

STAFFORD COUNTY PLANNING COMMISSION
October 27, 2021

The meeting of the Stafford County Planning Commission of Wednesday, October 27, 2021, was called to order at 6:00 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, Barton Randall, Albert Bain, Kristen Barnes, Dexter Cummings, Darrell English, Fillmore McPherson

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Mike Zuraf

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification on any agenda item? And seeing none. Are there any changes to the agenda? Okay, no changes. So I'll now open the public presentation portion of today's meeting. The public may have up to three minutes to comment on any matter, except the two public hearing items on today's agenda. There'll be a separate comment period for those two items when they come up. Before starting your comments, please state your name and address. The clock starts when you see the green light. Yellow means there's one minute left, and red means please wrap up your comments. So if anyone would like to speak on any matter, except the two public hearing items, which involve the Orris Estates project, please come forward. Alright, seeing no one, I'm going to close the public presentations portion of the meeting and move on. Mr. Harvey?

PUBLIC PRESENTATIONS

NONE

PUBLIC HEARINGS

1. RC20153402; Reclassification – Orris Estates - A proposed zoning reclassification, with proffers, from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District on Tax Map Parcel No. 43-74A, consisting of 12.78 acres (Property), to allow for the development of up to 25 single-family dwellings. The Property is located at the terminus of Manorwood Drive, approximately 350 feet east of Royal Crescent Way, within the Hartwood Election District. **(Time Limit: December 17, 2021) (History: September 8, 2021 Public Hearing Continued to October 27, 2021)**

2. CUP20153403; Conditional Use Permit – Orris Estates - A request for a conditional use permit (CUP) to allow a cluster subdivision with increased residential density of up to 2.25 dwelling units per acre in the R-1, Suburban Residential Zoning District on Tax Map Parcel No. 43-74A (Property). The increased residential density would allow up to 25 single-family dwelling units on the Property. The Property consists of 12.78 acres, located at the terminus of Manorwood Drive, approximately 350 feet east of Royal Crescent Way, within the Hartwood Election District. The Property is subject to a concurrent zoning reclassification request. **(Time Limit: December 17, 2021) (History: September 8, 2021 Public Hearing Continued to October 27, 2021)**

Mr. Harvey: Thank you, Mr. Chairman. Mike Zuraf will be giving an update on the two cases before us tonight.

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Mr. Zuraf: Okay, good evening Mr. Chairman, members of Planning Commission, Mike Zuraf with the Planning and Zoning Department. If I can have a computer, please. So I have... I'll go ahead and provide a summary for both items one and two, if that's okay.

Mr. Apicella: Yes. Is there... is your microphone on?

Mr. Zuraf: How's it now?

Mr. Apicella: Much better, thanks.

Mr. Zuraf: Okay, so providing a summary on items one and two together. I do have the same presentation, but I'll try to move through it as quick as possible. So there are two requests involved; first, a reclassification from A-1 to R-1, Suburban Residential, to allow 25 single-family homes. And then also a conditional use permit to increase the residential density to allow 25 homes, to basically increase the number of homes from 19 to 25. It's a 12.78-acre parcel. Lee Wingo with Drees Homes is the applicant. Charlie Payne is the agent. And it's in the Hartwood District. Here is the location of the site. It is at the end of Manorwood Drive and adjacent to Lake Mooney Reservoir and adjacent also to Stafford Lakes Village... Stafford Lakes Village neighborhood. Here's a view the site on the zoning map. The light green shading represents the A-1, Agricultural zoning. The yellow shading is R-1, Suburban Residential zoning which is the situation in the adjacent Stafford Lakes Village neighborhood. Here's the aerial view of the site showing the existing conditions. There is a 40-foot wide open space parcel that does lie between this parcel and the adjacent residential lots in Stafford Lakes Village. The property is wooded with deciduous trees. There's 100-foot Resource Protection Area buffer, and the topography slopes downward towards Lake Mooney with steeper slopes closer to the banks of the reservoir. Here's just another view of that same spot, zoomed out a little bit more so you can get a larger view of the surrounding area. So the General Development Plan shows how this site would be developed. It's a 25-lot cluster subdivision that's proposed. Basically how this would be done is Manorwood Drive would be extended to a T intersection with a new street constructed called Manorwood Drive as well. And you have 25 lots located off of the, off of that street. In doing this and extending Manorwood Drive, the existing cul-de-sac is within a temporary turnaround easement. And that cul-de-sac would be removed and lawn restored on that adjacent property. Sidewalks would also be extended into the subdivision as well. The applicant modified the General Development Plan since the last meeting to relocate all of the proposed lots outside of the Resource Protection Area buffer. The Resource Protection Area buffer is the purple line which I will point out. It follows this area all the way around the site. So just for comparison, this was the previous version of the GDP. So there were slight changes to the proposed lots. The greatest change is over on the left-hand side of the screen where more of the proposed lots were within the RPA. Here's the new version, the old. So the Comp Plan designates the site as Suburban on the Future Land Use map. That's the yellow shaded areas on this snapshot of the Future Land Use map. These are areas where single-family detached dwellings of a quarter to half acre size are recommended. Density should not exceed three units per acre. The proposed development is generally consistent with the recommendations for development in Suburban areas. The proposal is also consistent with Comp Plan objectives, which recommend drifting growth into the Urban Service Area and promoting infill development on vacant underutilized land. The plan also recommends resource protection along the... RPA areas along the edge of Lake Mooney Reservoir. The Comp Plan also includes design criteria for cluster subdivisions, including countywide criteria and criteria specific to cluster developments inside the Urban Service Area. The project generally meets the intent of these criteria. Also, the sensitive natural resources are being avoided and designated open space. So in part of the staff evaluation, we evaluate how the requests will impact these listed public facilities. And the overall summary of those impacts are provided here. There are several facilities that are identified as

