

STAFFORD COUNTY PLANNING COMMISSION
November 18, 2020

The meeting of the Stafford County Planning Commission of Wednesday, November 18, 2020, was called to order at 4:30 PM by Chairman Steven Apicella, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center and at remote locations throughout the County.

MEMBERS PRESENT: Steven Apicella (remote), Darrell English, Barton Randall, Albert Bain, Kristen Barnes, Dexter Cummings, Fillmore McPherson

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Mike Zuraf, Brian Geouge, Trent Funkhouser, Douglas Morgan, Joseph Valotta

Mr. Apicella: I hope everybody can hear me. Would somebody just say yes or no?

Mr. McPherson: Yes.

Mr. English: You're good.

Mr. Apicella: Okay, great. I will be participating today from a remote location here in Stafford. I would ask the Commission for its approval to allow me to participate remotely. And I'll ask for that by voice vote.

Mr. McPherson: So moved.

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

Mr. Randall: Second.

Mr. Apicella: Thank you Mr. Randall. All those in favor say aye.

All Commissioners: Aye.

Mr. Apicella: Opposed? Okay, thank you everybody. Two more points to make – voting on motions this afternoon will be conducted by voice votes. And secondly, if we have any technical issues, Mr. English will take over as Chairman. Are there any declarations or disqualifications on any agenda item?

DECLARATIONS OF DISQUALIFICATION

Mr. Randall: Yes, Mr. Chairman, I want to make it known that I had a meeting... a couple of meetings and a phone call with the Embrey Mill folks; they're second on the public hearing. And we had a good talk about what they were going to be bringing forth to us today.

Mr. Apicella: Okay, thank you. Anybody else? I will say that I also met with the applicant on item number 2, I want to say it was sometime in February or March before the rise of the pandemic. Okay, thank you. Are there any changes to the agenda Mr. Harvey?

Mr. Harvey: Mr. Chairman, there are no changes to the agenda.

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Mr. Apicella: And I'll just you to get started with were there any comments submitted in writing on any agenda items, just so I can make sure I ask you at the right time?

Mr. Harvey: Mr. Chairman, we received a late comment with regard to the Downtown Stafford issue; however, staff has not had the time to be able to provide the paper copies to the Commissioners or print of a paper copy yet. I will note that this is New Business and not a public hearing.

Mr. Apicella: Okay, thank you Mr. Harvey. With that said, I'll now open the Public Presentations portions of today's meeting. The public may have up to 3 minutes to comment on any matter, except the four public hearing items on today's agenda. There'll be a separate comment period for each of those public hearing items as they come up. If you would like to speak, please state your name and address before starting your comments. The clock starts when the green light appears; yellow means there's 1 minute left; and red means you need to conclude your comments. So, if anyone would like to speak, please come forward now. Okay, seeing no one, I'm going to close the Public Presentations portion of today's meeting and, Mr. Harvey, item number 1.

PUBLIC HEARINGS

1. RC19152902; Reclassification – Tree Haven Rezoning - A proposed zoning reclassification from the B-1, Convenience Commercial Zoning District to the A-2, Rural Residential Zoning District on Tax Map Parcel No. 18-78, consisting of 3.67 acres (Property), to allow for the development of 3 single-family dwellings. The Property is located at the southwest intersection of Mountain View Road and Tree Haven Lane, within the Rock Hill Election District. **(Time Limit: February 26, 2021)**

Mr. Harvey: Mr. Chairman and Commissioners, item number 1 is known as the Tree Haven Rezoning application, and it will be presented by Brian Geouge.

Mr. Geouge: Good evening Mr. Chairman, members of the Commission, Brian Geouge with the Planning and Zoning Department. Can I get the presentation please? This request is for a reclassification from the B-1, Convenience Commercial Zoning District to the A-2, Rural Residential Zoning District to develop three single-family dwellings. This is Tax Map Parcel 18-78 consisting of 3.67 acres. The applicant is Camelia Denes and this is in the Rock Hill District. This property is located at the southwest intersection of Mountain View Road and Tree Haven Lane as shown here outlined in red. The property was rezoned from A-1 to B-1 in 1978. There are no proffers associated with that rezoning. The B-1 rezoning was to allow the owner at the time to sell the property for commercial use. The property is surrounded on all sides by single-family detached residential uses on A-1 and A-2 zoned lots ranging from 1 to 3 acres in size. Here's an aerial photograph of the property. It is undeveloped and primarily wooded, with no known sensitive environmental resources. The property has a high point generally in the center and slopes down gradually to the perimeter. There is a small area at the northeast corner of the property that was split from the remainder of the land as a result of right-of-way dedication for the realignment of Tree Haven Lane in 1989. This grassed area is about one-sixth of an acre and is also encumbered with an overhead power line. A stormwater management facility associated with Mountain View Road is located adjacent to the property to the north. Here's a street view from Mountain View Road looking at the property. You can see the fenced stormwater management area there in the foreground. The Generalized Development Plan submitted with the application, shown here, illustrates the site layout for the proposed single-family homes. The GDP is oriented such that west is up. The three residential lots are proposed to be evenly subdivided among the 3.67-acre parcel, ranging in size from 1 to 1¼ acre, and 230 to 240 feet in width. The lot

size and configuration are consistent with many of the surrounding lots. The GDP shows potential locations of 1-story, 1,700 square-foot dwellings. A canopy street tree would be located in the front yard of each parcel which is typically required for new development. There is no use proposed on the sixth of an acre non-contiguous portion of the property located at the north end that was created from the realignment. The GDP also depicts the extension of a public water line along a portion of the property's frontage on Tree Haven Lane, along with the installation of two additional fire hydrants. Fire and Rescue staff has indicated that the extension of the public line and additional hydrants is needed to provide adequate fire protection as required by County Code and Statewide Fire Prevention Code. Staff notes that if the property ultimately develops as a family subdivision, or is not subdivided and developed with only one home, the County would not require the extension of a public line and additional hydrants. If the Property is subdivided and the public water line is extended as shown on the GDP, both lots 1 and 2 closest to Mountain View Road would be required to connect to public water due to the proximity to the homes to the public water line. And we also note that all of these lots will be served by septic drainfields. The Comprehensive Plan's Future Land Use Map classifies the property as part of the "Agricultural/Rural" designation – identified by the green shading on the map shown here. The Comprehensive Plan states that single-family detached dwellings may be developed at a maximum density of 1 unit per 3 acres in these areas. The proposal is not consistent with that recommendation; however, it is staff's opinion that the proposed use better conforms to the recommendations of the Comp Plan than potential commercial development under the current B-1 zoning designation. The Comp Plan also recommends against extending public water lines outside of the Urban Services Area, except in instances where the line is needed to improve water quality. Staff finds that the public water line extension required with the proposed development, as described previously, is in conflict with Comp Plan policies regarding extensions of water lines outside the USA; because, in this case, the extension would not be for the purpose of creating loops. Such extension of a public line outside the Urban Services Area also requires a Comprehensive Plan Compliance Review; however, if the Board were to accept a proposed proffer for construction of the public water line, that public line would become a feature of the Comprehensive Plan and a compliance review would not be necessary. This stipulation is outlined in Virginia Code. In this case, the applicant has proffered to construct the water line unless the property is not subdivided, or is developed exclusively as a family subdivision. Elevations were provided for this project, shown here. The proposed designs meet some of the recommendation of the Neighborhood Design Standards Plan, including: similarity in mass, scale and style between the proposed house styles and compared to nearby homes; avoidance of long, unadorned wall planes; and symmetrically sloped roofs. Staff has evaluated how this request will impact the public facility types listed here. And we note that this rezoning is subject to July 1, 2019 proffer legislation, which provides greater flexibility in the types of proffers that the County can accept. The staff report evaluates which public facilities would be impacted. So, as far as schools go – this would be in the attendance zone for Margaret Brent Elementary, Rodney E. Thompson Middle, and Mountain View High – it is estimated that three homes would result in the... the three additional homes would result in approximately three additional school-aged children. For the 2019 to 2020 school year, both Rodney E. Thompson Middle and Mountain View High are over 90% design capacity, which is the basis for determining if a deficit exists. So, it would therefore be reasonable to accept proffers to offset impacts to those two schools. Staff has estimated a reasonable per unit dwelling contribution for schools based on methodology outlined in the Comprehensive Plan. Based on this evaluation, staff has found that a monetary contribution of \$27,943 per unit would be considered reasonable to mitigate impacts to schools. Staff notes that the applicant has proposed monetary contributions for schools in the amount of \$1,000 per unit. For Parks and Recreation, staff refers to the 2017 Parks Utilization Plan to determine if adequate levels of service exist for the area. The plan does not identify the need for additional park facilities in this area. In regards to public safety, the property is within the Garrisonville Fire and Rescue Station service area. The County's

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response time standard is to respond to a call within 8 minutes 90% of the time. At the Garrisonville station, the 90th percentile response time does not meet this standard. Therefore, staff has determined that a service level deficit exists. Based on the impact evaluation methodology outline in the Comp Plan, staff estimates an impact to the public safety in the amount of \$1,192 per unit. The applicant has proposed monetary contributions for public safety in the amount of \$500 per unit. For transportation, the three proposed homes would generate 28 vehicle trips per day. No TIA was required for this due to the small amount of trips generated. The project would be subject to Transportation Impact Fees in the amount of \$2,999 per unit. The applicant has proposed the monetary contribution proffer for transportation in the amount of \$500 per unit; however, that could be credited towards the required impact fee. The County has determined that a deficit also exists with general government services as it relates to building space, especially court services. The CIP includes construction of a new courthouse facility to address the service level deficit. However, that's not expected to be complete until the year 2020... excuse me, 2030. For libraries, the Comp Plan does not identify the need for a new library until the year 2023. Staff notes that based on state code, contributions for general government and judicial services and libraries would be considered unreasonable regardless of existing deficits. No proffers for either of these facilities are proposed. Here's a summary of the proposed proffers with this application. They would require the construction of a public waterline and fire hydrants along Tree Haven Lane generally as shown on the GDP, except if the property is not subdivided or if it is subdivided exclusively for a family subdivision; it would require a cash contribution of \$500 per unit for transportation, \$500 per unit for Fire and Rescue, and \$1,000 per unit for schools; it would limit development to no more than three single-family homes; and it would require the design style of the homes to be similar to the design submitted with the application. Staff finds several positives with this proposal. It is consistent with the character and density of established residential uses in the vicinity. The proposed zoning designation we feel better conforms to the recommendations of the Comp Plan than the current Commercial zoning designation. And the building designs are consistent with many of the recommendations of the NDS Plan. As for negatives, we note that the proposal is not consistent with the Land Use recommendations in the Comp Plan of 1 unit per 3 acres in rural designated areas. It is not consistent with the Comp Plan recommendations regarding extension of water lines outside the Urban Services Area. And the impacts to schools and public safety are not fully mitigated. Although there are several positive aspects with the application, staff is not recommending approval as we feel the impacts to public facilities have not been adequately mitigated. And that concludes my presentation.

Mr. Apicella: Thank you Mr. Geouge. Any questions for staff?

Mr. McPherson: I have one quick question Brian. Regarding the extension of the waterline, is the existing waterline already outside of the USA that they're going to be extending?

Mr. Geouge: There is an existing line along Mountain View Road, yes.

Mr. McPherson: So, the extension of a couple hundred feet would be extending something that's already outside of the USA?

Mr. Geouge: Correct.

Mr. McPherson: Okay, thank you.

Mr. Bain: I have a really minor question. On the photograph that you showed looking at the proposed site, that little plot of land that's going to be separate had been maintained; it looked like it had been

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mowed. If these three lots are developed and sold, will the first lot be responsible for continuing to maintain that small area? What happens to it? I don't want to see all of a sudden a weeded area that nobody's going to take care of. Do you have a sense for what would happen there?

Mr. Geouge: I expect that small piece would remain a part of that first lot that's created off of Mountain View Road. However, I'm not sure what the circumstances are for the maintenance. It could be that the adjoining owner on the other side of the road has just been, you know, maintaining it as if it's part of their lawn; I'm not positive. But I could defer to the applicant.

Mr. Bain: I was just wondering if maybe that owner could add that property to his, merge the two, just to take care of that problem. I don't know.

Mr. Geouge: That is a potential solution as well, especially if it's not going to be a practical use by that first lot owner. There could be a boundary line adjustment that moves that over if they choose to go that direction.

Mr. Bain: My other issue, as the staff has pointed out, is the inadequate proffers for schools and fire and safety. Do you have any rationale offered? Has the applicant offered any rationale as to why their proffer is so low compared to County recommendation?

Mr. Geouge: I don't have anything definite, so I'll need to defer to the applicant on it.

Mr. Bain: We'll wait and talk to them, thank you.

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

Mr. Apicella: Please, go ahead.

Mr. Randall: Sorry, thank you. Speaking about the proffers, you mentioned that the County has determined that it's a \$27,000 roughly per unit. Is that estimate in line with other... do you use the same methodology and the same format... same formula to determine that number as you do for every other County application, correct?

Mr. Geouge: We do, yes.

Mr. Randall: Okay. And that waterline that we were just talking about by Commissioner McPherson. What... is that required? Do they have to bring that line down to the first and second lot?

Mr. Geouge: Fire and Rescue staff have indicated that they will require that... *inaudible, being talked over.*

Mr. Randall: In order for this to go through, they will require that.

Mr. Geouge: Yes. Unless, as I said, it's either not subdivided and they only put one home on the property, or if it's subdivided as a family subdivision those requirements don't kick in.

Mr. Randall: Don't kick in for that.

Mr. Geouge: Yes.

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Mr. Randall: Alright. Does that include the two fire hydrants as well?

Mr. Geouge: Yes sir, it does.

Mr. Randall: Okay. And then when they build those two lots, those two lots will then have to be built with connections to that waterline, correct?

Mr. Geouge: Correct.

Mr. Randall: Alright, thank you.

Ms. Barnes: I have a couple questions, too, if you don't mind Chairman Apicella.

Mr. Apicella: Please, go ahead.

Ms. Barnes: What was the notification that was sent out for this? Was it just the immediate lots, or was it expanded at all?

Mr. Geouge: It was the adjoining lots which include the lots directly across from this on Tree Haven Lane, as well as Mountain View Road.

Ms. Barnes: Okay, but the... what is that, the Rose Hill... Rose Hill Farm, they didn't get any notification about this at all?

Mr. Geouge: Is that the one to the west of here?

Ms. Barnes: Yes.

Mr. Geouge: So, yes, those lots that back up to this property would have been notified.

Ms. Barnes: Okay. But across the street... I mean, the neighborhood in general, it looks like it's to the west... only those lots. Because in Rock Hill I prefer to have a little bit of an expanded notification, so that's why I was asking about that. The other question I have is, do we have any accident reports from that section in Mountain View from the Sheriff's Department?

Mr. Geouge: I could research that and get back with you.

Ms. Barnes: Okay, thank you.

Mr. Apicella: Okay, any last questions?

Mr. English: One more question, Mr. Geouge. There's no sewer lines, just waterline, correct?

Mr. Geouge: Correct.

Mr. English: Okay. That's it, thank you.

Mr. Apicella: Okay, with no more questions... Mr. Cummings, do you have a question?

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Mr. Cummings: No, I'm good, thanks.

Mr. Apicella: Okay. Alright, with no more questions, thank you Mr. Geouge. If the applicant is there, if they'd like to come forward and make a presentation and/or answer questions.

Mr. Denes: Good evening everyone. My name is John Denes and I'm Camelia Denes' husband. And we together own that property that we're trying to rezone. The reason for this rezoning was that when we purchased this property, we were looking to kind of save some money for the old time, for the old age. And when we lost the frontage of that property, the property is not worth a whole lot right now. So, we're just looking for a way to develop this property to what it will benefit us with the initial purchase of the property. So, that's the one reason that we're here today. For that one. With regards to the proffers, we feel that we paying too much for \$27,000 for the schooling system, and then extend the waterline and install two fire hydrants. That would put us to where it's not profitable for us anymore. So, we agreed that we're going to extend the waterline to where pretty much the County and the people around that neighborhood will benefit in case their wells will go bad. And it's kind of costly for us to run that over there from one point to another. So, that's why we came up with the waterline and the fire hydrants instead of the the \$27,000 for each property, and then I think it's another \$2,000 for Fire and Rescue, and then another \$1,000 for something else. We feel that extending the waterline with two fire hydrants would be somewhat more beneficiary for everybody, including us. With that saying, I think it's kind of what we had to say, not a whole lot of other things to it. Thank you.

Mr. Apicella: Okay, thank you sir. Don't leave yet. We might have questions for you. Anybody have questions for the applicant?

Mr. McPherson: I just have one question. When you purchased the property, was that before it was rezoned to B-1, or did you purchase it when it was already B-1?

Mr. Denes: It was zoned B-1 and it was not disclosed to us that we could not build a house on it or do anything else at that particular time.

Mr. McPherson: Okay, so it was after the original rezoning.

Mr. Denes: Yes, yes.

Mr. Apicella: Okay, anybody else?

Mr. English: Did you have a question about that?

Mr. Bain: No.

Mr. English: No, okay. No, I think that's it Steven.

Mr. Apicella: Alright. Thank you, sir.

Mr. Denes: Thank you.

Mr. Apicella: So, I'm going to open the public hearing on this item. This is an opportunity for the public to comment on this specific request for a reclassification at Tree Haven. Before starting your

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comments, please state your name and address. The green light starts the clock. Yellow means there's 1 minute left. Red means please conclude your comments. If anybody in the chambers would like to come forward, please do so now.

Ms. Jaskiewicz: Maria Jaskiewicz. We're at the cul-de-sac section of Tree Haven. And we were not notified and we just saw the sign at the end of the street, so, I wanted to mention that. We've been there for about 10 years. Love the neighborhood. It's quiet. There's only 9 houses on the street. Most of the people on the street have been there for over 10 years. Our neighbors have been there for about 30. A couple of our neighbors have been there for about 30 years. Two things majorly that I want to just kind of point out, is this is the last rural... I mean, our neighborhood is a rural area; however, this is the last bit of that street that is left to be developed so it kind of gives us that rural feeling. As we know, Stafford is kind of fading in some areas with ruralness but we kind of like that about the neighborhood. We never anticipated for that section to be built. We know it was commercial, but it was one of those things where you just never really anticipated it would be built up. But our other concern is with three additional houses being proposed, that's additional traffic down our street. It's not a drive-through, you know, throughway; it is a cul-de-sac. So, you're going to have more traffic coming down into the cul-de-sac, you know, delivery trucks, you know, people passing the house they've gotta go down and turn, visitors and such. The speed limit on that street is already 30 miles an hour which I think is too high. I have a 5 year old and we are on the street constantly playing, as well as other kids that are in the neighborhood and grandkids. So, that would be my concern in the additional traffic down that street and just the overall three houses I think would just completely take away the feel of that neighborhood. And looking at the proposed houses, I kind of don't feel like they completely match all of the houses. We kind of have a... every house on that street is a bit different. And I know we've done lots of renovations to our house to make it look a little bit different as well. So, that's kind of... those are my points. Thank you for hearing me.

Mr. Apicella: Thank you very much. Is there anybody else who would like to come forward and speak?

Mr. Koenig: My name is Shane Koenig. I live directly across from that parcel and I've been there since 2002. And the same thing that Tina said. It's a nice place. It's the last part of woods on that street. And I'm directly across from it. And I can see it just impacting things like you said with cars, traffic. We get a lot of traffic from Rose Hill; they think it's that street. They come down ours all the time. That's just more traffic for us. And it looks like one of the driveways may be directly across from my driveway which that might be problems with in and out, not a whole lot, but. I'd be okay with one house over there, that'd be great. I have no problem people living there. But I think three houses would be a little bit too much for that property. It's a very small narrow long property and I can just see all the trees just going away. But I think one house would be no problem at all. Other than that, that's about it. Thank you for your time.

