

STAFFORD COUNTY PLANNING COMMISSION

June 12, 2019

The meeting of the Stafford County Planning Commission of Wednesday, June 12, 2019, was called to order at 6:30 p.m. by Chairman Crystal Vanuch in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Brian Geouge, Susan Blackburn

DECLARATIONS OF DISQUALIFICATION

Ms. Vanuch: At this point, would anyone like to make any declarations of disqualification or disclosure for any items on the agenda this evening?

Mr. Bain: Madam Chairman, I would just like to mention that I have had some discussions with Mr. Payne, the attorney for Cherryview Landing, over the phone.

Ms. Vanuch: Okay. Thank you Commissioner Bain; anyone else? Okay, seeing none, we're going to go ahead and move on to the Public Presentations portion of tonight's meeting. So, this is the time where any member of the public can come down to the podium, speak your name, address, the district that you reside. You'll have 3 minutes to speak on any item other than any of the public hearing items this evening. When the green light comes on, you can state your name, address, and the district you reside. When the red light comes on, please conclude your comments.

PUBLIC PRESENTATIONS

Mr. Lovell: Good evening. My name is Everett Lovell; I live in the Aquia District. I came to speak tonight about beekeeping. I see on your agenda somewhere is a consideration for possibly regulating beekeeping. I discourage you from doing that. I don't think it's necessary. I've been keeping bees -- I don't have any right now, but I started back when I was in high school. Yes, they could be dangerous; typically they're not. They do occur in the wild. As a matter of fact, I know for a fact that one of the Supervisors has a wild hive on their property, so it's not something that's strictly kept in a box. I mean, typically for... when you have bees at your house, you keep them in a box. But they do occur naturally. I read over what was on the public agenda. I was concerned because I didn't see any addressing of observation hives. If somebody wants to have say an observation hive in their place of business or in their house, that's not addressed. There's talk about having a fence 10 feet away. You know, I understand why they do that and, when a bee leaves the hive, you want it to fly up so it doesn't fly into the neighbor's backyard. But there's nothing said about what type of fence and, again, I don't think it's something that really needs addressing. Usually, when you have a beehive, you aim the entrance towards the east because you want them to get up and get going in the morning and get to work. So, there are a lot of factors and not the property line; that's usually not the moving factor. What about if people are moving beehives? I mean, people don't just put a beehive on their property and leave it forever. It comes and goes sometimes. Not always, but sometimes. What about other zonings? And most importantly, the zoning that I have is B-2. I didn't see anything about having a beehive in B-2 and I'd hate for me to have a beehive and then the County to some say, that's not an allowed use, you can't

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do that. I have 20 acres of woodland. You know, I just think it's absurd. And also, bees are kept in the cities. So, you know, it's not just single-family residences; people keep bees on their rooftops in the cities. Probably not 5 or 6 hives, you know, but they do keep... they do keep hives. It's also very important how high the hive is off the ground. So, if somebody wanted to keep a hive say on their second floor porch, um, a lot of the suggestions here wouldn't apply. Anyway, I hope you don't spend a lot of time with this. Thank you.

Ms. Vanuch: Thank you Mr. Lovell. Anyone else like to come down and address the Commission? Okay, seeing none, I'm going to go ahead and close the public presentations and open up tonight's first public hearing, or not open the public hearing but discuss item number 1 on the agenda, the Reclassification for Cherryview Landing. And for this we recognize Mr. Brian Geouge.

PUBLIC HEARINGS

NONE

UNFINISHED BUSINESS

1. **RC18152389; Reclassification - Cherryview Landing** - A proposed zoning reclassification, with proffers, from the R-1, Suburban Residential Zoning District to the R-3, Urban Residential – High Density Zoning District, to allow for the development of 71 townhouse dwelling units on Tax Map Parcel Nos. 45-35C, 45-35D, 45-35E, and 53-1D (Property). The Property consists of 10.27 acres, located at the southeast intersection of Musselman Road and Krieger Lane, within the George Washington Election District. **(Time Limit: July 19, 2019) (History: Deferred on April 10, 2019 to May 29, 2019) (Deferred on May 29, 2019 to June 12, 2019)**

Mr. Geouge: Good evening Madam Chairman, members of the Commission. Brian Geouge with the Planning and Zoning Department. This request is for a reclassification from R-1, Suburban Residential to R-3, Urban Residential – High Density to permit 71 townhouse units on 4 parcels consisting of a total of 10.27 acres. The applicant is Beazer Homes. The agent is Charlie Payne and this is in the George Washington District. Just as quick refresh on this project, this is located at the south end of Musselman Road and west side of the Rappahannock Landing townhome development. It is zoned R-1 surrounded by other R-1 zoned property and R-2 property. A public hearing for this was held on April 10th. The comments made at that hearing include concerns about access points on Krieger Lane; the location of the tot lot; and safety around the pond that's proposed within the development; there was a suggestion to include a pocket park at the southern end of the development where there is some undeveloped area; the timing of the tot lot; and impacts to local roads. And the applicant has submitted revised materials in response to these concerns. Here's the revised Generalized Development Plan. We actually received another revision after the staff report was completed, just before the meeting, and that is shown here. The latest GDP is very similar to the one that was presented before, except that the tot lot has been relocated to the south end of the development, whereas previously it was located by the pond here. And the tot lot is also within a larger pocket park area proposed at the southern end of the development. The gated emergency access that was previously proposed here to Krieger Lane is now being shown as a full unrestricted access. And also, with the latest revisions we received today, this access here to Krieger Lane was added, whereas previously this was a hammerhead turnaround. A 4-foot high chain-link fence is now shown around the proposed pond for safety reasons. And there are other slight adjustments to the parking areas to comply with current ordinance requirements for parking. For instance, there were, I believe, 4 parallel parking spaces added here, and some slight adjustments to the other guest parking areas. The applicant also revised their traffic assessment memo that they had previously provided. They provided some more information on where they expect traffic to... what roads they expect traffic to use

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for this development. And what they concluded was that 70% of the traffic generated is expected to use Bellows Avenue, because that road is wider, it's in better condition than Thomas Lane up here, which would be about the same distance-wise. But due to the better conditions on Bellows, that's why they expected 70% on that one. Just to summarize public facility impacts, as we found previously, there are level of service deficits for schools and public safety with this application. Both are proposed to be mitigated with cash proffers. And to quickly summarize the proposed proffer changes, so the revised proffers here are shown with the underline and this includes proffering of the pocket park and the location shown on the GDP. And also require open play field, picnic tables and grills stands within the pocket park. And also to require construction of the tot lot and pocket park by the 43rd occupancy permit, whereas previously it was the 50th occupancy permit. And also, a proffer to require the 4-foot chain-link fence around the pond. And also, revised proffers were submitted tonight as handouts, which add the requirement for that 4th access on Krieger Lane.

Mr. Randall: Madam Chair?

Ms. Vanuch: Yeah, Mr. Randall.

Mr. Randall: Quick question, is that... can you go back one slide? Their 4-foot chain-link fence, is that proposed that it will be built before the first occupancy permit is given? Is there a timeframe that was given to you by the applicant as to when that would be?

Mr. Geouge: There wasn't a timeframe, so on that one we would default to the first construction plan be received. We would look to have that provided as part of that initial development. But, as far as before a certain number of occupancy permits, we don't have that level of timing information in the proffer.

Mr. Randall: Okay, I will wait and ask the applicant. Thank you.

Mr. Bain: I will just...

Ms. Vanuch: Mr. Bain, go ahead.

Mr. Bain: ...add to that. I assume that's going to have a gate with a lock on it, but will ask the applicant about that.

Mr. Geouge: I would think so, for maintenance purposes.

Mr. Bain: Yeah, I think I would want to make that a requirement, sure.

Mr. Geouge: Staff is generally supportive of this applicant and recommends approval with proffered conditions pursuant to Ordinance O19-30, which there is also a revised copy of that provided in the handout materials with the updated proffer statement. And the time limit for this is July 19th.

Mr. Vanuch: Thank you Mr. Bain, any other question... or thank you Mr. Geouge, any other questions from the Commission?

Mr. McPherson: I have a brief question, if I may.

Ms. Vanuch: Yes, Mr. McPherson.

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Mr. McPherson: Brian, so in the material it states that the minimum open space area is 25% but their plan gives us 40%, but that includes stormwater management. What percentage of the open space is taken up by stormwater management? If you take out the stormwater management, do we get below 25% of usable open space?

Mr. Geouge: I am not certain, that would require some measurement. I would imagine you would still be over in this case, but again I am not certain.

Mr. McPherson: Okay, but you think it still would be over 25%? I know you....

Mr. Geouge: Probably, they have a fairly large area at the south end and some buffers around the adjacent residential use. So, it probably would be close, but...

Mr. McPherson: Okay.

Mr. Geouge: ... I would have to measure that to be certain.

Mr. McPherson: It would be interested in that. Thank you.

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

Mr. Randall: I have a quick question. Have they provided to you some type of an idea what these townhomes would look like?

Mr. Geouge: Yes. And that was...

Mr. Randall: Alright, do we have that information available?

Mr. Geouge: That is...

Ms. Vanuch: I see the applicant shaking his head.

Mr. Geouge: That was in a previous staff report and previous presentation. I don't know if we are able to pull that up or not.

Mr. Randall: Okay.

Ms. Vanuch: They might be able to address it when they come up.

Mr. Randall: Yeah, yeah that's fine. I just didn't see anything that I had right in front of me.

Ms. Vanuch: Any other questions for staff, then we can give the applicant a chance? Good? Good? Alright, Mr. Payne would you like to come on down?

Mr. Payne: Bill is busy calculating (inaudible), so I may have an answer for you while I'm up here. Madam Chair and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler. I represent the applicant. Thank you for your time this evening, I hope you all are doing well. As staff had noted, in response to many of the comments made by the Planning Commission, in regards to our plan, we addressed each and every one of those comments, including addressing most recently the fourth access from the site... to and from the site on Kreiger, so there will be two access

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points on Krieger, and two on Musselman. So we got rid of the hammerhead that was there. And just some background on why we didn't have the fourth access. You know, typically for a project this size, it requires, you know, one access for 71 units, but we did have two accesses initially. And then of course with the emergency access, Mr. Bain and maybe Mr. McPherson had asked us why not just make that a full access. We looked at that and thought that was a good idea. We also wanted to make sure we had access to Kreiger, as well legally, because that is a private road. So we confirmed that as well. And then typically for subdivisions, y'all likely live in subdivisions or have, folks like living on cul-de-sacs. They don't like having a lot of traffic come through there, although Mr. Bain made a good point today; there probably would not be a whole lot of cut-through traffic going through there given the fact it's so close to the intersection at Musselman. So that was the thinking behind us, not that we were trying to be difficult, it was just sort of the development planning. We also addressed the issue about reducing the trigger point for the number of units in which the amenities would be provided. That got a little tricky, just because of the fact that the pocket park and the tot lot got moved south, so the development plan... because Musselman Road is the main access point, or attractive point... you know, the model home and the construction would start there and you would work your way south. So, we initially weren't quite sure when those amenities would be put in place. There were some good questions and points raised by several Planning Commission members, including Mr. Apicella, for us to take a hard look at that, which we did, which was a fair question. So what we came up with was a plan where we could... okay thanks... a plan where we could develop north to south, but do it sort of in a way where we could build the sidewalks on the main road coming north to south sooner rather than later, and therefore people who are living there... everyone who is living there can have access without being worried or impacted by the construction that was going around. So, the public safety issue, amenity timing issue, we balanced that and thought we came up with a good solution. In regards to the fence, yes, absolutely it would be locked, it will have a gate, you have to get in there and clean it out. So it will have a gate and be locked. It will be part of our initial construction plans, so it will occur before there's a home... anyone living in a home. And on the stormwater management pond, to answer Mr. McPherson's question, the pond is approximately 0.47 acres, remaining 3.64... yeah, even without the pond we are at 35.8%... is that right?

Mr. Pyle: Yes.

Mr. Payne: So, we are over by 10%. Thank you very much. Yes sir, thank you. Elevations are in and proffered with our proffer statement. And I will answer any other questions.

Mr. English: I've got a question for you Mr. Payne.

Mr. Payne: Yes sir.

Mr. English: You're saying that... they're saying that 70% of the traffic is going to use Bellows Avenue?

Mr. Payne: That is what we think.