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being adequate or the fact... or that this project would not necessarily have a negative impact on these, and that includes Parks and Recreation. We utilize the Parks Utilization Plan to identify if there's a need in a specific area. And this is in an area where there was not a need identified. With transportation, typically that would be identified through a Transportation Impact Analysis. There was not a Transportation Impact Analysis required with this application since the trip generation is below 1,000 vehicle trips per day. So whenever there's a project that does not require a TIA, it's generally going to have less impact on the road network. The transportation impact fees will still be required of approximately \$3,000 per unit. That total... that would total approximately \$75,000 for the project total. With libraries, there is a potential deficit. They're identified as having adequate levels of service through the build-out of this project. However, the Comp Plan projects future needs, and identifies the needs for a new library in the year 2023. With potential level of service deficits, it's estimated, with schools... it's estimated that the project would create a service level deficit at Rocky Run Elementary School and Colonial Forge High School, and in this case, it would be reasonable to receive proffers to mitigate the impacts to these schools. The applicant is proposing to mitigate impacts with cash proffers of 20... approximately \$30,000 per unit. There was a request from one of the Commissioners on questioning what the program capacity is at Rocky Run Elementary School. The program capacity at Rocky Run Elementary is 881 students. In comparison to the evaluation which looked at design capacity, the design capacity of Rocky Run Elementary School is 950 students, so there's a lower program capacity. Either way, the applicant assumed that the project would fully... would have all the... all the students generated from the project would have an impact on the elementary school and proposed mitigation accordingly. With public safety, the site's within a first response area of the Berea Fire and Rescue Station. And there's service level deficits exist at this station and any additional homes would add to that existing deficit. So it'd be reasonable to collect proffers there as well. And that's being proposed at \$1,300 per unit. With general government, that's also a potential deficit based on courthouse complex needs, and the need to build a new courthouse complex. And so... and there's plans in the CIP for a courthouse complex to be constructed, but not until after the build-out of this project. However, with the State Code legislation with proffers, it would be unreasonable to collect any monetary contributions related to general government. These are two of the renderings that were submitted with the application. The applicant's proffering several designs that they are committing to, to follow in the development of the homes on this site, and that is included within the proffers. Just an overall summary of the proffers – requiring the development in general conformance with the GDP, and the one change to the new proffers is to reference the latest General Development Plan; allow no more than 25 single-family units; require the building design in accordance with the renderings; and also the cash contributions of \$30,936 per unit for schools and public safety. With the conditional use permit portion of this project, again it's allowing an increase of residential density up to 1.79 units per acre. So, the overall intent of the conditional use permit is to... of requiring the use permit for increased residential densities to ensure the development occurs in a manner that minimize any negative impacts on residents in or adjacent to the site. So this project would allow six additional dwelling units under this proposal. Under the cluster plan, 46% open space is proposed. The last version of the plan had 44%. Now it's up to 46% comparison to the 30% that is required in the zoning ordinance for... as a minimum for cluster subdivisions. The greatest potential impacts would be to the adjacent residents in Stafford Lakes Village. The proposed dwellings would be comparable to the homes in Stafford Lakes Village. There's a 40-foot wide common area that runs along the outer perimeter of Stafford Lakes that provides some physical separation between the existing and proposed developments, and then a 10-foot side yard setback condition is being recommended to address fire safety with the more compact developments design. So several proposed conditions that would also limit the development to 25 single-family detached units; also require the development in accordance with the GDP; requiring a side yard setback of 10 feet; and then also all residential lots being located outside of the 100-foot RPA buffer. That's a new condition that we added based on the latest version of the General Development Plan. And that condition would only apply if

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the use permit is approved. If for say the rezoning is approved, but not the conditional use permit, that requirement wouldn't necessarily follow. So looking at the overall evaluation, there are several positives. It's consistent with the Suburban land use recommendations in the Comp Plan; proffers ensure development that would be consistent with what's envisioned in the application. It's consistent with infrastructure phasing policies in the Comp Plan related to parks, libraries, and general government; mitigations of schools and public safety impacts are considered reasonable. Single-family detached units are consistent with the established Stafford Lakes Village development pattern. And the building designs are consistent with the architectural design guidelines in the Comp Plan; and the conditions would ensure negative impacts are mitigated. With negatives, there are temporary impacts to existing residents from construction activity and traffic during the development of this new project. And development setbacks from the reservoir do not conform with the 150-foot setback recommended by the Utilities Department. That was a topic of discussion at the last meeting. And with that... *inaudible*... staff would recommend approval the application... of the zoning reclassification application, and also recommend approval of the conditional use permit subject to approval of the reclassification. Also, the Planning Commission did request some additional images and maps that identify the additional 150 and 200-foot RPA buffers on the site. So I'm going to go ahead and show you those that I provided to you yesterday. So this is the General Development Plan, and you see the 150 and 200-foot buffers from the reservoir as it relates to the proposed development. And then those same buffers, how it looks on the aerial view. And if you superimpose that General Development Plan on to the aerial view, you can kind of see how it all fits in. And on that, I will turn it back to you, Mr. Chairman.

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

Mr. English: Mike, do you know how much these... what are these houses going for? Do you know or is that for the applicant?

Mr. Zuraf: I am not... that's something the applicant may be able to help.

Mr. English: And what about HOA? Is this part of the Stafford Lakes HOA or anything like that?

Mr. Zuraf: No, that was a question we had for the applicant. And it... they're gonna talk to the Stafford Lakes HOA and see if they can, I guess be part of it. But if not, it would have to be a standalone.

Mr. English: So it's not... it's not a part of Stafford Lakes at all?

Mr. Zuraf: It is not currently.

Mr. Apicella: I'm going to go with Ms. Barnes and come back to you, Mr. Randall.

Ms. Barnes: Thank you. Mike, can you go back to that map that you had that had the 100-foot line, 150-foot line and 200-foot line?

Mr. Zuraf: Yes.

Ms. Barnes: Okay. How many houses could they build if we went with 150-foot line? I mean, I could count them, but. With 150-foot line they could still build houses, correct?

Mr. Zuraf: They could, yes. I think they would be... I'm just looking at it and just estimating. I think, okay, looking at this, I think lots six through nine they would not be able to build. They might... one

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through five they may be able to keep those. I think six through nine would be out. I think also lots... then lot 17 would be out so... and 10. They would probably lose six lots. They might, they might...

Ms. Barnes: Only six lots with 150?

Mr. Zuraf: Yeah, and six but it could be a little bit more. That's just my rough guess.

Ms. Barnes: Okay, because it looks like 25 through 19 could still fit inside there.

Mr. Zuraf: I mean six... they would have to, they would lose six.

Ms. Barnes: They would only lose six, so they could still... okay.

Mr. Zuraf: I think lots 11 through 16 could still make it.

Ms. Barnes: Okay. And if we went with the, with the recommendation that we got, I think you emailed it to us, we had recommend... it's the model surface water ordinance and I highlighted it. *Inaudible...* our buffer widths vary from 20 feet up to 200 feet in ordinances throughout the United States. It says this ordinance is for reservoirs that supply public drinking water, the larger buffer width of 200 feet would still be more appropriate. Even if we had a buffer of 200 feet, they could still build some houses there, couldn't they? Just not as many as they'd like?

Mr. Zuraf: Well, they would, that would probably be limiting, because the 200-foot buffer, you basically could not get a street over to, to the lower, to the right side.

Ms. Barnes: So if we went with the best... with the Utilities recommendation of 150, that the project is still, I mean, they could still build houses.

Mr. Zuraf: Yeah.

Ms. Barnes: Okay.

Mr. Zuraf: And the other... with the 150, you do have a very limited area. I'll just point that out, too, getting the street.

Ms. Barnes: Okay.

Mr. Zuraf: Getting a street through this area will be the issue that will be a challenge for the applicant.

Ms. Barnes: A challenge. Okay.

Mr. Harvey: Mr. Chairman and Commissioner Barnes, the applicant's civil engineer is here and can explain a little bit more about construction techniques and how, and how this... the various different buffer widths might affect the project.

Ms. Barnes: Okay. And when it comes to open space, and I think that you gave me that give us the stats, that was that they were leaving 44% open space?

Mr. Zuraf: Now it's 46.

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Ms. Barnes: Forty-six percent.

Mr. Zuraf: Yeah.

Ms. Barnes: And when we asked about it, when we actually asked, subtracting the amount of open space that they're required to leave because it's the CRPA, it actually, what they're only leaving is about 16 and a half percent open space, because the other... all the other open space, they have to leave it regardless.

Mr. Zuraf: Well, it has to be undisturbed. They could, they could put lots in that RPA area. So it's not a requirement.

Ms. Barnes: But it would still be open space.

Mr. Zuraf: But it has to be undeveloped ... undisturbed area.