Mr. Apicella: Thank you sir. Is there anybody else in the chambers who would like to come forward and speak? Okay, seeing no one else, and before I close the public hearing, I'm going to bring it back to the Commission. Ms. Barnes, this is in your district. Do you want... I know you had some questions about public notice. Would you prefer to keep the public hearing open?

Ms. Barnes: Yeah, at this time I would, Steven. I do have some concerns about that. You know, I actually like to have a little more notification than just the properties that are immediately abutting the specific project because honestly the impact goes far beyond just the neighbors that are exactly right next to that specific project. My concerns about this are primarily that the notification. I think that it

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would behoove us at this point to defer this so that we can get some better notification and I think we have some folks here that live very close and they didn't even know about it, so. And especially over the holidays I think that I would like to defer this, I think it's to the first meeting in February to give me some time to really look into this. And especially with COVID and over the holidays, I think I need that time to do that. Of course, we've all brought up the other problems that we've seen with that, but we can discuss that later if we keep the public hearing. I'd like to see the accident reports for that part of the street because, you know, Mountain View has become highly populated and the road there doesn't seem to be able to handle a lot of the traffic that's going out there. And it is only 3 houses, but every single house and every single car counts. So, for those two reasons, and I won't go into any other... the problems that I have with the project other than the obvious; it seems like the proffers don't mitigate adequately the level of service deficits that we're going to see in the schools and public safety. I would like to make a motion to defer.

Mr. Apicella: Okay, there's a motion to defer... *inaudible, being talked over.*

Ms. Barnes: The first meeting in February.

Mr. English: Second.

Mr. Apicella: Okay, thank you Mr. English. Any further comments Ms. Barnes?

Ms. Barnes: No, I think I covered it.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: Anybody else?

Mr. Bain: Could I ask Mr. Geouge a question?

Mr. Apicella: Sure.

Mr. Bain: Alright, give him a minute to get back up. Thinking about the inadequate proffers, but you've said if they were to do a family subdivision then those would go away. At what point is that decision made? Are we... in this rezoning, if we were to approve it tonight, are they – I don't know how to phrase this. Let me put it this way – if we were to deny it because they did not have sufficient proffers, could they then come back and say, well, we're going to do a family subdivision so we don't have to worry about proffers. At what point does the family subdivision decision come into play?

Mr. Geouge: Well, my understanding is the applicant wanted to keep their options open as far as that's concerned. They didn't mention a potential of a family subdivision, but I'd have to defer to them if they'd be willing to commit to that. Just a clarification on the proffers. So, if they went with a family subdivision, then the waterline extension would not apply.

Mr. Bain: Right.

Mr. Geouge: However, the remainder of the proffers would still because...

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Mr. Bain: Oh, okay.

Mr. Geouge: ... it doesn't state that it exempts them from those particular proffers.

Mr. Bain: Okay, just the waterline would disappear.

Mr. Geouge: Correct.

Mr. Bain: Okay, thank you.

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

Mr. Apicella: Sorry, go ahead.

Mr. Randall: I feel for you, having to do that public waterline. I know that's an issue and I know it cuts into the benefits of selling the property and breaking it up into 3 lots and so on and so forth. The problem is, is that I can't use that to mitigate what's required for our schools or for transportation or for public safety. I think we would be doing the County a disservice, without being able to do better than, you know, \$1,000, you know. Find some way to meet us halfway. Find some way to put it on a piece of paper and say it's going to cost us this much to do this. You know, this is how much I'm going to get for profit, this is how much I'm going to spend, you know. Every developer who comes into Stafford County understands that they're going to have to mitigate schools, they're going to have to mitigate fire and safety, they're going to have to mitigate transportation. They all know that. And they all figure out a way to do that, even when we have them do other things that are required. Right. So, you have to figure out a way to do that. You know, if you come back and say we've done everything we possibly can and all we can get is the \$20,000; we can't get the 26 but we can get the 20. And I'm not giving you that number, don't get me wrong. Right. That's just a hypothetical number, right. But you've got to do something. A thousand means to me you made no effort. You've got to do something for the County, because the County needs that; they need those funds. So, I'll tell you, I'm a no until we can figure out a way to make sure that the rest of the County, the level of services deficits can be adjudicated. Thank you.

Mr. Apicella: Thank you Mr. Randall. Any other comments? Okay, seeing none, there's a motion to defer this item until the second meet... I'm sorry, the first meeting in February which would be February 10, 2021, if that's the way the calendar ends up being allocated for us when we decide on a calendar in January. So, I'm going to go and do a roll call vote. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Aye.

Mr. Apicella: Mr. English?

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Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: And Mr. Apicella votes aye. Motion to defer carries unanimously. Thank you everybody. I think staff knows the additional information that's been requested and needs to be provided at the February meeting. Okay, Mr. Harvey, next item?

2. CUP19152654; Conditional Use Permit – Embrey Mill Phase 2A - A request for a conditional use permit to allow 168 multi-family and 80 townhouse retirement housing units within the PD-2, Planned Development 2 Zoning District on a portion of Tax Map Parcel No. 29-53 (Property). The Property consists of 20.3 acres, and is located at the end of Boxelder Drive in the Embrey Mill subdivision, within the Garrisonville Election District. **(Time Limit: February 26, 2021)**

Mr. Harvey: Mr. Chairman, the next item on the agenda is consideration of a conditional use permit for retirement housing within the Embrey Mill neighborhood with the Garrisonville District. Mike Zuraf will be making the presentation for staff.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. Mike Zuraf with the Planning and Zoning Department. So, as Mr. Harvey mentioned, this is a conditional use permit for Embrey Mill. And the specific request here is a consideration of a conditional use permit to allow retirement housing in the PD-2 Zoning District. We have Newland Real Estate Group as the applicant, and this is in the Garrisonville Election District. The area covers 20.3 acres on a portion of Tax Map 29-53. The property is located at the terminus of internal neighborhood streets within Sections 11 and 12 of Embrey Mill. The adjacent properties generally surrounding this site are zoned PD-2 as part of Embrey Mill, but other areas surrounding Embrey Mill, you have R-1, Suburban Residential around to the north, kind of in west, north, and east, and then you also have surrounding the site some A-1 zoned properties. Although this aerial view identifies the site as wooded, the site has recently been cleared. Plans are currently under review for construction of lots and infrastructure with the continued development of Embrey Mill. There are existing wetlands and Resource Protection Areas along the northern and eastern boundary of this phase of development. And you can see the planned location of some of the neighborhood streets in this image. So, this image shows the entirety of the Embrey Mill development; it's in the darker gray shading. Also, with this image, north is rotated to the right. The property was rezoned in 2001 to the current PD-2 zoning, with proffers. These proffers permitted up to 1,455 single-family detached, 314 townhomes, and 301 multi-family units, and 176 commercial apartments in the development. Also, a proffer requires 348 of the units to be reserved for senior housing; 248 of these units are proposed with this action. The remaining 100 units are proposed within the commercial area of the development that's down closer to Courthouse Road. The original plan identified the retirement housing in the middle... would be located in the middle of the project off of Mine Road; that's where the red star is located. That area has been relocated throughout the development of the project as some of the concepts of... development concepts have changed over the years since this project had taken so long; it is pretty large. The... as a result of several technical

changes to the preliminary plan, the new area proposes in 2A. Phase 2A is the last phase of the development. The residential portion of Embrey Mill is generally progressed from the south to north. This General Development Plan identifies the proposed layout of the retirement housing, including the multi-family and townhouse units. Access is via the internal subdivision streets, and this area is not proposed to be gated like some retirement communities are. The development includes 15 3-story multi-family buildings that will be up to 45 feet in height. The applicant noted that some of the buildings that are along slopes may end of having 4 stories on one side, on the rear side, but you'd have 3 stories up by the front. Each building will consist of either 10 or 12 condominium units. On the other half of the development are 80 townhouse units. The townhouse units will consist of two levels and be what's kind of known as villa style units. This means that they will have generally a larger footprint, a larger building footprint than a typical townhouse unit. The applicants mentioned that they envision these being 24 feet wide by 60 feet deep. This would accommodate single level living, so the main level of these units would consist of a master bedroom and then your kitchen and living space on that main level. The second level would accommodate additional bedrooms for guests. There would be additional parking around all the multi-family buildings in addition to garage spaces within each building for multi-family units. The General Development Plan indicated additional parking also located along some of the neighborhood streets between these two types of units. There also is a recreational center planned adjacent to the multi-family and townhouse units, and that is generally in this area. This recreational area is required in the proffers for Embrey Mill and would also serve the surrounding other sections in this area of Embrey Mill. The applicant indicated that this... they're still in the planning phases of this recreational center, but they envision it including a clubhouse type building with meeting rooms, a fitness center, also some outdoor amenities may include pickleball courts and bocce ball courts. There also would be a network of sidewalks to provide pedestrian accessibility to this recreation area. This image shows the method of access to this area. Probably the most direct route from Mine Road over to the location of these units via the red dashed line. There would be a secondary emergency access provided, that's in the area of the blue circle. Zooming in on that, that secondary emergency access would be provided via a stormwater management pond access road that would run over from this area to Mine Road, and that access road would be gated. The Comp Plan Future Land Use map classifies the property as in the Suburban land use designation. That's what that yellow shading identifies from the Future Land Use map. The Comp Plan states that Suburban areas of the County are areas where suburban scale development is most appropriate. The proposed development is generally consistent with many of the recommended development standards for the Suburban designation as described in the plan. Some of the recommendations though suggest that development densities within Suburban future land use designations are recommended to not exceed 3 dwelling units per acre for residential development. Also, dwelling types, other than single-family detached units, may be allowed on a case-by-case basis. Staff notes that these townhouse and condominium units have been approved element and required element per the Embrey Mill development and proffers. The proposed architectural design is consistent with many of the features which conform with the Neighborhood Development Standards Plan. A proposed condition would require the buildings be constructed in conformance with the styles and materials depicted on the architectural renderings. So, a Comprehensive Plan amendment was initiated to modify the Neighborhood Development Standards Plan to incorporate design standards for senior housing. These standards would apply to the project proposed with this conditional use permit. The Planning Commission though is in the process of reviewing the draft standards; they have not been adopted yet by the Board; however, staff points out the following aspects of the project would conform to some of the guidelines. Sites in the Urban Services Area... looking at first the location criteria, the sites in the Urban Service Area and close proximity to 95 and integrated into an existing planned community with a variety of amenities and services. With regarding the proximity to community and recreation amenities as noted in the General Development Plan, this area is immediately adjacent to a

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recreation area that's required as part of the development. Also, there are several fire and safety measures; enhanced fire sprinkler systems and standpipe system to improve fire accesses would be included in the multi-family buildings. There would also be a requirement for non-combustible building materials on the first level of the exterior to minimize the potential for the spread of fire. There would also be a requirement for one elevator in each of the multi-family buildings. Each elevator would be required to have emergency back-up power. Also, there will be garage parking provided for all these units with internal access to the units. There are several proposed conditions that would limit the development to 168 age-restricted multi-family units and 80 single-family attached retirement housing units; would provide the enhanced commercial fire sprinkler and standpipe systems for fire protection as I've noted; also, it would include the elevator requirement with emergency power; there would be the emergency access for ingress/egress as I identified on the General Development Plan through the stormwater area; also a requirement for the development to include an emergency... *inaudible*... and provide an emergency evacuation response plan for the residents; also, it would require the buildings be constructed in conformance with the exhibits provided; require the exterior materials as I mentioned before to minimize fire. Also, the dumpster enclosure, those materials would be required to be consistent with the type and color of primary buildings. And then, the open space park in the recreational area located adjacent to the site would need to be constructed prior to the first occupancy permit of any of these units. So, looking at the overall evaluation, there's several positives. The proposal is generally consistent with the land use recommendations in the Comp Plan; it's consistent with the established residential uses in the vicinity of the site; the proposed conditions help ensure negative impacts are mitigated; and the building design is consistent with architectural guidelines in many of the senior housing guideline recommendations. A negative aspect is the secondary emergency access to Mine Road would not be constructed to VDOT standards or accepted for public road maintenance. Overall, staff is generally supportive of the application and recommends approval with the conditions pursuant to Resolution R20-380. That ends my presentation.

Mr. Apicella: Thank you Mr. Zuraf. Questions for staff?

Mr. McPherson: Mike, I just have one quick question. The one thing that really popped up when I was reviewing this was the emergency access will not be built by VDOT standards. Doesn't it have to be? Why would we allow something to be built that doesn't meet VDOT standards?

Mr. Zuraf: Well, that would be if it's going to be a road that would be turned over for public maintenance. So, the point there is that it's going to just basically be that access is left up to private maintenance as opposed to it becoming a publicly maintained access point.

Mr. McPherson: Oh, so it's the public maintenance that you... okay.

Mr. English: It would have a gate across it, wouldn't it?

Mr. Zuraf: There would be a gate requirement, too, for safety purposes so people couldn't just freely be using that as a way in and out.

Mr. McPherson: Okay, so there's still no issues with, you know, fire trucks or anything getting in there?

Mr. Zuraf: It's going to... when this goes through construction plan review, the Fire Marshal's Office is going to be reviewing that to make sure it's designed adequately so they could get a fire truck back there.

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Mr. McPherson: That was my concern, for public safety. Okay, thank you.

Mr. Apicella: Other questions? Okay, Mike, just for some context here, with the Board's approval we may be scheduling for a public hearing. The Commission's proposed senior housing guidelines later in the meeting today and we worked on these guidelines over several months to promote disability and universal design across various types of housing communities and housing types. As I recall, the purpose of the design guidelines is to enhance senior access mobility and safety. Can you summarize some of the onsite and unit features that we've recommended in our draft guidelines?

Mr. Zuraf: Yeah, so, those guidelines, they look at different aspects of development of senior housing, and so when it gets to issues of site design, that is focusing on the aspects such as providing safe walkways, continuous level walkways around the development; providing adequate lighting of walkways; also, including ground level kind of site lighting so pathways are well lit; providing adequate parking for guests so there's not an issue of people parking out on, you know, areas that might be unsafe. Some of the other amenities for the residents, providing accessible landscaped outdoor areas, maybe patio spaces, a variety of seating areas, also providing seating along walkways and pathways. Then there's also some aspects of unit features; that's where you get into the universal design aspect of features within units. And that gets to issue with wide enough entry areas at the entrance to the units. Some of the aspects get to providing accessible bathrooms; you know, a wide enough hallway leading to accessible bathrooms; doorway entrances being at least 36 inches wide; providing clear floor space within the bathrooms; installing grab bars in showers; not having, or having removable thresholds as you go from the bathroom into the shower stall. And then features that would address details in like a kitchen with providing clear floor space; having variable height work spaces; pullout shelves with a stove having controls located in the front; if you have upper cabinets, having them designed so they're accessible in some way. And also, then getting into details with even in bedrooms, having in your closets having lower height storage. So, those types of details.

Mr. Apicella: So, again, it was a thoughtful, deliberative process we went through over several months to promote senior mobility and safety. And, as I recall, in August we approved a 138 unit apartment complex that incorporated the majority of design features we identified in our guidance. In fact, they actually provided us their own version which was very similar to the version that we had and it was incorporated into the conditional use plan. And the Board ultimately approved the Vistas project. I believe before the vote, Mr. Dudenhefer asked if that project incorporated our proposed design features and, I'm not sure if it was Mr. Harvey or you who made the presentation, but the answer was yes. So, do we know, because it's hard to tell from the information that's in front of us, do we know if the Embrey Mill applicant got a copy of our guidelines?

Mr. Zuraf: They did.

Mr. Apicella: And have we seen any specifics on what they're recommending to do both onsite and with respect to unit features that may comport with our guidelines and how they're going to incorporate those things into their project? Do we have any specifics at this point in time?

Mr. Zuraf: With the onsite, we do have some of the building details and, as I've reviewed, some of the fire safety measures. But as far as like walkways and everything, those details have not been provided and we've not seen specific details within units.

Mr. Apicella: Okay, thank you. Any other questions for staff?

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Ms. Barnes: Steven... Chairman Apicella, if I could just clarify. So, you're telling me that all the work that this committee just did, I mean and it was exhaustive, that work, and that is not necessarily applicable to this application? They didn't necessarily take a look at that and provide us with a confirmation that they are going to adhere to those specific recommendations that that subcommittee made?

Mr. Zuraf: Some of the features and some of the things they have do comply, but I guess we don't have a clear picture about some of the aspects such as unit features.

Ms. Barnes: Okay, thank you.

Mr. Apicella: Okay, last call for questions of staff. Alright, seeing nobody, would the applicant like to come forward and make a presentation and/or answer questions?

