

STAFFORD COUNTY PLANNING COMMISSION
August 26, 2020

The meeting of the Stafford County Planning Commission of Wednesday, August 26, 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.

Mr. Apicella: This is Steven Apicella. I will be participating today from a remote location here in Stafford. I would ask the Commission to approve my electronic participation. So, if someone would make a motion to that effect, I would greatly appreciate it.

Mr. McPherson: So moved.

Mr. Bain: Second.

Mr. Apicella: Thank you. Okay, there's been a motion and a second to approve my electronic participation. All those in favor, signify by saying aye.

Whole Commission: Aye.

Mr. Apicella: All opposed? The ayes have it, thank you. I'd like to make two more points. When we vote on an item today, Commissioners in the chambers will use their voting devices and I will announce my vote verbally. Also, if we have any technical issues during the conduct of the meeting, Mr. English will take over as Chairman.

Mr. Randall: Hey Steven.

Mr. Apicella: Yes.

Mr. Randall: Before we begin, none of us have our voting buttons with us. I think the intent was that we would do it per roll call.

MEMBERS PRESENT: Steven Apicella (remotely), 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, Joseph Valotta, Kathy Baker, Eva Campbell, Denise Knighting

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Okay. We'll do it by roll call then. Are there any declarations of disqualification on any agenda item? Okay, hearing none, are there any changes to the agenda? Okay, I don't hear anybody so I'm going to move to the Public Presentations portion of the meeting. The public may have up to 3 minutes to comment on any matter except the 7 public hearing items on today's agenda. There will be a separate comment period for each of these public hearing items as they come up. Anyone wishing to speak, please state your name and address before you start your comments. The clock starts when the green light appears. Yellow means there's 1 light... 1 minute left. And red means you need to conclude your comments. So, if anyone would like to speak, please come forward now. Okay, it doesn't look like anybody is coming forward, so I'm going to close the Public Presentations portion of the meeting. Mr. Harvey, item number 1?

PUBLIC PRESENTATIONS

None

PUBLIC HEARINGS

1. RC19152782; Reclassification - Embrey Mill Town Center - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the PD-2, Planned Development 2 Zoning District on Tax Map Parcel No. 29-70K, consisting of 2.3 acres; and from the B-2, Urban Commercial Zoning District to the PD-2 Zoning District on a portion of Tax Map Parcel No. 29-60C, consisting of 1.6 acres; and from the PD-2 Zoning District to the B-2 Zoning District on a portion of Tax Map Parcel No. 29-53B, consisting of 1.53 acres, all to allow for the development of a commercial town center. All parcels subject to the proposed rezoning reclassification are collectively referred to as “the Property.” The Property is located on the north side of Courthouse Road, west of the intersection with Austin Ridge Drive, within the Garrisonville Election District. **(Time Limit: October 30, 2020)**

Mr. Harvey: Mr. Chairman, item number 1 is the Marketplace at Embrey Mill and please recognize Mike Zuraf in the ABC Conference Room for the presentation.

Mr. Zuraf: Good evening Mr. Chairman, members of the Commission. I’m here to present number 1; Mike Zuraf with the Planning and Zoning Department. If I could have the computer please? Thank you. So, this zoning reclassification includes three parts; there’s a request from the... to change from the A-1, Agricultural zoning district to PD-2 zoning district on a parcel that is 2.3 acres in size. The second part is a parcel from B... that’s changing from B-2 to the PD-2 zoning district that’s on a 1.6-acre piece of property. And then a third piece is from the PD-2 zoning district to the B-2 zoning district on a portion of a parcel that is 1.53 acres in size. This is all within the Garrisonville Election District. The applicants are Ed Peete and O’Conor Ashby. A public hearing for this was initially conducted at your last meeting on July 22nd. Due to issues with public notification requirements, this new public hearing is required. So, the information I’ll be presenting is going to be pretty much the exact same as you heard at the last meeting so please bear with me. So, looking at the location, this is on the north side of Courthouse Road, and the west and east side of the intersection with Austin Ridge Drive. The 3 parcels are highlighted in blue on the screen. You see to the north and west of Austin Ridge Drive is PD-2 zoned property; that’s the gray shading. And then also this is the Embrey Mill area. And to the east of Austin Ridge Drive is B-2 zoned property; that’s generally the Austin Ridge commercial area. For some zoning history, you have the A-1 property; that’s in the light green shading. That property has no proffers and has not been the subject of any zoning changes. The PD-2 zoned piece, the light gray shaded piece, was rezoned to PD-2 as part of the Embrey Mill development and subject to proffers. It’s a relatively small portion of the PD-2 zoned area and it was bisected from the bulk of Embrey Mill by the recent realignment of Austin Ridge Drive. The third part, the B-2 zoned piece, that’s in the light pink shading, was originally zoned in 1990 as part of Austin Ridge. Subsequently, the proffers were amended and this relatively small portion of Austin Ridge was bisected from the bulk of that area by the construction of Austin Ridge Drive. The aerial shows properties are partially wooded and partially cleared. Properties to the west of Austin Ridge Drive have since been graded out to allow for development of the surrounding properties. There are no structures, cultural resources or natural resources on the properties. The surrounding properties are largely undeveloped, on the opposite side of Courthouse is a single family residential use. To the west, the Market at Embrey Mill with the Publix Grocery Store, that’s under construction. The General Development Plan submitted with the application illustrates how this... the parcels may fit into the development of the surrounding properties. The two properties proposed for the PD-2 zoning will

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be part of Phase 4 and 3A of Embrey Mill. That is as designated in the original preliminary plan, these phases are divided by the planned Sunflower Drive. Phase 4 is planned to be all commercial development that has approval already for 429,000 square feet of commercial development. The part bisected by Sunflower Drive includes a small portion of Phase 3A, which permits up to 650,000 square feet of commercial development across on that larger area that goes well... far to the north, off the screen. The Embrey Mill Development did not proffer a detailed site layout. The General Development Plan shows a potential development scenario that incorporates these parcels into the larger Embrey Mill Development. The applicant has not proffered the General Development Plan as the subject parcels are part of the larger development. The applicant is proposing to apply these projects... these properties to the same proffers that applied to the Embrey Mill commercial areas. The parcel proposed for B-2 zoning would be adjacent to and west of the planned Austin Ridge commercial development, which is zoned B-2. On this property there would be a stand alone development potential. It is bounded by right-of-way on all sides. The General Development Plan shows approximately 9,800 square foot commercial building with no specified use. Access would be provided off of Austin Ridge Drive and the applicant is proffering to restrict access from Courthouse Road into that parcel. Within the last few weeks the applicant has submitted a site plan for this Phase 4 of Embrey Mill that identifies a new development concept that differs from the General Development Plan. It identifies up to 18 free standing buildings, it includes a vehicle fuel sales, a convenience store and up to 6 drive through uses, so a conditional use permit is going to be required for all those uses and that is going to be required before that site plan can be approved. So, the Planning Commission will see this again, at some point in the near future. Just for reference, the shading represents the two parcels proposed to be rezoned to PD-2, located within in this phase. The Comprehensive Plan identifies the property within the Courthouse Planning Area and Targeted Residential Growth Area. A more detailed use land concept identifies the property within mixed use, commercial and residential designation. The Targeted Growth Areas are areas in the County where urban or higher density suburban development patterns are most appropriate. The mixed use designation allows for flexibility between commercial and/or residential uses. Staff finds that the proposed uses generally consistent with the Comp Plan recommendation and policies. The potential site development will not be as intense as envisioned in the Comp Plan, however the uses will serve residents and travelers passing through the area, which is appropriate given the location of the site along the recently improved Courthouse Road in close proximity to Interstate 95. Furthermore, the original zoning already is limited the area to only commercial development on the surrounding properties. So, looking at public facility impacts, there are monetary contributions proposed that will mirror the contributions already proffered already in the surrounding Embrey Mill project that includes up to \$2,135 per residential unit for schools, that would apply to the Phase 3A portion, on that very small piece and then \$0.15 per square-foot for every commercial building for Fire and Rescue purposes. For transportation, a traffic study was prepared with the original Embrey Mill development that did established the required road improvements and maximum development restrictions that are already in place. These parcels will be subject to the same square footage restrictions established under that traffic study and corresponding proffers. So, the proffers are divided into three sections, including proffers that apply to all three parcels, proffers that apply only to the two PD-2 zoned parcels and proffers that apply only to the B-2 commercial zoned parcels. So, the proffers that apply to the entire property would restrict maximum development to that approved under the original Embrey Mill Development, prohibits specific uses, requires pedestrian connections and requires the cash contributions as mentioned. The proffers that apply to the PD-2 properties would require consistency with many of the proposed proffers mirror the proffers that apply to the surrounding PD-2 property. And also require development in a manner compatible with surrounding PD-2 property. And then proffers that apply only to the B-2 zoned property, that small piece, would require development that follow the recommendations of the Neighborhood Design Standards Plan, prohibits direct access from Courthouse Road, and requires the same monetary contributions for fire and rescue purposes. Looking at the overall evaluation, there are several positives.

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The proposal is generally consistent with the land use recommendations in the Comp Plan. The proposed uses are consistent with the planned commercial development pattern in the vicinity of the site. Proffers provide for consistent development regulations with the surrounding properties and cash contributions would mitigate impacts to fire and rescue and school levels of service. Staff does not see any negatives aspects with this and would recommend approval of the application with proffers pursuant to Ordinance O20-33. If you recall, the proffers were slightly modified at the last meeting to add some additional use restrictions and those proffers have since been updated to reflect that. And also note that the applicant is participating remotely, as this public hearing is a second run and many of the Planning Commission issues were addressed at the last meeting. And that concludes my presentation.

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

Mr. Bain: Yes, I do have one question. Mr. Zuraf, could you go back to the zoning map?

Mr. Zuraf: Could I have the presentation again please?

Mr. Bain: There you go. It hasn't been discussed, but I'm just con... I guess, questioning what happens to Austin Ridge Drive at the intersection at Courthouse? Does the old alignment become abandoned and the new one, where the lettering for Austin Ridge Drive, that's a new road that is going to be built. So, does the old alignment become abandoned?

Mr. Zuraf: Likely it will. Currently it's still... so that road has been... that new alignment for Austin Ridge Drive, that's been built and it is complete.

Mr. Bain: Right.

Mr. Zuraf: So, that old alignment still is VDOT right-of-way, so there will be a process where the surrounding properties... and also that old section of road has been basically ripped out and....

Mr. Bain: Right.

Mr. Zuraf: So, the app... the property owners on each side would have the ability to petition VDOT and request that be abandoned and they would be able to... well potentially develop that.

Mr. Bain: That's what I was wondering, is that always going to be just a blank area or could it be combined with either of the adjoining parcels and subsequently developed. Okay, that is all I had. Thank you.

Mr. Apicella: Sorry, I spoke with my mute button on. Would the applicant like to add anything, since the last presentation?

Mr. Leming: Mr. Apicella, this is Clark Leming. I hope you can hear me.

Mr. Apicella: Yes sir, I can.

Mr. Leming: Okay, I am on my phone... connected by phone and I see you've got a busy agenda so I just hope the Commission would use the same wisdom that it used last month for this application, and that the Chairman hasn't thought of any other uses that we need to proffer out.

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Mr. Apicella: I am good. I would ask the Commissioners if they have any further questions. Okay, seeing none thank you Mr. Leming. I am going to open the public hearing on this matter. The same as last time, this is an opportunity to speak on this particular item. The green light starts the clock, yellow means there is 1 minute left, red mean please conclude your comments. If anybody in the chambers would like to speak or if there is anybody who submitted comments online, we can address those now. Okay, I don't see anybody in the chambers. Mr. Harvey were there any comments submitted on line?

Mr. Harvey: No Mr. Chairman, there were not.

Mr. Apicella: Okay, thank you. With that said I am going to close the public hearing and bring it back to the Commission for further discussion and deliberation. Mr. Randall, I believe this is in your district.

Mr. Randall: Yes. it is in my district. I move to approve reclassification Romeo Charlie 19152782, the reclassification of Embrey Mill Town Center.

Mr. McPherson: Second.

Mr. Apicella: Okay. A motion has been made by Mr. Randall and seconded by Mr. McPherson. Any further comments Mr. Randall?

Mr. Randall: No thank you.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No.

Mr. Apicella: Anybody else? Okay, seeing no one else, I am going to do a roll call vote. Mr. Apicella votes yes on the recommendation to approve. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Thank you Mr. Bain. 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?

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Mr. Randall: Yes.

Mr. Apicella: Okay, motion carries unanimously. Thanks everybody. Mr. Harvey, if we could move on to items 2 and 3.

Mr. Leming: Thank you all.

2. RC18152428; Reclassification - Vistas at Ferry Farm - A proposed zoning reclassification, with proffers, from the A-1, Agricultural Zoning District to the R-5, Age-Restricted Housing Zoning District to allow for the development of up to 134 age-restricted multi-family, assisted living, or memory care units on Tax Map Parcel Nos. 54-79, 54-79A, 54-80, 54-80A, and 54-81 (Property). The Property consists of 7.118 acres, located on the south side of Kings Highway and north side of Naomi Road, within the George Washington Election District. The Property is subject to a concurrent conditional use permit request. **(Time Limit: October 30, 2020)**
3. CUP18152429; Conditional Use Permit - Vistas at Ferry Farm - A request for a conditional use permit to allow increased residential density of up to 19.0 dwelling units per acre in the R-5, Age-Restricted Housing Zoning District on Tax Map Parcel Nos. 54-79, 54-79A, 54-80, 54-80A, and 54-81 (Property). The increased residential density would allow up to 134 age-restricted multi-family, assisted living, or memory care units. The Property is subject to a concurrent zoning reclassification request. The Property consists of 7.118 acres, located on the south side of Kings Highway and north side of Naomi Road, within the George Washington Election District. **(Time Limit: October 30, 2020)**

Mr. Harvey: Mr. Chairman, for items 2 and 3, we'll be having a combined presentation for the Vistas at Ferry Farm. And again, please recognize Mike Zuraf in the ABC Conference Room for the presentation.

Mr. Zuraf: Good evening again. I'm here to present items 2 and 3 combined for the Vistas at Ferry Farm. If I could have the presentation again? Okay, thank you. So, this includes two requests. The first, a reclassification from the A-1, Agricultural Zoning District to the R-5, Age-Restricted Housing Zoning District to develop up to 134 age-restricted multi-family, assisted living, or memory care units. And item 3 is the conditional use permit to allow an increased residential density of up to 19 dwelling units per acre in the R-5 zoning district. The site covers 7.12 acres. Doug Janney is the applicant; Charlie Payne is the agent. And this site's within the George Washington Election District. So, as an update, back in October of last year was the initial Planning Commission action. The application since then was sent back to the Planning Commission prior to the Board of Supervisors public hearing as a result of adjustments made to the proposal. On June 24th, the Planning Commission voted to schedule a new public hearing. And on July 22nd, you had your initial public hearing. At that time, the Commission also voted to defer action to this meeting to consider and address some issues. Also, with this one, we had the same issues with public notification requirements for the July 22nd meeting, and so another public hearing is required for these two cases. Much of the same information will be presented as the July meeting. And then, at that meeting as mentioned, the Commission did raise several questions regarding the zoning reclassification and conditional use permit. So, I will address those as we go through this presentation. So, there are five parcels subject to the application that are identified in the blue outline. The area covers 7.1 acres. The property is located on the south side of Kings Highway and north side of Naomi Road. The adjacent properties to the north and south are zoned R-1, Suburban Residential, and R-2, Urban Residential. Also, to the north is B-2 zoned property. And adjacent to the east is the CSX Rail line right-of-way. The site's partially wooded. Claiborne Run is located to the south of the property,

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the blue meandering line to the south. There's also a 100-year floodplain associated with Claiborne Run located on the site. The topography slopes downward from Kings Highway to Naomi Road. And some pocket wetlands are located on the site. There are 8 single-family dwellings located off of Naomi Road; the dwellings are in deteriorated condition and the age of the structures are unknown. Only some of the units are occupied. Other nearby uses include single-family residential dwellings along Naomi Road to the southwest, and townhouse dwellings farther to the south off Dairy Lane. On the opposite side of Kings Highway is an office and townhouse dwelling uses. The General Development Plan depicts the layout of the 134 multi-family units. The primary access to the development is via two entrances off of Naomi Road. There's no access provided directly off of Kings Highway. The development includes one 3-story building in the R-5 district. The maximum by-right development density is 15 units per acre; that would permit up to 106 dwelling units. The proposed 134 units are equivalent to a density of 19 units per acre. The concurrent conditional use permit is required to allow this increased density. The General Development Plan identifies surface parking around 3 sides of the building. Given the sloping conditions of the site, several retaining walls are proposed. Amenities include walking areas and a community garden, and passive recreational areas that include a putting green and bocce area and a dog park. The GDP identifies a potential alignment of the Belmont-Ferry Farm Trail along the frontage of the site. The Comp Plan's Future Land Use map classifies the property as part of the Suburban designation identified by the yellow shading on the map. The proposed development is generally consistent with many of the recommended development standards for the Suburban designation as described in the Plan. The site is consistent with infill development policies; however, it is not in compliance with density recommendations as 19 units per acre proposed. The Comp Plan recommends up to 3 units an acre. This density is being achieved by utilizing the area... well, strike that. The dwelling units other than single-families are permitted on a case-by-case basis. The site is surrounded by a nursing home, townhomes, and single-family homes. The 3-story buildings are consistent with the height of other multi-family buildings in the County. The site conditions require the building to be oriented away from the closest single-family homes. The site layout and building designs complement and are in scale with existing neighborhoods. Sidewalks would be constructed and internal to the site, and the applicant is committing to construct a portion of the planned Belmont-Ferry Farm Trail across the Naomi Road frontage. The project also preserves the recommended amount of open space. The site is within a Dam Break Inundation Zone associated with the Leeland Dam located in Leeland Station. This dam is designated as a high-hazard dam by the Virginia Department of Conservation and Recreation. The Comp Plan does discourage development of new buildings and structures within Dam Inundation Zones. This image highlights the location of the Dam Break Zone which covers a majority of the site. Staff does note that these limits are based on simplified GIS analysis that does not account for several upstream impediments. Immediately upstream are two separate embankments and culverts associated with the CSX rail line and also Kings Highway. Each embankment includes significant fill that also would act as a dam and would control the flow of water in an event the upstream dam should fail. These would likely lessen the downstream flooding impacts. The Commission asked for additional information on this issue. Staff does note that a Dam Break study for the Leeland Dam has not been prepared by the owner. This study would provide a more accurate representation of the Dam Break Inundation limits. A detailed Dam Break study is one of the dam safety compliance requirements with the Virginia DCR Dam Safety Division. I will also note that a new condition is being added that would state that perspective renters and/or owners shall be provided notice that the buildings and grounds may be located in a Dam Break Inundation Zone. The proposed architectural design is consistent with many of the features which conform with the Neighborhood Design Standards Plan. These features include a mix of brick and siding as primary façade materials, recesses and projections along the façade, pitched roof with gables, and variations in roof lines. The proposed proffer would require the buildings be constructed in conformance with the styles and materials that you see here on the screen. So, staff has evaluated how this request will impact these listed facilities. This rezoning is subject to the July 2019 Proffer