Ms. Barnes: Okay.

Mr. Apicella: It would just be part of somebody's lot.

Mr. Zuraf: Yeah, yes.

Mr. Apicella: Otherwise undisturbed.

Mr. Zuraf: Undisturbed areas, yes.

Mr. Apicella: Right.

Ms. Barnes: So really, when I'm, when I'm looking at this, what they're leaving is actually about 16 and a half percent of what is developable.

Mr. Zuraf: Buildable, yes.

Ms. Barnes: Okay. That's all I have, thank you.

Mr. Apicella: Thank you, Ms. Barnes. Mr. Randall?

Mr. Randall: Alright. So, let's talk about, let's talk about the 100 feet for now. Where would you expect the retaining walls to be built? We heard retaining walls at the next at the last meeting, could you show us where retaining walls will be built for that road?

Mr. Zuraf: Here and also...

Mr. Randall: Okay, and so more about the scale, plus I can't see it. So I'm guessing that's 200 feet, maybe, of retaining wall?

Mr. Zuraf: This one?

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Mr. Randall: Yeah, let's just, let's just say for the sake of clarity that we're at 200 feet, right. So the retaining wall once built by the applicant, and this being sold, everything's great, who would be responsible for maintaining that retaining wall?

Mr. Zuraf: That would, if it's outside of the right-of-way, it would be the homeowners.

Mr. Randall: The homeowners association. So a homeowner's association with 25 houses could be responsible for hundreds of thousands of dollars to fix a retaining wall. So if they weren't able to fix it, then what then would happen?

Mr. Zuraf: Well...

Mr. Randall: Because homeowners would just say, I don't... we don't have that kind of money. We're just gonna leave it there. What, I mean, does the road fall into the reservoir? Would the County let that happen? What's the standard process for this kind of a situation where the retaining wall collapses, something happens to it, and it needs significant repairs?

Mr. Zuraf: If it's an issue with access and the road basically causes damage to the road, it would probably be something that VDOT would then have to come in and fix. But it may come back to the county, too, to help fund that.

Mr. Randall: So inevitably, it could... so we are looking at the fact that the road would need to be fixed regardless, the retaining wall would need to be put there regardless. And after some back and forth, it maybe fall back on the County...

Mr. Zuraf: County or VDOT.

Mr. Randall: ... county or VDOT – well, we know how that goes – to fix these retaining walls. Is that what you're telling me? Us?

Mr. Zuraf: Yes.

Mr. Randall: Okay. Alright. Um, let's talk a little bit about... I'll save the rest of them for the applicant. But let's talk about, a little bit about the schools again. Let's go back to... can you put up the school slide where you have the mitigations for the schools? I don't know if you have it in your... I have it, I have it in the staff report, but I don't I don't remember if I saw it in your... Yeah, but you don't have the specific numbers.

Mr. Zuraf: I have it in my notes.

Mr. Randall: It would be page 8 of 15 from the staff report.

Mr. Zuraf: Okay.

Mr. Randall: You there?

Mr. Zuraf: Yes.

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Mr. Randall: Alright. So using program, using design capacity, and we've identified that... and I need to put the word out there for everyone, please, when you come to us for elementary schools, it's program capacity, not design capacity. This is several third or fourth time we've had to change these. So please. So program capacity is less than design capacity. Correct?

Mr. Zuraf: Yes.

Mr. Randall: Because we put, because we put things in the schools and we make we make things available, especially at the elementary school that does not allow us to use the entire school for whatever the reason, elementary schools do it all the time. And so the program capacity is much lower in many cases than the design capacity. In this case, the design capacity you said was 950. And the program capacity was 881.

Mr. Zuraf: Right.

Mr. Randall: Right?

Mr. Zuraf: Yes.

Mr. Randall: So doing quick math, 1950, that's 69 seats less for the program capacity versus the design capacity. Right?

Mr. Zuraf: Mm-hmm.

Mr. Randall: So 90% of the program capacity puts us at 793, current enrollment 876. So now instead of a deficit of 21 students, we have a deficit of 83 students. So it's not one classroom. It's now potentially three or four classrooms. Right?

Mr. Zuraf: Right.

Mr. Randall: And so based on that, I would say we not only have a deficit at the school, we have a massive deficit at the school.

Ms. Barnes: Bart, where are those numbers from? Because last night they had different numbers on that and I took a screenshot of the program capacity. Is it Rocky Run?

Mr. Zuraf: Yes.

Mr. Randall: I'm just, I'm just going off the staff report.

Ms. Barnes: Okay, Rocky Run is actually 825 is program capacity from last night.

Mr. Randall: 825.

Ms. Barnes: 825. That's what they put up last night.

Mr. Randall: Oh, there we go. That even makes the situation worse. So 825 versus... yeah, well, 90% of 825, 82 from 825 is probably 740, 745. So 745, we have 876. We now have a capacity of... we now have a deficit of probably well over 100 students. Right? So I would suggest that maybe what we're

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looking at may not be adequate to mitigate that deficiency of over 100 students at Rocky Run Elementary School. So, and with an elementary school not being built until '26, that may be a much larger issue. Alright.

Mr. Harvey: Excuse me. Mr. Chairman, Commissioner Barnes, the citation of the program capacity, was that from a School Board meeting last night?

Ms. Barnes: Mm-hmm.

Mr. Harvey: Great, thank you.

Mr. Randall: No, no, I'm not... Ms. Barnes holding told everybody to that. I was okay with the... I was okay with... my message was still the same with 881 program capacity. I did not stay up late last night to watch the rest of... to watch the whole meeting to get that but 881 versus the program capacity still sends the same, the same message that we have a larger deficiency than we show. Alright, thank you. That's all I have, Mr. Chairman.

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

Mr. McPherson: Hi Mr. Zuraf. So, Commissioner Randall asked similar questions about the retaining wall. I have one question I'm pretty sure I know the answer. Does the retaining wall have any effect or exemptions to buffer requirements between the neighborhood and the water area? And then potentially a question for the applicant is, the height and building status of the retaining wall, how it's built.

Mr. Zuraf: The retaining wall could potentially have some ability to have an exemption because the RPA, Critical Resource Protection Area, ordinance requirements does include exemptions. One of those are for road access if needed. There's provisions that say it has to be minimized. So it would have to be evaluated and looked at and every effort made to minimize that impact. But there could potentially be some impact.

Mr. McPherson: So, it could potentially shrink the buffer requirement is what you're saying.

Mr. Zuraf: It could encroach into the buffer, potentially, yes.

Mr. McPherson: Okay, thank you.

Mr. Apicella: Thank you, Mr. McPherson. Mr. Bain?

Mr. Bain: Yes, just a comment more than a question. And I just looked at it this afternoon. I went on the county GIS website and was looking at large lots around the lake. And there are a lot of, a number of large parcels, zoned A-1, that border the lake, that you could envision somebody coming in with similar development proposals that would really inundate that area with a tremendous number of homes. So I'm just very concerned that this could be only the first step in many future subdivisions.

Mr. Zuraf: If I could address that. One, one factor to consider is the Comp Plan, which does the higher density kind of Suburban land uses is limited to the kind of area where Stafford Lakes Village is. A lot of the other sides are still planned Agricultural/Rural, so they may come in, but it would be less, less of a potential...

