning District and to modify district requirements and amend other ordinance provisions. The proposed amendments are related to what I just covered, the proposed 1,177-unit retirement housing development. To summarize, there are sort of two categories here; first is the amendments requested by the applicant. The applicant has requested an increase and the allowed percentage of retirement housing from currently 30% to 45%. And recently they've also requested to include farm wineries and agri-tourism as permitted uses in the district. And secondly, there's amendments suggested by staff to accompany the applicant's request. Since we see this request as a significant change in character of the development, therefore we thought it'd be prudent to take a look at the Recreational Business Campus District and what it was intended to be, and modify that as necessary to accompany this request. And those suggestions include redefining of the RBC District to the Planned Development-3 District and include the regulations that were formally and for the RBC District and with the other PD regulations. Also, we think it's necessary to clarify how open space is calculated and revise or proposing to revise the ordinance to require 35% in district open space, which is... we're defining that as common areas. So it could be areas for recreation, conservation, or HOA maintained common area. We're also proposing to increase the allowed percentage of retirement housing to 47% because we find that 47% would actually be needed to accommodate all existing and proposed developments. We're also proposing to remove uses which are incompatible with residential uses and remove uses listed unnecessarily and remove regulations which would no longer apply. And just overview of the major changes that are being proposed -- we are proposing to remove several uses, as I said, which are listed unnecessarily or are incompatible, and remove related performance standards, proposing to remove performance standards which are already covered by other sections of the code and are unnecessary. Again, we're proposing to change the retirement housing from 30% to 47%, clarify open space requirements, and finally we're proposing to change the ordinance so that any change to the preliminary concept plan will need to be acted on by the Planning Commission whereas currently only changes that meet certain criteria are required to go to the Planning Commission. Finally, staff is recommending authorizing a public hearing for December 19<sup>th</sup>. The Board did approve an extended time limit for the Planning Commission which extended the deadline to March 17<sup>th</sup>. And finally, just a note, the Planning Commission can modify the draft ordinance as they see necessary. And I'll take any questions.

Ms. Vanuch: Any questions on the ordinance portion for tonight? Mr. Apicella.

Mr. Apicella: I'm confused by that last slide. So, are you still recommending that we move forward with a public hearing to be held on December 19<sup>th</sup>?

Mr. Geouge: I am, yes.

Mr. Apicella: And we still... we don't know when we're going to get the proffer amendment.

Mr. Geouge: The proffer amendment has been submitted. It's been sort of on hold until the ordinance amendment caught up. So now that staff has drafted everything and gotten the ordinance amendment together, we feel that these two items are ready to be scheduled for public hearing for consideration concurrently.

Mr. Apicella: So, the applicant's not going to make any changes to their proffer amendment, that's what you're...

Mr. Geouge: Not yet. We are getting some last comments to them so there could still be additional changes, but we'll see.

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Mr. Apicella: Okay. And so what's your sense of how long that give-and-take might be before you get a finalized version that's fully baked and ready for us to look at?

Mr. Geouge: I believe we'll have everything ready by... in time for a December 19<sup>th</sup> public hearing.

Ms. Vanuch: But don't we have to advertise the proffers in the newspaper?

Mr. Geouge: Yes, we do.

Ms. Vanuch: So you think we'd have those before then?

Mr. Geouge: I do.

Ms. Vanuch: Okay.

Mr. Apicella: Again, I'm just trying to work through the timeline. We have one meeting in November and then we have one meeting in December. So, in order... if we don't act on it tonight then we would need to, in my view, see the proffer amendment next month in order to meet the public hearing requirements and to make sure that the two, from our vantage point, two pieces are aligned.

Ms. Vanuch: But we don't get the proffer amendment until they sub... that's part of the public hearing, isn't it? This is what we were talking about Monday. So, because this is an actual applicant application and the ordinance is sort of County...

Mr. Apicella: Oh, I appreciate that the County's pushing forward on it. Irrespective of that...

Ms. Vanuch: No, but I'm saying, the proffer amendment doesn't... like what he gave us is the most they can give us without having it as a public hearing. Like the first time we'll see the proffer amendment is during the public hearing I think.

Mr. Apicella: Right.

Ms. Vanuch: If I interpreted what Rysheda gave us on Monday...

Mr. Harvey: Madam Chairman and Commissioner Apicella, the December public hearing date is based on an assumption that the Commission is satisfied with the ordinance as of today. Staff doesn't know if the Commission's got some substantive changes they want to recommend; if so, then that'll push the public hearing date back.