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Legislation. The applicant opted into this legislation as it does provide flexibility to provide additional offsite proffers that the County would otherwise not be able to accept. So, the staff report does evaluate if public facilities would be adequate in a deficit or undetermined as a result of the project. Looking at the adequate facilities, age-restricted housing would not impact the County school system. Staff has determined that there is adequate park capacity in this location. And also, libraries are identified as having an adequate level of service through the build-out of the project. The Comp Plan project future needs and does not identify the need for a new library until the year 2023. Facilities with deficits include Public Safety. The site is within the first response area for the Falmouth Fire and Rescue Station. It is determined that the current service level of deficits do exist within that service area, and any additional homes would further add to the current service level of deficits. So, in this case, it would be appropriate and reasonable to receive a proffer to mitigate Fire and Rescue impacts. The impacts would be mitigated with cash proffers, and this includes \$490 per unit for a total of approximately \$64,900. The general government category includes facilities such as the County Government Center and Courthouse Complex. Staff has determined that a deficit does exist with general government services based on current capacity issues with the courthouse. To address this, the County's Capital Improvement Program includes construction of a new courthouse facility which is scheduled to be completed in the year 2030, several years following the build-out of the project. In the undetermined category is transportation. A Transportation Impact Analysis was not required with the application since the estimated trip generation is less than a thousand trips per day. In this location, the Comp Plan does not recommend improvements to these roads. Staff does not anticipate significant traffic impacts with this development. Lower traffic generating uses that did not require a TIA are less likely to have a negative impact on levels of service. There is a Traffic Impact Fee of approximately \$3,000 per unit that would be required. So, there are several proffers. The requirements to develop is generally depicted on the General Development Plan. It would limit the development to 134 age-restricted units. The architectural design is required to be in accordance with the renderings. They would require building materials that ensures fire safety; require cash contributions of \$484 per unit; require covenants to ensure all units are age-restricted; require construction of several outdoor amenities; limit vehicle access to two entrances off of Naomi Road; establish maximum building height of 3 stories with no underground parking; it would require coordination with VDOT to acquire available right-of-way adjacent to the site. Also, it would require construction of a portion of the Belmont-Ferry Farm Trail with lighting; allow for the conversion of the age-restricted multi-family residential units to age-restricted condominium units at any time; and require that all assisted living units be limited to applicable state and licensing requirements; prohibit parking also along Naomi and Dairy Lane during construction of the project. So, now, a few more slides dealing with the conditional use permit. This would allow the increase of residential density up to 19 dwelling units per acre. So, the main intent of requiring a use permit for increased residential density is to ensure development occurs in a manner that minimizes any negative impacts to residents in or adjacent to the site. This use permit would allow 64 additional units in the project. This equates to half of the units on the upper floor of the building according to the building plans provided in Attachment 4. That shows the potential for 50 units. The by-right 106 units would likely still require a 3-story building; however, on a smaller footprint. The greatest potential offsite impacts would be to the adjacent single-family residents on Naomi Road. Staff notes that the shape and conditions of the site will require structures to be located more to the eastern end of the site oriented away from these residences. Staff notes that a 3-story building is consistent with the height of other apartment buildings in the County and could be permitted without the conditional use permit at that height. Also, note the apartments are not permitted to be taller than 3-stories in the R-5 district. Also, there are several conditions being recommended to address fire safety, which will be reviewed in a moment. So, on the screen are several of the proposed conditions that go along with the conditional use permit. At the last meeting, the applicant and Planning Commission raised several questions and issues regarding some of the conditions, specifically the ones highlighted in red. So, with this condition highlighted in red, the applicant was requesting NFPA-14

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Standpipe System requirement be removed. They felt that this was an unnecessary improvement as it would add significant costs to the project. The Commission requested input from Fire and Rescue. Their comments are that they feel the NFPA-14 Standpipe Systems are always preferred on any multi-level buildings. They use the same water pipes as the sprinklers that are going to be provided and allow fire hoses to be connected on the floor of the actual emergency. This allows the fire department to have access to water more quickly. They said this serves as a force multiplier as responders are able to fight a fire using fewer personnel. This condition, the applicant preferred to only have one elevator on emergency power. They stated to include a generator for the building... they stated they planned to include a generator for the building but the requirement for two emergency power elevators would add a significant cost. The Commission did request input from the Fire and Rescue Department on this as well. They recommended that they provide emergency power to at least one of the elevators, but they did note redundancy would always be beneficial. They note the emergency power could be beneficial during events resulting in loss of power. A modification to the condition was suggested during discussions of the issue between Fire and Rescue staff and the applicant. Their suggestion was to provide at least two large elevators, with emergency power to at least one of the elevators. You did receive tonight a revised version of the conditions that does include a modification to the condition. It basically would go back to the original intent and require them to require emergency power to both of the elevators. With this condition, the applicant stated that given the design of the stairways, they did not believe Stryker chairs would be necessary or utilized. They requested the condition be deleted. The Commission also requested input from Fire and Rescue on this. Fire and Rescue stated that without onsite trained staff, they'd be against having these as a requirement. Due to several reasons, they note all occupants in this type of age-restricted dwelling type are expected to be able to self-evacuate multi-story buildings, otherwise a higher level of care protection would be required of the building. They also note there are no staff to use these devices, and also there are no maintenance or inspection requirements for the devices, so first responders would likely not use them. They also noted that they add more obstruction in an already tight stairwell. And in the revised conditions, this condition is removed. There are two new conditions also added, including that perspective renters and/or owners be provided notice that the buildings and grounds may be located in a Dam Break Inundation Zone, and also that one automated external defibrillator be installed on each floor of the building. The last condition was included in the last revision also provided to you tonight. The applicant did receive these amendments and have expressed that they're okay with the revisions as you received them. Looking at the overall evaluation, several positives: the proposal is generally consistent with the land use recommendations in the Comp Plan except for the overall land use intensity of the project; it's consistent with residential development patterns in the vicinity; mitigation of public safety impacts are considered reasonable; it's consistent with infrastructure phasing policies in the Comp Plan related to schools, parks and libraries, and transportation; the site design should minimize visual impacts on nearby lower intensity residential uses; the project is designed in a manner to minimize impacts to sensitive environmental resources; the building design is consistent with architectural design recommendations; it contributes to the potential Belmont-Ferry Farm Trail; and also the proposed conditions would help ensure that negative impacts are mitigated. With negatives, the development intensity does exceed maximum density recommendations; the proposal's inconsistent with Comp Plan policies regarding the Dam Break Inundation Zone; and inconsistent with infrastructure phasing policies related to the general government service deficits. In closing, with the zoning reclassification, staff is generally supportive of the application with proffered conditions pursuant to Ordinance O20-12 and subject to approval of the conditional use permit. With the conditional use permit, staff is generally supportive of the application with the conditions pursuant to Resolution R20-51 and subject to approval of the reclassification. And this completes my presentation.

Mr. Apicella: Thank you, Mr. Zuraf. Any questions for staff?

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Mr. Randall: Mr. Apicella, this is Bart. I have some questions for Mr. Zuraf. Can we add to the proffer for the AEDs is the location by the elevators?

Mr. Zuraf: Are you referring to the conditions?

Mr. Randall: Yeah, the new conditions about the defibrillators. We listed the defibrillators on every floor but not a location on that floor. I'd be interested to make those locations near the central location... centrally located or near the elevators. Can we add that please?

Mr. Zuraf: Okay. So, at the end, say comma, to be centrally located... *inaudible, being talked over...*

Mr. Randall: To be centrally located.

Mr. Zuraf: ... or near the elevators?

Mr. Randall: Yes.

Mr. Bain: Is that or near the elevators, because the elevators... *inaudible, being talked over.*

Mr. Randall: The elevators are going to be either side, so I would say somewhere in between the elevators.

Mr. Bain: In between, alright.

Mr. Randall: I would say centrally located.

Mr. Bain: Good, good.

Mr. Zuraf: The applicant is making a suggestion. How about or upon recommendation of the Fire Marshal?

Mr. Randall: We talked to the Fire Marshal at our last subcommittee meeting and he mentioned centrally located so, you can talk to him, he's going to say the same thing. But, yeah, that's fine.

Mr. Zuraf: So, for clarification, just keep it at to be centrally located for the addition.

Mr. Randall: That's fine.

Mr. Zuraf: Okay.

Mr. Randall: Okay, we also talk about the trail that's going to be completed. Do we have a timeframe for that? Is that going to be after the build... after it's completely done and then we'll build the trail, or build the trail halfway through – when will it be completed? When's the expectation from the staff and the County that that would be completed?

Mr. Zuraf: I'd have to check... I'm not certain where the latest is with the Belmont-Ferry Farm Trail. I'd have to probably check with... *inaudible.*

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Mr. Randall: Yeah, I would not leave that open-ended. I would, if we're going to add... if we're going to expect them to build the trail, then I would also expect that we would have some timeframe associated with that so that there's no ambiguity as to when somebody would be walking on that trail.

Mr. McPherson: Potentially before occupancy permits are issued.

Mr. Randall: I would expect it sometime before occupancy permits; that's what we're used to seeing. But that's why I'm hesitant to leave it as is without some type of stipulation.

Mr. Bain: Yeah, I think adding it as a condition for the occupancy permit that it must be completed.

Mr. Randall: I would agree.

Mr. Apicella: Or it could be included in the proffers. So, which is the better approach, Mike?

Mr. Zuraf: It probably would be best to have it within the proffers, since that's where it's referenced.

Mr. Randall: Right. I just think that there needs to be some...

Mr. Zuraf: Because the...

Mr. Randall: ... bonding of that, banding of that...

Mr. Zuraf: Because the conditional use permit is for the density. And so, if the project is changed and they don't go over 15 units per acre, those conditions may not apply.

Mr. Apicella: Right. So, all the more reason to put it into the proffers...

Mr. Randall: Yes.

Mr. Apicella: ... or ask them if they're willing to put it into the proffers.

Mr. Zuraf: The applicant's up here and so I'll have to defer to them first.

Mr. Randall: Okay. So, based on our last discussion, I want to be clear, we are not requiring a Stryker chair, is that correct?

Mr. Zuraf: Correct.

Mr. Randall: Okay. And there will be two elevators and both elevators will have emergency power, correct?

Mr. Zuraf: Correct.

Mr. Randall: Okay. Do we know if... what the parking is going to be at this location? At the per unit parking spaces allocation will be?

Mr. Zuraf: I will need to look at the plan really quick.

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Mr. Randall: Please. I mean, if the applicant knows that number off hand, he could probably whisper it to you.

Mr. Harvey: Mr. Chairman, the applicant's engineer is in chambers if there are any other technical questions related to engineering.

Mr. Randall: I'd be more than happy to talk to the applicant, that's fine. I just didn't know if Mr. Zuraf had it. So, we can wait.

Mr. Zuraf: Yeah, it's not quantified... *inaudible*.

Mr. Randall: That's fine. The applicant, I'm sure, can address that. Do we know, also Mr. Zuraf, if there are any ADA apartments going to be built? Are any of these apartments, especially on the first floor, are they going to be ADA compliant upon completion?

Mr. Zuraf: I would have to defer to the applicant.

Mr. Randall: Okay, not a problem. I'll ask, thank you.

Mr. Apicella: Is that it, Mr. Randall?

Mr. Randall: That's it. You want some more? No, that's it, thank you.

Mr. Apicella: No, I'm good. I suspect the applicant is good, too. Mr. Bain, did you have any questions?

Mr. Bain: Yes, just one. As it's identified in the proffers, it says that it could be 134 age-restricted multi-family, assisted living, or memory care units. If it's... if they suddenly decide to do all memory care units, do they have to come back to the Commission or would that just be there decision? And this leads back to Mr. Randall's question about parking, because a memory care unit would require support staff that would not be needed – well, assisted living units also would – and that could increase the parking demand. So, would they have to come back to the Commission if they were to incorporate any of those other types of living other than age-restricted?

Mr. Zuraf: No, they likely would not. If they changed the use, they are going to have to meet whatever the parking requirements are for that different mix. So, for some reason, if the parking is higher, then they may be limited to the number of units they'd ultimately be able to have.

Mr. Bain: So, they would just be required to conform to the County standards then.

Mr. Zuraf: Correct.

Mr. Bain: Alright, thank you.

Mr. Apicella: Thank you, Mr. Bain. Anybody else? Okay, seeing nobody else. Thank you, Mr. Zuraf. Would the applicant like to come forward?

Mr. Zuraf: Cleaning the area, one moment.

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Mr. Payne: Thank you Mr. Zuraf for removing your germs from the podium. Certainly, during this time of pandemic, that's much appreciated. Thank you, Mr. Chairman and other members of the Planning Commission. My name is Charlie Payne with the Law Firm Hirschler and we represent the applicant. Mr. Zuraf has done a very good job of reiterating our application and our presentation from the July 22nd meeting. So, I assume you don't want us to go through our PowerPoint, but if there is anything that was in our PowerPoint, conceptual layout, architectural features, etcetera, we are happy to go back through that for you. And just to reiterate, the changes in this project today verses what it was prior to, when the Planning Commission first made its determination on this project. We have significantly reduced the density from 170 to 134 units and as staff noted they would be senior age restricted or a mix of assisted living and memory care. And we have also reduced the number of buildings from two to one. We have also insured that the maximum height of the building would be no more than three stories, with no underground garage parking. We have also presented new architectural features that staff has noted is very consistent with the design standards in Stafford County. And we did meet with officers of the homeowner's association at Chatham Landing prior to revising our project, to get their input. And of course, your input has been very important as well. And as staff has noted, we... the new conditions as revised are acceptable to us. So, we appreciate that and appreciate the time of staff and the Fire Marshal in going through that process. And Mr. Randall's comments regarding parking, John Fairbanks is in the chambers with you and he is our engineer and he could quickly probably answer your questions on the number of parking spaces, but I believe that we have to... we are required to have at least one parking space per unit. But I will let John address what the total number is. That certainly has reduced since our last presentation or our last project proposal. And in regards to location of the AEDs certainly Mr. Randall, we will locate them where ever the County believes appropriate, of course that will be part of the design phase of the project. And we will work with the Fire Marshal and Public Safety for that input. For purposes of completion the trail, we have no issue adding a proffer that the trail will be completed prior to the issuance of the first certificate of occupancy. I would only state that the trail completion is tied to the County, design of that trail and insuring that the County... that we are meeting the County specifications and requirements for that purpose. So long as the County is ready on that front, I think we can certainly meet that deadline requirement. And of course, we don't want to build the trail before we finish the building, because therefore we have to dig up the trail and rebuild as we are constructing the property out. The other question, I guess, regarding ADA compliance for the units, I think is a very good question. That will be subject to building code and licensing requirements. So, my... Mr. Levy is not here, but that would be subject to what the building code requirements for those units are. Especially if they are assisted living. As you know that's regulated by the State and licensed by the State, not by Stafford County. Although Stafford County obviously plays a role in the building code process. So, with that I am happy to answer any questions you have. And Mr. Fairbanks is also in chambers if... to give you the answer on the number of parking spaces.

Mr. Apicella: So, how about if we start with questions to Mr. Payne and then we can go to person in the chambers. So, do you have any questions for Mr. Payne?

Mr. Randall: I have one for Mr. Payne.

Mr. Apicella: Please go ahead.

Mr. Payne: Yes sir.

Mr. Randall: So, you mentioned the assisted living verses ADA, so your saying the assisted living requirements for standards for stipulations for measurements and all those things for assisted living are State Coded or is it just for ADA that State Coded?

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Mr. Payne: The... both...

Mr. Randall: They are not the same, right?

Mr. Payne: Yes, for the assisted living facility the State Building Code regulations will drive the ADA compliance. There is an ADA compliance requirement for that process. And before that unit can be licensed for assisted living or memory care, we would have to comply with those requirements. Regarding the senior component, I don't know the answer to that. In regards to what ADA requirements maybe applied to that, remember its independent living it's not assisted living. So, I am sure there is a different requirement. But all of that will be driven by the State's Building Code requirements.

Mr. Randall: So, what is the percentage of apartments of the 134 that you expect to be certified as ADA or assisted living?

Mr. Payne: For assisted living, my recollection that number was twenty or so, twenty or thirty is what we were estimating for the initial buildout of the project.

Mr. Randall: And this is assisted living or the memory living that we talked about last week.

Mr. Payne: Correct.

Mr. Randall: Last time, that behind a locked door, not wondering, those types of things.

Mr. Payne: All in compliance with the licensing requirements, correct.

Mr. Randall: Okay. Alright, thank you.

Mr. Payne: Thank you.

Mr. Apicella: Anybody else in the Chambers have questions for Mr. Payne? Okay, if the engineer would come forward, state your name.

Mr. Fairbanks: Good afternoon, I am John Fairbanks with Fairbanks and Franklin. The number of parking spaces on site are approximately 170. The required parking is one space per unit, which would be 134 spaces. So, we are approximately 1.25 to 1.3 spaces per unit, that is the parking ratio. So, we do exceed by 25 to 30 percent roughly.

Mr. Randall: Sure. So, let me ask you a question then Mr. Fairbanks, to your expertise with this. This is designed to be, as Mr. Payne just mentioned, this is designed to be an independent living facility. Not a retirement community, correct.

Mr. Fairbanks: That is correct, yes.

Mr. Randall: Correct, so we would expect that the people that would be living in this independent senior housing would be active, could considerably both be working, could considerably both have two cars.

Mr. Fairbanks: Potentially I am going to have to defer to probably Charlie on more about the demographics...

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Mr. Randall: Okay.

Mr. Fairbanks: ... about the people who would live there. But I know that although there may be some in that category, there also will be some people who don't...

Mr. Randall: Sure.

Mr. Fairbanks: ... necessarily drive or have a vehicle.

Mr. Randall: No, I understand. So, where would our overflow parking be? For those people that... parking spots are full. Where would my overflow parking be for this?

Mr. Fairbanks: I think the intent is that the parking required by the ordinance, the one space per unit is enough for the use as its presented. And we do have 25 to 30 percent extra, so that would really be the overflow parking. We are providing what the county say is the standard and...

Mr. Randall: I am well aware what the county has and I have some issues with that and we are working on trying to fix that. But it's a slow process. But again, I don't... I am not interested in what county requires, I am interested in doing what's right by the county, by the people who will be living there. So, although I appreciate the fact that the county may have it wrong, it does not necessarily mean that we need to perpetuate that and do it wrong. So, I understand but if this is really an independent living situation, there will be more people that will have two cars than will have one car. So anyway, thank you.

Mr. Apicella: Okay, anybody else have questions for the engineer? Okay, I don't see anybody. Thank you sir.

Mr. Payne: Mr. Chairman, I assume you have no more questions for me.

Mr. Apicella: Okay, great thank you Mr. Payne. So, in that vein Mr. Payne, I think you heard a request and I think you said you would be willing to do it, to make a proffer change. It's under attachment 3, page 3 of 6 under additional proffers, 6-D if you want to be thinking about language that would work for you, because we would have to approve a proffer change tonight in order to make that happen.

Mr. Payne: I am happy to provide it to you verbally or happy to provide it to you in writing, which ever one you prefer.

Mr. Apicella: Yes, I think we are required to get it in writing. So if you could work with mike and you could bring it down, or somebody could bring it down and we could approve it if this moves forward.

Mr. Payne: Sure, happy to do it.

Mr. Apicella: Thank you.

Mr. Payne: Thank you.

Mr. Apicella: So, with that said I am going to open the public hearing on this item. As before, this is an opportunity for the public to comment on this particular matter. Same ground rules as previously indicated. Anyone wishing to speak, before starting your comments, please state your name and address,

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the green light starts the clock, yellow means there is 1 minute left, red means you need to please conclude. If anyone in the chambers would like to speak on this item, please come forward now. Okay, I don't believe I see anybody. Mr. Harvey, did anybody send any written comments?

Mr. Harvey: Mr. Chairman, I have not received any comments. Mr. Zuraf, have you received any?

Mr. Zuraf: No, but I did want to let you know there are a few citizens up here in ABC who would like to speak.

Mr. Harvey: Thank you.

Mr. Apicella: Mike, are you staying on this item?

Mr. Zuraf: Yes.

Mr. Apicella: Okay, please have them come forward.

Ms. Sable: My name is Pam Sable, I live in Chatham Landing. And for the Dam Break Inundation Zone, most of the lower lot in that area does flood several times a year. Their plan shows that one of the driveways to that unit or to that area being in that floodplain, whether it shows it on the County or not. I have lived there 30 years, it floods. And there wouldn't be any off-road parking. That is a small secluded area and there is no overflow parking area anywhere unless they want to go up to the old Food Lion building and walk. If it's assisted living, they are going to have to have staff there that is trained so there is going to be parking areas for them. And to where they are doing the Belmont Trail, that road is real narrow, and yeah they can take up a little bit of their space off of their land but there is... it's really narrow and if they have all them units it's going to impact the traffic on Naomi and it's tight at both ends. I would say leave it at 15 units, don't make it humongous because, like your Board member said somethings are wrong in the county, you don't have to continue making the same mistake over and over. Make it right.

Mr. Apicella: Thank you ma'am. Is there anybody else?

Mr. Zuraf: Nobody else from ABC.

Mr. Apicella: Okay, thank you. So, I am going to close the public comment period on this item. Are we close to getting that language written up Mike or Charlie?

Mr. Zuraf: Yes.

Mr. Randall: Mr. Apicella, I have one more question for Mr. Zuraf if he's got a second.

Mr. Apicella: Sure, Mr. Zuraf.

Mr. Zuraf: Yes.

Mr. Randall: So, Mr. Zuraf, we are currently working on a proposed ordinance for... not ordinance, comp plan amendment for senior housing guidelines and standards. Where does this stand on having to meet those requirements. Can we require them to meet those guidelines if they are approved by the Board at their next meeting, or the next couple of months? Or would they be exempt?

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Mr. Zuraf: I think it would be a good, you know, you probably at this point, since it's not adopted it would have to be like a request. I don't know if it would be something that could be, like a basis for denial because it's not policy yet that is adopted by the Board. I will not, if you recall that they do have the condition that the project be developed in accordance with the guidelines that were provided by their architect, which are pretty thorough. So, we do have that which does cover a good number of the ...

Mr. Randall: No, I understand. There were just a couple that we wanted to make sure were included in that as well. Alright, thank you.

Mr. Apicella: So, again I hate to keep asking this question, do we have an ETA because if necessary I can just... we can put a pause on the meeting for five minutes, to give you guys a chance to finish up the language and have it brought down to the chambers.