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Mr. Bain: Requests for rezoning don't really care, they just make the requests, so. Thank you.

Mr. Apicella: Plus there is some land between the area of Stafford Lakes that's going to be impacted or associated, I should say, abutting this project and other parts of Stafford Lakes that also are undeveloped, close to the... not Stafford Lakes, but the area adjacent to Stafford Lakes that are undeveloped. Is that not correct? That are Suburban.

Mr. Zuraf: There are some, yeah.

Mr. Apicella: Right. Anybody else have any questions? Alright. I know you'd be shocked, Mr. Zuraf, to know that I have some questions. And I really appreciate that we got the minutes from the September 8 meeting, that we approved those and I had a chance to look at those before the meeting. So can you pull up the slide that shows the differences in the GDP from then to now?

Mr. Zuraf: This is the current version.

Mr. Apicella: Right. But there was a slide that showed what changed from last time. So when I look at the difference, it seems to me that the primary change that the applicant made since September was to reduce some of the lot lines and lot sizes to put the lots, affecting lots closest to Lake Mooney so that they're outside of the RPA.

Mr. Zuraf: Yes.

Mr. Apicella: Is that correct?

Mr. Zuraf: Yes.

Mr. Apicella: Still the same number, 25 proposed units; that hasn't changed?

Mr. Zuraf: Correct.

Mr. Apicella: At the last meeting, you mentioned that some developers put RPA areas into a conservation easement. Did the staff... actually I think it was maybe Mr. Harvey who said that. Did you all discuss with the applicant that that was an approach taken by other developers? And what was their response?

Mr. Zuraf: We did not have any specific discussion on that.

Mr. Apicella: Okay. There's an intermittent stream on the property. Does that stream feed into the reservoir?

Mr. Zuraf: Yes.

Mr. Apicella: Okay. Ms. Barnes asked this question, and you responded that there's technically about 16% non-RPA open space. So where would that be on the property?

Mr. Zuraf: I'll just mark the general areas. Just really small areas.

Mr. Apicella: So that's the usable open space, right?

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Mr. Zuraf: Yes.

Mr. Apicella: Okay. Presumably, the Stafford Lakes subdivision was approved and potentially built-out before Lake Mooney was completed?

Mr. Zuraf: Yes.

Mr. Apicella: Alright. At our September 8th meeting, do you recall saying that there are roughly 12 R-1 lots abutting Lake Mooney and that most of these are open space parcels associated with Stafford Lakes?

Mr. Zuraf: Yes.

Mr. Apicella: You also previously mentioned that most of the parcels around Lake Mooney are A-1. Is that correct?

Mr. Zuraf: Yes.

Mr. Apicella: Have any of the lots along Lake Mooney's shoreline been rezoned from A-1 to R-1 since the reservoir was completed?

Mr. Zuraf: No.

Mr. Apicella: Okay. Do we know why the County's Utilities Department recommended a 150-foot buffer?

Mr. Zuraf: Yeah, that was basically a Best Management Practice. And they've seen that in other localities across the Commonwealth where that width of a buffer is required under their local ordinances.

Mr. Apicella: And Spotsylvania is one of those counties?

Mr. Zuraf: Spotsylvania is one, yes.

Mr. Apicella: And the EPA, they recommend a slightly more robust?

Mr. Zuraf: Yeah, the EPA kind of sample ordinance recommends 200 feet.

Mr. Apicella: And do we know what happened with the proposed Reservoir Overlay District, why that... that was in 2010. Why wasn't that passed by the County?

Mr. Zuraf: I don't... I was not working on that one back at the time, so I can't say.

Mr. Apicella: You were like 12 then, right.

Mr. Zuraf: Yeah. *[Laughter]*

Mr. Apicella: Okay. Just one more question. Again, at our last meeting, you reiterated that the topography of the parcel slopes downward towards the reservoir. Is that correct?

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Mr. Zuraf: Yes.

Mr. Apicella: Isn't there a potential that very dense housing near steep slopes could create algae blooms from fertilization and runoff?

Mr. Zuraf: I guess if there is the buffer in place, so.

Mr. Apicella: Well, it still slopes down, right, so the... what you said was the steep slopes are in the RPA. So the houses would be above the RPA. And if there's runoff, where's it going to go?

Mr. Zuraf: Any runoff would head towards the reservoir. But I guess I can't answer that question.

Mr. Apicella: Okay.

Mr. Zuraf: I don't know. I'm not an expert.

Mr. Apicella: I gotcha. But I do appreciate the information that you provided, including the showing us where the lines would be at 150 and 200 feet from the shoreline. Anybody else have any last questions for staff? Thank you, Mr. Zuraf. Would the applicant like to come forward?

Mr. Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne. I represent the applicant. I also have Bill Pyle here who's... I think he's gonna get a lot of heat from you guys. So I'm, I'm happy to have him up here next to me because I know, I know Mr. Randall's gonna have a lot of tough questions in this barn. So I survived last week, but I'm gonna let Bill take the heat this time. I'm just kidding. And I apologize for not being here September 8th; I had a conflict and could not be here. And I thought we had a PowerPoint, but that's okay. I think, I think staff has done a very good job describing what the project is and we'll get into just a real quick overview. Obviously, I don't know if this was presented last time... hey Mr. Cummings, how are you? I didn't know if this was presented last time, but Drees Homes is going to be the builder for this project. I think you're all familiar with Drees Homes; they have a great reputation, including in Stafford County. These homes will be, you know, high quality high end homes. You're talking \$600,000+, so that's the type of home we like in Stafford County. Single-family detached that more than pays for itself. And as you guys have seen, the proffers that have been submitted, Mr. Randall has some questions and whether the programmatic analysis was done, and I did not watch the School Board meeting last night either. I, actually my wife told me I had to watch the baseball game. So my apologies for that. But you know, we'll take another look at that. But we're only generating about nine elementary school kids. So you're looking at, you know, 25 units here. This is an infill project, very small, high quality, not a big 100+, 200+ unit project. The family owned quite a bit of property in that area. And of course, the Orris family, and that property was taken because of the lake. So they have left what you see, this 12, 13+ acres, which they're utilizing, you know, taking the Comp Plan encourages this type of use. It's an infill development that's encouraged as well, and obviously trying to do it very responsible way. I know a lot of discussion about the recommendation for the buffer. If, you know, of course it's a recommendation; we all know it's not a required policy, it's not a required ordinance, it's not required otherwise under state law. We did reconfigure the lots. So what you see, and Mr. Apicella pointed this out on the adjustment, that, you know, we're 112 to 125 feet from the RPA, buffering from the RPA on the readjustment on the lots, and 125 feet plus on some of the other ones, to take the recommendation to accept the recommendation to allow a 150-foot buffer, you're going to lose 13 lots. You're going to lose all the lots to the north, you're going to lose five, and what was the other one, 18 and 17. And you're likely not gonna be able to build the road that's shown. The retaining wall, and I'll let Bill add a little color to that because I'm sure you're