Mr. English: What have y'all done as far as compensating them or what is going on with the HOA as far as if they are going to use... 70% of your traffic is going to go through Bellows Avenue, the HOA takes care of that road and stuff, so it's going to be a lot of wear and tear on that road and it could be from your traffic. You admitted 70% of it is going to be coming from using that.

Mr. Payne: I think Bellows is a public road. Let me take a look at my analysis here. It's a public road. And the reason why we think it would be mostly used versus Thomas is just for the fact that it's ... you go through less intersections...

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Mr. English: It's a better road, it's better than Thomas, I know it is.

Mr. Payne: It is, it's 32 feet in width, it's about 3,200 feet in length.

Mr. English: Yes. Has anybody ... I think you are right, it is a public road. Has anybody... has the HOA from there made comments or anything about... because I don't know, is a lot of traffic coming in from the subdivision, Rappahannock Landing? Are they using it a lot too? Bellows Avenue or do you know?

Mr. Payne: I don't think so right now, but when the light moves to Old Forge...

Mr. English: Right.

Mr. Payne: There will very likely...

Mr. English: It's going to force it to...

Mr. Payne: But even with that additional use, our analysis shows that our use is not adding and additional impacts to that particular road or that intersection.

Mr. English: Okay.

Mr. Payne: Again our level of services still remains the same...

Ms. Vanuch: Mr. Apicella, did you have a question?

Mr. Apicella: Charlie, first of all I really appreciate your flexibility and the applicants' flexibility in working with us and trying to address our concerns. And I'm sorry to bring this up one more time, and it may be overly prescriptive on the fence. Does it have to be a chain-link fence? I am just thinking of how that might look and if it does have to be a chain-link fence. Is there anything you guys could do to make it look a little bit better? I know for example they've got chain-link fences that have like a green strip through it all the way from the top to the bottom.

Mr. Payne: (Inaudible) slats or something of that...

Mr. Apicella: Yeah.

Mr. Payne: I mean we can certainly dress it up. We were looking...

Ms. Vanuch: Like a no climb fence.

Mr. Apicella: Yeah, but also just in terms of...

Ms. Vanuch: Because you don't want kids to climb.

Mr. Apicella: ... the aesthetics of...

Ms. Vanuch: Yeah. Well chain-link you can still climb. Kids can climb that, yeah.

Mr. Apicella: You can still climb...

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Mr. English: It's like the one over here by the Courthouse (inaudible).

Mr. Apicella: Yeah, I mean there is no way you can make it perfect. I am just trying to make it look a little bit better. I mean, first of all I think it does, at least partially address the safety concerns that we had...

Ms. Vanuch: Yeah.

Mr. Apicella: ... with kids just walking right to the stormwater...

Ms. Vanuch: I see them shaking their head. Is that a yes?

Mr. Payne: Yes, we were thinking about a black vinyl fence of some kind.

Mr. Apicella: Okay.

Mr. Payne: It would be nice, it is going to be so close to the homes, it's not going...

Ms. Vanuch: Yeah, they are not going to want to put a chain-link...

Mr. Bain: You want it to look nice.

Mr. Payne: Sure. We do have to get access through to (inaudible) to clean out stormwater management.

Mr. Apicella: Great, thank you.

Mr. Payne: Sure, thank you.

Ms. Vanuch: Any other questions on this side? Any on this side?

Mr. Randall: I do.

Ms. Vanuch: Mr. Randall.

Mr. Randall: You changed it from the 50th occupancy permit to 43rd.

Mr. Payne: Yes.

Mr. Randall: From start to ... from the time you start building or maybe from the time you have your first occupancy permit, how long do you expect it to be before you get to the 43rd?

Mr. Payne: Current market, probably 18 months or less.

Mr. Randall: Okay, thank you.

Ms. Vanuch: Mr. Bain.

Mr. Bain: I did have just one very minor... the stormwater pond, is that going to have a permanent pool in it or will it be dry during dry periods.

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Mr. Payne: Because it's a pond right now.

Mr. Bain: I know it is.

Mr. Payne: I don't think we are talking about draining it anything of that nature, we are talking about leaving it in its current state, am I correct?

Mr. Pyle: (Inaudible from audience)

Mr. Bain: Okay, I would encourage you to try and make it a dry pond, only from the view point of attractive nuisance issues. Even with a 4 foot high vinyl fence, kids, you know if they know there's a pond there with frogs and other things they are going to try and get over it.

Mr. Payne: There are some nice bass in there, I hear.

Mr. Bain: Oh really.

Mr. Payne: One of the amenities of moving into...

Mr. Bain: And adults with fishing rods?

Mr. Payne: We are going to pass out fishing rods. We would have fished in that pond wouldn't we Darrell?

Mr. Bain: Maybe there is another market for you to sell licenses. Thank you.

Mr. Payne: Thank you.

Ms. Vanuch: Okay, I think we are good. Okay at this point we will open up the public hearing for the Reclassification of Cherryview Landing, so if you are here to speak...

(Inaudible)

Ms. Vanuch: Oh, that's right. There is no public hearing, you are right. It's unfinished business. I'm sorry. Okay, so there is no public hearing. So, I will bring it back to the Commission. Mr. Bain, this is in your district.

Mr. Bain: Yes Ma'am, I appreciate also the work that Mr. Payne and the applicant have done to meet our concerns. I am concerned still about the traffic generation and impacts on Musselman and Thomas and Short Street and others. But I do feel this is consistent with the Comprehensive Plan. It is a Targeted Growth Area and I think it's also consistent with the adjourning property. So I would like to make a motion to approve Reclassification RC18152389.

Ms. Vanuch: Okay, we have a motion to approve. So we have a second?

Mr. McPherson: Second.

Ms. Vanuch: Okay so we have a motion on the floor to approve the Reclassification of Cherryview Landing by Commissioner Bain and a second by Commissioner McPherson. Any comments Mr. Bain?

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Mr. Bain: No.

Ms. Vanuch: Commissioner McPherson?

Mr. McPherson: Nope.

Ms. Vanuch: Anyone else?

Mr. English: I am going to have to vote against that because my concern is that traffic and Bellows Avenue, and just adding more to that. So... and I know that there's townhouses in there and know there's other roads, but I have a big concern with that Bellows Avenue and all that 70% of that traffic going through there. So, I am going to have to vote no.

Ms. Vanuch: Okay, anyone else? Okay, seeing none. Go ahead and vote. Motion carries 5 -2. Item number 2, Reclassification for the Villages at Greenbank, the proffer amendment, and then we also have the Amendment to the Zoning Ordinance. Mr. Geouge, did we settle that you were going to do these back to back?

2. RC17152130; Reclassification - The Villages at Greenbank Proffer Amendment - A proposal to amend proffered conditions on 441.67 acres identified as Tax Map Parcel Nos. 44W-H and 52-1 (Property), zoned RBC, Recreational Business Campus Zoning District, to allow for the development of 1,177 age-restricted dwelling units. The Property is located at the southern terminus of Celebrate Virginia Parkway, within the Hartwood Election District. **(Time Limit: July 27, 2019) (History: December 19, 2018 Public Hearing Continued to February 27, 2019) (February 27, 2019 Public Hearing Continued to March 27, 2019) (Deferred on March 27, 2019 to June 12, 2019)**

Mr. Geouge: Yes, the Ordinance (inaudible).

Ms. Vanuch: Yes, so Mr. Harvey, since this is out of order on the agenda, does that matter?

Mr. Harvey: Madam Chairman, as long as you stick with the order in the agenda on voting, you are fine.

Ms. Vanuch: Okay.

Mr. Harvey: Elsewise you would have to amend the agenda.

Ms. Vanuch: Okay, do we just want to... maybe go ahead and amend the agenda? Just in case we want to vote on the ordinance first? Can we do that at this point? So, can we have a motion to move item number 3 to 2 and 2 to 3?

Mr. Bain: I'll make a motion to change the order of the agenda to move item 3 in front of item 2.

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

Mr. English: I think Bart did.

Mr. Randall: Second.

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Ms. Vanuch: Okay, perfect. We have a motion to reorganize the agenda; go ahead and vote. Okay, motion carries 6-0; Mr. Apicella just stepped out. Okay, Mr. Geouge, item number 3, the Amendment to the Zoning Ordinance.

Discussed after item 3.

3. Amendment to the Zoning Ordinance - Proposed Ordinance O19-14 would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms;" 28-33, "Districts generally;" 28-34, "Purpose of districts;" 28-35, "Table of uses and standards;" 28-39, "Special regulations;" 28-53, "Planned development districts;" 28-55, "Planned Development-2 District (PD-2) regulations;" 28-56, "Application for planned developments;" and 28-129 "Types permitted in commercial and office districts (B-1, B-2, B-3, RBC, RC, SC and HI)" to rename and 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. Generally, the proposed Ordinance would, as compared to the existing RBC Zoning District, increase the amount of age-restricted residential housing allowed in the PD-3 Zoning District to 35% of the district; establish the PD-3 Zoning District as a mixed-use district with a significant age-restricted housing component; remove certain uses and special regulations for such uses that are incompatible with residential use; amend open space requirements to allow a lower percentage of open space in the district; and clarify open space requirements generally. **(Time Limit: July 15, 2019) (History: Deferred on February 27, 2019) (Deferred on March 27, 2019 to May 15, 2019) (Deferred on May 15, 2019 to June 12, 2019)**

Mr. Geouge: Good evening again Madam Chairman, members of the Commission. The background on this item is that it was deferred to this date so that the proffer amendment being considered concurrently could be revised and heard simultaneously with the ordinance amendment. The Planning Commission also requested additional information regarding potential by-right development on the current ordinance requirements. Staff has received revised materials for the concurrent proffer amendment which proposes retirement housing development on 40% of the district land and staff has also received a request to amend the preliminary concept plan under the current ordinance requirements. Here is a couple images showing the current approved preliminary concept plan. On the left, the proposed amendment, we'll call this the by-right amendment under the current ordinance requirements, would relocate or re-designates 82.77 acres at the south end to the retirement designation which is shown in purple. And again, this request is being made under the current ordinance requirements and is separate from the preliminary concept plan revision submitted as part of the proffer amendment application. Under this proposed plan, the area designated as retirement housing would remain under... actually right at 30% since it's sort of even trade between the green and the purple here. Staff confirmed that the conservation areas that are being reclassified to the resort district in green here were not used as part of the open space requirements for the Del Webb community. Therefore, they could potentially be reallocated to a different district so long as the criteria in the ordinance isn't met for revising the preliminary concept plan. Here's a quick summary of what the ordinance requires as far as amending the concept plan. The ordinance requires that any material change to the concept plan be acted on by the Planning Commission and defines material change as any change greater than 25% in total land area of the pods, any decrease in the amount of open space by more than 10%, any substantial relocation of 4 or more land-use pods provided that it's demonstrated not to increase total traffic by more than 10%. It appears to staff that the proposed amendment could be approved administratively if the information... if information regarding preservation of open space is added to the concept plan. And here is the preliminary concept plan amendment request as part of the concurrent proffer amendment application. With this plan, the total area designated as retirement housing would be reduced from originally around

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47%, which included this green area here, to 40% with the current proposal, which is shown here. The current proposed ordinance amendments, as revised by the Planning Commission, would limit retirement housing development to 35% of the district land, therefore the amendment shown here would not be in compliance with that draft ordinance. The revised materials propose a reduction on the scale of development as well from the original proposed 1,177 units to 792 units. And I'll get into more details on that with the proffer amendment presentation. Here's a table summarizing potential development scenarios with different percentage limitations for the RBC District. On the left here you'll see different scenarios; 30%, 35%, 40%, 47%, and with each of those limitations, the potential additional acreage of retirement development that could occur within the district. And under this scenario, this is at maximum density which is 7 units per acre. And under these two scenarios, we looked at, for the first one the Del Webb density, which is around four and a quarter per acre, and also the original proposed Villages at Greenbank density which is 4.1 units per acre as possibly a more realistic expectation of what the unit yield would be. We don't expect that they necessarily achieve maximum density. And the last column is any proffered limitations, if applicable. The 1,177, this relates to the original proposal which has been amended to the 40% limitation, which is 792 units. Staff notes that the latest revisions again to the concurrent proffer amendment application would not be in compliance with the proposed 35% ordinance limitation on retirement housing communities. The applicant has requested that the RBC ordinance amendment be re-advertised at the 40% limitation which would make their latest proposal consistent with the ordinance. Staff notes that the proposed ordinance amendment also includes a new requirement for 25% common area open space within retirement housing developments. We found that this could create some non-conformities with the existing Del Webb community because they have under 25% common area currently. So, we're recommending a couple changes as detailed in the staff report that would avoid creating non-conformities with this. We do note that the overall common area open space requirement from the district would still apply and there'd still be the requirement for amenities like the clubhouse and other community recreational areas within the retirement developments. Staff recommends that the Planning Commission consider the applicant's request to re-advertise the public hearing at 40%. If the Planning Commission chooses not to re-advertise the hearing, staff would recommend deferring the item till July 10th to allow additional time to address any concerns that you may have with the application. And we note that the time limit for this is July 15th. And that concludes the RBC portion of the presentation.