Mr. Zuraf: I have it up here, and I can read it... the new language.

Mr. Apicella: Okay.

Mr. Zuraf: Okay. So, at the end of proffer 6.d. would be a new sentence to be added. It says the applicant shall complete the aforesaid portion of the Belmont-Ferry Farm Trail prior to the issuance of the first residential certificate of occupancy permit.

Mr. Apicella: Okay, great. Thank you. Alright, so again, I am bringing this back to the Commission. Mr. Bain, this is in your area. I would just indicate if you are inclined to move forward, the first thing we would need to do is accept the changed proffer as read by Mr. Zuraf.

Mr. Bain: Yes, I would make a motion to accept the proffer regarding the completion of the trail prior to the first occupancy.

Mr. Apicella: Okay, thank you Mr. Bain. Is there a second?

Mr. English: I will second it.

Mr. Apicella: Thank you Mr. English. Any comments Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: Anyone else? Okay, I'm going to call for a roll call vote on approving the proffers as amended. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

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Mr. Apicella: Mr. Cummings?

Mr. Cummings: I have a point of clarification. This is just on the amendment as the... the current amendment?

Mr. Bain: That's right.

Mr. Apicella: Yes, this is just to accept the proffers as just amended.

Mr. Cummings: Aye.

Mr. Apicella: Okay. Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Okay, that vote passes unanimously. On the reclassification itself Mr. Bain, how would you like to proceed?

Mr. Bain: Yes, I would like to make a motion to approve the reclassification RC18152428.

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

Mr. English: I will second it.

Mr. Apicella: Thank you Mr. English. Any comments Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: Anyone else? Okay, I am going to do a roll...

Mr. Cummings: I do...

Mr. Apicella: I'm sorry...

Mr. Cummings: Mr. Cummings has a comment, I'm sorry.

Mr. Apicella: Okay.

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Mr. Cummings: I want to thank the young... the woman who came today and I wish she had come last meeting. We had some concerns, serious concerns about the flooding in that area. I live not too far from there and also the narrowness of the road. And of course, as Commissioner Randall has communicated issued with respect to the parking. As we are working on senior housing, we love senior housing, we want to see more of it. I am not sure that this area and this particular development meets all the criteria that we would like to see. And, moving forward as we review the Comprehensive Plan, I think that we really have to look longer and harder at where the sustainability of where we are putting the senior housing. That's it. Thank you.

Mr. Apicella: Okay, thank you, Mr. Cummings. So again, I'm going to do a roll call vote on recommending approval of the reclassification. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: No.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: No.

Mr. Apicella: Okay, the motion carries 5 to 2. Moving on to the conditional use permit. I would just point out, Mr. Bain, that there was a recommended change on condition number 8, that the AED be centrally located. So, if you are inclined to move forward, if you can just make sure in your motion that you accept the revised... the conditions as revised.

Mr. Bain: Alright, I will make a motion that conditional use permit CUP18152429 be approved with the additional wording on proffer number 8 to indicate that the AEDs would be centrally located on each floor.

Mr. McPherson: Second.

Mr. Apicella: Thank you Mr. Bain and Mr. McPherson. Any further comments Mr. Bain?

Mr. Bain: No.

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Mr. Apicella: Mr. McPherson?

Mr. McPherson: No.

Mr. Apicella: Anyone else?

Mr. Randall: Yes, Mr. Chairman, this is Mr. Randall. And I would like to comment about, you know, we have been back and forth on this a couple of times. And I appreciate the efforts that have been made by Mr. Payne and his associates to this. I agree with Mr. Cummings, we do desperately need good senior housing in Stafford County, that meet the requirements, that meet the guidelines, that have the applicable amenities, that have the applicable area and room for senior housing. We are working on those, we didn't get to them until about two months ago. I know this has been working in conjunction, but there are some things that are in there that at this point in time would not be included in this application. And I think that we need to give it time to get approved so that everything moving forward has to follow all the guidelines that have been approved by us and approved by the Board. We are going to talk about them tonight. I think we should, you know, wait until we have a chance to see that. I also think that parking needs to be done. You know, parking is a problem, we know that. And I am telling you at 10 o'clock at night when you come back to one of those places and there is no parking, I don't know what you are going to do. I can't afford to have somebody 65 years old, who is coming back from a late night working not being able to find a parking spot. Now think about what they are going to do. I don't know, park on the street? There is no street. Park across the way in somebody's... I don't know. And I can't have that happen. We need to work with the County to get that changed, you know we talked about that at our subcommittee meeting. But until those things get changed and until we have a little more of a handle on what's the right answer for our senior housing. And what should it look like? I am going to have to vote no on this. Thank you.

Mr. Apicella: Okay, thank you, Mr. Randall. Anyone else? Okay I'm going to offer some... I'm not sure, I can barely see you Mr. Cummings. Were you going to say something?

Mr. Cummings: Yes, I was just going to echo what Bart said. So that's it.

Mr. Apicella: Okay, well I'm going to add my comments. I appreciate where both Mr. Randall and Mr. Cummings are... their perspective here. Being a member of the Senior Housing Subcommittee and having worked on the guidelines for the last two months. The quandary here is that the shelf life on this project is about to expire. It will literally turn into a pumpkin next month. I think they have gone a long way towards meeting many of the goals and objectives that we had going towards, trying to provide a product that is more senior friendly and especially in terms of safety. It is not a hundred percent solution, but I think it's pretty close to what we are going to be asking for and talking about later tonight. I agree that parking is definitely an issue. Again, something that we are going to talk about later tonight, but for the moment they have met the minimum requirements. We cannot delay this any further without the expiration date coming up on this project. So, I really do appreciate the, I think, monumental efforts the applicant has gone through to try to accommodate basically all the changes that we have talked about up to through this point in time. Changing the height of the building, changing the building in the way that it is constructed. Offering many amenities for that we like to see for seniors. Again, and agreeing to the condition of their guidelines that they are also incorporating into the package. So, again, not perfect, but I think at the end of the day this is going to be the best senior housing community that will be constructed to date. And again, I greatly appreciate the efforts of all parties involved. So, with that said, I'm going to do a roll call vote on the conditional use permit starting with myself. Mr. Apicella votes yes. Mr. Bain?

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Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: No.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: No.

Mr. Apicella: Okay, this item passes by a 5 to 2 vote. Congratulation to the applicant and again thank you for all your efforts. Moving on to the next item, item number 4; Mr. Harvey?

4. CUP19153044; Conditional Use Permit - Valvoline at Garrisonville Road - A request for a Conditional Use Permit to allow for an automobile service facility in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts on Tax Map Parcel Nos. 20-105B and 20-106 (Property). The Property consists of 0.79 acres, and is located on the northeast corner of the intersection of Garrisonville Road and Barrett Heights Road, within the Griffis-Widewater Election District. **(Time Limit: December 4, 2020)**

Mr. Harvey: Yes, Mr. Chairman, item 4 is a request for a conditional use permit for a proposed Valvoline auto service facility located on Garrisonville Road. And Joe Valotta will be making the presentation for staff in the ABC Conference Room.

Mr. Valotta: Good afternoon Mr. Chairman, Planning Commissioners. I'm Joe Valotta with Planning and Zoning presenting item 4 on the agenda, Valvoline at Garrisonville Road. If I could have the presentation please. Sorry about that, it's not in slide show view. Sorry about that, it's hard to see the screen. So, this request is a conditional use permit to allow for an automobile service facility in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts. It's a 0.79-acre site in the Griffis-Widewater Election District. Edward Carrington is the applicant and Charlie Payne is the agent. Here is the site outlined in blue. It's located at the northeast corner of Garrisonville Road and Barrett Heights Road. It's zoned B-2, and located in the HCOD. Surrounding zoning districts include R-1 and B-2 to the north; and B-2 to the east; B-1 and B-2 to the south; and R-1 and B-3 to the west. The site is currently developed with a garden center, which is accessible by two access points on Barrett Heights Road. Sidewalk, curb, and gutter construction exists along the Garrisonville Road frontage of the property. Abutting uses include office and single-family dwelling to the north. A gas station to the east, daycare and ministorage to the south and single-family dwelling to the west. I will also note that there

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are other automobile-oriented uses in the immediate vicinity, including auto service, auto repair, and fuel sales. This GDP shows the proposed layout for the development. It shows a single-story building approximately 1,850 square feet in size. It would be two service bays with vehicles entering the building on the east side of the building and exiting on the west side. The building location here at the front of the property should help mitigate potential noise and visible impacts to adjacent residences to the northwest. A dumpster pad site, and 8 parking spaces, are shown to the north of the building. And there will be two access points into the property, each of which is located on Barrett Heights Road, and also a sidewalk will be constructed along the Barrett Heights Road frontage of the property and will connect to the sidewalk along Garrisonville Road. Proposed conditions require that the building shall be constructed in general conformance with these architectural renderings. Some of the proposed conditions would require development to be in conformance with the GDP; limit the building to 2 service bays; require that all service of vehicles shall be conducted within designated service bays; prohibit parking of inoperable vehicles on the property; limit hours of operation from 8:00 AM to 7:00 PM; and prohibit outdoor display and storage of automobile parts. So, the Comprehensive Plan designates the site within a recommended Commercial Corridor and Suburban land use designations. Staff finds that the proposed use is consistent with Comp Plan recommendations and policies, and would be compatible with existing and future uses in the area. Looking at the overall evaluation, the proposal is consistent with the land use recommendations in the Comp Plan. It's consistent with the established development patterns along Garrisonville Road. CUP conditions will help minimize potential impacts on adjacent properties and will ensure that the building is consistent with the architectural renderings and NDS Plan. And staff notes no negative aspects to the proposal. And staff recommends approval of this application with conditions pursuant to Resolution R20-110. And that concludes the staff presentation. Thank you.

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

Mr. Randall: Yeah, this is Mr. Randall. Mr. Valotta, I have a question for you about the inter-parcel connection.

Mr. Valotta: Sure.

Mr. Randall: Could you speak to the inter-parcel connections? It says that staff recommends that the inter-parcel connection be maintained that is currently there and yet I see on your drawing that that inter-parcel connections has a dumpster at it, the new dumpster location. Could you talk to me about that?

Mr. Valotta: Sure, just give me one second.

Mr. Randall: Sure.

Mr. Bain: Inter-parcel connection... *inaudible, microphone not on*... end of the site, I think.

Mr. Randall: The gas station is right there. The gas station is not north is it? *Inaudible*... that is the inter-parcel connection, isn't it?

Mr. Bain: Yeah.

Mr. Randall: That is my understanding, that is why I'm questioning the new position that says it the... I.

Mr. Bain: *Inaudible*.

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Mr. Apicella: We're going to give Mr. Valotta a minute to find the answer to the questions.

Mr. Valotta: I found it. May I have the presentation again please? So, there is actually... there is the dumpster here and then to the north, it's a little difficult to see, but there is a connection right here, where cars could exit and come down into the gas station.

Mr. Randall: So, currently, is the inter-parcel connections right there where the dumpsters are?

Mr. Valotta: I don't believe so. I believe it is to the north of that. I would need to switch over to the aerial photograph to confirm.

Mr. Randall: No, that's right, I see that.

Mr. Valotta: It's at the top. Yeah, it's... the inter-parcel connection is to the north of the dumpster, up here.

Mr. Randall: Okay. So, it doesn't... okay. So, if I take the dumpsters away, what is right there at the current dumpster... at the proposed dumpster location site? What is right there? It looks like that is an opening, on your rendition... on the plans it looks like that's an opening that cars could go in and out, if the dumpsters were gone. Is that not accurate?

Mr. Valotta: No, there is no opening.

Mr. Randall: Okay, so that should be... that should be straight across, dumpsters should be backing up to a parking... or to a curb. Right, there should be a curb all the way there... right?

Mr. Valotta: Correct, yes.

Mr. Randall: Okay, so we need to get that fixed before we can... It seemed to me that the inter-parcel connection was right there with the actual gas station, not a way to get to the gas station. I guess I need to drive into the gas station tonight. And verify myself if I can drive up to the nursery.

Mr. Bain: Mr. Valotta?

Mr. Apicella: Okay.

Mr. Randall: Alright, thank you.

Mr. Bain: Was that all you had?

Mr. Apicella: Other questions?

Mr. Bain: Yes. I'm just wondering... the... they will then have two access points to this property. The one that is directly to Barrett Heights Road and the other one that would go through that adjoining parcel.

Mr. Valotta: Correct.

Mr. Bain: The entrance at Barrett Heights Road, is there any restriction on traffic movement there? Will cars be able to both enter and exit there? And if so, will that be allowed... if they are exiting will they

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be allowed to turn left and go to Garrisonville Road there? My concern is that that's roughly 100 to 120 feet to Garrisonville Road and that could create some serious traffic issues with cars turning off Garrisonville and coming up Barrett Heights. Were there any discussions about limiting that to entrance only or only a right turn exit?

Mr. Valotta: Right now, both of the access points on Garrisonville Road are full movement. I would need to defer to the applicant to see if they are willing to alter access.

Mr. Bain: Okay.

Mr. McPherson: Isn't there a median there on Garrisonville that would prevent a left out?

Mr. Valotta: Yeah, there is a median...

Mr. Bain: On Garrisonville....

Mr. Valotta: ... on Garrisonville.

Mr. Bain: ... but not on Barrett Heights.

Mr. Randall: You would just make that right and go down to the light by the business center.

Mr. Apicella: Okay, other questions?

Ms. Barnes: Chairman Apicella, I have a question. I'm not sure staff can answer, but it's just a frame of reference for me. Do we know how many businesses like this that we, I just looked it up, in a 5-mile radius? Oil changing, maintenance, things like that. I stopped counting at around 12.

Mr. Valotta: I couldn't say off-hand within a 5-mile radius. I do know that in the immediate vicinity there's auto service and auto repair I believe just to the southeast of the site.

Ms. Barnes: Okay, thank you. I did a very unofficial Google search within a 5-mile radius and we seem well supplied in this arena.

Mr. Apicella: Okay. Mr. Cummings, do you have any questions?

Mr. Cummings: Yeah, I was concerned about the traffic volume. And I understand that it's within the means, but I don't necessarily didn't get a good sense of how much volume. So, if the applicant or staff could speak to that point, that would be very helpful to me. Thank you.

Mr. Apicella: Thank you Mr. Cummings. Mr. Valotta, do you have a response to that?

Mr. Valotta: Yes, just give me one moment to pull up the traffic estimations. So, the GDP included two sets of estimated vehicle trips for the use based on... I should say that the vehicle trip estimation based on the number of service bays to the building indicates that there would be 80 trips per day and the vehicle trip information based on the square-footage of the building indicates that there would be 129 vehicle trips per day.

Mr. Apicella: And is that based on typical standards?

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Mr. Valotta: Yes, we... the code doesn't favor one variable over another. Normally we will provide estimations based on square-footage, which is the higher of the two numbers, the 129 number in this instance. But each variable is consistent with the Comp Plan recommendations for traffic.

Mr. Cummings: Thank you very much.

Mr. Apicella: Thank you. Last call for questions.

Mr. Bain: One more, Mr. Apicella.

Mr. Apicella: Okay.

Mr. Bain: In the proposed conditions, on page 8 of the handout, item number 3 states vehicle access to service bays shall be limited to the east side of the building as depicted on the GDP. But the GDP does show traffic movement going through the building to the west side. I am just thinking that that item might be reworded to clarify that it would be entrance to service bay on the east side and exit on the west side. Just to make it a little clearer.

Mr. Valotta: So, vehicle entrance to the service bays shall be located on the east side of the building and vehicle exit from the service bays shall be located on the west side of the building as depicted on the GDP?

Mr. Bain: That would be good, yes.

Mr. Valotta: Okay.

Mr. Bain: Thank you.

Mr. Apicella: Okay, with no further questions, would the applicant like to come forward?

Mr. Payne: Thank you Mr. Chairman and other members of the Planning Commission. My name is Charlie Payne and I represent the applicant. I have a banker friend who I walked across the street to get some money out of the ATM. I had a mask on; he said it doesn't get any worse than this, a lawyer with a mask on. So, I thought you guys would appreciate a good lawyer joke this evening. Thank you. Thank you all for your time. It's much cooler down here than it is in the ABC room, so thank you for the availability of space. We have a... we have a PowerPoint presentation, which I think will answer the questions that have come up and we can walk through those issues and then go from there. So, if I could have the computer. Thank you. Do I have it? Thank you. You would think after 15 years of practicing before you guys, I would know how to turn the power on. But, it's still not working.

Inaudible.

Mr. Apicella: I think there is another lawyer joke here.

Mr. Payne: Joe, yeah Joe. Next slide, how about that. Okay, great. Thank you. I apologize for the technical difficulties. Just real quick on the applicant, Seven Development LLC. They are headquartered out of Charlottesville, Virginia. They do partner with some of the country's most respected brands, leveraging obviously, their local knowledge and delivering the best in market locations. I am sure everyone is familiar with Valvoline, one of the world leaders in automobile service industry... services

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industry, the industry leader and best practices. And I didn't realize this, they voluntarily certified for the National Science Foundation Responsible Care Certification. That's one of the highest certifications regarding best practices from an environmental perspective. From an environmental perspective, they have recycled over 6.6 million gallons of fluid in 2018 and adhere to an extensive spill prevention control and counter measures and spill contingency plans. Obviously, a lot of that is regulated by DEQ, when they get their stormwater management permit, they go through that process as well. Next, please. And just a real quick overview of the application. As staff had noted, this is located at the intersection of Garrisonville Road and Barrett Heights Road. The project site is currently occupied by a garden center. It is zoned B-2, the proposed use is a redevelopment and revitalize, if you will, an underutilized site. As you have also noticed it's a fairly... the configuration of the site is very unique and challenging. We request a conditional use permit to develop the property for an automobile service use, under the B-2 district. The project consists of approximate 1,850 square-foot facility, that will provide preventative maintenance only. No repair services and again the operations are only between 8:00 AM and 7:00 PM. I didn't realize this about Valvoline, but they actually make you stay in your car while the services are being performed. So, you don't get out of your car. So, it's very, very pro-pre-COVID in regards to that front. It will have minimal impacts on adjacent properties, public facilities, and services. Obviously, no impacts on schools and parks. Next slide please. For zoning purposes, the property is located within, as staff had noted, the commercial corridor of the Urban Services Area, which is also within designated future Suburban Land Use of the Comprehensive Plan. The proposed use meets the conditional use permit standards. It is compatible with the character and established pattern of development in the area. As Ms. Barnes had noted, there are quite a few automobile services related companies in the area... businesses in the area. The adjacent uses do include gas stations, including right next door to us, convenience stores and many other fuel and auto related uses. It is in harmony with the uses permitted by-right in the area and will not adversely affect the use of adjacent properties. As we all know, B-2 is intended for high intensity commercial uses. The proposed automobile service use provides a convenient low impact service offering to the community. This is a small facility with only two bays, so it is not generating a lot of traffic and I can get into the traffic discussion too in a little bit. And the location and the building height are consistent with also surrounding properties. And the use will not adversely affect the health, safety, and persons... *inaudible*. Again, all these conditions in qualifications that you require under your CUP. And I have noted this is consistent with the Comprehensive Plan, it is accessible in a convenient location with the intersection with two collector roads. It does reuse an underutilized commercial site, which is currently a garden center. It does meet the Comprehensive Plan design by criteria, as you can see, we have the condition for this development will include architectural features and renderings, which we have submitted with our application. The FAR is very low, so this is a small building, it's 0.67 versus what's encouraged under the Comprehensive Plan, under your zoning district... I'm sorry, which occurs under your B-2 zoning district of 0.35. And this site will be developed to maximize pedestrian accessibility, you have sidewalks both on Barrett Heights and on Garrisonville. And as staff noted, there's an inter-parcel connection to the north. And here is the GDP, which you have seen. The sidewalks will be provided along both Barrett Height and Garrisonville. We do have main access off of Barrett Heights, both left and right, out and in. Mr. Bain had asked whether we would be interested in limiting that left out. We prefer not since that is our main access. There is access, obviously, in connection to the inter-parcel connection to the property adjoining us. And as staff noted, there is a median along Garrisonville so when you got to the intersection you can't turn left out of the site. You can only turn right. So, it is right-in and right-out off of Garrisonville. Any questions? And I believe the questions came from... I think Mr. Randall asked the question regarding what is around the dumpsters. You can see there, there is a pretty heavy landscaping buffer that will be located there as well. So, hopefully no one is driving through that buffer area.

Mr. Randall: Is your intent to tear out all the landscaping that is currently there and replant? Or is your intent to leave as much vegetation as possible around at least the northern section of the property?

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Mr. Payne: The buffering... the landscaping buffering will be in compliance with the County requirements. So, if we are able to leave landscaping that is there now, we will leave it.

Mr. Randall: Yeah, I know to the south it's pretty much all stripped.

Mr. Payne: Yeah.