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gonna have some questions about that. The retaining wall, you know, there are so many different projects in Stafford County. Our topography in the County varies depending on location, and this is one of those that would require a retaining wall. The main reason it has to be there is because you can't grade in the RPA for the road. So you got to put the retaining wall in place. If there is an impact of the retaining wall depending again, Mr. Zuraf is right where the location is of it, that would, you know, that would lead to who would have to repair it. It's not unusual for a retaining wall this size that the HOA would set aside a reserve for that purpose. So each year they'd be putting money into a reserve. There are insurability opportunities. I can't give you a whole lot of details about that. It depends on the specifications for the retaining wall. And of course, the builder plays a role in that as well over a certain amount of time. On the open space question, I think you all know this, you know, RPAs are allowed to be counted in open space by state code and by county code. I appreciate the exercise and sort of breaking that up, you know, what we can't develop in and what we can develop in. Mr. Apicella's comment about usable open space; obviously, there's no such definition in the ordinance, but we understand what you're saying. The bottom line is obviously, we're meeting the code requirements. I think there was a question Mr. Apicella asked about conservation easement, the RPA area. I don't, I don't think that would be a problem, if that's something... Lee, I don't think that would be a problem doing that. And I'm just trying to hit all your questions. So forgive me for kind of looking through this real quick. And also, I mean, this is one of those projects. And we talked about this a little bit about the proffers. This is \$33,000 or so in proffers per unit. That's a, that's a big number. So we understand that, you know, the impact with schools, again, that 22 total school-aged kids here or 21 or so... it's 21.48 but I can't break up a kid. I think that's, that's not fair. So it's 22 kids here. And we're paying for those impacts notwithstanding Mr. Randall's question regarding programmatic impacts. And with that, I can't answer the algae question, Mr. Apicella. I'm not remotely qualified to do so. And neither, I think, is Bill, but I'm gonna let Bill add a little color. And maybe you can help me as to what you want us to emphasize on if you want us to analyze, have him go through the analysis regarding the RPA. You know, the 100 versus the 150. We'll start with that. And then whatever other questions you may have, if that's okay with you, Mr. Chairman.

Mr. Apicella: That works for me.

Mr. Payne: Okay, thank you.

Mr. Pyle: Good evening members of Planning Commission, Bill Pyle, with Bowman Consulting. I think some of the earlier questions were about the retaining wall and/or the road where a 150 or 200-foot buffer to be imposed. I have a full scale set of GDP in the back. And the distance from the closest point of the RPA...

Mr. Harvey: Computer please.

Mr. Pyle: Thank you. So the distance from this point...

Mr. Randall: Yeah, you're using the original. Could we go to the most up to date please?

Mr. Pyle: The RPA hasn't moved. So it's... we can change it if you want.

Mr. Randall: It will be in relation to the... yeah. Yes, please. Thank you.

Mr. Pyle: Sure. The RPA is in the same place, but the distance from the RPA to the property line right there is about 97 feet. So with a 50-foot buffer, additional 50-foot buffer to the RPA, if we make it 150 feet, that only leaves 47 feet. Typical minimum right-of-way width is 47 feet and that does not count

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any space, additional space needed for the retaining wall. As was pointed out, you know, in theory RPA can be disturbed for road crossings and utility installations. Environmental staff asked us if... I don't think... no, the Planning Commission did not see the original submission of the plan which had the road pretty much coming straight across like this. And staff asked us, even though roads are an allowed use in the RPA as a crossing, to modify the layout as is seen on this latest version of the GDP. So, in theory, to eliminate the retain... the only way to eliminate the retaining wall, we're tied down by the existing cul-de-sac right here, which is an existing grade. So we've done some preliminary engineering work on this. So if we come down here at a reasonable slope up to, you know, continue the existing slope of the road, get down here as fast as we can, we still need this sizable retaining wall here. The only alternative to putting that retaining wall in, tied by the existing restraints, would be to grade in the RPA and not build the retaining wall.

Mr. Payne: Do you want to talk about the lots? *Inaudible, not at microphone.*

Mr. Pyle: Oh. So in addition to, if we were somehow able to reduce the road width and fit the road in here to get across here... can we switch to the slide that had the 150 and 200-foot overlays, please? Can I do that? Which way am I clicking? Up? Down? Left? Right? Clicking the arrows don't seem to do anything. Oh, okay. Where's the one with the...

Mr. Apicella: It's, it's closer to the end, I think.

Mr. Pyle: That one will work, yes. So with the 150-foot buffer, we'd be losing, you know, that lot. These slots on here, 11 through 16, there's not enough room to fit the minimum lot size. So you would lose everything on this side, everything on this side, this one right here, probably this one right here because these are pretty much all minimum width, as well. And that assumes that we somehow find a way to build the, build a 50-foot road plus retaining wall in 47 feet right there. So you'd be left with 1, 2, 3, 4, 5, 6... maybe 12 of the 25 lots. Was that, was that my assignment? Alright, we're ready for your questions.

Ms. Barnes: Can I ask a quick question? The road that you've got going to the center, right now I know that there's a path and a little access down to the reservoir, and that road's gonna run right across that and that retaining wall. Where is there going to be access for all of the neighbors, and all of people who have historically had access to Lake Mooney?

Mr. Pyle: I think the intent was to provide an access easement. Lee, we're still good with providing an access easement down here near the turnaround to get down to the lake in this general area.

Ms. Barnes: That looks like a pretty steep, steep grade there for an access easement.

Mr. Pyle: It's probably the same grade as the existing road. I'm not sure off the top of my head. But...

Ms. Barnes: I need better glasses, thank you.

Mr. Pyle: If it's, if it's at existing grade and we're not able to disturb the RPA or the buffer, then that's about all we can do. We could, if you would let us grade it, we could grade in a path with some switchbacks.

Mr. Apicella: Mr. Bain?

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Mr. Bain: I know it's early and we don't usually ask questions about this because it comes up during development, design development drawings. Where are you going to control storm runoff from these homes? The only place I see that you could put a pond is in the RPA. And I would think you'd need at least two ponds. And to put them in the RPA with those steep slopes, you'd be excavating up into the steep slope and possibly have even more retention walls, detention or retaining walls. Do you have any thoughts on how you would control storm runoff?

Mr. Pyle: We would... I think our current intent is to have individual measures on... in the backyards of each lot. Like you said, we can't put stormwater management measures in the RPA. So we'd be very limited as to what we can do.

Mr. Bain: And so you would be asking each individual homeowner to become a stormwater management maintenance engineer to maintain those facilities and have them perform properly for 50 years or so.

Mr. Pyle: No, they'd be...

Mr. Bain: Right on the edge of the reservoir that would allow all the runoff that Mr. Apicella was talking about that would be heavily loaded with nutrients.

Mr. Pyle: The facilities would be in a stormwater management maintenance easement and would be the responsibility of the home owners association to maintain. They would just be located on the individual...

Mr. Bain: Still, still having homeowners maintain it.

Mr. Pyle: Having the HOA maintain it.

Mr. English: What about the runoff off the road?

Mr. Pyle: That'll be controlled in the same facilities.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yeah, is that normal? Do we do that, Mike? Mr. Harvey? This is the first, I guess I need to brush up on my stormwater management ordinances. But I'm not sure this... we've ever seen something suggested that we would have a stormwater management and end up in a personal property area. So what exactly would that look like?

Mr. Pyle: They would most likely have to be underground, underground detention.

Mr. Randall: Okay.

Mr. Pyle: So like chambers or pipes underground.

Mr. Randall: So for example, show me which one of these lots would be the best that in your opinion to be, to be that. It would need to be on the obviously the what, the north side?

