

STAFFORD COUNTY PLANNING COMMISSION
November 14, 2018

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

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

MEMBERS ABSENT: Crystal Vanuch

STAFF PRESENT: Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Mike Zuraf, Brian Geouge, Susan Blackburn, Eva Campbell, Andrea Hornung, Lauren Lucian

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Just to let everyone, Ms. Vanuch sends her apologies. She's out of town at a work conference otherwise she'd be here tonight. Okay, moving forward, are there any declarations of disqualification on any agenda item? Mr. Randall?

Mr. Randall: I would like to just make a note that with regards to items 2 and 3 for the public hearing, I have had a conversation and a meeting with the respective parties on that.

Mr. Apicella: Thank you Mr. Randall. Anybody else? Okay, are there any changes to the agenda? Okay, seeing none, it's now the public presentations portion of tonight's meeting. This is an opportunity for members of the public to address any item not scheduled for the public hearings tonight. When you come up, please state your name and address. When the green light comes on you have 3 minutes to speak, or up to 3 minutes. The yellow light means you have 1 minute remaining. And when the red light comes on, I'd ask you to please wrap up your comments. If you'd like to come forward, please do so now. Mr. Waldowski, welcome.

PUBLIC PRESENTATIONS

Mr. Waldowski: So you don't need my name and address?

Mr. Apicella: Yep, still need it for the record please.

Mr. Waldowski: Really? I'm Paul Waldowski. Please don't come to my house, I have a canyon in my backyard not a birdbath. This is to show you all that in 2011, this is what the Cannon Ridge Golf Course looked like. I think you planned that. And, as you know, it was now the new Fairgrounds of 2018. So obviously, the Comprehensive Plan is out of date in some way. That's all I need for that one, thank you. I'll do a declaration of disqualifications because if I was on the Planning Commission I would not be on the BZA. If I was on the Planning Commission and I didn't live in a given district, I wouldn't be a Planning Commissioner. Now, as you all know, we had voting last Tuesday. It's kind of fun, you know, to get the red and the blue and then when you go inside it's white; so it's red, white, and blue. It's pretty neat. I saw that Mr. Coen won and he was on the blue ticket, which was interesting to me. You know, we read in the paper like today I read about the blue tide was coming to Stafford so I called the reporter today, told him you need to respond to me because it was just a blue puddle that was in front of a red wall, just so you're all aware what's going on. And it's time to change the 6:30 p.m.

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meeting back to 7:00 p.m. because the old Planning Commissioners, you know, ones that had to go home at 9 o'clock, especially daylight savings time, they needed to come in at 6:30 because they were too tired. So, it's time to commute the... to make it convenient for the citizens of Stafford County and put it back to 7:00 p.m. And also, I want to remind this Commission, like I reminded the School Board yesterday that one Virginia 2019 is in action. There are models out there. We don't want seven Planning Commissioners. We don't want seven Board of Supervisors. We don't want seven School Board members. And we can save over \$380,000 over four years just in stipendends. I just proved to you that 2011 when we pay you 10K a year as a stipend, look at what happened seven years later. Seven is a magic number just like it is for the days of the week. Now, I have 16 seconds to go so I like to use all my time. I have four new shirts; they'll be all shown tonight, so I'll see you for the next 12 minutes. Have a good day.

Mr. Apicella: Thank you sir. Anyone else? Okay, seeing no one else, I'll close the public comment period. Mr. Harvey, item 1.

PUBLIC HEARINGS

1. RC18152255; Reclassification - Holly Corner Manor - A proposed zoning reclassification, with proffers, from the A-1, Agricultural Zoning District to the R-2, Urban Residential—Medium Density Zoning District, to allow for the development of up to 120 single-family dwelling units on Tax Map Parcel No. 43-64, consisting of approximately 48.6 acres (Property). The Property is located on the south side of Holly Corner Road, approximately 850 feet west of Country Manor Drive, within the Hartwood Election District. **(Time Limit: January 4, 2019) (History: September 26, 2018 Public Hearing Continued to October 24, 2018) (October 24, 2018 Public Hearing Continued to November 14, 2018)**

Mr. Harvey: Thank you Mr. Chairman. Item 1 is a reclassification for a project known as Holly Corner Manor; if you'd please recognize Mike Zuraf for the presentation

Mr. Zuraf: Good evening Mr. Chairman, members of the Commission. If I could have the computer please? Mike Zuraf of the Planning and Zoning Department here to present this item. Since this is a continued public hearing, I'm going to provide a brief summary of the project. This is a zoning reclassification of 48.6 acres. It's on the south side of Holly Corner Road and west of Country Manor Drive and the Stafford Lakes Village subdivision in the Hartwood Election District. This is an image of the zoning map of the site and surrounding properties. The property is zoned A-1, Agricultural. There are no proffers on the site. The applicant is proposing to rezone the property to the R-2, Urban Residential—Medium Density Zoning District. R-1 zoning... R-1 Suburban zoning exists to the east; that's the yellow shaded area, that's the area of Stafford Lakes Village. A-1 zoned property is to the north, south, and west; that's the lighter green shading on the map. The applicant's proposing to develop 120 single-family homes on the site. There'd be a primary access off of Holly Corner Road. There's Holly Corner Road; it's a primary access point into the site. Also, there'd be an inter-parcel connection through to Stafford Lakes Village in this location. And then also just to note, the summary of what's happened up to this point -- a public hearing was first held on September 24th and the hearing was left open and continued to October 24th. There were several initial issues that were addressed at that time. The applicant did request an additional deferral due to a scheduling conflict, so the Commission continued the public hearing to this meeting and there were additional comments and questions. The Commission did request for a verification of the width of Holly Corner Road. This was in response to Fire and Rescue comments citing 20 feet as a minimum travelway width requirement, which is provided via Stafford Lakes... Stafford Lakes Village and the roads there. But it was, you know, it's noted that likely the direct route or most direct route to this development could be via Holly Corner Road. So the

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applicant did survey the width of Holly Corner Road. This exhibits... this exhibit identifies the width at several points along the road and, since it's kind of hard to see, I'll draw in the location of the road. So, the widths vary according to their survey. The widths range from 18½ feet to 20 feet wide. There's 20 feet approximately in this location, this location, and here, and then the other sections were less than 20 feet, anywhere from 18½ to 19½ feet in width.

Mr. Apicella: Mike, so just to give some context here, I'm looking at the box up at the top. There were nine measurements and of those nine measurements, three were 20 feet and the remainder six did not... were not 20 feet.

Mr. Zuraf: Correct.

Mr. Apicella: And did the staff do any of their own measuring?

Mr. Zuraf: We were not able to get out there. Since this was provided, we weren't able to get out there to confirm this.

Mr. Apicella: Alright, thank you.

Mr. Randall: Mr. Chair?

Mr. Apicella: Mr. Randall?

Mr. Randall: With the measurements that were made, can we assume that it was a 20-foot wide road when it was initially built and that, over a course of time, it has eroded to a level that is measured here? Or can we not make that assumption?

Mr. Zuraf: I wouldn't make that assumption given the age of the Holly Corner Road. It's not a road that's been upgraded in the recent past, other than probably, you know, repaving but I wouldn't... I would not make the assumption that it was paved to 20 feet.

Mr. Randall: Okay, alright, thank you.

Mr. Zuraf: Also, the Commission did request information on a traffic volume on Holly Corner Road. That's estimated at 1,700 vehicle trips per day. This project is estimated to add up to 1,336 vehicle trips per day onto those current volumes. Also, there was a request to add some timing to the proffered improvements that are being provided by the applicant at the Holly Corner Road/Warrenton Road intersection. The applicant did amend the proffers, and specifically proffer 5a was amended to require those improvements be completed prior to the first occupancy permit in the project. And as a reminder, staff is supportive of the application and recommends approval with the proffers pursuant to Ordinance O18-42 and I'll take questions.

Mr. Apicella: Thank you Mr. Zuraf. Any questions for staff? No? I've got a question. I understand the Board is working on a comprehensive road evaluation and that Holly Corner Road was on that evaluation report for roads that were less than a certain amount; I think it's in the top 5 or top 10 in that category.

Mr. Zuraf: Yeah, on that evaluation they looked at all the roads over a thousand vehicles per day and they did create and establish some scoring for all these roads to determine the need for those roads to be improved in the future. They did, for the purpose of scoring, divide the roads less than 1,700 vehicles

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per day and those greater than 1,700 vehicles per day. So, this this road segment was in the section of roads less than 1,700 vehicles per day, and it was identified as being number 16 on the list out of 57 roads under that in that grouping.

Mr. Apicella: Thank you. Mr. English?

Mr. English: Mike, there's nothing that's set out as far as putting a light up at the intersection of 17 and Holly Corner? That's not even in the plans then, correct?

Mr. Zuraf: No, that's not part of the proposal.

Mr. English: I mean, not a proposal of this, but I mean as far as your... that the Board you see was going to be these roads improvements or anything like that, there's nothing in the...?

Mr. Zuraf: I'm not aware of that being any near-term improvement.

Mr. English: Okay, thank you.

Mr. Randall: Mr. Chairman, I have a couple of questions.

Mr. Apicella: Mr. Randall?

Mr. Randall: This is in the Hartwood Elementary School district, correct?

Mr. Zuraf: Yes.

Mr. Randall: Alright, and based on some information that you gave us at I believe the September meeting, Hartwood Elementary has no further capacity, correct?

Mr. Zuraf: Correct.

Mr. Randall: They are currently over capacity for schools?

Mr. Zuraf: Correct.

Mr. Randall: For attendance.

Mr. Zuraf: Yes.

Mr. Randall: Okay, alright, thank you.

Mr. Apicella: Any other questions? Seeing none, thank you Mr. Zuraf. Would the applicant like to come forward?

Mr. Shalaby: Good evening members of the Planning Commission. My name is Samer Shalaby. I'm with Development Consulting Services and I'm representing the applicant. I guess I don't want to go through again a lot of this stuff obviously previously discussed I just want to stress a couple points with regard to traffic light, Mr. English. The... typically and if I'm correct VDOT usually, at the intersection, has to have I think 16,000 vehicles a day or more and obviously Warrenton Road has a lot of traffic but there's not enough, not even close, obviously on Holly Corner. So probably the likelihood of a traffic

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light will be very unlikely. With regard to the schools, again we first started this project was about two years ago trying to work on... at the time but that was before the redistricting, actually Hartwood did have capacity. And since then when the redistricting happened and it turned into not having capacity that's obviously reason why we did the proffers because we were able to justify and there's that's reason of the 1.5 million, we're actually close to \$1.8 in proffers. With regard to Holly Corner Road, we went out there and measured, actually we had our engineer, you know, out there to measure, just to make sure. And, you know, it did not meet the 20 feet, not every place no question. I do... probably the question Mr. Randall asked, in some areas just from walking it myself, because I went out there and walked it also. It does look like some areas were probably a little bit more and over time and eroded from vehicles on the shoulder and it lost a little bit of pavement. So that's possible, but I can't say it was originally like that. But again as I mentioned before I live off Richards Ferry Road and just out of curiosity for myself I went out there and measured that also it was about 16½ feet. So, you know, it's pretty... and that gets quite a bit of traffic. With regard again to the project besides the \$1.8 in proffers there's the road improvements on Holly Corner Road, it's about \$260,000. There's also transportation impact fees which I understand that the reason the county has imposed the impact fees, is to offset any or to mitigate any transportation issues. If you equate that, that's another \$360,000 roughly that project is going to generate. And that's besides the build out of about \$300,000 in taxes. So the project does generate quite a bit of money. And again the reason we picked this site particularly, was at least we thought or hoped, that this is what the county wanted. Because, you know in 2016 the Board and the Planning Commission basically had adopted or included this in part the comp plan into the development area and also include it part of the USA. So then we felt that this is what the County's vision was or County would like to see that development in that area, and that's the reason why we kind of proceeded on with this... with that project. I think that's all I have right now, unless there's any questions.

Mr. Apicella: Thank you sir. Any questions for the applicant? No, thank you Mr. Shalaby. The public hearing is still open, so I'm going to ask anyone who would like to come forward to please do so. When you come up please state your name and address. When the green light comes on you have up to 3 minutes to speak. When the yellow light comes on that means you have 1 minute remaining. And when you see the red light, please quickly wrap up your comments. Please direct your comments to the Planning Commission as a whole, not to any specific member. So, again, if anyone would like to come forward and speak, please do so now. Sir?

Mr. Kingman: Gentlemen, good evening, my name is James Kingman. I reside in Stafford Lakes subdivision and from my front porch I have a line of sight to where this development is coming in. And I want to start by telling you that I'm not opposed to growth. I support growth in this County in every way, shape, and form for a number of reasons. But I want smart growth. And I'm not opposed to this subdivision; I'm just opposed to this subdivision right now. Two concerns mainly, and they all center around my children. I moved into Stafford Lakes almost 10 years ago and I didn't have... I had... me and my wife, we didn't even have a goldfish. And three kids later I'm terrified to let my kids go out and play in the front yard because we live on Country Manor Drive and I've steadily seen the traffic increase not only on Country Manor but on Morning Mist. And I appreciate everybody's concerns here about Holly Corner Road making those road improvements. I think that would be great for a number of reasons. But nobody's given any consideration to how much traffic from Holly Corner Road cuts through on Country Manor and Morning Mists to get to Village Parkway, to get to the Walmart and the Lidl and the McDonald's, and the eventual other businesses that are coming in up there, to avoid the traffic on 17. A lot of that traffic comes flying through that neighborhood and it's only gotten worse in the time that I've lived there. I have lived, like I said, in that neighborhood for ten years and I don't even take Holly Corner Road home. Even though it would be a quicker route on the route that I take because that road is dangerous, there's blind curve, there's hills, you can't see what's beyond you, so I welcome those road improvements. The other concern that I have, and Mr. Randall brought it up, was in

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regards to schools. It's a little lopsided in the distribution of schools in this County. There's a whole lot more in the north end very few in the south end. You go west of the Interstate on 17 you have two elementary schools, one middle school and a high school. And that high school doesn't even service my neighborhood. We bus those children in high school all the way to Colonial Forge every day. So I think we're kind of putting the cart before the horse if we are putting more developments on Holly Corner Road for a number of reasons. Like I said, I'm not opposed to growth in any way, shape, or form and I support this committee. I just want to see smart growth. I'd like to see those improvements made and can some consideration be given to the amount of traffic that cuts through Stafford Lakes Village from Holly Corner Road? Nobody's made any mention of that, so I thank you for your time and giving me the ability to talk to you tonight. Thank you.

Mr. Apicella: Thank you sir. Anyone else like to come forward?

Mr. Waldowski: Paul Waldowski. I do not support growth Sam-I-am. It's just the way it is, 128,961, that's the 2010 census. You heard him, dangerous roads. This isn't, you know, wagon trains coming through on 18½ feet. This is the cart before the horse. Now let me give you an analogy of 120 houses and I'll use Pickett Lane as the example; 25 houses built in 2005 for \$13.8 million on 8 acres. If I read this right, this was 48 acres, so you can extrapolate and figure out how much this builder's going to make. And as far as redistricting goes, every time the school is done redistricting they've done it wrong. That's why we have the 2021 redistricting process. So we can get it right, so the real people who know how to take data and formulate it into information can do that. One of the comments from both staff and the applicant is that we have issues. We have no issues in this county, get used to it. It's called opportunities. You have an opportunity to fix the transportation infrastructure before you approve what one of the citizens said, is smart development. But we're not smart here, and I'm going to keep reminding people in this County -- it's only 268 square miles now. Not 280 minus 55 from Quantico, so now you have 213 square miles. And if the water didn't get you, the Chesapeake Bay watershed is right here. Stormwater is a key aspect in any of these developments. And one of the things that you did recently, you approved some car wash and recycled 50% of the water. Or the other 50% of the water you think is going to go into the subdivision. Did you confer with any HOAs, you know, the Houses of Aristocrat? You know how much I love HOAs. It's one of my favorite organizations, that's why I love paying my dues, you know, every month I get so much value, as do all citizens in this County. All you have to do is contact me at whyhavehoas@gmail.com.