Ms. Vanuch: Do you guys want to ask questions now or wait till he does the full thing? It's up to you guys. You good? Okay, go ahead.

2. *RC17152130; Reclassification - The Villages at Greenbank Proffer Amendment*

Mr. Geouge: The next item is the Villages at Greenbank Proffer Amendment request. This request is to amend proffers in the RBC, Recreational Business Campus Zoning District for retirement housing development. The applicant is Silver Companies. The agent is Chris Hornung. This is in the Hartwood District. Just a quick application update -- the previous public hearings for this were held on December 19th and February 27th. The public hearing was closed and the item was deferred to this date to provide the applicant additional time to revise their application in response to changes to the concurrent ordinance made by the Planning Commission, the most notable of which was reducing the maximum retirement district area from the original proposed 47% to 35%. The applicant has submitted new materials for consideration. Just as quick refreshers, areas located at the southern end of Celebrate Virginia Parkway, it's the southern extent of the RBC Zoning District which was rezoned by the Board of Supervisors in 1999. The proffer amendment area has been revised with the latest submittal materials. Originally the proffer amendment applied to the entirety of parcels 44W-H and 52-1, and that area is shown in the red outline here on the left, and that consisted of 441.67 acres. As revised, the proffer amendment applies to portions of those two parcels consisting of 202.84 acres, just shown here

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on the right in the red outline. Here is the current approved preliminary concept plan which identifies different districts or certain types of uses are allowed for the RBC district. The area in purple represents retirement housing, which currently covers about 29.8% of the district. The ordinance currently limits retirement development to 30% of the district. Here's a comparison of the original proposed concept plan, shown on the left, which I believe included 46.5% designation as retirement in the purple. And with the revised plan shown on the right, the retirement housing district would apply to 40% of the RBC zoned area. With this change, the development area for the proposed project would be reduced from 287 acres to 202 acres. Under the proposed plan, Pod G, which is shown in green here, would be available for future commercial or recreational uses for future development. Here's the previous Generalized Development Plan that was submitted with the application. Again, this was a proposal for 1,177 units and included a primary access off of Celebrate Virginia Parkway, a secondary access off of Scott's Ford Lane. It also proposed a interpretive park at the southern end of the development. Here's the revised Generalized Development Plan which has been reduced in scope from 1,177 units to 200... on 287 acres to 792 units on 202 acres. Generally, the portion noted as Pod G earlier at the southwest corner of Celebrate Virginia Parkway and Scott's Ford Lane has been removed from the development. The cause of this, there's no longer a proposed access point on Scott's Ford Lane as there was previously. Currently, the proposed secondary access is on Celebrate Virginia Parkway, along with the primary access similar to before. Earlier today staff received a revised proffer statement, which was provided in the handout materials, which would require that the existing gravel road, which runs from Scott's Ford Lane to the golf course, be preserved and maintained as an alternative emergency access route. And we did speak with Fire and Rescue earlier and this seems to have addressed their concerns with secondary access to the property. There are also multiple inter-parcel connection shown here to Pod G in the future at such time when that develops. The proposed proffers require a minimum of two of these inter-parcel connections to be provided. The project is still proposed to be developed into three villages, with a village green within each village. A clubhouse and civil-war park are still shown with the revised Generalized Development Plan. The Greenbank Farm Interpretive Park previously shown at the southern end has been removed, but this area would remain as open space and would include some trails connected with the internal trail system and possibly serve for other community recreational purposes. The proposed lot layout and internal street network is mostly unchanged apart from removing the primary access road, which was previously shown as a direct connection between Celebrate Virginia Parkway and the previously proposed park at the southern end. A mixture of single-family detached duplex and townhouse units are still proposed with the latest plan. However, attached units are now comprised up to 40% of the total units compared with up to 30% previously. For public facilities... for transportation, the revised proposal should result in about a 33% reduction in vehicle trips compared to the original 1,177 units, which would be a reduction from 4,700 vehicles per day to about 3,150. However, we do note that it's uncertain if the use is established on Pod G in the future combined with the proposed development will generate more or less traffic than the original proposed 1,177 unit development. For public facilities, the applicant has revised their monetary contributions and the methodology for this. So, they took their original proffer analysis, which is shown at the top here, and they also looked at the draft Stafford County 2015 guideline... Proffer Guidelines, which included more specific analysis for age-restricted units, and they took the higher numbers from each of these analysis and used those for their final proffer calculation, which is shown on the bottom here. So, the way their new proffers are structured, they would have different contributions for single-family detached and attached units in the amount of \$6,415 for attached... I mean detached and \$5,784 attached, compared to the original proposal which was \$4,608 for all unit types. I'll just run through the proffer revisions quickly. The proffers now apply to portions of the parcels, as mentioned before. The maximum number of retirement housing units would be reduced to 792 with up to 318 attached; the Greenbank Farm Interpretive Park primary roadway to the park and requirement to establish a Park Advisory Committee had been removed from proffers; the number of occupancy permits issued per year is now limited to 120, compared to 150 previously; the clubhouse complex would now be constructed by the 200th

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occupancy permit, whereas previously it was by the 400th; and would be at least 12,000 square feet in size, previously it was 15,000 square feet. The village greens would be constructed by the 100th occupancy permit, previously it was the 150th. A Civil War Park would be constructed by the 150th, previously the 250th. The 8-foot-wide multi-use trails would be required by the 150th occupancy permit within each village, previously that was by the 250th permit within each village. The secondary access on Celebrate Virginia Parkway is required before any occupancy permit within Pod H-2. The minimum of two inter-parcel connections required between Pod H-2 and G, as I mentioned before, are proffered. And the monetary contributions have been adjusted to add contributions for Parks and Recreation; the cash proffers will now total \$6,415 per detached, \$5,780 per attached unit, as I mentioned before. In conclusion, staff cannot support this application as previous... as currently proposed as it does not comply with the 35% limitation on retirement housing in the draft Ordinance O19-14. We do note that Fire and Rescue and Utilities' concerns have now been adequately resolved. We noted these were concerns in the staff report; however, recent discussions with Fire and Rescue and Utilities and with the applicant, we have resolved those concerns adequately. Staff is recommending deferral of us until July 10th and noting that the extended time limit is July 27th.

Ms. Vanuch: Thank you Mr. Geouge. Any questions on my left? Mr. McPherson.

Mr. McPherson: Yes, Brian, I have a question for you. In your first presentation you were talking about the current open space, I think you said 25% would put Del Webb in non-conformance. But wouldn't that be legal non-conformance since that was conforming prior to this build? I'm just curious why that's an issue.

Mr. Geouge: You are correct, and it likely wouldn't be an issue unless for some reason they come in with another development plan. I'm not sure... Jeff, maybe you can elaborate what might trigger that new requirement, what sort of scope of changes maybe if they expand their clubhouse or something? I'm not sure but.

Mr. Harvey: In the case of that project, it's got vested rights; it's close to being completed. So, they would be able to move forward based on their current approved plans.

Mr. McPherson: Okay, that's what I thought. Thank you very much.

Ms. Vanuch: Any other questions? Okay, you want to wait? Anybody on this side? Okay, go ahead.

Mr. Apicella: Madam Chairman, I apologize; I have a few questions. And I also apologize if I'm covering territory we covered in the past but it's been a while. So, can you just remind us, how many acres of currently designated conservation area and/or area designated for recreational use are being traded for more residential homes?

Mr. Geouge: It's 82.77 acres.

Mr. Apicella: And are they also trading acreage from business to residential uses?

Mr. Geouge: Yes. The... well, that's the intent. Both the resort district and the retirement district allow for business uses, but the intent is to have more residential.

Mr. Apicella: So, again, they're reducing commercial to increase residential. It was on the slide deck but, again, just as a reminder for us all, how many vehicles per day are these additional 792 units expected to generate?

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Mr. Geouge: This is... let me find that real quick.

Mr. Apicella: I think it was 3,150, maybe 3,200?

Mr. Geouge: It was 4,200 to 31... 4,700 to 3,150.

Mr. Apicella: Oh, it's as high as 4,700; okay. And are most or all those trips going to impact Route 17?

Mr. Geouge: Yes, they would ultimately end up on Route 17, yes.

Mr. Apicella: Is it fair to say that even with the additional lane miles on Route 17, it's still a fairly congested roadway, especially at rush hour?

Mr. Geouge: Certainly.

Mr. Apicella: If you could go back to the slide deck on monetary contributions.

Mr. Geouge: Mm-hmm. All right; here we go.

Mr. Apicella: Okay, so I see the spread by unit type, but can you tell us what is the total amount of proffers based on the different mix of units that they've indicated they're planning on building?

Mr. Geouge: Let me see here. I believe they summarized that in the proffer statement; I'm just checking. Actually, no, they...

Mr. Apicella: I looked and I couldn't find the total amount.

Mr. Geouge: That wasn't totaled up. Yeah. I would need to calculate that. The total is \$4,878,750.

Mr. English: What was that again?

Mr. Geouge: Four million, eight hundred and seventy eight thousand, seven hundred and fifty.

Mr. Apicella: Okay. And of that 4., I'll call it 4.9 million just to be generous, how much of that is for transportation?

Mr. Geouge: A substantial portion of that would be roughly 50%.

Mr. Apicella: Okay. I think it's maybe slightly more than 50 but...

Mr. Geouge: Yeah.

Mr. Apicella: ... we'll say 50. And would you say that they'd still be paying the \$3,000 transportation impact fee as well, or is this in lieu of?

Mr. Geouge: This would be in lieu of since they are able to get credit against the transportation impact fee with proffered contributions.

Mr. Apicella: So, again, just for the sake of argument, about 2.5 million of the 4.8 would go towards transportation improvements on-site, not off-site, right?

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Mr. Geouge: On-site, it would be...

Mr. Apicella: I'm sorry, these are improvements... the money that's being allocated or provided as a transportation proffer, about say 2.5 million, that's for on-site improvements, not off-site improvements.

Mr. Geouge: Yeah, it would be for the vicinity of the project most likely; not necessarily on-site.

Mr. Apicella: I didn't see anything suggested that would impact 17 even though most of these vehicles are going to be hitting 17. Is that at least a correct statement?

Mr. Geouge: Well, I believe the impact fee money can be used for any qualifying...

Mr. Apicella: Right, but they're not giving us impact fee money; they're giving us transportation...

Mr. Geouge: Well, yes.

Mr. Apicella: ... they're proffering about 2.5 million for improvements on-site and essentially nothing for improvements off-site. That's the way I read this proposal.

Mr. Geouge: Well, the proffer transportation contributions wouldn't necessarily have to be applied to on-site improvements. The County could apply those to any improvements in the area of the development.

Mr. Apicella: I thought you said the 2.5 is being provided for on-site improvements? That was my question. They have proposed some transportation improvements on-site and those are going to be offsetting what would otherwise be the transportation to make impact fees. Am I missing something?

Mr. Geouge: Maybe I didn't speak correctly. The transportation contributions, whether they be considered impact fees or proffer contributions, could be used for any transportation improvements in the area.

Mr. Apicella: So, none of that money is going towards say the traffic... what is it, the traffic circle? I can't remember what it's called.

Mr. Geouge: No, that would be provided in addition.

Mr. Apicella: You're sure about that?

Mr. Geouge: I believe so, yes.

Mr. Apicella: Yeah, I think all that money is for on-site improvements. The applicant can probably address it. So, again, putting that... we'll have to resolve the transportation proffers and see whether it's money that's going generally to the County or money that's going towards their own improvements on-site. But again, putting that aside, it looks like there's about 2.3/2.4 million of the 4.8 million for the other types of proffer categories that are listed here. Is that correct?