Mr. Pyle: It would be something like an underground facility that did something like this to collect the water and release it at the proper rates.

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Mr. Randall: Okay, so that would... there would be a holding, there would be a holding tank underneath that, those homes that would be, you know, several 100,000 gallon capacity that all the runoff would go to that tank, and then it would be released out into the reservoir?

Mr. Pyle: That's the basic version. Yes.

Mr. Randall: Yeah. The third... yeah. Interesting. And we expect that it would... something like that would be contiguous to all of those lots?

Mr. Pyle: Probably. Yeah. There'd probably be two facilities; one on...

Mr. Randall: There would be... right, obviously...

Mr. Pyle: Yeah, one on each side.

Mr. Randall: ... unless you're gonna pipe it underneath of Lake Mooney to get to the other side. That's true. Okay.

Mr. Bain: But not under the houses like you just drew that other one. I think you drew too quickly.

Mr. Pyle: Oh, yes... *inaudible, several talking at one time.*

Mr. Randall: I assumed it was gonna be in their back yard.

Mr. Bain: What basements?

Mr. Pyle: They're going to use the basements, yes.

Mr. Randall: Yeah, yeah. No, no, I got it. Okay. Alright. Thank you.

Mr. Apicella: Other questions?

Mr. Randall: Oh, you know what? I do, now that we're talking about other than... So this retaining wall, tell me, tell me more about this retaining wall and what... gosh... how long this is going to last, what's it built of, what's the maintenance to keep up on this, what's the general upkeep to something like this over a course of 10 or 15 or 20 years. I really need to know what it is that we're holding this that we're putting this HOA up for.

Mr. Pyle: The typical would either be a cast in place what's called a gravity wall, or a segmental block wall. And the segmental block wall is probably the more common version, which consists of a series of blocks stacked up. And yes, my handwriting is always this bad. It has a batter to it. So each block is stacked slightly behind the front of the block below it, so that the wall... a segmental block wall is not straight up and down. It has, it has a lead. And each of these blocks is anchored with geo grid that support the wall and the weight of the soil on the geo grid, which is anchored to the blocks, keeps everything in place. So I mean, those walls typically have a... we could reach out to some of the manufacturers but, I mean, a 50-year life would be my guess. Don't quote me on that, I don't know for sure.

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Mr. Randall: I'm sorry. I was writing it down already. The reason I ask is because, is the expectation that this would last as long as the homes on the properties?

Mr. Pyle: I believe so, yes.

Mr. Randall: Alright. And that's... that would be the assumption moving forward. But not always in reality, what happens. So 25 years from now, 20 years from now one of these blocks will, for whatever the reason goes away, especially if it's the bottom one that holds the anchor to all the other 5, 6, 7, however many you're going to need, there becomes a major problem on this retaining wall. Correct?

Mr. Pyle: If that happens, yes.

Mr. Randall: We're gonna assume for the sake of brevity that it, it happens, right? We're not talking 15, \$10,000; we're talking a significant amount of money to have somebody come in and, and reset that block, reset the foundation, reset the block and then reset all the other blocks on top of it. Is that... would that be a fair assessment?

Mr. Pyle: It's probably, again, don't quote me on the numbers. It's probably a five figure versus a six figure fix if I had to guess but like, like Charlie had mentioned earlier, a – what's the word I'm looking for that you used?

Mr. Randall: Yeah, there may be an assessment assigned specifically to that HOA to cover something like this.

Mr. Payne: Given Stafford's topography, their retaining walls are very quite common in developments, including on County property. I mean, there are massive retaining walls, so it's not unusual.

Mr. Randall: I understand. No, no... and my point is not that it's unusual. My point is that they don't fail. My point is that you have 25 houses that will be responsible for the failure, not Stafford Lakes that has 500 houses. That's my point. Right? Not that it wouldn't fail, not that it couldn't fail, not that we don't have them that fail already. But just that it's a significant amount of, of resources for 25 houses to take care of.

Mr. English: Inaudible... what if Stafford Lakes, and what was the HOA, then they're gonna be on the hook for it, too.

Mr. Randall: Right. And then that's the other aspect of if, indeed, Stafford Lakes decides to absorb this group, then they're not only absorbing the HOA, they're also absorbing the retaining wall and all the things associated with that.

Ms. Barnes: Have you asked them? Have you approached Stafford Lakes at all? I mean, didn't we ask this before? I don't, I don't remember.

Mr. Payne: I think they're having preliminary conversations. I don't think there's anything final.

Ms. Barnes: Because I cannot see any HOA in their right mind wanting to take that on.

Mr. Pyle: Yeah, it's just a hypothetical.

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Mr. Payne: Typically, HOAs like more members, and it kind of spreads out the cost. But to your point on that, the, certainly as a condition, I don't think my client would, would be adverse to this as to an inspection on a retaining wall after completion every two or three years, whatever it may be. I mean, that would be something that the HOA would do anyways. So that would not, you know, be unreasonable to ask if there was real concern about that retaining wall.

Mr. Randall: Okay.

Mr. Apicella: Yeah, my sense for Mr. Randall's questioning is not so much about the timing, it's the... at some point, you just mentioned a 50-year lifecycle. Let's just say that 50 years from now, at some point in time, the retaining wall is going to likely fail, and it's going to have to have some major repair, and that repair cost is going to be borne, unless it's absorbed by the Stafford Lakes Association, it's going to be borne by the 25 homeowners who would have put it in assessments over those, that period of time for that and anything else that they might have to pony up funding for. Is that kind of what you're saying?

Mr. Payne: I can't say it's impossible, right? Obviously, anything's impossible. But eliminating the catastrophic event where it's deteriorated over time because it hasn't been inspected, inspecting it actually would eliminate that great cost event. So I... it can be addressed and mitigated. It's not something that has to happen, right?

Mr. Randall: Well, that's true. Inspection... all the inspection does is provide us to take and do preventative maintenance on it on a regular basis. So every three or four years, every five years, every 10 years, we say, oh, you know what, we're going to replace periodically some of these blocks so that they don't catastrophically fail and then affect the rest of the retaining wall. So it would still require us to identify issues, we may be able to catch them early, we may be able to pay for them at a lower rate. That's a true statement. But again, whatever the cost is, it's brunt. It's beared by, borne by 25 houses, not 250 or 500. So anyway, that's all I have about the retaining wall. I have one more question for the applicant, if when you're done, when we're done with the engineer.

Mr. Apicella: Mr. Bain?

Mr. Bain: I'm just wondering water and sewer. How are you going... I presume water you're going to tap into a line in Stafford Lakes. How are you handling sewage?

Mr. Pyle: There is an existing sewer manhole. I think one of the other versions of the GDP shows the... I think it's right here. There's a existing utility easement.

Mr. Randall: Mike, can you get... erase everything else on there for us?

Mr. Bain: I see where you marked, that's okay.

Mr. Randall: Okay.

Mr. Bain: And it's... is it going to be accessible by gravity?

Mr. Pyle: Yes.

Mr. Bain: Or are going to have to have a pump station?

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Mr. Pyle: Yes. In the preliminary engineering we've done yet the whole site gravity sewers to this line, or to the existing manhole out there in the street in this easement.

Mr. Bain: The manhole is deep enough?

Mr. Pyle: Yes.

Mr. Bain: I'm surprised. Okay. That's all I had.