Mr. Apicella: Thank you sir.

Ms. McCloud: Good evening Planning Commission, my name is Casey McCloud. And I live about a third of a mile down Holly Corner from the proposed development. You guys, as appointed citizens, are here to represent the various districts throughout the Stafford to make the best recommendations for Stafford citizens. That's your duty and I'm so proud of you guys for doing that, and I thank you each for spending your time and doing your due diligence for doing this. I know this is not an easy job. I can say with confidence, after speaking with all of my neighbors, not just some of them, all of them, that this rezoning is not wanted by a single one of them. They're not able to come tonight, they have kids. I dragged my kids here, I mean they have stuff going on but I can tell you that really this is going to benefit Mr. Shalaby. And my benefit may be a couple families that move in there, but I'll remind you guys of the numbers that I went over last time. We have 11,737 active approved residential construction units in Stafford. We don't need another one. We have 2,480 of those within a four mile radius of this site. And this is all according to the Stafford County zoning website. It is surrounded by 70% of A-1, Agricultural lots. It doesn't fit in. Without this reclassification and other by-right residential lots, so a lot of those studies did not include the other lots that are being developed on Holly Corner. The whole analysis that they did, it did not include those other lots that are being developed. So the numbers are a

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little bit skewed when you look at the traffic impact analysis and those other things. So, essentially according to even that we're going to exceed about 3,000 vehicles per day, vehicle trips per day. You look it up, the American Association of State Highway and Transportation Officials recommends a minimum width of 24 feet, for a 35 mile per hour road with over 3,000 vehicle trips per day. What numbers were we looking at? We were looking at 18.5 to 20 feet at the max, and let's keep it not mind that's no shoulder whatsoever, this is just the road. So let's not make a bad problem worse. Let's not do something silly, let's try to think of the better picture... the bigger picture here. I have a lot more to say about it but I just hope that you guys are really thinking about this and thinking about the impacts that it has on the Stafford Lakes residents, the Holly Corner residents and everybody that's going to live there. I appreciate your time. Thank you.

Mr. Apicella: Thank you ma'am. Would anybody else like to come forward?

Mr. McCloud: Good evening, my name is Antonio McCloud. I live with Casey, who was just up here. We're both architects, we're both for growth. But I just want to bring to your guys attention, several weeks ago I believe, there was a basement house fire which is unfortunate. But immediately they just redirected traffic through Stafford. And like the gentleman said before when there's an issue, and I believe it was the first, fifth or fourth house on Holly Corner, so luckily we were able to get around it and go through that neighborhood. But if it was further down on Holly Corner we could not get home. There's one way in and one way out of Holly Corner. So please keep that in mind. The other information that they gave in other meetings talked about the school being at, I believe, the school at some C ratings some F ratings. My kids got the report cards and the rule is if you don't have A's and B's there's no Xbox, there's no extra stuff right. So I don't understand why we're giving them more development if they're getting below A's and B's. I mean that is bare minimum for our households. The other thing to think about is that the developer spoke about his highway being 16 feet wide in some areas, but like my mother's said, you know two wrongs don't make a right. Just because there's issues already doesn't make another issue okay. So lets us fix our issues before we start doing more construction. Thank you.

Mr. Apicella: Thank you sir. Anyone else? Last call. Okay, seeing nobody else, I'm going to close the public hearing. Would the applicant like to come forward and address any of the comments?

Mr. Shalaby: Thank You Mr. Chairman. I guess... I mean some of the comments obviously with regard to you know in a parcel connection again, that's a requirement by the County. It does help flow of traffic and that's the intent of it. If there is a fire, if there is an accident, that people can get around and be able to go from place to place and still keep traffic moving. With regard to, you know I would love, I have been a resident of County for 30 years, so it's not... I would love for every road in the county to be 24 feet, to be even more than that. Unfortunate as a reality that, you know, there's not enough money to fix everything. And the only way that money comes in is for... by different projects or whether it's commercial, residential, taxes, etcetera. So I do appreciate people's comments because I, you know, I'm a resident myself and again I've been here for 30 years, so I do know and I've seen the roads and I've seen traffic. It's just unfortunately the County does not have the funds to be able to fix everything. And so really I guess, you know, that kind of covers it. I mean you know I hope you guys will consider it. I mean I think the project... we've met every requirement that the County has set. We've, you know, the staff has worked... we worked with them for almost a year and a half on every detail and I'm sure you guys seen a lot of projects. This is one of the few projects I've ever dealt with over the last 20 years that basically had no negative impact and mainly because we try to address every single item on it. So I hope you guys will consider it and I appreciate it. Thank you, unless there's any questions.

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Mr. Apicella: Thank you. Okay I'll bring the matter back to the Commission. Mr. English, this is in your district, how would you like to proceed?

Mr. English: Yeah, Mr. Chairman, I appreciate Mr. Shalaby's... what he's done for... with the proffers and all that stuff that he's done and the due diligence he's done over the last two years on this project. But proffers are a one-time deal and that's it, you get it one time shot at it and that's all the money get. And I feel that I'm going to deny this because I feel that the impact on the Holly Corner Road. I've rode the roads, I don't know if you know that I'm a deputy and I know those roads are bad. Especially Holly Corner and I am so concerned about the impact that's going to have on the schools, especially Hartwood. Like I said it's at capacity and I am concerned when you do have an incident that you have to flow that traffic through another subdivision which is not good. Because I know how it is when 95 gets jammed up. Everybody is looking for different routes to get everywhere and just jams everything up. So for that reason I am recommending denial for RC18152255.

Mr. Apicella: Okay there's a motion to recommend denial for the propose reclassification for Holly Corner Manor; is there a second?

Mr. Randall: I'll second that.

Mr. Apicella: Okay, any further comments Mr. English?

Mr. English: No sir.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yeah, I have a couple of comments about that. You know I'm torn, you know we all want to see development in the right place at the right time. We all want to be able to have growth, positive growth. And I think that we're capable of that, we all would like to see ourselves in a situation where we can do what we need to do for the current residents and for the future residents of Stafford County. But as we all know, we are somewhat behind the 8-ball when it comes to certain things. One of those is transportation, the other is schools. You know I'm I have confidence that the elementary school redistricting, that they're going to do next year, may allow the capacity in Hartwood Elementary and allow them enough capacity to take care of the 3,027 developments that have been approved and not yet built that will be going to Hartwood Elementary. You know I don't know what you've looked at. If you go to the school but literally every available room has got over capacity of kids. It's just not a good situation and I'm hoping they can fix that. But I can't in good conscience approve something like this that puts more emphasis or more capacity into Hartwood Elementary School, into the into the transportation area of problems that we have. Again to the gentleman's point, this may be a great process a great place to put houses, but this just isn't the right time for that location. And so for those reasons I'm going to have to say no.

Mr. Apicella: Thank you Mr. Randall. Anybody else? Okay I'm going to support the motion, I'm concerned about the current state of Holly Corner Road or in fact the bad or negative state of the road and how much of an impact adding 104 net houses would have on that road as a result of this proposed up zoning. Several residents raised concerns about the cut through impacts on Stafford Lakes that exist now and I think that will be magnified if this proposed development comes forward. And what I talked about during the first time this matter was in front of us and I think one of the commenters indicated tonight if you look at the location of the project, it's surrounded on three sides by A-1 parcels. I think someone said that was 70% of the area and on the other side is an R-1 project and I think that R-2 zoning is too intensive and incompatible with this specific area. So I agree with my colleagues and I do

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appreciate all the efforts that were made to bring forward what you think is a good project. But I just don't think it's appropriate for this particular area and at this given time. So with that said, please cast your vote. The motion carries 6-0 (*Ms. Vanuch absent*). Thank you sir. Next item, Mr. Harvey?

2. RC17151743; Reclassification - Hampton Run Commercial - A proposed zoning reclassification from the R-1, Suburban Residential Zoning District to the R-3, Urban Residential - High Density (1.39 acres) and B-2, Urban Commercial (0.46 acre) Zoning Districts; and from the B-2 Zoning District to the R-1 (1.92 acres) and R-3 (3.03 acres) Zoning Districts; and a proposed proffer amendment on 13.61 acres zoned B-2, all to allow for the development of a 104 bed assisted living facility and commercial uses on Tax Map Parcel Nos. 20YY-2 and a portion of 20YY-1 (Property). Portions of the Property are subject to a concurrent conditional use permit request. The Property is located on the west side of Mine Road, at the intersection of the VDOT commuter parking lot access road, within the Garrisonville Election District. **(Time Limit: February 22, 2019)**

3. CUP17151742; Conditional Use Permit - Hampton Run Commercial - A request for a Conditional Use Permit to allow an assisted living facility in the R-3, Urban Residential - High Density Zoning District, on portions of Tax Map Parcel Nos. 20YY-1 and 20YY-2 (the Property). The Property is subject to a concurrent reclassification and proffer amendment request. The Property consists of 4.42 acres, located on the west side of Mine Road, at the intersection of the VDOT Commuter Parking lot access road, within the Garrisonville Election District. **(Time Limit: February 22, 2019)**

Mr. Harvey: Thank you Mr. Chairman. The next item, we'll be taking items 2 and 3 together for our presentation, and that is a project known as Hampton Run Commercial. And Brian Geouge will be making the presentation.

Mr. Geouge: Good evening Mr. Chairman, members of the Commission; Brian Geouge with Planning and Zoning presenting Hampton Run Commercial projects. The request before you, there's two requests. The first is a rezoning to the B-2, Urban Commercial, R-1, Suburban Residential, and R-3, Urban Residential-High Density districts and a proffer amendment in a B-2 district, and the second is a conditional use permit request for an assisted living facility in the R-3 district. The property is Tax Map Parcel Nos. 20YY-2 and a portion of 20YY-1. The entire reclassification area is 20.41 acres and 4.42 acres is subject to the CUP. The applicant is Mine Investments LLC, the agent is Sherman Patrick, and this is in the Garrisonville District. This property is located on the west side of Mine Road between Garrisonville Road and Highpointe Boulevard. The area subject to the rezoning and proffer amendment is shown in red hatching here. The area subject to the CUP is in a blue outline. The property consists of the entire parcel 20YY-2, which is on the east there, and that's currently zoned B-2, and a small portion of 20YY-1, which is currently zoned R-1. A small portion is also within the Highway Corridor Overlay District or HCOD. So, to the east of the property there is a VDOT commuter lot, a B-2 zoned multi-tenant commercial building, R-1 zoned single-family homes, and undeveloped R-1 and B-3 zoned land. To the north there is a multi-tenant commercial building and a Walmart. To the west there is undeveloped R-1 land, R-1 zoned single-family development -- it's Patriots Landing -- and R-2 and R-3 zoned townhome developments. And to the south there is an undeveloped B-2 zoned property. Parcels 20YY-1 and 2 are wooded and undeveloped. A stream generally follows the boundary between the two parcels. The area subject to the application shown here in a red outline has varying topography and some small feeder streams. There are no Critical Resource Protection Areas designated on the site. There are some small wetland areas associated with the streams. There's also an overhead power line that generally follows the eastern property line next to Mine Road. Parcel 20YY-2, which was on the east side, was rezoned to B-2, Urban Commercial in 2011, with proffers. The original development

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scheme shown here included 181,000 square feet of development with a restaurant, retail, office, bank, and gas station uses. The existing proffers limits square footage of different types of development on the property to ensure that the intensity of development is consistent with what's envisioned... well, what was envisioned. The proffers provide flexibility in the location of uses and configuration of buildings, parking areas, and other improvements on the site. The proffers do control points of access and require certain road improvements, including turn lanes. Parcel 20YY-1, just generally west of the property, is zoned R-1 without proffers. A construction plan has been approved on this parcel for 40 single-family lots, and that's shown here. There's been no construction on this parcel to date. No connections are planned between this proposed development and the one being considered tonight. The two developments would generally be separated by that stream I mentioned earlier. Just to give a quick overview of the proposed reclassification actions, the existing zoning is shown on the left here, the proposed zoning on the right. The proposal includes rezoning 1.39 acres from R-1 to R-3 shown in the red outline; 0.46 acre from R-1 to B-2 shown and the black outline; 1.92 acres from B-2 to R-1 shown in the green outline; and 3.03 acres from B-2 to R-3 which is in the blue outline. And this also includes a proffer amendment on the remaining area that's zoned B-2. As shown on the table, the zoning changes will result in an area, R-1 area that's roughly equal in size to the existing R-1 area but with an adjusted eastern property line. This should allow for the proposed 40 lot residential development in the R-1 area to move forward with minor revisions to the construction plan. The existing B-2 acreage would be reduced by around four and a half acres to create the new R-3 zoned area. The Generalized Development Plan submitted by the applicant depicts a conceptual layout of the commercial and assisted living facility uses. I'll go over access and transportation items first. On the right, you'll see an enlarged view of the primary access. This access would be located at the existing intersection which serves the commuter lot. Two entrance lanes and three exit lanes would be provided to provide access in and out of the property. The existing 200-foot northbound turn lane on Mine Road, left turn lane, would be extended to 440 feet, and the commuter lot exit would be restriped to include a lane which is a combined left through and right turn lane. A secondary right-in/right-out entrance would be provided at the northern end of the development; I'll circle that location here on the left image. These two access points are consistent with the existing GDP and proffers. An additional southbound lane on Mine Road would also be constructed along the entire frontage of the property. This would include tapers at the north and south end of the property. The land would serve as a combined through and right turn lane. Through traffic utilizing the lane would merge back into the existing two lanes, two southbound lanes, at the south end of the development. The envisioned B-2 commercial development includes a bank, 130,000 square-foot mini storage facility which includes a 4-story warehouse style storage facility up front and single-story mini storage facilities in the back behind the Walmart; a 63,000 square-foot 3-story building, which has ground-floor retail and office above; a 6,500 square-foot convenience store; and also a bank at the northern end. Staff notes that the site layout and uses shown within the B-2 area is conceptual and subject to change. Staff also notes that a conditional use permit would be required for any drive-through or field sales uses on the property. A 1-story assisted living facility around 40,000 square feet in size is proposed at the southern end of the property. And the area proposed for R-3 zoning, the facility will include 64 units and no more than 74 beds. The combined total development is around 243,000 square feet. Also, a sidewalk is proposed along the entire property frontage and the proffers do allow for inter-parcel connections to the properties to the north if those property owners agree to the connection.

Mr. Apicella: Mr. Geouge, can you go back? So, they're not proffering the GDP, can you help us understand what would limit on the R-3 parcel or area to just that being an assisted living facility and not something else down the road?

Mr. Geouge: Yes, they've proffered that the R-3 property will only be used as an assisted living facility and the conditional use permit places maximums on the number of units and beds.

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Mr. Apicella: Thank you.

Mr. McPherson: Brian, have a different question if I may. I understand that this is not surrounded by dense residential. Has the applicant reached out to the nearby housing units for questions and concerns for residents?

Mr. Geouge: Not that I'm aware of.

Mr. McPherson: Okay.