Mr. Caruthers: Good afternoon Mr. Chairman, members of the Planning Commission. Really appreciate the opportunity to come speak with you this evening. I'm Larry Caruthers, Project Manager at Embrey Mill. With me is Fred Garnes, the Director of Marketing at Embrey Mill, Mark Boyd who is Project Manager for Kimley Horn which you saw on the GDP, and last but not least certainly, my boss, Vice President of Operations, Gary Scola for Embrey Mill. I am here tonight to give you a lot of detail, probably more than you really want, but that's all right. We're going to go through I have a kind of long presentation, but I'll try to breeze through a bunch of it and really get into some detail. I'll begin by giving just a brief introduction of the CUP, which Mike did a great job, and then we'll go into essentially what Embrey Mill has been doing over the past few years. And then we'll get back into details and a lot of the details that I think you'll see in the later presentation will answer a bunch of the guideline stuff. So, Embrey Mill is entitled to 348 senior units per the approved rezoning. This CUP... and again Mike showed you exactly where it is; here's a blowup of it with an artistic rendering... is for 248 units, specifically 168 multi-family condo flats and 80 single-family villas which are really townhomes but they're single level living. And in terms of definitions, senior units in this case are as designed... or as defined in the pending Stafford County Senior Housing Guidelines. While we didn't... we did get an advanced copy of that, we didn't have it when we originally started back in 2019. And luckily we did a quick audit of everything, and we're in compliance a majority of the time. And we can go through that further. I think a lot of this... some of the guidelines are more geared towards assisted living or age in place which is this is really active adult. So, again, just a brief project history. It was rezoned back in 2001. It's about 957 acres, if you can see on your screen. West of 95, north of Courthouse, and Mine Road which we've constructed actually bisects it. The area we're talking overall Newland acquired in 2012, and that's 750 acres and that's PD-2 zoned area land and is the area we're discussing where the residential is. Overall, with the community we provide 265 acres, which is roughly 35% open space. And as full buildout, Embrey Mill will have three community centers, two of which are built which you'll see here in a minute; two dog parks; six playgrounds; four soccer fields internal, not counting the Rouse Center; 10 miles of trails; and many other pocket parks, which you'll see a few examples; there are two school sites; and obviously, most notably, the aquatic center. So, Embrey Mill has proudly contributed several key infrastructure improvements, the first which you see kind of front and center is the 500,000 gallon water tank and the 370 pressure zone. Land was donated and \$2.8 million was given towards the construction of the Jeff Rouse Aquatic Center, as well as the Embrey Mill Park. And, Lord, this last one, Mine Road we constructed in three phases. What you see in the picture here is the geosynthetic soil reinforced integrated bridge system, which I will not say that again, over the 120-foot span of Rocky Run which is actually an awarded-winning bridge for our engineers. A few other things; obviously we continued Embrey Mill down to Mine Road, and completed Mine Road from Austin Ridge Drive down to

Courthouse Road which connects Garrisonville to Courthouse Road, which is a major north-south alleviator for 95 and Route 1. I know a lot of people were happy about it. And while not by Newland, we'd like to thank that our success has allowed the Town Center, which is within the community, to land a Publix, we well as other retail up front. In an effort to establish a robust lifestyle in our community but Stafford County overall, we partnered with the Rouse Center and actually helped sponsor the inaugural and subsequent Halloween 5K, the Frosty 5K, and actually worked with Lisa Logan in the Department of Tourism to make her dream come true of Christmas in Stafford. We were thrilled to see the parade move from Route 1 to Mine Road, which actually closed down Mine Road for a little bit and the parade came through, it was a nice event. And one of our biggest events, the Berry and Wine Festival – I hope some of you attended – we were planning on expanding that to a regional event until COVID this year which pretty much cancelled it. But, hopefully, before too long we'll get back to it. I know it's one of my wife's favorites. When Newland opens a neighborhood, we really consider ourselves part of the community and like to give back to local charitable causes. A few you see here, in 2017 we partnered with Operation Finally Home and our builder partners and actually constructed and gave to the Goodrich family, who is a wounded Veteran, a mortgage-free home in Embrey Mill. We... actually know the knee-wall sponsor for the Stafford Armed Services Memorial and continually partner year after year with Stafford Hospital and the local food bank, S.E.R.V.E. As you walk through Embrey Mill, you'll notice a host of amenities; I hope you all have gotten through there. On the top right you see are Embrey House, which was constructed in 2013 really before any residential units were built. It obviously has a pool there. But also inside you've got a fitness center and a Bistro. Open this year on the right-hand side you see the Knight Meeting House and pool. And even during COVID we were able to open, limited capacity, but we were never at max capacity so I think that speaks volumes. And on the left-hand side is the Knight House; it's actually a Stafford County Historical Commission Award-Winning Preservation in Place. It's a historic house; it's located in our neighborhood and we preserved it in place through help with Stafford County and DEQ. So that was our recreation centers, and these are just a few examples of our pocket parks. And we really try to promote outdoor living. You see here an example of our dog park on the bottom left; community garden; fire pit; end of trail head; and, as I said, we have I think over 12 miles of trails right now, a mix of paved asphalt down Mine Road obviously in addition to the sidewalk on the other side, but natural surface trails through our open space. And the trails will continue as we progress further. So, that was a brief history of what we've been up to for the past few years. Now onto what we're proposing. The CUP application is for 248 units, like I said and Mike said. It's 168 3-story multi-family villas with an elevator; 80 really 2-story single-family attached villas that are truly single-level living, which we'll get through... we'll get to the details of the actual footprints of the building, the renderings, and what that entails here in a minute. But a few things to note here are parking is over double the minimum required; we're providing 549 spaces. We're close to a community center which I'll also outline in more detail. It's still in the planning stages but we'll go through where we are right now. It's approximately 3½ miles to Stafford Hospital, which you can see, and 2.8 miles to fire and rescue. And, you know, we're hoping – obviously Publix is going to open... yes, very soon... and more will follow – but in addition to what is actually in the community and what will come is Mine Road connects right up to Garrisonville and is a very short ride up to a lot of restaurants, retail shopping, and everything that offers. So, here you see our plan, same as Mike showed you except for the brief little colored illustrative of our rec center; again, details to follow. We have two public road access points and the emergency access point listed, so, you know, fire and rescue has two main VDOT roads coming in. And, if for some reason, these routes would be blocked, you have your secondary emergency only access which will be gated just for them. On the left-hand side of the plan here, you see our multi-family condo flats. They're 10 and 12-unit buildings, and again, 12 units is the max per zoning and all of what you see here actually complies with the zoning ordinance as far as separation and all of that. And then our single-family attached villas on the right. And this all

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surrounds our rec center, which, given an inordinate amount of market research, is really geared to a semi-retired or retired 55-64 year old and that buyer really wants to be amongst family. And the band is really for an active adult community and not so much an age in place or assisted living facility we think. So, with this surrounding and part of a community, they're still part of a family community, would have a space all their own which is a key feature. We did, again, an exhaustive amount of research and, you know, some of the things that they didn't want were through traffic, they wanted a nice buffer to have their space, and I think this rec center does that. And another nice thing to note is it's easy walking distance, less than a quarter mile from the furthest unit and that's by sidewalk, not by as the crow flies. Again, you've seen staff's report. We've worked very hard with staff to address any issues, as you'll see here in just a minute. I think we worked closely with the Fire Marshal to alleviate any of his fears, and staff is generally supportive of the application. So, here we see the product, and you saw this in Mike's presentation, but it's important to note that this unit, as you see it here, really fits the community. It's not something separate. It blends and not only were these colors, materials chosen with aesthetics in mind, but we worked hard with the Fire Marshal's Office to make sure that it fit their requirements, too; non-combustible materials. And as we move inside that unit, you see the central elevator and stairwell, which is constructed of again non-combustible materials. You've got your driveways and garages wide corridors; storage for every unit; and, as we move even further into each unit – so there's two units that are offered in every building – you've got a 2-bedroom which is the smaller unit if you can call it that, it's roughly 1,500 square feet. On the right-hand side is our larger unit; it's almost 1,700 square feet, and it's 3-bedroom. And, as you can see, again, you've got an open floor plan, ease of access, wide hallways, again very well complying with the Senior Housing Guidelines. And it's important to note that there is an outdoor patio or deck that is accessible from a main living area to each unit. Again, here's another rendering of our villa product that you've seen in the staff report. You can see 2-car garages are 28-foot units; I might have given Mike the wrong information, but 28 by 62-ish. That's a fairly large townhouse but, again, it's a single level living which we'll get into right here. In the next slide, again, important to note it fits the character of the neighborhood but also, you know, working with the Fire Marshal's Office to make him feel comfortable with the construction of these and the safety. So, here's our floor plan. Like I said, you've got a true single-level living with an owner's bedroom, main living area, kitchen, important to note two walk-in closets, large bathroom, washer and dryer, everything you need on that first floor. And then on the second floor are a couple of bedrooms and bathrooms. And really what we envisioned this being is a place for guests when they come over, or grandkids and family when they come over for the holidays.

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

Mr. Caruthers: Yes sir.

Mr. English: This is kind of odd for them to have a 2-story for a senior living, isn't it? I mean, because most of these villas are only one level or they have a basement. I've never seen a 2-level like a townhouse for a senior living. Is there any place that has that other than what you're building?

Mr. Caruthers: I don't know if... I don't know of another neighborhood. These are custom designed specifically for this neighborhood. But we wanted to provide a big enough unit for single level living and have enough space there, that way bedrooms for guests are on the second – it's really almost like a loft space above.

Mr. English: Right. But, like I say, most of the senior housing here in Stafford are one levels where some of them have basements. This is going to be a slab, right?

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Mr. Caruthers: Yes.

Mr. English: No basements.

Mr. Caruthers: Yeah, no, there potentially might be basements just based on grading.

Mr. English: So, you will have some with basements, so they'll be a 3... well, basement plus a...

Mr. Caruthers: That could be an occurrence. Again, we need to grade it all out. We have construction plans in currently right now. But as it's designed right now, it's without a basement.

Mr. Bain: If I could ask just real quick, are you restricting sales to seniors, or could a young family with four children move in?

Mr. Caruthers: Again, it's per the Fair Housing Act and it's 55+.

Mr. Bain: Oh, okay.

Mr. Caruthers: It does have a provision, I believe, for a certain percentage; I don't know that percentage off the top of my head to be under 55 living there. But it is 55+ is all of these units, yes.

Mr. Bain: One person has to be 55+.

Mr. Caruthers: Yes, I believe that is the stipulation.

Mr. Bain: Okay.

Mr. Caruthers: In keeping in line with Embrey Mills' level of amenities, you see here just the exterior of our new rec center; we'll get into the interior in the next slide. But I wanted to show you kind of an updated plan. It's really geared towards these residents, again, this demographic. You've got multiple gathering areas behind the building; a fire pit, seating areas, you can gather as a larger group or in small individual. We're also planning for two pickleball courts and two bocce ball courts. So, recreation and gathering and the same line of thinking continues to inside the building. You've got a fitness center on the left-hand side, which will be similar to the other fitness center you saw, and a workout room which you can take classes, yoga, pilates; a meeting room on the other side so you can hold, you know, small meetings; we've done a blood drive at the new rec center, you can do that here; or if you just want to play a card game, hold a card tournament, whatever you want really. Also, there's a fireplace if you want to sit and lounge, read a book, or just simply gather in the common area. Important to note is also the display kitchen. And as industry leaders in place making, we really feel we've established areas for learning, for growth, for leisure, and for exercising here.

Mr. English: *Inaudible, microphone not on...* pool in there?

Mr. Caruthers: No pool, no. So, in conclusion, I believe we've demonstrated a well-planned senior community within Embrey Mill, a community that Stafford County and we can be proud of. And I believe, honestly, that new residents would be happy to call home. A lot of planning, research, work have gone into what I've presented here tonight. And given our track record of success and thoughtful planning, I ask that you concur with County staff and approve this conditional use permit as submitted. With that, I'm happy to field any questions and will answer them certainly to the best of my ability.

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Mr. Apicella: Questions for the applicant?

Mr. Cummings: These have already been asked and answered probably, but what is the specific reason for the inability to conform to VDOT standard?

Mr. Caruthers: So, the access road, in my opinion and I'm paraphrasing it kind of speaking for Andrew Milliken who I work with in the Fire Marshal's Office, he wanted an emergency access to Mine Road. You have two public access routes and it's not meant to be for traffic, so there are minimum design standards for access roads, which we've complied with. And I don't have it right here... I do have an email from Andrew saying that he is acceptable to our proposal, but it's 28-108 is the Zoning Ordinance and it has actual specifications for such a road.

Mr. Cummings: Alright, thank you.

Mr. Caruthers: Mm-hmm.

Mr. Apicella: Other questions?

Inaudible, speaker not at microphone.

Mr. Caruthers: Oh, sorry, and it will be maintained by the UOA for the condo... *inaudible.*

Mr. Bain: Just a quick one. The single-family units look like they have 2-car garages.

Mr. Caruthers: Yes, they do.

Mr. Bain: The multi-family units looks like you're only providing single car garages, one per unit.

Mr. Caruthers: That's correct.

Mr. Bain: Okay. I'm anticipating that the divorce attorneys are going to get a real windfall here because these husbands and wives are going to be fighting over whose car goes in that garage.

Ms. Barnes: It's the wife's.

Mr. Caruthers: I was going to say, if it's my household, I'll be walking every single day.

Mr. Bain: The other point I'll make with it is I have friends that live over in Spotsylvania County in a similar type development. They're garage is full of storage and they both park outside. So, I can envision that happening with a lot of these garages, and then all your outside parking is going to be used up and guests are going to be driving all over the place. At 2.2 per unit really, to me, is not a great offering, but it meets criteria.

Mr. Caruthers: It's actually double, over double criteria.

Mr. Bain: Yeah, but it doesn't sound nearly enough to me knowing how these developments go. Okay, thank you.

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Mr. Caruthers: Understood, yeah. No, we were cognizant of that and, again, provided over double the minimum. Mike, am I saying that right?

Mr. English: I've got a couple questions.

Mr. Bain: Wait a minute. Is the 2.2 the outside parking, or does that include the garage parking?

Mr. Caruthers: It includes a garage and a driveway exterior parking on the site.

Mr. Bain: Yeah, so overall, counting the garages, it's 2.2.

Mr. Caruthers: Yeah, a little bit over that, yes.

Mr. Bain: See, that just doesn't seem...

Mr. Caruthers: And the Zoning Ordinance requires, I know it sounds crazy, but one.

Mr. Bain: Yeah.

Mr. English: What are these things selling for, the villas and the condos?

Mr. Caruthers: I do not have that information just yet. Again, everything's being kind of custom designed for this particular project. I could throw out a guess.

Mr. English: Go ahead, Steven.

Mr. Apicella: Yeah, you don't have a price... I'm not looking for the exact price, but a price range?

Mr. English: A price point is what I'm looking at.

Mr. Caruthers: Yeah, so, I'm not a hundred percent sure, to be perfectly honest. I believe I heard upper two's for the villas... I mean, I'm sorry, for the multi-family condos; the villas are obviously going to be north of that so, absolutely, yes sir, I would imagine. Again, don't hold me to that; I don't create the pricing.

Inaudible from audience.

Mr. Caruthers: Yep, please.

Mr. Scola: Again, I'm Gary Scola, the Vice President of Operations for Newland at Embrey Mill. And we did do a market study for this particular product, and it was a big part of why we brought this specific product due to the zoning restrictions and the limitations of the land. So, what we found was that the base price for the flats will be approximate in the high two's, like Larry said, and the base price for the towns will probably be 350. And just considering that with this type of buyer, usually this active adult buyer is looking to build their jewelbox as it may be called, and the upgrades could run as much as a hundred thousand dollars in some of these units. So, I think that that should give you an idea, and seeing how prices have... that study was done about a year ago... and seeing what prices have done over the past year, you know, and the price of labor and materials as well, we might anticipate that being a little north of that. Okay?

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Mr. Apicella: Yeah, you have any more questions?

Mr. English: No, I'm good.

Mr. Apicella: Okay. So, that kind of goes to my point and concern, and I say this with all due respect, we did a lot of planning and research to develop our guidelines, I would say what we found is people want to say that they're marketing to active adults 55 to 60, but when you're spending that kind of money this may be your last home and so you could be in that home for 20, 30+ years. So, as people's circumstances change over that time horizon, you have to ask yourself whether the units and the site accommodate the changes that people will go through over that 20 or 30 year time horizon. So, I mean, I appreciate the marketing aspect of it, but the reality is, again, based on our research, when people buy homes at that age range they're probably going to stay there for a while and what happens to them when they're 65 or what they're able to do when they're 65 or 70 is different than what they're able to do at 55. So, the whole reason why we came up with these guidelines was to accommodate the concerns and the changes that people are going to go through as they age. You call it aging in place; you may not be marketing to that specific group but that's what's probably going to happen. And I can say the same thing with the Vistas; they came in with the initial argument that this was an active adult community but, again, we were able to work with them to mitigate the accessibility and the mobility and the safety issues that we thought were going to happen over that long term time horizon. So, I'm seeing the details on the floor plans for the first time; I think the staff is as well. I do like the open concept, but there are other things about the site... onsite issues like Mike talked about in terms of lighting and how the parking is laid out and how the curbs and gutters are, whether people with wheelchairs or walkers, again as they age, are going to be able to get through the community and get into their unit. And if they had, again, accessibility or mobility issues inside that unit, whether they're going to be constrained because the walls are wide enough or the hardware in the bathroom isn't there, the blocking in the shower is not there for them to put... and grab bars and doing it after the fact could be significantly costly to people. So, again, these are the concerns I have going forward. I appreciate the project looks great. I'm just concerned about whether or not it aligns with the guidelines that we spent so much time and effort on irrespective of calling it an active adult community versus an age in place community. This is definitely not assisted living. Our guidelines don't speak to assisted living. Again, it's supposed to deal with people as they get older and they stay in a residence for a longer period of time and their needs change. So, you didn't give a lot of specificity on what is going on in those units other than the floor plan. Maybe you can give us some more information.

Mr. Caruthers: Certainly, yeah, I appreciate the comment. We did a quick audit of the senior... the pending guidelines and we actually comply with 86% – I know that's terribly exact, but of the guidelines, again, site lighting is provided throughout per the Zoning Ordinance, all the sidewalks are lit up. If you've been in Embrey Mill, it is well-lit. Again, non-skid on all the surfaces; ADA entrances into the building; I believe all of the walkways or inside hallways are 48 inches, doorways are 36 inches. So, again, a lot of these things, and in fact a vast majority, we actually do comply with. Some of the things we said we didn't comply with, I'll give you just a few examples. Private dining room for family visits; library/computer room, so on and so forth. Again, that can really be provided at the rec center; we didn't think it was appropriate for this small a building. Again, they're 10 to 12 units to provide within that type of unit. If it was a much larger building, I certainly can understand that. Again, the space for healthcare, we can certainly do that at the rec center; probably not a permanent case, but we have had blood drives at our current rec centers and we do have people in certainly. A covered portico at the passenger pickup/dropoff area. We have covered entrances to the building, but we're not... these are true for sale products so they don't have a covered entry. Again, I think that's probably more in line with a large building instead of, you know, 10 or 12 units, you have

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300 units in a big large building. Certainly a covered portico area makes sense. And then, let me see, I guess one thing we also said no to was walking distance to planned transit routes; we don't have a transit route currently coming down Mine Road. It stops up at North Hampton I believe, I might be getting that... *inaudible*. But certainly we have plenty of pedestrian access and like to think that we've certainly provided lots of that.

Ms. Barnes: Before you go on, could I just ask a real quick question about that percentage that you just gave us?

Mr. Caruthers: Yes.

Ms. Barnes: I think you said it was 86%?

Mr. Caruthers: Yes.

Ms. Barnes: So, is that something that staff or anybody has been able to look over and confirm to see...

Mr. Caruthers: No.

Ms. Barnes: ... and compare with what we'd like to see via our subcommittee?

Mr. Caruthers: No. Actually, Mike just sent me the latest copy very recently and we quickly went through it just to make sure that we were, you know, basically to see how we aligned with these guidelines.

Ms. Barnes: But staff hasn't had a chance to take a look at that and compare...

Mr. Caruthers: Correct, we have not.

Ms. Barnes: ... and make sure that it's not 50%, it's not...?

Mr. Caruthers: Nope.

Ms. Barnes: Okay, thank you.

Mr. Apicella: I'm going to springboard off of Ms. Barnes' comment. It would certainly help me, as a member of the subcommittee and as a member of the Commission, to see the audit and have staff take a look at it and to vet it and to see, from their vantage point where it does and does not align. And to the extent that, again, where you feel like it doesn't align, just like you're doing now, an explanation of why you think it doesn't make sense in this particular community or how you're accommodating it maybe in a different way than the guidelines are proposed. Just again, to ensure that we're on the same page and that we're in alignment as much as possible. That's me speaking. I think Ms. Barnes is saying the same thing, but I'm hoping my other colleagues who worked on the guidelines kind of feel the same, just so again we're ensuring senior safety mobility and accessibility going forward. Is that... do you think that's doable?

Mr. Caruthers: Certainly I can share these with staff; I'd be happy to.

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Mr. Bain: A quick item. In the material staff provided us, it said that in the original zoning that there were 348 senior housing units, and you're now providing 248. Are the additional hundred going to be provided somewhere else?

Mr. Caruthers: Yes sir.

Mr. Bain: Okay.

Mr. Caruthers: So, this... the project total is for 348. We're proposing 248 here. Another hundred are proposed on the GDP towards the front of the project adjacent to the commercial, Embrey Mill Town Center.

Mr. Bain: Okay. So they will be built?

Mr. Caruthers: Well...

Mr. Bain: Because on the slide that you presented, you said that you were entitled to 348, and I'm just wondering is it are you entitled or are you required? Maybe staff needs to respond to that.

Mr. Caruthers: Well, I guess certainly Mike you can answer that.

Inaudible from audience, not at microphone.

Mr. Caruthers: Alright. So, I'll let Steve... Mike, sorry, answer the entitlement issue but, again, we're proposing 248 units; the other hundred near the Town Center we do not control. So, they're not going to be built by us.

