

STAFFORD COUNTY PLANNING COMMISSION
October 23, 2019

The meeting of the Stafford County Planning Commission of Wednesday, October 23, 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, Albert Bain, Roy Boswell, Fillmore McPherson, Barton Randall

MEMBERS ABSENT: Mr. English

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Mike Zuraf, Kathy Baker, LeAnn Ennis, Amy Taylor

DECLARATIONS OF DISQUALIFICATION

Ms. Vanuch: Any declarations of disqualification or disclosure on any items on the agenda from any Commissioner this evening? Okay, hearing none, any changes to the agenda this evening?

Mr. McPherson: Madam Chair, based on a request from an applicant for item 7, I move that we remove from the agenda SUB18152473, Potomac Church Farms Preliminary Subdivision Plan.

Ms. Vanuch: Okay, we have a motion on the floor to remove item 7 from the agenda; do we have a second?

Mr. Randall: I'll second that.

Ms. Vanuch: Okay, motion on the floor; any discussion gentlemen?

Mr. McPherson: No.

Mr. Randall: No.

Ms. Vanuch: Okay, go ahead and vote. Okay, tally the vote. Motion carries 6-0 (*Mr. English absent*). Okay, now moving on to the Public Presentations portion of tonight's meeting, this is a time where anyone can come forward to the podium. If you do come forward to the podium, please state your name, your address, and the district that you reside. You can come down and address the Planning Commission on anything outside of what's up for tonight for public hearing. So, if you're here for Westlake, either the Comp Plan Amendment or the Proffer Amendment or the rezoning, you cannot speak about that. But anything else you can come down and speak about. Anyone coming forward?

PUBLIC PRESENTATIONS

Mr. Buchanan: Good evening. My name's Bob Buchanan. You separated some things there and I didn't know we were gonna do that. So, I've got a list here, I'm just gonna read it as fast as I can.

Ms. Vanuch: So, if it's on the Proffer Amendment or the Comp Plan...

Mr. Buchanan: They're on both.

Ms. Vanuch: Those comments are later, that's what I was saying. This is for anything outside of that.

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Mr. Buchanan: Not the Comp Plan and not the proffers?

Ms. Vanuch: Not the Comp... nothing to do with Westlake.

Mr. Buchanan: Okay.

Ms. Vanuch: Yep.

Mr. Buchanan: I'll wait for that.

Ms. Vanuch: Yep. Okay, seeing nobody, I'm going to go ahead and close the Public Presentations portion of tonight's meeting and then move on to item number 1 on the agenda. And just of note, we're gonna recognize Mr. Mike Zuraf here in a minute, but item number 1 is going to be an Amendment to the Stafford County Comprehensive Plan for Westlake. Items 2 and 3 are going to be presented together on the rezoning and the reclassification with the proffer amendment. So, you, in the audience, if you're here to talk about Westlake, the first item with be only regarding the Comprehensive Plan adjustment. So, there'll be a couple of presentations this evening on that particular project. I just wanted to make sure everybody understood. Mr. Zuraf, go ahead.

PUBLIC HEARINGS

1. COM17151763; Amendment to the Stafford County Comprehensive Plan - Westlake - A proposal to amend the "Stafford County, Virginia, Comprehensive Plan 2016-2036," adopted on August 16, 2016, regarding future land use designations that would support higher density residential development on a portion of the proposed Westlake development. The proposed amendment would modify Chapter 3, "The Land Use Plan," to amend the maps entitled Figure 3.1, "Urban Services Areas" and Figure 3.6, "Future Land Use" (collectively, the "Maps"). The proposed changes would amend the Maps by changing the future land use designation on Tax Map Parcel No. 35-22 (Property) from Agricultural/Rural to Suburban and amending the Urban Services Area limits to incorporate the Property into the Urban Services Area. The Property consists of 87.6 acres, located at the terminus of Jack Ellington Road, approximately 1,000 feet east of Richards Ferry Road, within the Hartwood Election District. **(Time Limit: December 22, 2019)**

Mr. Zuraf: Okay. Good evening Madam Chairman, members of the Commission; Mike Zuraf with the Planning and Zoning Department here to present the staff summary on item 1. So, this is a Comprehensive Plan Amendment for Westlake. And the requests here are to amend the Future Land Use Map, to change the Future Land Use designation on parcel 35-22 from Agricultural/Rural to Suburban, and also amend the Urban Services Area map to incorporate this property into the Urban Services Area. So, as I'm going through the presentation, I might say USA; that means Urban Services Area. And hopefully not to confuse people, I might say that. That's an acronym we use, so I just want to put that out there.

Ms. Vanuch: Can you just explain what the Urban Services Area is real quick?

Mr. Zuraf: Yeah. The Urban Services Area is the designated area on our Comprehensive Plan, the area in the County where the County envisions higher density development where you'd have public water, public sewer, more of our public facilities, schools, fire stations, probably more road improvements would occur.

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Ms. Vanuch: Okay, thank you.

Mr. Zuraf: The applicant is Westlake Development. Charlie Payne is the agent. This is in the Hartwood Election District. So, there's one parcel subject to this application. It's identified in the blue outline. This area covers 87.6 acres. The property is located at the terminus of Jack Ellington Road. It's approximately a thousand feet east of Richards Ferry Road. The subject parcel is zoned M-1 currently. The current use of the site includes a security training facility that has outdoor weapons training ranges. The purpose of the amendment is to support higher density residential development, with the expansion of the proposed Westlake development onto... southward onto this subject parcel. The applicant is proposing to rezone the site... this site to R-1, Suburban Residential, and redevelop the site with 120 single-family dwelling units. That's the subject of the next item... of the rezoning portion of this case. So, this is a current view of the Urban Services Area map showing the subject parcel. It's outside of the Urban Services Area as you can see. The pink shaded area is the area within the Urban Services Area; the beige shaded area is outside. So then, this is the proposed amendment to the same map adding the site to the Urban Services Area.

Mr. Bain: Mr. Zuraf, excuse me a second. Go back to that. Let's just make it clear that all those little roads that are shown in the pink area do not exist right now.

Mr. Zuraf: Correct, those are planned roads.

Mr. Bain: Those are planned.

Mr. Zuraf: Yes.

Mr. Bain: And this is separate from those roads.

Mr. Zuraf: Yes.

Mr. Bain: Yeah, okay. Thank you.

Mr. Zuraf: Mm-hmm. So, this is the current Future Land Use map from the Comp Plan. The land use recommendation currently is Agricultural/Rural. That's the light green shading. The Agricultural/Rural areas of the County are areas where farming, forestry, and low density residential is encouraged. Single-family detached dwelling units here may be developed under Rural at a density of one dwelling unit per every 3 acres. So, this is the proposed map with the land use designation of Suburban. Suburban scale development is considered single-family dwellings typically on ¼ to ½ acre size lots. It could potentially include townhomes and multi-family dwellings under certain conditions which may include other community amenities. The areas are intended to serve as infill development in the proximity of established communities. And development densities should not exceed 3 dwelling units per acre for residential development in these locations. Policy 1.2.3 in the Comp Plan addresses expansions of the Urban Service Area and provides a series of criteria that should be met prior to approval of any expansions. The following is a summary of some of the applicable criteria in this case. First, the policy recommends that lands that are proposed to be included in the Urban Service Area may... must have been zoned commercial or industrial as of the original date of adoption of the plan, which is the case here, as this land has been zoned M-1 for... light industrial for many years. On the second point, the proposal does not comply with this criterion as suitable land is available. Suitable land is available inside the Urban Service Area that's designated suburban on the land use map. On the third point, the goals of the Comp Plan pertain to subjects that include sustainable growth, fiscal

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responsibility, environmental protection, health, safety and welfare, housing, transportation, and economic development education, so it covers a wide range of different issues. So, changing the location of the Urban Service Area boundary in this instance is not adverse to these other goals. On the last point, this extension of the Urban Service Area would likely not lead to further extension of water and/or sewer. Rural residential development on well and septic exists to the west of the site and the properties to the south is approved for a future stone quarry; it's undeveloped though.

Mr. Bain: Mr. Zuraf, if I could ask a question. The lands to the west of the site, if that... lets say it was a large parcel, that property owner could come in and say, I'd like to include this in the Urban Services Area and extend water and sewer to it. Could they not?

Mr. Zuraf: They could...

Mr. Bain: It may not be approved.

Mr. Zuraf: Right. They could request it. They could always request.

Mr. Bain: So it's... it's not necessarily an argument for yes. Because any of the land outside the Urban Services Area could ultimately be added to it...

Mr. Zuraf: Right.

Mr. Bain: ... through the application process.

Mr. Zuraf: Yeah, it's always a possibility, I guess.

Mr. Bain: Okay.

Mr. Zuraf: The fact that there is development there, something, some use now maybe makes it a little less likely, but there is still always the chance it would happen.

Mr. Bain: That is could happen, sure.

Mr. Zuraf: Okay, the first point in this slide, this is a continuation of the policy 1.2.3. First point on this slide recommends demonstration that the boundary change and associated land use will have minimal impact on land and land uses outside of the new boundary. There are several points as to why this criterion is satisfied. The proposed amendment would allow for the site to be redeveloped to a use that would be... that would potentially reduce impacts to adjacent properties. The current industrial training use is inconsistent with the predominant rural residential development pattern and plain suburban residential development on the adjacent property to the north. The current use does generate noise impacts from the facility. Shooting ranges and redevelopment of the site to residential would negate this impact. The accompanying proposed residential development provides for a buffer between the proposed dwelling units and rural residential properties and would be consistent with and incorporated into the residential development plan to the north. On the second point, the change will have minimal impact on public facilities or transportation, as the accompanying rezoning proposes to mitigate public facility impacts to schools, fire and rescue, and transportation impacts. On the third point, the product demonstrates the availability of adequate services as the accompanying zoning reclassification includes a proffer analysis that identifies public facilities, service deficits, and proffers would mitigate where deficits were identified. And on the last point, the public hearing, of course,

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provides the opportunity for residents to provide their input. A transportation impact analysis was prepared for the proposed suburban use of the site. The slides... this slide shows that the total vehicle trips from the Crucible... shows the total vehicle trips from the Crucible site. Since the site would have the street connections to the approved Westlake site, it was assumed that 30% of the trips would access via Jack Ellington Road and Richards Ferry Road. And that's the reduced vehicle trips are provided here on the screen. The TIA determined there would be an impact, though, to Richards Ferry Road as it approaches U.S. Route 17; reduction in levels of service in this situation. The TIA... the mitigation recommended in the TIA would, would be to add a dedicated right turn lane on Richards Ferry Road, where it approaches 17. Since the development would... would not contribute to all the traffic, the applicant's proposing a cash contribution to cover their share of the impact generated. So, they are... so, regarding environmental impacts at the site, it has rolling terrain, a mix of wooded and open areas. There is one perennial stream with Critical Resource Protection Area buffers, which the development plan avoids. There are no 100-year floodplains identified in the area around the parcel. There are some steep slopes greater than 25%, but are associated with the manmade berms associated with the shooting ranges. With utility impacts, the redevelopment of the parcel, of course, would require utility extensions to the property; the adjacent Westlake development is required to install extensive utility improvements which would be stubbed into this site. Looking at the overall evaluation of the Comp Plan change, the land is currently zoned M-1, Light Industrial Zoning District, that's typically served by public water and sewer. The proposed extension of the Urban Service Area is unlikely to lead to further extensions of water or sewer to other lands outside the Urban Service Area, and it allows the site to be redeveloped to a use that's more compatible with surrounding properties. With the negative, the proposal is contrary to the Comp Plan policy that does not support Urban Service Area boundary expansions when suitable alternative locations exist inside the current Urban Service Area boundary. But overall, staff is supportive of the amendment to the Comp Plan pursuant to Resolution R19-322. With a time limit, originally we had 60 days written in on the agenda, but we later realized in the state code that that 60 day timeline doesn't necessarily apply to applicant initiated Comp Plan changes. So, I think it's fair that this Comp Plan change can run concurrently with the rezoning actions and would have the full 100 days so that everything can be looked at at the same time together.

Mr. McPherson: Mike, go back one slide, please. I have one quick question. So, I'm talking about suitable alternative locations inside the USA. Can you give just a high level view of how many... how many acreage or lots we have for alternative locations already inside the USA?

Mr. Zuraf: Well, there's... there's... there's already a pretty... there's... there's several thousand available lots already approved inside the Urban Service Area area. I think that the intent of this policy is open land like available parcels to come in and get a... seek a rezoning on and... and yeah, there's, there's definitely plenty of open parcels still within the current Urban Services Area where somebody could seek a rezoning to a higher density and go through the development process. I don't have specific numbers, though.

Mr. McPherson: That's what, just high level?

Mr. Zuraf: Yeah.

Mr. McPherson: Okay.

Ms. Vanuch: So, the Planning Commission is gonna be starting the Comprehensive Plan 5-year update next year, correct?

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Mr. Zuraf: Yeah, anticipated probably completion in 2021, I think...

Ms. Vanuch: Okay.

Mr. Zuraf: ... would be fair to say as far as a time timeline.

Ms. Vanuch: Why didn't they just wait? Do you know?

Mr. Zuraf: Well, this application has been in for a while, so it could be part of it. It initially came in in 2017 and has been through the review process for a while.

Ms. Vanuch: Okay.

Mr. Apicella: Madam Chairman, I have a similar question. Prior to this situation, when was the last time we considered changing the boundaries of the USA outside the Comp Plan planning process?

Mr. Zuraf: Last time was 2012. That was... that was actually a County initiated in that it was... well, probably school initiated for the Anne Moncure Elementary School, the new school site. That was an expansion of the Urban Services Area.

Mr. Apicella: How about a developer requested?

Mr. Zuraf: That was in 2009.

Mr. Apicella: So ten years.

Mr. Zuraf: Ten years ago and that case has never been decided on.

Mr. Apicella: Okay, thank you.

Mr. Bain: Mr. Zuraf, do you have any idea of the timing for the developments that are... we're gonna be talking about tonight, in items 2 and 3? Do you know when the applicant is thinking of starting the actual developments? Have you given any indication?

Mr. Zuraf: Yeah...

Mr. Bain: And maybe I should be asking them that when they come up?

Mr. Zuraf: Yeah, I'm pretty certain it's gonna be as soon as possible. But, you know, they're... because they have preliminary plans and there're already construction plans and infrastructure plans in that are ready to be approved. So, they would have to, of course, go through some additional planning approvals for these new sites should they get approved. But there's already plans that are... they can start work probably very, very soon, but they may be able to elaborate on that.

Mr. Bain: On the larger Westlake part of it?

Mr. Zuraf: Right.

Mr. Bain: Okay. Alright, thank you.

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Ms. Vanuch: Mr. Randall?

Mr. Randall: I just have one quick question before the applicant comes up. Do... those properties are being built in the current Westlake area. Do you know if those are gonna be near that, near this new area? Do you know if they're gonna be the same level of house? Same level of density? Or are they gonna be back in up to townhomes, for example, or back in up to duplexes?

Mr. Zuraf: This area for this proposed expansion, it's similar. It's single-family detached, it's a similar density.

Mr. Randall: Okay, thank you.

Ms. Vanuch: Anyone else? Okay, thank you, Mr. Zuraf. Mr. Payne, would you like to come up?

Inaudible, someone speaking from the audience.

Ms. Vanuch: My gosh.

Mr. Payne: Supervisor Cavalier, when he was Chairman, used to lecture me when I brought up a big box or a big folder that I had 2 minutes. Madam Chair, other members of Planning Commission, Charlie Payne of the law firm Hirschler and I represent the applicant. I had proposed to give you sort of a global presentation because this Comprehensive Plan Amendment ties into the rezonings which you'll hear after. So I'll go through this pretty quick, answer your questions, and then we can go from there and hear from the public. But I will try to get this to you real quick. As staff has noted, this is a Comp Plan Amendment to allow the Crucible parcel within... which is 35-22, includes 87 acres. You may be familiar with what that parcel is today. Some of you may not have been on the Planning Commission the last time the Crucible project came before you for a conditional use permit to expand the current use on the site. It's zoned M-1, but as a training school with firing ranges, which is a nonconforming use on the property. We came in for a CUP, gosh, I don't know how many years ago. Maybe 2016 – 2015 time range.

Ms. Vanuch: It was 2016.

Mr. Payne: 2016.

Ms. Vanuch: It was my first year on the Planning Commission.