Mr. Geouge: The Comprehensive Plan designates this property within the Suburban land use designation; it's shown in the yellow shading here. A small portion is designated within the Resource Protection designation at the south end. The proposed development is generally consistent with many of the Comp Plan recommendations for commercial and residential development, including policies regarding infill development, use of shared access, site entrances, and provision of sidewalks and buffers along street frontages. The Comprehensive Plan also identifies military influence area zones or NIA zones for areas that may be impacted by operations at Quantico. The plan also establishes land use compatibility guidelines to help determine appropriate uses within certain zones. As shown here, the northern portion of the property falls under MIA Zone 2, and the southern under MIA Zone 5. The Comp Plan indicates that the military base should have minimal impacts on commercial uses within Zone 2 and the Comp Plan does not recommend any use restrictions in Zone 5. A condition associated with the CUP would require the perspective assisted living facility residents would be notified of the proximity to Quantico and potential noise impacts. The assisted living facility on the property is to be developed by Bickford and they do, I believe, have another facility in Spotsylvania off Spotsylvania Parkway. I don't think that's the one shown here on the bottom, but this is a similar design. An architectural rendering has been provided to illustrate the proposed design of the facility. Many elements of the design conform with the County Neighborhood and Design Standards Plan, including the use of brick and stone as primary façade materials, recesses and projections along the façade, variations in the roofline, and the use of neutral earth-tone colors. The architectural renderings have not been provided for the other potential buildings located in the B-2 area; however, proffers would help ensure these buildings are consistent with many elements of the Neighborhood and Design Standards Plan. Staff is not aware of any potential tenants within the B-2 area. Next section covers public facility impacts, starting with transportation. There was a Transportation Impact Analysis, or TIA, done for this project back when it was rezoned in 2011. At that time, it was anticipated the property would generate 11,356 vehicles per day; 760 a.m. and 1,516 p.m. peak hour trips. A new TIA was provided with this application which predicts 9,035 per day; 452 a.m., 647 p.m. peak hour trips. Recommendations of the TIA include three exit lanes from the development at the Mine Road commuter lot intersection; a third southbound shared through right lane on Mine Road; and to modify the traffic signals and coordinate and optimize signal timings. The TIA recommendations have been incorporated into the proposed proffers. VDOT has reviewed the TIA and they have some concerns about the long vehicle queues shown in the TIA results and have indicated that that provides some uncertainty in the results. VDOT did perform their own informal analysis of at least the main entrance intersection and concluded that an additional southbound lane on Mine Road... the one they're proposing would need to be extended to Highpointe Boulevard where it would drop as a dedicated right turn lane on Highpointe to achieve acceptable levels of service at the commuter lot main entrance intersection. And they've also asked the applicant to revise their analysis to better determine the impacts; however, a revised analysis which addresses VDOT's concerns has not yet been submitted.

Mr. Apicella: I'm sorry Brian. So, on the not in regards to the analysis but the other recommendation about extending the road, what's the applicant's response to that?

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Mr. Geouge: They've indicated that... a few things. There's a lot of topography there to work with so it's... making that improvement is going to be very costly and it would require also property acquisition. And there's also noted that that improvement could be provided potentially if that property, that B-2 zoned property on the corner, develops. That could be a requirement of site plan review. There are no proffers on that property which require that improvement, but it could be required at site plan.

Mr. Apicella: Thank you.

Mr. Geouge: Moving onto Parks and Recreation, additional park facilities are needed in this area per the 2017 Parks Utilization Plan. However, no significant impacts on parks are anticipated with the proposed use. Libraries are shown to have adequate levels of service currently. For public safety, Fire and Rescue response time standards are that they should be able to respond to a call within 8 minutes 90% of the time. However, the Aquia station which would service development is currently not meeting the standard. Therefore we've determined that a service level deficit exists for public safety. This project is subject to the new proffer legislation which applies to proffers relating to new residential uses and makes it unlawful for localities to suggest, request, require, or accept an unreasonable proffer. For a proffer to be considered reasonable, it can only address transportation, public safety, schools and parks, public facility types, and the proffer can only address a need that is in excess of the existing public facility capacities and the residential use must receive a direct benefit from the proffer. The proffer statement includes cash contributions for public safety to offset the impacts of the R-3 redevelopment. Contributions for public safety include a \$26,048 lump sum payment or 352 times the maximum of 74 residents. This amount was calculated by staff using methodology in the Comprehensive Plan. Just an overview of the proposed proffers; they're proposing to limit access to what is depicted on the GDP and also provide inter-parcel connections if agreed upon by adjacent owners. They would be required to dedicate right-of-way and construct the southbound... the additional southbound lane on Mine Road, including transitions and pedestrian facilities along the Mine Road frontage. And one difference here between the existing proffers is that they've also agreed that should the Comp Plan be amended to recommend a shared use path along the section of Mine Road, then they would replace the planned sidewalk with that shared use path provided they could get some relief of buffer areas. The proffers would also require modification of the main entrance to include expansion of the northbound left turn lane, restriping of the commuter lot exit, and pedestrian signals and crosswalks. Restriping and reconfiguration of turn lanes for westbound traffic on Greenspring Drive would be required. A \$25,000 contribution for the design construction of nearby transportation improvements would be provided, provided the improvements are commenced within three years of the first occupancy permit and complete within five years of payment. And that language is structured a little differently than the existing language which required that the improvement be commenced within three years of the reclassification approval and, once it was commenced, the County would request the payment from the applicant. Proffers would also require that an area be provided for a FRED bus stop and seating would also be provided with that. Bicycle racks would be provided in the B-2 area. Evergreen trees would be provided in screening areas. And they've also agreed to limit the total vehicle trips to 9,035 vehicles per day, which is consistent with the new TIA. This is also different than the existing proffers. The existing proffers limit square footage of different types of uses; however, staff felt that the cap on vehicles per day was a better way to provide some flexibility and ultimate uses on the property while ensuring that transportation impacts are minimized. They've also prohibited adult businesses, building material sale and storage yards, funeral homes, and indoor flea markets within the B-2 area.

Mr. Apicella: Brian, before you move on, on that point about limiting or taking out some otherwise allowable B-2 uses, from staff's perspective are there any other B-2 uses that you believe would be inconsistent or incompatible with the area and/or with the new assisted living facility?

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Mr. Geouge: Possibly. I could see maybe a use that generates a lot of peak hour trips as being not as desirable in this location given some of the transportation impacts. I'm thinking something like a car wash or something to that effect.

Mr. English: What about that convenience store?

Mr. Geouge: That's probably a big trip generator as well, yes, for peak hour.

Mr. English: Right.

Mr. McPherson: Brian, if I may, I have a quick question about the inter-parcel connections. Some more detail on that please. Are they saying that they will work with the other parcels and only create the inter-parcel connections if they're approved by the other parcels, or are they already on the GDP? I didn't... I couldn't tell from the map.

Mr. Geouge: They're depicted on the GDP. The proffer language requires that at site plan they need to determine whether or not the inter-parcel connections are desirable for the adjacent owners and, if they are, then they would, concurrent with that section of development on their property, they would build those connections up to their property line. So, the other property owners would be responsible for completing the connection.

Mr. McPherson: Okay, thank you.

Mr. Bain: And the inter-parcel connection was only the single one to the north?

Mr. Geouge: There were actually two. Let back up. Sorry, this thing's a little laggy. Let me erase some of this other stuff. So, the two connections, there's one here to the parcel to the northeast and there would be potentially another one here that would connect to the area at the side of the Walmart.

Mr. Bain: And the one to the Walmart I could envision providing some alternative route for traffic to either come or go from this development. But the one... the other one really wouldn't be very meaningful. It doesn't look to me like it would be.

Mr. Geouge: I tend to agree with you.

Mr. Bain: Okay. How about any opportunity to have interconnection to the resi... the proposed residential development? Or would that not be desirable?

Mr. Geouge: I imagine for the residents, at least, on that 40 lot development it probably wouldn't be desirable, just from a potentially a cut-through traffic standpoint. And also they'd have to cross a stream to do that and there's some, as you can see on here, there's some fairly significant grades so it could require a... some work whether it be a culvert or a bridge or something to that effect.

Mr. Bain: Okay, thank you.

Mr. Geouge: The proposed proffers also limit building materials within the B-2 zoned area and require that signage be consistent with the building architecture. They require one AED within each B-2 commercial building; and require that parking area lighting be directed away from abutting residential properties on Mine Road; and require the resubdivision, vacation, and/or consolidation of parcels within the property to ensure that property lines are consistent with zoning boundaries; require the demolition

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of existing structures prior to the issuance of the first occupancy permit; require that the R-3 zoned area be used as an assisted living facility as I stated previously; require that the architecture of the assisted living facility be consistent with the provided renderings; limit height of the assisted living facility to 1-story; require the \$26,048 in cash contribution for fire and rescue impacts. And the proposed CUP conditions would limit the facility to 64 units and no more than 74 beds; would require access to be generally as shown on the GDP; would require a fire suppression system within the assisted living facility; and require that mechanical equipment, dumpsters, loading areas be screened and if enclosures are used that they must match the building materials; and require the disclosure notices about proximity to Quantico. Staff finds several positives with this application. It is consistent with the land use recommendations in the Comp Plan; consistent with established development patterns; proffers ensure that architectural design will be consistent with the NDS plan; proffers include additional transportation improvements and ensure that maximum development will result in fewer vehicle trips compared to the existing B-2 development; and public safety impacts are being adequately mitigated. Staff notes a negative is that the TIA has not been revised in accordance with VDOT recommendations, therefore it is uncertain if impacts to the transportation system will be addressed in accordance with Comp Plan policy. Finally, staff is generally supportive of the proposal but recommends the TIA be revised to address VDOT comments and that any additional mitigation needs to be addressed as well. And I'll take any questions.

Mr. Apicella: Thank you Brian. Questions for staff? Mr. Randall?

Mr. Randall: I have a couple of quick questions. I drive that road every day so I'm well aware of the traffic that happens. And an additional third lane would be great... would be great, but I can imagine the backup of people using that third lane and then having to cut back in right before Highpointe.

Mr. Geouge: Yes.

Mr. Randall: So, I can definitely see where the level of service would be required in order to make it where it needs to be to take that all the way down to Highpointe and make that a dedicated right-hand turn lane. The question I have is, you mentioned before, what would be required for that turn lane to happen? Do we have any... do we have a way forward? If we were to say this is what you need to do, the applicant says I'm ready to do it, do we have a way forward that we could present and make him... and give them the opportunity to move forward with that? Or would we still need to figure out the process?

Mr. Geouge: I think if the applicant is agreeable to providing the improvement, then it could be provided and that could potentially be worked into the proffer language if they choose to go that route.

Mr. Randall: Okay, alright, thank you.

Mr. Apicella: Any other questions? Can you go back to the slide that shows the current versus the new?

Mr. Geouge: The zoning?

Mr. Apicella: Right. That one. So, you know, when I look at these changes, proposed changes, I look at the trade-offs, both positive and negative. And I may be oversimplifying this but what I see is in large part trading off some B-2 for R-3, and that R-3 is being limited to just an assisted-living facility so it's not, you know, as extreme as some other R-3 uses could be. And the net result of that is a significant potential reduction in vehicles per day over 2,000 or 20% compared to what could occur there if they went forward with the current plan. Is that correct?

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Mr. Geouge: That's correct.

Mr. Apicella: And the reason I bring that up is because folks know I'm kind of a stickler for following the rules and seems like there's some issue with the TIA not necessarily being completely adhered to, but staff agrees that this change would result in a, you know, a significant reduction so it may not be necessary to go through the exercise of redoing the traffic analysis since it's such a big reduction. And you all buy into that significant reduction.

Mr. Geouge: Yeah, we definitely see that perspective.

Mr. Apicella: Okay, thank you. Any further questions for staff? Thank you very much.

Mr. Geouge: Thank you.

Mr. Apicella: Would the applicant like to come forward?

Mr. Patrick: Good evening Mr. Chairman, members of the Commission, thank you very much for the opportunity to speak this evening. We are planning to do a two-part presentation since the reclassification and the conditional use permit were called together, and we have someone with greater expertise than me on the conditional use permit. We would like to be able to shift after about 5 minutes or 10 minutes to a different presenter if that's acceptable.

Mr. Apicella: That would be fine.

Mr. Patrick: Thank you. I have about 5 slides this evening that I would like to show you; they're up on the screen there now. One of the things...

Mr. Apicella: Oh, I'm sorry. Can you state your name...

Mr. Patrick: I'm sorry.

Mr. Apicella: ... and address?

Mr. Patrick: Yes sir. Sherman Patrick; I'm with Compton & Duling and we are representing the applicant in this case. This case, as you know, you've heard already, and is very thoroughly presented by staff, involves a zoning boundary change in a downzoning of a part of the property; about 5 acres are being downzoned. The downzoning that I'm referring to is to going from B-2 to R-3, and R-3 zoning generally will generate less impacts or cause less impacts of any type. In this particular case, it is being proffered to a very specific use, only to the assisted-living. And that is even lower impact than you would normally have with an R-3. So, this is a very significant reduction in intensity of use. This is involving properties however that are already zoned B-2, General Business, which means that they've already been through this process once back in 2011. And it was concluded that this was a suitable location for B-2 uses. And so the basic use issue has been decided in those earlier cases. For this particular instance, as has been noted, we've reduced the impact in traffic. The sole focus and sole impact that has been identified as being negative associated with this proposal is traffic. You had the summaries in both the conditional use permit and the summaries in the rezoning and none of them mentioned any negative impacts other than traffic. So, our reduction of 20% we think is a very significant change to the plan that should be acceptable to the County. May I have the next slide please? I've already mentioned that this is really a zoning boundary line adjustment; we're making some changes along that boundary between the R-1 and the B-2, and then we're creating the new R-3 area. And there's

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an adjustment between the R-3 and the R-1 that we're creating. The proffer amendments to a very, very large extent are improving proffered conditions that are already on the property. The proffered restrictions that are on the property today were put together very rapidly. If you've ever seen a copy of these, there are probably 6 or 7 changes that were done by hand and written into the margins. And what those proffers really lacked were good concrete triggers. And by triggers what I mean is they have that the applicant will do something, he's proffering something but it doesn't say when he's going to do it and it doesn't say how he's going to do it and it doesn't say when it will be completed. We've improved the proffer in addition to reducing the intensity of the use on the site by putting very specific triggers into the proffer and making it much more clear as to when, you know, who, what, when, where, is happening in the proffers. So, we think that's something that should be considered as well. In addition to that, there are a couple of things that we've added at the request of staff, and staff mentioned that we'd added some flexibilities to the proffers. What you need to understand is that flexibility wasn't to our favor; that flexibility that we added was to the County's favor. And the reason we did that was because of questions that kept coming up on the Transportation Impact Analysis. We did the Transportation Impact Analysis 3 times, and we were asked to do it a fourth time. And you have to understand also that traffic impact analyses have a series of assumptions that go into them and then you do a mathematical calculation and you do some things that are more scientific. But those assumptions formed about the foundation of many of the conclusions that will come out of the model. So we kept submitting the model. We kept showing that we had better level of service on the intersections of Greenspring and Highpointe... on Greenspring and the main entrance to the site, but each time we got it we said well no, change that little bit more. And it felt a little bit like we were going to keep changing it until we finally had a failure. And so we're trying to avoid that circumstance by saying okay, enough; 3 times for a traffic analysis is enough; we're going to stay with what we've got; we're reducing the traffic impacts by 20%; we've done a lot to the proffers to improve them and make them more specific. And I mentioned that flexibility that we've added; we've said that okay we can't seem to come to an agreement whether we should have double left turn lanes or EP phasing on a traffic signal or whether we should have split phasing on a traffic signal. So why don't we do this. Why don't we just proffer that we'll do either one of those things, whichever you tell us you want us to do at the time of site plan review. So, it'll be based on the circumstances that exist at the time the site plan gets submitted. So, we think that is extremely reasonable and favorable to the County that we've made that sort of provision. So, I'm not sure that came out in all of the summaries of the proffers, but I wanted to be sure that we made that point this evening. There is also the \$25,000 contribution toward transportation improvements in the area, in the general vicinity. There was a proffer like that in the original zoning and it was mentioned tonight that it was there originally, but it had a sunset provision on it. And it said that if the County did not request that money within a certain period of time then that money would not be required. The thought at the time of the earlier rezoning is that it would pay for sidewalks that are to the south of this site on Mine Road. The County built those sidewalks and never requested that the applicant contribute that money, so that money is sunset. So, the \$25,000 contribution that we're talking about now is brand new. The old one has gone away. The sidewalks that it was intended for were built and so now we have another \$25,000 contribution. And very late in the process, again, to get to this issue of the traffic impact analysis concern and this desire to have this applicant build an off-site road across the front of someone else's property, we suggested and wrote the proffer so that you can take that \$25,000 and do the engineering that's necessary to determine exactly what it's going to take to build that road on the adjoining property where there's all that topography. And then you'll have a shovel-ready project for when whomever comes in and has the ability to make the payment to build roads off-site. Or it can be a County project. So, we think that we're taking a major step toward extending that lane, but we quite frankly cannot extend that lane to the south of the site. It's too much, it's too far from the site, there's a small mountain on that. We can't we can't move a mountain and build a road on someone else's property, and that's what we're being asked to do. And we're just not able to do that. So, with that, I'm

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going to stop talking and I'll turn over to Mr. Richard Eby with the Bickford Associates so he can talk about the conditional use permit.