Mr. English: That's going to be up there near the water tower area, is that right? Is that right, Mike?

Mr. Caruthers: Near Courthouse and Mine Road, off of Shields near the Town Center.

Mr. English: He answered, he answered.

Mr. Caruthers: Oh, sorry.

Mr. Zuraf: Yeah, as stated in the proffers, those 348 units are required.

Mr. Bain: Are required; okay.

Mr. Zuraf: So, those hundred units have to be built somewhere.

Mr. Bain: Alright.

Mr. English: I've got one more question for you. If this gets approved, whatever, like say it gets approved tonight and it goes to the Board, when do y'all start to shovel ready, I mean, when are you going to start? Hopefully getting this up and running.

Mr. Caruthers: Yes sir. We have... we're anxious.

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Mr. English: I understand.

Mr. Caruthers: We were delayed significantly just...

Mr. English: Because of COVID.

Mr. Caruthers: Yeah, yeah. So, we have construction plans pending.

Mr. English: Right.

Mr. Caruthers: As I understand, really the CUP is our outstanding item, so we're ready to go.

Mr. English: So, you hope to have one up by at least springtime or sooner?

Mr. Caruthers: Depends who you're asking. Certainly.

Mr. English: Just asking.

Mr. Caruthers: The person that's got to get them ready, uh, yes.

Mr. English: Okay.

Ms. Barnes: I have one more comment, if I may before you step away. One thing I like and one thing I don't like. One thing I like is with the townhouses, the way that you have the master on the main and then that upper living, I actually... I really like that. And I have to tell you why because we've actually been looking for something so that when we have our kids and our grandkids come to the house, go away, go upstairs, you know, this is our area. And it does make for a nice... it does make for a nice extra space for family and for visitors that you don't necessarily live in all the time. You go up there and make sure it's heated and dusted every once in a while and then the kids come in and invade. That's just personally I do like that portion. As far as the condominiums go and you saying that they're mostly an active adult, I'm going to have to push back on that. Maybe agree with Steven a little bit. That looks to me more like if I'm going to buy a condo and in that kind of atmosphere with those kinds of amenities, that to me does seem like it's going to be more of an age in place. I mean, you're going to see some probably much older folks. At least, if it were me, I would try to stay there as long as I could. And so I think that some of these requirements that the subcommittee worked on so hard, I think it wouldn't hurt for us to try to make sure that we get as much of that as we possibly can.

Mr. Caruthers: Understood. Looks like Gary is going to jump up at my shoulder so.

Mr. Scola: Yes, a little bit. I think to your point, we kind of have a test case for this type of product at Embrey Mill already. We introduced a single-level living product – what is it 3 years ago now? – and Drees Homes was the builder for that and we actually mandated that they have at least 3 bedrooms in the unit because we wanted, oddly enough our market research revealed that it was the book ends. You had young families that wanted this feature with the master down and you also had retirees who also wanted it. So, we've sold dozens of that product already and they've been well received. And I think, especially providing the price point we're able to deliver here as opposed to a single-family detached product, I think they're going to do very well. And to your point about the accessibility... I use accessibility carefully because I don't want to say they're all ADA accessible, I just want to be clear about that... but we, again, I know Larry said it was a quick audit but we spent a lot of time, I

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basically spent all day going through each and every one of these items and talking to the architect who's preparing the plans. And I just want to assure you that the blocking will be placed in all these units required for grab bars and towels. And we talked about even one of the... providing the toilet to be 30 inches from the side wall, providing that space so you can install grab bars later. And all grab bars will be available as an option to any buyer. And also, provided that they order... they sign a contract early enough, obviously if you have a building in construction to go back and retrofit it for an ADA... fully ADA accessible unit would be very difficult. So, in order to... we would be able to accommodate that but they may have to wait a little bit longer for the unit. Unfortunately, the research also shows that a lot of these buyers, they're patient. They may look for a little while before they actually move into one of these units, and they'd probably be willing to wait a year or so for what they want. They're going to come in here and be very demanding and they want what they want. And hopefully that, you know, I agree with you. And so I know we have 36 inch doors everywhere, we have hallways that are 48 inches I believe for the most part... well, all the main common areas have that and, again, we went this line item by line item, we put it... I'm an engineer, too, so I put it in a spreadsheet... and so we have every item on there and explanations as to why we did what we did and how we comply with those regulations. And I think both you and... *inaudible, being talked over...* will be pleased.

Mr. Apicella: I just wondered... I appreciate that. But the one thing I would say again; this is our one opportunity to make sure, again, that we're in alignment because after this gets approved, there's nothing that we can do if somebody changes their mind. So, you know, I'm just going to refer back to the way the Vistas handled it. They gave us basically their laundry list of things that they were going to do and they signed up to it by agreeing to have it in their conditional use permit. And I would just say that it's great to have an audit, but it doesn't have any enforceability on our part. So, you know, and it's great to have you during the meeting say that we're going to do the blocking.

Mr. Scola: Sure.

Mr. Apicella: But again, without having something in writing, and Lauren, our attorney, can say the same, downstream a year or two from now if it doesn't happen, there's nothing we can do about it. So, I just want to... I just want to see how we can make sure that the things that we're asking for, the majority of which you say you're going to do, that we have some way of assuring ourselves that those things are going to happen.

Mr. Scola: And we want to provide that for you as well, we do. And, I guess, is there any path for us asking for an approval this evening and providing that to staff for their review and concurrence?

Mr. Apicella: I... *inaudible, connection breaking up...* to have pause not being able to see it because we've spent so much time on it. And, again, we held another... another applicant to the standards; their's was actually a smaller footprint than you guys are going to have. And I think sometime for us to see it, to vet it, have staff take a look at it, so that we're on the same page as much as possible, again in my opinion, as one Planning Commissioner who's worked on this for so long, that we ultimately get that we're again on the same page and we're driving to the same end result.

Mr. Scola: Okay. I believe we'll get there.

Mr. English: I'm sure that house that you built for that Veteran was up to standard, right?

Mr. Scola: Is was above the standard.

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Mr. English: Above the standard, okay.

Mr. Scola: That's an inter... if you want to hear about it a little bit...

Mr. English: No, all I'm saying is I'm sure...

Mr. Scola: That actually has an elevator in it and it was a special design for him because he has disabilities and pretty sure he will have them down the road.

Mr. English: Understood. Thank you.

Mr. Apicella: Okay, any further questions for the applicant?

Mr. Randall: Mr. Chairman, if I could for a second.

Mr. Apicella: Sure.

Mr. Randall: One... we had talked about this a lot. Some of the reasons why you don't comply with 100% you mentioned today already, right? Many of the standards that we put in that and, Steven, to the point that you were making with the standards, you know, and I was there, I don't think the standards... I never envisioned the standards to be applicable to a 10-unit building. You know, putting two elevators in a 10-unit building would seem over... overdone. You know, we talked about two elevators because we always assumed that it was going to be a one huge building; at least I did going in there. So, I think the standards were written such that, you know, you're going to have one building, you're not going to have any parking garages, you're not going to have any parking, all the parking will be off away, you won't have inside walkways where you can walk from your car to your apartment to wherever you are without getting into the outside. You know, we didn't stress any of that. We didn't add everyone has to have a parking garage. This has a parking garage. You know, everyone has to... we talked about storage. This one already has storage, you know. There are many things that they don't comply with – correct me if I'm wrong – because of the small building size. And I'm not sure that the standards that we wrote necessarily took that into consideration. So, are you going to be... are you developing some of those as ADA initially?

Mr. Scola: Yeah, we're obligated to build a certain percentage of ADA...

Mr. Randall: What's that percentage, do you know?

Mr. Scola: Initially, it's four units have to be fully ADA accessible.

Mr. Randall: Four from each building?

Mr. Scola: No, in the entire...

Mr. Randall: Four total.

Mr. Scola: Correct. However, with that said, those units are pretty much the same size as the other units, just a little reconfigured. So, most of the hallways and doorways are already set up for it and I haven't seen that floor plan from the architect yet.

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Mr. Randall: Okay.

Mr. Scola: But, if we have the need, it will be offered as an option to the buyer and, you know, they'd have to wait a little longer for it. But we can provide it in most cases, if that's what they need.

Mr. Randall: Okay. And so, some other questions... one other question is, is that it seems like... I guess the question of your audit comes to mind. Either you tell us 86% and I guess some are concerned about the 86% not really being 86% so...

Mr. Scola: I totally see the majority. He held to 51%.

Mr. Randall: Well, we're going to... *inaudible*... to 86% then.

Mr. Scola: No, don't hold us to 86% because there was some interpretation because we didn't have time to consult back with staff. So, when I say that, let me qualify it with several of the things will be options. Like, for example, non-skid non-glare surfaces should be considered throughout common areas. Okay, so, the common areas in our rec center... I mean, we wanted the rec center to be upscale and so we want to put in, you know, it's probably going to be vinyl plank. I mean, it's non-skid but... and other things with the floors and wall coverings, we offer that as options to the resident. So, to put that right into the standards of the unit I think is a mistake for marketability and livability for the end user. And so, we're happy to offer a lot of these things as options. But, like I said, the blocking – I already confirmed that will be there; the towel bars; I think things with the light switches and the heights of the light switches; the heights of the outlets; the heights of the windows themselves; we've confirmed that all those are fine. But the certain things like the lighted light switch, that's not something we would offer standard and I'm not sure if... we could probably offer it as an option but I'm not sure a lot of people would really want that. So, those are the types of things that were on there. And another one, you know, the defibrillator. Again, I think that was envisioning a larger building. I mean, to put one defibrillator on the floor for four people, for whole households, it seems a little excessive. And so, those are the ones that we couldn't comply with... I don't want to say couldn't, but we're stating that we didn't comply with. But a lot of these ones are offered as options rather than standard, but that will be a mandated option offering by the building.

Mr. Randall: But, as you mentioned, the bathrooms are all such that they could put grab bars themselves, the towel racks are all...

Mr. Scola: Yeah. In the... yeah, especially in the multi-family units, they have that 30-inch space so they can put the grab bars on. They can get the grab bars as an option. But every single space will be blocked for it. A lot of people, again, we have a... we will have a diversity of buyers.

Mr. Randall: Sure.

Mr. Scola: So, again, I believe there's several people probably sitting on this Commission and myself almost included, but I don't fall in that demographic yet but. I don't want a grab bar in my shower. I don't. Maybe if I plan to age in place I would like the option to put it in. And I've actually put them in for my mother-in-law in the past and we had to do this exact exercise and thankfully the blocking was there. So, you know, we're trying to be smart about it and we really want to accommodate as much as we can. And we do and I think that both the Commission and staff will be pleased with what we present.

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Mr. Randall: Alright, thank you.

Ms. Barnes: Let me ask you one more thing. Something really struck me what you said there. You said you did not have time to consult with staff over the 86% and the details that you offered tonight that obviously staff hasn't taken a look at.

Mr. Scola: Right.

Ms. Barnes: Personally, I would like to give you that time. We have a subcommittee that really, I mean, I listened in and they are experts on this at this point. And I would like to have them get a chance to look at that as well, so we can make sure that the product that we're getting is something that in our best interest. Not necessarily even just for the people who buy it the first time, because there are going to be multiple sales. And we have these Senior Housing Guidelines and if we don't really try to use them as much as possible, I'm not sure what we have them for. So, personally, that's what I would like to see.

Mr. Scola: May I ask when does the subcommittee meet?

Mr. Apicella: We met over several months. Actually tonight we're going to decide whether or not we're going to send the guidelines to a public hearing. I'm just going to parlay off of what Mr. Randall said; the committee agreed that the vast majority of features that we were going to ask for should be mandated, not optional. So, what I'm hearing is, some things you're going to do, some things you're going to offer as options, and some things you're not going to do. And I just don't have clarity on what those things are. I'm not talking...

Mr. Scola: I understand that perfectly, I do. And I agree.

Mr. Apicella: I just have no sense, because it hasn't been provided to us, it hasn't been provided to staff, where you guys are and what you're going to do. And I'll keep saying it for my colleagues here, it's all well and good to have an audit, but there's no enforceability with a piece of paper that you send to us that's part of an audit. The only enforceability we have is to the extent that you've provided something in detail and said, this is what we're going to do, and we've incorporated it into the CUP. Otherwise, it's just a piece of paper that has no legal consequence whatsoever. So, that's kind of where I'm at. I agree with what Ms. Barnes said. We're still operating without all the information I feel we need to make a good decision to see whether or not what you're proposing here...

Mr. Randall: What information do you need?

Mr. Apicella: I'm sorry?

Mr. Randall: What information would you need?

Mr. Apicella: Yeah, I'm going to again reinforce what I said just a few minutes ago. We got from the last applicant, Vistas, their guidelines. They said exactly what they're going to do, in great detail, and they incorporated and we agreed to put it in the conditional use permit. So, I think that would be... to me that's the right way to go. We have the ability to put them in the conditional use permit. So, for an applicant to say I'm going to do x, y, and z at a public hearing, it's meaningless again unless and until it has some legal enforcement associated with it.

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Mr. Bain: If I could step in a minute, Steve, I think I hear them saying that they're willing to do that. To submit their audit list with explanations, and therefore I think we're not going to offer approval tonight; I would recommend that. But it also seems to me that some of the items they've mentioned might warrant going back to the committee and say, do we need to make some of these things subject to the size of the development that's being proposed. Yes, if it's a 300-unit building, covered porticos make sense. If it's a 6 or 10-unit senior housing, then maybe it's not so. I think on both ends maybe we need to just sit back and let them do some additional homework, submit it to staff, and let the Commission look at that, at the results. But also, maybe the Commission needs to consider some things on that senior guidelines.

Mr. Apicella: Yeah, can I just respond to that, Mr. Bain? So, what the guidelines propose are, again, a series of design features and it offers the applicant the ability to come back when they submit their project to say, yeah, we agree with that, but we don't agree with this and this is why. Okay. So, yeah, we don't expect every single time for somebody to be in 100% compliance, but we'd like to know why they're not going to be in 100% compliance. I certainly agree with the comment that Mr. Randall made. It doesn't make sense to have two elevators in a 15-unit apartment building or condo. But, at least we'd like to know and have some rationale why... we can't write the bible of senior housing guidelines. We have to have something to start with. We can't say if this happens then x, if this happens then y, and if this happens then z. We have to have some kind of standard for people to look at and then to tell us why that standard doesn't make sense in their particular set of circumstances. And that's what the guidelines offer. So, here's where we are. Does anybody have any other questions or comments before we open the public hearing?

Mr. English: I guess my question is, I know you come up with these guidelines and we're going to go through it and we have to wait for the Board to approve it, suppose the Board didn't approve these? Then where does it leave these applicants?

Mr. Apicella: Yeah, the Board sent it back to us unchanged and gave us the ability to put it to a public hearing. I would say if they had any issues or concerns with it, they could have raised it before they sent it back to us. Again, I'll reiterate that Mr. Dudenhefer, when he approved the Vistas, asked about how... if and how that project aligned with the guidelines before the vote was taken.

Mr. English: Okay.

Mr. Apicella: So, my sense is that they don't have a problem with the guidelines. I could be wrong, but they've sent it back to us to put it to a public hearing. Alright, with no other comments or questions, I'm going to open the public hearing on the matter. As before – thank you gentlemen – this is an opportunity for the public to comment on this item. Before starting your comments, please state your name and address. The green light starts the clock; yellow means there's 1 minute left; red means please conclude your comments. So, if anybody in the chambers would like to come forward and speak, please do so now. Okay, seeing no one rush the podium, I'm going to close the public hearing and bring it back to the Commission for further discussion and potential motion. Mr. Randall, this is in your district.

Mr. Randall: Yes, yes it is. You know, I'm torn. I would submit to say that there's not a better development of houses in the community and community and family than... in Stafford County than the Embrey Mill development. I have no question that they're going to do exactly what they tell us they tell us they're going to do. You know, if we... they've been in front of us a hundred times for these types of things. This will be the senior living place that everybody wants to come to, whether it's

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being able to live on the first floor and being able to shuck the kids to the top and put a gate on them so they can't come back downstairs, you know, whatever it takes... optional door, you know, locked from the outside, to having garages on every single unit. You know, to be able to drive in, get out, walk inside to your unit without having to park, you know, 50 yards away and then walk in the rain as most of the senior places that we have consist of. You know, if they tell me they've got the majority of them and many of them are going to be options and many of them are going to be done... or aren't going to be done because of the lo... or because of size. So, they go to staff for two weeks and they show the staff these are all the things and staff comes back and says, yep, we agree; three-quarters of them are going to be already done. What does that mean to me? How do I enforce that? Do I believe staff more than I believe them? Do I believe them less than I believe staff? I don't know. You know, do we think that they're just doing this so that they can get it approved and then they're going to go home and say, whew, we got that done, now we can just go out and do whatever we want. I can't sit here and say that's the case. You know, a 1,700 square-foot condo; show me one of those in Stafford. You won't find one, that I know of. You know, this isn't a 1,200 square-foot apartment with 300 other of them and your closest neighbors. This is a 1,700 square-foot condo that I would be willing to move in tomorrow, or to a townhouse tomorrow.

Ms. Barnes: Can I add to that?

Mr. Randall: Please.

Ms. Barnes: I completely agree with Bart. As a matter of fact, when I saw that townhouse with the main level living, I really got excited; I really like that. But... specificity is always a good thing. So, I really think that it would not hurt to get some real specifics and to really get down in the weeds with our experts that we have. Like I said, that is my preference. But I agree with Bart. I think it's phenomenal. I love it. But I think specificity would be something... *inaudible, being talked over.*

Mr. Randall: Yeah, no, no, and I... listen. That's why I'm torn, because I hear you, I hear Steven. I understand what your requests are. I just don't know what I'm going to get in two weeks. I just don't know if... I mean, I can get staff and staff can go do a thorough development and they can go through and do the audit and sit down side by side and then come back and say, yes, we agree with their assessment that they're going to have 75% of our guidelines and that 15 of them are going to be listed as an option. And if my math is right, 10% they're not going to do at all because of these reasons. Well, do I need the reasons? I guess. If every single time we have a senior living I'm going to have a spreadsheet of a hundred guidelines, and they're going to have to prove to me either they follow every guideline or they give me a reason why they don't do every guideline, you know, is that where we're going with the guidelines we put together?

Mr. Apicella: Can I chime in?

Mr. Randall: I don't really think that's the case. I think what we said was is that we need to do much more than we've ever done in the past when it comes to senior living. And I think we would look at these and go this is a thousand percent better than everything we've seen in senior living, including the Vistas, for Stafford County. Yes, they may not have one or two things.

Mr. Bain: But if you're not going... if you're not going to have that type of checklist where you go through and mark each one off or have a valid reason not to, why have the guidelines? Why have we put the effort into the guidelines in the first place if they're not going to be used as a checklist?

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Mr. Cummings: Let me chime in for a second. I agree with Bart to an extent and I agree with Steven, and Mr. Bain. But the point is that we don't have the process, right, and the protocol stated in the guidelines. And I think that's the glaring issue. And it's not the applicant's fault; you just happen to be a victim of circumstance. But I think that we all agree, I served on a committee, that we do need that in place and we do appreciate the level of quality that you bring and the detail and the openness that you've shown and willingness to work staff on this. I wish you had your Excel spreadsheet with you so you could send it to us and staff could go through it while we go in with the rest of the agenda. If you don't, I suggest that we just... I think that's where Steven is headed is just to simply...