Mr. Geouge: Correct.

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Mr. Apicella: Okay. We had somebody come in front of us several months ago and I asked the question about how much it cost to improve a lane mile on Route 17, and it was in the tens of millions of dollars range? Do you remember that? I don't know if you were here, Brian.

Mr. Geouge: I believe I was.

Mr. Apicella: So, I've heard County Supervisors say there isn't much along Route 17 besides a few grocery stores, some fast food and a few sit-down restaurants, a Walmart, and a Target, but it's by no means a retail mecca. Is that a fairly true statement about Route 17?

Mr. Geouge: I would say so, yes.

Mr. Apicella: So, the applicant has provided in their fiscal impact statement that this would be a net plus for Stafford County based on not just the amount of money that's put into the County as part of the building of these structures, but towards the residents and how much they would contribute towards the County on an annual basis. So, isn't at least fair to say that at least some of that money might not be captured here in Stafford because, again, it's not a retail mecca and folks who live in Stafford, especially those folks who live around Route 17 where there isn't much, will spend at least some of their money in Fredericksburg, Spotsylvania, and perhaps Prince William County?

Mr. Geouge: Certainly.

Mr. Apicella: Okay. Since I think we're asking questions about both the specific proffer amendment and the ordinance amendment, putting the new cap aside, the 35%, from your perspective are all the other changes proposed in the ordinance something we should do irrespective of that cap issue? Or are these improvements or changes that you would say we would need to and want to move forward with?

Mr. Geouge: I do believe they're beneficial; in particular, the clarifications on the open space requirements.

Mr. Apicella: Okay, great. Thank you.

Ms. Vanuch: Is that all Mr. Apicella?

Mr. Apicella: Yes.

Ms. Vanuch: Okay, anybody else with questions? Mr. Randall?

Mr. Randall: Well... when are we gonna get the transportation issue? I have... I need some clarification on that as well just to make sure.

Ms. Vanuch: Well, do you want to let the applicant come up and then we can...

Mr. Randall: Yeah, let's try the applicant and then we may have to try this again.

Ms. Vanuch: Okay. Thank you Mr. Geouge. Mr. Hornung? You look very nice tonight dressed up for us, thank you.

Mr. Hornung: Thank you. Good evening Madam Chairman and members of the Planning Commission. My name is Chris Hornung. I am the applicant for this project and I am representing the owner and

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developer for the project. I wanted to start because it's fresh in a response to the question about transportation. I did have a just a very brief... some brief comments. The transportation proffer and/or impact fee all go to the County for the County to use at their discretion. So, that full amount goes to the County. It is not for on-site improvements unless the County decides for some reason to upgrade Celebrate Virginia Parkway, which there are no plans to do. The road was built to handle 66,000 cars; today it handles roughly about 7,000 cars. The roundabout that is being proposed is in addition to that. It is not included in those proffer dollars. There's no claim of credit against those proffer dollars for that project, so it would not be considered in that and the applicant would not make a request for those funds to be used towards it. So, I hope that clarifies. The other thing I wanted to talk about when we're talking about money not captured in Stafford County tax revenue. The fiscal analysis looked at that and looked at what people spend on and where they spend it on. The bulk of the taxes for this project are real estate taxes, personal property tax, and then following that meals and sales tax. And meals and sales are computed to determine how much of that are typically expected to be spent in your jurisdiction given the status of the County. I would think that most of your meal... most of your food shopping would be there, most of your retail and things. Most people are shopping online anyway so that has a much... very, very small percentage of the sales projected for the project. Coming from it was retail sales numbers anyway; most of it was for purchase of food in the calculations. So, I'm going to get to just real quick my... the presentation I had planned. We began this process in the fall of 2017. We proposed the development because first and foremost it was consistent with the Comprehensive Plan. The Comprehensive Plan calls this area to be Suburban Residential. We met with staff, we looked at land uses that could go there and what type of land uses could develop in the County going forward, and which ones had the greatest positive benefit to the County. And given all of that, we felt that age-restrictive retirement was the best land-use for the area. It was... has been supported by the surrounding neighborhoods, the communities that are there. Residents have come to these hearings to speak in favor of the project and have contacted individual Board members and Planning Commission members in support. We've also had support from staff on prior applications for this land use. It's consistent with the existing development patterns for the area. It's also smart growth. This project contributes significantly more tax revenue than what it costs the County. In some ways it subsidizes the other types of housing in the County by generating roughly... the original proposal was 4.2 million dollars a year positive revenue, which was confirmed by County... the County Fiscal Officer as well as the Commissioner of Revenue that those numbers they felt were accurate. It also meets the needs of an aging population. Previously we had Mary Washington Health Care come and speak about how additional retirement housing is important for the health of a community and would help them expand their services into Stafford County. In a county where school capacity and traffic issues are a primary concern, it's also one of the few uses that has... residential uses, the only residential use, has no school impact. It also has lower traffic volumes than traditional housing and most office uses. So, in our opinion, it was the lowest impact traffic use that you could get and the highest revenue generator that you could have for a residential project. We also proposed to delay the construction of the project and phase it to coincide with improvements that are underway on Interstate 95, and you'll see that in the proffers; those were there. We recognize that the County has a choke point at 95 and 17 and there are improvements underway, but it will take some time for those to occur. So, we included that timing in our proposal. The revised proffer reduces the number of units. When we met there was concern it was too many units and we wanted to reduce it. I think we also explained to you that a certain critical mass of units is important in order to pay for the amenities needed for a retirement community. We reduced the number of units by 33% from 1,177 to 792. The proposed cash proffers that we have included is roughly half a million dollars more than what the County recommended, if you multiply by the number of units for age-restricted retirement when they did their comprehensive analysis in 2015. So, when you look at what the County computed, what was the net impact of age-restricted retirement? What we're proposing is actually a number that is half a million dollars more than that, and that total is 4.9 million dollars. It's also... so that is 1.2 million dollars higher than what our last proposal would have been if

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you use it on a per unit basis. Based on your comments we've accelerated the pace of the construction of amenities. We've decreased the number of units to be permitted each year to make sure that it's a slow measured growth. And we've revised the project... well, the new revised project is projected to generate an annual net fiscal impact to the County of 2.75 million dollars. That number was reviewed by County staff and accepted as a reasonable computation of what this project would generate. Like I said before, it allows the County to subsidize some existing non-age-restricted residential housing. Stafford County has one of the youngest populations in the country, has a higher percentage of families with kids, and a very low percentage of residents over the age of 55. This helps provide a healthy balance. And it will generate a total of nearly 19 million dollars between cash proffers, utility fees, and transportation impact fees; a total of 19 million dollars in revenue to the County. We are asking you to reconsider the 35%. If you decide not to reconsider the 35% and leave it at 35% and this goes on to the Board of Supervisors, we will come back with a proposal that shows retirement uses at the 35% with a further reduction. We'd prefer not to do that but, if that's the direction and where we are, the only other thing we could do is ask the Board of Supervisors if they're willing to consider additional units. But we are currently asking you to increase it to 40% and to cap the number of units at 792. This... in exchange for agreeing to the increase, the applicant also agreed to a number of things in the ordinance of restricting other uses that would otherwise be allowed; flex office, some industrial uses, and manufacturing uses that were originally approved as part of this project with retirement being a more compatible use with what's out there and more consistent with the Comprehensive Plan. We had offered to eliminate those uses because of their incompatibility with the existing residential neighborhoods out there and our proposal.

Mr. English: Chris, a question for you.

Mr. Hornung: Yes sir.

Mr. English: You haven't had, as far as putting you said in the business district, you haven't been able to fill those here. Nobody's been able to fill stuff like that, because there's... even the Giant Food shopping center, every time you turn around it's vacant.

Mr. Hornung: Yeah.

Mr. English: What's the strategy on that?

Mr. Hornung: Well, the strategy on the shopping center is unfortunately I think many retailers who came to the area, if you look at Target, if you look at Home Depot and others, I think the traffic on Route 17 gave many retailers a false impression of the residential density of our area. Your traffic numbers on 17 far exceed what you have in density. I think your 17 numbers are probably higher than your 610 numbers, but you have maybe two and a half/three times as many people living on the 610 corridor as you do on the 17 corridor. So I think the strategy, and it's not a strategy that, you know, I think as the County continues to grow that shopping center will improve, but it continues to go through a slow period. We don't have answers for the office and industrial uses that, you know, were originally in the concept plan. We've worked with County... the County's Economic Development group and there's currently very little to no market for those uses today. So, this this proposed use allows the project to contribute to higher taxes, generate positive revenue, and be consistent and compatible with the Comp Plan. So, that's essentially where I am. I'm happy to answer questions that you may have. I understand you may continue to have some concerns and you're running short on time as far as consideration, but we are willing to make modifications to this should you have concerns that we can address.

Mr. English: Have you met with any of the residents at Celebrate? You all have had meetings with them?

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Mr. Hornung: Multiple meetings with Celebrate, multiple meetings with Battleground Estates. And their representatives have come and spoke in favor of the project.

Mr. English: Okay, thank you.

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

Mr. Randall: I have questions. You said duplexes and townhouses; are these 2-story? Explain to me how... I'm really hesitant with townhouses in an age-restricted environment. I'm having trouble with my stairs right now and I'm not there. So, I have an issue with maybe the townhouses and why they're not all single-level single-story type dwellings. And they are and it's confusing, but the definition of this housing, it falls into the category of a townhouse because it's attached. If you go out to Del Webb, what they call their Villa product is essentially a single-story attached unit. Now some of them do have a walkout basement or a loft that people can come and if they come and visit and stay, but the master bedroom, the master bath, the living area, the kitchen, all of that is on the ground floor. But technically that housing type, according to the County's ordinance, is defined as a townhouse because it's an attached product. The better definition of it is single-family attached is what it is; it's not intended to be a traditional townhouse with, you know, your living... your sleeping space bedrooms above your kitchen and your...

Mr. Randall: What's the difference in the size between those two?

Mr. Hornung: The attached and the non-attached?

Mr. Randall: Mm-hmm.

Mr. Hornung: I don't know that I can give you a definitive number, but I would say that the attached typically run anywhere from 30 to 50% smaller. They're typically designed for someone who's looking to downsize. So, where you might have a 2,800 square-foot single-family unit, the attached unit might be 19 to 2,100 square feet. But normally the retirement community builders would provide options if someone wanted to increase that; add a bonus room or do certain things to that use, so it's not an absolute. That's in general the difference. It's a slightly more affordable product (inaudible).

Mr. Randall: What's the difference in the price now that you asked?

Mr. Hornung: The last time I looked at Del Webb's pricing, their Villa product, which was the attached product range anywhere from, you know, 250 to 300,000 dollars. The single families were running from I think 3 all the way up into the to the upper 3s or low 4s, so it's... most of these are folks who are retiring, selling their home that they have, or downsizing to a house that if they're coming from other parts of Stafford, Northern Virginia, they're you know selling a four-bedroom house and instead buying this and putting some money away.

Mr. Randall: Okay.

Ms. Vanuch: Anybody else on this side? Nobody else? Alright, thank you. And this is not a public hearing so we don't have to do that. Okay, so we have to decide what we're gonna do I think on item number 3 first, which is the amendment to the zoning ordinance. Does anybody have any comment? Darrell, this is kind of in your district since the proffer amendment's in your district. Do you have any comments?

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Mr. English: Yeah, I would just like to make a motion that we deny the proposed Ordinance O19-14.

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

Mr. Boswell: Second.

Mr. Apicella: Madam Chairman, I would like to offer a substitute motion?

Ms. Vanuch: Okay.

Mr. Apicella: My motion would be to adopt the proposed ordinance amendment with the following change to Section 28-53, Planned Development Districts D-4 and change the number from 35% to 30%.

Ms. Vanuch: Okay, so we have a motion on the floor to adopt the amendment to the Zoning Ordinance but to change the number from 35 to 30%. Do we have a second?

Mr. McPherson: Second.

Ms. Vanuch: We have a second by Commissioner McPherson and a motion by Commissioner Apicella. Any further comments Commissioner Apicella?

Mr. Apicella: Madam Chairman, I asked staff whether we should proceed forward with the ordinance change irrespective of the percentage cap and they indicated yes or several improvements that they think need to be made to the current RBC ordinance. I think 35%, now that we can see that additional units could be built by-right, that 35% is too high in my humble opinion and that's why I'm moving it down to 30%. And if we did not have to re-advertise, quite frankly, I would reduce it below 30%. But given where we are I think 30% is the cap that would make it consistent with the current RBC cap but also again make the necessary improvements to the current ordinance.