Mr. Payne: To expand the facilities. The facilities have been there since... the current use is since 1988. It's been used as an industrial site, a heavy intense industrial site for train... mostly for weapons training, weapons training, and training and firing weapons usage since 1969. So it's been in that area for quite a while. So today, arguably, it's not compatible with surrounding uses and is not compatible with Westlake's development. So back then, the Westlake developer challenged our proposed CUP along with some other folks, and that evolved into eventual discussions with them to possibly partner together for us to sell the property to them and then to come forward to get that property rezoning, so that the use that's there today, if this is approved, will no longer exist thereafter. In fact, you'll see in the proffers that that use would have to cease 90 days after approval. So that's, that's the background on why we're here today. Of course, as part of that, because Westlake, which is immediately to our north, will have access to water and sewer. In fact, they are building and constructing the utility extensions, about a 2-mile extension to this site to utilize for purposes of the Westlake site, but also for

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others in that area would be able to benefit other property owners, would be able to benefit from connecting to utilities who are within the USA. So, the partially answer Mr. McPherson's question, there are not utilities there now, even though it's in the Urban Services Area that will be extended by Westlake. In fact, they've got that review, those plans are finalized review and they're bonded. But construction hasn't started. But again, you'll see some of... all of this big picture in the next public hearing as well. So we'll try to get real quick to the Comp Plan amendment. Here we go, oh nope. I know it's a lot of slides, so don't shoot me, but it is a comprehensive project. Again, we are asking for purposes of a Comprehensive Plan Amendment to land use match figure 3.1, Urban Services Area and 3.6, Future Land Use to allow the Crucible site to... Crucible parcel to be within the Suburban land use district and the Urban Services Area. The future land use designation is currently AR, but it has been utilized, as I stated, as M-1 zoning since 1960. It is an existing nonconforming use with the proposed single-family detached rezoning, the Crucible property will have a density of about 1.4 units to the acre, which is below the 1.5 under an R-1. It will have approximate 50% open space and you'll see all of that in the next presentation. Again, we believe this proposal as used is the highest and best use and compatible with the adjacent Westlake development site, which it borders to the north and the east of the development. The Crucible property is located outside the USA, as you heard from staff and doesn't... and currently does not have access to public water and sewer. And that 2 mile extension of water and sewer by the Westlake developer is in that second bullet. It will have adequate capacity for the role of all development, including the rezone... all of the rezoned properties that we'll be presenting today in the current approved 796 units in the Westlake development. And again, it's been design approved and bonded. And we'll get more details about that. And also the analysis on the utilities, as I just stated in extending it two miles, not only benefits the Westlake development side, but also other properties and it's consistent with the county CIP, capital improvements plan for this area. So there is an access benefit, if you will, about 2.6 million dollars in utility improvements and infrastructure for the area. So that's it in regards to the Comp Plan amendment, but I guess some really good stuff for you in the next public hearing. And I'm happy to answer any questions you may have.

Mr. Randall: Mr. Payne, can you go back to the last slide?

Mr. Payne: Yes sir.

Mr. Randall: Please? So the... so to talk about your last statement there...

Mr. Payne: Uh-huh.

Mr. Randall: The additional benefits of the county are currently being already done in a two mile extension of the utilities, right? This isn't simply for the Comp Plan change?

Mr. Payne: That's correct.

Mr. Randall: This is the entire Westlake...

Mr. Payne: That's right.

Mr. Randall: ... that's already being done...

Mr. Payne: This is...

Mr. Randall: ... already be of any benefit of the county.

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Mr. Payne: This is to... it will be. It's been designed, approved and bonded. So it hasn't been constructed.

Mr. Randall: Right, but it's going to be...

Mr. Payne: It's going to be...

Mr. Randall: ... in order to build the 700 some odd homes...

Mr. Payne: Plus, plus there is extra capacity. That's the point of this, there's with... the improvements are being built, it's additional capacity beyond what they're already going to be.

Mr. Randall: I totally agree, my point was, is that we're getting this with even if we didn't do... even if we said no to the Comp Plan amendment, these benefits would still be happening to the county, correct?

Mr. Payne: That's right. But to the question of whether or not it would be reasonable to expand the USA in this area...

Mr. Randall: Sure.

Mr. Payne: ... that's... that's the point of that bullet.

Mr. Randall: I understand, understood. Thank you.

Ms. Vanuch: Anyone else?

Mr. Payne: You look like you have a question.

Mr. Bain: I will pose it to Mr. Zuraf.

Mr. Payne: Okay.

Mr. Bain: You might end up answering.

Mr. Payne: Okay.

Ms. Vanuch: Alright, thank you.

Mr. Bain: I'm sorry, let me go on and ask. Why a Comp Plan amendment? That property, as I understand it, could be rezoned without the Comp Plan being changed, could it not, Mr. Zuraf? You could make an application to have it rezoned to R-1 and develop it in R-1.

Mr. Zuraf: Sure, that always is a possibility that anybody can come in and, well, the county could rezone land. It's not necessarily good planning practice to rezone property to something contrary to what the Comp Plan recommends. So, that's kind of the intent of amending the Comp Plan.

Mr. Bain: The Comp Plan is not recommending... I'm not sure I follow what you just said.

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Mr. Apicella: Can I...

Ms. Vanuch: Mr. Apicella, go ahead.

Mr. Apicella: I think they were... you're trying to say, I'm sorry, maybe I'm wrong...

Mr. Bain: Okay.

Mr. Apicella: ... Mr. Bain, but it doesn't have to be R-1, it could be something else. For example, it could be A-1...

Mr. Bain: Right.

Mr. Apicella: ... without going through a Comp Plan amendment. The purpose of the Comp Plan amendment is to bring water and sewer to that parcel and to increase the potential yield as a result. I don't think you would... I don't think you would do R-1 on... without water and sewer. That wouldn't make any sense.

Mr. Payne: Couldn't do it.

Mr. Apicella: I don't know about ... could you do A-2?

Mr. Payne: You couldn't get water and sewer still on the site.

Mr. Apicella: Right, but do you... are you required to have.... what would you need water and sewer for A-2 lots? Those are one acre lots, right?

Mr. Zuraf: Not necessarily, no.

Mr. Apicella: Not necessarily. Okay, is that kind of what you were asking?

Mr. Bain: I think so, yes.

Mr. Apicella: Okay, thanks.

Mr. Bain: Alright.

Mr. Payne: There was one other thing that I missed, there was a question about timing. Maybe Ms. Vanuch asked the question. One, we did file this in April of 2017, so it's been going through the review process for us, it's a big project. You know, a lot of moving parts. And we did opt in under the new legislation. So, it was another good positive piece about the timing. But this is a unique opportunity to change the use. And waiting two more years is probably not going to work. So just to answer your question, that's the link to moving forward now.

Ms. Vanuch: Okay. Anyone else? Okay, we're gonna move... okay. Thank you. Okay, so now we're gonna open up the public hearing. So if you guys are here to talk about the Comp Plan amendment for Westlake, now would be the chance to come down to the podium. If you still are questioning whether or not you should come up, you can come up. We can't answer any questions, but if it's specific to the proffers or the rezoning of Westlake, then you can wait until the next public hearing. But if you have

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specific comments around the Comp Plan adjustment, which Mr. Payne and staff have just gone through, this would be the time to speak for 3 minutes. When you come up to the podium, you'll have 3 minutes, like I said. When the yellow light comes on, you'll have 60 seconds. When the red light comes on, please conclude your comments. When you come to the podium, please state your name, address, and the district that you reside. I'm guessing most of you are from Hartwood, but now I'll go ahead and open up the public hearing and you can come on down.

Mr. Buchanan: I will try this again. Evening. My name is Bob Buchanan, I live in the Hartwood District. I would... I saw the slides there and it said it had minimal impact on Hartwood. That's not true -- a thousand new houses, hundreds of more cars, hundreds of more kids (*inaudible*). I've been a resident at Hartwood for decades. I have seen you approve dozens of subdivisions in this once rural area. I'm strongly opposed and request you reject the Westlake proposal and not allow the rezoning request. It appears you have dropped or deleted several of the developer's proffers and I know I'm not supposed to talk about till next time. My reasons for the request are the area is not part of the current Urban Service Area. Hartwood was to remain a rural area, always has been as long as I've been here over 40 years. According to the Comprehensive Plan, a development would add almost a thousand residences and hundreds of cars on Route 17. And if I remember correctly, we just had a fatal accident out there near Richards Ferry Road. And you're talking about a turn lane. People come out of that road, have to go both directions bad. Our overcrowded schools -- Hartwood Elementary, as you already know, is overcrowded. The population and growth in Stafford is projected. And these are your stats to almost double in the next 20 years. What are you gonna do with all these people? You can't put them all in Hartwood, like you're trying to now. The Certificate of Appropriateness form that the developer filled out, there's an area on there that says purpose and need. I looked through the website, I could not find an answer as to what the purpose and need of this development is. And that's a question I'd have... I'd like to get answered later. The proposal says that this is an infill development, infill development. Why do you need to infill any open space in this county? Just because it's open doesn't mean you need to fill it in. So I'm perturbed about infill. This change to medium and high density development does not apply to this rural area and will require many government areas of support, water, sewer, police, fire, emergency services, all requiring our tax dollars. Now they're offering some things in the proffers, again, that's later. It appears you've dropped the proffers for the commercial industrial space dedication development of this college site, deleted requirement for site for public school, public libraries, civic center, and improving road access and pedestrian paths. And you upped the cash proffers for each house, each unit from 38K to 46K and get one million dollars to buy a future course school site somewhere else. The property within the boundaries of the new Community Development Authority, I don't know why that is. Current plans keep development on Route 17 from Falmouth to Popular Road, not west, which is where this is going. Hartwood was once a beautiful rural area, but you're rapidly turning it into a suburban area and those are your words and your documents with dozens of new subdivisions crowding our schools and roads. Our tax dollars should be used to upgrade our schools, in particular, not to subsidize developers. Lastly, you're now putting a referendum on November's ballot, asking for tens of millions of dollars for road improvements. Our tax dollars because you're approving too many subdivisions without proper planning and proffers. I urge you to disapprove this request. Thank you.

Ms. Vanuch: Thank you. Anyone else? You guys are not allowed to clap. You can't do that in between meetings, it will really slow it down. You need to let everybody speak without any interruption or we'll be here until 2 o'clock in the morning. Thank you.

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Ms. Burger: Hi, I'm just gonna talk quickly now because I know there's another section that's more specific to Westlake, but I am Joanne Burger. I live in Hartwood and moved there five years ago because specifically because it's an agricultural and rural area. And you mentioned that the Crucible site is currently an agricultural rural zoning. And you said it is being used as, you know, sort of a different use currently. But the proposal to make it into a residential zoning is something that I'm very opposed to. And I do think that that area, as the last speaker said, should remain agricultural and rural. And I saw this section in the slides about the environmental impact. I have very major concerns about the environmental impact because it's an oak woodland. It's a wooded and open area where we have huge numbers of native wildlife. And each of those oak trees is a home for hundreds of animals. And we also... it's an area that happens to have loads of native plants, all of these native plants, and this ecosystem is something that really needs to be protected because it's really threatened right now. A lot of these species are going extinct. It's also an area that has a stream. And I am very familiar with this area, because I live in, you know, locally and I do have a master's degree in applied animal behavior and animal welfare science. So I'm familiar with ecology and conservation. And this particular area has a lot of amphibians like newts and frogs and a lot of reptiles, including spotted turtles, which are really rare. And amphibians are one of the most threatened right now because they're so affected by runoff from fertilizer and lawn chemicals. And so I don't want to see the trees getting cut down to make way for more houses and more lawns and chemicals that'll affect our wildlife. Thank you.

Ms. Vanuch: Thank you. Would anyone else like to come down and speak on the proposal?

Mr. Roberts: Hi, good evening, my name's Dale Roberts, I'd live in the Hartwood District. I am also opposed to this rezoning of the Crucible area because I think it will have a tremendous impact on the traffic. Already on a Friday afternoon in the summertime, I can't pull out of Clark Patton Road on a Friday night and go down the road to go out to dinner with my husband because there is so much traffic already on that road. The animals, I have at any given time, I can look at my backyard. It is tons of birds and wildlife. We have bears, all of which I love. I moved there because I love it. I don't want to see this turn into a major suburban area with traffic and forcing the wildlife out of their native area. I 100% agree with what Joanne just said.

Ms. Vanuch: Thank you, anyone else? And remember, these comments should only stick to the Comprehensive Plan change.

Mr. Steiner: Hi, my name's Chris Steiner. I agree with, with everybody else up here, strongly opposed. I moved here from California, from a suburban neighborhood to be in a rural area, not to move to a highly developed area. So, the traffic impact is, is, is huge. One accident will, will set traffic, you know, hours to try and get home either north, going north or south. So I strongly oppose this, whatever we have going on here. Thanks.

Ms. Vanuch: Thanks, come on down.

Mr. Maldonado: How are you doing? My name's Louise Maldonado. I reside in the Hartwood District. I feel for the guy that just talks right now because like when I got to the Marine Corps, I got out of Quantico instead of going back to L.A. into a rural area. And I have family, have kids. I chose this area for a specific reason, because I have kids... rural area. It's quiet. There's no gang life. What I used to be at the past, not saying that I am now because I work for the Department of Corrections, okay? I'm just talking in specifically into these issues of schools. My kids got booted out of Hartwood's school. I don't see any planning as far as additional schools. I know there is some planning for it for other schools, but as far as right now. Traffic is another thing, too, as well. Is there

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going to be any type, I know you guys can answer that, but as far as think about this, more law enforcement, too, as well, patrolling those areas. An unmarked car isn't really doing much, leaving it right there on Richards Ferry, people already got the hints of it. They speed right past it, even in conjunction with the accident that just happened this past July. Along with that, too, as well, wildlife starting to see more wildlife coming out from all these other developments from Northern Stafford that are now coming out with bears and other types that are now starting to come into residential areas. After that, too, as well I didn't mention what I worked for and it is with the Department of Corrections. I'm not saying it's going to happen, but I don't think many of you realize a lot of the gangs, because that's what I do statewide is I do... I'm a gang specialist. A lot of the OMGs that are outside right now within Stafford, a few of them that travel from 17, north and south coming from Manassas all the way to 360. They use these routes too as well. So that's why I'm also bringing up as well for additional law enforcement, too, as well. If there's any plan or thinking about that, too, as well, and that's it.

Ms. Vanuch: Thank you very much. Anyone else?

Mr. Lafferty: Hello, my name is James Lafferty and I live in Hartwood. And I'm against this rezoning. I would rather have the Crucible there than to have several hundred houses. Once you change our zoning to USA, we are agriculture now, so this will limit us to a lot of activities we can have, probably limited us not to be firing weapons, not have horses and stuff in the USA. It's just... I have only been there 40 years, but things have changed quite a bit in the county and I'm against this rezoning. I like to keep all the development east of Clark Patton Road where it's already been zoned for this type of activities. Thank you.

Ms. Vanuch: Thank you. Anyone else?

Mr. Klinefelter: Good evening, I'm Ben Klinefelter, I live in the Hartwood District. I've lived in the Hartwood area for 19 years, specifically on Richards Ferry Road for the last 11. When I moved to Hartwood, my kids were still in grade school and I had to go to Rocky Run Elementary due to overcrowding in the Hartwood schools. Since my kids were unable to transfer schools that time, there are no buses obligated in my area. My wife and I had to drive our kids to school every day for three years until they left and went to Gayle Middle School. Since that time, I haven't seen any new developments in the construction, new schools. Additionally, I haven't seen very much in the way of road improvements, expansions or widening in the Hartwood area. In fact, on Richards Ferry just past Jack Ellington Road, the road narrows to a width where two cars almost touch one passing each other. There is no shoulder, there's no lane... divide lines. I've seen expansion of housing complexes like Stafford Estates, Stafford Estates II; they added more traffic to Richards Ferry without improving anything on the road. I've been run off the road twice by heavy trucks. My wife's been run off the road five times, causing damage to our vehicles. No road improvements. With all that being said, 280 townhomes and 120 acre... 120 three quarter acre lots are not consistent with this beautiful rural surrounding area. I do not want any more housing built until the county approves... improves the road conditions and builds more infrastructure, specifically schools in the area. Looking at the GDP by Westlake, there's five access points on Jack Ellington Road and Richards Ferry that will be used for fire access. People are gonna use that to get out on Richards Ferry and go to 17. They're not going to go out to the main road further down. They want to add 400 small home sites and townhouses to the already approved 700 sites. Road safety and stronger schools should be our development focus, not dense housing in rural areas. I also don't appreciate a builder, a developer coming in there and dictating to residents, businesses what they can and can't do. People living and working in the area for many years, much longer than I've lived there, and they remain mutually respectful. I'm referring to the property by Westlake to dictate the Crucible cease operations within 90 days rezoning. I've met

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with Crucible personnel at various community meetings to address concerns about traffic and noise from their property. They're considerate and respectful to the residents in the area and go out of their way to make their business successful and keep the neighbors happy as best they can. For Westlake to attempt to get Crucible to stop their business in order for them to develop their property is very unprofessional, disrespectful to everyone in this small community. Thank you.

Ms. Vanuch: Thank you. Anyone else?

Mr. Dovel: My name is Britt Dovel. Just to start with I don't disagree with anything that I've heard from anyone else here tonight. But the, the big thing... what the last gentleman was just talking about the county has been collecting transportation impact fees for over a decade on all of the new houses built at the end of Richards Ferry. And that road hasn't gotten any wider, so I don't know where all that money's gone. Because there were promises to widen it and it was gonna get done, and now it's just seems like more stuff and no more roads to handle it. That's all I've got.

Ms. Vanuch: Thank you, anyone else? Oh, I'm sorry, I thought you were getting up. Anybody else?

Mr. Turner: Hi, my name's Edward Turner, I too, want a second... I'm behind everybody who said everything here. The traffic is bad, I go to cut my ditch and you never know if someone's going to hit you. I actually put cones out now when I cut my ditch. I have to sit to get out of my driveway. So like he says, there's a corner when you first come in, it's a blind corner. So construction, big trucks, whatever coming out, you never know you're gonna be killed. And that's at the beginning, more or less like he said down near the end. And you already got a new subdivision already starting on that road. So you're adding that in too, the road is bad. So, of course with this it's gonna be terrible. So that's why I have to say, so of course I'm against it. Thank you.

Ms. Vanuch: Okay, thank you. Okay, anybody else? Okay, I don't see anybody getting up. I am going to leave this public hearing open because I don't believe we're gonna be voting it up or down tonight. So I just want to kind of explain what that means. So if we leave the public hearing open and then we vote to defer this, then you can come back at the next meeting that we move it to and you can speak again. So if there's any changes to the application by the developer, any changes at all, you will be able to speak to that instead of not being able to speak at all on the item. So, I just wanted you guys to understand the significance of leaving the public hearing open. I'm going to bring it back to the Planning Commission at this point in the game and bring Mr. Payne to address any questions you heard in the in the public hearing.