Mr. English: Could they... Mr. Cummings, is it possible that they could get the spreadsheet here and they could look at it tonight? I mean, is that doable, Mike? Or is that not? I'm like Mr. Cummings; I don't think it's fair that we were doing this and they didn't... the guidelines haven't been approved yet. And I know what you're saying, Steven, that we're going to look at it and all that stuff. But I don't think it's...

Mr. Zuraf: I think that would be...

Mr. Apicella: As we spent... I'm sorry, we spent a couple months working on this. We talked about the very process, which was something akin to a checklist. Mr. Randall, you were there, and Mr. Cummings were there, and we said yeah, we have to run through all the different elements and apply it to each specific set of circumstances; it would be fact specific or circumstance specific. Some of the things in the guidelines clearly would make sense, some would be a gray area, and some wouldn't make sense. That's the very thing we talked about. And so, when you say it's not fair, I had this very conversation with these applicants in February or March; it's not a surprise that we were working on these guidelines. I believe when we were close to finishing the guidelines, they were one of the entities we sent it to. So, I don't know whether they commented on it or not but we gave them that opportunity. So, this is not... this is not, you know, something that's coming up at the midnight hour, this is something we've been working on for a long time. Is it a perfect process? It'll never be a perfect process. But, the bottom line is, what is our goal here? We're trying to ensure the safety and the accessibility and the mobility of seniors in the projects going forward, given the past where we didn't get that in senior housing. So, either we're going to move forward with the guidelines or we're not going to move forward with the guidelines. I'm surprised at the hesitation because we spent so much time on this and we thought it was the right way to go. I still think it's the right way to go. I think a lot of what we did makes a lot of sense. We're giving the applicant a chance to tell us exactly what they're going to do. We have more information tonight than we had in the staff report, but it's really not on paper; it's just them telling us verbally what they're intending to do. So, again, trust but verify. We do that with every single application. Why have proffers and why have conditions if we're just going to... the applicant's going to say I'm going to do x, y, and z. Okay. Let's just agree that they're going to do it and not hold them accountable.

Mr. Cummings: I agree with you, Steven. Point taken and we concur. Mike, if you don't mind...

Mr. Zuraf: Yeah, and the question of whether we could look at that tonight, I think it would be a little bit much to go through and give you a good solid answer on the hundred, you know, guideline points and... yeah, thank you, 121 points... and give you good answers on every single one. And I have the next agenda item, too.

Mr. Cummings: Thanks very much. And thank you, Steven, Chairman. So, the point that I was trying to make is not that we need to throw the baby with the bath water, but just to take a... *inaudible*...

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approach, and we've tried to give every opportunity for us to find a solution to get to a yes. And it doesn't seem like we're going to tonight. But it did bring out, I think, a glaring issue that we need to resolve for the guidelines as a whole, in terms of process. So, that said, Steven, I'll turn it back over to you.

Mr. Apicella: Thanks, Mr. Cummings. So, again, it's...

Mr. Randall: Yeah, I got it.

Mr. Apicella: ... *inaudible*... waiting for a motion. Anybody have a motion on this?

Mr. Randall: Yeah, I'll take care of it Steven. Against my... *inaudible*... wishes, but it looks like that's where we're going to go, I will make a motion to defer this for two weeks so that staff has a chance to review with the applicant the guidelines that we... the guidelines that are not yet approved, as far as how they apply to this development.

Ms. Barnes: Second, and thank you.

Mr. Randall: Or the next... it'll be the next meeting, I'm sorry. The next meeting, the 9th of December.

Mr. Apicella: Right, okay.

Mr. Bain: Will that give staff sufficient time and when will you receive the material and then will you have sufficient time with two weeks?

Inaudible from the audience, not at microphone.

Mr. Randall: To that point, will the 9th of December be...

Inaudible from the audience, not at microphone.

Mr. Randall: Okay. So, the motion is to defer until the 9th of December.

Mr. Cummings: Second it.

Mr. Apicella: Okay. I think Ms. Barnes seconded, so any further comments Mr. Randall?

Mr. Randall: Yeah, just that we're going to defer, we're going to get a list, we're going to look at the list, they're going to give us reasons why they're not going to do it, and I hope at that time that whether they apply all of them or not, if they've given us a good reason that we can move forward. Thank you.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Nothing further.

Mr. Apicella: Anybody else? Okay, there's a motion to defer this item until December 9th with the hope that we're going to get some more information about what specifically they're going to do and

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how it's aligned or not aligned with the draft guidelines. Okay, I'll just do a quick roll call vote. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. Apicella votes aye. I believe the motion carries unanimously. Thank you everybody for your indulgence and the time we spent on this. Next item Mr. Harvey?

3. Amendment to the Zoning Ordinance - Proposed Ordinance O20-10 would amend the Zoning Ordinance, Stafford County Code, Sec. 28-165, "Amendments and variations of conditions" to allow for the waiver of a public hearing prior to approval of certain proffer condition amendments and establish notice requirements regarding the same. **(Time Limit: November 26, 2020)**

Mr. Zuraf: Good evening again, Mr. Chairman, members of the Commission. So, this next item is for consideration of the amendments to the Zoning Ordinance; specifically, Stafford County Code, Section 28-165, to allow for the waiver of a public hearing prior to approval of certain proffer condition amendments and establish notice requirements regarding the same. So, for some background on this amendment, so, proffers, once they're approved, they remain with the land and only change if they are amended in the future by the Board. So, occasionally, development is proposed on property that was rezoned many years prior. Oftentimes in these situations, new development concepts may not comply with the original proffers. Regardless, development will still be required to comply with the proffers that exist on the property. And, as a result, developers need to request amendments to proffers to reflect their new development concepts. Often, proffers that are being requested to be amended are viewed as minor in nature, and the removal would not necessarily result in negative impacts. The proffer amendment and public hearing process is still required though, regardless of the scope of the proffer that's seeking an amendment. The need to go through the proffer amendment process has been viewed in some cases as a hinderance to economic development efforts in that it results in delays to the approval process. So, lifting barriers to economic development opportunities is one of the strategic

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priorities of the Board of Supervisors 2040 Strategic Plan. Last year, the Board sought to identify if there were other remedies to amending proffers other than through public hearings. The State Code does allow for the Board to amend proffered conditions without public hearings on a limited basis. In August this year, the Board did refer a proposed Ordinance to the Planning Commission that would allow property owners to request a public hearing waiver if proffers to be amended are not affecting use or density of the property. The Planning Commission was authorized to make changes that were deemed appropriate and necessary. And then there was a Minor Proffer Amendment Subcommittee of the Planning Commission that met in September and October. So, getting to the proposed Ordinance, Ordinance O20-10, that would allow a waiver of a public hearing when a proffer amendment does not affect conditions of use or density or monetary contributions. In addition, the Ordinance does also limit the type of proffer that would be eligible for such a waiver. The types of proffers include generally if the proffer conflicts with current Ordinances. This would include buffers, screening, and landscape requirements that no longer apply; if it deals with stormwater management best management practices; landscaping requirements such as what might be required in parking lots; building and sign placement; dumpster locations if in excess of 50 feet from the nearest residence; reduction in building footprint or height; building architecture; fences, walls, and berms; or any other proffered conditions that have already been satisfied. Lastly, the Ordinance would require any landowner or applicant who files an application for a waiver to notify all adjoining property owners and identify the proffers that they're seeking to amend. A written proof of notification to all landowners should be included with the application. This is a similar process that is currently required for applicants filing major site plans or constructions plans with the County. This process offers the adjoining landowners the opportunity to notify the County of any issues or concerns they may have, in addition to providing some transparency in keeping citizens informed even on minor changes. Staff does recommend approval of this Ordinance. The amendment would establish a process to allow administrative approval of amendments to proffered conditions that are viewed as minimal in nature. Also, the Board would still have the flexibility to not grant a waiver and require a full public hearing process if even in these minor cases they feel there could be some impact. And I'll note the Planning Commission has a time limit of November 26 in order to render a recommendation to the Board. That ends my presentation.

Mr. Apicella: Thank you Mr. Zuraf. Questions?

Ms. Barnes: Yeah, can I ask a real quick question about procedure here? We have this list of it looks like 11 items that we've included. Is it possible tonight for us to pull one of those, or do we have to do this as is? Because I've taken a look at one of them that I'm not real happy with, so I'm not sure if we can go forward. If I say hey, can we pull this, you know, whatever number it is that I don't like, is that possible?

Ms. Lucian: I think you can make changes to the list, that would be within the scope of the advertisement.

Ms. Barnes: Okay, thank you.

Mr. Apicella: Other questions?

Inaudible.

Ms. Barnes: Which one?

Inaudible.

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Ms. Barnes: Oh, no, not 11. No, no. I was just saying... the one that I... So, I was the Chair of this committee and we did go through some of these pretty exhaustively, and a lot of them make sense. At first I thought they didn't but then as staff explained them to me, they did really make a lot of sense. There's one though that I am questioning and maybe staff can talk me down. Number 5, building placement. So, it made sense when staff said well, you know, most of these projects are on small lots of land so there isn't a lot of wiggle room for building placement because of setbacks. However, if you do have a very large project, and I know that we've got something in Rock Hill that's going to be probably coming down. I know we've been waiting for it for a while. It's a pretty large project. If they can do this, if they can move the building that they're proposing on their site completely to the other side of the property, that's a pretty big move. And I know that there is that safety net there of the Board of Supervisors doesn't have to allow for that, but that's such a big change to me compared to, you know, a different color brick veneer that it seems like that's something that shouldn't... that should not be allowed to have that kind of a waiver, in my opinion. Even though we are sending out notices to all surrounding properties, there is no public hearing but the public is being told so that it gives them an opportunity to push back if necessary. I still think that it would be in our best interest to... something that moves that much, if you move a building completely then that is going to have to have a public hearing. That's just the way that I was thinking about that if anyone else has any thoughts.

Mr. Cummings: I'll take a stab at it. Bart, you got it?

Mr. Randall: No, go ahead.

Mr. Cummings: Yeah, I look at it as tools in the Board of Supervisors' tool kit. So, if we were to give them... it's just another tool that they have based on circumstances they can exercise in discretion. So, I'm okay with it getting the likelihood being... *inaudible*... that we're going to have a similar situation like the Rock Hill one. And the Board of Supervisors will have the opportunity to use their discretion. So, I'm comfortable as written.

Mr. Apicella: Other questions or comments from staff?

Mr. Bain: Yeah, just a... maybe I'm being naïve here. Let's say that instead of the plan that was proposed, that they had actually submitted a plan with the building where they now want it. We wouldn't have had any oppor... any rationale for denying the application as long as they met setback requirements. So, I don't see the changing the building location as long as it continues to meet the setback requirements would be a reason to deny.

Ms. Barnes: So, maybe you can explain that a little bit better and with the way I understood it, if it's a smaller piece of land, a smaller project, there's a lot less wiggle room than if there's a very large project.

Mr. Zuraf: Right. And I guess we do see it... it could be, for some reason, maybe there's a circumstance where we want the building proffer to be in a specific location. And, yeah, if there's no proffer on building location, then yeah, there's flexibility to place it wherever on the site, so. I guess the idea is initially there was some reason why, you know, there was a desire to keep it proffered to a specific spot and I think the...

Mr. Bain: There was an actual proffer for where it was going to be; okay.

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Mr. Zuraf: Yeah. And I think the overall...

Mr. Apicella: *Inaudible*... the GDP, right?

Mr. Zuraf: Correct.

Mr. Apicella: If they proffer the GDP, and it says the building X is at the front of the property, then that's where building X has to be. In order to change the location of building X, they'd have to give us normally a revised GDP, right?

Mr. Zuraf: Correct.

Ms. Barnes: But would you require a public hearing then to change that because it is actually changing the proffers?

Mr. Apicella: Not under... not as I read this. But I'm going to piggyback off what you said. I'm not sure where I'm at on it. But again, let's say in their GDP they had a 4-story building and it was designated for the front of the property along say a major road, and the parcel is big enough that they've changed their mind and they're going to move that 4-story building to the other end and it might impact residential units that are abutting the parcel. It didn't before, but it's going to now because they moved the building from abutting to the road to abutting houses. I can see where that might be an issue. On the other hand, again, hopefully the Board would have enough information to know that they're moving the location of the building and what those potential impacts would be. So maybe that's really part of the, the question is, what information would we expect the Board to have to know the scope of the change and whether or not they should or should not grant the waiver.

Mr. Zuraf: So, just also, a lot of times you'll see a proffer that'll be, you know, that something is constructed in the general location as shown. So, if there's some slight adjustments, then I think there's enough wiggle room to allow that. But like the example that was just stated, yeah, that would probably exceed that... that kind of idea and that proffer. So, thus an amendment would be needed. But I think again, the Board's going to use their discretion and say, well, yeah, it's a 4-story building and it's maybe going to create a much bigger change and then you would think that they would not accept that waiver.

Mr. Randall: I guess then, to that point. I'm sorry Dexter. I guess to that point, you know, when we first got this, the Board of Supervisors looked at the code that was there that said, you know, anything that doesn't affect conditions of use or density, monetary contributions, or other matters, that impact the community, they may waive the requirement. So that... that literally... that aperture for that is huge, right. And the purpose of us, and I was kind of the driver of this to the point that why don't we narrow that down to a very specific amount of things so the Board doesn't have to waste their time figuring out well, the waiver's allowed but we're not going to give them one. Let's... if we think that moving a building more than 25% of its original footprint should go back to a public hearing, then let's say that. Building placement change more than 25%, or more than 10 feet, or more than 20 feet, or more than something. We're not even going to... it's not even an option to go to the Board and have them sit through whether or not a waiver is going to be, no, we're not doing a waiver. Anything like that has to go to a public hearing. It's set. Right, that's kind of why we were doing this...

Ms. Barnes: *Inaudible, two people talking at the same time*... Otherwise everything is negotiable. If we don't have this specific list, then we just opened it up completely.

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Mr. Randall: Right, that's trying to... right. And that's why the sign location; do we... really? No, we already have the ordinance for signs. If we move it 10 feet from here to there, we move it to the other side of the street, I don't think anybody's going to care. Again, one thing that says oh, yeah, we're going to be able to do a waiver for this because this is... But I agree, and we've had this discussion numerous times about a building placement, and I think there needs to be either it needs to be taken off or there needs to be some restriction to that building placement so that if it goes to the Board for a waiver, that they know for sure that we have determined that it has no impact to the community and that the community doesn't need the benefit of a public hearing to grant that waiver. You know, whether we have somebody speak at public hearings or not, the opportunity should still be available to the public for that. And so, you know, I'm good with all of these, you know, dumpsters. Look at 7. If we move a dumpster or waste location in excess of 50 feet, you know, from the nearest residence, maybe if we say the same thing, you know, to Steven's point. You know, building placement, anything closer than 50 feet or anything closer than 100 feet to a resident requires, you know, a public hearing. You know, something along those lines. Or you just take building placement off of there completely.

Ms. Barnes: Yep.

Mr. Randall: So would I. I would just take it off if it was me. I would just take it off and then any kind of a building movement is going to require a public hearing. That would be my druther. But, you know, if there are some that still want to leave it there, then I would put a caveat to it for sure.

Ms. Barnes: You can't put something in it like, you know, more than 10%?

Ms. Lucian: I think if you're going to go into that much detail that you're going to be out scope of the advertisement. If you want to adjust which ones are included in your list, I think you're okay. But going beyond that would make... *inaudible, being talked over.*

Mr. Randall: Yes. Then I would recommend to the Commission that we take number 5 and remove it from the list.

Mr. Apicella: Okay. Any further questions or comments for staff? Alright, seeing no further comments, I'm going to open the public hearing on this item. Again, when the green light starts, please identify your name and address. Yellow means you have 1 minute left to comment. And red means you need to conclude your comments. If there's anyone in the chambers who'd like to speak on this item, please do so now.

Mr. Bain: There's nobody in the chambers, Steve.

Mr. McPherson: Nobody's here.

Mr. Apicella: Really? I still have to say it regardless. Okay, seeing no one other than Jeff at the podium, I'm going to close the public hearing and bring it back to the Commission for further discussion and deliberation. What I heard was a recommendation to remove item number 5, building placement...

Ms. Barnes: Steven, I'll go ahead and make a motion if you'd like.

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Mr. Apicella: Well, does anybody have any other comments or concerns about the list before we make a motion? I just want to throw it out there. So, seeing none...

Mr. Randall: I'm sorry, Steven. I do have one little thing, I'm sorry. Mike, can I have you... So, if we leave number 10 on there, building architecture to include design materials and color scheme, tell me what your opinion is on allowing that to be on the waiver list. You know, the Board's still going to look at... they're still going to look at it, they're still going to have the option of either waiving or putting it to a public hearing. But again, this goes to the caveat of, you know, if I want to make it purple and orange, you know, do I even want to think about a waiver for somebody that... I mean we're pretty... we're pretty consistent with when we see it, we see a general drawing, you put it on the GDP. We're going to try to hold you to that. Have you seen situations where the building architecture changes and design materials change significantly enough that we would not want this to be waivable?

Mr. Zuraf: I think whenever we've received any requests to amend building architecture, we will ask for, okay, what are you doing instead. And so then, you'd get alternate, you know, elevations. I haven't seen anybody come in with a purple building to kind of replace it, so, we will... we'll always kind of... you know, and if so, for example if an applicant comes in and they just say they want to remove it and don't have anything in its place, then that might be a red flag to say well, we better be careful with considering just a waiver of that.

Mr. Randall: Roger that; thank you.

Mr. Apicella: Mr. Randall, I think my biggest concern on building architecture is more about materials. Let's just say somebody came in with an apartment building and they said they were going to do an upscale apartment building and they were going to have, you know, cladding or brick or something, and they decided well, we're going to switch it to vinyl siding. That would be a pretty big change, and I would hope that we would get enough information from the applicant for the Board to know it's going from, you know, brick to vinyl siding so that they could make an informed decision about whether or not they want to grant a waiver in that case. That's the piece that is concerning to me is I don't know what the Board's going to get in order to know that they enough information, or lack of information, to be able to weigh whether or not a waiver should be granted. That's the piece to me that's missing from this whole construct.

Mr. Randall: Agree. So, that's why I ask the question. And so, I don't remember the list being 11 long when we... it was 10?

Ms. Barnes: Originally it was 10 and I think that the... after our meeting, the fences, walls, and berm... wait, wait, wait... no, there was another one that was added on there. Oh, the number 12, I'm sorry... turn your page... number 12, proffered conditions that have already been completed and satisfied.

Mr. Randall: Was what we added.

Ms. Barnes: That was what was added on after our last meeting, correct.

Mr. Randall: Gotcha, thank you.

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Mr. Apicella: Again, so, what's the will? What should we do with these? Should we tweak those, should we take some off?

Ms. Barnes: Just to your point, yeah, I agree that those changes could be pretty radical. But, again, there is that safety net of, you know, it's going to go out to the public and it's going to go to the Board of Supervisors and I'm not sure that changing the color of the brick or a color scheme in a minor fashion is as much of a big deal as moving a whole building. So, I'm... I think I'm still comfortable leaving that in there. But you're right, what is going to be the procedure about giving the Board of Supervisors that information? Are they going to receive the exact changes that the applicant is proposing?

Mr. Zuraf: Yeah, when they come in with the waiver, they'll have to submit the new revised proffer statement. So, we have to see what they're changing.

Ms. Barnes: And that goes to the Board and the Board then can look at that and say, no big deal, we can waive it, or heck no, this is a massive change.

Mr. Zuraf: Correct.

Ms. Barnes: Okay.