Mr. Apicella: Okay, do we want to ask questions of Mr. Patrick first or...? Nope? Okay.

Mr. Patrick: Thank you.

Mr. Apicella: Computer please?

Mr. Eby: My name is Richard Eby and I'm with Bickford Senior Living. I have a series of slides I'd like to present to you this evening. And I thank you for the opportunity to hear our case and I want to make you somewhat comfortable with who we are because the site is kind of specific for our need and our particular building. So, could I have the first PowerPoint? Okay. As I say, we're a family-owned company out of the greater Kansas City area. And my brother started the company 27 years ago; built his first building. His first resident actually was his mother-in-law, Mary Bickford, as shown here, and that's the origin of our name, Bickford Senior Living was in her honor. We currently operate... own and operate a 64 residence in the central and northeast portions of the United States. We have six projects in Virginia; 3 of them are open and operational now, Virginia Beach is under construction. As presented earlier, our component of the Hampton Run development is kind of the southern end shown here and this is the general layout of the building. It consists of 48 units of assisted living and then there's a separate 16 unit memory care wing. Notice that both of them have their own interior courtyards for residents that need to... want to be outside. To the west is a very forested or a very treed area, and also somewhat to the south the building itself faces Mine Road. And it is a single-story structure. This is our typical prototype and almost identical to the one that we proposed for your community. Notice that about 90%... over 90% of the front surface of the building is either brick, stone, or masonry materials. About the only non-masonry materials are the dormers and a few gables. We intended to have a residential style to it. We want it to be warm and welcoming to future residents. This is one that's in Tinley Park, Chicago. Here's our building in Suffolk, Richmond, Virginia. I'm not sure what that is.

Mr. Randall: Where's that location?

Mr. Eby: No matter how well you're prepared, you're always...

Mr. Randall: Yeah, I'm not sure that helps in this case.

Mr. Eby: I think it had something to do with the fact that we're a very low impact use. And, you know, we're often welcomed into communities because we are a low impact use and we also provide a service to the frail or elderly within in the community. No matter where you go, there's almost always five questions that come up about your development. Number one is going to be traffic... number one is going to be use and whether your architecture and the use fits in that area. The second one is almost always transportation. They always want to know about the impact of noise and light, safety and security, and then finally what about stormwater detention. I'd like to real briefly address each of those. In this particular case, you see that we are a transitional use. And in a vast majority of our locations, this is the situation. The communities consider us to be a transitional use, going from a high density use -- for example, in this case a high retail use to the north, to the south single-family residential homes, along with the townhome component. Going from east to west we go from multi-family and some commercial to a residential. So, we are in this case also a transitional use.

Mr. Apicella: Sir, before you move on, my question to you would be do you have any concerns about potential B-2 uses on the adjoining property that's part of this project...

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Mr. Eby: Yes.

Mr. Apicella: ... that have not yet been proffered out?

Mr. Eby: Yes.

Mr. Apicella: Okay.

Mr. Eby: And those will be taken care of in deed restrictions.

Mr. Apicella: Okay, so you're going to own the whole parcel?

Mr. Eby: No, no, but we will have an agreement that those will be not included.

Mr. Apicella: Okay.

Mr. Eby: But I think most of those have been vented, the funeral home, yes. Originally there was a gas station there and we did away with the gas station and went to a convenience store. We are often in those, you know, those transitional uses that are a little more commercial than what you might want but. Here you notice the architectural materials that we use? They're type A architectural materials. Again, we want to keep it at a single... keep it as a residential style architecture with gables and dormers. And the siting there, although it... you can't tell, it is a hardiplank siding cementitious material, and you'll notice the variation and architectural material of the shutters at the windows, the precast stone lintels. This is an area where a typical residential room is. You'll notice that the copper canopies over it; again shutters at the windows and a variety of architectural materials. A question might be what we see is as a view from along Mine Road. If you were to look directly at the building, this is what you should see. If you... upon entering into the B-2 area on the access drive to the north, this would be the view of the building. As you approach our building from the south along Mine Road, this would be what the route view would be; of course, more remote. But as far as the traffic impact, one of the advantages to our use is that our peak hour traffic is off the peak hour traffic for the commuters, with the exception of the morning. Our shift changes are at 7 o'clock, 3 o'clock, which is before the peak hour, and then again at 11 o'clock. So, our peak traffic flow is offset from the commuter traffic. None of our... well, virtually none of our residents have cars and we do provide transportation for our residents through small bus. Commercial deliveries, they just have a few of those each week. Trash pickup is twice per week and this is in an enclosed structure, masonry structure; it's architecturally similar to the building itself. And then we have several deliveries per week from box trucks delivering food and supplies. The lane to the west, which would be the top here, is a fire department access. As far as traffic impact, during the peak hour traffic we would be... in the a.m. we would expect to have about 12 vehicles per hour, and the peak in the afternoon, peak traffic could be about 19 vehicles per hour, which is a very low impact. What about smells, odors, visibility, and so forth? You'll notice there the light fixture, they're low, they're shielded, downward directed so that light doesn't spill over on to adjoining properties. They're primarily in the parking lot area. Our kitchen and the smells from the kitchen, we don't have any measurable smell because it is a commercial kitchen and has a commercial hood with filtration systems and so forth. Also, visibility, if you notice to the west, which again the arrow is to the top, and the south is still... will remain probably a forested area because that's where the stream is. What about detention? There is a possibility for maybe some surface detention, but primarily most of the detention will probably be subsurface in containers that are below the asphalt pavement. As far as safety and security, our residents, if they want to be outside, usually will use the interior courtyards. We have them specially designed with planters and garden areas for their use as well as a patio and barbecue areas. And that's for both the assisted living and the memory care. Also, in order to enter, our building is secured. In

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order to enter or exit the building, you have to have a fob much like what you have on your car that will be read, or either that or you need to know the entry code. And it was mentioned earlier in one of the proffers about fire suppression systems. We have both the wet and the dry system for fire protection. A typical resident is about 85 years old so you... and our buildings get real quiet about 8 o'clock at night. So, we provide them services care for the activities of daily living listed there. We also are licensed by the State of Virginia. Just to give you a real quick look at few of the elements on the interior of our building, this is the entry; the living room area; residential sitting area; Bistro dining; private dining; salon; activity; and we hope that this promotes that residential feel. And then, of course, one of the remaining ones is what does your sign look like? And this is our typical Bickford sign. So, with that, I would...

Mr. Apicella: Thank you sir.

Mr. Eby: ... entertain any questions.

Mr. Apicella: So, any questions for the applicant?

Mr. English: Sir, we had an issue with... we just did one last month... but...

Mr. Apicella: Off of Berea Church?

Mr. English: Berea Church... what's the name of that one that we just did?

Mr. Apicella: Mr. Harvey?

Mr. Harvey: Was that the Falls Run facility?

Mr. English: Falls Run, yeah. They had an issue with the state about bedding and all that for whether they could have enough bedding. Do you know anything about that or do you have any issues with that? Because they came here because they wanted to get... to expand and they had a...

Mr. Harvey: Commissioner English, I believe that the difference with that case was they were looking for expanding the number of nursing home beds...

Mr. Eby: Yeah, they were going to skilled nursing.

Mr. English: So, you wouldn't be required under that?

Mr. Eby: No.

Mr. English: Okay.

Mr. Eby: We are licensed by the State of Virginia.

Mr. English: Right, so you're not going to run into issues or anything with that?

Mr. Eby: No, no.

Mr. English: That would be my question; that's where I was.

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Mr. Apicella: Thank you Mr. English. Anybody else?

Mr. McPherson: I have a quick question if I may.

Mr. Apicella: Mr. McPherson.

Mr. McPherson: I think I probably know the answer to this, but can you confirm that you build this and it is the ownership and running this is maintained by Bickford? This isn't a situation where you get it through approval then sell it or franchise it out to somebody for lack of a better term? In 10 years I don't want to be having issues with (inaudible).

Mr. Eby: Right. I can't say that we will be the owner; it may be a partnership, something like that. But we have long-term leases with it. We are operators. I'm before you as a developer, but that's not our core business. The only reason we do development is so that we can have our product, the type of building that we feel meets the needs of our residents. So, we are long-term operators, yes.

Mr. Apicella: Any other questions? No?

Mr. Patrick: Mr. Chairman, the Commission posed 4 questions that I'd like to answer if I could.

Mr. Apicella: Please.

Mr. Patrick: Thank you. These were not on the conditional use permit, these were on the rezoning. I probably should have covered under my time; I apologize for not having done that. There was a question about additional use restrictions. And I think the implication of the question and discussion that followed was that are there any additional high intensity traffic generating uses that you would want to restrict from the property. We've already addressed that. And we addressed that by putting the maximum VPD count on the property of some 9,000 vehicles. So, that was our way of more directly addressing the concern about increased traffic that some types of users may have.

Mr. Apicella: I wasn't so much concerned about traffic uses, because I've been an advocate for maximum vehicles per day as a means to provide flexibility to applicants. My concern is you've got an assisted living facility, people are living there, and are there any uses like a nightclub for example with loud noise late into the night that might be incompatible with that kind of a facility. And so I don't unfortunately have a list of B-2 uses in front of me but that was kind of my concern. You've got a residential, you know, a very compact residential community. Are there things that would be counter to that specific...

Mr. Patrick: I understand.

Mr. Apicella: ... activity?

Mr. Patrick: I understand. None were raised during the evaluation, so if there's something else that you have something in mind, let us know. Inter-parcel connections, we are bordered by that large stream that runs in the back of the property. So, that makes it very difficult to provide an inter-partial connection without making a very large trade-off on environmental impact. And so, and also as the staff pointed out there would likely be cut through traffic if we were to go to the... in the direction of the west and coming through the residential neighborhood. And so that was the answer that I wanted to add to that was that the topography and the stream give us limited opportunities. The two opportunities that we have are to Walmart. And the reason that's restricted to site plan and then restricted to what we can do

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on our property is because there's a large topographic difference between the Walmart and the site. If Walmart desires to have this this inter-parcel connection, it's very, very important. We're willing to meet them halfway, but they're going to have to do things on their property also to get the benefit of the inter-parcel connection as well. So, that's why we had some limitations on that and needed to figure that out at the time of site plan approval. There was a question about the process to build the road off site, and I would suggest to you that there is not a process for doing that. There are several major obstacles to building the property... building the road offsite; the first of course is right-of-way and the ownership of that property. It's easy enough for us to build or to secure the right-of-way for the thousand feet or so of additional third lane that will be added to this... to Mine Road across the frontage of the subject site because we own the land and because we're already doing the grading adjacent to it. So, we can already control all of the elements that we need to. Another problem I mentioned already is the topography of that property next door. It's a very tall hill, and it's not just the cut that you have to make for the 14 or 15 feet, 16 feet that you need for the additional lane, you also have to have a 3:1 one slope that goes back away from the edge of the road and you have to have utility strips. And so, what we end up doing is going two-thirds of the way across that property next door if we have to start adding a lane on to this property, the developable area of that property. We also have to provide stormwater management for that additional area, that additional impervious area that would come from the road widening, and we have no place to do that. Our stormwater management is flowing one way; the stormwater management off of that additional lane would be flowing from a different direction and we would have to, if there was a condemnation or something, if the county were willing to do that, you'd have to condemn land potentially for stormwater management, just an additional pond. So, those are the elements of that that make it difficult and I believe confined or constraining us from having a process to go forward with building road improvements on that adjoining property. Thank you.

Mr. Apicella: Okay, I'd like to open the public hearing on these matters, the reclassification of Hampton Run Commercial and the associated conditional use permit. If you'd like to come forward, please state your name and address. Same ground rules as before. When the green light comes on you have up to 3 minutes to speak; yellow light means you have 1 minute left; red light means please wrap up your comments. Direct your comments to the Planning Commission as a whole. So, if anyone's interested, please come forward now.

Mr. Waldowski: Paul Waldowski. Assisted living -- my favorite topic. I'm on Medicare so be careful. Even in 20 years I would be over 85 and I wouldn't use this place cuz I already took care of my will and I don't see any use for it. First of all, they said 64 so that comes out to 50 private rooms and 14 semi-private. And then when the presentation came there was 48 and 16. So, I don't know what gives. But let me give you all the negative aspects because number one, maybe this isn't labeled as an RPA but it's a mountain. It's full of streams. You're in the Chesapeake Bay Watershed, and if you put some 85 year old where there's power lines you might as well move them into Aquia Harbor. We've already proven that power lines, people exposed over 30 years, are cancer susceptible to it. You have feeder streams in this arena. And assisted living -- you don't need fire and rescue; might as well put a funeral home right next to it because that's your next stage. I have first first-hand experience with assisted living, that's why I'm an expert in Hospice, Medicaid, and Medicare. So, it was good to see that this is for 85 year olds because we're getting some of our elected officials are getting up in that so maybe we can, you know, offer that to them so why don't you improve that in their honor. Now what I really love is when you give me \$26,018 for Public Safety. That's such a joke. You know, you gotta keep umm... I don't care how much money you give on some aspect, I don't know where you get this... these mathematical connotations. But an assisted living facility is just like the shirt is on my right here, just a sidewalk to nowhere because when you're 85, you know, I've seen firsthand; you're lucky to be standing up and walking. Thank God that man invented the wheel now so we're not humped over like we used to be. When I first was here today, I brought you a picture of what was done in 2011. I don't really care what

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was approved in 2011; this is a mountain, you're in Virginia, we're not in Kansas City where it's nice and flat and you don't know what side of Kansas City you're on. Are you in Missouri or are you in Kansas?

Mr. Apicella: Thank you.