Mr. Payne: Thank you, Madam Chair, other members of a Planning Commission. Again, Charlie Payne, I represent the applicant. Just a couple things, one, we do want to tag along this Comp Plan. We desire this Comp Plan application does tag along with the rezonings in the proffer amendment application. So from a timing perspective, the applicant is confirming that we want that to occur as well. I'll address most... most of the comments that were made addressed the rezoning for the Crucible site and I guess the Westlake site as well. So I'll address those in the rezoning hearing and proffer amendment hearing. But I just will remind folks that the property is not zoned Agricultural; the Crucible site, it is zoned M-1. And it's been zoned industrial since 1969. So this would change the use to a more compatible use that's in the surrounding area. And I wish you guys would approve more rezonings, I think the first one that was approved in two and a half years was approved this past September by the Board of Supervisors. A lot of what they're seeing is by-right subdivisions that are popping up in A-1 zoned property. So I just wanna make that sure that people are aware of that as well. Anyways, I'm happy to answer any additional questions you may have.

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Ms. Vanuch: Mr. Bart... Randall. Mr. Bart go ahead. No, Mr. Randall.

Mr. Randall: Yeah. Is it safe to say that the proffer amendment and the reclassification are based on this Comp Plan amendment?

Mr. Payne: Yes.

Mr. Randall: Okay.

Mr. Payne: They're tied together.

Mr. Randall: They're tied together.

Mr. Payne: Right.

Mr. Randall: Alright. Now, I have a question for Mr. Zuraf. If...

Ms. Vanuch: Okay, hang on. Anybody else have anything for Mr. Payne? No, okay. Come on, Mr. Zuraf.

Mr. Randall: So the quick question I have is what's the... what's... we did a water quality, which we had presented to us, a water quality analysis done and presented to us. If this area was on well water, what would be their water quality at that point at that location?

Mr. Zuraf: I'd have to look into that and see what that study...

Mr. Randall: Okay, I'd be interested to see what the study would be for water pressure and water quality.

Ms. Vanuch: You're talking about the water comprehensive analysis?

Mr. Randall: Yes.

Ms. Vanuch: I think it was really bad over there because it's actually outside of the cluster mapping area, I believe. And so is the west end of Rock Hill.

Mr. Randall: Yeah, I couldn't remember for sure.

Ms. Vanuch: I'm pretty sure it is, yeah.

Mr. Randall: Okay, that does it... that rings a bell. So if you could come up with or at least maybe the next time we bring this up, if you could have something, an overlay of the water.

Ms. Vanuch: Yeah, the water palatability for wells.

Mr. Randall: Right. And then, and then lay this over and see where we are with that, as far as that's concerned.

Mr. Zuraf: Okay.

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Ms. Vanuch: Mr. Bain?

Mr. Bain: Ah yes, Mike, Mr. Zuraf, several times it's been mentioned that there is a shooting range out there and that there are noise impacts. Has any sort of noise, study or assessment been done by the applicant or the county that you know of?

Mr. Zuraf: We did work on doing some decibel testing and measuring when the conditional use permit came around, several years ago. It hasn't been acted on, but... so we do have some information from that time.

Mr. Bain: I think I'd like to see that if, if you can resurrect it some time.

Mr. Zuraf: Sure.

Mr. Bain: I'm sorry I didn't ask you ahead of the meeting.

Ms. Vanuch: Anyone else?

Mr. Bain: I guess... I don't know if it's permissible to ask a question of the audience.

Ms. Vanuch: What's your question?

Mr. Bain: Well, I'm just wondering, of the people that have come and commented, how many of them are bothered by the shooting range noise?

Ms. Vanuch: Okay, now how many...

Unknown speaker from the audience: I don't live...

Ms. Vanuch: Okay, you can't... we can't get into a discussion.

Mr. Bain: Okay.

Ms. Vanuch: Yeah, that's why we don't normally poll the audience.

Mr. Bain: Okay, yeah.

Ms. Vanuch: Just for times purposes, how many of you guys would be bothered by an additional 400 houses? Okay, interesting. Okay. I think that's it. We need to bring it back to the Planning Commission to make a motion to decide what we want to do with this.

Mr. Apicella: Madam Chairman, I'd like to make a motion to defer COM17151763 to the December 11 meeting.

Ms. Vanuch: Okay, so we have a motion on the floor by Commissioner Apicella to defer the Comprehensive Plan Amendment to the December 11th meeting, leaving the public hearing open and a second by Commissioner Boswell. Any further comment, Commissioner Apicella?

Mr. Apicella: No ma'am.

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Ms. Vanuch: Commissioner Boswell?

Mr. Boswell: No.

Ms. Vanuch: Anyone else? Okay, go ahead and vote.

Mr. Bain: The December 11th meeting?

Ms. Vanuch: Yeah, December 11th. Okay, motion carries 6 to 0. Okay, now moving on to items number 2 and 3, which will be presented in combination, which is the Westlake proffer amendment and the Westlake reclassification. Mr. Zuraf, go ahead.

2. RC17151895; Reclassification - Westlake Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel Nos. 35-20, 35-20A, 35-21, 35K-1A-1, 35K-1A-2, 35K-1A-3, 35K-1A-4, 35K-1A-5, 35K-1A-6, 35K-1A-7, 35K-1A-8, 35K-1A-9, 35K-1A-10, 35K-1A-11, 35K-1A-12, 35K-1A-13, 35K-1A-14, 35K-1A-15, 35K-1A-16, 35K-1A-17, 35K-1A-18, 35K-1A-19, 35K-1A-20, 35K-1A-21, 35K-1A-22, 35K-1A-23, 35K-1A-24, 35K-1A-25, 35K-1A-26, 35K-1A-A, 35K-1A-A1, and 35K-1A-B, 35K-1A-CC, 35K-1A-JJ, and 35K-1A-KK (Property), zoned R-1, Suburban Residential Zoning District and R-2, Urban Residential – Medium Density Zoning District, to remove site dedication and improvement requirements and update the terms for the development of the project. The Property consists of approximately 482.01 acres and is located at the southern terminus of Cedar Grove Road, along planned Brigade Boulevard, approximately 3,200 feet west of Warrenton Road, and along the west side of Horsepen Run, within the Hartwood Election District. **(Time Limit: January 31, 2020)**

3. RC17151764; Reclassification - Westlake - A proposed zoning reclassification, with proffers, from the M-1, Light Industrial Zoning District and B-2, Urban Commercial Zoning District to the R-3, Urban Residential – High Density Zoning District, on a portion of Tax Map Parcel No. 35-31 (Westlake Parcel) consisting of 65.0 acres, to allow for the development of 280 townhouse dwelling units; and from the M-1, Light Industrial Zoning District to the R-1, Suburban Residential Zoning District on Tax Map Parcel No. 35-22 (Crucible Parcel) consisting of 87.6 acres, to allow for the development of 120 single-family dwelling units. The Westlake Parcel and the Crucible Parcel are hereinafter collectively referred to as “the Property.” The Westlake Parcel is located at the southern terminus of Cedar Grove Road, approximately 1,500 feet south of Warrenton Road. The Crucible Parcel is located at the terminus of Jack Ellington Road, approximately 1,000 feet east of Richards Ferry Road. The Property is located within the Hartwood Election District. **(Time Limit: January 31, 2020)**

Mr. Zuraf: Alright, if I can have the computer again, please. So this is a combination of two, two different applications for zoning reclassification and proffer amendments. So I will cover both. So, for background, the rezoning request would rate reclassify from property from M-1, Light, Industrial and B-2, Urban Commercial. Those zoning districts to R-3, that's Urban Residential zoning to develop up to 280 townhouse dwelling units. That's what we'll referred to as the Westlake parcel and then reclassify the Crucible parcel from M-1, Light Industrial to R-1 zoning to allow up to 120 single-family dwelling units. The proffer amendment request which will be covered at the end, that's amending proffered conditions on parcels that make up the already approved Westlake residential area. They are already zoned R-1 and R-3. There are some changes to remove site dedication and improvement requirements and update terms for the development of the project. So, first going over the rezoning. So this involves two separate sites subject to the one application, I'll refer to them, as I

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mentioned, to the Westlake parcel and Crucible parcel. Westlake parcel located off of Cedar Grove Road that covers 65 acres. And then the Crucible Parcel located at the end of Jack Ellington Road that covers 87.6 acres. This is the zoning map of the sites and the surrounding area. The Westlake parcel is partially zoned B-2 and partially M-1, Light Industrial. It was zoned to that in 1989 as part of the larger Westlake project. In 2006, the site was part of a proffer amendment that relocated a 55 acre public land dedication, and I'll mark it out. It was 55 acres were originally proffered to be dedicated to the county generally in this area, and then it was in 2006, shifted over to this site. So then a Crucible parcel, that property is zoned M-1. It was zone a back in when the county did a comprehensive rezoning back in 1978. As mentioned, it currently has a high level security training and management facility. It's been in operation for more than... at least 19 years. So, looking at the existing conditions for the Westlake parcel, it has rolling terrain and is mostly wooded along the eastern boundary is Clark Patent Road. There are several rural residential properties located to the east and south of the site. The northern end of the site abuts right-of-way for the planned access road to the approved Westlake project. There's an access easement also along that road, referred to as Brigade Boulevard, and it runs around to the west of the Westlake parcel. That's an easement to gain access down to the future quarry site to the southwest.

Mr. Randall: Excuse Mr. Zuraf, can you write... can you draw on here where the current Westlake parcel butts up to this? If it does.

Mr. Zuraf: The approved Westlake...

Mr. Randall: Please.

Mr. Zuraf: ... project is, it's generally this area here, this is the residential area.

Mr. Randall: Right. So would the intention be that there would be no buffer between those, there would be an inter-parcel connection and there would be a driveway back and forth. There would be open between this parcel and the current approved.

Mr. Zuraf: There's a... let me go back. This might be better to show.

Mr. Randall: Sure.

Mr. Zuraf: There is gonna be probably a little bit gap and also there is a pretty significant stream, Horsepen Run that runs through here, has RPA around along it. So, so this Westlake parcel is... there is definitely be some separation between the two.

Mr. Randall: Is that the reason why they changed in 2006? They swapped their designated area from to the county was because of the separation with the river or the stream?

Mr. Zuraf: I think that... I think the intent and I believe it was just this site, this Westlake parcel site probably more suitable for a school site or some other public facility closer to Route 17, as opposed to being in the very back end of the residential neighborhood. That may take longer and more difficult to get access to. Okay. Now, the conditions of the Crucible parcel, rolling terrain, include a mix, of course, of wooded and open areas. The associated security training facility has several industrial buildings that house the operations and 5 outdoor firing ranges. There's a perennial stream on the western corner of the site with resource protection area buffers. Also there's rural residential and undeveloped properties located to the south and west of the site. The northern end of the site abuts the

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approved Westlake development, where 701 homes are already approved. So there, as general development plan included for the 280 single-family attached townhouse units on the Westlake parcel, access to the property would be provided through the two entrances off of the proposed Brigade Boulevard and also an additional gated emergency access is shown off of Clark Patent Road, for fire and rescue purposes. And then also private streets are proposed within the neighborhood. The R-3 zoning district would permit up to 7 dwelling units per acre. The 280 lots would be equivalent to a density of 4.3 units per acre. There is no minimum required common open space, although the proposed site layout does result in several open space areas around the perimeter of the site. Sidewalks would connect to the plan trail along Brigade Boulevard. Also, there's a planned water tank that is required with the overall development of the property located on the eastern end of the site.

Mr. Bain: Mr. Zuraf, sorry.

Mr. Zuraf: Yeah.

Mr. Bain: Brigade Road has not been built yet. Any of the other inter-parcel connections, do they connect to an existing road? Or are those all future development activities?

Mr. Zuraf: Just like here and here?

Mr. Bain: Yeah.

Mr. Zuraf: Yeah, that's all potential future.

Mr. Bain: Okay.

Mr. Zuraf: And pretty much to try to meet some of the subdivision requirements that require a number of inter-parcel connections based on the number of lots.

Mr. Bain: So at least for the foreseeable future, the only access to the development would be from Brigade Road?

Mr. Zuraf: Correct.

Mr. Bain: Okay.

Mr. Randall: Mr. Zuraf, one more question. What, what other townhomes are close to this? Is there another townhouse area closest to this or is this gonna be an outlier for townhomes in area?

Mr. Zuraf: I think it's an outlier. The next closest townhouse area is probably... England Run is my guess on that.

Mr. Randall: All right, thank you.

Mr. Zuraf: So this is the general development plan for the 120 lots on the Crucible parcel, access to the property would be provided through two inter-parcel street connections from the approved Westlake project towards the top of the screen. And there would be a connection, as shown here, off of Jack Ellington Road. The proposed R-1 zoning would permit up to one and a half dwelling units per acre. This site, as shown here with 120 lots is equivalent to 1.37 units per acre. Also, no minimum

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required common open space, but as you can see, the proposed site layout does result in several open space areas being provided.

Mr. Bain: Again, the inter-parcel access roads.

Mr. Zuraf: Mm-hmm.

Mr. Bain: The only thing that currently exists is the one on the... I'm gonna say northeast point...

Mr. Zuraf: It would be the northwest...

Mr. Bain: ... and the others would be totally dependent on the development of the west, large Westlake parcel.

Mr. Zuraf: Yes.

Mr. Bain: Which could take several years.

Mr. Zuraf: Yes.

Mr. Bain: So if this was to develop and be constructed in a... in a year or two years, it could be quite a few more years before any of those vehicles could use those other access points, right?

Mr. Zuraf: Yeah, I'm pretty certain, and the applicant, I'm sure, is gonna probably clarify this, but given the infrastructure improvement needs, this is likely to be the last section that's going to be built because all the infrastructure is coming from the other direction.

Mr. Bain: Okay.

Mr. Zuraf: So they'll build it from the north down this way.

Mr. Bain: Okay.

Mr. Zuraf: And so it would be, you know, they're not going to build all the infrastructure all the way back here to then go back about to backtrack.

Mr. Zuraf: Okay. And is there... would it be reasonable to require or ask the applicant to completely avoid using that access point for construction vehicles? So, that all construction vehicles would come from that Brigade Road point? I think that's... that would be absolutely necessary in my mind.

Mr. Zuraf: That should be something at least... it should... it wouldn't hurt to ask that.

Mr. Bain: Yeah. Okay. Thank you.

Mr. McPherson: Mike, I've got just one quick question. That inter-parcel connection on the right side there, that's actually on the southeast. What does that connect to?

Mr. Zuraf: That is...

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Mr. McPherson: That's a future...

Mr. Zuraf: That is just a future. That's undeveloped piece of land here, that's not part of the Westlake project.

Mr. McPherson: Right. That's currently M-1, if I remember correctly?

Mr. Zuraf: Yes.

Mr. McPherson: Okay. Thank you.

Mr. Zuraf: Alright, so the as we've gone over, the Comp Plan recommends Agricultural/Rural currently and it's located outside the Urban Service Area and we have the corresponding Comp Plan amendment that would change that to Suburban. The Future Land Use Map currently classifies the Westlake parcel as Suburban, for future land use designation and it's located inside the Urban Service Area. So in evaluating the proposal against the Suburban land use recommendation, the following factors are considered both the Crucible and Westlake parcels comply with many of these criteria. However, the Westlake parcel is not consistent with the development density and site layout and building design criteria listed here. The proposed... proposal is not consistent as a density of 4.3 dwelling units per acre as proposed. Staff is... has quantified the densities for each parcel separately, Westlake versus Crucible due to the distance between the two areas. The applicant has suggested that the density should be considered in combination with the other planned and approved developments. If it was looked at that way combined with the Crucible property, this would result in a 2.6 dwelling unit per acre density. And then if you looked at the entire approved and planned all potential 1,100 units that would be density of 1.72 dwelling units per acre. The proposed development is not consistent with the design and location criteria listed in the Comp Plan as it recommends that the site be adjacent to other existing or planned townhouse or apartment dwellings and the density design be compatible with the current patterns of development on adjacent properties. Current adjacent uses are rural residential nature. Planned uses to the west include single-family detached dwellings. So the townhomes would not correspond or conform with that recommendation. This slide summarizes what public facility types would be impacted based on current capacities and as more detailed evaluation and the staff report. But some of the highlights the project would negatively impact current capacity at the elementary and middle schools that feed into this area. And also the project would add to current public safety service level deficits. And as mentioned, the traffic from Crucible parcel would negatively affect levels of service from Richards Ferry Road. So to mitigate those impacts, the applicant is proposing cash contributions in the proffers to mitigate and provide... to mitigate their share of the impact. That amounts to, for the Westlake townhouse part, \$9,348 per unit, and then for the Crucible parcel with single-family detached homes, \$30,486 per unit. And they're broken out in the amount of cash that would be provided is broken out among those different facility types as listed on the screen.

Mr. Bain: Excuse me. Why is... why is there such a large discrepancy on the school allocations between the two parcels, \$7,482 versus \$28,000? I mean, the schools are being impacted equally by each unit.

Mr. Zuraf: Yeah, the... it has to come down to the student generation for the different types. I think that the latest student generation, show a higher number of students per single-family home than townhome and that feeds into the calculation.

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Mr. Bain: Yeah. Do you, do you really believe that the generations are four times the difference? To me...

Mr. Zuraf: I think that's part of it and I have to... I have to look at the... dig down into the numbers and see if there's other factors involved.

Mr. Bain: Yeah, yeah.

Mr. Zuraf: And then also it's related to the type. So if we included in high schools that might even out the balance. So I... but I can look at the details of how that came about, why it's four times different. So, the applicants requiring the design of the buildings to be in general accordance with these elevations. These are the single-family homes that would be on the Crucible parcel. And then these are the townhomes that would be in the Westlake parcel. The proposed architectural design is consistent with many of the features which conform with the Neighborhood Design Standards Plan in the architectural guidelines in that plan.

Mr. Bain: Are those considered 3-story townhouses?