Mr. Randall: Because it comes right to the Garrisonville, so I know you will need to add some there.

Mr. Payne: Right, yep.

Mr. Randall: But to the north part, not really northeast part of that, there is some vegetation. So, I was wondering if you were planning to leave most of that, if possible?

Mr. Payne: To the extent that it doesn't impact the development of the site...

Mr. Randall: Okay.

Mr. Payne: ... and our ability to access inter-parcels...

Mr. Randall: Yep.

Mr. Payne: ... and vice versa.

Mr. Randall: Okay, thank you.

Mr. Payne: Next slide please. Just for purposes of economic development, obviously that is important today. This project will generate positive tax revenues. Again, no impacts on core services like schools. The first year alone, it is expected to generate about \$700,000 in sales and it will employ 8 to 10 full time jobs. Next, transportation. The key part here is no degradation of levels of services for the intersection with this project. Again, this is a very small business operation that is being planned, with only two bays. There will be 80 maximum daily trips, so that is not peak hours that is just the entire day. So, the ITE numbers are based on 24 hours. So, during peak hours it's much lower for that location. And the 80 is based on the number of bays. And as staff noted there are two ways to look at it. You can look at the square-footage for the facility or you can look at the number of bays. Well, since business is generated by the number of bays, we think it is fair to look at the number of bays, not the square-footage of the facility. And again, the customers stay in the car, they don't get out of the car. Planned traffic improvement, again we are dedicating right-of-way along Barrett Heights and the sidewalks as I earlier noted. Next please. I will be happy to answer any questions.

Mr. Apicella: Questions for the applicant? I've got one question Charlie.

Mr. Payne: Yes sir.

Mr. Apicella: Mr. Bain asked for a change to one of the conditions, it's condition number 3 about vehicle access to service bays shall be limited to the east side of the building and vehicle exits shall be on the west side, as depicted on the GDP. Do you have any issues or concerns with that?

Mr. Payne: No sir.

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Mr. Apicella: Okay, great. That is it for me. So, last call for questions of the applicant. Okay, seeing none, thank you Mr. Payne.

Mr. Payne: Thank you for your time.

Mr. Apicella: Okay, again I'm going to open the public hearing on this particular item. Anyone wishing to comment, please come forward, state your name and address. The green light starts the clock, yellow means you have 1 minute, red means you need to conclude. Anyone who is in the chambers that would like to speak, please come forward now. Okay, I don't see anybody coming forward. Sorry Mr. Harvey, I see you are about to sit down, just to be sure no one else... no one submitted any written comments?

Mr. Harvey: No sir, we have not received any written comments.

Mr. Apicella: Okay, thank you. So, I will close the public hearing on this matter and bring it back to the Commission for further discussion and deliberation. I believe this item is in the Griffis-Widewater District. Mr. Cummings, do you have a preference on this one?

Mr. Cummings: Yes, I would like to make a motion to approve conditional use permit 19153044.

Mr. McPherson: Second.

Mr. Apicella: And is that as... with the recommended change from Mr. Bain?

Mr. Cummings: Yes, with the recommended change from Mr. Bain. Thank you.

Mr. Apicella: Okay, great. Is there a second?

Mr. McPherson: Second.

Mr. Apicella: Thank you Mr. McPherson. Any further comments Mr. Cummings?

Mr. Cummings: No.

Mr. Apicella: Thank you. Mr. McPherson?

Mr. McPherson: No.

Mr. Apicella: Anyone else?

Ms. Barnes: Yes, Steven, I just have one comment and it's.... I'm going to support the conditional use permit, but just as a matter of getting this out there. We seem to have a lot of oil changing car repair, because we are a bedroom community and we have, I think, very thirsty cars. But it always concerns me when I see that we have... market obviously drives demand. But it does concern me when I look on there and I see 12 and stop counting. And that is just a concern with me and I know people often ask why we keep approving so many of the same things. Well, market drives demand and I think that is why. But that is my concern.

Mr. Apicella: Thank you Ms. Barnes. Anybody else? I'm going to take a roll call vote. Mr. Apicella votes aye on the recommended approval of this conditional use permit. 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: Okay, item 4 is approved unanimously. Thank you everybody. Mr. Harvey, moving on to item number 5.

5. COM20153430; Comprehensive Plan Compliance Review - Telecommunications Facilities, Widewater Beach - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for the placement of seven monopole telecommunication facilities, up to 34 feet in height, including ancillary equipment, within private road right-of-way for Hollywood Avenue, Lake Drive, Ortega Street, Woodrow Drive, Roger Wayne Drive and Shore Drive, within the Widewater Beach neighborhood, located on the west side of Brent Point Road, within the Griffis-Widewater Election District. KGI Communications, LLC is the applicant. **(Time Limit: October 25, 2020)**

Mr. Harvey: Mr. Chairman, item number 5 is a public hearing for determination of conformity with our Comprehensive Plan for KGI Incorporated. Kathy Baker will make the presentation for staff up in the ABC room.

Ms. Baker: Good evening Mr. Chairman, members of the Commission. Kathy Baker, Department of Planning and Zoning. May I have the computer please? This is the Widewater Beach Telecommunications, it should say Poles. This is a Comprehensive Plan Compliance Review -- it's a touchy screen; there we go, sorry. This is a Comprehensive Plan Compliance Review to determine the compliance with the telecommunications element of the Comprehensive Plan. This is for the installation of seven poles with telecommunications equipment which will provide internet access. This is located... the poles will be located in private right-of-way within the Widewater Beach subdivision. And this is within the Griffis-Widewater District. KGI Communications, LLC is the applicant. They do have a representative here this evening that can answer questions at the end of the presentation. And the property owners are the Widewater Beach Subdivision Citizens' Association. Just for some background, you may have heard this a couple of months ago when we talked about KGI partnering with Stafford

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County to obtain a grant for Virginia Telecommunications Initiative. And this will provide an overall network to include two miles of fiber network and utilizing one existing tower, approximately 146 existing utility poles, a new tower, and a new pole. The project would provide broadband services to areas of Widewater, Marlborough Point and vicinity, as well as the northern portion of King George County. Again, KGI is serving as the project manager. And this has a grant deadline for project completion in April of 2021, and that includes the construction of all the associated network for this project. This is the overall coverage area which you see the purple hatched areas. The area that we are focusing on tonight is on the Widewater Peninsula in this general location, surrounded by Aquia Creek to the west. To the east of the site is Widewater State Park, as well as to the north; the green areas that you see highlighted. And this is an overview of the Widewater Beach subdivision. The pole locations you can see with the green stars. You'll see this neighborhood consists of about I'll say 80 homes and these poles will serve this community as well as provide service to the Widewater State Park area. Again, you'll see Aquia Creek to the left. The roads that you see, as I mentioned, they are actually private right-of-way. There's no zoning associated with this. The roads are maintained individually by the Subdivision Owners' Association. Actually, this shows the zoning. The zoning of the lots themselves are A-2, Rural Residential, and then there's... you're surrounded by R-1, Rural Resi... excuse me, Suburban Residential in the yellow. This is just a typical view of the pole that you see. They all will be 33 or 34 feet in height from the ground level. With regard to the Comprehensive Plan Compliance, the application was evaluated for the criteria in the Telecommunications Plan. The primary goal of the plan is to recognize the need to develop an effective and efficient telecommunications infrastructure which will support and promote public safety and economic development, as well as the quality of life of citizens. There are five priority locations under the siting criteria: the collocation on existing buildings or structures; location on publicly-owned lands; location within overhead power line corridors; location on industrial zoned properties; and on agriculturally zoned properties. A lot of this siting criteria and the priorities are based on the location particularly of large tower sites that can impact the view and other impacts on adjacent properties which, when we're looking at these particular pole locations, they don't fall under many of these categories because of that reason. But looking into the design standards in the Telecommunications Plan talks about minimizing the impacts through appropriate setbacks, screening and design, and limiting lighting. No pole in this community is going to be located closer than 90 feet from any of the residences. And the poles do look similar to other wooden utility poles that you see within the community and throughout the County, and have minimal visual impacts. There is no proposed lighting on the poles. Under the design standards, specifically accommodating a minimum of three providers. That's again, looking more at your taller poles, your taller towers, so there are no additional providers that would be located on these poles due to your limited height. Providing security fencing – there is no fencing necessary. Specifically, there's no associated equipment or anything that needs to be protected on the ground level. The key point of the Comp Plan and the Telecommunications Plan is providing broadband access, which specifies giving special consideration to towers located in underserved broadband areas as the potential benefit to those citizens extends beyond better cell coverage. And this is fulfilling that need providing area access to an underserved area. Just one last piece – the Comprehensive Land Use Plan is... it's with an actual planning area on the Widewater Peninsula which does allow for uses that are associated with waterfront uses in the area. As far as evaluation, we do note the positives include consistency with the siting priorities and design standards of the Telecommunications Plan. This would be part of an overall network that results in the enhanced broadband coverage in the underserved areas of Widewater and Marlborough Point. And we do not find any negative aspects of this application. Staff is recommending approval and that the Planning Commission find the proposal's in compliance with the Comprehensive Plan. And I'll be happy to answer any questions, or, as I mentioned, Michelle Wido of KGI is here that can assist as well.

Mr. Apicella: Thank you Ms. Baker. Any questions of staff?

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Mr. Bain: I'd like to ask for some clarification Ms. Baker. If you could look at... bring back the area coverage map.

Ms. Baker: Yes, give me just one moment to pull it back up.

Mr. Bain: Sure. There, there we go. And this is only because I don't understand how broadband is handled by towers or otherwise. We're talking about seven poles located roughly where that red star is located. Are those seven poles providing all of the coverage area, or are they just a component of a larger network system? In other words, when you look at that map and you look way down in the lower right-hand corner, which I guess is southeast, that's quite a few miles from where your star is. And I'm just wondering, are those seven poles actually providing coverage down there?

Ms. Baker: So, as I stated in the slide previously, this is an overall network with something like 146 poles throughout this area.

Mr. Bain: I see, I see. Okay, I missed...

Ms. Baker: Yeah. A couple months ago you all approved the Mongeon tower and the Aquia Landing pole site, and those Comprehensive Plan Compliance Reviews were required. There are a number of these poles that are going within Dominion Power right-of-way and such, so you all don't need to look at those; they're on existing facilities. So, the whole network is an overall network. This is just a small component. They attempted to put this in the Dominion easement up near Widewater, but Dominion was actually getting rid of some of their poles so they had to find alternate locations in the Widewater State Park area.

Mr. Bain: Okay, thank you. I missed that you said that it was just a small part of the larger network. Thank you.

Mr. Apicella: Thank you Mr. Bain and Ms. Baker. Any further questions for staff? Okay, seeing none, would KGI like to make any kind of presentation or offer Commissioners a chance to ask any questions?

Ms. Baker: I'll turn the mic over to Michelle Wido.

Ms. Wido: Hello. Michelle Wido, KGI Communications. I just want to re-emphasize that this is just for the Widewater area, the beach area subdivision. It's going to be located, these poles, within the HOA. And also this is due to the fact that Dominion, they're taking down every pole in that area so we're going underground with the fiber, 96 strand fiber, and we'll be coming up where the seven poles are for our small cell. It's exactly the same propagation as what we were planning to do anyway with using Dominion originally. It's going to have the same propagation coverage; no changes there. It's just we had to come to another way with getting the broadband there since we couldn't go on the poles. So, I just wanted to clarify that. And, if you have any questions.

Mr. Apicella: Any questions for the applicant?

Mr. Randall: Yeah, I have one quick question for her. When you bury these lines underground, do you plan to follow the roadways or are you going to take the nearest based on crow fly's type? Or are you going to follow the roads all the way down and around? Do you know?

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Ms. Wido: So, this is a project that Express Tech has worked with our engineers, and the County's Express Tech as well. They're going down the roadway inside of the HOA easement. It's going to go down certain roads where we can come up with poles, because we don't need to put fiber in every single area because we're going to be coming up with the small cell on the pole which will have the coverage that we need. We'll just have it going down I think about... I'm not even sure how many streets there are on there now... but anyway, it's the main road that – I don't have it in front of me – it's the main road that goes all the way down and then it goes into some of the side streets and that's where... wherever those poles you see are, that's pretty much where it stops on that... where she showed those little points where the poles were going, that's where that fiber would stop, just to get to that pole so we put a small cell on there, on the pole, and then that's how we give the internet to the customers.

Mr. Randall: Roger that, thank you.

Ms. Wido: You're welcome.

Mr. Apicella: Okay, any other questions?

Mr. McPherson: Just one question. This is Fillmore McPherson. Are you going to be using directional panel antennas or the 360° antennas on these poles?

Ms. Wido: These are Metrolink is the name of the... I guess omni-directional is what you call them, yes, 360.

Mr. McPherson: Okay, omni.

Ms. Wido: My engineer's not here, sorry.

Mr. McPherson: Alright, thank you.

Ms. Wido: You're welcome.

Mr. Apicella: Okay, thank you. Last call for questions? Seeing none, thank you to the applicant. I'm going to open the public hearing on this item. Again, same process. Anyone who wishes to speak, please come forward. Give us your name and address. If anyone in the chambers would like to speak, please come forward now. Okay, I don't think I see anybody. Again, just for the record, I'll ask did anybody submit any questions or comments, Mr. Harvey?

Mr. Harvey: Mr. Chairman, I'm not aware of any comments. Ms. Baker, did you receive any?

Ms. Baker: No, I did not.

Mr. Apicella: Okay, thank you. So, I'll close the public hearing on this item and bring it back to the Commission. Mr. Cummings, looks like this is in your district. How would you like to proceed?

Mr. Cummings: I'd like to make a motion to approve COM20153430.

Mr. Apicella: Okay, thank you. Is there a second?

Mr. Randall: Yeah, I'll second that.

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Mr. Apicella: Thank you, Mr. Randall. Any further comments, Mr. Cummings?

Mr. Cummings: No, not at this time.

Mr. Apicella: Mr. Randall?

Mr. Randall: Just that this is... this is good. We need to do this throughout the whole County. Thank you.

Mr. Apicella: Okay, anybody else? Alright, going to do a roll call vote on the approval of this Comp Plan Compliance Review for the Widewater Beach Telecommunications Facilities. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Absolute yes.

Mr. Apicella: Great. Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Okay, the motion carries unanimously. Thank you everybody. Mr. Harvey, it looks like we have something similar for item number 6?

6. COM20153445; Comprehensive Plan Compliance Review - Telecommunications Facilities, CIT/Stafford County Smart Pilot, Aer Wireless - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for the placement of up to 86 monopole telecommunication facilities, up to 20 feet in height, including ancillary equipment, to be located on properties within the Hartlake Estates, Rappahannock Ridge Estates, Hartwood Meadows, and Walden 10 neighborhoods, and within road rights-of-way on Warrenton Road, Hartwood Road, Richards Ferry Road, Storck Road, Doe Way, Hartlake Drive, Whitetail Way, Antler Trail, Buckhorn Trail, Cobblestone Way, Hartwood Meadows Road, Gold Mine Road, Acorn Ridge Court, Pine Ridge Court, Rappahannock Drive, Richland Run Court, and River Falls Road, all within the Hartwood Election District. **(Time Limit: October 25, 2020)**

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Mr. Harvey: Correct, Mr. Chairman. This is another public hearing for a Comprehensive Plan Compliance Review for Aer Wireless for a communications network in the Hartwood area. And again, please recognize Kathy Baker for the presentation.

Ms. Baker: Hello again. Yes, this item is another Comprehensive Plan Compliance Review. If I may have the computer please. This is called the CIT/Stafford County Smart Pilot by Aer Wireless. And this is a Comprehensive Plan Compliance Review to determine compliance again with the Telecommunications element of the Comprehensive Plan. This is for the installation of up to 86 poles with telecommunications equipment to provide fixed wireless broadband again to underserved residents. And this is located primarily without four neighborhoods: Rappahannock Ridge, Hartwood Meadows, Walden 10, and Hartlake Estates subdivisions, which is off of Route 17/Warrenton Road in the western end of the County. I'll show you a map in a moment. This is within the Hartwood District. And Aer Wireless is the applicant and the agent. Just for some background on this project, the Center for Innovative Technology, or CIT, received some CARES Act funding for this pilot project to provide wireless access to about 30 homes with school-aged children in these neighborhoods. There's an MOU between Stafford County Schools and Aer to utilize internet access. They would use access from Hartwood Elementary School with some equipment that would be installed there. Aer wireless will install poles and equipment throughout these neighborhoods, as well as along some of the roads which you'll see along Warrenton Road and some of the other public roads which will be subject of a future application. The poles will be located primarily within easements on private properties. These are the four neighborhoods. You'll see the larger one in the northwest is Rappahannock Ridge Estates. Moving to... and this is, excuse me, this is Warrenton Road and Storck Road. Moving to your east, Warrenton Road here, this is Richland Road, and this is the Walden 10 neighborhood. Moving south, this is Warrenton Road and Richards Ferry Road; as you follow down and both Rappahannock Ridge Estates and Hartland... excuse me, Hartwood Meadows are both located in this area. This is an overview aerial photograph of Rappahannock Ridge Estates showing again the street access coming through from Richards Ferry Road, and you'll see the streets throughout this neighborhood. These are all private streets, but the poles will be located as you see in the purple triangles located primarily on private properties. This is Hartwood Meadows, just next to the Rappahannock Ridge Estates. It's just a single entrance off of Richards Ferry Road, and there would be three poles in this neighborhood. Walden 10, another private road... subdivision served by private road, a single private entrance coming into the property. As the title notates, there are 10 lots in this subdivision and five poles would be located in this neighborhood. And then Hartlake Estates is bounded in the red. I don't have the actual pole locations plotted on this. There would be 51 poles in this neighborhood on various lots. We just didn't have... out GIS wasn't able to get the locations; we just had issues with the coordinates. So, there are a total of 86 poles with all of these four neighborhoods. All the zoning in the neighborhoods are A-1, Agricultural, as well as all the adjacent properties in the vicinity of the all the neighborhoods. This is just a view of the pole, an elevation view. Again, maximum height here is going to be 20 feet. There will be a solar panel on the top of the poles. These are actually metal poles. And then this is just a typical sample of what this pole would look like with the solar attachment to the top. Again, we evaluated this application based on the criteria of the Telecommunications Plan. I'm not going to read the goal again. The siting criteria, also as I mentioned, these are agriculturally zoned property, A-1. The design standards similar by minimizing impacts through your setbacks, screening and design, and limiting lighting. These poles will look similar to utility poles and have basically minimal visual impact based on the size. There is no proposed lighting. And again, as far as accommodation for three providers, because they are the shorter poles there would not be additional accommodations other than for this access, broadband access. There is no fencing needed around the base of these structures. And again, this is falling under that criteria about the broadband access and providing that to underserved areas. What I didn't mention, I handed out earlier an article from the Free Lance-Star that was published earlier that talked about the need,

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particularly now with children at home having to do school virtually, that this is going to extend that coverage and let them be able to access from home instead of having to leave their homes to go find hotspots or other means to connect to the internet. Again, the comprehensive land use, all the neighborhoods in the adjacent properties are within the Agricultural/Rural land use designation. There are some areas of Resource Protection along the streams within the neighborhoods and flowing onto adjacent properties. Again, these are consistent with the siting priorities and design standards of the Telecommunications Plan. It will be a part of an overall network resulting in enhanced broadband coverage to the underserved Hartwood neighborhoods. And we don't find any negative aspects in this application. Staff is recommending that the Planning Commission find the proposal in compliance with the Comprehensive Plan. I can answer questions, or I do have Keith Walker who's a representative from Aer Wireless that can also answer technical questions about this project.

Mr. Apicella: Okay, let's start with questions for staff.

Mr. Randall: Yeah, Mr. Chairman, I have a quick question. Ms. Baker, what was the purpose for the... or what was the determination of the height of the poles? The last one we looked at, we just approved, were you know 40-foot poles 34 feet above ground. These are 20-foot poles probably only 16/17 feet above ground. Is that the reason that we have so many of them, is because we expect that their range won't be very long because they're not very high?

Ms. Baker: That's a technical question that I will let the applicant respond to. If you'd like for him to do now...

Mr. Randall: That would be wonderful, thank you.

Ms. Baker: Okay, Mr. Walker.

Mr. Walker: Good evening Mr. Chairman and fellow Commissioners. My name is Keith Walker, founder and CEO for Aer Wireless. The reason why we have the poles at 20 feet and so many of them is because one, we had to locate the poles in order to hit the homes. The areas where we are putting the poles are... there is very thick foliage and our equipment can go through some of it, but not all of it. Secondly, we had to locate the poles at an angle where we would be able to direct the signal to hit the equipment that will be mounted on the homes of the residents. And the reason why we only went 20 feet, we were afraid that if we were to put the poles higher, we would be potentially clashing with the existing poles of the utility companies and we did not want to do that, and our engineers recommended staying at that height.