Ms. Knight: Good evening, my name is Jo Knight. I think that we could not have found a better location for an assisted-living. Number one, I think probably everyone here agrees. I've just not too long ago experienced parents, aunts, uncles, that I needed to see in those places. And I can tell you this - it's so convenient to have them where they're en route on your way home or leaving. It's not generally going to create so much traffic as otherwise, it's going to be traffic that would already be there. It makes it easier to see them and they get visits more often. And while I'm here and we're talking about that corner lot, Mark Dudenhefer has just asked that I send him a letter because that hill that is next to it would have been gone many times over. I-95 wanted the material that's on it. It is not just regular dirt. It is 97 to 98% compactable, more than any you'll find. They used it from the other corner for the roads and that's a subdivision there, Highpointe. And by the way, Highpointe you know will be connected to the Garrison on Garrisonville Road. And of course Mine Road's being improved, so it's really a good traffic area. But that material many have wanted... many times people have wanted to get it on this corner. The reason they did not is because the property is zoned B-2. If the property had been zoned A-1, they could have gotten a permit, gone in there, and taken it. Because it's B-2, you're required to have a site plan, an active site plan in place and we don't. It's not. It's been through number of hurdles and their owner who obtained the zoning and developed the other side died and it was... the property was repossessed and this company whose wanting to sell it has a little problem with their mountain there and getting what they felt they needed to get from it because of what was owed. But, we wouldn't have it. And then there's really... I cannot see any reason that that would not be permitted; go in and take this material and it would have been helpful for right now. By the way, this is a mild site compared to where Stafford Marketplace was built.

Mr. Apicella: Thank you Ms. Knight. Anyone else? Okay, seeing no one else, I'll close the public hearing. Does the applicant have anything else to add?

Mr. Patrick: No sir.

Mr. Apicella: Okay. I'll bring it back to the Commission. Mr. Randall, this is in your district. I think we would need to... in considering these we need to take up each item separately, is that true?

Mr. Randall: Yes. I thought of one more question.

Mr. Apicella: A question for the applicant or staff?

Mr. Randall: Applicant.

Mr. Apicella: Sure.

Mr. Randall: It's about the CUP. I'm sorry, if I had them all written down I would never forget one but I don't. In reference to the assisted living, what's your normal process or what's the normal amount of ambulance traffic into... I mean, you've run several of these, you know I'm sure what the normal amount of ambulance traffic in and out of these places, the sirens, lights, the whole nine yards...

Mr. Eby: Very interesting question.

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Mr. Randall: Yeah, could you...

Mr. Eby: And we did a study on, I think I did 25 of our buildings at random. And using the number of ambulance calls per year, per unit, and using that ratio, we did that for a 64-unit and we'll have about 18 calls per year.

Mr. Randall: Per year.

Mr. Eby: Per year. Now those are red light and sirens.

Mr. Randall: Sure, sure, sure.

Mr. Eby: Now we may have a transfer or we may have someone show up to an ambulance, somebody's got the flu and they need to...

Mr. Randall: No, I'm specifically addressing the lights and sirens, you know, the code 3's.

Mr. Eby: Yeah. And that's the average, you know; there are sometimes more and sometimes less, of course.

Mr. Randall: Absolutely, okay, thank you. No, that's all I have, thank you very much.

Mr. Apicella: Thank you sir. Mr. Randall, how would you like to proceed?

Mr. Randall: Alright, we need to take these separately then, Mr. Harvey?

Mr. Harvey: Yes sir.

Mr. Randall: Alright. I move to approve the Reclassification RC17151743, the reclassification of Hampton Run Commercial, and I'm not going to go through all the zonings. But I move to approve the reclassification.

Mr. McPherson: Second.

Mr. Apicella: Okay, there's a motion to recommend approval of the reclassification; it's been seconded. Any further comments Mr. Randall?

Mr. Randall: Only in that this has... to the point that's been made before, I think this is a great location for this. I think this area... that area specifically can benefit specifically from an assisted living. I know as, you know, my parents are in the age where if they become to a point where they couldn't take care of themselves, this would be a great place for them. It's right next to my house and it would be a convenient location. That and the other B-2 things that we've talked about, the limiting of the vehicles per day, I think this is a great location to put that and also to develop that area. It surely needs something there. I think the extra lane helps, I think the sidewalk. I can't see enough about the sidewalk; it's amazing that somebody hasn't been killed walking up and down that road from wherever they come from to go up to Walmart, you know, on that rickety sidewalk with all the trenches through it with the water. It's amazing that somebody hasn't been hurt. So, I think that benefit alone says wonders about what we're going to do with this so. To that end, those are the comments and I am happy about this.

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Mr. Apicella: Thanks Mr. Randall; Mr. McPherson?

Mr. McPherson: Nothing to add, thank you.

Mr. Apicella: Anyone else? Okay, I'm going to support the motion as well and I would just ask, because I didn't do my homework like I should have, in regards to B-2 uses, while this is being considered by the Board if you would revisit and reconsider any uses or distance of those uses that may be disadvantageous to the residents of this assisted living facility. Okay, cast your vote. The motion carries 6-0 (*Ms. Vanuch absent*). Mr. Randall, how would you like to proceed on the CUP?

Mr. Randall: And then in conjunction with the item number 3, the CUP17151742, I moved to approve that as well. Again, I made my statements before; I think the assisted living is a much needed option for this area.

Mr. Apicella: Is there a second?

Mr. English: I'll second it.

Mr. Apicella: Okay, you've indicated, Mr. Randall, that you don't have any further comments.

Mr. Randall: No.

Mr. Apicella: Mr. English, do you have any comments?

Mr. English: No.

Mr. Apicella: Anyone else? Okay, please cast your vote. Motion to recommend approval of the CUP is approved 6-0 (*Ms. Vanuch absent*). Thank you very much. Congratulations. Mr. Harvey, next item.

4. Amendment to the Zoning Ordinance - Proposed Ordinance O18-06 would amend the Zoning Ordinance, Stafford County Code, Sec. 28-25, "Definitions of specific terms," to amend the definitions of home business; home business, rural; home occupation; manufacturing, heavy; manufacturing, light; and retail sale; and to create definitions for e-commerce, handicraft, home business I, and home business II. The proposed Ordinance would amend regulations in the following zoning districts A-1, Agriculture; A-2, Rural Residential; R-1, Suburban Residential; R-2, Urban Residential—Medium Density; R-3, Urban Residential—High Density; P-TND, Planned-Traditional Neighborhood Development; RBC, Recreational Business Campus; PD-1, Planned Urban Development 1; PD-2, Planned Urban Development 2; Falmouth Redevelopment Area Overlay (FR); RDA-1, Redevelopment Area 1, Boswell's Corner; and UD, Urban Development.

Mr. Harvey: Thank you Mr. Chairman. The next item will deal with home-based businesses; it's a zoning text amendment. We also refer to this as the e-commerce amendment, and Ms. Susan Blackburn will make the presentation.

Ms. Blackburn: Good evening Mr. Chairman, Planning Commissioners. This evening it's to... you are asked to make a recommendation on proposed Ordinance O18-06 and this is a proposal to amend chapter 28 of the County Code by amending the terms Home business. And we're proposed renaming it to Home business I; Home occupation; Home business - rural; Manufacturing - light and heavy; and to create definitions for the following terms: E-commerce, Home business II, and Handicraft. And we've also amended the retail sales term. And the background on this was this was initiated due to the increase

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in the requests for businesses to be operating in dwellings and particularly in for firearms transfers. This was discussed at the Community and Economic Development Committee on July 5th of 2017, and a drafted definition for e-commerce, which we were hoping to be the answer to firearm sales, to encompass firearm sales, and not allow retail sales for other commodities. And in October we were informed that we could not impose different standards for a home-based firearm transfer business and any other home-based business, and this was per the Virginia Code. And in learning that, the Commission then focused on all businesses conducted in the home and created a subcommittee to do a comprehensive review. And reviewed the... what was reviewed was the regulations for the following jurisdictions: City of Fredericksburg, Counties of Culpeper, Fauquier County, Fairfax, Henrico, King George, and Spotsylvania. And we drafted an ordinance and realized additional zoning districts needed to be included and these were basically the planned development districts that also allowed for home businesses. The committee was more focused on the conventional single-family home subdivisions. And so a new Ordinance was drafted to include those developments and this was presented to the Planning Commission July 18, 2018, and for you to set a public hearing. And this is the Ordinance that you are seeing tonight. And a summary of the changes are to amend the definition of home occupation to include E-commerce as a type of business permitted and further clarify how a home occupation shall operate. Amend the definition of Home business by renaming it to Home business I and subject to the following conditions; it will be an accessory by-right use to all... in all single-family detached dwellings without the approval of a special use permit, customers are limited to come to the home and this is regarding the number per visits and the number of visits per day, and this is new. Limit the hours of operation, provide... must provide off street parking and we replaced the term Home business with Home business I in all the zoning districts that currently allow for home businesses. We also created a new use, Home business II, as another level of home businesses permitted in a single-family dwelling and they're subject to the following conditions; allow employees and restrict their number, limit the number of customers and hours of operation as with the Home business, must provide off street parking, regulate the location and amount of indoor and outdoor storage and require approval of a special exception for this type of use. Also amended Home business - rural and that was clarifying the requirements for the use including the type and size of sign permitted for such a use. And create the definition for E-commerce and Handicraft, and amended the definitions of Manufacturing - light and heavy, and retail sales, to better reflect the standards set forth in the home business categories. And I was requested to make a chart showing the differences as far as what was permitted in Home business I, Home business II, rural home business, and Home occupation, and kind of to see the differences in how it all lays out. Now, Home occupation is allowed in all the residential and that is basically having an office in your home and you can conduct business you don't get it... you don't... you are not allowed to have any customers as it goes on to say. Customer visits to the dwelling no, customer visits by appointment only none. So that is permitted, that is absolutely no impact on the community at all. Yes sir?

Mr. Apicella: And it's permitted by-right?

Ms. Blackburn: Yes sir, yes sir.

Mr. Apicella: Thank you.

Ms. Blackburn: And as an accessory, it is an accessory to a dwelling. You have to have a dwelling in order to have a home occupation. And Home business I is also accessory, all of these are accessory. You have to have the... you have to live in the dwelling first. And you have dwelling types of single-family homes and Home business I, are you allowed employees? No, and as you can see as it goes across Home business II is to employees, rural home business is 3. And so it goes on and tells you that the various differences between them all one of the big changes that was discussed at great length was

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the customer visits by appointment only. And in the Home business II, you're allowed 5 visits per day, and it is 6 days per week, and we list the hours. In the Home business ... and Home business I, again, is allowed by-right. Home business II is a Special Exception, you're allowed up to 10 visits per day, 6 days per week and hours of operation. And we did the floor area pretty much stayed somewhat the same and we did allow for, as we go on to the next one, you are allowed to have commercial... certain types of commercial vehicles associated with the business parked at your home. Indoor storage is permitted in the Home business I, outdoor storage is permitted in the rural home business and sales of merchandise can only be conducted during the visit of the customers and for the rural home business you are required to have a GDP in accordance with article number 8. And the recommendations that the staff has is that this proposed ordinance, it provides performance standards for conducting businesses in a residential dwelling, it limits numbers of customers, limits the hours of activities, restricts to single-family dwellings and reduces the need for additional approvals for many of the businesses. It provides a comprehensive change to how businesses can be conducted in residential dwellings and it reflects the changes that are reflecting in their modern economy. And staff requests at the Planning Commission forward proposed Ordinance O18-06 to the Board of Supervisors with a recommendation of approval. And do we have any questions?

Mr. Apicella: Thank you Ms. Blackburn. And just to clarify, a similar ordinance was in front of us; we recommended approval of it unanimously. Since that time, some... I don't see some issues, but some uses and where they could occur and how they could occur, were identified and fixed...

Ms. Blackburn: Yes.

Mr. Apicella: ... and that's why this is in front of us again?

Ms. Blackburn: Yes, the essence of the ordinance did not change at all it was doing technical work in making sure it was in all the districts where home businesses were originally listed.

Mr. Apicella: Thank you. Mr. Bain?

Mr. Bain: Yes, just a question concerning grandfathered conditions. If somebody has an existing home occupation, if it now falls into one of these new classifications would any the criteria be imposed upon them? How would that work?

Ms. Blackburn: It is my understanding that the home occupations would be able to continue, so long as they kept them active. In most cases these regulations actually are less restrictive...

Mr. Bain: Yes.

Ms. Blackburn: ... on some of those issues than what we had before.

Mr. Bain: Great, thank you.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yeah if I can make one point to that. That's a good point, I think one of the reasons it was brought up because of the firearms...

Ms. Blackburn: Yes sir.

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Mr. Randall: ... but when we dug down deeper into it we realized that the current the current ordinance was very restrictive...

Ms. Blackburn: Yes sir.

Mr. Randall: ... in that in order to do a home-based business at all, anything out of your home, it required I believe, a special exception.

Ms. Blackburn: Yes, if you were... yes, if it was going to be anything more than just an office operation.

Mr. Randall: Anything more than an internet office...

Ms. Blackburn: Yes.

Mr. Randall: ... late at night, nobody's there, you and your computer.

Mr. Blackburn: Yes sir.

Mr. Randall: Other than that it would have required a special exception...

Mr. Blackburn: Yes sir.

Mr. Randall: ... from the county...

Mr. Blackburn: Yes sir.

Mr. Randall: ... and so one of the purposes of the sub-committee and then through the approval process was to expand it to a point and make it less restrictive. So that we allowed more businesses to fall into the by-right use and not require them to come before the County, is that correct?

Mr. Blackburn: Yes sir. The ordinance provided standards... use standards that we really didn't have before to help regulate some of the uses, so that they could be permitted and not have impacts on the adjacent properties but still not require additional approvals.

Mr. Randall: Absolutely, all right. Thank you.

Mr. Apicella: Thank you Mr. Randall, anyone else? Okay seeing no one else thank you Ms. Blackburn, I'll open the public hearing again same ground rules as before if anyone like to come forward please do so now.

Mr. Waldowski: Paul Waldowski. Now the most common family business in the United States not just Stafford County is babysitting. And I have seen firsthand residentials that have two or more families which means that's ten trips per week if there's two that's her family. And I don't know that's a by-right use, but I don't know what was considered in this ordinance. But I'm more concerned about the children that are being watched that are normally all below kindergarten age and if there is no safety aspect for that. But then again, I don't like big government coming in and telling me I can't use my computer to do something. But I don't have any children visiting my residents to take care of them. So, I just bring that up as an aspect because I don't see nothing in roman numeral one, roman numeral two, or roman numeral three, and life is just not about firearms folks. The jurisdictions are there and we do want things

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to be less restrictive, but in this day and age I see this concept of family violated where I see residents with twenty people or more living in them.

Mr. Apicella: Thank you. Anyone else like to go forward? If not I'll close the public hearing.

Mr. Boswell: I have one question for Ms. Blackburn.

Mr. Apicella: Sure.

Mr. Boswell: Hey, in our package it was... there was a page in here about plan development, plan development 1 and 2 in residential development area. None of that was in your slide.

Ms. Blackburn: Those were the additional districts that we needed to add.

Mr. Boswell: I'm just curious...

Ms. Blackburn: Yes sir.

Mr. Boswell: ... everything else has got a special exemption, you've got two in there with conditional use permits.

Ms. Blackburn: No those should have been changed.

Mr. Boswell: Well that's why I'm asking because I know what...

Ms. Blackburn: Okay, okay.

Mr. Boswell: I know what a conditional use permit costs and... its page 3 of 5 is what I've got her.

Ms. Blackburn: 3 of 5?

Mr. Boswell: Yes ma'am.

Ms. Blackburn: Oh, oh, that was in the staff report correct?

Mr. Randall: That was in the staff, yes.

Ms. Blackburn: Right. That was what was presented initially and then it was changed and in the Ordinance it's actually been changed to be... let's see, which one was that?

Mr. Boswell: The last two. Planned Traditional Neighborhood development.

Ms. Blackburn: Planned Traditional Neigh... if you look in your Ordinance.

Mr. Boswell: Okay.

Ms. Blackburn: The actual Ordinance, the draft Ordinance on page 11 of 12, we have the P-TND which is Planned Traditional Neighborhood and uses by-right is a Home business I.

Mr. Boswell: Say it again.

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Ms. Blackburn: Uses by-right is a Home business I. And we changed in the table 3.2 (C) and it's under office uses.