Mr. Apicella: Other questions for the engineer? Okay, thank you, sir. Last call for questions of the applicant.

Mr. Randall: I have one more question for the applicant. So we're making the... currently there is no association, there is no agreement for the Stafford Lakes HOA to encompass this. So this would be its own HOA, its own development, its own entity. But I don't see any recreational. I know there's not many kids, but I don't see anything on there that would help those kids. I don't see a tot lot. I don't see someplace of a recreational. I don't, I don't see anything like that on here. Most of the areas that are going to be that you identified or that Mr. Zuraf identified are probably going to be wooded; probably not a bad idea, the kids will love that. But I do think that there's some sense of there needs to be some, some recreational so these families aren't having to drive out of the comp... out of the complex, the subdivision, because obviously they wouldn't be able to use Stafford Lakes. They would have to go completely out of Stafford Lakes to go play or go do anything. And so I think it's imperative that if we move forward that you have something on-site for those kids to do.

Mr. Payne: Understood.

Mr. Apicella: Thank you, Mr. Randall. Again, last call for questions of the applicant. Alright, thank you.

Mr. Pyle: We could probably fit some sort of small playground area in here.

Mr. Apicella: So the public hearing was still open. I'm gonna offer the opportunity for anyone who wants to speak on this matter to come forward at this time. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. Red means your time is up.

Ms. Orris: Good evening, my name is Aria Orris and we are the owners of the piece of land that we're trying to get rezoned. I'm speaking on behalf of my husband and myself, and I want you to pretend that your grandparents, our grandparents, and this is your property that's coming before the board. And I want you to listen to a story about how this came to be. I've personally been a resident of Stafford County since I was 18 years old except for a few brief years. We were residents into until 2010. When we purchased the property in 1972, we did it to give us 105 acres of wide open space to enjoy. We roamed the fields, played in the creeks, sat on the meditation rock, discovered poison sumac inadvertently, and watched the deer graze on the corn. Life was good. We were young, we played hide and go seek. We enjoyed our property, Tin Can Willy. We were like kids, we were in our 20s and we were ready to roam. Life moved on and in 2004 the County began to approach us about purchasing our land for the reservoir. And it turned out that they needed our piece of land and unfortunately it was the 44 acres towards the middle. It would cut our property into two pieces; 12.75 acres backing up to Stafford Lakes and the rest on the reservoir. We were landlocked until Stafford Lakes gave us access

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through the property. Our neighbors, the Tulloss, were offered... well, we were offered \$8,000 an acre at that time, I think, and we said we didn't want to sell. Our neighbors, the Tullosses, were offered \$7,000 for their property. The County needed 10 of their acres. Tulloss was so upset that he was offered less money that he went back and asked them why, and they said the Orris property is much better than yours. Therefore we're offering you less money. The Tullosses put their property up for sale. Ultimately the County paid them \$37,500 an acre for the 10 acres; \$375,000. The County continued to purchase property around us at lower prices, offering us lower prices. And the residents in the area got upset and they hired a lawyer. We didn't. We brought... we had bought our piece of heaven and we didn't want to sell it. We were told that we had no choice and we were very angry about that. If we had to sell we wanted a fair price. I grew up in Stafford and knew the people to be honorable and felt that we could do a fair negotiation. I didn't need a lawyer. We didn't ask for \$37,500 per acre for the poor land that the Tullosses got. But we thought \$25,000 was more appropriate. We didn't think we needed a lawyer. We were wrong. Over a period of a few years the County continued to buy property, and our offer continued eventually getting to \$12,000. The County hired a negotiator to talk with us. And after talking with us, we decided that...

Mr. Apicella: Ma'am, I'll need you to wrap up your comments.

Ms. Orris: Okay. ... that \$20,000 an acre would be more appropriate. And then it went before the board.

Mr. Apicella: Thank you.

Mr. Orris: Hi. I'm Raymond Orris. And I'll continue with the story here. We were told by some members of the County establishment that 12.75 acres that backed up to Stafford Lakes could be developed. Now that our old age has finally arrived, we came under contract with Drees to purchase those acres and develop it was single-family homes totaling 25 lots. I'm hoping that you take all things into consideration and grant us this rezoning. Huh, skipped a few chapters. Back to the \$12,000 in acres that we were offered, and the County negotiator and our family came up with \$21,000 an acre. However, when it went before the Board of Supervisors, the vote was two to two, with our Supervisor in our district abstaining because of conflict of interest. The vote was decided by the Chairman of the board as a tiebreaker, and we got \$12,000 an acre. The county paid less acre, less per acre for the property that they took for us and... took more property from us than any other landowner to the best of my knowledge. We were the biggest piece of land. So at any, at any rate, I find out later that my Supervisor had received an amount greater than the assessed value of his house and land for the small piece of property that they took from him. Maybe that was a conflict. In short, the county that I had lived in all of her life, and I trusted was not fair to us. We're one of the few remaining large landowners in Stafford County and kept the property undeveloped for as long as we could. I hear people all over and over saying now that they've come from Fairfax, Loudoun, Prince William, or whatever, to move into Stafford County, stop the development, it's way too much already. We've got to stop the development. Well, people, we were here first. We bought the property, we kept the property that we wanted to see undeveloped, paid taxes on it, and did it for 50 years. If you want to continue to see property undeveloped in the beauty of Stafford County, buy the property, pay the owner, in this case, the grandparents, at a fair price and you pay the taxes. Don't do what you're doing now and punish the owner for holding on to the property as long as they could. And now that they are old and need to sell and are restricted to how they can do that so others can enjoy the beauty of our property. Thank you very much.

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Mr. Apicella: Thank you, sir. Is there anybody else who'd like to speak on this topic? Alright, seeing no one I'm going to close the public hearing on this item and bring it back to the Commission. Mr. English, these two items are in your district. How would you like to proceed on the rezoning matter?

Mr. English: This is a tough one. I understand what they're saying and all that but also, if we don't stop the development, these little pocket... the little things add up to the big thing so and then being so close to that reservoir and I really fear that that is drinking and I think it's gonna be detrimental to that area with more housing added to that reservoir. So I'm making a motion to deny RC20153402.

Ms. Barnes: Second.

Mr. Apicella: Okay, there's a motion recommending denial of the reclassification of Orris Estates; motion made by Mr. English seconded by Mr.... I'm sorry, Ms. Barnes. Any further comments, Mr. English?

Mr. English: No, sir.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yeah, just a, just a couple. I think that when we... I'm disappointed that if we have the County or the Utilities Department telling us that 150-foot buffer is best practices, why we're not really sticking to that. I think that that's a really important point. I know that that means that some houses will be lost. But we have to take into consideration what's best for Stafford County, what's best for Lake Mooney, what's best for the citizens around it. And that has to be the overwhelming, I think, point. And in as far as the schools, I mean, I'm the one that stayed up and watched the School Board meeting last night, and I was absolutely just floored. I know that there's not going to be a lot of students added for this. But, you know, nine students here, 11 students there, 12 students. So you know, that whole death by a thousand cuts, and I would, I would, say that Stafford schools are dying a death of a thousand occupancy permits. So it... that has to be taken into consideration. And it is just, it's devastating how crowded these schools are. So that's a concern for me. But I think primarily the 150-foot best practices has really, really kind of sealed that for me, so I won't be supporting this project.