Mr. Randall: All we're recommending to the Board is that on certain circumstances, we recommend that you can waive the public hearing. My guess is, they're still going to get the same staff report, they're still going to get the same changes, they're still going to get the same proffer modifications report that they would normally get. It's a matter of whether they can adjudicate it at that moment exactly, or whether they have to do a public hearing for it 3 weeks later and to have this process take 6 weeks rather than being able to adjudicate it at the moment. That's what we're trying to help them finalize.

Ms. Barnes: So, I don't know what the will of the Commission is. I'm comfortable leaving number 10 in personally and removing number 5.

Mr. McPherson: I'm okay with that.

Ms. Barnes: I will make that motion if you'd like. Steven, want me to do that?

Mr. Apicella: Sure, go ahead.

Ms. Barnes: Okay. I move that proposed Ordinance O20-37... is it approved or recommended to the Board of Supervisors... approved, removing number 5, building placement, and leaving the rest as is.

Mr. McPherson: Second.

Mr. Randall: Where's 37?

Ms. Barnes: Proposed Ordinance... Oh, I'm sorry, I've got the wrong one. Okay, proposed Ordinance O20-10. Thank you.

Mr. McPherson: Second.

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Mr. Apicella: Okay. I'm sorry, who seconded?

Mr. McPherson: Fillmore.

Mr. Apicella: Okay, thanks. Alright, any further comments on that Ms. Barnes?

Ms. Barnes: Yeah, I did. I specified without number 5; removing number 5 from that. Thank you.

Mr. Bain: I'll just make a comment. I had commented to Mr. Harvey earlier and he had responded. It concerns me that these waivers don't come before the Planning Commission at all. We're the ones that were probably involved in reviewing the approving the development plan with any proffers, and we're not involved in a review of the waiver request. And Mr. Harvey explained that to me, but it just... it bothers me.

Ms. Barnes: Can Mr. Harvey explain it to the rest of us, too?

Mr. Apicella: Mr. Harvey?

Mr. Harvey: Mr. Chairman, Planning Commissioners, the State Code provision specifically speaks to allowing the Board of Supervisors to grant a waiver to allow the approval of proffer changes without public hearings. So, the Planning Commission is not in the equation with regard to this provision in the State Code.

Mr. Apicella: Mr. Harvey, before you walk away, and Ms. Lucian could chime in as well, so, whatever we give the Board, they can also take away from the list if they so choose. So, if they had an issue with, again, building features, they could remove it after we send it to them with our recommendation. Is that correct?

Mr. Harvey: Yes, Mr. Chairman, that is correct. You may recall from previous staff discussions, the State Code allows the Board to liberally construe with regard to proffers what can be done without a public hearing with exceptions of issues that affect density, intensity, or use. So, those are the only limitations. So, our Ordinance today is the most restrictive possible in that we don't allow any proffer amendments without public hearings. This proposed amendment with the modifications tightens that up to some degree and gives the Board more guidance and staff more guidance when speaking to applicants about what could be acceptable for a proffer amendment without a public hearing. And again, as Ms. Barnes has said, the Ordinance is written in such a manner that it still gives the Supervisors an option to say, no, we think the magnitude of the changes are too much, it still needs to go through a public hearing process. So, the Board is not...

Mr. Apicella: And Mr. Harvey, in the staff report that goes to the Board, could I ask that they be advised that we did have building location on our list but removed it so that they can know the change that was made in the version that we're sending them?

Mr. Harvey: Yes, Mr. Chairman, we'll make the Board aware of that. Please recall when this item was first referred to the Commission, there was not this refined list. So, this will be all new information to the Board.

Mr. Apicella: Right. Okay, thank you Mr. Harvey.

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Mr. Harvey: You're welcome.

Mr. Apicella: So, there's been a motion that's been properly seconded. Any further comments from any Commissioners? Alright, seeing none, I'm going to do a roll call vote on the motion to approve Proposed Ordinance O20-10, removing what is now item number 5, building placement. Mr. Bain, what's your vote?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Mr. Apicella votes aye. Motion carries unanimously. Thank you everybody.

Mr. Randall: Mr. Chairman? Mr. Chairman...

Mr. Apicella: Yes.

Mr. Randall: ... can I make a quick point of order? Could I recommend that we close... I walked out with the applicant for a minute and I wasn't sure if we finalized the public hearing on item number 2. Could I recommend that we close that public hearing?

Mr. Apicella: I did close the public hearing.

Mr. Randall: Okay, alright, I wasn't sure that we did that. Thank you.

Mr. Apicella: Okay, Mr. Harvey, moving onto item number 4.

4. Amendment to the Zoning Ordinance - Proposed Ordinance O20-37 would amend the Zoning Ordinance, Stafford County Code, Sec. 28-35, Table 3.1 "District uses and standards" to require a conditional use permit for Warehouse, Mini Storage uses in the B-2, Urban Commercial, Zoning District as a conditional use permit. **(Time Limit: December 10, 2020)**

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Mr. Morgan: Thank you Mr. Chairman, members of the Commission. The item before you that I have this evening is seeking to include conditional use permit for B-2 uses for mini storage warehousing. Mini storage warehouse facilities are currently permitted in the B-2, Urban Commercial Zoning District. They are also permitted in the M-1, Light Industrial and M-2, Heavy Industrial districts. The purpose of the B-2, Urban Commercial district, is to have appropriate areas for high-intensity commercial retail uses intended to serve the retail area and service of business and professionals... professional service needs at a regional or countywide scale. These areas should be located in strategic nodes along arterial major collector roads where there are adequate utilities and facilities to serve the intense development. In contrary, the M-1 purpose, just like the M-2, are districts established in areas to provide certain types of businesses and industrial uses characterized by light manufacturing, heavy manufacturing, warehousing, wholesale distribution, that are relatively free from offensive activities. Currently in the B-2 district, mini-storage warehouses are permitted by-right. It is so desired by the Board to bring it to the Planning Commission to require a conditional use permit for mini-storage warehouses in the B-2 district. I can answer any questions that you would like.

Mr. Apicella: Thank you. Questions for staff?

Mr. McPherson: I have no questions, but I just have one comment when I was looking through this. Of all the things that are by-right in B-2, I think mini-warehouses and storage are of the least concern. I'm not really sure why this is what came up.

Mr. Morgan: So, after discussions with Board members, you're right; the B-2, Urban Commercial district does have higher intensity uses. For example, restaurants at about 340 vehicle trips per thousand square feet a day, all the way up to convenience market shopping centers that are 800 to 700 per thousand square feet. Whereas, mini-storage warehouses are like 1½ vehicle trips per day per thousand. So they're less intense.

Mr. McPherson: And low noise.

Mr. Morgan: And less noise. Less intrusive. However, in the B-2 district you do realize that that's an Urban Commercial, maybe a walkable area, maybe a shopping center, maybe we're utilizing those B-2 areas to establish mini-storage warehouses where they could provide walkable areas that are transitioned from R-1, R-2, R-3 districts where you do have B-2, and you could provide convenience commercial retail service establishments, beauty salons, and restaurants. Whereas, if you have mini-storage warehouse, it's not necessary a walkable type use. So, that's where the discussion came up. Not only was it looked at for a walkable community given that transition from the B-2 to those residents, but, you know, with the intensity of the use, staff does feel like you just said, that it is in line with the B-2 uses, however, it may not be as harmonious to provide that kind of service to the surrounding neighborhood.

Mr. English: Is it also because there's so many just popping up that it's to try to cut it down a little?

Mr. Morgan: I believe that was kind of a discussion.

Mr. English: Because they are; they're worse than 7-Eleven's and CVS's.

Mr. Morgan: There are many coming up, yes.

Ms. Barnes: So, that was my point...

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Mr. McPherson: The County's growing.

Ms. Barnes: ... that I was going to make is I think the reason why they're doing this is because there just seems to be kind of a... what's the word... a glut of mini-storage warehouses, especially in Rock Hill where I am. They're even putting another one up by North Stafford. So, my question is, do we have an occupancy... do we know with these businesses, I mean, obviously the market controls what is... the demand controls the market. But do we know what the occupancy rate... I don't know what the term is for a mini-storage... Yeah, are they filling up? Are they sitting... in a couple of years are we going to have a bunch of dead space because we've got 10 within a couple square miles? I know we're military but that's... it seems to me that this adds a level of oversight and perhaps some kind of organizational control that we otherwise don't have. I really like this.

Mr. Randall: What conditions would we put on the storage unit? Do we think this will distract them... detract them from building a storage unit? Or are we just asking for \$10,000 from them because that's the fee? You know, I don't know what conditions we would put on a mini-storage as a conditional use permit.

Mr. Apicella: One condition...

Mr. Morgan: The additional uses in this type of...

Mr. Apicella: Mr. Morgan, can I chime in? So, right now, again, since it's by-right, someone could put a mini-storage anywhere on a B-2 site. So, let's just say you've got a B-2 site that's 30 acres, and there's certain things that makes sense to put up towards the front of the B-2 site, and certain things that may make sense putting it on the back-end of the site, at least from a planning perspective or a visibility perspective. But without any kind of controls, the applicant can put that mini-storage anywhere they want on the site and perhaps in a less... a less palatable place. So, one of the conditions could be they provided a site plan and that is a condition that gets enforced that says it's going to be in a specific place in the site plan. And it's restricted, it can't go anywhere else, unless they come back and get an amended CUP. So, that's one of the conditions. There are also... *inaudible*... issues associated with mini-storage potentially. I realize it's not as intense, but there could be some issues when it's close to a neighborhood that you might want to have those issues mitigated. Again, not because of intensity, but because of other issues.

Mr. Randall: And I agree with you, Steven, to a greater extent. But I'm looking at the list of the B-2 things that we can do by-right and that list that you just described could be used for many of these things that are currently on here by-right. And so, I think to single them out... I mean, I've got recreational enterprise. You know, I could put a Top Golf recreational enterprise and we definitely would want to have a CUP for that. But, it's not required in a B-2 because it's by-right and yet we'd have all sorts of issues with a Top Golf for example. And, by the way, Top Golf, come to Stafford, if you're listening. But there's lots of things I think that would apply. And so, you know, I appreciate we don't want any more of them. I appreciate we have thousands of them already. I just don't see the reason to single them out per se because we have a perceived notion that they're distracting to Stafford, as much as I may think they are or they're not or other things are or not.

Mr. Bain: And I would add to that, even if they submitted a site plan with the building located where we, the Planning Commission, don't like the location, we wouldn't have the ability to deny that unless there was some real provocation that it was going to severely impact adjoining property owners. So, I just don't think requiring a CUP for that makes a lot of sense.

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Mr. Apicella: Mr. Harvey or Ms. Lucian, I'm going to give you two scenarios. If we include it in our recommendation, if we go along with what the Board has asked us to send back to them and included warehouse mini-storage as a CUP item, they could always go with the staff recommendation and take it out. Conversely, if we don't make the change, what option would the Board have going forward if and when it comes back to them? Can they go ahead and make the change even though we've recommended against it?

Mr. Morgan: Do you want me to answer? Yes, they have the ability to make the change. The recommendation comes to the Commission as the Commission is a Board appointed Commission to review things; ultimately, it would be the Board's decision. So, whatever your recommendation would be, if the Board so decided to require this conditional use permit, it would be under a conditional use permit in the B-2. If they chose to take it out of the B-2 district altogether, that would be an option, or to leave it as a by-right use, that would also be their option.

Ms. Barnes: Can I ask for clarification as far as it... because I'm learning all this conditional use permit, the way this goes. So, if we have mini-storage number 12 on 610 down by North Stafford and they want to put it in and we went ahead and pass this, they would be required then to apply for a conditional use permit. Can that be denied? Can the conditional use permit... how does that work? It could be denied, so we actually... this would actually give us some teeth to deny something that we think that there's just too many of in an area. So... we can't do that?

Mr. Bain: You can have reasons to deny but being too many is not a valid one.

Mr. McPherson: Yes. I'd like to add a comment, too. I think, you know, Stafford County is growing as everybody knows. We're also looking for economic growth. The B-2 district is for business growth, which is what self-storage units and mini-storages are. And I agree with Al, what you just said; you know, how many of certain things, whether it's a gas station or mini-storage warehouse, is not something that we need to take into consideration. That's... you know, if somebody doesn't think it's going to work, they're not... a developer's not going to build it. So, I'm just saying, I'm not in support of this option. I think that a by-right use of mini-storage warehouses should stay in B-2.

Mr. Bain: Let me offer an example of something that I don't know how people are going to feel about this, but I ran into this. I needed to get some saw blades sharpened. And I asked some friends of mine that are in the woodworking guild and they said, oh, you need to go see Joe Blow. He's got a spot down in the mini-storage place in Spotsylvania County and he sharpens saw blades out of there. So, it gave him an opportunity to have a very low-cost business front and, you know, if that's something that's good or bad – I think it's good. Maybe some of you think it's bad. They don't have all of the amenities of an industrial park or anything, but I thought that was kinda neat; a very low-cost storage front.

Mr. Morgan: I am glad that you said it was in Spotsylvania County. It would be a zoning violation if it was in Stafford County.

Mr. Bain: Really? Okay; oh, dear.

Ms. Barnes: Otherwise you could put a hair salon in one of those places or you know.

Mr. Morgan: Absolutely, and we would definitely get complaints on those.

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Mr. Bain: But what would be wrong with that? I mean, it's a business.

Inaudible, microphones not on.

Mr. Morgan: It's approved as mini-storage warehouse by definition. Those uses are also by definition, so they would not be permitted.

Ms. Barnes: So... I just want to say that I actually support this because I think that this... this doesn't, you know, unless you're telling me that we can't deny a conditional use permit simply because we don't think it's proper placement, I mean, it sounds like we can.

Mr. Morgan: You have the ability to approve and deny a conditional use permit, yes.

Ms. Lucian: You do, but... do you mind if I step in?

Mr. Morgan: Yes ma'am, go ahead.

Ms. Lucian: The conditions for a conditional use permit are based on what the effects are of the use and not where it's placed necessarily. So, the number of them, if there's one next door, I think that would be an inappropriate reason to deny a conditional use permit. Does that help?

Ms. Barnes: It kinda does.

Mr. Apicella: Lauren, just to be clear, you could deny it if you didn't like where it was actually going to be located on the site because, again...

Ms. Lucian: On the site, yes. On the site.

Mr. Apicella: Inaudible, connection breaking up.

Ms. Lucian: I agree, yes, on the site.

Mr. Bain: What would be the reason for that though? Not just you don't like it there, what would be the justification?

Mr. English: It could be just they could have it next to a neighborhood causing a lot of noise and stuff in and out; that could be one of the reasons.

Mr. Bain: It's a business use.

Mr. English: I understand, but it could be...

Mr. Bain: It was zoned business and therefore the noise is to be expected associated with any business that's on the list.

Mr. Apicella: So, one of the impacts could be, Mr. Bain, is lighting. So, you know, you've got, I don't know, 300 mini-storage units again abutting somebody's residential neighborhood and the lights are on and you live right next to it. You may not having those lights on 24/7. I'm not saying that's going to be the case, but I'm just saying that...

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Mr. Bain: Yeah, but that...

Mr. Apicella: ... that is a condition in place on mini-storage because it's under a CUP as compared to it being by-right and you can't make them do something under a by-right zoning. I'm just throwing... that may not be the best example, I'm just saying there may be...

Mr. Bain: Well, they would still be subject to lighting restrictions in the Ordinance that would say you can't have spillage, etcetera, etcetera. And, to use your example, that would apply to any of the businesses that are authorized under B-2. They could be placed close to the property line and have lights as well. So, to focus on mini-storage, it just doesn't make sense to me.

Mr. Apicella: It may not be the best example. I'm just saying you've got all of these... just thinking about it visually, you've got a whole bunch of storage units abutting – and they're all lined up all to the back-end of the property...

Mr. Bain: So what?

Mr. Apicella: ... and it abuts a neighborhood. Well, I'm just saying, for somebody who lives there, those lights coming on and off constantly, even if it's not spillage, let's just say you've got a light coming on, coming off, coming on, coming off, because it's a motion detector, right. And you live right next to it. The only thing separating you and the mini-storage units might be a fence of a certain size. Again, not the best example, I'm just saying... I'm just kind of giving you a sense of why or how a CUP is different, and you know this, from just allowing something by-right. I can't think of all the...

Mr. Bain: But then, if that's the case, every one of the approved or allowed uses in the B-2 you could say the same thing about. Every one of them.

Mr. Morgan: And you do have the ability to provide an additional buffer with a CUP. You do have the ability to acquire additional things. When you do abut a residential zoning district, your buffer is 50-foot... 50-foot wide with 162 plantings every hundred linear feet, and you do have the no trespass lighting ordinance; lights cannot be directed onward or inward towards adjacent properties, they must not lack sky compliance. So that is correct.

Mr. Bain: I understand that, but that applies to everything...

Mr. Morgan: Everything, that's correct.

Mr. Bain: ... and so, you know, I don't... I still don't understand why we're focusing on mini-storage. The comments or concerns that have been raised could apply to any of the uses that are allowed under B-2 by-right.

Mr. Morgan: Staff agrees.

Mr. Bain: And we're saying, oh, but mini-storage, you know, they're ugly or they're too many or because my familiarity with mini-storage and I have a storage unit for many years up in Pennsylvania. I went there once every 3 or 4 months and, you know, it wasn't like I was in and out every day, and I hardly ever saw anybody there. So, I don't know. I just don't understand why we're singling out mini-storage.

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Ms. Barnes: Mr. Morgan, can I ask a quick question?

Mr. Morgan: Yes ma'am.

Ms. Barnes: Are we having a problem with... I don't know how to phrase this ... kind of like a development bait and switch where we have a project and we're told we're going to put in, you know, walkable type of businesses and restaurants and hair salons and things like that and, for some reason, all of a sudden we see a mini-storage because it's by-right. Are we seeing, like I said, that kind of bait and switch going on that we're not able to control it and we're thinking we get something and we're actually getting yet another mini-storage... is that happening?

Mr. Morgan: No ma'am, we cannot control what they... how a developer develops his property unless it's proffered. If there's proffered conditions on that property that's going to be a shopping center for walkability and close proximity to a residential district, then that's what they would have to adhere to. If it's a B-2 zoned property and it's by-right, a lot of times you have a lot of talk in the neighborhood where you hear that it's going to be restaurants, you hear that it's going to be a beauty salon, and then, you know, it might be a carwash. But, you hear that a lot of times. I hear that many times when citizens call me and say that they've heard that this corner is going to be, you know, a restaurant. And, of course, staff doesn't know any of that and somebody's trying to do their due diligence and purchase a property and we're not going to know what that is until we actually get an application in. So, I have not experienced any type of bait and switch...

Ms. Barnes: Okay.

Mr. Morgan: ... that you're referring to.

Ms. Barnes: I hate to use that, it's such a slimy term, but it's the best that I could come up with. So, then there is a measure of control then if somebody comes to us with a project and says, you know, we want to do this, this, and this. We can, at that point, say, as part of the proffered conditions, and I think we've done this before...

Mr. Morgan: Conditional use permit.

Ms. Barnes: ... well, okay... Well, I mean, have we had it before where we say you can go ahead and use... there's a whole bunch of by-right allowed... uses allowed, but we can say, can you proffer that you're not going to put in a funeral home or can you proffer...

Mr. Morgan: If it's part of a rezoning they can proffer out uses, yes. That's very customary. But if it's already zoned...

Ms. Barnes: There is a level of control there with that.

Mr. Morgan: With a proffer for rezoning.

Ms. Barnes: For rezoning, okay, okay. I'm still learning, thank you, appreciate it.