Mr. Zuraf: Yes. Okay, these are highlights of the proposed proffers included with the rezoning. Required development is generally depicted on the general development plans for each area, limits the amount of development, as we've discussed, for each type of dwelling unit. The architectural design, in accordance with the renderings we've already reviewed, require building materials to ensure ... that's a carryover from the last case. Provide cash contributions as we reviewed to mitigate the public facility impacts. Also, there's the requirement to construct the tot lots in the locations shown on the general development plan. Also, a requirement for a minimum 200-foot townhouse building setback along the southeast boundary of the Westlake parcel. Also, requiring the Crucible cease operations within 90 days of zoning approval and facilities be removed within 7 years of rezoning approval. Also requiring a survey for and safe removal of any exploded ordinance on the Crucible property, if any are encountered. So, overall with the staff findings, several positives, the proposal on the Crucible Parcel was consistent with the Suburban land use recommendations in the Comp Plan. The proffers ensure the development consistent with the General Development Plan. They have mitigation of public facility impacts. They're considered reasonable. The proposed land use on the Crucible parcel is consistent with the adjacent approved Westlake development. The proposed redevelopment of the Crucible parcel will result in use that's more compatible with the surrounding properties. Proffers ensure the current use of the Crucible parcel cease within a reasonable timeframe and facilities materials be safely remove from the site prior to redevelopment. And the building designs are consistent with the architectural guidelines in the Comp Plan. With negatives, the proposed townhouse use and density in the Westlake parcels is not consistent with the Comp Plan recommendations for Suburban land use in the area. The proposed townhouse use on the Westlake parcel also is not consistent with the established and approved development pattern in the area and also proffered cash contributions do not account for the annual construction cost adjustments that are commonly written into proffer statements. For the rezoning, staff is partially supportive of the application, with the conditions pursuant to Ordinance 819-48. Staff is supportive of the rezoning of the Crucible parcel, but not supportive of the rezoning for the Westlake parcel to R-3 for the reasons we just went over. Also, I want to note that the rezoning should be contingent upon approval of the proposed Comp Plan amendment that precedes this. Now, going over the proffer amendment part, again it's the amendment of the... several of the proffers on properties already zoned R-1 and R-2. So this... the proffer amendment applies to this area. This is the original Westlake residential development site. It's located along the planned Brigade Boulevard, approximately 3,200 feet to the west of Warrenton road. The

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area covers 482 acres. This is a zoning map of the site. It was rezoning to R-1 and R-2 in 1989. As part of... it was part of the larger Westlake development in 2006. As I mentioned, the site was part of a proffer amendment, it relocated the 55-acre public land dedication requirement over to the east, on to the proposed townhouse area. In 2011, a preliminary subdivision plan was approved for 701 lots, as shown here. The section of the subdivision has already been platted and the construction and infrastructure plans are near approval. To date, no development has occurred though, on the site. As mentioned, the development requires over two miles of utility infrastructure improvements. This map below shows the location of water and sewer lines that are planned to be constructed by the applicant. The water line, that's shown in blue that would connect to existing line at the intersection of Warrenton Road with Village Parkway and the sewer lines connect to the existing line that runs along Falls Run to the west of the Cardinal Forest subdivision.

Mr. Randall: So Mike, can you show me where the exact connection is? You are showing me the water and sewer lines, but where that? Where do they end and where are they making a connection?

Mr. Zuraf: The connection for the water is right here. There is existing water lines there.

Mr. Randall: So everything... so all the properties between that there are along the blue line currently do not have public water, is that what you are saying?

Mr. Zuraf: Correct.

Mr. Randall: Okay. Is the capacity of that line going to be enough that if they wanted to tap in eventually down the road, they could? Or would they be limited based on the size of that?

Mr. Zuraf: I think there's a proffer that that will require the applicant to make sure that they size things enough to cover the larger.

Mr. Randall: To include all of those?

Mr. Zuraf: Yeah, yeah.

Mr. Randall: Well is there an analysis to determine that?

Mr. Zuraf: I don't think... I don't know if...I would have to refer to the applicant if they've worked on that. Because they have the infrastructure plans already... almost ready to be approved...

Mr. Randall: Sure, sure. No, I understand that, I just want to make sure that they have done an analysis to determine, they can show somebody the determination that says that what they are going to build there... what they're going to extend has enough capacity to include all of these areas in the middle.

Mr. Zuraf: Yeah, I'm almost certain, but I would ask the applicant to confirm that.

Mr. Randall: That's fine.

Mr. Harvey: Madam Chairman and Commissioner Randall. Also, these improvements are identified in the sewer and water master plan. The sewer water master plan anticipates future growth in the urban services area based on future planning.

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Unknown speaker: Inaudible, microphone not on.

Mr. Harvey: Yes, sir.

Mr. Randall: Thank you.

Mr. Bain: And Mr. Zuraf, I presume both the water and sewer line, once it's constructed by the applicant, will be deeded over to the county for continued maintenance?

Mr. Zuraf: Yes.

Mr. Bain: Okay.

Mr. Zuraf: So just... here's a summary of the proposed proffer amendments. The proffers would modify the maximum number of residential units. Basically it's 701 to be consistent with the amount in the approved... already approved preliminary plan, deletes a requirement for commercial development phasing, which the original proffer had already waived due to prior dedication of a portion of the site for a college site. Adds language to remove the requirement for a 50 foot buffer adjacent to the Westlake parcel if it is rezoned to R-3 Residential, adds that homes... the homes are required to be in general accordance with the new architectural renderings similar to the Crucible site. These are the homes that would be proffered in the approved Westlake project area. And then removes residential building design from falling under the Westlake ARB oversight. Since the specific or general design is being proffered as part of these proffers, it would delete a requirement to dedicate a 65 acre site to the county for public use, including possibly a school. As we've mentioned, this is tied to the concurrent rezoning of that site to R-3 for the 280 townhomes. Make note that there is a school site selection committee of county and school staff that are evaluating the potential for sites for new high school in the county.

Mr. Randall: Excuse me, just a quick question. So are we redoing the proffers for the R-3 Westlake site or the R-1, R-2 already approved Westlake location? So it seems like we've got we're dealing with both of these now.

Mr. Zuraf: Well, they kind of are linked together somewhat because the proffers in R-1, R-2 tie into this R-3 site. And that's just kind of overall.

Mr. Randall: Okay, so the proffers that you gave us in the previous discussion regarding the Westlake... the new Westlake proffers, do they include these changes?

Mr. Zuraf: No...

Mr. Randall: They don't include these changes.

Mr. Zuraf: No, they are a whole new set of proffers, but the original proffers that are on this R-1, R-2 area, they still refer and require the land dedication. And so that needs to be removed from the original proffers.

Mr. Randall: Okay, thank you.

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Mr. Zuraf: So the school site selection committee, they're evaluating potential for sites. They looked at this 65 acres, they think that it's less than optimal because they actually would need more land for a high school, likely 75 acres. And they're also looking at the potential of finding larger properties where they could potentially get a new high school and elementary school on one site, so just to share that information with you. Also part of the amendment would provide a million dollars cash contribution to offset the removal of the proffer to dedicate the public use site. They do include some timing in this proffer, that it would either be within 30 days of gaining community development authority financing or prior to the 350th dwelling unit if they do not get approval for a community development authority.

Mr. Bain: Mr. Zuraf, a million dollar contribution, who came up with an amount?

Mr. Zuraf: That was so included in the report? One of the attachments is an appraisal. They had an appraisal done of the site and the valuation of the site was determined to be 1.1 million dollars.

Mr. Bain: Which even at that, one million dollars works out to be just a little more than fifteen thousand an acre. I'd like to find some place in this urban services area where you could buy property for \$15,000 an acre. I think... I think that appraisal report has been somewhat fabricated in their favor and I would think... suggests that a million dollars is woefully inadequate.

Mr. Apicella: But I think the alternative question is what would a school site... what would a high school site cost? Or at least a range? Because that's what this was supposed to be for or potentially for.

Mr. Zuraf: And then there is a new proffer that allows for a community development authority to be formed for the financing of onsite and offsite infrastructure and funding of the school site payment. The proffer also modifies language regarding the required multi-purpose playing field to match what's shown in the preliminary plan and deletes a series of proffers regarding the dedication of 75 acres for a site which has already been set aside many years ago. So, also looking at the evaluation of the proffer amendment, there are several positives in the proposal consistent with the Comprehensive Plan. This is not changing the development plan that's already approved on the site. The deletion of the requirement to dedicate 65 acres for public use is properly mitigated with cash from cash contribution of an equivalent value. The proffer amendments establish residential architectural standards consistent with the neighborhood design standards and the proffer amendments update not applicable or previously satisfied development standards. There are no apparent negative aspects and staff is supportive of the application with proffered conditions. And I'll answer any questions at this time.

Ms. Vanuch: Anyone have any... go ahead Mr. Apicella.

Mr. Apicella: Madam Chairman, there was a lot of material that we got late on Friday, so quite frankly, I'd like to take an opportunity to do a deeper dive on this. But I had a couple of questions related to the proffers. Maybe I missed it in the material. Is there a specific start date for the original project and/or the combined project?

Mr. Zuraf: A specific start date?

Mr. Apicella: Yeah. So what... is there something in the proffers that say upon X amount of months or a year, year and a half after approval of the rezoning requests or and our proffer amendment, they would have the ability to start.

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Mr. Zuraf: No there is nothing specific.

Mr. Apicella: No. I'll ask the same question of the applicant or you can feel free to address it as well. Is there any phasing? So, again, we've got what I see as an original 700... now 700 units plus an additional 400 units. So, that's a combined 1,100 units. Do we... is there some phasing plan associated with... again, the original project and/or the combined project?

Mr. Zuraf: No, there is no phasing written in right now.

Mr. Apicella: Last question about the proffers. So the original proffer with regard, and it says school site, but it said it could be used for public school, park, office, library, civic center, so on and so forth. Is there a reason why in the future state, the money that's being provided in trade for the additional units is limited to just the school site because it's saying to the county you can only use it for this purpose. The county may, depending on its needs at a given time, decide that there's another higher priority that it's ready to go with. So I'm just kind of curious why it's being limited to just school site funding.

Mr. Zuraf: My guess is that's where the biggest need is right now for land. So...

Mr. Apicella: Right, but we could be sitting on land for 10 years...

Mr. Zuraf: Right.

Mr. Apicella: ... before we decide to build another school. I'm not saying that's the case. I'm just saying that might be the set of circumstances we're in. So it's kind of narrowly defining how the county could choose to use that money and the county may find it a better use again, given the timeline.

Mr. Zuraf: There might be what... good to leave some flexibility.

Mr. Apicella: Right. Thanks.

Mr. Zuraf: This... the community development authorities, who would be the members, I guess they would have a Board. Would that be people within that development would serve on the Board of that CDA? Or is it the developer and his associates? Or is it county staff?

Mr. Zuraf: I will defer to Mr. Harvey on this.

Mr. Bain: Oh, okay.

Ms. Vanuch: Mr. Harvey?

Mr. Harvey: Madam Chairman, Mr. Bain, there are several community development authorities currently in the county. Essentially, the role of the county is to... for the Board of Supervisors to allow their establishment. And then also the Treasurer's office collects an assessment on the properties to help pay off the bonds to build the public infrastructure. So it's an assessment in and above the tax bill that the homeowner receives from the county. The membership typically is comprised of the developer and in other parties of interest to the project, as well as people who are familiar with bond financing and land development in general. The Board of Supervisors has to agree to the membership

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of the members of the CDA, but that's about the limited extent of the county's participation in establishing the CDA, approving the members and sending out and collecting the assessment bills.

Mr. Bain: Okay, but then in the text it says the proffers state that the applicant may request the county acquire necessary right-of-way by means of its condemnation authority. So the county would still have some function. I'm not sure what right-of-way would need to be obtained since it's already under construction or soon to be. But if that was necessary, if they needed more right-of-way, that's an expensive process. The county incurs costs, there are costs for the land, even if it's condemned by the government, you still have to pay the owner? Would the developer or this CDA reimburse the county for those funds that are expended?

Mr. Harvey: Commissioner Bain, that's something that may need to be discussed further with regard to the proffers. We've had other proffers in the past, not necessarily involving a CDA, but involving the need to acquire offsite right-of-way for road improvements. And those proffers typically state that the developer would do use their due diligence to try to acquire the right-of-way if they weren't able to. Then the county, if the Board's... the Supervisor so agreed to it, could proceed with that property acquisition. It may end up resulting in condemnation. But in those cases often, also a developer proffered that they would pay for the costs to do that. So it wouldn't be a cost on the county. That may be a suggestion for you in discussing this proffer with the developer.

Mr. Bain: Okay. I think so. Definitely. Thank you.

Mr. Randall: A quick question.

Ms. Vanuch: Mr. Randall?

Mr. Randall: Mr. Harvey, is it safe to then say that through a CDA that the homeowners will be basically subsidizing the million dollars through assessments?

Mr. Harvey: Commissioner Randall, if it's set up that way, that's correct. The CDAs are, the purposes for constructing public infrastructure and the proffers contemplate that million dollars, go to a public school, so that could qualify.

Mr. Randall: Okay, but it wouldn't be coming from the developer then?

Mr. Harvey: It would be coming from the CDA dues payments, from what I understand.

Mr. Randall: From the homeowners.

Mr. Harvey: Well, I take that back. It would come from the bond that was issued. The bond would give the developer a lump sum of money.

Mr. Randall: Sure.

Mr. Harvey: And then they could use that lump sum to pay...

Mr. Randall: Sure.

Mr. Harvey: ... the county.

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Mr. Randall: And then bond would be paid by...

Mr. Harvey: Yes, and Embrey Mill operated in a similar manner. They had money set aside in their CDA to pay the county towards construction of a portion of the Rouse Center Park in the county, I believe, got three million dollars towards that effort.

Mr. Randall: Okay, alright, thank you.

Ms. Vanuch: Thank you. Anyone else?

Mr. Zuraf: For clarification, the applicant brought to my attention that the proffer language refers to the applicant reimbursing any cost to the county for additional right-of-way or acquiring right-of-way that might be needed.

Ms. Vanuch: Okay, thank you. Mr. Payne.

Mr. Payne: Thank you, Madam Chair, other members of the Planning Commission. Again, my name is Charlie Payne and I represent the applicants. I appreciate your time this evening. I know it's been so far fairly long night. And I'll try to get through this pretty quick and get back to the beginning of this. There we go. So as part of this presentation, what I have done is combined all of the applications, if you will. So this is kind of all in, if you will, to see how this big picture looks like and how it's going to work, because that's what the intent of the applications are. So what we have here is a global zoning request. So you this includes a proffer amendment, as staff just went through. Our proffers were approved in 2006. That project entails a mix of commercial and residential uses. The residential uses are in 482 plus acres of land and they included 796 approved residential units. So part of the proffer amendment is to reduce that max to 701. So that's why you're seeing the number 701. But it was initially 796. And also this global zoning also includes the rezoning of the Westlake parcel, which was the parcel we'll just discuss as the currently designated school site or other public use. And the reason we call it the school site, if you will, Mr. Apicella, because it is one of two sites that the school board is looking at in the county is looking at as a future high school in South Stafford. So that's why it's been utilized for that nomenclature.

Mr. Apicella: I got you, but I'm just saying the old language that's being exercised...

Mr. Payne: Correct.

Mr. Apicella: ... was much broader in terms of how we can utilize that property.

Mr. Payne: Absolutely.

Mr. Apicella: The money can only be used for a school site.

Mr. Payne: Absolutely, I just wanted you know that's why...

Mr. Apicella: Okay.