Ms. Vanuch: Okay. Mr. McPherson?

Mr. McPherson: No comment.

Ms. Vanuch: Anybody else have any comments? Man, you guys are quiet tonight. Okay, so we're gonna vote on Commissioner Apicella's motion and, just to restate it for Mr. Randall, the motion on the floor is to approve the amendment to the Zoning Ordinance with the changes stated. So green for yes, red for no. Are we missing some... okay. Alright, the motion carries 5-2. Now we have the Villages at Greenbank Proffer Amendment. Yeah, it's still you.

Mr. English: Yeah, Madam Chairman, I'd like to make a motion to deny RC17152130, Reclassification of the Villages at Greenbank.

Mr. Boswell: Second.

Ms. Vanuch: Okay, so we have a motion to deny the Villages at Greenbank Proffer Amendment by Commissioner English and a second by Commissioner Boswell. Any further comment Commissioner English?

Mr. English: No ma'am. I just have... my big heartburn is the traffic. I think that, again, got caught up with it over the weekend and it was just... and I don't even live on 17, I live over here at the courthouse

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area and I can just imagine what 17 is like and it just... I have a lot of heartburn with that so that's reason I'm doing that.

Ms. Vanuch: Commissioner Boswell?

Mr. Boswell: No ma'am.

Ms. Vanuch: Anybody else?

Mr. Apicella: Madam Chairman, I feel compelled to make some comments, I apologize. I too cannot support the scale and scope of this project. With the current plan the applicant and their partners can already build and are close to building 1,200 units at Celebrate Virginia. This latest proposal would add another 800 units on top of that. So, make no mistake, this is a plus up in density that they're asking for. It would make it one of the largest subdivisions in Stafford County. Even after adding additional lanes, I don't believe Route 17 can support another 3,200 to 4,700 additional vehicle trips per day if this proposed increase is approved. Perhaps retirement housing generates some additional revenue compared to family residential. That said, I'm not convinced that there will be zero impacts associated with senior communities or that all the proposed surplus would be captured exclusively or predominantly in Stafford County. I do live on 17. I drive it every day to and from work, so I don't have to imagine how bad it is. It's very bad. So, just ask the folks like me who are struggling to get home after spending a long day at work in DC commuting and then having to share the road with countless trucks every single day. So, is a couple million dollars worth it? Not to me and I suspect not to a lot of people who have to drive up and down Route 17 with all the traffic congestion that's there. Traffic continues to be, in my opinion, the number one issue in Stafford County that we can't seem to fully wrap our hands around. I also can't support this project for the reasons mentioned by staff. Additionally, the proposed change the applicant... with this proposed change, the applicant is essentially removing the recreation component from the current Recreational Business Campus zoning category. That's the very zoning category, the very type of zoning that they asked for several years ago and got. They're also taking away a significant portion from that parcel of land that's designated for conservation. So, we really need to ask, how is this proposed trade-off of more homes, hundreds more homes, for less recreation, less conservation, and less commercial good for the current residents at Celebrate Virginia North? How is it better for Stafford County? I appreciate that the proposal might be good for the applicant. Ultimately, I don't see how it's better for the current Celebrate Virginia residents and I don't see how it's better for Stafford County and its residents. So, for those reasons, Madam Chairman, I'm going to support the motion to deny.

Ms. Vanuch: Okay, thank you. Anyone else?

Mr. Randall: Madam Chair?

Ms. Vanuch: Yeah, Mr. Randall.

Mr. Randall: You know, I don't live on 17; I live on 610. I live right up from Mine Road, and I know better than to get out there during the... during times. I don't have to force myself to drive on 610 or 17. I think in an age-restricted community they would do the same thing. They just say from 7:00 to 8:30 I'm not on the road; from 3:00 to 5:00 I'm not on the road. They would not subject themselves willingly to that kind of... that kind of...

Ms. Vanuch: Torture.

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Mr. Randall: Torture. So, I guess, yes, traffic is a big deal, transportation's a big deal. If you were putting single-family homes with kids down there and buses going back and forth, I would be much more inclined to think that that would be an issue. I guess my problem is, is that I think this is... for a retirement community I think we're doing it half-baked. If you really, really wanted this to be a retirement community it would be a top-level community. I would have... I don't need a community garden unless you expect that there's gonna be, you know, people actually tilling up the ground and putting a garden in and growing things. I don't need a koi pond, you know. These people, they need recreational stuff, they need amenities, they need things to go do, they need things on-site to keep them from having to go out into the community. They need stuff there, you know. The 1-acre village thing, you know, with maybe a pickleball court, maybe not; with maybe a bocce court, maybe not; where every village will have a pickleball court, every village will have a bocce ball court, every village will have this, every village will have this; those types of things. The community center may or may not have an outdoor pool, may or may not have an indoor pool, you know. I would like to... I'm gonna disapprove it because I don't think it's done right. I don't think it's done with the necessary amenities for a full up active outside recreational area for a retirement community. It's not really retirement, it's age-restricted and I think there could be a lot more done, and I don't think this this sends that right message. So, thank you.

Ms. Vanuch: Anyone else on this side?

Mr. Apicella: Madam Chairman, I apologize. If I could quickly amend my statement just to respond to what Mr. Randall said. We have at our desk an article that was on the front page of yesterday's Free Lance-Star. It says seniors more likely to work longer in big metropolitan areas. And it talks about the DC Metropolitan Area of which, for better or worse, Stafford County is part of the DC Metro Area. So, the bottom line of the article is saying that people who are seniors, 55 and up, will still... many of them will still be working. A lot of the people that I work at my agency are in their 60s and in their early 70s. So, I hear what Mr. Randall is saying. Maybe some of those people will choose not to work and not be on the road at 8 o'clock in the morning, but a number of them will because, guess what? They're still going to be working in their senior life. Thank you.

Ms. Vanuch: Okay. Any further comments? Alright, go ahead and vote. Okay, and just to refresh everybody's memory, the motion is to deny the Villages of Greenbank Proffer Amendment. Motion carries 7-0. Item number... oh, we had... Mr. Bain wanted to make a comment about item number 1. Go ahead Mr. Bain.

Mr. Bain: Yes, Madam Chairman, thank you. It was brought to my attention that I failed to make a motion to approve or accept the revised proffer items from Villages of Greenbank, so if I could do that now and then revote.

Ms. Vanuch: No, for Cherryview Landing.

Mr. Bain: Oh, excuse me, Cherryview Landing.

Ms. Vanuch: Do you want to... do we need to restate those proffers just really quickly, the proffer changes?

Ms. Lucian: I don't think it's necessary if it was part of the presentation. I would just make this motion to accept the new proffers first and then if you wanted to reconsider your vote you could do that just to make it clear that they are a part of that vote that you made.

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Mr. Bain: Alright, thank you. I will therefore make a motion to accept the revised proffers that were presented tonight.

Ms. Vanuch: Okay, so everybody go ahead and vote to accept the new proffers.

Mr. Bain: I need a second.

Ms. Vanuch: Okay, I'm sorry, yeah.

Mr. McPherson: Second.

Ms. Vanuch: We have a motion by Commissioner Bain, a motion by Commissioner McPherson, any comments?

Mr. Bain: No.

Ms. Vanuch: Okay, anybody else? Alright, go ahead and vote to accept the proffers. Okay, the proffers have been accepted.

Mr. Apicella: Madam Chairman, I would make a motion to reconsider our vote on Cherryview Landing.

Ms. Vanuch: Okay. So, now a motion to reconsider the vote and do we a second?

Mr. Bain: Second.

Ms. Vanuch: Okay, so we have a second. Do we have any further...

Mr. Apicella: *Inaudible - microphone not on.*

Ms. Vanuch: I believe so. Why don't you just do it Mr. McPherson?

Mr. McPherson: Second.

Ms. Vanuch: Okay, so we have a motion by Commissioner Apicella, second by Commissioner McPherson; any further comments gentlemen? Okay, go ahead and vote. Now this is back to the original vote that we took with the new proffer amendment for approving the residential housing. Okay, go ahead and vote.

Mr. Apicella: Madam Chairman, just for clarification we're only voting to reconsider and then we'll have to take another vote to actually...

Ms. Vanuch: Oh, I'm sorry, I'm sorry, okay. Alright, so this is the motion to reconsider. I'm sorry, I'm lost right now. Alright, go ahead. Motion carries 6 to 1. And now go ahead.

Mr. Bain: Now I make a motion to approve the application... let me find the number again... Reclassification application RC18152389 for Cherryview Landing.

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

Mr. McPherson: Second.

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Ms. Vanuch: Okay, so we have a motion by Commissioner Bain to approve the reclassification for Cherryview Landing with those new proffers. Commissioner McPherson seconded. Any comments gentlemen? Alright, go ahead and vote. Three votes just to do one little thing. Alright, motion still carries 5 to 2.

Mr. Bain: Wouldn't Mr. Payne have been royally irritated if we had turned it down.

Ms. Vanuch: Yeah [laughter]; surprise! He should stay till the end, you never know what can happen. Okay, now moving on to item number 4 on the agenda, the Comprehensive Plan Amendment for the Bicycle Pedestrian Facilities Plan Update. For this we recognize Mr. Brian Geouge.

4. Comprehensive Plan Amendment - Bicycle and Pedestrian Facilities Plan Update. **(Time Limit: August 14, 2019) (History: Deferred on May 15, 2019 to May 29, 2019) (Deferred on May 29, 2019 to June 12, 2019)**

Mr. Geouge: Good evening again Madam Chairman, members of the Commission. This item was last presented on May 29th. A couple of comments that were brought up at that meeting, which we've tried to respond to and address in the memo that was provided, we did make a couple slight adjustments to the plan in response to those comments. And I don't have a formal presentation for this but happy to try to answer any additional questions. We are recommending that this be authorized for a public hearing for July 10th. The time limit for a recommendation to the Board is August 14th.

Mr. English: Brian, I just want to thank you for the material that you got us in reference to the public education campaign. It looks like they've stuck a lot of money into that, so they sound like they do have issues with that up there as far as pedestrians so. It's a lot of concern about that bike trail so, but I just thank you for that.

Mr. Geouge: You're welcome.

Ms. Vanuch: Anybody else have any comments? Anybody want to make a motion to send it to public hearing?

Mr. Randall: Yes, I'll make a motion to send the Comprehensive Plan Amendment for the Bicycle and Pedestrian Facilities Plan Update to public hearing.

Mr. Bain: Second.

Ms. Vanuch: So, we have a motion to send to public hearing for the July 10th meeting and a second. Any further comments? Mr. Bain?

Mr. Bain: No.

Ms. Vanuch: Anyone else? Alright, go ahead and vote. Okay, motion carries 7 to 0. And now moving on to New Business, Amendment to the Zoning Ordinance for A-1 Uses, and for this we recognize Ms. Susan Blackburn.