Mr. Apicella: How can I be satisfied without knowing what the final version of the proffer amendment looks like? If the two... this ordinance change is crafted specifically for this project as far as I'm concerned.

Ms. Vanuch: Yeah.

Mr. Apicella: I don't see how you can look at them separately. So, I need to see both pieces side by side, in my view, I don't know about the rest of my colleagues here. I can't say this thing is ready to go for a public hearing, the ordinance change, without seeing the proffer amendment because it could change enough to be outside of what the ordinance is proposing.



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Ms. Vanuch: So, is there a way that we could potentially have the proffer, like go ahead and schedule... it's probably too late to schedule the proffer amendment for the November 14<sup>th</sup> meeting, huh?

Mr. Geouge: I believe so.

Ms. Vanuch: So, at least we could, if you guys submitted that and we had that public hearing December 19<sup>th</sup>, we could at least review that and then have the ordinance as Unfinished Business on that agenda, then move that to public hearing for the January meeting.

Mr. Harvey: Yes, Madam Chairman, there's no requirement that the ordinance and the proffer move simultaneously. That was staff's recommendation so the Commission could view it all as an entire entity. The ordinance itself would have to be adopted before the Board could approve the zoning change.

Ms. Vanuch: Yeah.

Mr. Apicella: I've been here 7+ years. I've seen both in front of us at the same time; a rezoning and an ordinance change associated with that rezoning tied together on the same schedule. I realize that this thing was submitted first. I'm not quite sure why, but I still think and feel without knowing what that proffer, final proffer amendment looks like, it's... I don't see how we could say hey the December 19<sup>th</sup> is our date, we're going to move it forward then. I just don't see how. This is such a big... I'm going to go back to what Mr. Bain said. This is such a big project and such a big ordinance change, I just don't see how we can separate the two in terms of timing.

Ms. Vanuch: So, what would you like us to do?

Mr. Apicella: I'm just... again, I'm reacting to the proposal that we schedule this for a public hearing on December -- maybe. I mean if the proffer amendment is ready to go my next meeting and it's, you know, we're ready to see it, perhaps. But I just don't... I don't know.

Mr. English: Can we wait and see (inaudible - microphone not on).

Mr. Geouge: Well, no it's not. If you heard them both on the 19<sup>th</sup>, the time limit for the proffer amendment would be initiated, which is a hundred days from the first public hearing. That would generally coincide with the revised deadline for the ordinance amendment, which is March 17<sup>th</sup>. So, you'd have the same amount of time...

Ms. Vanuch: Yeah.

Mr. Geouge: ... to consider both of them.

Ms. Vanuch: So, that makes sense. So, we see the proffer amendment for December 19<sup>th</sup> and I think that has to be a scheduled public hearing, right? And then we would essentially look at the ordinance under Unfinished Business, decide if we wanted to send that to public hearing, technically we could keep the public hearing open for the proffer amendment, and then have them all on the second meeting in January, for example, if that's what the Commission desired. And that gives us time then we can hash it out January, February, and it's not due till March. Does that make you feel more comfortable?

Mr. Apicella: It not only makes me feel more comfortable, I think you've got to look at the public.

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Ms. Vanuch: Yeah.

Mr. Apicella: You can't... talk about bifurcating something, I don't think you can bifurcate these two things and put them on separate tracks; I think they have to be on the same track. And everybody's seeing the same thing at the same time to be able to make sense of it all.

Ms. Vanuch: Okay, so we know what Steven wants to do.

Mr. English: I'm with him. I'm exactly with him.

Ms. Vanuch: I think it makes a lot of sense.

Mr. Boswell: There's a motion and a second though.

Ms. Vanuch: Yeah, but I know Mr. Randall had a question and we're not done with questions yet I think so.

Mr. Randall: So, yeah I don't even know where to start. You know, to the point of this is...

Ms. Vanuch: Remember, we're going to have a public hearing so you can (inaudible).

Mr. Randall: To that point, you know, you mentioned... I don't want to give this away... I'm eligible to be in that retirement community, right, and I know you're not right, you're still young.

Mr. Apicella: You don't look a day over 54.