Mr. Cummings: Yeah, I kind of come down on this with Mr. Bain that it seems like we're painting this with a very broad brush to try and solve what we think is a problem today, based on maybe some aesthetics issues or specific individual concerns. And so, I don't know the data related to how big of a

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problem it is in terms of within the B-2 zoned area. And so, I'd love to be able to gain some data around that and see how much a proliferation there is. If you have that, please share.

Mr. Morgan: In regards to?

Mr. Cummings: The number of these types of storage facilities.

Mr. Morgan: I mean, staff would, you know, when we're starting to talk about uses and trying to make sure that we dictate certain uses, I think legally we get on very touchy grounds...

Mr. Cummings: No, no, I'm not talking about dictate. I'm just trying to get a sense of the universe and the context by which we are trying to legislate or create or decide. The other piece for me is, is it possible for us to decide what kind... because Steven mentioned a couple different things, site locations, you know, to have the look and feel that we want and make sure that we're not creating any impacts, right, with respect to lighting, with respect to other residences, and these are very specific things, right, that we can... in our universe. So, I think that what I'd like to hear us maybe recommend or suggest back to the Board, or maybe staff can try to narrow the universe for us in terms of what types of impacts we're trying to not have by passing this ordinance.

Mr. Morgan: Yeah, to create a conditional use permit, the impacts that have been raised are the adjoining property owners not wanting that use next to them. You know, there is some visibility. They are allowed to clear up to the property line just like they would for commercial zoning... or for commercial uses...

Mr. Cummings: And to Mr. Bain's point, there may be instances where this may not be the case, right. So, for us to pass this ordinance in such a broad... this broad ordinance would create a condition for someone that had the by-right... the right to do this... *inaudible*... no longer having that right. And so, I have a little consternation as Mr. Bain does by doing so. So, for me, if we could try to look at narrowing it a little bit to address this concern and see what that does in the short term or over a period of time. I think that would probably be more comfortable with it.

Mr. Apicella: Mr. Cummings, I think it's kind of a... *inaudible*... choice here. We either recommend that it be included in B-2 as a CUP or that it remain as a by-right use. There's no... I don't know how we could narrow it. And every CUP, if it were a CUP, if we decided to recommend that it be only allowed by a CUP, it's always site specific. So, whatever... you know, on one site you might have x, y, z issues and then on another site you might have a, b, c issues. You can't really know unless and until the project comes in front of us, again, if it were something that came to us via CUP. I don't know if I've answer; Mr. Morgan, feel free to add to that if I've mischaracterized it.

Mr. Morgan: No, Mr. Chairman, you absolutely answered it correctly. It's either leave it by-right, and again, when we took this... when I took this to July to the CEDC, I did discuss this with the CEDC and to the Board that staff does feel that it is appropriate as a by-right use in the B-2 district for intensity purposes and for buffering, and all of our established provisions that they would have to adhere to with a site plan. And it was brought to the Planning Commission so that it could go to a Board hearing to either move forward or not.

Mr. Randall: Mr. Chairman, I have one quick question, if I could.

Mr. Apicella: Sure.

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Mr. Randall: I have a B-2 zoned property and I'm beginning to build on it, just like over by North Stafford, right. Do they present a site plan to you?

Mr. Morgan: Yes sir.

Mr. Randall: Do you approve that site plan?

Mr. Morgan: After review, yes, and they must adhere to all state and federal guidelines with development rights, building code, stormwater management.

Mr. Randall: Right, so then they want to change that site plan. Who do they go back to?

Mr. Morgan: Us.

Mr. Randall: You guys.

Mr. Morgan: Correct. If they do it in the interim, they could do it as a site plan modification.

Mr. Randall: Sure.

Mr. Morgan: And depending what they wanted to do on that site and depending on the amount of land disturbance, they could do it maybe as a minor site plan.

Mr. Randall: Okay, but that doesn't go to us or the Board, correct?

Mr. Morgan: Correct.

Mr. Randall: That's administrative to you?

Mr. Morgan: Yes sir.

Mr. Randall: Okay, and how many of those in the past have you denied? Have you had people come to you in a B-2 zone, site plan approved, they come in and say, you know, I don't like this mini-storage in the back where it makes sense because nobody... I want to put it right up in front. I want to advertise my whole property with a mini-storage right in front. Do you deny those? How many of those have you denied?

Mr. Morgan: Well, how that works is a review process.

Mr. Randall: Sure.

Mr. Morgan: So, they come in for a review and we have 30 days to review. We get the comments back to them. They must meet the buffering requirements; depending on where it's located there's HCOD requirements; siting standards; sidewalks; where it's located; setback requirements. So, those regulations are absolutely reviewed by staff.

Mr. Randall: Sure. But if they wanted to move one right up to the front, saying that they've done all that, would you go and say to them, you've already approved a site plan to put this mini-storage in the

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very back. You want to now move it to the front. That's not what's best; we think it should be in the back. Would you deny it for that reason?

Mr. Morgan: We would not. We would give a recommendation... if it didn't meet yard requirements, absolutely we would.

Mr. Randall: Okay.

Mr. Morgan: If they didn't meet travel lanes, fire accessibility, buffer requirements...

Mr. Randall: No, no, all of those things are met.

Mr. Morgan: All of those things are met?

Mr. Randall: So, they could put that anywhere they want on that land and you would have no say, the County would have no say as to where they would put that.

Mr. Morgan: Correct.

Mr. Randall: Do you know of any conditions where they'd put that in the front?

Mr. Morgan: Any conditions?

Mr. Randall: Any current mini-storage areas that are in the front of the property and not at the very back.

Mr. Morgan: We have one that's on Route 17 that's more in the front; it's on Warrenton Road. There was a development in front of it. That went in and it met yard requirements, but then the front property developed and now you can see that storage unit quite visible...

Mr. Randall: I have one right off of 610 as well, that's right off there.

Mr. Morgan: Yes, there are some.

Mr. Randall: Okay, thank you.

Mr. McPherson: Right off of Route 1, too, near 610/Route 1 intersection.

Mr. Apicella: Okay. We've spent a lot of time noodling this. Are there any further questions before I put this to a public hearing?

Mr. Cummings: I just want to make a comment. And I hate to belabor the point and I understand. Buffers seem like they could be an answer. Also, the context. And I think when... what I just heard is that when these site plans come in, development plans come into the Commission, we have no idea really about the universe, right, that they're going to fit into. And so, Steven, I'm not going to belabor it any longer, but I think that we would do ourselves a favor by trying to collect some data around this, if we don't already have it, and then see... allow staff to, as Mr. Randall was talking about, within their course of their operations, just sort of be able to exercise a kind of control over this based on... so that we could have the kind of community that we want as a starting point.

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Mr. Apicella: Okay, thank you everybody. Thank you Mr. Morgan. So, I'm going to open the public hearing on this last public hearing item. Probably nobody in the chambers, but I've still got to read this anyhow. Before starting your comments, please state your name and address. The green light starts the clock. Yellow means there's 1 minute left. Red means please conclude. If there's anyone in the chambers at all who would like to speak on this matter, please come forward now. Seeing no one rush to the podium, I'm going to close the public hearing on this item and bring it back to the Commission for further discussion and a potential motion.

Mr. McPherson: Okay, Mr. Chairman, I move to recommend disapproval of proposed Ordinance O20-37.

Mr. Apicella: Thank you Mr. McPherson; is there a second?

Mr. McPherson: Yes, disapproval.

Mr. Randall: I'll second the disapproval.

Mr. Apicella: Okay. Any further comments Mr. McPherson?

Mr. McPherson: No. My comments have already been made, thank you.

Mr. Apicella: Mr. Randall?

Mr. Randall: No, thank you.

Mr. Apicella: Anybody else? Okay, there's a motion to recommend denial of proposed Ordinance O20-37 as written. I'm going to do a roll call vote. Mr. Bain, how do you vote?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: No.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: That's yes to deny.

Mr. Apicella: You're voting yes to deny.

Mr. Cummings: Correct.

Mr. Apicella: Just to be clear. Mr. English?

Mr. English: No.

Mr. Apicella: Okay, you're voting no on the denial, just to be clear.

Mr. English: Correct, correct.

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Mr. Apicella: Okay. Mr. McPherson?

Mr. McPherson: Yes on the denial.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: And Mr. Apicella votes nay. The ayes have it, 4 to 3. Okay, thank you everybody for going through the public hearing items. Mr. Harvey, I don't think there's anything to provide on number 5, unless you have an update for us on that one.

UNFINISHED BUSINESS

5. Amendments to the Comprehensive Plan and the Zoning Ordinance - Discuss proposed Resolution R20-81 and proposed Ordinance O20-20 to amend the Comprehensive Plan and Zoning Ordinance for the Implementation of the Board of Supervisors Healthy Growth Strategic Plan Priority. **(History: PC Work Session October 7, 2020) (BOS-PC Joint Public Hearing October 29, 2020)**

Mr. Harvey: Mr. Chairman, item 5 will be an item coming before the Board of Supervisors on December 15th. So, we all will stay tuned. And then the next item, number 6, is a briefing from staff on the background for Downtown Stafford, in anticipation of your work session on December 2nd. In the work session, staff is intending on focusing much of the discussion about the draft UD Ordinance amendment, but also will be prepared to answer any questions that come out of tonight's meeting. And Trenton Funkhouser, for staff, will be making the presentation.

Mr. Apicella: Great, thank you Mr. Harvey.

6. Downtown Stafford - Authorize public hearings for a Comprehensive Plan Amendment and a Zoning Ordinance Text amendment regarding the UD-5, Urban Development, Zoning District, and a zoning reclassification application for approximately 29 acres to the UD-5 Zoning District, in the Courthouse Planning Area. **(Time Limit: February 12, 2021) (History: PC Work Session December 2, 2020)**

Mr. Funkhouser: Good evening Mr. Chairman, members of the Commission. This is very, very important so I don't want to breeze through it but I also don't want to PowerPoint you and memo you to death. Because I know Mr. Harvey, you have seen a lot of this information in various forms. Okay, so you have a 108 page memo, I believe, and about 20 slides. But again, this is very, very important. But I guess we are more interested in the questions and comments, as Jeff said, in preparation for the work session on December 2nd.

Mr. McPherson: What time is that work session? Do you know?

Mr. Funkhouser: I don't know. Do you know Mr...

Mr. Apicella: I think it is our normal time, at 4:30.

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Mr. Funkhouser: Sounds good to me. We will confirm that. Can you get the next slide, please? Or am I doing this? You know that might help. Anyway, so the larger Courthouse area, a little over 2,500 acres. It is a Targeted Growth Area and it has been for quite some time. And it is, of course, an Economic Development priority focus area as well as a redevelopment area, we do love our acronyms. So, I understand, this is not the preempting one, but I understand there have already been some observations about how these figures right here don't necessarily jive with figure that show up later, for the sub-areas, if you will. But in any event, as it currently exists in the County's Comprehensive Plan, 3,750 residential units and then you can see the breakdown and that is five million square feet of commercial development. Now, good things come in threes, right? So, this area is further subdivided into three areas, I don't want to bore anybody to tears, but then we have the more recent small area plan that also have three different areas, referred to as the East Downtown. There is also the Courthouse Village north of there and then the Downtown area, which is the subject of the rezoning area. So, as I mentioned earlier it is a big aspect of our redevelopment, in these Targeted Growth Areas anyway as well as our Economic Development... or support of our Economic Development Strategic Objectives. You are familiar with some of the development that either exists there or will be hopefully developed in the near future. So, to the meat of the matter, because again the three things we are focusing on, the Comprehensive Plan Amendment, the Rezoning and support... excuse me, the Zoning Ordinance amendment in support of that Comprehensive Plan Amendment and then ultimately rezoning a portion of this property. So, again everybody can read and again, I don't want to PowerPoint you to death. But, we... and the memo outlines all the text that is proposed to change as far as the Comprehensive Plan. This illustrates the portion that is going to be actually amended, in term of reconfiguring some of the roadways in the proposed development, as far as the Small Area Plan and also in support of the eventual rezoning of approximately 30 acres of property. I banged through those, but I think you are aware that there are existing roads that have been constructed and proposed.... okay.

Mr. Randall: Excuse me.

Mr. Funkhouser: Yes sir.

Mr. Randall: One quick question. Could you go back to that and show me where the new Courthouse is going to be? Which of those is the new Courthouse?

Mr. Funkhouser: The new Courthouse, I am not used to using this, so, I will use a different color.

Mr. English: *Inaudible*

Mr. Randall: No.

Mr. Funkhouser: What is that?

Mr. English: Nothing, go ahead.

Mr. Funkhouser: That is the existing County complex there.

Mr. English: Oh, it is, okay.

Mr. Funkhouser: Right.

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Mr. Randall: (Inaudible) are right now, where is the new one?

Mr. Funkhouser: South of there.

Mr. Randall: *Inaudible*.

Mr. English: It is going to be where the Fountain Park is going to be. Oh, it is.

Mr. Randall: Number 5.

Mr. Funkhouser: Oh, forgive my nomenclature, right there, snake.

Mr. English: You were, you were. I was thinking it was over here closer.

Mr. Funkhouser: Yeah, and again some of the existing roads, of course the 95 interchange is constructed, the Bells Hill/Hope Road kind of connection around the Courthouse has not been constructed yet. But anything that hasn't been constructed is planned and attempted to be programmed as quickly as possible. But, you might want to just pop that right back up there. Alright, this is were some of the discrepancies that we are going to have to correct later and discuss during the work session, but as I mentioned earlier, Phase One, 50,000 square feet, 64 by 100,000 square feet of office and retail, is just referred to as commercial development in the larger Courthouse plan. 980 multi-family units when there were 1,500 and 750 in the overall plan for the Courthouse area. So, again we are going to have to update these. And again, just this area the Phase One build out, excuse me, the Phase One build out versus the complete build out, is obviously a lot different. So, in any event, all can be discussed tonight and at the work session on the second. So again, the Comprehensive Plan text amendment also updates, again, some of the buildings that are being proposed as well as either new or relocated structures that were identified as part of the Small Area Development Plan that was done for the Downtown area. So, of course this does support various parts of our Telecommunications Plan and our Comprehensive Plan generally, about being more, you know, progressive county and implementing a lot of the latest technology. And this is just some examples of what we are attempting to get in this area. So, as far as the Comprehensive Plan text, the devil is in the details leading up into the proposed zoning ordinance amendment. This does, you know, represent an incredible change in terms of densities, massing and that type of thing. So, as you can see residential density is up to 50, and I believe it is 14 now as the maximum. Eliminating... it's kind of maximum building setbacks, if you will. It says minimal building but, you know, trying to push the buildings up to the streets, eliminating a lot of that type of landscaping but requiring it elsewhere. Again, it's additional text amendment to support what we are trying to accomplish in terms of an actual downtown and make this highly functional, relative to all the attributes that you are normally looking for in this type of density and this type of town center type development. So, and that kind of segways to the Zoning Ordinance amendment, which is going to reflect a lot of, again, what we are trying to do in terms of the higher densities. So, a lot has changed since this was first developed in 2012 and it has been refined quite a bit over the years. Again, a lot of the transportation changes are coming into place and now it is kind of a pallet ready to go. Again, this highlights some of the issues that were taken into consideration when the Urban Development District Regulations were first added to the Zoning Ordinance. And again, it is just going to be refining those where you are increasing. The multi-family densities, like I mentioned earlier, from either, which is the base now to 30, 40 or 50. Parking garages and other types of things that, you know, not typically used to seeing in Stafford County. Since we do lack that urban fabric even though we do have some relatively dense development. And then again, just trying to streamline some things, make it easier to look at, you have a clean copy, quote/unquote, in your

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Ordinance, so you are not seeing a lot of the overstrikes and italics. I am not sure who was involved and is most familiar with the Urban Development Regulations, but there is going to be an attempt to try to streamline some of those things. But by its very nature, this has to be very extensive. So, even the clean copy is a little bit of volume. Alright, last but not least, December 2nd at 4:30? At 4:30 and then what we are looking to get out of this eventually is authorization for the Comprehensive Plan amendment and Zoning text amendment. We are currently working on the rezoning application right now, in terms of gathering internal and external agency comments. We do have to put together impact... we have to put together the application ourselves. So, that is going to be based on the information we have to date and what we can acquire from those inside and outside agencies and we will get a copy of that to you as soon as that is available. I don't know if I have gone through that too quickly or... I will just try to address any questions or comments you might have.

Mr. McPherson: So, will we be getting additional stuff before the December 2nd...

Mr. Funkhouser: I don't think there is anything additional, unless you are looking for something additional.

Mr. Apicella: Just to clarify Mr. McPherson, I asked Jeff to get us a copy of a side by side, that we have used sort of in the past, to compare what is currently in place in the ... with respect to the Zoning Ordinance. So, we have a certain construct (inaudible) for Urban Development categories and we are changing it from and something to, so I asked Jeff to highlight what the significant changes are. Which I think would be helpful for all of us to know.

Mr. McPherson: Yes, okay, great, thanks.

Mr. Funkhouser: Okay.

Mr. Apicella: Other questions? Okay I have got a couple, real quick for either Jeff or you sir. Do we have an Urban District 1?

Mr. Harvey: Mr. Chairman, yes. Currently the Ordinance does have an Urban District 1, however we were proposing with this amendment to eliminate it. It's a fairly low density district which really doesn't comport with the recommendations for Urban Development areas.

Mr. Apicella: Okay, do we have any... in Stafford today, do we have any approved Urban Development districts?

Mr. Harvey: Yes sir. Currently there is a project located off of Route 1 at South Campus Boulevard, it is known as Abberly. That project is a UD-4 Zoning category. That is the only UD zoned project in the county at this point in time.

Mr. Apicella: And how long have we had the UD District in place? In terms of the Zoning Ordinance?

Mr. Harvey: As Mr. Funkhouser mentioned, the UD Ordinance was adopted in 2012. So, it has been eight years.

Mr. Apicella: Okay, we have had it for 6 years, we have one project. Has anybody submitted a project that has been disapproved?

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Mr. Harvey: Yes sir, the Board and Planning Commission last year heard a zoning case for a proposed apartment complex off of Musselman Road in south Stafford, that project was not approved.

Mr. Apicella: Okay, I am just trying to throw out some things here. Do we have... do other pier localities have something similar?

Mr. Harvey: Yes sir. At one point in time in 2010 it was state law that all localities had to adopt urban development areas in their Comprehensive Plan and develop ordinances to allow for densities associated with those Urban Development Areas. At that point in time Stafford County, like many jurisdictions, took advantage of a VDOT grant with consultants to be able to create a model ordinance that could be applied to Stafford County. That model ordinance was adopted and has been modified to a limited extent up to this point, but there will be a lot of discussion about it at the work session on the 2nd.

Mr. Apicella: Okay, just two more questions here. So, as I recall, just going back to the one that was disapproved, I believe it was largely disapproved because it was one use and one housing type. Is that correct?

Mr. Harvey: Mr. Chairman, that was some of the concern that I recall from the Planning Commission. But there were also other issues that were concerns with regard to mitigating impacts of the project on public infrastructure.

Mr. Apicella: Traffic, in particular, right?

Mr. Harvey: And education, yes sir.

Mr. Apicella: Okay. So, last question here is we are potentially going to change the UD Zoning Ordinance. Have we reached out to the development community? So, the reason I bring this up is we have had it in place for 8 years, we have only one project in place that was approved. And Abberly is mixed use, it's apartment and the college campus as I recall. But the question would be why aren't we getting more of these? And really, I think the only people that can tell us why we are not getting more of these is the development community. So, have we reached out to the development community to find out what their thoughts are in terms of these changes? Do we have what we... are these the right changes? Or are we missing anything?