NEW BUSINESS

5. Amendment to Zoning Ordinance - Proposed Ordinance O19-21 would amend Stafford County Code Sec. 28-25, "Definitions of specific terms" and Sec. 28-35, Table 3.1, "Table of uses and

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standards,” to create definitions of uses within the A-1, Agricultural Zoning District and amend uses and how such uses are permitted. **(Time Limit: September 6, 2019)**
(Authorize for Public Hearing by: July 10, 2019)
(Potential Public Hearing Date: August 14, 2019)

Ms. Blackburn: Good evening Madam Chairman, Planning Commissioners, this is some new business that you have had some questions about and also wanted some discussions. And this is an ordinance to change the uses to the A-1, Agricultural Zoning District. And this doc... this proposed ordinance is a result from input from a special Planning Commission Committee, the Planning Commission, and the Community and Economic Development Committee and members. The intent of the changes and recommendations were made to clarify the uses in the district to reduce conflicts between Agricultural and Residential uses and protect the existing and future agricultural operations and businesses in the County. You have an attachment showing a chart which is a summary of various... what the uses... what happened to the uses and how they were originally regulated and the proposed changes. Several uses were removed from the district and these were parking and storage of commercial vehicles, and recreational enterprises and facilities. The committees discussed this and they felt that they were not agricultural in nature and they were allowed in other districts, so they were not removing the use all together from the ordinance. Several uses were changed from by-right to a use approved by conditional use permit or special exception, and these were semi-commercial uses such as agricultural service establishments, which is the uses of selling and repairing farm equipment. And that was changed to a special exception. Bed and Breakfasts were changed to special exception. Club/Lodge/Fraternal Organizations, special exception community use; turkey shoot, veterinarian clinic with boarding with special exception; and a golf course was changed to a conditional use. Other uses as boat sales was changed from a by-right use to accessory to a marina. And feedlots was changed from a by-right use to a special exception with no limits on the animals. And one thing I do want to ask you all, and you did get a copy of this, there were questions concerning the setbacks. Initially the committee and what went through the Planning Commission had a 900-foot setback for feedlots from property lines. And in the CEDC Committee, a question came up that they thought there were other regulations that were not as strict. And you have a copy of the Virginia Cooperative Extension General Permit Requirements for confined Animal Feeding Operations in Virginia. Now, these also include setbacks and it should be on page 3 and they should be highlighted. These are geared more towards waste run-off, but they are setbacks. And the Board... well the CEDC Committee never really made a commitment to the setbacks. We can easily put these in; they are less restrictive than the 900 feet. And we can have it be also part of a discussion. But these are the guidances from Virginia Cooperative and it also does tie in with the state. The state permit references this kind of stuff; the state permit does not and the state regulations do not have specific regulations in them. So, that is one thing I would like to have guidance on. And then we also added uses that did get additional acreage requirements, and they were agricultural operations; we added 5 acres to that which is the requirement from foreign land use taxes and so we didn't recreate the wheel. One of the issues that we received in the zoning office is can I have a pig on my property and I live in a 3-acre subdivision, 3acre lot subdivision. And currently the code has nothing to restrict that. And then we end up getting complaints. So, we added the 5 acres to that. We also added 5 acres to commercial and non-commercial kennels. Forestry was added 20 acres; planting tree nursery 5 acres; sawmills... let's see what that was added... we added acreages to that; and the sites that slaughter and process animals incidental to agricultural intensive uses, we added 10 acres to that and we also added that they be governed by either the USDA or the US Virginia Department of Agriculture. And one allows you to sell commercially to stores and the other allows you to sell in farmer's markets and to people who come to your spot.

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Mr. Randall: Madam Chair? I have a quick question, sorry Susan. I'm looking at what I have in here and it doesn't look like the slaughter and animal processing incidental has the 10-acre minimum underlined. Is that a new requirement or is that currently...?

Ms. Blackburn: No, that's a new requirement.

Mr. Randall: It's a new requirement.

Ms. Blackburn: And I did notice in this draft that some of the underlining somewhere along got lost along the way. So, if we... before this goes to public hearing and of course when it's advertised, we will make sure it is absolutely perfect.

Mr. Randall: And then the second question I have for you is, is the minimums that you've determined and that are on here, were those based on any calculations or were they based on a comparison with other counties? What were those numbers based on?

Ms. Blackburn: Which one's?

Mr. Randall: The event venue, for example. The minimum 10 acres, the sawmill for 20 acres, the 5-acre minimum for these various things. Was there a particular analysis done for those?

Ms. Blackburn: The 5 acres for the agricultural operation is tied to the land use tax acreage requirement.

Mr. Randall: Okay.

Ms. Blackburn: The 20 acres from forestry is also tied into land use and, after I did some research with forestry, they do talk about that also. The 20... I mean the... and the 20 acres for the event menu came from the CEDC. They wanted 20 acres. They have been in... not involved, but they have observed the cases for wedding venues that have come before the BZA and there have been many, many neighbors who come out against these various venues.

Mr. Randall: Sure. I just wondered whether there was a number...

Ms. Blackburn: Yes.

Mr. Randall: Why was 15 not chosen? Why was 20 chosen? Why 25 wasn't chosen? Why sawmill is not 40 acres.

Ms. Blackburn: Yeah.

Mr. Randall: You know, what... was it just...

Ms. Blackburn: We had the all the uses from the various counties and, when the committee read through all of these, these were many of the acreages that they came up with.

Mr. Randall: Okay. Alright, thank you.

Ms. Blackburn: And as I stated, and we do have a couple new uses and they are agri-tourism, the animal feeding operation, the farm brewery, the farm winery...

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Ms. Vanuch: Can you just remind us what a farm brewery is really quick?

Ms. Blackburn: Okay, a farm brewery is...

Ms. Vanuch: I'm asking for Commissioner English.

Ms. Blackburn: Yes, a farm brewery is where you brew your beer from products that you've grown on your property.

Ms. Vanuch: Oh. Like moonshine?

Mr. English: Why wouldn't it be just like a brewery?

Ms. Vanuch: Are we legalizing moonshine?

Ms. Blackburn: You have to grow it in order to be in an agricultural zone.

Ms. Vanuch: White Oak will be happy.

Ms. Blackburn: Because, as you know, we do allow microbreweries in a B-2 with a special exception. And we also allow them in an M-1 and the M-2 by-right. And we have... well, the Commission has a time limit of September 6th in order to conduct a public hearing and render a recommendation to the Board. And the Planning Commission should authorize the public hearing by July 10th in order to schedule a public hearing by August 14th. We also had some questions from... let me see...

Ms. Vanuch: While you're looking...

Ms. Blackburn: Yes.

Ms. Vanuch: ... okay, so, if you have 5 dogs on 5 acres, you're a kennel.

Ms. Blackburn: Mm-hmm.

Ms. Vanuch: But if you have 6 dogs on 5 acres you're a commercial kennel?

Ms. Blackburn: No. You... if you are... the commercial kennel and one of the questions that was brought up was talking about missing some of the language in the commercial kennel, and that was it starts out kennel commercial in which 5 or more canines, felines; there is no mention made of a place or an establishment as stated in the kennel non-commercial. It means any establishment and that can easily be added to the commercial kennel definition. And I state... I'll get to the acreage in a minute... as far as establishment, many times they don't always have kennels with fence. They can easily... particularly if the dogs are small they'll have all of them in their house. So, to have it be an establishment for commercial kennel, that is why I say to state that.

Mr. Randall: What's the difference between a kennel and somebody that just has 6 dogs?

Ms. Blackburn: Well...

Ms. Vanuch: What's the difference between that and Crystal?

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Ms. Blackburn: Between that and Crystal?

Ms. Vanuch: Between that the Crystal, because Crystal's got all kinds of dogs.

Ms. Blackburn: A non-commercial kennel...

Mr. Randall: Right.

Ms. Blackburn: ... means any establishment and with 5 or more canines, felines, or hybrids more than 6 months of age are kept and maintained by the resident.

Ms. Vanuch: So, if they live in my bed, in my room...

Mr. Randall: So, anybody that has...

Ms. Blackburn: They can live out in a dog house in your backyard.

Ms. Vanuch: Or they can live in my room...

Ms. Blackburn: Yes.

Ms. Vanuch: ... and I have a commercial kennel.

Ms. Blackburn: No.

Mr. Randall: Non-commercial.

Ms. Vanuch: I have a kennel.

Ms. Blackburn: You have a kennel.

Mr. Randall: You have a kennel.

Ms. Blackburn: You just have a kennel.

Ms. Vanuch: I don't have that many animals.

Ms. Blackburn: You just... you just have a kennel. They are your own animals; you are not boarding them, you are not breeding them, you are not taking dogs in for training. They're your pets.

Mr. Bain: Would she have to register with the County has a kennel?

Ms. Blackburn: Yes.

Ms. Vanuch: See, that's crazy. We can't do that.

Mr. Randall: Yeah, we can't do that.

Ms. Vanuch: I have 3 dogs and 2 cats and I would be a friggin' kennel if I had 5 acres? Like that's crazy.

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Mr. Apicella: Why would they have to register with the County? We have home occupation; you don't have to register for that. No, I'm just saying, under home occupation, which is a by-right use, you don't have to register to be a home occupation; it's a by-right use.

Ms. Blackburn: You get a certificate of use from us, yes you do.

Mr. Apicella: Every single person who has a home occupation has to get a certificate of use?

Ms. Blackburn: I will say they are supposed to.

Mr. McPherson: Is there maybe a difference between establishment and a homeowner? I mean, use the word establishment. If somebody owns 3 dogs and 2 cats are they an establishment?

Ms. Vanuch: So here... that's my thing. I don't think this is ready yet because I'm having heartburn over this because if I... if one more cat ends up on my property.

Mr. Boswell: I have a cat issue going on right now.

Ms. Vanuch: Yeah. Why don't you tell us about your cat issue Roy.

Mr. Boswell: I've already told you, Madam Chair, about my issue.

Ms. Vanuch: Yeah, because I kinda... I don't know. Because I could have 7 or 8 horses and be totally fine, but I can't have 7 or 8 dogs.

Mr. Apicella: So, I don't disagree that it's probably worth spending some more time on and getting the gentleman who worked with us from animal control -- I apologize, I don't know his name...

Ms. Vanuch: Yeah, because I agree, there is definitely a problem for hoarding...

Mr. Apicella: But there is a pro... there could be a problem if you live next to somebody who's got a lot of dogs. Dogs are different than most other animals because what do they do? They bark and they bark at all hours of the day and night.

Ms. Vanuch: If they're being kept outside.

Mr. Apicella: It doesn't matter.

Ms. Vanuch: Well, there's a noise ordinance that should address that, too.

Mr. Apicella: Regardless. I mean, I had a neighbor who had a dog chained outside. Every night at two o'clock in the morning that dog would bark. I went over to that house constantly and asked the guy to stop and called the...

Mr. Boswell: It wasn't the guy barking, it was the dog barking.

Mr. Apicella: It could have been both. But I'm just saying some people are not respectful of their neighbors and don't care, and so you've got to find that happy medium and a balance to address those people who are frequent...

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Ms. Vanuch: But if I had 6 Chihuahuas...

Mr. Bain: But classifying them as a kennel would not change that.

Mr. McPherson: Nope, and it wouldn't just be A-1.

Mr. Apicella: No. Well, the theory was that after 5 dogs, and it was really aimed at dogs -- I don't think you can distinguish...

Ms. Vanuch: My poor dogs.

Mr. Apicella: ... between dogs and cats and whatever in terms of the way this is articulated -- every acre will help to mitigate the additional number of dogs. Is that a concrete scientific methodology? I can't say it was. I mean, it was something we did some give-and-take on with the gentleman from animal control, and also based on I think some parameters placed by other jurisdictions as well. So, is it perfect? Maybe not. Do we need to have more discussion about it? Probably, but I don't think it's something we could just kind of slough off and say hey, we don't have to deal with it at all.

Ms. Vanuch: No, I agree there's a happy medium though.

Mr. Randall: I guess the question that comes up is do we think there's people in Stanford County that live on less than 5 acres who have 5 or more dogs?

Ms. Vanuch: Yes, absolutely.

Mr. Randall: Absolutely. There's hundreds of them I would say...

Mr. Boswell: Some of them live on less than 4 acres.

Mr. Randall: ... that live on less than 5 acres who have 5 dogs and, in some cases, their neighbors don't even know it.

Ms. Vanuch: Let me just say I've been door knocking and I know people have a lot of dogs.

Mr. Randall: So, this minimum 5 acres for 5 dogs I think automatically sets a precedent that we would put hundreds of Stafford County residents in non-compliance if we were to do that. Now, do I think that there are some ways of saying here's how a kennel is defined to change the definition of a kennel that says there's got to be some... I mean, every individual dog? I don't know.

Ms. Vanuch: If the dog's kept outside I think that... if they're kept outside...

Mr. Randall: I think there are ways to do that, I just don't think the minimum 5 acres for 5 dogs...

Ms. Blackburn: Now do remember this is a by-right use.

Mr. Boswell: What's that?

Ms. Blackburn: It's a by-right use. You don't have to go through...

Mr. Randall: For what?

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Ms. Vanuch: But I think it's silly though because in R-1, let's say you live in an R-1 or a townhouse. Are there restrictions on the amount of dogs you can have in a townhouse?

Ms. Blackburn: If you have more than 5 you have a non-commercial kennel and it would not be permitted.

Mr. Randall: Does anybody know that?

Ms. Vanuch: But what if somebody has 5 Chihuahuas, which is totally viable...?

Mr. Randall: What if they had 5 puppies?

Ms. Blackburn: If they're under the age of 6 months, it is not considered to be 5 dogs which...