Mr. Randall: Right, that's right. But to the point of, you know, Mr. Bain's point is trying to push as many houses as they can into density, you know. If you're really trying to make this a retirement community for age-restricted housing, you know, the ones that really do it well don't look like anything that you've presented, or they presented or have thought about presenting to us. So, I'm at a loss as to think that we would want to extend the 47% or get it to 47% simply so they can put more houses per lot in a location where it's a four mile drive just to get out to 17. And then, you know, all these different things that they've taken out, all these things, you know. Would we have done this without this proposal? Would we have looked at this? If we looked at these separately, for example, what do we do for retirement communities elsewhere in the County? Is this the only place in the County that has age-restricted housing? Would not this... some of this fall into that location? Or did that fall under another ordinance that doesn't apply in this case?

Mr. Geouge: Well, there are only certain districts that permit retirement housing. I believe the R-5 is one of them. So, there aren't, as far as current locations they can go, it's limited. So, for the new developments it would most likely require some sort of rezoning to a different district. I'm not sure if that answers your question or not.

Mr. Randall: I'm asking a question and making a statement at the same time. I do appreciate that. So, just so I'm clear, new to this, we would not be able to have anything to do with this on the 14<sup>th</sup>, November 14<sup>th</sup> meeting, is that correct?

Ms. Vanuch: We need the proffer... if we do what Steven suggested, we would like to see the proffer amendment and that has to be a public hearing. So that would be December 19<sup>th</sup> essentially is the

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earliest they could do that because he said it couldn't make it for the November 14<sup>th</sup> meeting, so the soonest we could see the proffer amendment from the applicant is December 19<sup>th</sup>.

Mr. Randall: So, we would send it to public hearing on November 14<sup>th</sup> for December 19<sup>th</sup>.

Ms. Vanuch: So, no, we don't have to do that. It automatically goes because it's applicant; once they technically submit it and it's ready to go, it goes on to our public hearings schedule. So that would be for December 19<sup>th</sup>.

Mr. Randall: Okay. What's the latest submit that and still make the 19<sup>th</sup> of December timeline?

Ms. Vanuch: Well, Mr. Geouge said most of its presented; there's a few questions. He said he thought it would be insufficient time to be able to advertise.

Mr. Randall: Okay.

Ms. Vanuch: If not then their project waits till January. And so, essentially, we'll have that meeting, the proffer amendment on the 19<sup>th</sup> of December, then we'll look at this as unfinished business technically; we could do that and if we didn't vote to send it to public hearing prior to that or on the 19<sup>th</sup>. And then we could essentially defer on the December 19<sup>th</sup>, the proffer amendment and view them both together and both public hearings leave them open potentially. That's one track.

Mr. Randall: Sure, sure. I guess I would be interested in having this open for as long as possible. I mean, I would be interested in having the ordinance open as well on the 19<sup>th</sup> and doing both the public hearings and then, if we have to present...

Ms. Vanuch: But we can't change the ordinance then so we wouldn't... we want to see the proffer, at least I do. I want to see the proffer amendment before I send the ordinance to public hearing to make changes.

Mr. Randall: Right, but this goes a little to my question of were some of these changes... would we make some of these changes to the ordinance regardless of whether we have a proffer amendment or not? Does this make sense? Do these things make sense to that area?

Mr. Geouge: The ordinance amendment wouldn't be before you, I don't think, without the submittal of the proffer amendment request. So, they are tied together; they go hand in hand. I don't think one makes sense without the other.

Mr. Randall: Okay, alright, thank you.

Ms. Vanuch: Alright, Mr. Bain.

Mr. Bain: The proffer would not be eligible if the ordinance wasn't changed.

Mr. Geouge: That's correct.

Mr. Bain: So, it's being done to benefit the Silver Companies.

Mr. Randall: I understand that part of it.

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Mr. Geouge: I will note there's only minor changes that would be required of the ordinance to permit the proposed development. However, as I noted before, staff feels like it's prudent to look at the big picture and consider everything all together.

Ms. Vanuch: Okay, any other questions or comments before we make a motion? Okay, does anybody... Darrell, this is in your district (inaudible).

Mr. English: Yeah, I'm making a motion to defer both if them until the 19<sup>th</sup> of December.

Mr. Boswell: Second.

Ms. Vanuch: Okay, we have a motion to defer this item until December 19<sup>th</sup> as Unfinished Business with a second by Commissioner Boswell. Any further comment?

Mr. English: No, just like everybody said, this is like... we need to dive into this a lot more and see what the proffer statement's like.

Ms. Vanuch: Okay, Mr. Boswell?

Mr. Boswell: No.