Mr. Randall: And that's because we did not put the wiring underground as we've had... as we've seen in the last report, correct?

Mr. Walker: Correct. There are no wires actually.

Mr. Randall: Alright, thank you.

Mr. Walker: Thank you.

Mr. Apicella: Alright, thank you sir. Are there other questions for the applicant? Okay, I've got a quick question sir. What happens say 5, 10 years from now there's a different broadband solution that comes to this area. What happens with these poles and who's responsible for removing them?

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Mr. Walker: We would be responsible for removing them and, given the technically that is being used as patented and proprietary, chances are that if such technology does arise we will likely... there's a very high percentage of probability that we will own that technology. Because the person who invented this technology worked with the company where wi-fi was invented and there's an underlying technology in all wireless communication, referred to as OFVM. Whether you look at 5G or wireless in any spectrum frequency, he is one of the owners of the patent for that technology, along with Dr. Hatam Segloog, my former business partner.

Mr. Apicella: Okay, thank you. I would just say that I suspect that the people who live in these neighborhoods will be very appreciative of your helping bring them into the 21st century.

Mr. Walker: That is the case.

Mr. Apicella: Are there any other questions? Okay, thank you sir. I'll start by opening the public hearing on this item. Again, same as the last 6, if anyone would like to come forward and speak, you have up to 3 minutes. Please state your name and address when you start your comments. If anyone is in the chambers who would like to speak on this item, please do so now. Yes sir.

Mr. Torres: How you doing? I'm Pete Torres, I live in one of these neighborhoods, Hartlake Estates. I have three school-aged children. When I moved out here 15 years ago, never thought it was going to be so complicated to get broadband. So, I'm obviously in favor of this. I think it's a great thing. I do want to touch on a few things. Putting up these poles and stuff like that, we've come a long way. I heard you make a comment earlier we need to do more of this. I will say that's very much a matter of the fact. We ran into complications with NOVEC not wanting to use that type of mentality that's just not going to help us get there. So, while I am lucky to be part of this pilot, and my three kids, and I work in the technology industries so this is extremely important to me, we need to do a better job of getting the companies around here to be kind of all in on this mentality. So, I appreciate... *inaudible*. I know everybody is kind of forging this COVID somehow; this is the good part that's coming out of COVID with everybody working, but it shouldn't have taken so long. We had about 5 years when I was on the Board trying to get the Telecommunications Commission to get fiber out to our area and we fell on deaf ears. But sure enough, COVID happens, grants, everything like this. It shouldn't have needed to get to this point to get to that. So, that's all I want to say. I appreciate everyone's time and effort. Thank you very much.

Mr. Apicella: Thank you, sir. Anybody else in the chambers who'd like to speak?

Mr. Randall: We've got one more.

Mr. Dodson: Good evening. I'm Richard Dodson; I'm the President of the Homeowner's Association in Walden 10. Just to give you an idea of the cost savings – a couple years ago, Comcast would wire a neighborhood for \$123,000. So, they're saving us a considerable amount of money. I have 9 kids in the neighborhood, 8 of them are in Stafford County Public Schools. They have to go elsewhere a lot of times to get the internet. My wife's a teacher at North Stafford High School; she's been teaching 42 years. She has to be able to get online to do what she needs to do. And the best we have where we are is DSL. That's all we have. And that just flat doesn't work. So, appreciate supporting this. I hope it continues to grow. I am curious though; one of the previous things you've debated and passed was that building that's in the floodplain. No mention at all of internet. I'm curious about that. Also curious because we have a big lake and a damn building in a floodplain. That's interesting. Anyway, thank you very much.

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Mr. Apicella: Thank you sir. Is there anybody else? Ms. Harvey... I'm sorry, Mr. Harvey, Ms. Baker, were there any written comments?

Mr. Harvey: Mr. Chairman, I'm not aware of any written comments. Ms. Baker, did you receive any?

Ms. Baker: No written comments, but I did fail to let you know Mr. Walker did have some additional comments if I can let him share those at this time?

Mr. Apicella: Sure, that'd be great.

Ms. Baker: And while he's coming up, I wanted to make one clarification. I specified that the grant was covering up to 30 homes, but there are an additional 90 homes that came from additional funding through the EEA. So, that's why there are more lots that was in the staff report but I didn't cover that in the presentation.

Mr. Apicella: Okay, thank you.

Mr. Walker: What I would like to share with the Commission is that while we are going to cover these three communities, 30 of the homes are going to have... are tied to the CIT. Then there's another 109 that the County has provided some funding to get services to them, primarily because we didn't want to provide services to 30 homes knowing fully well we would be going by these 109 homes to serve the 30. However, in addition to that, good news spreads fast and the adjoining HOA, Kings Grant, which has 80 homes, and the second community is Stonehouse that has 45, and then there are also homes along Hartwood that when they saw us out there doing the site surveys and going across Richards Ferry and other homes out in the Rappahannock Ridge, and along up in I believe that would be considered the northeast corridor, Rock Hill area. By the time we are finished, it is going to extend beyond these three communities that you've heard and beyond the other two. Because in some areas, despite their residents that have services, those communities are underserved. It is our intent to do this with the full intention of providing the County the capability to extend the smart city pilot from the innovative district to cover the entire County. And so, therefore, we are very excited to be able to and looking forward today... to the day, when Stafford County can announce it is the first fully connected smart County. Thank you very much.

Mr. Bain: Mr. Walker?

Mr. Apicella: Thank you sir.

Mr. Bain: Sorry to interrupt, but before you step away, what's the timeframe for construction and implementation of this pilot project?

Mr. Walker: The pilot project right now with the Commission granting compliance, we are then going to structure the easement. So, as fast as the residents can sign the easement agreement, we already have most of the equipment on hand. And while we are getting capacity to serve the Walden 10 area from the high school, we ourselves are implementing a 10 gigabit circuit that will feed the other two counties. I am told as of this morning, when I double check with the provider of that capacity that he will have it in two weeks. It is our intent that early on the school year we will have the services delivered. It may not be every single home, but our focus is those 30 homes with the students to make sure that they will have access to broadband to participate in distance learning.

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Mr. Bain: That's great, thank you.

Mr. Apicella: Okay...

Mr. Walker: Yes, one last thing. I will also be coming back for your next hearing because we will be... okay, two meetings from now because we will be submitting additional permits to cover all the areas and some other paths that we have.

Mr. Apicella: Great. Thank you so much sir. You're doing the Lord's work. I don't think I closed the public hearing and, just to be sure, I'm going to say it again. I'm going to close the public hearing; I'm going to bring it back to the Commission for further action. Mr. English, this is in your district. How would you like to proceed?

Mr. English: I make a motion to approve COM20153445.

Ms. Barnes: Second.

Mr. Apicella: Thank you... thank you both. Mr. English, any further comments?

Mr. English: No sir.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: This is a happy vote.

Mr. Apicella: *Laughter...* absolutely. Any further comments from anybody else? Okay, I'm going to take a roll call vote which is to approve Comprehensive Plan Compliance Review CIT/Stafford County Smart Pilot, Aer Wireless Telecommunications Facilities. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Aye.

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?

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Mr. Randall: Yes.

Mr. Apicella: Awesome. The motion is approved unanimously. Thank you again everybody, including the applicant. Moving onto the next item, item number 7, Mr. Harvey.

7. Amendment to the Subdivision Ordinance - Proposed Ordinance O20-30, would amend the Subdivision Ordinance, by creating Stafford County Code Sec. 22-154, "Lots for open space and conservation easements." The amendment would exempt lots for open space and lots subject to conservation easements held by the County from the provisions of Sec. 22-166, "Parks, schools and public lands," Sec. 22-167, "Right-of-way additions," and the provisions of Article VI, "Improvements generally," Division 2, "Lots." The amendment would not require dedications of lands identified for schools, parks, and other public lands including road right-of-way as identified in the Comprehensive Plan and also not require compliance with other provisions of the subdivision ordinance applicable to the creation of lots for proposed open space lots and lots subject to a conservation easement held by Stafford County. **(Time Limit: September 20, 2020)**

Mr. Harvey: Mr. Chairman, item number 7 is a proposed amendment to the Subdivision Ordinance for the County. This pertains to proposed lots to be created on parcels that are subject to a conservation easement that's partly owned by the County. Ms. Baker will make the presentation from upstairs.

Ms. Baker: Yes, Kathy Baker again. If I can have the computer please. So, this is to consider amendments to the Subdivision Ordinance. This would add a new section 22-154, called "Lots for Open Space and Conservation Easements". And this would exempt parcels subject to conservation easements from certain development requirements. The Purchase of Development Rights or PDR Program is a tool for preserving farmland and open space in the County. The PDR places a property in a conservation easement in exchange for the County purchasing the development rights of a property. There are often times land owners need to subdivide off an existing or future home site from the conservation easement area. Currently under the PDR program, you can have one lot... excuse me one residential dwelling per 100 acres or a fraction thereof. So, this is... but often times somebody wants to subdivide off property even prior to placing the easement. So, they could give to more than one family member. Due to the large size of the properties, this often creates a residual parcel which often does not meet lot shape requirements. Right-of-way also may need to be dedicated as part of the subdivision process. And this can be substantial amount, particularly on large parcels that have a lot of road frontage. The extent of right-of-way dedication may not necessarily be commensurate with the impact of just a single lot division on the roadway network. Property owners can seek waivers from the Planning Commission for lot shape and dedication requirements, but it is an involved process and fees are associated with these applications, which can be a disincentive for an owner to participate in the PDR program. The amendments would add the following section to the Ordinance, and basically it would state that open space parcels and lots that are subject to a conservation easement held by the County shall be exempt from the provisions of Section 22-166, 22-167, and this Division. So, this would exempt parcels from requirements for public land dedication, right-of-way dedication, and lot standards such as shape and elongation. Staff is recommending approval of proposed Ordinance O20-30. We believe it is appropriate to exempt these parcels with County-held easements from certain subdivision ordinance requirements. It would reduce the need to seek waivers, it would reduce the potential financial burden on large property owners. It could address the disincentives for participation in the County PDR program and this also supports the Healthy Growth priority of the Board of Supervisors 2040 Strategic Plan. The Planning Commission can make changes to this ordinance as deemed necessary. So, with that I will be happy to answer any questions.

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Mr. Apicella: Questions for staff?

Mr. Bain: I am a little confused by this Ms. Baker. They have a parcel of land, they want to put it in the PDR program, but they also want to carve out a single lot. Is this exemption... does it apply to both the remaining property... the conservation property and the lot or just the conservation property? Does the lot still need to have the dedications?

Ms. Baker: The goal is for the remaining property, which the resultant parcel after you take out say a 3-acre lot. If you have a 100-acre parcel, you are removing that 3-acre lot, the resulting 97 acres may not meet the certain lot shape ratio. So, it would most likely be the area that you are putting under that conservation easement. But the subdivision might happen before you do that.

Mr. Bain: Alright, then... I'm just not sure that the proposed wording there clearly states that it's just the remaining conservation easement property that is exempt. Because it says open space parcels and lots that are subject to conservation easement shall be exempt.

Ms. Baker: I am going to ask Mr. Harvey for clarification on that.

Mr. Bain: Okay, I might just be misreading it.

Mr. Harvey: Commissioner Bain, the Ordinance as written would apply to a subdivision of the property. So, when you have a subdivision of the property, it involved the whole parcel in the before situation and the after situation. So, the exemption would apply to both the parent parcel, or remainder parcel as well as the new parcel being created. We have seen a number of cases, especially with large farm parcels, where there may be an existing house that is located somewhat interior to the property, so it would not meet the road frontage requirements. It wouldn't meet the lot configuration requirements. And that is what this Ordinance is intended to try to address, is those types of situations where, if in order to meet the intent of the easement to keep the rest of their property in agricultural production and exclude the house, we would create a situation where it couldn't conform to our Subdivision Ordinances. We also have on occasion have a situation where there is an existing farm house on an existing public road. That lot with the new... for the farm house as well as the remainder, would also be exempt from the right-of-way dedication requirement. Because mainly when you look at the right-of-way dedication in a rural with a large parcel and creating only one lot, that the dedication far exceeds the traffic need or generation from that subdivision. Staff would also note that PDR Program currently limits the number of houses to one per 100 acres. So, this would be only typically affecting one or two at the most lots with this situation.

Mr. Bain: Okay, okay. That clarifies it for me.

Mr. Randall: I am sorry, I have a couple of questions for you or Ms. Baker, either way. I am sorry, I don't mean to preempt that. So, let me make sure I am straight on this. We purchase the development rights from a farmer with 600 acres with the intent that it's in perpetuity for development, right? Forever? They can't sell it to somebody for the purposes of development.

Mr. Harvey: Correct.

Mr. Randall: Okay, and so prior to that... prior to them selling... putting it into a PDR conservation easement, they want to sell a parcel to somebody, they want to sell another parcel, they want to sell... they have 600 acres, so they can do up to 5 additional houses, prior to them doing that. We don't have

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a problem with that, right? That is what this would be for? Is that... they would sell a lot to somebody, they would come in and build that one lot, they would have this exemption to the subdivision requirements?

Mr. Harvey: Commissioner Randall, this Ordinance is intended to address parcels that have an easement in place.

Mr. Randall: Okay.

Mr. Harvey: So, the property owner has that opportunity to subdivide off parcels prior to recording an easement.

Mr. Randall: Right.

Mr. Harvey: And typically, those lots would not be subject to the easement, it would be the big large farm parcel. In this case, we would record the easement and the property owner may reserve the right to create a separate lot for the house, if they want to. Or, have another lot available for a house, if they need too. Partly for financial reasons, because some owners do not want to encumber their farm land with the loan for the house. So that is part of the rationale for creating the separate lot.

Mr. Randall: So, right. No, I understand that, okay. So, now we are on this... now we are on the same page. So, we have given them a sizable amount of money for their PDR rights, for their conservation easement, for their 600 acres. And yet then we are allowing them to sell part of the conservation easement, that we have already given them money for, we allow them to sell that and build additional lots for more money?

Mr. Harvey: The conservation easement again would limit if they were going to have... it limits one house per 100 acres.

Mr. Randall: Sure, I understand.

Mr. Harvey: So, if they wanted to create a lot for that existing house, they could do so. Eventually they could sell it off, yes, but then there would be further restrictions that that property could never be re-subdivided again. Just like the rest of the farm.

Mr. Randall: No, no, my understanding... right. I understand, maybe I don't understand the PDR then completely. My understanding was if they've got three houses on 600 acres and they sell it... they put it in a conservation easement, there is not going to be a fourth house, there is not going to be a fifth house, there is going to be three houses forever. That they won't have any more houses on there in any sort of development. Am I misunderstanding the PDR?

Mr. Randall: Commissioner Randall, that could be the case. Every PDR application, there is somewhat of a negotiation based on the standardized deed language. So, somebody could, if they want to, have six houses. In often time we find out that the landowners are not interested in having more houses on their property, they want to maximize their farm land, so they will limit it to what they currently have.

Mr. English: Not to cut you off, but they may not. But if they sell it down generation after generation, what happens at that point?

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Mr. Harvey: It depends on the easement language. If the easement language allows them to create that additional lot, great they could do that. But if the easement language doesn't and it is basically saying what you see is what you get, then that is the case. Also, just to... excuse me to fast forward to an item later on our agenda under Planning Director's Report, the Board is entertaining the option of possibly allowing people to donate easements to the County. So, it no necessarily all purchased by the County.

Mr. Randall: No, no, I understand that and that would be a separate situation.

Mr. Harvey: Yes.

Mr. Randall: So, what would be the incentive for the County to negotiate an opportunity for a farmer to develop land on that easement past the PDR transfer? Why would the County negotiate that?

Mr. Harvey: Commissioner Randall, let me clarify a point. When we look at the PDR program and we calculate the number of development rights, the ones that we... the development rights that we purchased are based on house sites that are never going to be developed. So, if someone reserves the right for that one house site on that 100 acres, that's excluded from the number of development rights we are going to be purchasing. So, we are not purchasing a development right and giving someone an opportunity to sell it again. D

Mr. Randall: Okay, no, I understand that, but why would we not... why would we even negotiate that? Why would we just say this is a all or nothing thing. When we say no development, we mean no development.

Ms. Barnes: That is my question too, and I am new to this. And I thought I understood the PDR program...

Mr. Randall: I guess I didn't...

Ms. Barnes: ... but I'm trying to come up with a nicer word, but this seems oxymoronic...

Mr. Apicella: Can I...

Mr. Randall: Steven, please.

Mr. Apicella: Can I just in? I'm sorry, Mr. Harvey...

Ms. Barnes: Yes, go ahead.

Mr. Apicella: The incentive for somebody that owns 600 acres to participate in the PDR program, it's kind of that win-win solution that they put most of their property into a conservation easement, but they are still allowed to live on the property in a house. So, if you take that away, they may not want to participate in the PDR program. So, I hear what you're saying, but it's got to work for both parties.

Ms. Baker: Can I add one more thing? This has been a discussion topic with other localities throughout the State and having the ability to have a residence on that remaining property, if you just had a property out there without someone there to potentially be a caretaker or oversee the property, then there are issues with things like vagrancy and just letting the property go to pot. If someone isn't there to actually be able to farm it and live on the property and maintain it. So, that is one reason that the model ordinance

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from the State of Virginia includes that provision to allow a residential unit. And typically, in all the programs throughout the state it's one home per 100 acres. So that is written into our PDR ordinance, that we follow. And we do negotiate when we get to the point with property owners when we are negotiating the easements themselves. They may not want those rights, but some of them may want those rights, particularly in they have kids or grandkids that they want think about, that want to remain on the property and giving them all on opportunity to live there. The easement is going to remain on the entire 600 acres, some of those, they could sell the individual lots, but those easements and the restrictions on that easement is going to remain with the property in perpetuity.

Ms. Barnes: Is there any limit to how many times they can do this? I mean, is it just one time? Or it seems like we are purchasing it so they can't develop it but then they can develop it.

Ms. Baker: We are purchasing the rights to limit the development. So, if on a hundred-acre property, right now they could have thirty some lots. In this instance they are only going to have one lot per 100 acres. So, we are limiting we are not excluding all of the development rights. Because again, people want that opportunity to live on their land, to be able to farm it, to have all of their equipment, to have their barns, their animals right there where they live. So, allowing a residence per one hundred acres is really the standard for these PDR programs.

Ms. Barnes: *Inaudible.*

Mr. Apicella: And if I can just chime in, Kristen, if I can just say, using Kathy's example. You've got a hundred-acre parcel, you could build 33 units on that parcel. You saved it from development, so you are saving... you are keeping 32 of those lots from being developed and only one of those lots has a house on it. So, that's the advantage. I'm not sure if I'm being clear, but the vast majority of that parcel could be developed absent a PDR.

Mr. English: Does that give the property owner a tax break too, as far if that...

Mr. Apicella: You can get tax breaks in the PDR...

Mr. English: But that is part of the negotiations, right?

Ms. Baker: No, that is actually...

Mr. Apicella: You can get tax breaks outside of the negotiation. That's a... there's both State tax credits and Federal tax credits by conserving property.

Mr. English: But a lot of it's going to be, like Jeff said, it's going to be how it's written in the deed, right?

Ms. Baker: Not the tax... the tax...

Mr. English: Not tax, I don't mean tax. I am sorry I went off... but as far a selling it, like future selling. Down the road, a couple generations down the road if they want to go ahead a sell it, but it's got to be something written in the deed that kind of permits them or doesn't or well allow them to sell it correct.

Ms. Baker: You can sell the property. You could do it tomorrow if you put an easement on it. The restrictions are still going to remain and they are going to run with the land.

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Mr. English: So, they couldn't go back and get that changed then if the put that stuff in the PDR.

Mr. Harvey: Correct. And Commissioner English again, this would only apply to conservation easements that are subject to the Board of Supervisors. So if somebody did want to change the terms of the easement, they would have to come back to the Board and request that permission and that could be a quite involved process.

Mr. English: It could be expensive.

Mr. Harvey: It could be and may not be feasible. It depends on the...

Mr. Randall: Right.

Mr. Harvey: ... future Board.

Mr. Randall: Okay, so Steven let me make sure I am clear on this. I have 600 acres, I have five kids, I already have a house that is on the 600 acres, I want to sell, I put it in conservation easement and I received the PDR, the whole nine yards. And I want to sell 500 hundred acres, 100 acres each to each of my five kids. I could sell that hundred acres with this exception and with the way it is written, each of those five kids could build a house on that 100 acres, it would stay in easement, they could still farm it. They would farm it for the rest of their life, they wouldn't be able to sell it anywhere. But we are allowing them as the PDR is written to build those five houses on 100 acres each, so they could live there. Is that what you are saying.

Mr. Harvey: Commissioner Randall, in your example yes. So, you would start with 600 acres on one piece of property and you could have 600 acres on six pieces of property, but that would have to be something that worked out in the terms of the easement agreement. Several easements, and correct me if I am wrong Ms. Baker, prohibit further subdivision or movement of the property line without approval by the Board of Supervisors.