Mr. Boswell: What page are you on?

Ms. Blackburn: Go to the actual draft ordinance.

Mr. Boswell: Okay.

Ms. Blackburn: O18-06.

Mr. Apicella: Is that attachment 1?

Ms. Blackburn: Yes.

Mr. Apicella: Because I guess I'm seeing the same thing now that... I'm glad you brought it up.

Mr. Boswell: Yes.

Mr. Apicella: I'm looking at page... so let's just start with ...

Ms. Blackburn: Okay, let's start.

Mr. Apicella: ... page...

Mr. Boswell: I need help.

Ms. Blackburn: Okay.

Mr. Apicella: ... 9 of 12. P-TND, we said that that should be changed to special exception not to a conditional use permit. So...

Ms. Blackburn: P-TND, are you on page of 12?

Mr. Apicella: Attachment 1, page 9 of 12.

Ms. Blackburn: Yes, (A).

Mr. Apicella: Yes, uses permitted by-right...

Ms. Blackburn: Home business I.

Mr. Apicella: So...

Ms. Blackburn: (B), conditional use permit is crossed out.

Mr. Apicella: Okay, gotcha.

Ms. Blackburn: Okay? Which means that's not how it's going to be.

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Mr. Apicella: Alright.

Mr. Boswell: Sure.

Ms. Blackburn: Okay?

Mr. Apicella: Now it makes sense.

Ms. Blackburn: Okay.

Mr. Apicella: And that's... the same is true for RDA 1, that was fixed by striking out conditional use...

Ms. Blackburn: Yes.

Mr. Apicella: ... permit home business.

Ms. Blackburn: Yes.

Mr. Apicella: And then PD 1 the same, PD 2.

Ms. Blackburn: PD 2 is Home business I and Home business was just taken out of special... that was crossed out of special exception.

Mr. Apicella: Okay gotcha.

Ms. Blackburn: Okay? Okay, are we good?

Mr. Apicella: Now I understand.

Mr. Boswell: Okay, well he was just trying to point it out to me, it looks like things that are crossed in a different spot. But anyway, we are not requiring a conditional use permit...

Ms. Blackburn: No we are not.

Mr. Boswell: ... for a home business.

Ms. Blackburn: No we are not.

Mr. Boswell: Okay. Nobody's going to have to pay you 10 or 11 grand...

Ms. Blackburn: We are not.

Mr. Apicella: Just you Mr. Boswell.

Mr. Boswell: Well I'm just making sure. I don't have a home business, but I want to (inaudible, microphone not on). Thank you.

Ms. Blackburn: Okay, thank you.

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Mr. Apicella: Thank you. Again, I'm going to bring this back to the Commission just to reiterate this is a minor technical correction or change to what we already approved some months ago, and we've been working at this for almost a year.

Mr. Randall: Yes we have.

Mr. Apicella: So is there a motion?

Mr. English: I make the motion to approve the amendment.

Mr. Randall: And I will second that motion.

Mr. Apicella: Okay there's a motion to approve, it's made by Mr. English seconded by Mr. Randall. Any further comment Mr. English? Mr. Randall?

Mr. Randall: No only that this is long overdue in coming and we need to get this up to them and get it approved. Thank you.

Mr. Apicella: Anyone else? Okay cast your vote. Motion carries 6-0, I'm sure Ms. Vanuch would have approved that herself if she were here. Thank you very much. Next item, number 5 has been deferred to December 19th, so we're on to New Business, Mr. Harvey.

UNFINISHED BUSINESS

5. 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 10, 2018) (Deferred on October 24, 2018 to December 19, 2018)**
(Authorize for Public Hearing By: February 13, 2019)
(Potential Public Hearing Date: March 13, 2019)

NEW BUSINESS

6. WAI18152502; Ledoux - A waiver request of the Subdivision Ordinance, Stafford County Code, Sec. 22-176(c), "Private access easements." regarding the number of lots to be served by a Private Access Easement. The applicant proposes a minor subdivision for one lot located on Tax Map Parcel No. 60-57D, zoned A-1, Agricultural Zoning District, on 30.1094 acres. The property is located on the north side of Hollywood Farm Road and west of Harvest Moon Lane, within the George Washington Election District. **(Time Limit: January 13, 2019)**

Mr. Harvey: Mr. Chairman for item 6, this is a request for a subdivision ordinance waiver and Eva Campbell will be making the presentation for staff.

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Ms. Campbell: Good evening Mr. Chairman and fellow Planning Commissioners. I'm here to present item 6 which is a waiver from the Subdivision Ordinance, Chapter... or Section 22-176(c), for Private Access Easements. The site is located on Assessor's Parcel 60-57D and is approximately 30 acres, zoned A-1, located in the George Washington Election District on the north side of Hollywood Farm Road and on the west side of Harvest Moon Road. Here's a location map showing the subject parcel and the approximate easement location as it stands now. And here is an aerial view of the site. The property owner is requesting one waiver of the Subdivision Ordinance, Section 22-176(c), Private Access Easements, to allow for a minor subdivision. Minor subdivisions are subdivisions creating five or fewer lots. Section 22-176(c) prohibits private access easements from serving more than two lots in a minor subdivision. Section 22-176(e) states, any property in which all or a portion of an easement travels through shall be considered being served by the easement. The new proposed configuration would not meet this requirement. The parent parcel is served by a private easement and the applicant is proposing to create two new lots which would also be served by the easement. The 50-foot easement was to be abandoned when Harvest Moon Lane became a public road, which was proposed in 1974, but the road was never taken into the state system which leaves the 50-foot easement in place. The owner of the property wished to pursue a family subdivision which would allow for more than two lots to be served by a private access easement, but 22.5(a)2 states that to be a family subdivision the property must be owned for at least 5 consecutive years by the current owner. Mr. Ledoux has only owned the property for 2 years and the 2 new lots being created are intended for Mr. Ledoux's parents and mother-in-law who are the primary caregivers of their daughter. Here's the proposed layout for the minor subdivision. And you can see here where the easement exists; it runs up to the property line and then from here they're proposing to extend back to 2 new lots in the back. The applicant formally requests that the Stafford County Planning Commission consider the waiver request from Section 22-176(c), Private Access Easements. Section 22-241(a), Authority to Grant states, where permitted, one or more of the minimum requirements established under this chapter may be waived by the Planning Commission upon assurance of the subdivider that each of the following had been met: (1) the minimal requirement if applied to the proposed subdivision would impose an unreasonable burden upon the subdivider, and (2) the granting of such a waiver will have no substantially adverse effect on the future resident of the proposed subdivision nor upon any property adjoining such proposed subdivision. I'll be happy to answer any questions.

Mr. Apicella: Thank you very much. Any questions for staff? Mr. Bain?

Mr. Bain: Just one question just for clarification. What will be the sizes of the 3 lots once they're subdivided? They'll all be greater than 3 acres?

Ms. Campbell: Yeah, they'll meet the minimum requirement.

Mr. Apicella: Thank you. Anyone else? Okay, thank you very much. Mr. Bain, this is in your district; how would you like to proceed?

Mr. Bain: Yes, I'm going to support the request and I think the use that's proposed here in a few more years would almost be pro forma because it would then be a family subdivision. And the applicant has indicated that this... these lots will be owned and developed by family members only. So, I think that's sufficient and would like to make a motion to approve the waiver request.

Mr. Boswell: Second.

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Mr. Apicella: Okay, there's been a motion to approve the waiver request that's been seconded by Mr. Boswell. And just for clarification, this is something that we approve at the Planning Commission level; it does not go to Board of Supervisors. Any further comments Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Mr. Boswell? Okay, please cast your vote. The motion to approve the waiver passes 6-0 (*Ms. Vanuch absent*).

7. Amendment to the Zoning Ordinance - Proposed Ordinance O18-37 would amend the Zoning Ordinance, Stafford County Code, Sec. 22-153, "Lots for required buffers;" Sec. 28-25, "Definitions of specific terms;" Sec. 28-54, "Planned Development-1 District (PD-1) regulations;" Sec. 28-55, "Planned Development-2 District (PD-2) regulations;" Sec. 28-66, "P-TND, Planned Traditional Development;" Sec. 28-67, "Falmouth Redevelopment Area Overlay (FR);" Sec. 28-82, "Required buffers;" Sec. 28-83, "Buffers for historic properties and districts;" Sec. 28-86, "Landscaping standards;" Sec. 28-88, "Screening standards for appurtenances;" and the Design and Construction Standards for Landscaping, Screening, and Buffering (DCSL) Manual by Reference. **(Time Limit: February 1, 2019)**
(Authorize for Public Hearing By: December 19, 2018)
(Potential Public Hearing Date: January 23, 2019)

Mr. Harvey: Mr. Chairman, for item number 7, this is another matter that the Planning Commission has been working on for quite some time. The Board of Supervisors has referred back to the Planning Commission for public hearings an overall comprehensive revision to our Design and Construction Standards Manual for Landscaping and Buffering. Ms. Hornung will give the update for the Planning Commission. At the end of the presentation, we ask consideration as to whether or not to authorize this for public hearing or suggest additional changes.

Ms. Hornung: Good evening Mr. Chairman...

Mr. Apicella: Good evening.

Ms. Hornung: ... members of the Commission. The Planning Commission had been working with a special committee on the Landscaping Ordinance since last May to this previous March. And then the items that were amended in the entire Design Construction Standards Manual for Landscaping, Screening, and Buffering was sent to the Board of Supervisors for their recommendation, seeing the work that the Planning Commission had completed. And through the several meetings where it went to the Community Development Service... Community Economic Development... Community... Economic Development Committee of the Board and then to their consent agenda, they sent it back to the Planning Commission to hold the public hearings. And what came out of their meetings was that they would like to see some more information on xeriscape. And in the staff report, I added some information on xeriscaping. And some of the recommendations would be, as I get into this, to add that a definition for xeriscape and also add in a section of the Landscaping Manual, which it appears that it might be appropriate in the section of Landscaping, maybe 120.5 or 121.0 for adding the xeriscaping. So, this section would be the proposed Ordinance O18-37. And xeriscape, from the internet research that... and working with our staff who also reviews landscape, xeriscape is defined as requiring little or no irrigation or maintenance. It also would reduce or eliminate the need for supplemental water for irrigation. It's also promoted in regions that don't... do not have necessarily the easily accessible, plentiful, or reliable supplies of fresh water. It's also designed for use in arid and semi-arid climates. Most of the information that was received through the internet is typically found in the West and

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Midwest. There were some information that was also located in Florida. Those were the areas that seemed to use this process the most. The xeriscape, which is also known as zero-scaping, in the same sense as xeriscape, is that it utilizes water conservation techniques. It also utilizes drought tolerant plants, mulch, and efficient irrigation, and then it also is known as sustainable gardening or natural landscaping or water conservation and green roofs.

Mr. Apicella: Can you go back? So, I'm just trying to understand the concept of xeriscaping. I thought I heard you say that it's more appropriate or seems appropriate for areas that are more desert-like or out west. I'm just trying to see how it's applicable to Stafford and the conditions here in Stafford.

Ms. Hornung: Right. I will show you some pictures, some graphics that were also... I took some of the images that came off the internet, I put them in the staff report and then I have them in here. Typically, the xeriscape is found by family in Albuquerque, so it's very prominent in Albuquerque because it's very dry. And in some other areas in the West and Midwest or even California or Florida who need to do landscaping with water conservation in mind; because the plants that they are installing are those plants that do not need a lot of water. So, the Board wanted the Planning Commission to consider allowing the use of xeriscaping. And in this graphic it shows a number of pictures that most of these appear to be on individual lots. This one in the top right appears to be in maybe a park-like area where the xeriscaping uses drought resistant plants, mostly cactus or thick leaved plants or those plants who don't need a lot of water.

Mr. English: They're also like slow growing too, right?

Ms. Hornung: Correct. And then they're using other materials as in mulch, rocks, retaining walls, that kind of product. And here shows another type of landscaping where on the left it shows mostly the rock and the mulch. And then to the right it looks almost like something you might call a meadow, wildflowers and plants that are indigenous to that area that don't need a lot of water. There's also forest gardening which in these graphics almost look like an area that is just overgrown; you let it grow as the natural plants in those areas. These graphics show a little bit more of natural landscaping where they did use some rock and pavers in the areas with the natural plants that are in those areas. These pictures show some before and after. Most of the xeriscape images that I found were predominantly on individual lots or in a park-like setting. The one on the top, it shows just an area where you just have grass and maybe hanging planters against the wall. And then the after shows some mulching and some appears maybe some pea gravel and it's a little bit more conducive to allowing the if you do have water that will go into the areas and will be retained with the mulch helps keep the moisture in those areas. The bottom part also shows on the left a grass area. It appears that there may be a swale there so the water would just run out. But on the right graphic what they did was they put some rocks in the front to help slow the water and then in the middle you have some plants and mulch. So it helps slow down the water and retains it in that area. So, if you do have any plantings there, those plantings will be able to absorb the water that's coming through and it just isn't flowing beyond the area of those plants. Here's some graphics also that are from the West and the Midwest that shows a lot of the paths that are gravel and some stone. It's not totally paved so that there's areas for infiltration of the water. But most of the images that were found were for drought resistant plants that are able to withstand having little water. And then the mulch will retain the water in the area.. I mean, as we do now in this area, a lot of people they get mulch during the summer... the springtime; they're preparing their beds so when the plants are coming up they don't have to water as frequently. So that's one way of doing some xeriscaping is adding more mulch into your landscaping. Typically, the xeriscape would apply to any new residential, commercial, or industrial. It's not significantly only to residential. The goal is to conserve water by using these established principles in the design of the landscaping. Plants are drought tolerant with limited non-drought tolerant vegetation. And then there was other areas that I found that they would

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restrict the utilization to a percentage of the site. So depending on if it was a multi-family or a commercial, industrial, or residential, they might use that to a certain area of the site. So, what staff was looking at, where would be a good place to incorporate xeriscaping if we wanted to specifically have that in our landscaping ordinance and manual so that the developers and the community would know that this is an accepted practice. So, we do have a landscape section in our manual and we could add a section and include the xeriscaping, add the definition to the back in the definition area, and then add some guidelines to how you could do some xeriscaping. And then, at the time of development, staff could look at that, the type of plants and see if those plants are indigenous to this area. Because it's another thing, in our old or current manual, there is a very extensive list of plants; but what the committee and staff had done is remove that list of plants and use these references that are utilized by landscapers and architects and a lot of the professionals who designed the landscaping features when they're doing their landscaping planning for developments that we see come through to the office. That way if there are plants that are maybe no longer indigenous to this area, we're not restricting a particular plant and then you would have to have an administrative waiver or do an alternative compliance or even come to the Planning Commission for a departure from the standards because there were certain plants that you had to use at one time. So, it's giving the developing community a little bit more flexibility into looking at these references that are commonly used by the landscape architects for utilizing plants that are indigenous to this area. Then there was another item of looking at credits. And we can also include in the credit section credits toward buffer requirements for adjacent properties that might have a recorded conservation easement or other restriction that prohibited... that prohibits development. Further, the credit towards the buffer requirement could be issued if natural areas are preserved on the property. So the natural areas may need to have a minimum dimension of 100 feet or whatever would be appropriate. So, these are two things that actually came out of the Board's recommendations is to incorporate xeriscaping and then also incorporate additional credit information towards the buffer. And if there's any other questions, I'll be glad to answer the.

Mr. Apicella: So, there were two parts of the Board referral that had additional requirements that may not have been incorporated into the version of the manual that we have in front of us tonight. Is that correct?

Ms. Hornung: That is correct.

Mr. Apicella: So, one was the xeriscape and the other was in regards to preservation of natural areas. And I think you talked about credits; I mean, does that fully encompass what the Board wanted with regard to preservation of natural areas? Or is there... I mean, do we know the scope of that second piece?