Ms. Vanuch: But if they're breeding, if it got, you know, had a good time on the weekend outside and then it has puppies in the garage, then you're breeding.

Mr. Randall: Well, I guess my point is, is that I think that they're... I think some... I mean, we're talking about A-1, not R-1, but there's definitely some items I think that need to be tweaked in there so we don't put people that are currently... we don't put people in a situation where now they have to...

Mr. English: They're non-compliant.

Mr. Randall: ... non-compliant because they're in 3 acres... they I have 3 acres, they have a big house, big fence, and...

Mr. Bain: But would they be grandfathered if they currently...

Mr. Randall: Is that where we want to go? We want to grandfather...

Ms. Vanuch: I just think the enforcement, we're going down a... I would be irate if I found out the County did this and I had...

Mr. Apicella: Madam Chairman?

Ms. Vanuch: Yeah.

Mr. Apicella: Can we just agree that it needs to be worked?

Ms. Vanuch: Yeah, I agree. No, we're good; we don't need to move this to public hearing tonight. I think we need to workshop the language.

Mr. Randall: No, no, I understand that. I think there's some... I agree it needs to be worked but I think there needs to be some direction as to where we need to work it so that we're not rehashing the same conversation a month from now. So, I don't disagree what needs to be worked and that's decided already. But I think there needs to be some discussion amongst us as to where we want to go with this so that there is some direction.

Ms. Vanuch: Mr. Boswell?

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Mr. Boswell: Let me ask one question. We're spending a lot of times... a lot of time talking about dogs. A-1 is agricultural; that's farmland... considered farmland, correct?

Ms. Blackburn: Yes.

Mr. Boswell: What else can you keep on what we're discussing here? I don't see anything addressing... I know we mentioned horses...

Ms. Vanuch: You can keep 20 cows, 20 horses; that's my point. You could keep... I could have 7 horses but I can't have 7 dogs.

Mr. Boswell: No, that's what I'm asking because Ms. Blackburn mentioned that they have people coming in on you said one acre A-1...

Ms. Blackburn: Well, we have had people come in...

Mr. Boswell: ... and asking can I have a pig.

Ms. Blackburn: on 3-acre lots in subdivisions but they're still zoned A-1.

Mr. Boswell: Okay.

Ms. Blackburn: And they would like to keep various livestock.

Mr. Boswell: And can they? Because it's farmland.

Ms. Blackburn: They can now.

Mr. Boswell: Okay. So, that's why none of that's mentioned in here now, so we're basically out... if this goes into effect like this they will no longer be able to keep any animals...?

Ms. Blackburn: No, they will not be able to keep livestock on a 3-acre piece of property.

Mr. Boswell: Okay, so you've got 3 acres and you bought a house...

Ms. Vanuch: Whoa, wait a minute.

Mr. Boswell: Yeah, that's what's not in here; that's what I want to get to. So, you bought a house and 3 acres; you think you can have a few chickens and yes maybe a pig or maybe a goat or... and 1 horse and now all of that's out the window if this goes through.

Ms. Vanuch: That's all of Seven Lakes. In my district they buy 3-acre parcels.

Mr. Boswell: Yeah. And there's no way I can support that in any way. No, I couldn't do that to people.

Ms. Vanuch: Yeah, okay so here's what we're gonna do. I think we need to go back to this a little bit. Should we... do we want to do an ad hoc committee just to run it through before the next meeting to come up with some good language? Mr. Apicella?

Mr. Apicella: We've had an ad hoc committee.

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Ms. Vanuch: I know.

Mr. Apicella: We've spent almost a year and a half on this.

Mr. Boswell: We missed something.

Mr. Apicella: Well, I mean, you know, we had a mix of people on there including folks who were farmers and a former Planning Commissioner and we spent a lot of time and effort particularly on this piece of it. Does it need, again, to be with a fresh set of eyes and different experience levels and different knowledge?

Ms. Vanuch: Who was on it last time, you three?

Mr. English: Me and Steven.

Ms. Vanuch: You and Steven...

Mr. Apicella: And Al and...

Ms. Vanuch: ... and Al?

Mr. Apicella: ... Mr. Howe and I forgot the other guy's name.

Ms. Blackburn: Mr. Harris.

Mr. Apicella: Mr. Harris.

Ms. Vanuch: How about... do you want to be on it with me? I want to be on it for sure and Mr. Randall, let's all get together, let's do a real quick committee meeting before the next time and we're gonna fix some of this language and get to a good place. We're gonna save you a lot of time Ms. Blackburn.

Mr. Boswell: She said you wanna bet.

Mr. Bain: Could I just ask one question? The text reads canines, felines, and hybrids. What in the world is a hybrid then?

Ms. Vanuch: A dog-cat.

Mr. Bain: Yeah, that's what I'm wondering.

Ms. Blackburn: A dog-wolf hybrid, a dog-coyote hybrid...

Mr. Bain: Oh, okay.

Mr. McPherson: A wildcat-cat hybrid?

Ms. Blackburn: Yes, yes.

Mr. Bain: Is that... is that explained in the ordinance under definitions?

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Ms. Blackburn: I don't have it in the Zoning Ordinance. We have tied this back to the animal control ordinance and I can put a reference in there for that.

Mr. Bain: Okay, yeah, that bothered me. I could see a dog-cat.

Mr. Apicella: That would be at dat.

Mr. McPherson: Or cog.

Mr. Bain: Or a cog.

Ms. Vanuch: Oh my gosh. Okay, are there other issues that we need to... so, we're definitely gonna look at the dog kennel and the 3 acres minimum other animals.

Mr. Apicella: So, just kind of working through the page by page, on page 3 where it says aqua tourism, I see that you've got a couple of definitions in front of us. Do you think if we added changing the state code definition or term from marine products to aqua products and also added aqua tourism activity, could we still keep in aqua tourism?

Ms. Blackburn: Well, there, and this will be a good discussion for the committee, in an interesting way they... we do have a definition for aquaculture in the state code and then they go on to discuss agricultural products. And this will be definitions under 3.2-6400 from the code, which I gave you, means any livestock, aquaculture, poultry, horticulture, flora culture and goes on, then it goes on to say what is agri-tourism and which we have that definition; activity carried on on a farm or ranch. Alright, we're thinking a farm or ranch is usually not a fish farm, but the farm or ranch as you go further down on that page means one or more areas of land use for the production, cultivation, growing, harvesting, or processing of agricultural products and agricultural products takes you back up to the top of the page that includes agriculture... aquaculture. So, I'm wondering if we tie it in that way but, again, that's a discussion for the committee.

Mr. Apicella: Well, I haven't agreed that the whole thing goes back to a committee.

Ms. Blackburn: Oh, I know, I know. But, I mean, that is...

Mr. Apicella: I thought all they were going to deal with were the animal issues that we were going to try to knock out some of these other ones. So...

Ms. Blackburn: That is one thing. But that was one that we can either leave it in and I can do... I can fashion some kind of aqua tourism definition or it just leave it as part as agri-tourism and not mention it at all.

Mr. Harvey: Yes, Chairman Vanuch and Commissioner Apicella, Ms. Blackburn and I had a discussion about this in the office the other day because, really, if you look at the definition under the state, aqua tourism would be people looking at fish farms. But most people, when they see that, they're thinking that I'm going out on a boat on the river or in the ocean, which is not what aqua tourism is.

Mr. Randall: Do we need to define that? Is it defined... it's defined in the state; do we need to transfer that into our definition?

Ms. Blackburn: What's defined in the state is marine tourism.

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Mr. Randall: Well, okay.

Ms. Blackburn: There is no aqua tourism.

Mr. Apicella: Right, so I'm gonna go back to my question. If we adopted under the now definition was aqua tourism, the state code marine tourism activity...

Ms. Blackburn: And just change it.

Mr. Apicella: ... would that not satisfy or deal with the problem, to the extent there is a problem

Ms. Vanuch: Yeah, let's do that.

Ms. Blackburn: Okay.

Ms. Vanuch: What else do we have here?

Mr. Apicella: So, I'm just going through the places -- on page 5, under conditional use permit, Madam Chairman I would recommend I can't recall why we kept it there, I thought we removed it. I would recommend removing hotel and motel from conditional use permit under A-1. I think if somebody wants one of those uses they oughta get a rezoning.

Ms. Vanuch: I agree. Remove totally from A-1. Everybody good with that? Okay.

Mr. Randall: Where is it... where are the Bed and Breakfasts, Airbnb? Bed and Breakfast is in the...

Ms. Vanuch: Bed and Breakfast is different.

Mr. Randall: ... it's in the special exception, okay.

Ms. Vanuch: Okay, what else?

Mr. Apicella: So, you asked a question and maybe... maybe this is something that could go back to that subcommittee, the commercial feedlot and the 900-foot setback since it's still animal related. So, those seem to be the outliers.

Ms. Vanuch: Yeah. Dog kennel, other animals, 900-foot setback for feedlot.

Mr. English: Under the one, Steven, you were just at, page 5 go to 6, that travel trailer RV park, shouldn't that... I think that should be a conditional use.

Ms. Vanuch: It is under, it is.

Mr. English: It is, I'm sorry; I read wrong.

Ms. Blackburn: I do have one question that a decision really was never made on. We have a... we talk about a farm winery, and there or two classes of farm winery; one is a Class A and one is a Class B. The Class B actually requires 75% of the product that you grow on the land be used in your production, and the Class A only requires 51%. And I'm wondering, do we even want to discuss that, even make reference to it, or just say a farm winery period?

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Ms. Vanuch: I think farm winery. I don't think there's a big deal.

Mr. Apicella: Yeah, I don't see what the benefit would be to split them out.

Ms. Blackburn: Okay.

Mr. McPherson: Susan, I have a quick question for you.

Ms. Blackburn: Yes sir.

Mr. McPherson: Conditional use permit, communication facility - is that geared towards cell towers?

Ms. Blackburn: Yes.

Mr. McPherson: Alright, because aren't there other state and national regulations around the placement of cell towers so we'd have to make sure that we don't try to be more strict than this, correct?

Ms. Blackburn: We have new regulations for micro towers and micro...

Mr. McPherson: Microwave (inaudible)?

Mr. Harvey: Micro cells which are antenna clusters that are lower to the ground. These are referring to communication facilities where you have a 150-foot, 190-foot, 300-foot tower. And they are regulated differently under state law.

Ms. Blackburn: I think we're okay with that one.

Mr. Randall: I'm sorry, Susan?

Mr. Blackburn: Yes sir.

Mr. Randall: Conditional use permit - what's a test lane facility? Sorry, maybe I'm the only one.

Ms. Blackburn: That's crash dummies.

Mr. Randall: Really.

Ms. Blackburn: Yes.

Mr. Boswell: Up at the Crucible.

Ms. Blackburn: Yes.

Mr. Apicella: And then they would shoot them after they ran around the track.

Mr. Randall: Is there... I guess that is on here now.

Ms. Blackburn: It's always been there. It's been there since 1960...

Mr. English: What's that?

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Mr. Randall: Test lane.

Ms. Blackburn: ... '78 (inaudible).

Mr. Harvey: Madam Chairman and Commissioner Randall, that was an item that got put in probably 5 or 10 years ago. There was a... at Hartwood Airport, that airport went defunct and an a contractor for a federal agency leased that space to do testing of the border entry equipment. So, they ran cars through gantries to see if they could scan license plates, number of occupants in the cars, and those kinds of things. So, some of the technology that we see today on the highways, especially at our borders, was developed there.

Mr. Randall: Interesting. Okay. Thank you.

Mr. Apicella: Madam Chairman?

Ms. Vanuch: Mm-hmm?

Mr. Apicella: Do I take it in then that this ad hoc subcommittee is gonna meet prior to and have something available at our next meeting?

Ms. Vanuch: Yes, yeah, because we need to be able to vote this in June... I would like to move this forward at our next June 29th meeting and not have to wait until July.

Mr. Boswell: Can I ask Ms. Blackburn one more question?

Ms. Vanuch: Sure.

Mr. Boswell: Before this was worked up, the first speaker we had tonight asked about bees. Were you able... I don't see it in here... were you able to keep bees in A-1?

Ms. Blackburn: Yes, bees were already a use permitted in A-1.

Mr. Boswell: And are you now?

Ms. Blackburn: Yes.

Mr. Boswell: They're still in here?

Ms. Vanuch: The beehive is different, it's a...