Mr. Randall: Okay, and give that situation, this would then apply to those five different additional lots that are developed for a house for the original... for the lot and for the remaining parcel in case there is not subdivision requirements that they could potentially... or there are conditions of the Subdivision Ordinance they wouldn't be meeting. Is that what you are saying?

Mr. Harvey: Yes.

Mr. Randall: Is that what this is for?

Mr. Harvey: Yes.

Mr. Randall: Okay. Thank you.

Mr. Apicella: And Bart, sorry to belabor the point...

Mr. Randall: No, please.

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Mr. Apicella: ... in your scenario for the six hundred-acre parcels, you have got a house on the, let's say the minimum. That is kind of the way to look at it. You will have saved 582 acres and whatever the development could be on those 582 acres.

Mr. Randall: Sure.

Mr. Apicella: Again, that is the advantage of the program. It works both for the county and the person who...

Mr. Randall: And I am okay with the PDR, I just want to make sure that I have a better understanding now what the PDR is and I didn't realize that negotiations were as in-depth as they were and we allowed that kind of flexibility. That's how that's... that's on me. So, I appreciate that. Thank you.

Mr. Bain: Okay, if I could just get one clarification. Those, let's stick with the 600 acres, and there is an existing house. They can get five additional lots, those five lots don't have to be a hundred acres each, they can be three acre lots, is that right? And then you leave more land for conservation under single ownership.

Mr. Harvey: Commissioner Bain that could be a possibility. Again, it depends on the... how the terms of the easement are agreed to.

Mr. Bain: Okay. Alright. But it doesn't have to be...

Mr. Apicella: Mr. Harvey.

Mr. Bain: ... break out a hundred acres and put a house on that. They can all be side by side, three acre lots.

Mr. Randall: Right.

Ms. Barnes: It's a density thing... *inaudible*.

Mr. Bain: Right. Yeah, exactly.

Mr. Apicella: Mr. Harvey just to ask the catch all question based on your review and legal counsels review, you don't see any unintended consequences happening as a result of the approval of this Ordinance change?

Mr. Harvey: Commissioner Apicella, Mr. Chairman, we don't see any adverse potential implications. Again, this would have such a limited impact because of the limited number of properties in the County that are subject to a County conservation easement.

Mr. Apicella: Okay, thank you. Any further questions for Mr. Harvey or Ms. Baker?

Mr. English: I think Mr. Cummings has something.

Mr. Cummings: Yes, just one clarifying question for my own edification. Could you give me a brief list of the type of exemptions that we are talking about? Or the waivers?

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Mr. Harvey: Yes. The Subdivision Ordinance requires that when you subdivide property, the lot must front on an existing public street or there is an exemption for potentially having one lot that does not front on a public street but it must have a private access easement. And there are certain requirements for how wide that easement must be and other standards regarding that. There is also standards dealing with right-of-way dedication. Which would require someone to provide land where the road could be widened in the future. There is also provisions dealing with the lot shape and configuration requirements. Again, because when you look at a large piece of property and if the homesite is in the middle, the homesite parcel may look regular and normal but the other parcel may look somewhat like a donut, which would not comply with our requirements. And then also our Subdivision Ordinance stipulates that if a property is located within an area where we identified a feature in the Comprehensive Plan, that they should dedicate that land to the County. In this case these are going to be rural area, farm area where we are not contemplating urban development. We need new roads, new schools, those types of things.

Mr. Cummings: Thank you.

Mr. English: Back at you Steven, everybody is done.

Mr. Apicella: Okay, sorry. I had my mute button on. Again, any further questions? Okay, so what I heard Jeff say is while it seems complicated, the actual impact is fairly small, given the limited potential for conservations easements that would be applicable here. So, again with no further questions I am going to open up the public hearing on this item. Again, same a before folks who are interested have up the three minutes to speak, when the green light starts that is when the clock starts. Yellow means there is one minute left, red means speakers have to conclude their comments. If there is anybody in the chambers who would like to speak, please come forward now. I don't see anybody. Mr. Harvey or Ms. Baker, were there any written comments submitted to the County on this?

Mr. Harvey: No sir.

Mr. Apicella: Okay, thank you.

Ms. Baker: No comments.

Mr. Apicella: Great. So, I'm going to close the public hearing on this item and bring it back to the Commission and see what actions folks would like to take on this one.

Mr. English: I will make a motion to approve the amended Subdivision Ordinance.

Mr. McPherson: Second.

Mr. Apicella: Thank you Mr. English and Mr. McPherson. Any further comments Mr. English?

Mr. English: No.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No.

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Mr. Apicella: Anyone else? Okay, I'm going to take a roll call vote on approving the proposed amendments to the Subdivision Ordinance to exempt parcels subject to conservation easements from certain subdivision requirements. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Aye.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Okay, great, the motion carries unanimously. Thank you everybody for working our way through that one. Mr. Harvey, the next item on the agenda.

UNFINISHED BUSINESS

8. Amendment to the Zoning Ordinance - Proposed Ordinance O19-40 would amend the Zoning Ordinance, Stafford County Code Sec. 28-59, "Highway Corridor Overlay District (HC)" to require turn lanes for new development at site entrances from corridor highways. **(Time Limit: October 7, 2020) (History: Deferred to August 26, 2020)**

Mr. Harvey: Yes Mr. Chairman, the next item on the agenda is unfinished business. It deals with a proposed amendment to our Highway Corridor Overlay District. This has been an item that has been discussed at the Commission for quite some time. Ms. Eva Campbell will lead the staff discussion in the ABC Conference Room.

Mr. McPherson: We can't hear you Eva.

Ms. Campbell: Sorry, let me start over. Good evening Mr. Chairman and members of the Commission. I'm here to present proposed Ordinance 020-14 regarding turn lane requirements in the Highway Corridor Overlay District. *Inaudible...* to the presentation. In December 2019, the Planning Commission recommended denial of the proposed Ordinance amendment and expressed concerns that the proposed language did not meet the original intent of the Ordinance amendment. On February 18th, the Board voted 7-0 to refer the Ordinance back to the Planning Commission so that alternative options

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could be discussed. At its meeting on June 24th, the Planning Commission established a subcommittee consisting of Commissioners English and Bain to review the issue and adjust the proposed Ordinance as necessary. The subcommittee met with staff on July 8, 2020, to discuss the amendment, and no further changes were recommended by the committee. This outcome was based on the inability to impose mandatory turn lane requirements beyond what is currently regulated by VDOT. A meeting summary is provided as Attachment 4. Staff believes that the proposed Ordinance amendment does not accomplish the intended purpose, since the provision of turn lanes would be optional as it currently is. As noted previously, the County does not have the ability to impose mandatory turn lane requirements beyond what is already regulated by VDOT. Staff recommends that the subject be brought back to the Community and Economic Development Committee, where the results of the Planning Commission's findings can be discussed. That concludes my presentation.

Mr. Apicella: Okay. Any questions for staff? Okay, so again what I am hearing is a recommendation to vote no on this one and send it back to the Board recommending denial.

Mr. English: Correct. That is correct Commissioner Apicella. Because there is nothing... I mean it's a VDOT standard. There is nothing we can do with it.

Mr. Apicella: Okay, so with that being said, what would the Commission like to do on this one?

Mr. English: I will make a motion, since I was the Chairman of this that we deny... I guess, is it approve...

Mr. Apicella: I think it is a motion to deny.

Mr. English: Yes, a motion to deny amendment to zoning proposed Ordinance O19-40.

Mr. Bain: Second.

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

Mr. English: No.

Mr. Apicella: Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Anyone else. Okay, seeing no further comment, the recommendation is to not support the amendments to this specific Zoning Ordinance regarding establishing turn lane requirements for new development within the Highway Corridor Overlay Districts. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

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Mr. Cummings: Aye.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Okay, great, the motion carries unanimously. Mr. Harvey, on to item number 9 under New Business.

NEW BUSINESS

9. SUB19152950; The Hills at Big Spring Preliminary Plan - A Preliminary Subdivision Plan to create 58 single-family lots on Tax Map Parcel Nos. 38-98, 38-101, and 38-103A, zoned A-1, Agricultural, on 26.88 acres located on the east side of Jefferson Davis Highway north of Big Spring Lane, within the Aquia Election District. **(Time Limit: November 18, 2020)**

Mr. Harvey: Mr. Chairman, item number 9 is a Preliminary Subdivision Plan for a project to be called the Hills at Big Spring, and please recognize Eva Campbell for the presentation.

Ms. Campbell: Good evening Mr. Chairman and members of the Commission. I'm here to present a preliminary plan for the Hills at Big Spring. The subject project is located on Assessor's Parcel numbers 39-98, 38-101, and 38-103A, with a total are of 54.72 acres. It's zoned A-1, Agricultural, within the Aquia Election District, located east of Jefferson Davis Highway and north of Big Spring Lane. The plan proposed 58 total lots, 50 with Transfer of Development Rights. The location of the preliminary plan is shown here in red, and here is an aerial view of the site. The project is utilizing Transfer of Development Rights. The Transfer of Development Rights program allows this property to supplement by-right lots with development rights to achieve up to 2.25 dwelling units per acre. By-right, the property can yield 8 lots based on the A-1 zoning, 3-acre lot size minimum, and the applicant is utilizing 50 development rights for a total of 58 lots at 2.15 dwelling units per acre. There is a minimum of 50% open space required and the applicant is providing that 50%. The development is to be served by public water and sewer. The project is proposing two entrances; one is an extension of McKittrick Drive and the other is an extension of Greenstead Drive. All streets have curb, gutter, and sidewalks. The entrances are through the neighboring subdivision, Big Spring Estates, which has a preliminary plan approved by the Planning Commission on February 27, 2019. That project is also utilizing Transfer of Development Rights, totaling 67 lots. The proposed street layout would allow for future inter-parcel connection to the adjacent parcel to the east, and the open space would be privately owned and maintained by a neighborhood HOA. Covenants and open space restrictions will be provided with the final plat. The minimal lot size under this zoning with TDR is 6,500 square feet. Pursuant to Sec. 28-364(a), the preliminary plan approval is conditioned upon affixing the requisite number of transferred rights on the property, and without the Transfer of Development Rights the plan is void. Proof that the development rights are affixed to the property must be provided prior to the approval of final plat. Staff recommends

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approval of the plan and believes that the Hills at Big Spring Preliminary Subdivision Plan complies with Stafford County's code requirements. And that concludes my presentation.

Mr. Apicella: Thank you. Questions for staff?

Mr. McPherson: Hi Eva, this is Fillmore. I also reviewed our February 27, 2019 meeting. Do you recall, or do we know why it went from 67 lots on 30.17 acres down to 58 lots on 26.88 acres? It's not a concern; I'm just kind of curious where the change came from.

Ms. Campbell: It hasn't gone down. This is a separate subdivision that is continued... it's a continuance of the original Big Spring Estates. This is right next to it.

Mr. McPherson: Okay, it's going to the north.

Ms. Campbell: So, this is an additional 58 lots to the 67 that were approved last February.

Mr. McPherson: Okay.

Mr. Apicella: Any other questions?

Mr. English: Is this... I think we went through this once before. Didn't they want to try to build townhouses in there and then we had an issue with the airport overlay that we came up with?

Mr. Harvey: Commissioner English, you do have a very good memory. There was a rezoning application filed for this property that previously had proposed townhomes, as well as some commercial development along the road frontage on Route 1. That application has not moved forward. This preliminary plan would substitute for that development.

Mr. English: But I think the reason we denied it was because the airport?

Mr. Harvey: That was one of the main... several concerns, yes.

Mr. English: That's what I thought. Okay.

Mr. Apicella: Mr. Harvey or Ms. Campbell, on the previous approval for the neighboring property, we asked them and they agreed to put a tot lot on that neighboring property. How many units on that neighboring property?

Ms. Campbell: There are 67 units on Big Spring Estates, the one approved last February.

Mr. Apicella: And how many are here on this one?

Ms. Campbell: Fifty-eight.

Mr. Apicella: Okay, so, it's a separate subdivision, right?

Ms. Campbell: Yes.

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Mr. Apicella: Did you all discuss with them the... *inaudible*... and adding a tot lot here? I mean, I looked at the layout; it looks like there's sufficient space for one.

Ms. Campbell: They aren't offering that at this time, but the applicant is here to speak to any questions maybe to add to the plan.

Mr. Apicella: Okay, thank you. Any other questions for staff? Alright, seeing none, would the applicant...

Mr. Bain: Steve?

Mr. Apicella: ... like to come forward? I'm sorry. Al?

Mr. Bain: I'm sorry, I was too slow. I'm just looking at the preliminary plan. On the southern border of the property, there is a road called Mineral Spring Way. And I don't know if that's a public or private road but, according to the drawing, it seems to extend onto the property that's being proposed for subdivision. Is there any provision for I guess relocating that road? If it's a private road, are they going to close it where it crosses the boundary? Are they going to allow whoever the private owner is of the adjoining property to continue to use it?

Mr. Harvey: Commissioner Bain, I can answer that question.

Mr. Bain: Okay, thank you.

Mr. Harvey: Mineral Springs Road is a private road. It serves a number of properties; some industrial zoned properties, as well as agricultural properties. The road exists in the easement. The easement generally follows a property line, which part of the easement's on one side of the property line, the other part of the easement's on the other side of the property line. I'm not aware of any effort to relocate the private road but, if you have questions specific to that, the applicant's engineer is here that can answer any detailed issues.

Mr. Bain: Maybe he would address that when he... when the opportunity comes. Thank you. Back to you Steve.

Mr. Apicella: I keep forgetting to press the mute button. So, again, with no further questions for staff, would the applicant like to come forward.

Mr. Reese: Mr. Chairman, members of the Commission, my name is Bruce Reese. I'm with Legacy Engineering and I'm here to represent the applicant. I'd be happy to answer any questions but, surprisingly, we absolutely support staff's recommendation for approval. *[Laughter]* I wanted to get that out there right up front.

Mr. Apicella: Okay, thank you. Questions for the applicant?

Mr. McPherson: I have a question for you.

Mr. Bain: Yes, Mr. Reese, could you address the issue concerning that adjoining Mineral Spring Way and the way it... at least to the drawing that I've... the tax map parcel drawing, it looks like it does go into the property rather than being just along the boundary?

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Mr. Reese: Yes, sir, and that's exactly where it runs. It's already an existing easement and we intend to honor that easement.

Mr. Bain: Okay, that's all I needed to know.

Mr. Reese: Yes sir.

Mr. Bain: Thank you.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes. So, are you willing to add a tot lot to the development plan?

Mr. Reese: The owner has considered that. And the problem is that they're not sure who's going to buy these lots. And so rather than encumber this homeowner's association with a recreational facility that they don't know would necessarily be used, because these could be active adult houses or age-restricted. What they have decided is to not put any specific recreational facilities and allow the homeowner's association, which is going to have to be created, to decide for themselves.

Mr. McPherson: So, you think that there won't be...

Mr. Bain: But we have no control.

Mr. McPherson: ... houses with kids there? I think that's rather odd that they think it'll just be age-restricted. It's not zoned as age-restricted. It's just a subdivision.

Mr. Reese: No, but that's a very active market right now and it's possible that these houses could be sold as age-restricted units.

Mr. McPherson: Stafford's very active for all families.

Mr. Reese: I'm sorry?

Mr. McPherson: Stafford's very active for all families. Sorry, Steven, go ahead.

Mr. Apicella: Yeah, I was going to say, the last time this was brought up, I want to say that the person who represented the applicant said that a tot lot I want to say was about \$20,000. So, if you're not willing to put a tot lot and you don't know, you know, it might be a senior community, also they might want some kind of amenity, would you be willing to make a \$20,000 donation to the HOA?

Mr. Reese: No sir, not at this time.

Mr. Apicella: So, you're not going to do any amenities for a 58-unit subdivision?

Mr. Reese: Well, there is 50% of the site as open space.

Mr. Apicella: You consider that to be an amenity?

Mr. Reese: In some ways, yes sir.

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Mr. McPherson: That's a requirement.

Mr. Apicella: So, you don't... so, it's just an open space, no trails, nothing for the homeowners who live there.

Mr. Reese: Well, there's sidewalks on both sides of every street, so there will be pedestrian access.

Mr. Apicella: That's required, right?

Mr. Randall: Yeah, that's not an amenity.

Mr. Apicella: That would be required.

Mr. Reese: Yes sir.

Mr. Apicella: Am I wrong? Right. So, again, you're not willing to provide any kind of amenity or any kind of funding toward an amenity at this point in time?

Mr. Reese: No sir.

Mr. Apicella: Okay. Any further questions for the applicant?

Mr. Randall: No. I have all I need.

Mr. McPherson: Can I ask what the thought process is that you're not willing to, and in the previous one they were willing to do a tot lot. This one, that's right next door to it, why are they not willing do to it? Because whether it's, you know, an elderly community, age-restricted, they have people, assisted living; we always want people to have some place where they can go, walk dogs, play with their kids or grandkids, you know.

Mr. Reese: I don't think what we're proposing precludes any of that. They're just not willing to pay for it up front.

Mr. McPherson: Even just donate some money to the HOA for it. I mean, it's... you were willing to do it last time, just not this time.

Mr. Reese: I don't recall that we made that offer on the last one.

Mr. McPherson: I don't recall...

Mr. Apicella: Yeah, I'm pretty sure you did. Mr. Harvey can verify that.

Mr. Bain: Maybe.

Ms. Barnes: I remember that. I was here; not on the board, but I was sitting right back there and I do remember that.

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Mr. Harvey: Mr. Chairman, I'd have to defer to Ms. Campbell to look at the plans from the prior approval to see if it has a tot lot and if there are any conditions associated with the tot lot. We may have to come back to the Commission if that plan is not readily available.

Mr. Apicella: What's our deadline here, Mr. Harvey?

Mr. Randall: November 18th. But, to the point is, I don't really care, you know. If we can't put a tot lot... whether we have a tot lot in the other one or not, if we don't, that's on us. But we're not going to make two wrongs make a right. We need to have... if that's the case, we need to have double the tot lot in this one to make up for the fact that we didn't have a tot lot in the last one. So, I'm not interested in necessarily knowing if we did or not. That's on that one. This is on this one. Right. I find it... how am I supposed to do this well? I find it interesting – interesting's not the strong enough word I need to use – that we want Stafford County to be family friendly. We, as a board and as a Commission, want it to be family friendly, and then something gets brought up in front of us that has no family amenities. No place to cook barbeque, no place to play with your ki... to meet as a group, none of that. How am I supposed to sell this as family friendly? Even if it's... even if it's just old people like me, right, I still want to be able to find someplace to gather with my friends. I still want to find some place to go hang out, to go cook barbeque, to go do something, right. And to have nothing would tell me that family friendly is not on your agenda. And that's hard for me to understand coming to Stafford County, you know, in a family friendly environment. We all want this to be family friendly, and this isn't family friendly – to me.

Mr. McPherson: Chairman Apicella, if nobody else has any comments, I have a motion to make. But I can see if anybody else have any comments.

Mr. English: Does the appli....

Mr. Apicella: Okay, any other comments before Mr. McPherson makes a motion?

Mr. English: Just one before you make the motion. Does the applicant want to go back to the... to your builder and see if he's willing to do that before we do anything tonight? So, we can maybe defer this and you come back, or not? And he's adamant that he's not going to do it.

Mr. Reese: He made it pretty clear to me that he was not going to do it.

Mr. English: Okay, thank you.

Mr. Apicella: Alright, Mr. McPherson, go ahead.

Mr. McPherson: Okay. I'll make one comment before I make my motion. Although I'm not pleased with the applicant not being willing to do this, I'm not going to make a motion to deny this. I would like to make a motion to defer the decision for SUB19152950 to the second Planning Commission meeting in September to allow the applicant and representative for the applicant to think a little bit harder about the advantages to creating some recreational space in their subdivision.

Mr. Bain: Second the motion.

Mr. Apicella: Thank you, Mr. McPherson. Okay, thank you, Mr. Bain. Mr. McPherson, any further comments?

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Mr. McPherson: No.

Mr. Apicella: Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Anyone else?

Mr. Randall: Yes, I have a comment – obviously. He made it perfectly clear that he is not... that the owner, the builder/developer, has no interest. I'm understanding... I recognize you're the messenger, so don't take anything personally. I understand all that, right. Next time I'd like the owner here so we can talk to him personally, right, and he can tell us, you know, without having to send his middle man here. So, please don't take this to you, but he's made it perfectly clear. And I think the only message we send back to him is a no, not a deferral. He's had his chances, he knows. Anyway, that's all I have. Thanks.

Ms. Barnes: Steven, can I ask a question? If we vote... just a procedural question then. The motion on the floor is to defer. So, if we vote no on that, then we're not deferring, then what happens? Then we have to vote on it.