Mr. Payne: ...you're hearing that as the schools. And that Westlake parcel that staff has noted, is proposed to be rezoning from M-1, B-2 to R-3 and then the Crucible site, which we heard somewhat already, 35-22 to be rezoned from M-1 to R-1. Of course, it also includes a Comp Plan amendment to

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allow the Crucible site into the suburban land use area and the USA. So the requested of the rezonings again is 280 single-family attach units. That does come out to 4.3 units to the acre max under R-3 is seven units to the acre. The Crucible site again, 420 single-family detached units. Just back up real quick the Westlake proposal thinking is that this is a fairly... this is a large development, you know, it's got 1,100 units total. Most of them are you know, 80% of them are single-family detached. This is a way to get a mix of residential uses in the site, which helps with affordability. It's a good land use and planning process and it does border the two commercial sites. So, that was the thinking behind it. But if you take all in, including the proffer amendment piece, which has 701 units, 280 units of the single-family attached, and then 120 attached, you know you've got a density of 1.72 units to the acre. So globally this project is well within the goals of the Comp Plan for suburban land use which is three units to the acre. Our single-family attached units, we're looking at them being about 2,000 feet or larger, price range, 275 to 375 plus to be one or two car garages. The single-family detached units will be at 2,500 to 3,000 square feet. And we think they will sell for 400,000 to 600,000 plus. And again, this is all in the Hartwood District. The surrounding area, you're very familiar with all the presentations, the Westlake development under the proffer amendment includes the units that we just discuss. There is over eleven million dollars in bonds are posted for the project infrastructure improvements. As you heard as well regarding the utility extension, the Westlake parcel, again, is part of the overall development. Again, this is a global project in our eyes. Same with Crucible. Crucible does have two... has different access points than what the other Westlake projects do. And I'll get a little bit more of that in the transportation section of this. But Jack Ellington Road is an access point. The anticipation is, is that one, the residential uses because there's going to be a light at Brigade in Warrenton are likely going to go through Brigade. Most of the Crucible uses units will go to the light Brigade. And just in case, they certainly if they want to go west, but also to go east. We don't think they're going to want to go the Jack Ellington, then Richards Ferry to go west and get to an area that doesn't have a stop place for that. But it does beg the question, and we, you know, one my recollection is we connected Jack Ellington because Fire and Safety and Rescue wanted us to, to have a second access point. But we're more than happy to take another look at it, after listening to concerns here from the community about whether or not we even need to use it. So I'll just put that out there or something we'll take a look at. And again, I think we're all familiar with the Crucible use. And again, the Crucible use will be... if this is approved, we'll be removed if this rezoning is approved. For the proffer amendment real quickly, the applicant does desire to amend the current proffered conditions. Again, reducing the max density from 796 to 701, and again, Mr. Randall, that's a... that's what's already approved as part of this development. Again, the... there were not residential architectural features that were proffered in the old 2006 proffer. So that's been added, as you have seen from the renderings. We've also updated the proffers. So you've read proffer statements where you get the annual increase as well. This is a reflection of the annual increase from 2006. The new proffers for the 55-acre site is 46,885 per unit. We are now looking to develop what is the 65 acre public use school site and replacing that with a million dollars in cash and also rezoning that for purposes for tonight. And we are creating the CDA. And just real quickly, Mr. Bain, on the CDA, how it works as Mr. Harvey stated the CDA was able to issue bonds under state law. The bonds are paid by the property owners. So it could be residents who move in. But mostly if you think about it, as long as it's going to take the build the project out, it's the developers. They own the land. The land is assessed and they would be paying a good portion of that debt service back. They would...you'll see... what you see at Embrey Mill is, and it has worked pretty well, if the assessments too high you are not going to have anybody in there. So you'll see a very good balanced approach to that process in any condemnation, so the language is in the proffer statement right now that any condemnation that we would need to utilize from the county would have to be paid by... all the costs for that would have to be paid by or reimbursed for the developer. And that's in the proffer statement as well. And that has been used in several other projects, same language and several other projects. Just additional key

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proffer amendment points. These units will have to pay the 701 units, will have to pay transportation impact fees. That will be another 201 million. Residential amenities do include a clubhouse, a 6-lane 75-foot long swimming pool, two tennis courts, 6 by 90 hard surface, all-purpose court. I'm just pointing this out. That's in the in the proffer amendment. Pedestrian pass, picnic areas, four tot lots and multipurpose playing field is 200 by 300 feet. Again, this also clarifies a two mile extension of public utilities. The CDA will, if it's approved, will help pay for that. And the transportation improvements will include a signalized intersection at Warrenton Road and Brigade Boulevard. I'm just highlighting this because it's important to understand that when you look at just isolate the Westlake parcel with the rezoning for single-family attach and you isolate the Crucible parcel for single-family detached. You know, the question is where all the... where all the amenities, where all the infrastructure works? All of this... a lot of this is coming from what's already been approved and is part of this proffer amendment. There's also a dedicated public water tank that's already been done. That's on the... that's shown on the site. And I do have a copy of the overall project and I'll show you where that location is. And there is a dedication to either a Fire and Rescue or other public land to be done in the future of at least two acres. There is also a requirement that land be dedicated for the University of Mary Washington, that has already been done. So that part is part of this 2006 requirement. And likely the 1989 requirement has already been done and the University is there. So this right here is just a list of... it's in the proffer statement, amended proffer statement of the CDA infrastructure improvements that will occur and you'll see a lot of them are the utility extension and of course the... it's not on here, but the school site payment as well as on here. This is the GDP for the single-family attached, the townhouses for Westlake and staff has already gone through what surrounds us and has discussed the creek area. And likewise, this will access Brigade Boulevard directly and there is an amenity tot lot on the site and they will be able to use the recreational facilities, a clubhouse in the pool as part of the overall Westlake development, and that's also in the proffers. Yes sir.

Mr. Randall: So, Mr. Payne, so you expect that the reason you're bringing these together, the Crucible in Westlake, is that you expect that at some point time this will all be part of the currently approved Westlake project. Is that correct?

Mr. Payne: It will be, yes.

Mr. Randall: Alright, will you expect those to be built to the point that was made by Mr. Apicella, we expect that these will be included in the phasing build or as it the Westlake project first?

Mr. Payne: So, I was going to get to that question, Mr. Apicella is not here, so I was going to answer his question...

Ms. Vanuch: He can still hear you, he can hear you in the back.

Mr. Payne: He can hear me back there?

Ms. Vanuch: Mm-hmm.

Mr. Payne: So, yeah, on the phasing part, we've been talking about it kind of kicking it around. Of course, this projects been approved since 2006 and there's not one unit on the site. Right?

Mr. Randall: Mm-hmm.

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Mr. Payne: So we've been planning the construction of the infrastructure...

Mr. Randall: Sure.

Mr. Payne: ... and how do, you know, that process has not been easy, but honestly, is a lot of planning, a lot of approval process, lot of design work. So we've been thinking, okay, globally we have 1,101 units. You know, there is a phase in the 2006 proffer amendment, that phase caps the number of units at 120 per year. But that's expired, because we had carryover rights...

Mr. Randall: Mm-hmm.

Mr. Payne: ... and the thought was that would be built out in six years. So, if you carry over everything, I could build everything today. Right? That's expired in 2012. So we thought is, and we're willing to talk to staff about this after this hearing, is take into account globally all 1,101 units, and when would we ask asked for the first certificate of occupancy permit? You know, we're thinking when do we push it out 18 months. That we wouldn't ask for the first CO after approval. The first time we would ask for CO 18 months after approval. Remember, we've got already 26 lots that are... we got 701 that are approved in a preliminary plat and of that 26 that are been subdivided and planted. So, we could tomorrow show up with a... with a building construction permit request and start building homes.

Mr. Randall: (*Inaudible*).

Mr. Payne: You have got to put the infrastructure in, but you could technically do that.

Mr. Randall: Okay.

Mr. Payne: So, we're thinking globally let's, let's, let's limit it. We wouldn't ask for the first CO for any unit until 18 months after approval and then we cap that total number at 100 a year, with carryover rights. So we couldn't build... we couldn't ask for any more COs, meaning certificate of occupancy, for someone to move in, kids, the whole nine yards, except for a hundred a year. Now we would ask for carryover rights. Right? So, that if we didn't use our hundred up that one year, we could carry it over to the next year. I think that's a good, reasonable approach to controlling how the project plays out and also allows the infrastructure to catch up with it. So that was the thinking and we'll be, we'll be talking to staff and taking your input on all this.

Mr. Randall: At that point, then the, the million dollars that you have for the school site, when do you expect that money to be given to the county?

Mr. Payne: If the CDA is approved... remember, we need the CDA to help us build infrastructure. So that's going to happen first. Right? Before I build a house, we're going to issue bonds. Not me, but the CDA will issue bonds, and... so we can build the infrastructure, right? So, 30 days after those bonds of an issue, that 1 million is paid. So, that's very... that's well before a house is open for a certificate of occupancy permit. Okay?

Mr. McPherson: Mr. Payne, I have one quick question, if I may.

Mr. Payne: Yes sir.

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Mr. McPherson: The reduction in your proffer from 796 to 701...

Mr. Payne: Yes sir.

Mr. McPherson: The 701 obviously happened before the proffer change was made. What drove that reduction? Was it RPA? Was it unbuildable land?

Mr. Payne: I'm sure... I don't know their... the client is here. My, my, my thinking is probably just sort of the design that they wanted to lay out and where the infrastructure and the roads were being located. But they could redesign the site to get the 796. But I think this is a more efficient way to lay it out.

Mr. McPherson: Okay.

Mr. Payne: Is that a good answer.

Ms. Vanuch: Okay.

Mr. Payne: Throw something at me, if I mess up. This is the Crucible site, again, this is in the further southern end of the development. The infrastructure is going to get there last. Staff had noted know there are several connections here, here and here. And yes, there is one here at Jack Ellington. There's one there today, which is fairly heavily traveled. The anticipation is from us and the cohesive development that we're putting together, is that everything's going to go north to Brigade Boulevard... along Brigade Boulevard to the light. That doesn't mean that traffic won't get on Jack Ellington, I'm not going to suggest that it won't ever happen or it won't happen on an occurring bases. Again, we'll take a look at that again, because we were reluctant initially to have access there just for that very reason. But I recall it was a I think the pub... maybe the fire department wanted to make sure we had that access and we could we could create emergency access, et cetera, anyways. Well, we'll look into that just to address on the comments that were made earlier.

Mr. Bain: Yeah...

Mr. Payne: Yes, sir.

Mr. Bain: If I guess or comment on that.

Mr. Payne: Yes, sir.

Mr. Bain: Looking at the layout of roads in this Westlake portion to 700 unit portion.

Mr. Payne: Yes sir.

Mr. Bain: If a person in the Crucible area was going to go to Route 17 and turn south, turn right.

Mr. Payne: Yes sir.

Mr. Bain: It would take them a half hour to get through all the Westlake turns and everything. Whereas going Jack Ellington out to 17 would be pretty quick. So, turning right, I think, yes, they would go Jack Ellington. Turning left, they would definitely go through Westlake to take the benefit

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of the stoplight at Brigade. And I guess that my reason for pointing this out is that I think the transportation study is flawed in saying that only 30% of the traffic is going to go on Jack Ellington once the project... once that site is developed. I think it's going to be absolutely the reverse, 70% of the traffic is going to go Jack Ellington and turn right to head towards 95. And so instead of going from service level D to service level E, I think it has potential to go to service level F there. And I think they really ought to reconsider that access to 17 to get to I-95, it would just take too long for people to go through the subdivision roads with stop signs and turns, whereas going Jack Ellington to what is it...

Mr. Payne: Richards Ferry.

Mr. Bain: Richards Ferry Road would be a much more direct route. So, it needs to be looked at more closely.

Mr. Payne: So, I think you're in agreement with us. We'd prefer not to go Jack Ellington as well. So we'll take another look at. And again, maybe it's just emergency access only. Again, these are the renderings that I believe Mr. Zuraf had put up earlier for the single-family detached. These are proffered. They weren't proffered before in the proffer amendment, the 2006 proffer amendment. These are the single-family attach units, renderings, elevations. Just real quick on the Comp Plan, again, the Westlake site, the property is designated... it is within the suburban land use district. You know, allow residents to live, work and play in the same development. It is also a positive transitional piece, as we discussed earlier. It is an infill development in that particular area in the suburban land use district. And again, this is also in the urban services area. The suburban land use district does encourage three homes to the acre with at least quarter acre lots. Again, if you look at the overall development here, we're at 1.72 units to the acre. I think that's important, I just don't think that you can just say I mean, I isolate... an overall comprehensive development is going to isolate a site and say that's where the density is. The density is actually the impact is across the entire site. The Westlake parcel, again, its close proximity to major transportation networks. Again, is accessible to Route 17 and I-95, and the Westlake Parcel is within the USA. The Crucible parcel, we've gone through this, I'll go through it quickly. Again, we've got a Comp Plan amendment request in place. It is contiguous and located immediately southwest of the Westlake site. So it makes a lot of sense with this connection and connectivity and including it into the development. Again, it will have immediate access to utilities once the infrastructure is in place. Again, we think this Comp Plan request is reasonable. And again, utilities will be extended to the site. Transportation, again, we just kind of kind of went through this a little bit. The main access will be along Brigade Boulevard to Warrenton Road and vice versa. The overall development at that intersection is anticipated to operate a level of service B with all in. If there was a school site there, you'd actually have 86% more traffic in the morning and 45% more traffic in the PM hours. So, actually, this is a less transportation impact, if there was a school, a high school on the site. And the results of the traffic impact analysis indicate that the proposed residential uses would not have an adverse impact on the surrounding roadwork network. And we have proffered that we would improve Richards Ferry Road for the right turn lane, which would get us east, Mr. Bain, based on what our traffic generation would be from the Crucible site. And all of these units pay impact fees. Schools, parks and recreation, as you know, we must evaluate these for purposes of proffers and impacts. The Westlake parcel at full build out would generate a 152 new school aged children. Hartwood Elementary School will exceed capacity at full build out of the Westlake parcel. The Crucible parcel at full buildout would be 114 new school aged children in both Hartwood and Gayle would exceed maximum capacity. We have provided cash profits to offset that. And the only answer I can provide you, Mr. Bain, as to why there is a delta or difference between single-family attached and detached, it is the particular area in the particular use. So what happens is we get a number of what the

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capacity is from the school system. We plug that capacity number into what the cost is to pay for the excess capacity. And that's how the numbers come out. But we'll take another look, I think it's a fair question. Public safety at the Hartwood Volunteer Fire Department located two miles away, will serve the project, and the proffer analysis shows that project will have minimal impact to the current capacity levels of fire and rescue in this location. Parks and Rec, there will be many amenities onsite, walking trails, pool, clubhouse, etc. that the residents will be able to take advantage of. Just for a quick summary of the proffers and well I've got a total number and remember this total numbers only for the rezoning. Okay, so this is only for... I haven't taken into account the cash from the proffer amendment include the impact fees, but this is the total number for the single-family attached and the single-family detached rezoning. So all in is 8,475,663. One may know that does include the proffers for schools because it's linked to the Westlake parcel rezoning. Here's the breakdown Mr. Bain, in regards to public safety schools and then I've added in the transportation impact fees, as you know, they're paid earlier before the CO is issued. So what I think, Mike, it's when I request a building permit, I pay the impact fees at that point? Okay. So you pay it before you pay the proffers.

Mr. Bain: Does that also include the 15% share of the right turn lane?

Mr. Payne: That's paid with the units when they get... are issued a certificate of occupancy permit. And that's...

Mr. Bain: Only for that site?

Mr. Payne: That's only for the Crucible site.

Mr. Bain: Okay.

Mr. Payne: Yeah.

Mr. Bain: Alright.

Mr. Payne: And you'll see that number right here, the 150,076...

Mr. Bain: Of which I think 15%....

Mr. Payne: Yes.

Mr. Bain: ... is also inadequate.

Mr. Payne: We have professional engineers who, who, we assume know their job. So I'll defer to them. And this was a breakdown of public safety in schools. Schools are higher, obviously, for the single-family detached because they typically generate more school aged kids because they get more rooms. And transportation impact fees, again, would be paid by these by these units. Emergency access is also being proffered, something the county wanted us to provide at the single-family attach site. I'll show you that real quick, architectural features and materials. Also we've proffered removal of the Crucible parcel current facilities within seven years after the rezoning is approved and the use itself would have to cease operations within 90 days if this project is approved. Additional proffers, again, his staff had noted, we've got a 200 foot setback from adjoining parcels 35- 70D and I'll show you those in our southeast boundary. And again, any sort of unexploded ordnance on the site will be surveyed and removed. My recollection is Crucible does a pretty good job of surveying that on a

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pretty consistent basis. We've talked about complaining amendment, so skip that. And so what I thought I'd provide just to help with sort of the global view of this, so the big the big square areas here are the rezoning. So this is Crucible to the south, the 120 units and then to the to the east, if you will, is the single-family attach Westlake parcel and then all in the middle here is what's already currently approved. So and you'll see here, clubhouse is here. This is Brigade Road here. Here's where the light intersection will be. The emergency access, I'll show you that, I got that here as well. It's down here somewhere if my memory serves me, somewhere around here. There's also gonna be a water tower site here as well. That's already been dedicated to the county. I don't know if you had any questions about that layout.

Mr. Randall: I have one quick question.

Mr. Payne: I'm sorry, in the commercial here and here.

Ms. Vanuch: I just have an update, the score of the Nats game is 2-0.

Mr. Payne: Who?

Ms. Vanuch: Nats.

Mr. Payne: Alright.

Ms. Vanuch: Things we care about right now.

Mr. Randall: Back to... back to business. I'm concerned that the Westlake property people will have to get in their car and drive to these amenities. There's gonna be no...

Mr. Payne: There's walking paths, there's sidewalk connections, all that is part of...

Mr. Randall: Okay, but there's no car path that they can drive through without having to get back on the road. There's so... but they will be able to ride a bike.

Mr. Payne: Sure, absolutely.

Mr. Randall: They will be able to walk. So there'll be a path there...

Mr. Payne: Absolutely.

Mr. Randall: ... that's not shown, correct?

Mr. Payne: Absolutely, absolutely.

Mr. McPherson: A bridge across the stream?

Mr. Randall: Right, because we were told by staff there's a there's a stream through there, RPA through their.

Mr. Payne: They're able to cross the stream. Well, they'll be able to access Brigade Boulevard, which goes across the stream. See here?

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Mr. Randall: Right, but they'll have to go out to the roads, but there won't be a walking path from the...

Mr. Payne: Are there planner... are there sidewalks?

Mr. Randall: No. They'll have... so they'll...

Mr. Payne: There are sidewalks.

Mr. Randall: Right, but they'll have to go out to the road and walk around...

Mr. Payne: Or get on a bike and take across. They're just... they'll be able get on the bike on the road or get on the sidewalk that's on the road. Brigade Road would cross all the way.

Mr. Randall: Sure, okay. One other question about proffers. We've changed the proffers... one of the proffer amendment items is to take the current Westlake property approved property proffers from \$38 to \$43,000 unit. Correct?

Mr. Payne: Right.

Mr. Randall: But to leave the Crucible, which are literally the same type of houses at a \$33,000 proffer. Is there a reason why those aren't being proffered at 48, which is the same amount as the current as the new proffer for their currently approved...

Mr. Payne: At the time that they were approved, the original 2006 approval. So they were at 38,000... actually where they are less than that, Mike, before? They've been increasing over time with CIP.

Mr. Randall: Yep.

Mr. Payne: So that's why they're higher. Does that make sense?

Mr. Randall: Sure.

Mr. Payne: That's, that, that's the only reason why they're higher.

Mr. Randall: But they're gonna have the same impact, everything. They're gonna the same impact.

Mr. Payne: Yeah.

Mr. Randall: So they, so, so we're... because they've been in the hopper longer, that's why we get more proffers from them...

Mr. Payne: That's right.