Ms. Vanuch: Okay. Everybody go ahead and vote. Alright, motion carries 7-0. Thank you so much Mr. Geouge.

Mr. Harvey: Madam Chairman?

Ms. Vanuch: Yes.

Mr. Harvey: Just for clarification for staff's purposes, the purpose of the deferral on the proffer amendment was for advertising the public hearing for the 19<sup>th</sup>, is that correct?

Ms. Vanuch: Wait, um...

Mr. Apicella: We're not deferring, it hasn't even been scheduled yet. You can't defer what hasn't been scheduled yet, right? We're only deferring the...

Ms. Vanuch: The discussion of it.

Mr. Apicella: ... the ordinance.

Ms. Vanuch: Yeah, we're just deferring the discussion... my interpretation was that we were deferring the discussion of the ordinance until December 19<sup>th</sup> so we don't need to discuss it again on the November 14<sup>th</sup>, that we're deferring it till December 19<sup>th</sup>.

Mr. Harvey: Fantastic, thank you.

Ms. Vanuch: Okay, okay, good. Everybody clear with that? All right, the Planning Directors Report; Mr. Harvey

PLANNING DIRECTOR'S REPORT

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6. DCSL Amendment
7. Downtown Stafford - Ongoing
8. Bicycle and Pedestrian Facilities Plan Update - Ongoing

Mr. Harvey: Thank you, Madam Chairman. At the last Board of Supervisors meeting, the Board sent the Design and Construction Standards Manual for Landscaping back to the Planning Commission to start the public hearing process. In doing so the Board had two recommendations. The first recommendation was to consider adding wording and provisions for xeriscaping. Xeriscaping is a method of landscaping for properties to ensure that the plantings provided do not require irrigation. Right now, currently, in our design standards manual there's no requirement for irrigation, but there's other considerations that go into effect with xeriscaping, and the Board asked that we look at it to see if we need to modify the text of the design manual to accommodate that. Also, the Board asked the Commission to take a look at adding provisions in the ordinance to give people credit for preserving natural wildlife areas on their property, and then also documenting those as such by providing signage. And that may be in lieu of some buffer requirements. So, staff will provide a report at the next meeting with the ordinance and some... excuse me, the revised manual and some recommended wording changes that the Commission can consider for advertising a public hearing. With regards to downtown Stafford, staff is working with the Board and continuing to make progress. We're working with the consultant now to prepare a generalized development plan on how the County's property could possibly be developed and be considered for rezoning. I'll provide more detail as it becomes available with regard to that effort. And the Bicycle and Pedestrian Facilities Plan, I've had discussions with Mr. Geouge and he's making progress, but we're not prepared to come back to the Planning Commission with a document that could potentially be discussed for public hearing. That'd likely be December when we'd be able to possibly bring that back. As such, we're going to need to ask the Commission's indulgence to request additional time again to the Board for us to deal with this project. Unfortunately, it's taking longer than we anticipated because we're working on a number of different issues in our office that have been taking up a lot of time that has distracted us away from this project. So, Madam Chairman, if it's okay with you, staff can prepare another request for a time extension on the plan document.

Ms. Vanuch: Sure.

Mr. Harvey: Thank you. And that concludes my report.

Ms. Vanuch: Alright, thank you. Ms. McClendon?

COUNTY ATTORNEY'S REPORT

Ms. McClendon: Thank you, Madam Chairman. I know you all have met our new attorney but I want to take this chance to officially introduce her. She is out in the audience. Her name is Lauren Lucian and she will be the County Attorney's Office representative to the Planning Commission. So, please welcome Lauren to Stafford County.

Ms. Vanuch: We're happy to have you onboard. Alright, thank you Ms. McClendon. I know that's the first time you've had a report. The first time Dan ever had a report he was quitting, so please don't do that us.

Ms. McClendon: There's a pattern.

COMMITTEE REPORTS

9. A-1 Uses Subcommittee

Ms. Vanuch: Okay, Committee Reports -- A-1 Uses Subcommittee. I'm going to make this painless, Jeff. I think that there were three things that we talked about at the last meeting. I don't know if anybody sent any feedback because I know I forgot to, even with the reminder email. The first one was under the ordinance... or under the A-1 uses for cemeteries, we've mentioned adding that ordinance number for the cemetery ordinance code there so that there was no confusion of what the state code... or what the County code is for creating a cemetery, just like they had I think on their... they added it for farmers markets and family group... family and daycares; they referenced the ordinance number so that way it eliminates any miss-reading of the language. I know there was some communication from the Commission on the dog kennel numbers. I think that we came up with six.