Mr. Harvey: Mr. Chairman, staff worked with a developer who's also has his property that will be subject to the County initiated zoning change, Jarrell Properties. We consulted with them as we were working towards this ordinance amendment. Because we understood that they were interested in pursuing part of the vision that the Board has for downtown. So, they utilized their architect to review our ordinance regulations and gave us some input from their perspective.

Mr. Apicella: Right, so that is one developer and one specific site. I guess there was a mutual agreement between the County and the developer, based on a set of circumstances. My concern is the changes that we are making are much broader than just what is going to happen at this site. We are talking about changing the UD Ordinance in totality. So, I just, you know, we have one shot at getting it right, what can we do between now and December 2nd to reach out to the development community and kind of get their thoughts so that we are going down the right track and ultimately, we are going to get what we want, hopefully, in each one of these different UD Zoning Districts. I know somebody submitted something to us today, we haven't had a chance to look at it, so that is one stakeholder. I

just think we need to make an informed decision. If we are missing something here, if we are not getting what we want and the development community is not getting what they want from this, how can we work together to find a win-win solution to ultimately get these UD Zoning Districts where and how we want them. I don't know if I am making any sense, others feel free to chime in. Again, this has been out there for 8 years and there is not a lot of people chomping at the bit to make it happen.

Mr. Harvey: Well certainly, Mr. Chairman, I know that this has been a topic at the Board level for multiple meeting and there has been a lot of public discussion about Downtown Stafford and things to be done. This will be the first time we are really unveiling proposed code amendments. Staff has received limited feedback from the development community, as you mentioned. We got comments today from a Real Estate Broker, so we will continue to work towards providing additional information to interested parties.

Mr. Cummings: Let me chime in a little bit, because I just happened, in my short time here an occasion to speak to one or two multi-family developers who are interested and multi-family is sort of an interest of mine. And Stafford is seen as a place that you don't want to go to if you want to do multi-family, because we are not welcome... welcoming to them. Not only is it the proffers, but it is just getting it approved. And the density is the issue. We are fixing the density and the numbers from what I understand, recently the numbers that we are moving towards will be more... make it more profitable or financially feasible for developers to come here. But, I think that is only one part of the problem or the challenge that we have and we need to address those. And hopefully I will try to educate myself a little bit more before the work session and then (inaudible) hopefully we will try to address some of those as well. But I think it is, to Stevens point, it is about a collective solution and building that conversation with the developers to try and see... any multi-family developers who are not coming here, not even looking here. So, we need to find a way to engage with them. And so, I think once we do that, and hopefully we can do it by this session. We will have more success. But I am very supportive of it and looking forward for a more robust discussion.

Mr. Apicella: Thanks Mr. Cummings. Yeah, I would just recommend we maybe reach out to FABA and FAR and any of the usual suspects that you think would be interested in potentially moving forward with a urban development project, and get their input for the December 2nd meeting. We don't normally take public comments, so I guess, if we could get something in writing from those folks to help inform our decisions and where we go from here, again, I think that would be helpful. Anybody else have any thoughts, comments, questions? Okay, silence. Thank you, I guess we can move on from item 6 and move forward with that on December 6th, when we have that work session. So, moving on to item 7, Mr. Harvey.

NEW BUSINESS

7. Amendments to the Comprehensive Plan and the Zoning Ordinance - Amendment to Adopt Senior Housing Guidelines and Amend Senior Housing Parking Requirements (**Time Limit: January 28, 2021**)

Mr. Harvey: Thank you Mr. Chairman. Item 7 will be a discussion of the Neighborhood Design Standards for retirement housing as previously discussed at the meeting as well as parking standards for retirement housing and staff will be here momentarily.

Mr. Geouge: Good evening again Mr. Chairman, members of the Commission, as Mr. Harvey stated we're talking about design guidelines for retirement housing as well as parking. I'm gonna provide a

little background on this item first so back in October of 2017 the Board created the R-5 Age Restricted Housing district. At that time there were no Neighborhood Design Standards to guide the development of that type of housing so in October of 2017 the Board referred to the Planning Commission amendments to the Neighborhood Design Standards to address that. A subcommittee was then formed and they met between June and August of this year to draft an amendment to the Neighborhood Design Standards plan. That was finalized in August. The Planning Commission accepted the draft amendment and that established guidelines for independent living types of senior housing but at that time concerns were raised that the adequacy of the current parking requirements was not appropriate for retirement housing. So in October the CEDC recommended that the Board send a couple things down to Planning Commission. The first was an amendment to the Comp Plan to adopt Senior Housing Guidelines. The other was an ordinance amendment to modify Table 7.1 the parking rate for retirement housing. Staff notes that the current parking rate for retirement housing is one space per unit, irrespective of the type of unit proposed. The rate is associated just with independent living types of senior housing and does not apply to assisted living or skilled nursing facilities. To determine the adequacy of existing parking rates staff evaluated and compared the current requirement from Stafford's peer localities and that information is shown here. As shown on the chart those localities identified with an asterisk do not have specific parking requirements for retirement or age restricted housing and instead they use the standard parking rates established for the applicable units and just for reference so for single family detached units that's typically two spaces per unit for those that are marked with NA. Chesterfield County also uses standard parking rates for each unit type with the exception of multi family units so that's shown here as 1.2 spaces per unit for multi family. In addition to the parking rates from peer localities staff evaluated the average parking demand and supply ratios from the ITE manual and that's shown at the bottom of this slide and as you can see here the rates identified in the ITE are quite low, well under one space per unit as the demand. So proposed Ordinance O20-44 currently proposes to increase the current parking requirement for retirement housing to two spaces per unit and would remain irrespective of unit type. Staff believes that increasing the parking rate to two spaces per unit is both adequate and appropriate based on the rates from comparable localities however since independent living senior housing developments offer a variety of different unit types staff also believes that it would be appropriate to consider removing the specific retirement housing rate altogether and instead just referring to the standard parking rates for the various unit types and that's shown here at the bottom so for normal units we have a requirement of two spaces per unit for single family and duplex, two and half for town homes, and 2.2 for multi family.

Mr. Bain: That gets back to what Embrey Mill's was saying, they, I think they said that the current zoning is one space per unit and that just seems way low so I like this very much.

Mr. Geouge: One thing to keep in mind with our requirements, we do not count garage spaces.

Mr. English: Well that's good.

Mr. Geouge: So, they were saying you know we have 2.2 per unit but that included that garage space so just something to keep in mind. On October 20 the Board approved Resolutions R20-344 and -350 which referred the proposed Comp Plan and Ordinance amendments to the Planning Commission. Staff supports the proposed changes to the Neighborhood Design Standards plan and the proposed amendment to Table 7.1 and recommends authorization of a public hearing for these items and I do also note that you should receive tonight as a handout an alternate Ordinance draft which is it shows the option of if you wanted to take out the requirement altogether. And I'll take any questions.

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Mr. Randall: Mr. Chairman I have a question.

Mr. Apicella: Yeah, please go ahead Randall.

Mr. Randall: So Mr. Geouge, so if I took this out and we go back to the Embrey Mill, what would their requirement be for parking for the townhomes?

Mr. Geouge: For townhomes it should be two and half.

Mr. Randall: And you don't count the garage itself? So how would you count parking in a townhome? In a townhome area, you know do you count the driveway, if it's long enough I could put four cars in there-

Mr. Geouge: Yes.

Mr. Randall: So that's four parking spaces.

Mr. Geouge: Correct.

Mr. Randall: But we don't count the two inside the garage?

Mr. Geouge: Correct.

Mr. Randall: Is that a standard definition?

Mr. Geouge: That is how that requirement has been applied.

Mr. English: You couldn't count those spaces because like he said some of the people fill their garages up and they don't have a space right? Is that the reason kind of why they're not counting the garage?

Mr. Geouge: I expect it is yes.

Mr. English: Okay.

Mr. Randall: Okay, so that's kind of a statewide standard then is not to count garages as a established parking area for a car?

Mr. Geouge: I'm not positive how peer localities handle that, I'd have to look into that but...

Mr. Randall: Okay because that would be, two and half, you would force them to put parking on the street to some extent and that's exactly what we're trying to avoid is parking on the street.

Mr. Geouge: Or have a driveway deep enough-

Mr. Randall: Or have a driveway deep enough which then of course compensates, then cuts into how big the building is so they can accommodate a larger driveway.

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Mr. Geouge: And then for townhouse developments a lot of times they'll accommodate that by providing sort of guest parking areas within the development so a row of parking spaces independent of the...

Mr. Randall: Sure. What do we consider the length of a, how do we determine how a driveway is counted as part of a parking number? How long does a driveway have to be in order to get, or how long and how wide does a driveway need to be in order to count for a number of cars?

Mr. Geouge: So the minimum parking space requirement, the size is 9 by 20.

Mr. Randall: 9 by 20 so you'd have to have a 40 foot long driveway to get four cars and as long as it was 18 feet wide.

Mr. Geouge: Correct.

Mr. Randall: Alright thank you.

Mr. Apicella: So, just to be clear, again this is the uniform standard it's not something new and it doesn't change because we're talking about retirement parking versus non retirement parking and Ms. Lucian can chime in I think changing the methodology on how spaces are counted would be outside the scope of the referral because that's been the pattern and practice for whatever period of time these requirements have been in place, is that correct Ms. Lucian?

Ms. Lucian: I was nodding yes but I realized you can't see me, yes.

Mr. Apicella: Okay. Alright so I think we have two pieces here, I'll call it 7a and 7b, 7a is the parking spaces we have what we asked for and what was referred back to us which was to set a uniform standard for retirement parking which would be two parking spaces regardless of housing type and we also have an alternative based on the staff report that would essentially do away with a separate category called retirement housing parking and would just go back to whatever the regular housing parking requirement would be for the various types of housing that there are so single family being 2.0 townhouses being 2.5 and multi family being 2.2. So, anybody have any further thoughts on that, any further discussion, a motion on whether or not to move forward with the referred version or the alternate version and I would also offer that based on a conversation with Jeff and staff today on item 7a and/or 7b we could actually schedule these for a public hearing on December 9, the advertisement that went out today could be tweaked by tomorrow morning and sent to the Freelance Star to add one or both of these items to the ad so I'll just offer that out for folks to consider and see if anybody wants to provide a motion on 7a.

Mr. Bain: I'll make the motion. I make a motion to authorize for public hearing alternate Ordinance O20-44.

Mr. Apicella: Thank you Mr. Bain, is there a second?

Mr. Cummings: Second.

Mr. Apicella: I'm gonna give to Mr. Cummings. Okay any further comments Mr. Bain?

Mr. Bain: No.

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Mr. Apicella: Mr. Cummings?

Mr. Cummings: No.

Mr. Apicella: Anybody else? Okay, let's do a quick roll call vote on the motion to approve the or recommended approval of the alternate version as we just discussed. Mr. Bain, how do you vote?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yeah. Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: No.

Mr. Apicella: And Mr. Apicella votes aye and again this is to get this one the public hearing or as a public hearing item on December 9. Motion carries 6-1. Okay moving onto 7b.

Mr. Bain: Mr. Apicella just real quick, it'll be on public hearing on December 9, it does not mean that it will be approved on December 9 so we could in theory approve Embrey Mill as they have currently proposed their development with parking, is that not right?

Mr. Apicella: Well I think it's kind of irrespective because we're only making a recommendation to the Board so if we approved something on December 9 I don't know that a parking requirement could be in place because the Board would still have to approve those.

Mr. Bain: Right, right. That's what I'm trying to clarify, thank you.

Mr. Apicella: Okay. So, discussion on part b, the design guidelines... is there a motion?

Mr. English: You need a motion to send it to public hearing, I'll make a motion.

Mr. Apicella: Okay I heard Mr. English make a motion is there a second?

Mr. Bain: I'll second.

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

Mr. English: No.

Mr. Apicella: Mr. Bain?

Mr. Bain: Only one, since it came up tonight about how is this going to be implemented, should there be some discussion about how the guidelines would be applied or is it clear enough just under general...

Mr. Apicella: So I'm gonna, I appreciate you asked that question, I'm gonna call everybody's attention to Attachment 4 page 2 of 11, if everybody can find that in their package? I'm gonna read two, a couple sentences. Under part 5, use of the plan, about midway through the paragraph it says applicants are expected to meet the guidelines and if necessary provide justification why certain criteria are not included as part of the project. The County will evaluate the application for their ability to conform with these standards. These features can be incorporated through proffer statements or if applicable may be incorporated into conditional use permits. And then if you go to Attachment 4 page 3 of 11, it says the guidelines include minimum standards that should be provided in every project, however it is feasible that criteria applicable to an apartment building may not necessarily apply to a single family dwelling. These are the most important features that should be expected. Additional criteria as provided in certain instances. The County encourages projects incorporating as many features as possible that promote senior safety and mobility. So just as I recall and Mr. Cummings or Mr. Randall can chime in, the thought process was these guidelines apply however if an applicant feels like they should not apply they just need to provide their reasoning and then we would evaluate the project and the specific features that they're choosing not to provide based on the set of circumstances with respect to the given project. Does that answer your question?

Mr. Bain: Yes, it certainly does.

Mr. Apicella: Okay, any further comments or thoughts? Okay so I'm gonna do a roll call vote the motion is to go ahead and put forward to a public hearing the design, the Senior Housing Design Guidelines at the December 9 date for a public hearing. Mr. Bain, how do you vote?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

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Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: And Mr. Apicella votes aye. Motion carries 7-0. Okay, thank you. I think we've gotten through our New Business. Planning Director's Report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. I have two items for the report tonight, one of which at the dais this evening the School Board Chairman, Ms. Hazard, passed out a copy of the latest school enrollment projections, as well as the request from the schools for their CIP. So, that'd be information that the Commission can use in the future for evaluation of residential rezoning applications. Also, too, last night I understand the Board of Supervisors had a discussion in closed session about a potential Economic Development prospect coming to the County. And that prospect is looking at property that's going to require a rezoning. So, the Board will be asking the Commission to participate in a joint public hearing. Staff is going to inquire here with the Commission if you could provide me feedback about potential availability for a joint hearing for February 16th. If you could provide feedback now, that's great. If you can't, just send me a message and we can determine if there will be adequate participation.

Inaudible, microphone not on.

Mr. Harvey: Yes sir.

Mr. Apicella: Mr. Harvey?

Mr. Harvey: Yes sir.

Mr. Apicella: Can I circle back on the first item that you mentioned? Did Ms. Hazard indicate whether or not she or staff wanted to provide is a briefing on one or both of the items that they presented? I know we had a lengthy discussion with the School Board staff about how they develop their projections, and specifically how they do it with their respective different housing types. I can't remember what we decided in terms of follow-up. My sense still is that the numbers are fairly low for different housing types, I certainly wouldn't mind getting a current briefing on how those numbers have or will change going forward.

Mr. Harvey: Yes Mr. Chairman, the School Board Chairman did mention that if the Commission requested a briefing that she would ask the School Board staff to come to the Commission to provide such information. She mentioned that Mr. Lionel White and the School Board staff is instrumental in developing these projections and would likely be the person tasked with presenting that.

Mr. Apicella: Okay, so I will just throw it back to the Commission. What is the will of the Commission and do you think that we could do it on December 9th or do we need to push it off into January?

Mr. McPherson: What are the questions?

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Mr. English: The schools...

Inaudible

Mr. English: ... the briefing. I say push it off Steven.

Mr. Bain: Yeah, I do too.

Mr. English: Push it off until January.

Mr. Apicella: Okay, so Mr. Harvey, can you check with Ms. Hazzard and see whether they would prefer to do it during the first meeting in January or the second meeting in January? And see how we can accommodate and work together on that.

Mr. Harvey: Yes sir, we will check into that.

Mr. McPherson: Jeff, February 16th works for me back to your previous question.

Mr. Harvey: Thank you.

Mr. Randall: It works for me as well.

Mr. English: Me too.

Ms. Barnes: What, February 15th?

Mr. English: 16th.

Mr. Randall: February 16th.

Mr. English: Yeah, that good.

Mr. Randall: So, Jeff regarding this public hearing, is this a quick turn around? Is that the reason for the joint public hearing that we need to do a quick turn around? We only have a certain period of time that we can incentivize them to come here? We have done those public hearings before and...

Ms. Barnes: They are fun.

Mr. Randall: Not only... well, we've done them quickly so that we can get things here and those things never came to fruition. Not that we won't do it again, but hopefully this one is closer to actual shovel ready than the other two we did, that proved to be defunct.

Mr. Apicella: Okay, so my sense Mr. Harvey is that most of the Commission, if not all of the Commission is good with doing a joint public hearing with the Board of Supervisors on February 16th. Can you so advise them?

Mr. Harvey: Yes sir.

Mr. Apicella: Anything else for Planning Directors Report?

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Mr. Randall: Location? Do we expect that location to be here?

Mr. Harvey: Mr. Chairman and Commissioner Randall we will have to see specifics on the location due to COVID and other factors with regard to the scheduling of the hearing.

Mr. Apicella: Okay, thank you.

Mr. Harvey: And yes, that concludes my report.

Mr. Apicella: I appreciate it Mr. Harvey. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: I have no report. Thank you.

COMMITTEE REPORTS

Mr. Apicella: Okay, thank you. Subcommittee reports. So, we have already heard about the Healthy Growth, that is going to be before the Board on December 15th. Land Conservation Subcommittee, we had a meeting, we are having another meeting tomorrow at 3:00 pm in the Activities Room, anyone is welcome to sit in or patch in. Cluster Ordinance Subcommittee, Mr. Randall.

8. Healthy Growth Subcommittee
Next Meeting – TBD
9. Land Conservation Subcommittee
Next Meeting – November 19, 2020 @ 3:00 PM, Activities Room
10. Cluster Ordinance Subcommittee
Next Meeting – November 12, 2020 @ 3:00 PM, ABC Conference Room

Mr. Randall: Yeah, we met yesterday. We had a good meeting there, we're about 90% done with our ordinance. We are going to do some last minute review and finalize at our next meeting so that we can have it ready for the full Commission probably in January.

CHAIRMAN'S REPORT

Mr. Apicella: Great, thank you. Chairman's Report, I've got nothing to report other than as I have said during the last several meetings, since we are doing COVID and I am participating remotely, pursuant to our By-laws, I am hereby authorizing the Vice Chairman to sign any documents in my absence. Moving on to other business, it looks like there's a lot of potential TRC meetings. Mostly in Hartwood, good luck Mr. English. Hopefully you have gotten your material. Approval of minutes, is there a motion to approve the August 26, 2020 minutes?

OTHER BUSINESS

11. New TRC Submissions
 - * England Run Plantation Center – George Washington Election District
 - * Dolittle Farm – Hartwood Election District

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- * River Pointe – Hartwood Election District
- * Riverview – Hartwood Election District

APPROVAL OF MINUTES

12. August 26, 2020

Mr. Bain: So moved.

Mr. McPherson: Second.

Mr. Apicella: Second. Okay, I will do a quick roll call vote, Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Mr. Apicella votes aye. Minutes for August 26th approve unanimously. Is there a motion to approve the September 23rd minutes?

13. September 23, 2020

Mr. Randall: So moved.

Mr. Bain: Second.

Mr. Apicella: Okay is there a second?

Mr. English: Second.

Mr. Apicella: Okay, I will do a quick roll call vote, Mr. Bain?

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Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Mr. Apicella votes aye. Minutes for September 23rd are approved. No further business before the Planning Commission. I hereby call it adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:20 PM.