Mr. Randall: ... verses the Crucible?

Mr. Payne: Right. So the... so, you know, it's a bet, right? So when you get it... when a project is approved in a proffers are X, we are evaluating at that time that this is what the impact will be.

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However, if you don't build your project out till 10 years later, we haven't added any increase to capture that extra costs. So that's why the CIP is connected to the proffers

Mr. Randall: So we would expect that if the Crucible area is not built, assuming approval. If the Crucible area was not built up in five years and that the proffers will go from 33 to 40?

Mr. Payne: Well, we haven't... the current proffers do not include a CIP, which is one of the comments made by staff. So we'll take a look at that as well.

Mr. Randall: Okay. Because I just think that that \$15,000 difference with looking at it here, it was one house in the Crucible will have the exact same impact on the county as one house in the Westlake project. But yet it's a \$15,000 delta for the proffers for that particular house.

Mr. Payne: It's a better deal for the county. We'll take the reduction, if you want to give it to us. But, but...

Mr. Randall: I need the \$15,000 per house.

Unknown speaker: We want to go the other way.

Mr. Payne: It's a good point. But it's just timing, when it was approved, and how... And I'm happy to answer any...

Mr. Bain: I'm sorry. Go back to that one...

Mr. Payne: Yes, sir.

Mr. Bain: ... slide. I notice the Jack Ellington connection down there, if you could sort of circle that.

Mr. Payne: Right here?

Mr. Bain: So the people can see, you've got another stub of a road coming from the larger Westlake development tying in there. I think that's not a good suggestion. And also...

Mr. Payne: This might actually help a little bit. I'm sorry, did you want the overall?

Mr. Bain: No, no. What you just...

Mr. Payne: I want to go back to the Crucible that might help you a little bit. There you go.

Mr. Bain: No.

Mr. Payne: No.

Mr. Bain: Not really.

Mr. Payne: Go back?

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Mr. Bain: Yeah because I've got a second spot to... there. Okay, yeah. So you've got the road from the Crucible coming up and tying into Jack Ellington. And right there, there is another road that goes off, I'm going to just use directions to the right that ties in to your Westlake development.

Mr. Payne: Mm-hmm.

Mr. Bain: So now in addition to the Crucible people that would come out Jack Ellington, you're going to allow a lot more Westlake people to come out there and get on Richards Ferry. Furthermore, if you go up Richards Ferry to the very top of the drawing, you've got another road connected to Richards Ferry at the very top of your drawing. So you're promoting an awful lot of traffic on Richards Ferry that would come out to 17 without using Brigade. And I think maybe...

Mr. Payne: Mr. Zuraf just reminded me, we think there is a gate here that would prohibit additional traffic. Yeah, that's right, because the intent is for the Crucible traffic only to access Jack Ellington. Now doesn't mean that folks couldn't access through here or here. I think we're going to have to agree to disagree. I don't think folks will want to go to Jack Ellington and then wind through Richards Ferry versus simply coming through here to get to the light to go this way. I think that's what the traffic engineer...

Mr. Bain: I think you would be surprised. And I want to make sure that it doesn't happen.

Mr. Payne: Well,

Mr. Bain: The few people, houses on Jack Ellington and then all the houses on Richards Ferry, as they said tonight, have trouble with traffic already. And adding even 30 cars at peak hour versus 100 cars at peak hour is going to add to the problem. So I think it's something that needs to be looked at more closely.

Mr. Payne: Again, I think we're in agreement. We'd prefer not to have access there unless it's for emergency and only so we'll... because it makes them project a lot more comprehensive. So we'll take a look at. Alright, thank you. Any other question?

Ms. Vanuch: Thank you. Okay, at this point now we'll open up the public hearing. You can come down and speak for three minutes on this project, on the proffer amendment and the reclassification. You state your name, address and the district that you reside. Just like last time, if you did talk last time and you feel like you didn't say enough for you, maybe you have more things to talk about after hearing this presentation, feel free to come down again. Come on.

Mr. Buchanan: Hi again, Bob Buchannan, Hartwood. Two comments and a clarification, on the zoning request none of Hartwood is now or ever should be zoned for medium or high density suburban. If you take a look at Hartwood that is not what it is. It should never be that. As far as the proffers are concerned, we all know, we're not stupid, we weren't born yesterday. Proffers cover just a small amount of what the citizens end up paying for all those things. And so it may take care of a short term problem, but those of us are going to live in a county for the next 30, 40 years, we're going to end up paying out in the long term. And then the clarification is the CDA that you talk about, you're going to issue revenue bonds. Those bonds are going to be paid for by citizens, taxpayers, homeowners. My question is how far does the CDA extend? Is the CDA only for those people that are in this subdivision? If it hopefully does not get approved, but if it does get approved, are they the only ones

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that are going to pay for those revenue bonds or is that going to include people that live on Clark Patton and Richards Ferry in an area out there? How is that done? Thank you.

Ms. Roberts: Dale Roberts, Clark Patton Road. First of all, that emergency access off of Clark Patton Road, I have to totally disagree with that. My husband and I walk that road every day. There is already not enough room for two cars to pass each other on the road. Usually somebody has to pull over. If we're walking, we have to step off the grass into a ravine. There's no sidewalk, kids play on the road. To have emergency vehicles use that to access a 280 townhomes is a really bad plan.

Ms. Vanuch: Thank you. Anyone else?

Mr. Berger: I'm Joseph Berger, in the Hartwood District. I'd have to agree with that, with the... our road is already really narrow. Trying to... that doesn't even bring the question of construction vehicles that would have to come in to build out access road. Bringing those on our road, just push most of us off, it's already tight squeeze. As for the 200 foot setback, that's, that's not a huge space. That's distance between my house and the garage. You're going to increase noise for everyone on the road, it's rural. These are people that moved out here because we like it quiet. And as for the schools you're putting an idea of... excuse me. You're putting it with the hopes of future schools. But we're already past max capacity. If we keep adding more and more people with the hopes that we'll have a future school, we're just going to keep kicking that further and further and we're just going to always be playing catching up instead of building to what we actually need now. Same goes for transportation. We keep building and improving after the fact. I've just watched traffic get worse and worse. It's backed... I've seen on Fridays back all the way from 95 up to Clark Payton Road. You add another... this development plus another 280 townhomes, you are going to go past Hartwood Road. No one's gonna be able to get out of their homes to go anywhere on a Friday. Thank you.

Ms. Vanuch: Thank you. Anyone else?

Mr. Lafferty: I'm James Lafferty, I would like for them to put that map up that we had a few minutes ago.

Ms. Vanuch: Computer please, put the map.

Mr. Lafferty: I'd like a clarification along Clark Patton Road, what is that off set for near the water tower site? And also the Clark Patton Road does not adequate for heavy vehicles. Now, if a fire truck happens to be on that road, other vehicles can hardly pass and occasionally there is an emergency, the fire truck usually ends up with the road blocked and not allowing the passengers to go by. And the road would not support construction, loaded trucks and equipment traveling on it. The sub base for the road is deteriorating beyond almost beyond repair, from heavy equipment even to school buses and other things like water. So it's not adequate road for construction equipment or for the people going into the Westlake. So I don't agree with this, but I would like a verification why that offset is?

Ms. Vanuch: Well, we can't answer the question now, but we'll get you the answer before it's over.

Mr. Bain: Could I ask you if you'd put them back up just one quick second. Mr. Zuraf, where is he talking about? I'm not sure where Clark Patton Road is.

Mr. Lafferty: Right where the water tower is they have an offset in there that is not in the plan, right there.

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Mr. Bain: Oh, okay.

Mr. Lafferty: (*Inaudible, not speaking in the microphone*) follows Clark Patton Road. Are we looking at one side of Clark Patton Road, this will be in the plan and the other side is not for the rezoning. Is that the dividing line?

Ms. Vanuch: Well, let's keep on going the public hearing and then we'll come back and address it. Thank you.

Mr. Bain: Sorry.

Ms. Vanuch: Anyone else? And you guys can get in a line if you want to make it a little faster. Yeah, you can get up and get behind him.

Mr. Phipps: Jason Phipps, Stafford Estates, also currently live up off of Patton Lane and grew up in Rocky Run, Holly Corner, things like that. So I got to see when Stafford Lakes came in and the changes that made and they're talking about it possibly not impacting Richards Ferry. It is going to impact Richards Ferry very significantly, just as he's bringing up people cut out of there all the time, go to Holly Corner. My parents still live there, I'm over there all the time. People use it out of Stafford Lakes to and from 17 all the time. But some questions that were... that I thought and some of the proffers and other criteria put up was we didn't talk about how big a typical school site is. They said 65 acres wasn't enough, but we don't... what is a typical site? I know Mountain View is different from Stafford versus Colonial Forge. Also, we put up the school system and how many estimated students those were from the Crucible and Westlake sites only, I believe, not from the 701 approved homes. So how many kids would that put on our school system? There was very little proffer money for transportation on the Crucible side. It was fairly high on the Westlake property, but very, very low on the Crucible property. And one of the gentlemen came up here earlier talking about how rezoning the property would fit the area. When it was approved in 1989, it surely did not fit the Hartwood District. I know there's some agricultural stuff where they set land aside for agricultural use and Hartwood, and while Hartwood seems to be the one that gets the most of it. And this just really doesn't fit. So we hope that Planning Commission is looking out for the best interests of the Stafford County residents and takes into account. Thank you.

Ms. Vanuch: Come on down. Anyone else after him? You can go ahead and get in line.

Mr. Roberts: Walter Roberts, Hartwood District. I just have, I really have a question for these guys that are trying to plan this operation. They say a limited access off of Clark Patton Road to go into that 280 townhouses. What is limited access? That's, that's really the question here. Is there going to be a gate? What, what's going, what's going to happen there? I just pray that you folks don't approve this. This is a bad idea. Thank you.

Ms. Vanuch: Thank you. Next... next person can also get in line if you're gonna talk.

Ms. Berger: Joanna Berger, Hartwood District. So I spoke earlier and everything that I said applies to now as well. And I just can't express how strongly I am opposed to this Westlake development and the rezoning to allow it to happen. I mean, there is a photo in the slideshow of the land as it is now covered in the beautiful trees. And it's beautiful right now. You know, everything all the leaves have changed color. This is why we live here, because Virginia is beautiful and because we want to be surrounded by the wildlife and the plants and the trees. And you're gonna destroy all of that and kill

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tons of animals. Since my area of expertise is animal behavior and animal welfare, I noticed that you haven't mentioned plans for all of these many hundreds of new people coming in with their dogs and cats. So that's going to put a lot of strain on your Stafford County animal control. And people will be walking their dogs and plants need to be made for that. Plus, cats and dogs do have an impact on wildlife because they hunt wildlife. Hartwood, as other people have said, this is just not appropriate for Hartwood. People who live in Hartwood want to live in the country. If you think about Hartwood as the word and break it apart, it Hart is a type of deer and wood is a forest. And we want to live in forests that have deer. People still hunt for subsistence and you know, where are the animals that they hunt gonna live? And... but make... a huge point also that I didn't bring up earlier is that it is almost impossible to get, like other people have said, to get from Clark Patton Road down 17 to Fredericksburg or to 95 already, because the traffic is so, so bad, not just on Fridays anymore. It used to just be Fridays, we couldn't go to Fredericksburg, but now other days of the week are also impacted. And there was one Saturday morning when I tried to get to the South Stafford Farmer's Market, which is six miles down 17, and I was in traffic stopped for three hours. And I missed the farmer's market because it was over by the time I got down 17. And the farmer's market is in the parking spaces for the commuters in the commuter lot. So that's how hard it is to get to the commuter lot sometimes. So these people are going to have trouble commuting to work. And yeah, I just have tons and tons of concerns, and I also am very concerned that Stafford County did not communicate with residents well enough about this public hearing because I only saw a small sign as I was walking my dog and that's how I knew about it. That was down Clark Patton Road. But I know a lot of people are also opposed to it who live in the area who couldn't make it to this meeting. So I think you should make time to hear from them as well.

Ms. Vanuch: Thank you. Anyone else? Okay, I had two requests, one from the gentleman here in the front who gave Stacie, Ms. Stinnette, some handwritten notes from his comments. Can you just make sure that you add those to the record attached to the, to the minutes? And then I received an email, usually we don't add these to the record, but we received it during the meeting and she requested that it be added to the record. So I was going to read it really quickly. The email is from Lacey Gail. She... her mother Theresa Helmandollar owns 93 Cedar Grove Road, she currently lives at 528 Crop Road in Hartwood, Virginia. She's been watching the live Planning Commission feed and talking about Westlake and what they provide to do to that land. She grew up on that land and it was... in her childhood. I chose to stay and raise my children and Hartwood because of the rural and safeness of this area. I have also worked in the new home sales and I know what comes with the development of a new community. Hartwood is not what this developer is trying to make it. It's beautiful and peaceful. No homes on top of each other and definitely not a community with townhouses. I hope that this does not change. The land around my mother's home also has so much history. As kids we would go play on the land. There are civil war trenches and my brothers have found many old civil war findings in our yard. Also, the traffic this would cause is something 17 and the people of Hartwood do not need. It already can take you 45 minutes just to get from Cedar Grove Road to 95. I went to Hartwood Elementary, Gayle Middle School and Mountain View High School. Once I got to middle school and then high school, I saw my schools getting overpopulated. This area needs more school before it needs homes. I hope the townhomes do not get approved in that any homes built are part of an estate communities that site on three plus acres to keep Hartwood the peaceful and beautiful community it is. Thank you, Lacey Gail. So just wanted to make sure that's added to the record in her words. Anyone else for the public hearing? Okay, so I'm gonna also leave this, choose to leave this public hearing open and then we'll continue it to a date certain, once we bring it back up to the Planning Commission and a little bit. Mr. Payne, do you want an address? I have a list of the questions that were asked throughout the two public hearings

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Mr. Payne: Okay. Thank you, Madam Chair, other members of the Planning Commission. I'll be brief because I'm sure you want to get to the game. But one, just more importantly, public comments are very important to every proceeding that you guys obviously sit before and that we hear from the development community. It helps build a better project. The input is very valuable. We're not going to be able to make everybody happy, I know. But we will take strides, I promise you, to try to address and mitigate some of the concerns that were raised tonight. Now, some folks just simply don't want new development. And I... they want things to stay pristine and in their current state. I understand that. But remember, there's already 701 approved units here. This is a very positive project. It's going to be a very positive revenue generating project. And it also will comprehensively address the concerns of folks in regards to non-conforming sites. So, it is a thought process here. I don't want folks to think that we're being irresponsible or not thinking about how all this could tie in together very well. I did hear some comments regarding proffers not paying for themselves. I mean, we are required by law to evaluate our impacts today. So that's what we have to go through and so staff has to evaluate. So that's what all of this is in regards for proffers that are that are put forward. Now, the flip side of that is by-right, development doesn't pay any proffers. Arguably, it doesn't pay for itself depending on the type of home. The CDA, there was a question about whether the general taxpayers would have to pay it. No by law, you cannot assess general taxpayers on the CDA bonds that are issued, the debt service for that, they are isolated only to the property that's identified in the CDA. So in essence it would be the Westlake development. So the Westlake development owners would have to... be assessed the CDA bond debt. So the general taxpayer would not and neither would the county. The county has no liability whatsoever as well under state law. On the emergency access question has come up, and I just want to clarify that. Clark Patton is not part of any of that. What, what we're doing and again, this is only if Brigade Boulevard, thank you. This is only a Brigade Boulevard is blocked. There needs to be some sort of alternative access. This is not a main access. This is only an alternative access in order to get to the townhouse development. And it's not on Clark Patton. Clark Patton is down in this area, let me see here, down in this area here. Is that right Michael? This piece right here, there was a question about this piece. This is owned by somebody else. What you see is an outline of our property line, it goes like this. So it's jagged in here is another property owner. It's not us. There's no road, there's no connection, etc. So hopefully that answers your question, sir. You know, we sometimes get caught up in all of these homes are going to be here tomorrow. It's not going to happen. We don't even grow that fast today, not even remotely that fast today. These type of projects like Embury Mill, if you think about it, is approved in the 90s, is still building out today and still has a little bit of ways to go. So this is a project we're thinking at the quickest 10 years, probably more like 15 years, maybe longer before it's actually built out. We're going to go through some real estate swings that always happens, which slows growth and then it picks back up. And when it picks back up, everyone thinks we're going way too fast. And when it's not growing fast enough, everyone's going where, you know, where's... where are the new developments? But again, we've talked about phasing to address the infrastructure concerns and impacts, schools being one of them. I know there is a plan, an active plan that both the School Board and the Board of Supervisors are working on in regards to looking at the possibility of a new high school in the future, near future. Not tomorrow, but in the near future. So what we're, we're thinking about in our planning is what that would look like and then how we could help mitigate that process back by phasing in capping the units that we would build out. So with that that, did I answer everything?

Ms. Vanuch: A typical school site. I know you mentioned it earlier, but somebody had brought that up. I think its 75 acres for a high school.

Mr. Payne: Mr. Zuraf brought that up.

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Ms. Vanuch: Okay.

Mr. Payne: But I have not been privy to the conversations.

Ms. Vanuch: Yeah.

Mr. Payne: Maybe you have. But my understanding is from our discussions is that 65 acres is not big enough. I think the future school developments can be more of a campus where you can put multiple different types of schools on a campus. But I'll let you...

Ms. Vanuch: Do one answer that Mr. Zuraf?

Mr. Zuraf: Seventy five acres, that's what I've heard for a high school site.

Ms. Vanuch: Got it.

Mr. Zuraf: And I'm not certain the amount if it's a multiple school.

Ms. Vanuch: Yeah, got it. I just wanted to make sure you answered that resident's question. Yes, Mr. Randall.