Ms. Blackburn: Yes, we didn't change... these were only the change, you know, some of the change things. No, apiaries are still allowed in A-1.

Mr. Boswell: Okay, I just wanted to make sure.

Ms. Vanuch: Yeah, we're gonna see the ordinance later, the changes.

Mr. Randall: Yes, we're going to look at it here in just a minute.

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Ms. Vanuch: Okay. Okay, so we've got our three items, we'll get together and set up a date. Thank you very much. Any other questions before we move...? Thank you very much Ms. Blackburn. Okay, now moving on to the item number 6 which is the Planning Director's Report. Mr. Harvey, take it away.

PLANNING DIRECTOR'S REPORT

6. Legislative Priorities - Recreation Amenities for Subdivisions

Mr. Harvey: Madam Chairman, it was just mentioned the issue of apiaries and that was referred to the Planning Commission... number six...

Ms. Vanuch: Do you want to cover the Legislative...

Mr. Harvey: I'm sorry, I'm jumping ahead. Legislative Priorities -- at our last meeting there was discussion about maybe adding one more legislative priority, specifically dealing with recreational amenities in new neighborhoods. And with discussion of Commissioner Randall, we've put together a summary sheet to suggest that maybe the state legislation could be changed specifically for the sections of the state code dealing with subdivision requirements. And this proposal would not make it mandatory but it would be an optional provision that localities could put in their local subdivision ordinances to require recreational amenities with new neighborhoods.

Ms. Vanuch: Everyone good with that? Did everybody review that ahead of time? Everybody's good with it? Do we need to vote on that?

Mr. Harvey: Yes ma'am, please.

Ms. Vanuch: Alright, so you guys want to make a motion? Bart, it's your thing.

Mr. Randall: Is it voting on this one specifically or the whole agenda to go?

Mr. Apicella: We're just voting to add an additional...

Mr. Randall: Did we vote to send the other ones already?

Ms. Vanuch/Mr. Apicella: Yes.

Ms. Vanuch: Yes.

Mr. Randall: Okay. Then the motion is to add the recreational amenities for new subdivisions to the legislative request to the Board.

Ms. Vanuch: Fantastic.

Mr. English: Second.

Ms. Vanuch: Okay. Any comment? Alright, go ahead and vote. Tally the vote. Motion carries 7-0. Alright item number 7; Mr. Harvey?

7. Apiaries - Referral

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Mr. Harvey: Now we're back to apiaries. This was an issue that was referred to the Planning Commission by the Board of Supervisors. There's been some inquiries about allowing beekeeping in residential neighborhoods, so it sounds like we may need to have a little bit more discussion about this. But I'll defer to the Commission on how you want to proceed, if you want to discuss this further, or send it through a public hearing.

Ms. Vanuch: We did kind of talk about the fact that we didn't have any information on apiaries and none of us really qualify to know whether or not what we are voting on was good policy. We heard from the speaker in the very beginning that he was a little concerned with some of these changes. So, I know I talked to Supervisor Bohmke before the meeting and she had some very serious issues with the ordinance as well and had recommended we maybe reach out to an expert that we could invite to maybe our next meeting. Or maybe even if we wanted to push it until July, have them come and kind of educate us on what is realistic and what is not, then we can vote it to public hearing then.

Mr. Randall: Madam Chair, I have a quick question. What is the current ordinance? What is the current ordinance for beekeeping, beehives, apiaries?

Mr. Harvey: Madam Chairman and Commissioner Randall, right now we classify beekeeping as an agricultural use, but there are no local County regulations on how that's done or dealt with.

Mr. Randall: So, only in A-1, A-2...

Ms. Vanuch: Don't tell Mr. Lovell that.

Mr. Randall: ... no R-1, no R-2, no R-3.

Mr. Harvey: Currently it's only allowed in those two zoning districts, A-1 and A-2, as an agricultural use. So, looking at if we are creating a definition, we may need to specifically list apiaries in A-1 and A-2 as well, so it may be an adjustment we have to make to this amendment. But then it goes back to the question that was raised earlier in the meeting is that appropriate... should it be expanded to other zoning categories or not. When this was first talked about with the Board's Community and Economic Development Committee, it looked at PD-1 and R-1 zones because they have single-family detached homes in them. You'll see in the proposed amendment which we've modeled off of Hanover County, they have a 10,000 square-foot size limit. So, there could be a discussion point if you have any zoning category allows for single-family homes over 10,000 square feet, maybe that's your cutoff as far as qualification for it, but that's something we'll have to talk about some more probably. Ms. Blackburn did make me aware of that there's a beekeeping organization that's a regional one that meets monthly at one of the local libraries, so we may be able to reach out to them and see if we can get somebody to come assist us with further understanding how beekeeping works.

Mr. Randall: And the concerns by the Board was that we were limited... we're too limiting and that they needed to expand the aperture to the process. Is that kind of the direction that were being asked to go to?

Mr. Harvey: We're being asked to consider expanding the ability to keep bees to other residential type settings.

Mr. Randall: Okay.

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Ms. Vanuch: Okay. Is everybody good with that idea? Do we... what do we have on the agenda for June 29th so far?

Mr. English: The 26th.

Ms. Vanuch: Or 26th, sorry. I'm coming on the 29th so.

Mr. Randall: Madam Chair, just a reminder I will be out of town on vacation on that date.

Ms. Vanuch: Okay, let's cover everything then.

Mr. Harvey: Madam Chairman, currently we have no public hearings scheduled for that meeting.

Mr. English: How big's the agenda?

Ms. Vanuch: Yeah, what do we even have on the agenda then? If we don't have anything then we just cancel it now and do it in July.

Mr. Harvey: We do have a request for a waiver and if you'll give me a minute I'll see if I can find some more details on that. Currently right now for the draft agenda we have our transportation update from Public Works, all the previous unfinished business has been taken care of, we would still have discussion if it comes back on A-1 Uses and we have a request for a waiver.

Mr. Apicella: Would the... could the waiver be moved to the July meeting and still made the deadline.

Mr. Harvey: Yes, because the deadline is August 25th.

Ms. Vanuch: Let's do that.

Mr. Apicella: Madam Chairman, I would recommend we cancel, given these facts, recommend that we cancel the late June meeting.

Ms. Vanuch: Do we need to take a vote on that Ms. Lucian? Alright.

Mr. Randall: I second that motion.

Ms. Vanuch: Okay, so we have a... okay. Do we need to wait until the Chairman's Report to do this or we're good to do it here? I think it's kind of out of order.

Ms. Lucian: Yeah, I'd wait until the Chairman's Report.

Ms. Vanuch: Okay, so let's bring the Apiaries...

Mr. Apicella: I withdraw my motion.

Ms. Vanuch: ... back in July 10th, on July 10th.

Mr. McPherson: Who's gonna try to get an expert?

Mr. Randall: Yeah, will we be able to get our...

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Ms. Vanuch: Staff is gonna take care of that, yeah. We're gonna... July 10th meeting

Mr. Harvey: Madam Chairman, to answer Commissioner English's question, right now for July 10th we're looking at two public hearings, maybe possibly a third. I believe the first two are related so essentially it'll be one issue. So we may have two... essentially two issues for public hearing.

Ms. Vanuch: Okay, great. Okay, so we're gonna... let's bring the apiary experts in on July 10th. County Attorney's Report.

Mr. Harvey: Madam Chairman?

Ms. Vanuch: I'm sorry.

Mr. Harvey: I wanted to bring to the Commission's attention that Ms. Blackburn will be retiring at the end of the month and this is will be her last meeting in front of the Commission, especially since you cancelled the next meeting. So...

Ms. Vanuch: No, let's not do that. We haven't taken that motion yet. We should do a 5-hour presentation on A-1 Uses. [Laughter]

Mr. Harvey: Ms. Blackburn's been our Zoning Administrator for 7 years and she's done a great job and we're in process of...

[Applause]

Mr. Harvey: ... trying to recruit for her replacement.

Ms. Vanuch: Okay, alright.

Mr. Harvey: And that concludes my report.

Ms. Vanuch: Yeah, we better get on that... we're gonna have to get on that subcommittee ASAP. Okay, County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Well good evening Planning Commission, on that note, Ms. Blackburn I don't know what I'm gonna do without you. So, that's all I have, thank you.

COMMITTEE REPORTS

8. Cluster Ordinance - Policy Subcommittee
(Deferred on May 15, 2019 to June 12, 2019)

CHAIRMAN'S REPORT

Ms. Vanuch: Well, at least she didn't resign on her first report, so she's already doing better than Wisniewski. Committee Reports -- we don't really have an open subcommittee on clusters so we could probably take that off the agenda and then we'll figure that out as we move along. Chairman's Report -- so, I'd like to report that based on the lack of public hearings and items on the agenda for the June 26th

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meeting, I don't think we need to have it so would somebody like to make a motion to cancel that meeting?

Mr. Apicella: So moved Madam Chairman.

Ms. Vanuch: Second?

Mr. Randall: Second.

Ms. Vanuch: Okay, so a motion by Commissioner Apicella, second by Commissioner Randall; any comments? Alright, go ahead and vote to cancel the meeting. Motion carries 7-0. That's... other than that, thank you very much Ms. Blackburn. I'm very sad to see you leave but I know that you're going to spend lots of time with your new puppy and it'll be the best trained puppy in Virginia.

Mr. Bain: How many puppies does she have?

Ms. Vanuch: Yeah, she doesn't live in Stafford so.

Mr. Bain: Wait a minute, wait minute.

Mr. Apicella: It's under six months.

Ms. Vanuch: Yeah and it's under... we're gonna have to register you as a kennel. Alright, that concludes my report. Oh, go ahead.

Mr. English: Madam Chairman, in reference to the asking for the bee people to come, should we start our meeting maybe a half hour early to get that because I don't know how long their presentation is going to be, since we may have three public hearings or can we just maybe just...

Ms. Vanuch: Commissioner Apicella cannot get here early.

Mr. English: Okay. Well maybe if we get the beekeeper, maybe they can give us some stuff heads up so we... to look at some literature.

Ms. Vanuch: Yeah, some stuff ahead of time.

Mr. Apicella: And some honey samples.

Mr. English: Bee samples, bee samples.

OTHER BUSINESS

9. TRC Information - ***June 26, 2019***
 - * Meadows at Liberty Hall - Hartwood Election District

Ms. Vanuch: Yeah, we'd like to taste the different types of honey. Okay, that concludes my report. Other business, TRC for Hartwood is June 26th. We have two minutes to approve. Do we have a motion to approve May 15th Special meeting minutes?

APPROVAL OF MINUTES

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May 15, 2019 (Special meeting)

Mr. English: So moved.

Ms. Vanuch: Second, do we have a second?

Mr. Apicella: Madam...

Ms. Vanuch: Yep, I'm sorry go ahead.

Mr. Apicella: Madam Chairman, I probably should have sent out a proposed sentence or two to add. My concern is, I'm not quite sure how that to phrase this, but I think that we agreed that we would all take a closer look at the methodology and work together towards potential revisions. I don't think that's mentioned here in the minutes.

Ms. Vanuch: Okay. Do you want to withdraw your motion, or do we need to...? Okay.

Mr. Apicella: So can we just add a sentence along those lines?

Ms. Vanuch: Yeah, do you want to do a substitute motion then? No, nobody seconded. Alright, so it died.

Mr. Apicella: Okay. So, Madam Chairman, I would like to add to the minutes that the members at the meeting discussed taking a closer look at the methodology and would work together towards potential revisions going forward.

Ms. Vanuch: Okay. Do we have a... was that a motion or just a comment?

Mr. Apicella: I guess it could be a motion to accept the minutes with that revised language.

Ms. Vanuch: Do we have a...

Mr. Bain: Second.

Ms. Vanuch: So, we have a motion to make those changes and accept it and then Mr. Bain has second. Any further comments gentlemen? Anyone else? Alright, go ahead and vote. Alright, motion carries 7-0. Do we have a motion to accept the May 15th meeting minutes for the regular meeting?

May 15, 2019 (Regular meeting)

Mr. Bain: So moved.

Ms. Vanuch: Okay, second?

Mr. English: Second.

Ms. Vanuch: Alright, we have a second by... or a motion by Commissioner Bain, a second by Commissioner English; any further comments gentlemen? Alright, go ahead and vote. Motion carries 7-0. Meeting adjourned.

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ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:34 p.m.