Mr. English: It was six was recommended through the animal control officer.

Ms. Vanuch: Okay.

Mr. Apicella: And then one additional acre for each dog I think it was.

Mr. English: Right.

Ms. Vanuch: Yeah, so if anybody has issues with that, please get that... let us know.

Mr. English: That's in there, yeah.

Ms. Vanuch: Okay. And then one other item that I think would be useful and we did not talk about this last time but, in some recent reports in North Carolina and through the country they've been citing animal feed lots as a major source of contamination. And so just by doing all that research in the cemetery subcommittee, I actually thought that even though we had an, I think it was a either it's done by special use in the new ordinance, we might want to add a minimum setback requirement just like we did with the cemeteries for drinking water wells. If they are a major source of contamination, we may want to utilize that same 900-foot setback to perennial streams, drinking waterways, and private wells. So, if anybody had any issues with that, I'd love to float it out there and see if we could add that for A-1 feedlots. And of course that would be for any new feed lots, not... because I don't even think we have any existing feed lots in the County. Any questions? Does anybody else have other ideas because I think we want to get this to pretty close to finished and moved out of our hands. Mr. Apicella? Oh, I saw you go for your buzzer. Okay. Alright, so what do we want to do with this? Can we... can you make those changes and then we can visually see them at the next meeting? Or can we just make a motion to make those changes and then send it on to the Board? Because we're not sending this to public hearing, correct?

Mr. Harvey: Correct, Madam Chairman. You can do either one. If the Commission wants to see the wording first before you send it forward to the Board, we'll be happy to make those adjustments and bring it back to you.

Ms. Vanuch: Okay.

Mr. Harvey: Or, if you're satisfied with staff's ability to do that, you can just send it forward to the Board tonight.

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Ms. Vanuch: Alright, what do we... what do we want to do guys?

Mr. English: I would like to just see it one more time if we're sending it to the Board because... yeah.

Ms. Vanuch: Okay. So, do we need a motion on that or we can just say that, deem it so?

Mr. Harvey: Madam Chairman, it's your direction; we'll do it.

10. Cluster Ordinance - Map Subcommittee  
*Meeting - October 30, 2018*

Ms. Vanuch: Okay, perfect. Alright, that sounds good. So we'll have that back on the November 14<sup>th</sup> meeting for everybody to review. Alright, cluster ordinance -- October 30<sup>th</sup> is our meeting. So, if you guys are interested in the cluster map committee, please come on out and join us in a Halloween costume on October 30<sup>th</sup>. It's going to be in the ABC and I think it's scheduled for 7:00 p.m. and there's no time on here but I think it was 7:00 p.m. because I think that Steven gets in from work late.

Mr. Randall: Seven o'clock on Tuesday.

Ms. Vanuch: Yep, on Tuesday, October 30<sup>th</sup> but you have to bring a Halloween costume. If you're coming and you're not part of the committee, you have to wear a Halloween costume. Okay, cluster ordinance policy subcommittee, Mr. Randall, you want to make this short and sweet?

11. Cluster Ordinance - Policy Subcommittee  
*Meeting - October 25, 2018*

Mr. Randall: If you go to the next thing on the agenda, you'll see a summary of our last meeting. We really just opened up some ideas that we were going to talk about. Our meeting... next meeting is tomorrow at 6:30 in the ABC room here at the government building. And so we'll plan to dive into those definitions fairly significantly and try to start knocking things out in preparation for final approval. That's it.

**CHAIRMAN'S REPORT**

Ms. Vanuch: Okay, perfect. I have no Chairman's Report. Other Business -- Garrisonville and Hartwood, you have some things on TRC. I need a motion for approval of minutes for September 26<sup>th</sup>.

**OTHER BUSINESS**

12. TRC Information - November 14, 2018
- \* Embrey Mill PH 1Section 7 - Garrisonville Election District
  - \* Market at Embrey Mill - Garrisonville Election District
  - \* Wyche Industrial Park - Hartwood Election District

**APPROVAL OF MINUTES**

*September 26, 2018*

Mr. Boswell: So moved.

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Ms. Vanuch: Alright, we've got a motion by Commissioner Boswell.

Mr. Randall: Second.

Ms. Vanuch: Second by Commissioner Randall. Any discussion? Alright, let's vote. Alright, motion carries 7-0. Meeting adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:25 p.m.