Mr. Randall: I have a quick question concerning that. The original thought was to dedicate this land to the county. Correct?

Mr. Zuraf: Yes.

Mr. Randall: Was this land specifically designated for a school or was it just to the county and then the county could figure out what would be work best for the 65 acres?

Mr. Zuraf: It was open for future determinations. So one option was other uses.

Mr. Randall: Right, so what caused the change to pull back that 65 acres? Why doesn't the county just take the land and then figure out down the road what we want to do with it?

Mr. Zuraf: I guess that... well... that could be, you know, I guess... I guess... like what understand is the immediate need, more immediate need for a school site...

Mr. Randall: Yes, and maybe somewhere else for sure. And it may not be, we don't know because we haven't. I don't believe the decision's been made as to what's gonna be built or where it's gonna be built.

Mr. Zuraf: Right.

Mr. Randall: This would just be one option if we had that available. If down the road we... the county decided that they didn't want to use it for something, then they would have the option of doing whatever they wanted with it. Correct?

Mr. Zuraf: Correct. But I guess the one thing also then the money being offered could help the county then...

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Mr. Randall: Right. That has been stated before. That may not that would pale in comparison to what we would need to spend as a county to actually purchase 65 acres somewhere else. Okay, alright. Thank you.

Mr. Payne: I think I can add onto that a little bit. I mean, I... the thinking is... in a couple of ways... because I didn't answer Mr. Bain's question about the appraisal, although he disagrees. He thinks it's low. The appraisal is done based on what the value of the property is zoned M-1 B-2,. And of course that appraisal was submitted to the county and that, that's where the million dollar valuation came from. It's a fair question. So, I think the... what the thinking is and I'm not remotely part of this process, but I assume the thinking is kinda cash out on what the dedication would be, take that money and use it to buy another site. Yeah, I agree, it probably wouldn't pay for another entire site, but it probably would, it probably would play a fairly significant role in helping to purchase another site. Let's also not forget that part of our proffers include having to build a new school, right? When you trip capacity, you trip the need for a new school or to expand the current facilities. So the money that is part of the analysis. That's part of... the profits all the proffers, all 30,000 plus per unit goes to building a new school because it goes towards facilities, not operations. Okay? So, there's a good portion of chunk of change there too, Okay.

Ms. Vanuch: Mr. Apicella.

Mr. Apicella: Here's more for Mike. Have we socialize the appraisal with the Commissioner of Revenue's office?

Mr. Zuraf: I did send it their way. I've not heard back yet.

Mr. Apicella: Okay. Thanks.

Mr. Zuraf: Yeah.

Ms. Vanuch: Any other questions? Okay. Then at this point, I guess we'll bring it back to the Planning Commission. And remember, we left the public hearing open and we need to make a motion to do something with it to a date certain. Do we have any motions on the floor? Any further discussion from the Commission?

Mr. Apicella: Madam Chairman, I'd like to make a motion to defer item RC17151895 and RC... I hope I got the right number here, RC17151764...

Ms. Vanuch: Mm-hmm.

Mr. Apicella: ... to the December 11 meeting.

Ms. Vanuch: Okay, so we have a motion by Commissioner Apicella, leaving... to defer the reclassification of Westlake and the proffer amendment to the December 11th meeting, which will also leave the public hearing open, and a second by Commissioner Boswell. Commissioner Apicella, do you have any further comment?

Mr. Apicella: No, ma'am.

Ms. Vanuch: Commissioner Boswell? Anyone else?

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Mr. Randall: I do you have a quick process question.

Ms. Vanuch: Sure.

Mr. Randall: These are... the rezoning are... both of those together? So could we through the process approve one and disapprove of the other? Or would we buy disapproving when we would have to disapprove of the entire rezoning?

Mr. Apicella: I think the presentation was joined together. How we deal with it, we could separate the out if we choose too. I mean, I don't know how that works for the applicant, but there are two separate items in front of us. That's the way I see.

Mr. Randall: Right. Well, the rezoning was presented...

Mr. Apicella: That is for convenience.

Mr. Randall: ... together and it seemed to me like they wanted us to vote on it together. And I don't know if down the road we want to split those out, so each of them have their own separate vote.

Ms. Vanuch: Well, when we, when we vote on them, we will be voting them out separately. But we're right now just voting to defer it to a different public hearing. Yeah.

Mr. Apicella: And just to... we did keep the public hearing open for both items, right?

Ms. Vanuch: That is correct. Okay, is that it? Alright, go ahead and vote. Okay, Motion carries 6-0 with 1 absent. And before you guys get up and leave this evening, just to kind of give you a little bit of the process. So you guys can all still come back in December and you can all speak on this again. That was the substance of leaving these public hearings open. So if there are other people that want to come, they can come in December. You don't want us to rush through these kinds of decisions. It would be really easy for us to take an up or down vote tonight and get it off the Planning Commission, send it to the Board. But it doesn't benefit anyone that way because these projects do go through a series of changes and reiterations through the process. And we're able to vet public safety needs, fire and rescue, transportation and education needs much more thoroughly. And then we provide... our goal is to provide a recommendation to the Board of Supervisors on the most fully vetted application possible. So we're getting them the most final version possible. And so just be patient with us, I know it's a long, rigorous process and it means a lot of time away from home and family. But, you know, it's in everyone's best interest not to rush through these decisions. So I want you guys to understand the significance of what we've done tonight, deferring this to December and making sure that it's an open and transparent process. So, if you guys are finished listening this evening, we have some other items on the agenda, but you guys can please get up and leave. But please try to be as quiet as possible so we can move on to the next item on the agenda. Thank you, guys all for coming out. Okay, now moving on to item number four on the agenda and this we recognize Ms. Baker is not down here. So are we... Oh, wait, where is she? Oh, there she is, here she comes walking in. Ms. Baker, on the special regulations to allow for beekeeping in honeybee apiaries is in the R-1, Residential Zoning District.

4. Amendment to Zoning Ordinance - Proposed Ordinance O19-37 would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms;" 28-35, "Table of uses and standards;" and Sec. 28-39, "Special regulations," to allow for the keeping of

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honeybees (apiaries) within the R-1, Suburban Residential Zoning District and establish regulations regarding the same. **(Time Limit: December 29, 2019) (September 11, 2019 Public Hearing continued to October 23, 2019)**

Ms. Baker: I was hiding on the back row.

Ms. Vanuch: I didn't see you.

Ms. Baker: Alright, as you recall, this item was originally discussed July 10th. The Planning Commission made amendments to this ordinance, which is an ordinance to allow the keeping of honeybees in the R-1 Zoning District. The public hearing was held on September 11th and continued to this date. There have not been any changes to the ordinance, the draft ordinance this time. But the Planning Commission did raise some questions and concerns at the time at the meeting, which we again have not incorporated in to the ordinance at this time. So, it's for you all to discuss this evening. I'm not going to go through the full ordinance unless you all would like for me to. But I will get into what your concerns were. I do have some illustrations if you need to see them to talk through some of the issues that you have. But the additional concerns that were raised last time were the consideration to change setbacks for the hives. They're currently at 30 feet as written in the ordinance. Initially they were 10 feet. But the Planning Commission didn't make that change. So, there's been discussion whether to revise that that setback again. There's also the question whether to change the distance from a setback from a hive to a property line or to a structure. And then whether... there was an additional question, whether to change the distance when you have a landing platform facing towards a property line, if it's within the 50 feet requiring a barrier. So there is also discussion on changing that distance. There was also some question about clarifying whether brood box does not include the honey box as it's currently written, it does not. So if someone could have two brood boxes stacked on... one on top of the other and then have an additional what they call a honey box, which doesn't... which is where the actual honey is going to be produced. Lastly, there was some question on including an educational component with this type of application. We do note that it could potentially be a reference in the zoning application if the Planning Commission wishes to do that. But at this time, I'm just going to ask if you all have any questions or additional comments or, turn it back to you.

Ms. Vanuch: Any questions? No one has a single question on apiaries, I'm shocked. Oh, no, I'm not encouraging it. Okay, we're good.

Mr. Randall: Now what... we're going to get the questions that I think let's just do the public here and then we'll we can talk about it.

Ms. Vanuch: Yeah, because this public hearing was deferred. Okay, so at this point, since there's no applicant, we will go ahead and open up the public hearing or open up the deferred public hearing. Does anybody plan to come down to the podium and speak? Same rules as before, three minutes when the red light comes on conclude your comments.

Mr. Haderlie: Hello, my name is Bryan Haderlie. I'm very pleased to see the board moved to adopt rules that would allow apiaries in Stafford County. The benefits of beekeeping are very well known, very much publicized these days, and many of our surrounding counties and communities have adopted measures that are bringing the benefits of an increased population of honeybees to their communities. I look forward to the same thing happening in ours. Two items that I would ask for your consideration, this, this issue of a standoff distance. I believe the intent here is to minimize or reduce the number of hostile encounters, if you will, with neighbors. I believe that the, the rule as drafted,

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where there is a 10 foot setback is adequate. Especially if there is a barrier there that would raise the, the... bees are kind of lazy. They won't fly any higher or lower than they have to. So if they have to fly over a barrier, they will fly at that altitude and not bother the neighbors. Setting that back 30 or 50 feet, I think is excessive and will reduce, greatly reduce the number of eligible lots in a residential area. I know in my neighborhood in Austin Ridge, probably most of the homes could not find a spot on their lot that is 30 or 50 feet away from the structure. So if the intent here is to increase our apiary population and availability in a residential area, I think a 30 or 50 foot offset is not prudent and that the draft, the June 4th draft is adequate to address this issue of reducing the potential for unwanted encounters with the bees. Also, I believe this draft refers to R-1 only, which seems odd that you would pick the most densely populated portion of the county to have apiaries allowed and the rest of the county remain under restrictions. It seems like this should be county wide. I know in the City of Fredericksburg there's a restaurant that has a beehive on top of the restaurant. So, I would just ask you to consider making this availability of apiaries across the entire county and not just focused on the most densely populated area. Thank you.

Ms. Williams: Good evening, my name is Yolanda Williams, I'm from King George, Virginia. And the reason why I came is because one of the members from the King George Beekeeping Club lives in this area. But it seems as though you guys pretty much have it nailed, as far as supporting bees. But I wanted to mention about the best management practice. I did prepare a presentation for tonight, but I don't think it's necessary because you guys are pro bees, so a good thing. So the honeybee coalition has their best management practices. And would it be possible if I could leave this with the Board and to help with the decision making? You know, the distance as far as the bees. So, again, thank you for supporting bees in it and I won't keep you guys any longer. Thank you.

Ms. Vanuch: Thank you guys for waiting through that two hour public hearing. I didn't realize so many of you were here for this.

Mr. Land: Yes, ma'am. I'm Carlton Land in the Hartwood District. The one thing I would say is, you know, I do applaud you for taking this under. I think it should be more county wide. The woods.... I appreciate your caution. Stinging insects can be a scary thing. I think you have more yellow jacket issues and subdivisions than you do. And I think a 30 foot setback is excessive. I would posit that if you're even 10, 15, 20 feet away from a hive, you're not going to be encountering anything because they're too busy going to and fro. As matter of fact, the only time you'll have issues with your honeybees is if you're molesting the hive directly. When they're outside the hive, they're going to get food or they're coming back with food. The only thing you are is a moving tree. They're trying to avoid running into you. So do not be afraid of the flying, buzzing things. I've had hives for a couple of years now and I routinely walk past them. You know, I have a corral around them to keep the horses from knocking them over. But beyond that, I applaud you. And, you know, don't be afraid of the more bugs. Thank you.

Ms. Vanuch: Thank you. Anyone else? Nobody? Oh.

Mr. Seacrest: My name is Maury Seacrest. I don't live in Stafford, but I do have a place in Stafford and I seem a little confused. I was under the impression that it was the regulations were to limit. And I see where it says to allow. Beekeeping is allowed in agricultural areas in the county, that's correct, right?

Ms. Vanuch: Mm-hmm.

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Mr. Seacrest: And so this is the limit two hives, limit to two hives with two boxes or...

Ms. Vanuch: Well, yeah, this is to allow it in R-1.

Mr. Seacrest: It's to allow it in R-1. But I'm saying it's allowing two hives with two boxes.

Ms. Vanuch: Yeah.

Mr. Seacrest: Okay.

Unknown speaker: Microphone not on.

Mr. Seacrest: Right, okay.

Ms. Baker: *Inaudible, not speaking in to microphone.*

Ms. Vanuch: Yeah, yeah. Do you want to go on with your comments and then we can answer any questions at the end.

Ms. Baker: I was just going to... since they all... since there were a couple of comments about that. Currently, it is in the A-1 zone, you can have them without any restrictions.

Ms. Vanuch: That is correct.

Ms. Baker: You can do it as an agricultural use. This is to add R-1 to be able to permit in the R-1 zones.

Ms. Vanuch: That is correct.

Ms. Baker: So, this is not changing anything in the A-1 zone or having...

Ms. Vanuch: And also...

Ms. Baker: ... any restrictions on it in the A-1 zone.

Ms. Vanuch: To clarify, the Board of Supervisors did not send us the ability to allow it in any other zoning district. I think somebody made the comment that they think we should allow it in like business. The Board did not send us down anything to allow us to add any other zoning additions to the keeping of apiaries, just the R-1 zoning district.

Unknown speaker from the audience: Inaudible, not speaking into microphone.

Ms. Vanuch: Anybody else have any comments for the public hearing? No, okay. Alright. So then I'm going to go ahead and close the public hearing and bring it back to the Planning Commission. Any questions on the Planning Commission side?

Mr. McPherson: I have a couple questions. Kathy? Just to clarify, without going through the whole document. Currently right now, what are the limits that we have for location of the hives to the

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property line? Was it 30 or 50? And I'm asking because if you want to make modifications before a vote.

Ms. Baker: There are two to separate issues. So, there is currently a 30-foot setback to allow them. However, if you have the landing platform, which is facing a property line, then you would have a 50-foot setback.

Mr. McPherson: Okay. Okay, thank you.

Ms. Baker: Does that make sense?

Mr. McPherson: Yes, perfect sense. So it's 30 feet and then 50 feet.

Ms. Baker: Thirty feet in general. But if the landing platform, if... does everyone know what the landing platform is?

Mr. McPherson: Yes.

Mr. Apicella: Actually, can you remind us what a landing platform is?

Ms. Baker: How about if we pull up the computer, please. This is just a picture, and I've highlighted where the landing platforms are. It's basically where the bees are going to enter in and out of the hives. So, as you see in that location, if that particular entrance way into boxes was facing the property line, that's when you need the 50-foot setback.

Mr. McPherson: Okay, thanks. Is there currently any wording regarding distance from a structure?

Ms. Baker: No, that was discussed and brought up at your last meeting...

Mr. McPherson: Right.

Ms. Baker: ... whether to consider that. But as it stands right now, it's set back 30-foot as well as your 50-foot from a property line, from any property line.

Mr. McPherson: And my last question...

Ms. Baker: However, you are limited to the rear yard setback.

Mr. McPherson: Right. And my last question for the current wording is any wording around notifications or permits? Can you just say what's currently in the language? Notification of neighbors or permits from the county.

Ms. Baker: There is signage. Give me one second, I'll read the language. It says signs shall be posted at the perimeter of any property not enclosed by a fence, warning of the presence of hives. Such signs shall meet the standards of a minor sign. Uh, your second question was other notification?

Mr. McPherson: Permits -- are permits required?

Ms. Baker: Just a permit. The beekeeping best... excuse me, wrong one.

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Mr. McPherson: From the county, applications and permits.

Mr. Randall: That's it, that's it.

Ms. Baker: The Beekeeping Best Management Plan shall be submitted with an application for a zoning permit. So you would be required to submit a zoning application for a zoning permit.

Mr. McPherson: Okay, thank you. That's the only clarification I need. That's all my questions Madam Chair.

Mr. Apicella: Kathy, can you... do you have the definition of a structure in the code?

Ms. Baker: I can look it up. It will take me just a minute. Okay. Sorry. Alright, almost there. The structure as anything constructed, installed or portable, the use of which requires a location on a parcel of land and which extends more than 12 inches above the ground at any point.

Mr. Apicella: So we're not talking about just houses, it could be somebodies shed. Right, okay, thanks.

Ms. Vanuch: Any... Mr. Randall.

Mr. Randall: So Kathy, do you know where the 30 and 50 came from? The 30 feet and 50 feet that we have currently? Do you know where those came from?

Ms. Baker: Initially, the... there was reference at one of the meetings to a 30-foot, but that was from the structure. The Planning Commission opted to use 30 feet for the set back to the property line. Some other... some of the other localities, which the information was included in your report, talks about some references. There are some that have a 30-foot setback...

Mr. Randall: From the property line or from structures.

Ms. Baker: From both. I think they're both as they're written.

Mr. Randall: Okay.

Ms. Vanuch: Anything else?

Mr. Randall: Well, I don't know if you want to have the discussion now we want to open it for a motion and then have a discussion or whether we did the discussion now. But I think the fit there... I think (*inaudible*) as stated I think the 30 and 50 is onerous to the process. If indeed this is to incentivize having bees in the R-1, then we need to incentivize that. And I think 30 and 50 is, you know, to the point that someone made, you... I could... 30 feet from a property line means I would have to put it on my back porch. You know, and that's not really the focus of incentivizing beekeeping. I think if we did that to a, you know, a 10 and a 20. 15 and a 20, I think that that truly meets the intent of what we're trying to do. It does give some structure to where it is on somebody's back in the back, you know, 15 feet from a property line. I wouldn't do any more than that. 10 feet would be my preferred amount. But, you know, I would go to 15 if I could. But we are... so... I think that mitigates the issues that we have. You know, to the points that are made, if you're within 20 feet of a property line into facing the property line, then you've got to have 20-foot setback. Most people

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that I know are not going at the landing platform facing away. If they're going to have some... they're going to be facing their house. You know, the bees are gonna... they want bees to have a clear path out, out and in. So they normally have it facing out. So I would...