Mr. Apicella: Yeah, then we would have to take another motion.

Ms. Barnes: Okay, thank you.

Mr. Apicella: Okay. So, there's a motion to defer this matter to the September 23rd meeting and give the applicant a chance to revisit the issue of whether or not they want to provide family friendly or senior amenities on this project. So, with that in mind, I'm going to make a roll call vote. Mr. Apicella votes aye for the deferral. Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: No.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: No.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

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Mr. Randall: No.

Mr. Apicella: Okay, I'm going to need a little help there. Was that vote 4 to 3 to not defer this?

Mr. Randall: That's correct.

Mr. Apicella: Okay. So, what is the alternative motion? I would just say we have to have a good reason or reasons to deny a preliminary subdivision plan so, if someone's going to make a motion to deny it, I would ask that you provide some good rationale as to why we're doing that at this point in time. And within the parameters of our authority on preliminary subdivision plans. So, again, what other motion would someone like to put forward?

Mr. McPherson: Chairman Apicella, I would like to make a motion, since the motion to defer has been denied, I'd like to make a motion to approve SUB19152950, the Hills at Big Spring Preliminary Plan.

Mr. Apicella: Is there a second? Okay, seeing no second, is there an alternative motion?

Mr. English: I'll second it just to get it on the floor. I'll make a motion to second his motion.

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

Mr. McPherson: While I'm not pleased at the... that they don't want to create recreational areas, that is not a requirement; it is just something that we want, it is not a requirement which I don't think is something that we can deny for.

Mr. Apicella: Okay, Mr. English?

Mr. English: Yeah, no, I have no more comment.

Mr. Apicella: Okay. Anyone else? Mr. Harvey?

Mr. Harvey: Mr. Chairman, I just would like to add onto what you said earlier with regard to code requirements. State code gives an applicant 10 days to cure a remedy for a denial of a preliminary plan. Specifically, if the Commission is intending on denying the plan, you must site the code provisions where the plan is deficient and, again, giving the applicant the opportunity to remedy that and come back to a future meeting so they have 10 days to correct the problem.

Mr. Apicella: Thank you, Mr. Harvey. Okay, any further comments?

Mr. English: A question. Remember the last... I talked to you again about the... I guess this is Eva... in reference to the last time we looked at this, is that... I thought we denied the last time because it was in the flight plan and we felt like it was going to be an issue with the airport. So, did we ever look into that at all?

Mr. Apicella: Mr. English, can I chime in on that?

Mr. English: Sure.

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Mr. Apicella: That was, I believe, a rezoning request. This is not a rezoning request. This is a preliminary subdivision plan.

Mr. English: I understand, but I just wanted a question on it. Okay, that's fine.

Mr. Apicella: I mean, Mr. Harvey or Ms. Campbell can chime in with any thoughts that they have.

Mr. Harvey: Commissioner English, Mr. Chairman, as was discussed, the prior proposal on this property was for a rezoning application. When we look at a rezoning application, we look at it for conformity with our Comprehensive Plan, surrounding zoning pattern, and other factors, and on whole make a decision whether the application is worthy of approval or not. The airport overlay recommendations in our Comprehensive Plan, they're a guide for development, so you have a little bit of discretion with a reclassification. In this case, we're dealing with by-right development and the airport overlay requirements are in our Comprehensive Plan but they're not law. So, we have a situation where you could not impose the recommendations of the Comprehensive Plan as a code requirement for this project.

Ms. Barnes: So... I have a question. So, basically, what you're telling us is strategically we can't do what we're trying to do.

Mr. Harvey: Commissioner Barnes, yes unless the applicant agrees to it. Preliminary subdivision plans are considered to be ministerial review on the part of the Planning Commission. So, if the project meets the code requirements, you're bound to approve them.

Mr. Apicella: So, again, what you're saying... so... Ms. Barnes...

Ms. Barnes: So, can somebody then offer a substitute motion at this point in time to maybe... we have to vote on that one, okay. Thank you.

Mr. Apicella: So, again, at best, if we don't approve Mr. McPherson's motion, the only other option is either to deny, again, with good reason, or to reconsider a deferral and give the applicant a chance to reconsider whether or not they want to offer some amenities here. So, again, there was a motion made by Mr. McPherson, it was seconded by Mr. English; unless there's any further comments, I'm going to call for a roll call vote. Are there any other comments? Okay, seeing none, Mr. Apicella votes aye.

Ms. Barnes: Steven, can I just ask a quick question? Can I offer a substitute motion? Or maybe I should ask Lauren that?

Ms. Lucian: You can. If one's already been made, you can make a substitute motion.

Mr. Apicella: Alright, so, do you have a substitute motion?

Ms. Barnes: Okay. I'll make a substitute motion and let's go back... I guess not going back... I think it might be in our best interest at this point maybe to reconsider deferring. So, that's my substitute motion, to defer.

Mr. McPherson: Second. My original motion.

Mr. Apicella: Ms. Lucian, can Fillmore make that motion or does it have to be another person who was on the positive side of the original motion?

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Ms. Lucian: If you give me a second, I'm going to read the by-laws to double-check it. He can second it; it depends on who can make the motion.

Ms. Barnes: I made the motion.

Mr. Apicella: The easier thing would be for somebody else who did not support Fillmore's original motion to defer; if they would support Ms. Barnes by seconding her motion to defer.

Mr. Cummings: I'll second it.

Mr. Apicella: Alright, thanks Mr. Cummings. So, now there's a motion to reconsider the deferral, been made by Ms. Barnes, seconded by Mr. Cummings. Any further comments Ms. Barnes?

Ms. Lucian: And this is just a motion to... whether we're going to reconsider the original motion just so you're clear on what the motion to reconsider is.

Mr. Apicella: Right, right. We'd have to take another motion to defer.

Mr. McPherson: Do I need to withdraw the motion I previously made to approve?

Mr. English: No, no, no, no.

Mr. McPherson: Okay.

Mr. Apicella: No, it's already...

Ms. Lucian: No, you don't.

Mr. Apicella: ... it's already been done.

Mr. English: It's been done.

Mr. Apicella: So, again, any further comments from anyone? Okay, I'm going to take a roll call vote on the motion to reconsider. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Aye.

Mr. Apicella: Mr. English?

Mr. English: Yes.

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Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Aye.

Mr. Apicella: Okay. So, the motion to reconsider is unanimously approved. So, is there now another motion that someone would like to put forward?

Mr. Bain: Okay, I would like to make a motion to defer decision on Subdivision 19152950 to the second meeting in September.

Mr. Apicella: Is there a second?

Mr. Cummings: I second.

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

Mr. Bain: Yes, if I could. I don't like the TDR Program. I think it was ill conceived and this is the kind of mess that we get into. At the very least, it should have been established that it was... would require a conditional use permit so that we could enforce proffers onto the applicants and avoid this kind of mess. That's all.

Mr. Apicella: Thank you Mr. Bain. Mr. Cummings?

Mr. Cummings: I just... I like the deferral. I think we need to collect some more information. At least I do. I agree with... with Mr. Bain. And I look forward to hopefully a better result moving forward.

Mr. Apicella: Okay, thank you. Any further comments? Okay, the motion on the floor is to defer this item until the September 23rd meeting, again, to give the applicant a chance to revisit their decision not to provide any specific recreational amenities or to provide some funding for the HOA to provide some amenities. Okay, with that in mind, Mr. Apicella votes aye on the deferral to the second meeting in September. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Aye.

Mr. Apicella: Mr. English?

Mr. English: Yes.

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Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Okay, the motion carries unanimously. We'll revisit this at the September 23rd meeting.
Mr. Harvey, item 10.

10. SUB19153040; Joshua Landing Preliminary Plan - A Preliminary Subdivision Plan to create 10 single-family lots on Tax Map Parcel No. 19-9, zoned A-1, Agricultural, on 35.58 acres located on the north side of Joshua Road at Saint Georges Drive, within the Rock Hill Election District. **(Time Limit: November 18, 2020)**

Mr. Harvey: Mr. Chairman, item 10 is a preliminary subdivision plan for a project known as Joshua Landing. Please recognize Eva Campbell for the presentation.

Ms. Campbell: Good evening Mr. Chairman and members of the Commission. I'm here to present item 10 on the agenda, a preliminary subdivision plan for Joshua Landing. This preliminary plan application proposes 10 single-family detached residential lots on Assessor's Parcel 19-9, consisting of 35.58 acres and zoned A-1, Agricultural. The applicant is Michael Stonehill, Jr., with Brookstone Development and Building Corporation. The property is located within the George Washington Election District. The property is located on the north side of Joshua Road across from Saint Georges Drive. These aerial images depict existing conditions on the property. The site is outlined in red on the image to the right. Most of the property is wooded, apart from a cleared area along the frontage on Joshua Road. There is an existing residence and outbuildings on the property, shown in the image on the left, which will be demolished to construct the proposed 10-lot residential development. The existing house is estimated to be 60 to 70 years old, and the applicant has agreed to work with the Historical Commission to allow access to the home for documentation before it's demolished. There's a small pond located on the property near Joshua Road. The preliminary plan is proposing 10 single-family detached units on lots ranging from 3 to 4½ acres. The development is to be served through a single access on Joshua Road, and all lots front on a single proposed state-maintained road. The parcel is located outside of the Urban Services Area, and lots are to be served by private well and septic systems. A dry hydrant is proposed to be installed at the existing pond to improve fire response for the development. Wetland areas exist on the property, some of which will be impacted by site grading and driveways. A small portion of the property lies within a Critical Resource Protection Area, but no land disturbance is proposed within the CRPA. A strip of open space will be located at the entrance to the property, and this open space area, along with a portion of the adjacent residential property to the west, will be cleared and graded to accommodate construction of the new access road. An easement will be needed... need to be recorded prior to construction plan approval for this offsite work. Several areas have been identified for potential stormwater volume reduction measures. The final location and design of these facilities will be determined at the construction plan phase. Staff recommends approval of this preliminary subdivision plan, and believes that it complies with all applicable ordinance requirements. And that concludes my presentation.

Mr. Apicella: Thank you Ms. Campbell. Just to clarify, this is in the Rock Hill District, right?

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Ms. Campbell: Yeah, I saw the mistake there on the presentation – yeah, not George Washington.

Mr. Apicella: Okay. Questions for staff? No questions? Okay. Seeing none, would the applicant like to come forward?

Mr. Foroughi: Members of the Commission, Ryan Foroughi, Bagby, Foroughi and Goodpasture, here, engineer of record, representing the applicant, who is Mr. Stonehill. The owner of the parcel is also here as well. We obviously support staff's recommendation. If you have any questions, feel free to ask.

Mr. Apicella: Questions for the applicant?

Mr. Bain: Yes, I have one. You're proposing a dry hydrant to the pond for improved fire protection. Who will be responsible for maintaining the pond? I know this probably... I haven't been to the site, but I assume it's an old farm pond?

Mr. Foroughi: That is correct; it is an old farm pond.

Mr. Bain: And it's not there for stormwater management purposes or anything.

Mr. Foroughi: Correct. Correct, sir.

Mr. Bain: Who's going to maintain the pond? Will it be whoever the sucker is that buys lot 10? Because I know how these small ponds can really turn nasty very quickly, particularly if you get development upstream that uses a lot of phosphorous and nitrogen for their lawns and things. So, will there be any sort of HOA responsibility or anything like that?

Mr. Foroughi: Um, I think the applicant is intending to utilize an HOA. It's my understanding that the maintenance of the faci... the maintenance of the pond or, at least, I would assume, since it would be converted to a dry hydrant, that any sort of maintenance would be for the functioning of a fire hy... you know, for a dry hydrant I assume would be bore by the fire department? But maybe but that's not...

Mr. Bain: The hydrant itself...

Mr. Foroughi: The hydrant itself.

Mr. Bain: ... but not the pond, yeah. And the reason I ask, I have experience with... in my family. My brother-in-law bought a property that had a pond he thought adjacent to his parcel. It turned out that his parcel property line went right through the middle of the pond and the HOA denied any responsibility and he was required to maintain half the pond, at great expense to him. And I think that, you know, should be clarified for this particular development.

Mr. Foroughi: Okay.

Ms. Barnes: Chairman Apicella, I do have a couple questions for the applicant.

Mr. Apicella: Please, go ahead.

Mr. Foroughi: Ms. Barnes?

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Ms. Barnes: So, you all did receive the emails that I sent you, correct?

Mr. Foroughi: I did, yes.

Ms. Barnes: So, just to fill in the rest of the board, I had gotten some emails from the surrounding property owners with some concerns. And I was under the impression that you guys were going to have some information about that this evening.

Mr. Foroughi: I do, yes.

Ms. Barnes: Okay. The first... and I think the properties that have contacted me, I think the overarching concerns are maybe a lack of communication. They don't really know what's going on. They don't know how their wells are going to be impacted. They don't know how the runoff, when it's all cleared, is going to be impacted. I think that one of the property owners is very concerned about the right-of-way at the front of the property and whether or not a large tree was going to be removed. And I think that... actually, one of the property owners was very grateful that Mr. Stonehill actually came to speak to her and talked with her at great length about some of the things that they were going to make sure to happen with this development. And really went to some good measure to be a good neighbor, as he said. And then it just kind of dropped off the map. So, we have some adjacent property owners that don't really know exactly what's going to happen and I think that sometimes a little bit of communication saves everybody a lot of heartache.

Mr. Foroughi: So, would you like me to... I have the emails here on my table. Would you like me to kind of run through them one by one? Or do you have specific... I'm not trying to be coy... do you have specific questions...?

Ms. Barnes: Let's start off with the first one, let's start off with the 77 Joshua, which is the Hamilton property. One of the things that they are very concerned about is they've got the well in the front yard. And I think the first pass at the easement in the front was, I think, very severe and there was going to be one of their mature trees was going to be taken out and then that changed to possibly only a small bush being taken out. And they were very concerned about having the road coming that near to their well and the impact on that well. And does the applicant have any kind of responsibility towards making sure that that well... when these properties are developed, these wells can be really negatively impacted. So that was the one concern. The other concern that she had was the... I don't know whether to call it a right-of-way or an easement that she had...

Mr. Foroughi: It's an easement.

Ms. Barnes: An easement? Okay... that runs along, you know, I don't remember if it's north, south, east, or west explained – as I'm facing it, it would be towards the left – running towards that back barn. They've got that barn that they have used for, I don't even know, maybe 20 years or something. And how that's going to be handled because they have some great concern that they won't know be able to access what they've been able to access. So, if you could clear that one up for us.

Mr. Foroughi: So, if I'm looking at Mrs. Hamilton's email here, originally the application was brought in that... and I'm sorry; Eva, could you go back to the slide please, that was showing the development? Thank you. So, originally the development was the access to the development off of Joshua Road was on the opposite side of the pond; so, I guess a little further on the northern side of the pond. And so, at that point in time, the applicant was speaking with Mr. and Mrs. Hamilton about requiring a site distance

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easement across their property. And that's when this entire conversation about the bush and the well and all the things transpire. Since then, through the review of the preliminary plan, a comment was made by VDOT that it appeared that site distance was going to be a little tight, not saying it couldn't happen, but it was going to be a little tight. So, what they suggested was, was there an alternative and which is then we flipped it to the other side of the pond. And so, the reason there hasn't been any more further communication with Mr. and Mrs. Hamilton about their easement is because there's no need for an easement any more. The site distance is wholly contained looking to the north; wholly contained on their property or within the right-of-way, and it was mentioned by Eva earlier on the presentation that an offsite easement will be required for site distance and grading to the south of the property, which you can kind of see the clearing limits up there now. The applicant owns those properties as well, so those will just be the site distance easement looking south is already in the County for processing and the grading easement is basically the... had already in place, been put in place as well. So, that's why that that communication has...

Ms. Barnes: That was the second part of the conversation that just never took place?

Mr. Foroughi: I would assume so, yes.

Ms. Barnes: Okay.

Mr. Foroughi: And so, any questions regarding to the well, whereas before there could have been an issue with some of the grading that was taking place, they've pushed the development or the access road 200/250 feet, 300/400 feet on the other side of the pond. So, I think that points...

Ms. Barnes: So, that whole front part's kind of a moot point at this point since it's been completely readjusted.

Mr. Foroughi: That's correct. That is correct.

Ms. Barnes: Okay, that's good to know. What about the question with the possibility of an easement so that they could still access their barn in the back?

Mr. Foroughi: I think... I spoke to the applicant before we came to the hearing, and I would just urge Mr. and Mrs. Hamilton to reach out to the applicant. There's not any ill will, there's nothing negative, anything like that, it's just there was really no need to... once we moved the road on the other side, there was just no need to continue going down that path with the site distance easement. So, I would just urge Mr. and Mrs. Hamilton to contact the applicant about working with them on the access easement that they're looking for on the... to the bar... or to the work shed in the back.

Ms. Barnes: Those are two different issues.

Mr. Foroughi: They are two separately different issues.

Ms. Barnes: Yeah, one has been solved and one I think that is still of great consternation I think to that landowner.

Mr. Foroughi: But if I might add, that is a private matter.

Ms. Barnes: Yes, it is. And a good conversation to have.

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Mr. Foroughi: And the applicant intends to reach out to Mr. and Mrs. Hamilton or if they want to contact the applicant, that would be find to discuss that issue.

Ms. Barnes: Okay. And, then we... you read the other ones and it's basically... it's the theme is we're concerned about runoff and we're concerned about... and I just want for you guys to give some assurances to these landowners that, you know, when that land is cleared, proper mitigation standards are going to happen so that we don't have flooding and drainfields aren't compromised, etcetera.

Mr. Foroughi: So... yeah, so, I will try not to bore the Commission with a bunch of engineering jargon, but we actually discussed this pretty... pretty thoroughly at the TRC application that we had because this concern was also brought up. We know that there is some... there is some low-lying land off this property, as the one neighbor indicated in their letter. So, the way that we handle this with stormwater, is the state has passed a... passed an ordinance, or passed a law that we have to reduce runoff by 20% to the existing condition that it's currently in. So, this site is a wooded lot; we will be clearing for roads, we will be clearing for homes. The rest of the... so, that will increase the runoff, so we have to reduce the runoff, we have to submit a stormwater plan, it's reviewed by the County. Mr. Saunders is very thorough with his approach, so we have to reduce it not 20% from the post development; we have to reduce it 20% from its current condition right now. So, any flooding that is there will actually be reduced as a result of this development because it's just state code. We don't have an option around that.

Ms. Barnes: Okay, thank you; that's very helpful.

Mr. Apicella: Thank you Ms. Barnes. Any further questions for the applicant? Okay, seeing none, I'm going to bring it back to the Commission for deliberation and decision. Ms. Barnes, this is in your district.

Mr. Foroughi: I'm sorry, the applicant wanted to know if the owner of the property could speak, if that's okay?

Ms. Barnes: *Inaudible, microphone not on.*

Mr. Foroughi: Of this particular parcel. Oh, I'm sorry.

Mr. Apicella: Okay, sure.

Ms. Loving: Hi, my name is Claudette Loving, and I currently live at the area we're speaking about now. I grew up on this farm; all my life, all my family before me. We had a great time there. In 2001 I was in a very serious car accident. A lot of health issues have become of that car accident. That was great when I had a husband, a mom and dad, sister, to help with this land. They're all deceased. I'm the only one left and I'm disabled. And there's a whole lot of land there that I cannot continue to keep up with. Mr. Stonehill came in and he has offered great improvements to the area of whatever I could provide. And I strongly suggest you please approve him. Thank you very much.

Mr. Apicella: Thank you very much. Okay, again bringing it back to the Commission for discussion and deliberation. Ms. Barnes, how would you like to proceed?

Ms. Barnes: Well, what I'd like to do is make a motion to defer to the first meeting in September to give, if I can, a possibility of those private conversations to happen. I think that, you know, like a said, a little bit of outreach, a little bit of neighborliness, a little bit of conversation can possibly save

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everybody some headache down the line. So, I'd like to make a motion to defer to the first... let's get it to the first meeting in September to make it a quick turnaround.

Mr. McPherson: Second.

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

Mr. McPherson: Yep.

Mr. Apicella: Okay, great. Ms. Barnes, any further comments?

Ms. Barnes: No, thank you.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Nope.

Mr. Apicella: Anyone else? Okay, there's a motion to defer this item until the first meeting in September, which is September 9th. I'm going to do another roll call vote. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Aye.

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: Okay, the motion to defer passes unanimously. Mr. Harvey, item number 11.

11. WAI20153423; Collier Boundary Line Adjustment - A waiver request of the Subdivision Ordinance, Sec. 22-146, "Side lot lines," on Tax Map Parcel No. 56-32D, zoned A-1, Agricultural, on approximately 4.6 acres, located on the south side of White Oak Road west of Shauns Lane, within the George Washington Election District. **(Time Limit: October 25, 2020)**

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Mr. Harvey: Mr. Chairman, item number 11 is a request for a Subdivision Ordinance waiver for side lot lines for the Collier family. Ms. Campbell will make the presentation from upstairs.