Mr. Harvey: Mr. Chairman, at the Board meeting there was some discussion about our buffer requirements and the concern that our buffer requirements may not fully encourage people to retain existing natural areas on sites. So, that was part of the discussion is how can we kind of incentivize that through our landscaping manual. Also, going to the issue of why should someone be required to place additional plantings and additional buffering adjacent to an already preserved natural area. So, those were the two focuses of discussion at that point in time.

Mr. Apicella: And I appreciate what you just said Mr. Harvey. On the other hand, with regard to natural areas or buffering associated with a specific parcel, that might necessitate additional screening where that preservation of the natural area may be counter to achieving screening requirements or screening needs. So, I'm just not quite sure how those two fit together.

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Mr. Harvey: Yes, Mr. Chairman, they probably don't and that's something I've had some discussions with Ms. Hornung about is that the preservation of natural areas would have to more so go with the buffer than screening, because screening is basically saying you're not going to see from one side of that area to the other so it's usually going to have to include a wall or a fence because vegetation that's not evergreen vegetation will lose its leaves during the fall and winter months and you'll be able see through it. So, therefore, it's not screening. Similarly, for a wooded area, if there's deciduous trees they're going to lose their vegetation or their leaves and you'll be able to see through it so it won't meet a screening requirement. So screening will end up being something different than buffering, and it's acknowledged that way in our DCSL draft that we have for consideration.

Mr. Apicella: So, for tonight, in terms of meeting the two additional taskers, it seems to me that we have some conceptual thoughts about how to address those but we may not yet have specific language to incorporate into the manual that's responsive to those two taskers. Is that correct?

Ms. Hornung: That's correct.

Mr. Apicella: So, if we were to proceed forward with the proposed manual changes as they are now, we would not meet the Board's additional requirements unless and until we address those two other pieces that they've asked us to consider.

Ms. Hornung: Unless the Commission would like staff to incorporate these in different areas of the landscaping manual and then we could bring that back to you and show you where it is. Or, you also have... you have a... your time limit is until February 1st to hold a public hearing and I know that maybe January might be busy. Usually the first meeting, they're always their administrative meeting. So, if you choose to, we can either schedule the public hearing in December or staff can come back and show you where the language will be placed within the landscape manual.

Mr. Apicella: I'm with you but I think if we were to proceed forward and schedule the public hearing, we would not meet the requirements of the of the Board's referral to us because we have not provided specific language related to xeriscaping and natural area preservation. So, I mean, we could do it but that would not meet the tasker in front of us. So, I'm just kind of throwing it out there that we still have potentially some more work to do here in the absence of specific language that addresses those two items. And the second thing is, I'm wondering... so, even if we said hey bring us something, because our next meeting is not till December 19th, bring us something that might be responsive, we still might not be there by December 19th because we might need to noodle it more. I wonder if we might ask the for an additional 30 days past the February 1st deadline just to again give us a little bit more breathing room so we get it. Because this is... these are again for me too at least on the xeriscaping something I hadn't thought about it in a new construct, I don't think the subcommittee thought about it or came up with any specific recommendations on it so I think an additional 30 days, if granted, would be helpful to maybe getting us a solution that everybody can agree with and this may be...

Mr. Randall: I have a couple of questions while we're mulling that over.

Mr. Apicella: Okay, go ahead Mr. Randall.

Mr. Randall: Based on what you've said and you didn't specifically say that we... they couldn't, does the current ordinance allow someone to do this in their backyard outside of, you know, I've got a fenced yard, I decide I'm going to completely tear up all my grass assuming the homeowners association's okay and just put rocks the entire backyard and put three arid plants. Can I do that?

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Ms. Hornung: For an existing lot, if you want to landscape your property, yes, you can do that. The landscape manual would be for new development. So, when we have a new development, whether it's residential or non-residential, there's certain requirements that the development will have to follow for landscaping, for screening, for buffering, for those issues, and then that would give them the opportunity to say well we do allow xeriscaping if you want to.

Mr. Randall: Okay, well then that goes to my second question. And I'm not really sure who brought it up on the Board. There's a reason why this is an arid area landscaping technique. This is not used in New England, it's not used in the Midwest, it's not used normally even to the south per se with as much water as they get. It's used strictly, most often, in the southwest areas of the country. My question... and there's a good reason for that. Most... and I'm not an arborist so I don't know, but my guess is that most of the plants that would be used in arid, in that type of landscaping, are not very weather resistant. They probably don't do well in three feet of snow. They probably don't do well in the cold. My concern is that any plants we would suggest are probably not something that would be able to stand two or three winters of our weather. And that if we did this in a commercial area, we would just be replanting plants over and over and over again as they died because they're arid plants. They need 100 degree weather. They don't need 20 degree below weather type stuff. So, I would ask, as we do more research, that we determine if this is something we want to do. I mean, I'm all for looking at it, I'm all for making some suggestions to the xeriscaping process, but there's a reason why it's not normally used in the northern wet areas. So anyway...

Mr. English: But I think that was a Board request to add to it, and I think this is a good concept too as far as for CPTED for crime prevention because it's low and it's low maintenance. And so just because you use those plants, I think it's a recommendation. But I think using the rocks and all that other stuff is a good format for that because you've got some businesses out here that do that, it's maintenance-free and they don't have to mess with it and it's a good CPTED...

Mr. Randall: I'm okay with the rocks. My concern is that they put the wrong plants in there and the plants are dead in a couple of years.

Mr. English: But I think if they just say that's in there but they don't have to use it, they're just making a recommendation.

Mr. Randall: Sure. I don't have a problem with the rocks and you do rocks, but then instead of the arid plants you put normal Virginia plants in there, I think that would be a good compromise to that. I'm just concerned that (inaudible).

Mr. Apicella: Mr. Bain?

Mr. Bain: I've got some experience with this with some projects that I used to work on. The xeriscape fundamental is to use plants that are native to the area that it's being applied, not just arid plants. The problem that I've encountered is that the developers not only use natural plants, but they take it to the extent that, oh, that means there's no maintenance required. And that's not what we want. But to use natural plants is a good approach, but then you also have to realize that there are some natural plants that some people think are beautiful flowers, other people think are weeds. And so you have to be pretty selective because the ones that you might consider weeds have a tendency to spread very quickly through, you know, seed propagation and so I think we would have to be careful in identifying which plants would be allowable under this approach.

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Ms. Hornung: That's the reason why in our reference list we list several documents, and in those documents whether they're internet or books or pamphlets they all are documents that discuss eastern mountains and Piedmont or one that's encyclopedia of trees and shrubs or a nursery stock or the USDA tree fact sheet and guide. There's also that... a list for Virginian basic plant species so we know that we don't want to incorporate invasive plants, because once they're installed there you cannot control them. But we do have... excuse me... another one that's landscape plans of the southeast. So, we do have some documents that are specific to this area that list plants that are indigenous to this area that should be able to work. And...

Mr. Bain: And I'm sure they've taken kudzu out of that list so.

Mr. Apicella: Why, it's fast growing. I'm hearing good comments from my colleagues and I would be concerned about someone taking it to the extreme where they think in terms of landscaping all they have to do are rocks and mulch and that satisfies the requirement. So, I think again I think we really need to fully bake this and understand what it means, what the consequences are, how to balance out vegetation versus xeriscaping where it might be appropriate, where it might not be appropriate, and now that we talk about it again, I'm wondering even... if even 30 days is enough. Maybe we really need 60 days past the... at least again to give us enough of a bridging amount of time to come up with a good rational solution going forward based on these new requirements. And again, let's not forget that there's a two part tasker here; it's not just the xeriscaping, it's the natural area of preservation and I again want to make sure that again in terms of talking of a balancing act that we're not sacrificing that noble objective for what I think might be important screening requirements. So, I think we just need to fully think these things through and how they get added into the document appropriately and where it might be appropriate. So, is everybody okay with, again, staff maybe coming forward at the December 19 meeting with some additional information, research, maybe some suggestions and options, along with the request of the Board for another 60 days beyond the February 1st deadline.

Mr. Harvey: Mr. Chairman?

Mr. English: If you could go... did you have something Jeff?

Mr. Harvey: Please go ahead.

Mr. English: If you could go around maybe in certain places that kind of have this kind. I think Colonial Forge is kind of... when you go to entrance of Colonia Forge I think that's kind of how they've set that up a kind of what they're I think with the Board's looking at, because I think that's no maintenance. The way they've got to set up they got that dry windmill there and then they got rocks underneath it and I think it's the zero maintenance pretty thing but it looks good. And a couple of businesses around here that kind of had what the Board wants to go towards if you can get a couple pictures from that.

Ms. Hornung: Oh, I'll go around and I'll look for some pictures. Also, while we have these references and the whoever's designing the landscaping, staff will also review it and we have staff who have experience working with CPTED, Crime Prevention Through Environmental Design, as well as landscaping standards so that if you want to... if I were to say I want to plant a cactus, staff's going to review and say well cactus doesn't grow here so that would not be appropriate. So there is some give-and-take where it... the landscaping is proposed and staff will be reviewing it against the documents and the references that we have and then they could make recommendations for, you know, the type of landscaping that would be indigenous or would at least work. It wouldn't be you know I have a whole bunch of cactus in my backyard I want to replant.

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Mr. Harvey: Mr. Chairman, two things. One, I was reminded that this item, when it was referred to the Commission, was not on a unanimous vote. There was discussion about sending it back to the Board committee to work on the issue. So, I just put that out for your information. Staff will proceed with asking for the additional 60 days but in case the answer comes back no we need to continue to work towards a proposal that could be sent to public hearing to meet the Board's requested deadline.

Mr. Apicella: I'm sorry, just to jump in there, so if our next meeting is December 19th, is there a Board meeting between now and then where we would know whether the Board is okay with granting additional time?

Mr. Harvey: The Board has... yes, thank you... the Board has two meetings, one on November 27th and the other one on December 11th. We may not be able to make the 27th meeting because the agenda has already been set, but we could make December 11th.

Mr. Apicella: Okay, so, I guess I would just add to the direction, if by the second meeting we know that the Board has not granted us additional time, then present us at the December 19th meeting something concrete that we could go to public hearing with, right? Is that... so, are there any further comments? Do you feel like you have enough direction, Mr. Harvey, that we can proceed forward?

Mr. Harvey: Yes sir.

Mr. Apicella: Okay, and we don't need to take a motion, right, we can just move forward with...

Mr. Harvey: At your request we'll move forward with the request to the Board.

Mr. Apicella: Thank you. Thank you Ms. Hornung.

Ms. Hornung: Thank you.

Mr. Apicella: Alright Mr. Harvey, next item... or Planning Director's Report.

PLANNING DIRECTOR'S REPORT

8. Willful Non-compliance

Mr. Harvey: Mr. Chairman, yes, the Planning Director's Report. Number 8 is a code amendment that was referred to the Planning Commission from the Board. It would remove one word from the code section dealing with revocations of conditional use permits. We have in our current standard requirement for the Board to determine that there was willful non-compliance with the conditions of the permit or any other state or federal code that is a higher standard than specified in state code and has created some issues for the County when we are trying to enforce conditional use permit conditions. So staff would ask the Commission to consider scheduling that for a future public hearing.

Mr. Apicella: Again, just to reiterate what I heard you say, this is just a one-word change to the appropriate County code section. If we were to decide to move forward with that change to a public hearing, could that happen on December 19th? Would there be enough time that advertise it?

Mr. Harvey: Mr. Chairman, there is time to advertise. Staff was trying to sort out what we may have for the meeting for December 19th, because it's a potential that we could have quite a few public

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hearings. So, we're going to try to balance that out. This may be one to be better sent to January because it does have a specific timeframe that allows for some flexibility.

Mr. Apicella: How would the Commission like to proceed?

(Inaudible - microphone not on).

Mr. Apicella: Okay, but we can at least choose to move forward, right, tonight and schedule it at the first meeting in January.

Mr. Harvey: The first available meeting.

Mr. Randall: I guess my only... have it whenever is fine. I guess my only issue is I think this is a fairly simple process, you know, and I'm... if I have to spend an extra five minutes on the 19th to knock this out I don't think I'm going to get very much public hearings for it and I don't think that there's going to be too much opposition to it. And so I'm of a proponent of as soon as possible, put it on the agenda, get that public hearing, get it done, move on. So, anyway, that's my only input to it so.

Mr. Apicella: Any other thoughts? I guess I'm kind of where Mr. Randall is. I think this probably could take up all of five minutes when it when it comes forward. And I won't be here so there won't be any questions from Apicella, so it might even go in 4 minutes.

Mr. Randall: Exactly.

(Inaudible - microphone not on).

Mr. Apicella: That's true. So, again, what's... let's just hear from some more folks; what would you like to do? You've heard from Mr. Randall, you heard for me; any other thoughts about...? I think generally just by saying at the first available public hearing timeframe, that could actually occur on the 19th once you figure out whether or not that's going to be fully... the tree will be full.

Mr. Harvey: Yes, we have a number of land use cases that are close to being ready to go to public hearing, so we potentially could have four or five hearings that night.

Mr. Apicella: Or two.

Mr. Harvey: Yes. And we try to balance it out so the Commission's not overwhelmed with public hearings, if possible.

Mr. Apicella: So, how about again, if there's a motion to move this to a public at the first reasonable...

Mr. English: So moved. I'll make it.

Mr. Apicella: Okay. Is there a second?

Mr. Randall: I'll second that motion.

Mr. Apicella: Okay. Any further comments?

Mr. Randall: As long as it's on the 19th.

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Mr. Apicella: Cast your vote.

Mr. Harvey: Continuing with my report, staff is working with an engineering firm...

Mr. Apicella: Did we need to vote on that?

Mr. Harvey: Oh, I'm sorry, I interrupted.

Mr. Randall: Yes.

Mr. English: That's all right Jeff.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yeah, yeah, yeah, I'm pushing, I'm pushing.

Mr. Apicella: Okay, motion carries 6 to 0 to schedule this at the first available public hearing date. Okay, next item Mr. Harvey?

9. Downtown Stafford - Ongoing

10. Bicycle and Pedestrian Facilities Plan Update - Ongoing

Mr. Harvey: Regarding downtown Stafford. Staff is working with Stantec engineering to work on a generalized development plan for the County's property for a potential presentation to the Board of Supervisors in December or January to talk about possibly rezoning the County's property to help start the downtown development process. There'll be more to come in the future with more information to be shared with the Commission once it's available. With the Bicycle and Pedestrian Facilities Plan, it's still ongoing. We haven't made as much progress as we'd like. Hopefully next meeting we'll have maybe a brief update for you.

Mr. Apicella: Thank you Mr. Harvey. County Attorney's Report?

COUNTY ATTORNEY'S REPORT

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

Mr. Apicella: Thank you Ms. McClendon. Committee Reports -- A-1 Uses Subcommittee.

COMMITTEE REPORTS

11. A-1 Uses Subcommittee
Update at November 14, 2018 meeting

Ms. Blackburn: Mr. Chairman, Planning Commissioners, we have hopefully an ordinance that you can send forward to the Board for their consideration. And this is Ordinance O18-35, and it was a product of a subcommittee that you... most of you all worked on. And I know a lot of the information was brought last month and there were a couple of additions to the ordinance that were requested. One was in the event venue definition, it originally said, and you have the new revised ordinance I think and this is marked in yellow...

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Mr. Apicella: No.

Ms. Blackburn: Did you make copies?

Mr. Apicella: We do?

Mr. Randall: You should have a paper copy.

Ms. Blackburn: Yes.

Mr. Apicella: Got it, thank you.

Ms. Blackburn: Okay. For the event venue, originally it just said a facility located on 5...