Ms. Vanuch: Are you going to make a motion?

Mr. Randall: Yes.

Mr. Apicella: Can we... can we have discussion before we go to a motion?

Ms. Vanuch: Okay.

Mr. Randall: Sure.

Mr. Apicella: Because I don't think we're gonna get there if we go straight to a motion.

Ms. Vanuch: Alright. So what do you want to do so that we can figure it out?

Mr. Randall: Do we need to have it as... well, let's, let's move on and then. And then the brood boxes. I did some research, brood boxes again are normally the first box that you have. There are some times when people will put a second brood box on there to allow their hive to grow in the summer. Right? It's not a honey box, it's a brood box. They put a queen excluder on the top of that and then they use the honey boxes on top. So to the point of number two, that was my intention to limit it to two brood boxes. And then you put a queen excluder on there and then the honey boxes on top of that. If you only have one, you want to put a queen, excluder on one and then have the honey on top. That's fine, too. But the intent was is to allow a good beekeeper to be able to have two brood boxes without impacting their ability to have honey on a third or fourth box. So I would keep that at two brood boxes. No more than two without using a queen excluder to go higher to a (*inaudible*). And then I've been kicking around the educational aspect of it. I don't know how you can mandate, it would be obviously best if anybody who wanted to do bees got trained, but I don't know exactly how you would mandate that. So, I don't know what we would do for number three, but at least for number one and two, I think it's a... you incentivize the process a lot better if you move the requirements of the distance. So, anyway that's my thought. So, Steve.

Mr. Apicella: Yes, Madam Chairman, I do think 50 feet is probably excessive. I don't, I don't recall seeing it elsewhere in the, in the material in terms of other localities. I did see somewhere between 25 a distance between the beehive on one person's property, two to somebody else's house being around 25 to 30 feet, depending on what locality you were looking at. And so that's where I'm kind of stuck on. And if I look at the examples that we have on page... attachment 5, page 1 of 2, and I think there was another one that we had attachment 5, page 2 of 2, where you can see distances. My biggest concern is when you have a property and I'm sorry if I'm not going to state it as well as I probably could, where you have one, one house that has a say a 30-foot setback in the backyard and but is adjacent to another house that has a side yard. And that setback for a side yard is only 10 feet. So if somebody... if you had a 10-foot setback, the beehive from the lot line, that theory would only be 20 feet from that person's window. So that's, that's my concern. We can't, we can't know how many times that's going to show up. I mean, we've certainly seen a lot of different R-1 housing proposals where that kind of configuration exists. I could live with a 20-foot setback, but 10 feet I think is too close. And I'm not quite sure about the structures because I think that... number one, I'm not sure we can make that change because we didn't advertise it. I think there could be some unintended consequences,

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especially if we do away with long lines completely, because what if you have an adjacent lot that has a pool or is a soccer field. So you have to have some kind of separation, I think using light lines at a minimum, if you, if you also had structures. On the other hand, if you had structures, then you have a limitation on that person's yard, who has the beehive as well as the person who's adjacent to them? And I think that creates all kinds of different odd scenarios, especially if a person puts a bee hive, gets a permit and then their next door neighbor puts a dog house on their yard. What happens then? Where... does the person have to move their bee hive? Because I think the structures piece complicates that. I think if we just focused on, you know, the boundary, the lot line, the setback, I think we could probably come to some compromise.

Mr. Bain: Could it, could it also involve if, if the setback is reduced, that a solid fence would be required? In other words, if it's a 10-foot setback, they have to have a set of 6-foot solid fence. Something like that.

Mr. Apicella: I think what we need to find out is what we can do based on what we've advertised. We've got... we're kind of... number one, we have to make a decision, I think tonight. And number two, we can't go too far afoul of what's already been advertised. So, we've kind of... we are in our own box in terms of how much change we can make and whether that changes is more restrictive as compared to less restrictive. And I don't know the answer to that question.

Ms. Vanuch: Ms. Lucian?

Ms. Lucian: I think adding a requirement to a fence would be more restrictive. As far as the setback, since you already have a pretty large number, I think if you reduce that, you would be within.

Mr. Randall: If we added a structure element to that, would that be outside the box?

Ms. Lucian: I think it would. I think it would make it more restrictive.

Mr. Randall: Okay. Well... if, if... the preferred method would be to do it to a structure so that any to any type of a structure, you'd be 30 feet away from it, without being able to, to use that and modify it to a structure. I think, you know, we can, I think I can compromise with 15 feet away from a property line. I think that's a reasonable compromise from what we've seen... what we see in other localities of 10 feet, what the preferred, you know, you don't want in the middle of your yard. And if you get any more than 15 feet, that's where it's gonna be. The whole purpose of this is to keep the bees over in the corner where they are undisturbed. They can go about their business and they can stay away from being messed with. And so I think the farther we get him into the yard, the more that option happens. And so I, I would like to look at change in that setback to 15 feet from a property line and then, you know, 25, 20, maybe 20 feet, we can move it to 20 feet that you have to have a structure and allow the bees to go over that. If obviously you're, you're facing away from the property.

Ms. Vanuch: We can't add the structure component.

Mr. McPherson: You mean a fence?

Mr. Randall: What... yeah, it was.... what was a 50 feet for previously?

Mr. Bain: The landing area.

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Mr. Randall: Yes, the landing area, if the landing area...

Mr. Bain: Faced the property line.

Mr. Randall: ... faced the property line, make it 20 feet, not 50 feet.

Mr. McPherson: And the 30 feet was contingent upon the landing platform facing away from the property. Correct, Kathy? There is no requirement for a 6-foot fence?

Ms. Baker: That's correct. There... it was just a straight 30-foot setback, but if you were within the 50 feet with the platform facing the property line.

Mr. McPherson: I'm okay with 20 feet, if the platform's facing the proper way.

Mr. Randall: Okay, so. At that point in time, I would like to make a motion that we approve the zoning ordinance O19-37 with the following changes. That we changed the setback... the property line to 15 feet and we change the set back to 20 feet if the landing platform faces the property line.

Mr. Boswell: Second.

Mr. McPherson: Second.

Ms. Vanuch: Okay, so we have a motion on the floor by Commissioner Randall, a second by Commissioner Boswell. Any discussion?

Commissioner Randall: No

Ms. Vanuch: Boswell. Anyone else?

Mr. Apicella: Madam Chairman, I'd like to support this. I want to support as we've worked a lot... we've spent an inordinate amount of time on this. I still think 15 feet is too close, especially in the case where I said you've got a side yard facing backyard. I think that's too close. That puts the beehive potentially within 25 feet of somebodies window. I think that's too close. So I could live with 20 feet, but I can't live with 15 feet. Five feet is nothing as far as I'm concerned. So, I mean, I'm barely over 5 feet. So if I fell on the floor, I mean, that's not much further than. than where we're at. So, you know, I think we tried to come to a regional compromise. Doesn't sound like we can get there. I'm sorry that we can't. So I'll be voting no.

Ms. Vanuch: Anyone else? Okay, then I guess we shall vote. Motion carries 4 to 2 (*Ms. Vanuch and Mr. Apicella opposed*). Okay, moving on to Unfinished Business. Item number 5, Amendment to the Zoning Ordinance for Conditional Use Permits. Mr. Harvey, are you gonna take this one? I don't see Ms. Ennis in the audience?

UNFINISHED BUSINESS

5. Amendment to the Zoning Ordinance - Proposed Ordinance O19-04 would amend the Zoning Ordinance, Stafford County Code Sec. 22-60, "Staff review;" Sec. 22-78, "Review and approval;" Sec. 22-89, "Review and Approval;" Sec. 28-185, "Conditional use permits;" Sec. 28-203, "Submission;" Sec. 28-204, "Review;" Sec. 28-251, "Review procedure;" and Sec. 28-

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252, “Approval or disapproval generally” to establish a time limit for planning applications and to amend the standard for revocation of a conditional use permit. **(Time Limit: December 20, 2019) (History: September 25, 2019 Discussion deferred to October 23, 2019)**
(Authorize for Public Hearing by: November 13, 2019)
(Potential Public Hearing Date: December 11, 2019)

Mr. Harvey: Yes, Madam Chairman. This item staff is gonna request that the Planning Commission consider asking the Board to send the ordinance back down to them. Back down to you on a revised fashion. As the Planning and Zoning staff have been talking with legal team, we realize this amendment does not cover the full extent of development applications that we would like it to. We would like to have all of our development applications be uniform and they would expire within 18 months if they haven't been approved. And by doing so, we need to add additional provisions in the code. We'd also like to try to streamline this amendment rather than listing out each individual code section separately, potentially have one citation as to where it says that the development applications would expire in 18 months. So staff would request the Commission, consider sending this back to the Board and then request modification be referred for future consideration.

Ms. Vanuch: Alright.

Mr. McPherson: Madam Chair, I have a motion.

Ms. Vanuch: Yep. Go ahead.

Mr. McPherson: I move that the Planning Commission recommends sending... recommend that the Board send this back to us at a later date with a modification. This is item 5, proposed Ordinance O19-04.

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

Mr. Bain: Second.

Ms. Vanuch: So can we have a motion, a second to ask the Board for more time? Do we have any further discussion? Alright. Go ahead and vote. Motion carries 6 to 0. Item 6.

6. Amendment to the Zoning Ordinance - Proposed Ordinance O19-40 would amend the Zoning Ordinance, Stafford County Code Sec. 28-59, “Highway Corridor Overlay District (HC)” to require turn lanes for new development at site entrances from corridor highways. **(Time Limit: December 20, 2019) (History: September 25, 2019 Discussion deferred to October 23, 2019)**
(Authorize for Public Hearing by: November 13, 2019)
(Potential Public Hearing Date: December 11, 2019)

Mr. Harvey: Madam Chairman, this is a request to amend the Zoning Ordinance, specifically the Highway Corridor Overlay District, to require turn lanes for all nonresidential uses within a Highway Corridor Overlay zone. We have been on occasion situations where we have low traffic volume uses that don't meet VDOT standards for turn lanes. But however, the county feels it's important to move that traffic off the main travel lanes as fast as possible. So that can be accomplished with the right turn lane. So staff is requested that this ordinance be modified to reflect that it's limited to right turn lanes and that there be some exceptions provided to where if there's not adequate right away to accommodate

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that right turn lane or VDOT says it is unsafe condition to install the right turn lane that those two examples would be exempted from the requirement. Stafford asked a Commission to consider authorizing a public hearing for this amendment.

Ms. Vanuch: Any comments from a Planning Commission? Do we have a motion?

Mr. McPherson: Madam Chair, I have a motion.

Ms. Vanuch: Okay.

Mr. McPherson: I move to open the public hearing for proposed Ordinance O19-40 for the zoning ordinance.

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

Mr. Randall: Second.

Mr. Bain: Second. Okay.

Ms. Vanuch: So, motion by Commissioner McPherson and second by Commissioner Randall; do we have any further discussion? No? Alright, go ahead and vote (6-0; *Mr. English absent*). I wish they were all this easy. Do we need to state the date? I think it's implied.

Mr. Harvey: Madam Chairman, it's not necessary. However, looking at the schedule, this one will be for your December 11th meeting date.

Ms. Vanuch: Okay. And then New Business, we have none because that item got moved. Planning Director's Report, Mr. Harvey.

NEW BUSINESS

7. SUB18152473; Potomac Church Farms Preliminary Subdivision Plan - A preliminary subdivision plan utilizing Transfer of Development Rights (TDR) to create 212 single-family detached lots on Tax Map Parcel Nos. 39-54, 39-55, and 39-17F, zoned A-1, Agricultural Zoning District, located at the end of Old Potomac Church Road off of Jefferson Davis Highway, within the Aquia Election District. **(Time Limit: December 22, 2019)**

Removed at beginning of meeting.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you, Madam Chairman. The only item I have is that we now have dispensed with business. We don't have any scheduled public hearings for your next meeting. So, staff would request the Commission consider canceling your next meeting.

Ms. Vanuch: Anyone may make motion.

Mr. Boswell: So moved.

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Ms. Vanuch: Mr. Boswell has...

Mr. Randall: Second.

Ms. Vanuch: ... vigorously moved that we cancel the November 13th meeting; second by Commissioner Randall. Do we have any discussion? Go ahead a vote. Motion carries 6-0 (*Mr. English absent*). Anything else, Mr. Harvey?

Mr. Harvey: No, ma'am. That concludes my report.

Ms. Vanuch: Ms. Lucian, County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Good evening Planning Commission, Madam Chairman, I have no report. Thank you.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Ms. Vanuch: Alright. There's no open committees. And the only thing under the Chairman's Report that I had was November 13th meeting. So, that's been taken care of. Just a reminder -- TRC in the George Washington and Griffis-Widewater Districts, and we have no minutes to approve. So, meeting is adjourned

OTHER BUSINESS

8. TRC Information - November 13, 2019
 - ◆ Cherryview Landing - George Washington Election District
 - ◆ SHIBA Est - Griffis-Widewater Election District

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:26 p.m.

23 OCTOBER 2019

TO: BOARD OF SUPERVISORS, PLANNING AND ZONING COMMITTEE

RE: HEARING ON WESTLAKE ZONING

I HAVE BEEN A RESIDENT OF HARTWOOD FOR DECADES.
I HAVE SEEN YOU APPROVE DOZENS OF SUBDIVISIONS IN THIS
ONCE RURAL AREA.

I STRONGLY OPPOSE AND REQUEST YOU REJECT THE
WESTLAKE PROPOSAL AND NOT ALLOW THIS ZONING REQUEST!

IT APPEARS YOU HAVE DROPPED/DELETED SEVERAL OF THE DEVELOPERS
PROBLEMS?

MY REASONS FOR THIS REQUEST ARE:

1. THE AREA IS NOT PART OF THE CURRENT URBAN SERVICE AREA.
2. HARTWOOD WAS TO REMAIN A RURAL AREA, ACCORDING TO
THE COMPREHENSIVE PLAN. THIS DEVELOPMENT WOULD ADD
ALMOST A THOUSAND RESIDENCES AND HUNDREDS OF CARS
ON RT 117 AND IN OUR OVERCROWDED SCHOOLS, HARTWOOD
ELEMENTARY IS ALREADY OVERCROWDED.
3. POPULATION GROWTH IN STAFFORD CO. IS PROJECTED
(GOOD STATS) TO ALMOST DOUBLE IN THE NEXT 20 YEARS -
THIS IS UNACCEPTABLE.
4. THE CERTIFICATE OF APPROPRIATENESS FORM - WHAT IS
THE DEVELOPERS "PURPOSE AND NEED"

5. the proposal says this is an "infill" development!?
Why do you need to "infill" any and all open spaces?

6. This change to medium and high density development does NOT apply to this LOCAL AREA and will require many GOVT AREAS of support - i.e. WATER, SEWER, POLICE, FIRE & EMERGENCY SVCS., ETC. REQUIRING OUR TAX DOLLARS.

7. IT APPEARS you have dropped PROPOSED PROS:

- COMMERCIAL/INDUSTRIAL SPACE

- DEDICATION AND DEVELOPMENT OF A COLLEGE SITE

- DELETE REQMT FOR SITE FOR PUBLIC SCHOOL, PARK, LIBRARY, CIVIC CENTER AND IMPROVING ROAD ACCESS/PEDESTRIAN PATHS

- BUT you UP CASH TO CO (PER UNIT FROM \$38K TO \$46K!
AND GET \$1M TO BUY "WHOLE" SCHOOL SITE!?

- TO ALLOW REVENUE BUNDLE BY SPECIAL TAX ON PROPERTY W/IN BOUNDARIES OF NEW COMMUNITY DEVELOPMENT AUTHORITY (CDA)!

8. CURRENT PLAN KEEPS DEVELOPMENT AS R-17 FROM PALMOUTH TO PAPER ROAD - NOT WEST

Hardwood was a beautiful rural area but you are rapidly turning it into a "suburban" area (your words)! w/ dozens of new sub-divisions, crowding our schools and roads.

Our tax dollars should be used to upgrade our schools in particular, not to subsidize developers.

Lastly, you are now putting a referendum on this Nov's ballot asking for 10's of millions of dollars for road improvements (our tax dollars) because "you" approving for too many subdivisions w/o proper planning and profits.

I urge you to disapprove this request!

Thank you,
Respectfully,
Bob Buchanan
Hardwood, VA.

On Oct 23, 2019, at 7:41 PM, Lacey Helmandollar <laceyhelmandollar@yahoo.com> wrote:

Good Evening,

My name is Lacey Gail. My mother Theresa Helmandollar owns 93 Cedar Grove Rd. I currently live at 528 Cropp Rd Hartwood, VA. I have been watching live the Stafford Planning Commission talk about WestLake and what they plan to do to that land. I grew up on that land, it was my childhood. I chose to stay and raise my children in Hartwood because of the rural and safeness of this area. I have also worked in the new home sales and I know what comes with the development of a new community. Hartwood is not what this developer is trying to make it. Its beautiful and peaceful, no homes on top of each other and definitely not a community with townhouse. I hope that this does not change.

The land around my mothers home also has so much history. As kids we would go play on the land. There are civil war trenches and my brothers have found many old civil war findings in our yard.

Also, the traffic this would cause is something 17 and the people of hartwood do not need. It already can take you 45 min just to get from Cedar Grove Rd to 95. I went to Hartwood Elementary, Gayle Middle School and Mountain View High School. Once I got to middle school and then high school I saw my schools getting over populated. This area needs more school before it needs home.

I hope the townhouse to do not get approved and that any homes built are apart of Estate communities that site on 3+ acres to keep hardwood the peaceful beautiful community it is.

Thank you,
Lacey Gail