Mr. Apicella: Anybody else like to make any comments? Okay, I've got a few comments. I do appreciate what the property owners went through, as Lake Mooney was being planned and as the property in the area, including their property, was purchased, and they feel that they didn't get a fair and equitable price for the property that was used for Lake Mooney. And I also appreciate that the applicant and the property owner want to maximize the yield on this lot. That said, I do not think that this 12-acre parcel is the right place for 25 homes, or even 19 homes versus the two homes allowed under current A-1 by-right zoning. In my opinion, it would come at the expense of the reservoir and the people who use it for drinking water, and those who also use it for boating, fishing, and other recreational uses. I don't believe a 100-foot buffer is sufficient for dense development immediately adjacent to a drinking water reservoir. I think there are good reasons why the County's Utilities Department recommended a 150-foot setback from the reservoirs waterline and that was to protect water quality. I also don't believe this application meets the criteria for a rezoning. The parcel is currently undeveloped and is bounded on two sides by forests and by a lake on its third side. It has an intermittent stream that feeds into the reservoir. Its topography significantly slopes towards the lake, so runoff will end up in the lake. The vast majority of the shoreline of Lake Mooney is wooded. And there's no dense housing this close to the lake. So this proposed rezoning, if approved, would adversely impact County natural resources and the natural environment. It is inconsistent with what is happening in the area in terms of the growth pattern, as I

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mentioned, the three sides that are not being built on at that intensity. And that putting 25 houses this close to the lake would change the character of the surrounding property. And I don't say this to be hyperbolic. I think it would be a travesty to put dense housing this close to Lake Mooney, which is a natural and recreational treasure for Stafford County, for the hundreds if not thousands of people who visit Lake Mooney every year. So for those reasons, I'm going to support the motion recommending denial of the rezoning. I also think that we need to recommend that the Board revisit the establishment of a Reservoir Overlay District and would suggest a follow-on motion to that effect after we dispense with the rezoning and the CUP. Okay, so there's a motion recommending denial. It's been properly seconded. Please cast your vote. Okay, that motion recommended now passes unanimously, 7-0. Is there a motion on the CUP item Mr. English?

Mr. English: Yeah, I make a motion also to deny CUP20153403.

Mr. Apicella: Is there a second?

Mr. McPherson: Second.

Mr. Apicella: Okay. There's been a motion and a second recommending denial of the conditional use permit for Orris Estates. Any further comments, Mr. English?

Mr. English: No sir.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No.

Mr. Apicella: Anybody else? Okay, please cast your vote on the recommendation for denial the CUP. That motion carries unanimously, 7-0. Mr. English, were you interested in entertaining a recommendation to the Board, which would ask them to revisit the potential of adopting a Reservoir Overlay District for Stafford County?

Mr. English: Yes, yeah, I'll make that motion, too, that we proceed with that.

Mr. Bain: Second.

Mr. Apicella: Okay. A motion has been made by Mr. English seconded by Mr. Bain recommending that the County Board of Supervisors reconsider the notion of establishing a Reservoir Overlay District. Do we need to take a vote on that, or can we just do it by consent?

Ms. Lucian: If you want to make an official proposal, I would take a vote on it. But I don't think it matters.

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

Mr. English: No, I don't.

Mr. Apicella: Mr. Bain?

Mr. Bain: No.

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Mr. Apicella: Anybody else? Okay, please cast your vote on that recommendation. Okay, that recommendation which will also go to the Board when this hopefully gets presented at the same time as the rezoning and the Orris Estates CUP. Thank you very much everybody. Next item, Mr. Harvey?

3. RC18152265; Reclassification – Southgate Commercial Proffer Amendment - A proposal to amend proffered conditions on 8.16 acres zoned B-2, Urban Commercial, to limit the permitted uses to include mini-storage warehousing and accessory truck rental and dwelling for watchman or caretaker on premises, and amend site access and building design, on Tax Map Parcel No. 45-165 (Property). The Property is subject to a concurrent conditional use permit request. The Property is located on the northwest corner of the intersection of Cambridge Street and Southgate Avenue, within the Falmouth Election District. **(Time Limit: January 21, 2022) (History: October 13, 2021 Public Hearing Continued to December 8, 2021)**

4. CUP20153251; Conditional Use Permit – Southgate Commercial - A request for a Conditional Use Permit to allow mini-storage warehouse use, motor vehicle rental use, and a dwelling for watchman or caretaker on premises, in the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 45-165 (Property). The Property consists of 8.16 acres, and is located on the northwest corner of the intersection of Cambridge Street and Southgate Avenue, within the Falmouth Election District. The Property is subject to a concurrent proffer amendment request. **(Time Limit: January 21, 2022) (History: October 13, 2021 Public Hearing Continued to December 8, 2021)**

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR’S REPORT

5. Willow Run Time Extension Request to the Board of Supervisors

Mr. Harvey: Well, Mr. Chairman, items 3 and 4 on your agenda were deferred till December 8th. There is no Unfinished Business or New Business, so it comes back to the Planning Director’s Report. And we’ll note that the Planning Commission made a recommendation on the Willow Run rezoning application at your September 22nd meeting. Under County Code, the applicant has 18 months to have their application fully processed for a rezoning or a conditional use permit. The applicant was running up against that time limitation; it would expire in December. So they had requested from the Board of Supervisors a time extension, and that time extension was granted into February for them to hold a hearing and the Board to make a decision on that case.

Mr. Apicella: Alright, thank you for that update, Mr. Harvey. County Attorney's Report?

COUNTY ATTORNEY’S REPORT

Ms. Lucian: It’s going to be an hour because this is so short.

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Mr. Apicella: Great, thanks.

Ms. Lucian: I'm just kidding. I don't have a report. Thank you.

COMMITTEE REPORTS

NONE

CHAIRMAN'S REPORT

Mr. Apicella: We appreciate the... *inaudible*. Okay, Chairman's Report. So just as a reminder, we don't have a meeting in November because we don't have any business to consider. And just for the two people watching, we did have two extra meetings, one in September and one in October. So, with that said, I just want to wish everybody a Happy Thanksgiving and a safe holiday season. Other Business – TRC looks like there's something for Falmouth and the Hartwood districts. So the last item on the agenda are approval the minutes. Is there a motion to recommend approval of the September 15, 2021 minutes?

OTHER BUSINESS

6. New TRC Submissions
 - * Potomac Creek Comm Ctr - Falmouth Election District
 - * Burns Corner Med Office Bldg - Hartwood Election District

APPROVAL OF MINUTES

7. September 15, 2021

Mr. McPherson: So moved.

Mr. Apicella: Second? Anybody?

Mr. Randall: I'll second.

Mr. Apicella: Alright. A motion's been made and seconded. Just do that quickly by voice vote. All those in favor of approving the September 15, 2021 minutes say aye.

All members: Aye.

Mr. Apicella: Opposed? The ayes have it. Is there a motion recommending approval the September 22, 2021 minutes?

8. September 22, 2021

Mr. English: So moved.

Mr. Bain: Second.

Mr. Apicella: Alright. All those in favor of approving the September 2022... I'm sorry, the September 22, 2021 minutes, please say aye.

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All members: Aye.

Mr. Apicella: Those opposed say nay? The ayes have it. With no further business before the Planning Commission, we are hereby adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:18 PM.