Mr. Randall: Which page are you on?

Ms. Blackburn: I'm on page 2...

Mr. Randall: Thank you.

Ms. Blackburn: ... in the definitions, for a facility of 5 acres and it was requested that we put in a minimum of 5 acres, so that was marked in yellow for you. Also a request on the line item for cemeteries and uses permitted by-right which is on page 3, it was to see Section 28-39(o) which is the section of the Zoning Ordinance that discusses cemeteries. And on page 5 there was a request to have a setback for a feedlot, and the original request was for a stream from the reservoirs. And I just added it and wanted it to be 900 feet and I just had a setback from a perennial stream period so there would be no question as to where it flowed or what it did and there would be nothing special. It would just be from a perennial stream. And that is still in line with dealing with feedlots that have to be regulated.

Mr. English: That's what I was going to ask you.

Ms. Blackburn: Yes, we're still doing that, yes.

Mr. English: So, should the 900 feet be put in there then?

Ms. Blackburn: Pardon me?

Mr. English: Should the 900 feet be put in there or we just say...

Ms. Blackburn: It was a request. It was a request from Ms. Vanuch, wasn't it?

Mr. Harvey: The Chairman, yes.

Mr. English: Okay, that's fine.

Ms. Blackburn: So, that's why it was put in there. Now this ordinance is going to, if you vote, you know, decide on this tonight, this is only going to the Board for their consideration. This is not final, it will still come back to you; if people have questions or concerns from any of your constituents of some of the uses we have not thought of or dealt with.

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Mr. Apicella: Any further questions for staff? Mr. Boswell?

Mr. Boswell: Just one.

Ms. Blackburn: Yes sir.

Mr. Boswell: The parking of commercial vehicles, is it allowed at all in A-1 anymore? Am I understanding it right that you struck it out of A-1 altogether?

Ms. Blackburn: Yes. That was a choice of the committee.

Mr. Boswell: So, someone who has an A-1 piece of property that has his own whatever kind of business can't park his commercial trucks at his residence.

Ms. Blackburn: If you have a rural home business, you can. It does not include farm vehicles.

Mr. Boswell: Yeah, I'm not talking about farm vehicles.

Ms. Blackburn: Yeah, so if you have a rural home business, you can still park...

Mr. Apicella: With a special exception.

Ms. Blackburn: ... with a special exception, you can still park vehicles, yes.

Mr. Randall: Do we want to include some language to that in this...

Mr. Apicella: I think it would be redundant because it's already covered under the home business changes that we just...

Ms. Blackburn: Yes.

Mr. Apicella: ... voted to approve, or recommend approval of.

Mr. English: (Inaudible) you put on there in parentheses, you see home business. Maybe something like that. Would that suffice?

Mr. Apicella: I think it actually creates more confusion if you start...

Ms. Blackburn: And there was also...

Mr. Randall: If I could, I'm sorry. To your point Chairman, I went to the special exception list and it does say rural home business. And so it's covered under there and then they would need to go to the rural home business area to see what would be allowed.

Ms. Blackburn: Yes.

Mr. Randall: So it may make sense, you're right; it would be redundant to put it somewhere else. Thank you.

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Ms. Blackburn: And then there was one other item. It was with farm wineries which I have to admit that I missed that we do already have a definition for that and there was a... so we're just keeping the same definition that's already in there. And that is marked on your copy... yes, it should be age 2 I think. And then there was a question about whether or not to be a Class A or Class B winery, and I have a sneaky suspicion that if you allow a farm winery, that is just a licensing through the state. You don't get to decide if you get either one of those. But that is something that I do want to look into and have it be presented to the Board, yes. That's a question on me that I want to know about.

(Inaudible - microphone not on).

Ms. Blackburn: They... the committee just decided that they wanted it to be a special exception because it was more of a non-agricultural type of business.

Mr. English: Mr. Chairman I make the... if we need a motion to go ahead and forward this to the Board.

Mr. Apicella: Thank you Mr. English. Is there a second?

Mr. Bain/Mr. McPherson: Second.

Mr. Apicella: Okay, I think Mr. Bain beat you to the punch Mr. McPherson. Okay, any further comment Mr. English?

Mr. English: No sir.

Mr. Apicella: Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Anyone else? Mr. Randall?

Mr. Randall: I have a quick question. Did we look at Airbnb's?

Mr. Apicella: Airbnb's.

Mr. English: I think that would be under home business, wouldn't it?

Mr. Apicella: I think that's actually a huge issue.

Mr. Randall: It is.

Mr. Apicella: And I'm not sure we want to touch it at this point in time.

Mr. Randall: I'm not sure either but I did... it may have some applicability to this and I didn't know if we looked at it and decided not to address it, that would be one aspect of it, or if we didn't look at it at all.

Mr. Apicella: Well, first of all, it wouldn't necessarily be restricted to A-1. So all this exercise was aimed at just A-1...

Mr. Randall: I totally agree with that.

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Mr. Apicella: ... that why I say it's much bigger than...

Mr. Randall: It is. I just didn't know if in A-1 uses we looked at it.

Mr. Apicella: I would say if the Board wants us to look at the issue of Airbnb type activities they should refer that matter to us as a separate action item. And I'm not saying they should or they shouldn't, I'm just saying I'm not sure that's something we want to delve into ourselves at this point in time. Okay, so again there's been a motion that's been seconded. I think I asked you if you had any further comments Mr. English? Mr. Bain? And so I just want to say, as one of the subcommittee members, well done. This was a lot of work, took a lot of time and effort, and I also want to thank the non-Planning Commission members who participated and were very helpful to this process. So, with that said, please cast your vote. The motion carries 5-1. Thank you Ms. Blackburn.

Ms. Blackburn: Thank you gentlemen.

12. Cluster Ordinance - Map Subcommittee
Update at November 14, 2018 meeting

Mr. Apicella: So, the next item is the Cluster Ordinance Map Committee. Mr. Zuraf, are you going to brief that?

Mr. Zuraf: Good evening again Mr. Chairman, members of the Commission. If I could have the computer please. I want to provide you an update of the work of the Cluster Development Map Committee. This committee consisted of Commissioners Vanuch and Apicella and their task was to produce a modified cluster development area map that incorporates more unimproved land into the eligible cluster development areas. The committee had meetings on October 30th and November 7th. So, on October 30th the committee began by evaluating development constraints as a primary factor in determining where best to kind of designate cluster areas. They looked at five different factors as part of this evaluation: proximity of properties to fire stations; groundwater suitability; military facility impacts; proximity to public water; and proximity to public sewer. All these factors were applied to unimproved parcels. They were scored based on their ability to meet these factors. This produced a suitability analysis map that you see on the right. Basically here parcels were... received a score of 5 to 0, 5 being determined to be the most suitable based on these criteria, 0 being the worst. From this the committee identified general areas for staff to map out expanded cluster area boundary locations. On November 7th at the committee meeting there, the committee reviewed a draft cluster area boundary, and that was kind of drafted by staff, and then the committee made adjustments for the purpose of developing three optional maps. The goals of... the goal of the three maps was to include varying amounts of unimproved properties inside the cluster area so that that included 60%, 55%, or 50% of unimproved land in the different maps. The amount of eligible land was divided by transportation area zones as a unit of measure; those are known as TAZs. The committee used this information to determine the appropriate amount of area to add or remove from cluster areas in order to meet their intent of coming up with the different percentage goals. And using the TAZs was suggested as a good unit to use because it follows streets and so what could provide for well-defined boundaries where those areas are incorporated. So, from this the three optional cluster area maps were created and I'm going to go through those and look at two different series of these maps. So, first the Option 1 map -- this basically included the 60% of the unimproved areas inside the cluster area. The area does include both shaded areas; the lighter shading represents the portion of the cluster area inside the Urban Service Area, and then the darker shading is the portion of the cluster area outside of the Urban Service Area. So, we have... you can see the breakdown of the amount of land inside and out, and that one happens to exactly fall at 60%. Some of the... so this was an expansion from the prior map. The next series of maps I'll

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show you show a comparison of this new boundary to the current cluster area map. But some of the changes to the cluster area in Option 1, just to kind of highlight the general change areas, in Hartwood this area expanded out to Hartwood Road and Stony Hill Road. Some of the areas along Mountain View Road here were extended up into the Rock Hill area. In Widewater, you'll see it better on the next series of maps but there was a reduction of a cluster area in this general location. Then also in the Aquia area, the limits extended out into the under the Marlborough Peninsula and north of Brooke Road. And then in the George Washington District, the cluster area extended to the east out to approximately Newton Road and Caisson Road, in line with that. So, that was the first option, the most amount of area within the cluster area. Option 2 then brings that boundary in a little bit. Looking at some of the adjustments from the last map, this area here in Hartwood, that goes away. In the area along Mountain View Road, this area goes away and actually I want to point out in this area the boundary is inside of the Urban Service Area. You can see the purple line and so the area... the limit is actually inside of the Urban Service Area in that spot. In Widewater there's a slight additional reduction of property in between Arkindale Road and the Potomac River. And then down in George Washington just...

Mr. Apicella: Mike, just to be clear it's a further reduction because it also incorporates the previous reduction from the other map, right?

Mr. Zuraf: Well, the first map... right, yes. So this is from Option 1, it changed from Option 1, and then this area you have a little notch of oval area that was reduced as well in George Washington District. So, that's Option 2 and that accounted for 55%. And the 50% map is Option 3 and the additional changes from the Option 2 map in the Widewater area removed some additional land south of Widewater Road in this area. And then in the Falmouth District, removes this portion of a land between Leeland and Brooke, and also... and again the boundary goes inside of the Urban Service Area along Leeland Road and Deacon Road. Those are the only changes for that option from the previous. So, this is one way these were comparisons to the Urban Service Area. And then the same... the next three maps, it's the same boundaries but just showing how they compare to the current cluster area map. So, where you can see expansions to the current area, in Option 1 again in Hartwood the area's I've pointed out along Mountain View Road into Rock Hill. Then here you can see in Widewater, the old line was along Quantico and now the new line is only along Widewater Road. So you have a reduction in the Widewater area. And then some expansions out Brooke Road and then to the Marlborough Peninsula, and the areas along in the George Washington District. So, Option 2, as the percentages decrease, you have the expansion areas decrease and I won't go over every one in detail. And then Option 3 going down to 50%, the least amount of additional changes from what we currently have on the books.

Mr. Randall: So Mike, just so I'm clear, this is currently what we have now...

Mr. Zuraf: In green.

Mr. Randall: ... in green, with the additional areas to get us to a 50, 55, or 60% ratio.

Mr. Zuraf: Yeah, 50 to 60%, yes.

Mr. Randall: Okay, thank you.

Mr. Zuraf: So, one of the Commissioners asked to provide additional analysis and tonight you did receive some additional evaluation of how the different amount... the cluster area options compare in each district for all the different three options. So, I provided, you know, to you that information tonight. On the screen is just a sample of kind of how we kind of looked at this as it related to each election district. So what we provided was listing, you know, sheet one of what you have is a

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breakdown of Option 1, for map Option 1, how the area relates to each election district. And each one you can see the amount of area inside the cluster area that's inside the USA, inside the cluster area that's outside the USA, and then the area that's just completely outside of the cluster area. And so, for each category, you can see the total amount of acres and the percent of land, and that's total land, within the district. So we looked at all land and then so you have that for Option 1, Option 2, and Option 3. I highlighted the category for the inside cluster area outside of the Urban Service Area because that was one of the... part of the discussion that the committee was trying to equally distribute the expansions out from the Urban Service Area, so that's kind of what that highlighted area represents is the amount of land outside of the Urban Service Area that would still be in the cluster area. And I included acres and percentages because each election district is a different size and so and situated differently. Garrisonville, it's all in and there's no options to... unless you want to remove it but, you know, so that's a hundred percent but then you have... you know, so that the focus is probably to be looking at the districts that have a good amount both in and out of the Urban Service Area. And just for my quick look at the different options, it seemed like Option 1 provided the most similarity in the amount of changes and extent of changes in each district. From that I'll turn it back for any questions.

Mr. Apicella: If I could just kind of add to what Mike just said -- and Roy can chime in, he was an active observer at our subcommittee meetings -- we were trying to be fair and equitable as much as we could realizing that we kind of had a math issue to address. And the initial objective was to spring out from the Urban Services Area as it exists now, beyond the areas that already existed in the current cluster map. And there's no perfect map you can come up with. There's no precise science that's going to get an absolute fair and equitable solution. The objective was to provide the Board with as much information as possible. In theory, if everyone agrees, presenting them all three options, letting them decide which of those options might be best or some hybrid of those three options, but at least giving them the information to see how different gradients look in terms of how the map is affected and then to let them refer something back to the Planning Commission for further action. Mr. English?

Mr. English: Yeah, I'm making a motion that we send all three back to the Board of Supervisors and let them make that decision.

Mr. Apicella: Thank you Mr. English. Is there a second?

Mr. McPherson: Second.

Mr. Apicella: Okay, any further comment Mr. English?

Mr. English: No. I think you guys did a good job and staff did a good job. I think that gives them a lot to look at and like you say, it is what it is, you know, You did your best that you could do so that's why I said let them make that final decision.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No further comments, thank you.

Mr. Apicella: Okay, anybody else?

Mr. Boswell: Just to say that Mike, I thought that was an excellent presentation and you might wanna present this to the Board of Supervisors because you explained it really well, the first three maps up, you know, better than I've seen it.

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Mr. Zuraf: Thank you.

Mr. Apicella: Is that possible Mr. Harvey? Is it a part of the package where a...

Mr. Boswell: Explain it the same way to them.

Mr. Apicella: ... staff member can actually present the item? And again I think Mr. Zuraf did fantastic work on this.

Mr. Boswell: He did.

Mr. Harvey: Mr. Chairman, we anticipate this will be on the Board's agenda as New Business for the 27th. There will have to be a staff presentation so certainly Mr. Zuraf will likely be the presenter.

Mr. Randall: And Mike is volunteering.

Mr. Zuraf: Thank you.

Mr. Apicella: But there's no extra pay so just so you know.

Mr. Zuraf: That's all right. I've been there before.

Mr. Apicella: Great. Okay, cast your vote. The motion carries 6-0. Thank You Mr. Zuraf. Okay, next is the Cluster Ordinance Policy Subcommittee; Mr. Randall, do you have anything to offer up?

13. Cluster Ordinance - Policy Subcommittee
Meeting - November 13, 2018 @ 6:30 p.m., ABC Conference Room

Mr. Randall: You should have in front of you a summary of our meeting yesterday. We spent a couple of hours going through most of our list. We have a couple of minor last minute -- I shouldn't say minor -- last items that we need to cover. Our next meeting will be on the 18th of December. We expect that on 18th of December we'll get final versions of most of what we have and then be able to hopefully wrap up some last minute definitions of recreational amenities for cluster subdivisions. But we're moving forward pretty well and, like I said, we should have everything wrapped up on the 18th.

Mr. Apicella: Thank you Mr. Randall. Chairman's Report -- I have nothing to offer up tonight. Other Business, TRC information -- looks like it's all you Mr. English; lucky you. And last item on the agenda is approval of minutes for the October 24th meeting. Is there a motion?

CHAIRMAN'S REPORT

OTHER BUSINESS

14. TRC Information - December 12, 2018
- * Centreport Stafford 95 Business Center - Hartwood Election District
 - * Centreport Stafford Airport Business Center CIP Finishes - Hartwood Election District

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Mr. Boswell: So moved.

Mr. Apicella: Second?

Mr. Bain: Second.

Mr. Apicella: Okay, been motioned and seconded; cast your vote. The motion carries 6-0. With no further action before the Planning Commission, I adjourn the meeting.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:36 p.m.