Ms. Campbell: Good evening Mr. Chairman and members of the Commission. I'm Eva Campbell with Planning and Zoning, presenting for LeAnn Ennis. I'm here to present a waiver of the Subdivision Ordinance, Sec. 22-143, Shape. The subject parcel is located on Assessor's Parcel 56-328 and 56-32D adjusting .292 square feet of area on A-1 zoned property lying within the Aquia Election District, located on the south side of White Oak Road and west of Shauns Lane. The location of the waiver request for shape is shown here in red. The boundary line adjustment is between 56-32D and the property to the north located on 56-328, which is shown here with the red star. Here's an aerial showing existing conditions, and the star in this picture is the area for the proposed new drainfield. The applicant on 56-328 has a failed drainfield system and was not able to locate a suitable area on his property for a new drainfield. The Onsite Soils Evaluator tested adjoining properties and deemed that the area to the rear of his property, 56-32D, had the best suitable soils to replace his drainfield. Staff discussed different scenarios with the applicant and informed that easements were not permitted for drainfields, and that a boundary line adjustment would be required. Staff, applicant, OSE, and the surveyor discussed several ways to try to eliminate the requirement for any waiver, but failed in all attempts as the adjoining property owner, 56-32D, wanted to limit the area that he would have to provide to meet County requirements of area, side lot lines, and the shape of their remaining parcel, 56-32D after a boundary line adjustment. Because of the minimal area agreed between the applicant and the adjoining property owner, the remaining parcel, 56-32D, will not meet 22-143, Shape, once the boundary lines are adjusted. Section 22-243, Shapes, states that the primary side lot line shall be within 15 degrees of perpendicular from the front lot line, and deviation of subsequent side lot lines shall not exceed 45 degrees from the alignment of the primary side lot line in any direction. A boundary line adjustment would result in side lot lines on Tax Map Parcel 56-32D to exceed the 45 degrees from the alignment of the primary side lot line. This exhibit is blown up of the .292 acres that parcel 328 needs to acquire from parcel 32D for the relocation of the failed drainfield. To relocate the drainfield would be leaving the remaining parcel 56-32D as non-conforming, meaning that the proposed lot lines will create 90 degree turns and will be created for the sole purpose of creating a drainfield. As proposed, this will not meet current Section 22-143, Shape. The boundary line adjustment will make parcel 56-328 more conforming under the A-2 zoning; .686 existing, .978 acres proposed. The area obtained will allow a suitable drainfield to be located on parcel 56-328. The ordinance does not allow easements for drainfields. Parcel 56-328 currently meets, and will continue to meet, all Subdivision Ordinance requirements for shape. The Health Department also approved the relocation of the drainfield and soil works on August 19 of this year for parcel 56-328. The applicant formally requests that the Stafford County Planning Commission consider the waiver request from Section 22-143, Shape. Section 22-241 of the Subdivision Ordinance specifies that criteria must be met in order for a waiver to be granted by the Planning Commission. The applicant must prove that the application of the ordinance requirements would impose an unreasonable burden on the owner, and the waiver would not have any substantial adverse effect on future residents of the subdivision or adjoining property owners. Staff recommends that the Planning Commission make findings relative to the criteria for granting waivers. And that concludes my presentation.

Mr. Apicella: Thank you Ms. Campbell. Questions for staff? Okay, just one quick catch-all question, Ms. Campbell. So, the bottom line here is the applicant or future buyer would not be able to use the parcel for a home absent a waiver. Does that kind of summarize the situation?

Ms. Campbell: Correct.

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Mr. Apicella: Okay, thank you. Alright, with no other questions before staff, Mr. Bain, I believe this is in your district. How would you like to proceed?

Mr. Bain: Yes, it is in my district and I have sympathy for the applicants. I think it's a reasonable request given the situation that they face. So, I would like to make a motion to approve Waiver WAI20153423.

Ms. Barnes: Second.

Mr. Apicella: Okay, there's a motion to approve the requested waiver and it's been seconded. Any further comments, Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Best of luck in North Carolina.

Mr. Apicella: I guess I was a bit in error. I should have offered the applicant a chance to speak if they're here, but it sounds like we're on a path. So... unless they feel like they really need to speak, there's been a motion to approve, it's been seconded; any other comments? Seeing none, I'll take a roll call vote. Mr. Apicella votes aye on approving the requested waiver. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Aye.

Mr. Apicella: Mr. English?

Mr. English: Aye, yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Okay, the motion to approve the waiver passes unanimously. Thank you everybody. Next up, a series of business items are under Planning Director's Report. Mr. Harvey.

PLANNING DIRECTOR'S REPORT

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12. Land Conservation – *BOS Referral*
13. Minor Proffer Amendments – *BOS Referral*
14. Flag Poles and Monuments – *BOS Referral*

Mr. Harvey: Thank you, Mr. Chairman. There are three items that were recently referred to the Planning Commission from the Board of Supervisors. I alluded to one of them earlier this evening, dealing with land conservation. The Board has received requests from a few landowners about potentially donating conservation easements to the County on their property that they own. Donation of conservation easements in general is very positive. It's something that's looked forward to in the Board's Strategic Plan. However, there is currently no policy or process for doing so, other than through our PDR Program where the County's actually buying the easement. In this case, the owner is interested in donating the easement to the County. The County is responsible, since we are part owners in that property through the easement, to make sure that the terms of the easement are being currently administered by the property owner. So, every year we have to do inspection to the property to ensure that all the terms of the easement are still being abided by. And there's other factors that go into accepting an easement. A lot of work's done on the part of the County Attorney's Office, as well as our department, and it has a staffing impact. So, the Board has asked that the Commission consider this issue and also consider potentially establishing a subcommittee to further study this and come up with recommendations. During the discussion at the Board meeting, it was noted that the prior A-1 Uses Committee that was from the Planning Commission that involved some landowners, as well as members from the AG/PDR Committee, that was a very effective process and it was hopeful that the Commission would do a similar effort in this particular situation. Also, the Board referred a proposed Zoning Ordinance Amendment dealing with Proffers to the Commission. The State Code allows the Board of Supervisors to make minor amendments to proffered conditions that have already been set with the rezoning. There are certain limitations to those types of proffers that the Board could handle what I'll call administratively. The code contemplates that the Board could waive the public hearing process for these certain minor amendments. So, this would be something that would be up for further discussion and/or scheduling for a public hearing. And then also, the Board referred to the Commission a Zoning Ordinance Amendment dealing with height of flag poles and monuments. So, staff would seek guidance from the Commission on these three items, whether they need to come back on New Business on the next agenda, or if they're ready to send forward for a public hearing.

Mr. Apicella: Thank you, Mr. Harvey. I'm going to jump in on item number 12 and, unless there is an objection, I'd like to establish a Land Conservation Subcommittee with Mr. English, Mr. Bain, Mr. John Howe, Mr. John Harris, and myself as the Subcommittee Chairman. Is everyone okay with that?

Mr. McPherson: Yes.

Mr. Bain: Yes.

Ms. Barnes: Sounds good.

Mr. Apicella: Okay, great. So, we'll get started fairly soon and I'll reach out to the members and set our first subcommittee meeting. On item number... unless anybody has anything else to add on number 12, I'm going to move onto number 13. So, for the Minor Proffer Amendments, I think it would behoove us to take a close look at the language and see if it's fully squared away or if there needs to be some tweaks to optimize or avoid any unintended consequences. So, with that in mind, I'd like to create a

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subcommittee composed of Mr. Cummings, Mr. Randall, and Ms. Barnes as the Subcommittee Chairman. Is everyone okay with that?

Mr. Randall: Yes.

Mr. McPherson: Yeah.

Mr. Cummings: Yes.

Ms. Barnes: Yes.

Mr. Apicella: Okay, great. So, unless there's any further discussion on item 13, I'm going to move onto item 14. And I've got some questions for Mr. Harvey. Mr. Harvey, what's the range of height limits in Stafford County?

Mr. Harvey: Mr. Chairman, the heights limits are based on each individual zoning category. Most of our Residential and Agricultural zones have a maximum height limit for buildings and structures of 35 feet. However, in the Recreational Business Campus zoning category, buildings and structures could be as tall as 120 feet. Currently, flag poles and monuments are exempt from height restrictions, so they could be as tall as the owner wants it to be as long as it meets appropriate setbacks and building code requirements. This proposed amendment would place a limitation on the height of flag poles and monuments. The current proposal is they would fall in line with the height requirements within each individual zoning district.

Mr. Apicella: Okay, just... just to kind of summarize what I just heard on what the existing limits are, for most residential districts it's 35 feet; for most commercial and business districts it's 65 feet; however, there are circumstances where it could be up to 120 feet. Is that correct?

Mr. Harvey: Yes sir.

Mr. Apicella: Can you let us know, are there any vacant commercial and/or industrial properties along the County's major transportation corridors?

Mr. Harvey: Mr. Chairman, there are quite a few vacant commercial and industrial properties, especially along Interstate 95 and Route 1.

Mr. Apicella: Okay. And from the background information that was provided to the Board of Supervisors when they looked at this item, different jurisdictions have kind of taken different approaches. So, there's not kind of a one-size-fits-all approach that our peer localities have adopted, is that correct?

Mr. Harvey: Yes. And during the discussion at the Board, and also in the Community and Economic Development Committee, there was not a clear... or I should say the Board allowed the Commission the opportunity to make changes as necessary, because some folks had certain opinions about limiting the height, others had differing opinions. So, it kind of goes back to what you were saying, Mr. Chairman, about other jurisdictions regulating it different. Some set a maximum height period throughout their entire jurisdiction. Others have the variable heights again based on zoning categories. So, there's different ways to accomplish the end goal.

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Mr. Apicella: Okay. So, if we establish sort of a one-size-fits-all maximum height, that would mean that same height would be for both residential and commercial, is that correct?

Mr. Harvey: Correct. That's one way it could be done.

Mr. Apicella: Okay, so the Board gave us at least one option to consider, which again is to establish the maximum height at the limits that are provided in Table 3.1. Again, that could be anywhere from 35 feet to 120 feet, right?

Mr. Harvey: Correct.

Mr. Apicella: So, I'd like to propose that we at least consider an alternative. I'm not fully wedded to the numbers that I'm going to suggest, but I just want to see if we can come up with an alternative ordinance that maybe would achieve, or might be a more graduated approach than the referred version. And so, I'm going to just kind of lay it out there and see if other folks are amendable to at least considering this as an alternative option in addition to the one that the Board gave us. So, pardon me if I'm not getting it... the language full correct, but something along the lines that any monument or flag pole may not exceed the lesser of the height limitations in Table 3.1 or 45 feet. Monuments or flag poles exceeding 45 feet shall require a special exception. And monuments or flag poles exceeding 65 feet shall require a conditional use permit. So, I'm just going to throw that out there. So, what that would mean for residential units, the maximum height would be 35 feet; for businesses, it would be 45 feet; however, if they wanted to go above 45 feet, they would need a special exception, and if they wanted to go above 65 feet, they'd need a conditional use permit. And just to kind of remind folks, there's a big cost differential in going between a special exception which I think is about a thousand dollars and a conditional use permit which costs about \$10,000. So, again, I'm just suggesting that we consider a graduated approach that might be an alternative. So, with that in mind, what do folks think about that?

Mr. McPherson: I think it's a good idea.

Mr. English: I would like to see what the other counties are doing, especially if they don't have anything across the board and they do in the different areas. Because if you've got a farm, it's out there in Hartwood, and you want to put a big flag up there on a flag pole or something like that, I don't see why we need to set the limits on something like that. So, I think we should look at other counties and see what they're doing. That's my opinion.

Ms. Barnes: Can I ask a quick...

Mr. Apicella: I definitely think we need more information. I think it would be helpful to see what the size of a flag would be at different height intervals. But, again, I'm just proposing alternative to what the Board...

Ms. Barnes: Mr. Apicella, can I ask a quick question of staff?

Mr. Apicella: Sure.

Ms. Barnes: Is this something that, besides any specific incidents that is, you know, a problem at this point, is the County having some serious problems with the heights of flag poles in general? I'm concerned that maybe this might be a solution in search of a problem?

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Mr. Harvey: Mr. Chairman and Commissioner Barnes, the County has had numerous complaints about one specific flag along the interstate and the height of that flag pole.

Ms. Barnes: But it's my understanding that regardless, that would be legally non-conforming, correct?

Mr. Harvey: If the ordinance is changed and the ordinance requires a lower height, that pole structure would be non-conforming, correct.

Ms. Barnes: Okay, so besides that, have we had any major problems that would cause us to have to create something to get something in control?

Mr. Harvey: Commissioner Barnes, currently we've not received a plethora of complaints other than that one structure.

Ms. Barnes: Okay, thank you.

Mr. Apicella: But, I guess the point is and the Board's concern is without any maximum height limits, you could get flags that are on poles 200 feet tall and all across the County.

Ms. Barnes: Valid concern.

Mr. Apicella: Other than for safety issues, there's really no other way of limiting the height of flags based on the current Ordinances.

Mr. Randall: Mr. Chairman, this is Mr. Randall. So, A-1... if I had an A-1 property – I don't have 3.1 in front of me, Steven – so, what's the limit for an A-1 property for flag poles?

Mr. Apicella: I believe that's 35 feet. Correct me if I'm wrong, Mr. Harvey. No, what I'm saying is if we went with the Board's proposal, it would be 35 feet. Currently, there is no maximum height limit.

Mr. Randall: Right, I understand that. So, this is hypothetical in nature... rhetorical I should say... in nature because I'm sure nobody would know. If we put everybody back to 3.1, how many people in the County would now be non-conforming? Is there any way to know that?

Mr. Harvey: Commissioner Randall, we could research it to the best of our ability. Some of it will go back to the time of when that structure or monument was built. If it was built more than 20 years ago, we may not have the records any more. But if it was built since that timeframe, we may be able to determine what the height was based on the building permit.

Mr. Randall: Okay. And then the other question... thank you, Mr. Harvey. The other question I had was, you know, based on the staff report, it says, non-conforming structures can continue to exist. There are limitations to the amount of improvements that can be made to non-conforming structures before they're now required. So, Steven, a long story short, I'm interested in moving this to New Business, but I'm also interested in that process to get some questions answered from staff as to what those limitations for improvements would be, what kind of... how many we think would be affected by a change to the 3.1 table of limitations, and Steven, this goes directly to your point of I'm not sure that we should continue with the unlimited, but I'm also not sure that we need to go back to a 3.1, especially for flags. You know, if I've got an A-1 and I'm in the middle of nowhere and I put a 50-foot flag on my property, who does that hurt? Who does that bother? I don't understand. So, I think there's some more issues

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that we need to talk and get some information from staff. So, if there's nothing else, Steven, can I make a motion to that?

Mr. Apicella: Make a motion to what?

Mr. Randall: Oh, we don't need a motion to move it to New Business? Okay, thank you. Never mind.

Mr. Apicella: Yeah. Again, all I'm suggesting is, if other folks have other alternatives that they want us to look at the next meeting, you know, we could certainly do that. And staff definitely will provide more information to get us better informed about the current state, what would be... what things would look like if the Board approach was approved, and again, what the things might look like under the alternative that I'm suggesting. Is that fair?

Mr. Randall: Yes.

Mr. English: Yes.

Mr. Apicella: Okay. So, I don't think we need to take a vote on it. I think we could just kind of move forward. So, unless anybody else has anything else to offer on that one, I'm going to move onto County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Good evening...

Mr. Apicella: Jeff, do you feel like you have enough direction?

Mr. Harvey: Yes sir, we do.

Mr. Apicella: Okay, great.

Ms. Lucian: I have no report.

Mr. Apicella: Okay. Committee Reports. Senior Housing Subcommittee; Mr. Randall.

COMMITTEE REPORTS

15. Senior Housing Subcommittee
Meeting Summary

Mr. Randall: Yes. Alright, in lieu of time, we'll make this quick. Hopefully everybody's had a chance. We have 12 pages of our guidelines. Hopefully everybody's had a chance to look at it. Basically, what we did was the three of us, myself, Mr. Apicella, Mr. Cummings, formed a subcommittee. We took some initial guidelines that had been given to us and we scrubbed them fairly rigorously with some help of staff. I do appreciate their involvement in this. We were able to send a draft out to several builders; I believe there were three that we sent these out to and then we received feedback from. We incorporated the appropriate changes that we thought were good coming from the builders, and we have formulated a set of guidelines that we would like to get moved forward tonight to send to the Board for their approval to be included in the Comprehensive Plan. These include everything from what happens... where they're

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located, what the building looks like, what the apartment or amenities... what the amenities need to be, what the apartment needs to look like, the different guidelines for what happens inside the apartment all the way down to the width of the opening into the bathrooms. So, hopefully, everybody's had a chance to look at those. And so, I'm open to any questions anybody may have.

Mr. Apicella: So, Mr. Randall, I think there's two action items here. I think the first action item, and I'll accept a motion to this effect, is to refer the draft guidelines to the Board of Supervisors to authorize the Planning Commission to conduct a public hearing. Is that... is someone willing to make that motion?

Mr. Randall: So moved.

Mr. Apicella: Okay, is there a second?

Mr. English: I'll second it.

Mr. Apicella: Great. Any further comments, Mr. Randall, on that specific motion?

Mr. Randall: No.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: Okay. Again, so there's a motion to refer the draft guidelines to the Board so that they can authorize the Planning Commission to conduct a public hearing. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Aye.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

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Mr. Apicella: Great. That motion carries unanimously. There's a second tasker here potentially based on the staff report and the findings of the subcommittee. And as we kind of talked about earlier during one of the public hearing items, the subcommittee was concerned about the current standards, parking standards for senior housing, that they're the same whether it's a 55-year old living in the unit or a 75-year old. So, I think what we'd like to potentially do, and I would ask for a motion to this effect, is to request the Board of Supervisors to authorize the Planning Commission to re-evaluate senior housing parking requirements. Is there a motion to that effect?

Mr. Bain: So moved.

Mr. Apicella: Was that Mr. Bain?

Mr. Bain: Yes.

Mr. McPherson: Second.

Mr. Apicella: And Mr. McPherson seconded. Any further comments Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No.

Mr. Apicella: Okay, I'm going to take a roll call vote on that motion. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Aye.

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.

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Mr. Apicella: Great, that motion carries unanimously. Mr. Harvey, I just want to be clear that you understood the requests of the Planning Commission to the Board of Supervisors on both items.

Mr. Harvey: Yes, sir. I did understand and we'll work to put that on a future Board of Supervisors committee agenda.

Mr. Apicella: Great. And just real quickly, I wanted to express my appreciation to the subcommittee. I think they did yeoman's work over a two month period and got us from ground zero to a very robust set of draft guidelines that I think will help guide how future senior housing subdivisions are built in the future, again aimed at mitigating potential risks and enhancing the safety of residents. So, again, my thanks to Mr. Randall and Mr. Cummings and to staff, especially Mr. Zuraf who did an outstanding job here. Moving onto the next subcommittee, Healthy Growth. Mr. Bain?

16. Healthy Growth Subcommittee
Next meeting – September 2 @ 3:00 PM in the Activities Room

Mr. Bain: Yes. I passed out this evening a preliminary version of the document that the subcommittee has prepared discussing development management options, as opposed to the Board of Supervisors' proposal to establish a 10-acre minimum density for A-1 zoned lands. I know you haven't had a chance to review it, and I just apologize; there are some errors in a few of the numbers in here due to some incorrect numbers that were provided to the committee. We will be making those revisions very quickly. But the bottom line is that we have come up with three development options that we would hope the Board of Supervisors would be willing to consider. One would be a sliding scale where the density, minimum density would be established based on the size of the original parcel. The other would be a by-right subdivision ceiling where you would establish that no existing parcel could be subdivided into more than 10 sub-parcels of varying sizes. And the third one... or if they wanted to go beyond 10, they would have to ask for rezoning. And the third one would be to establish agricultural transition zones where the density, minimum density would vary depending on how far the parcel was from an Urban Service Area boundary. The further out you go, the larger the minimum lot size or minimum density would be. There are some other pieces of information in here: a table comparing Stafford County versus other counties in the region; and another table that identifies the possible number of lots or units that could be built under various minimum density lot sizes. The reason we're pushing this is that the Board of Supervisors, it's our understanding that they are very... very soon going to be considering the 10-acre minimum lot size and we want to get something before them that could possibly make them think a little further and consider these other options. So, at this point, Mr. Apicella, we can't recommend sending this to the Board as it stands. What would be our option on this?

Mr. Apicella: Yeah, I think what we can do, Mr. Bain, is, with the Commission's approval, to send a modified version that say you and I would work with staff on in the next couple of days to get it squared away so that it can be included and provided to the Board for their September 1st meeting, understanding that what's here is just some preliminary information and that it's the intent, I believe, of the subcommittee to further flush out how each one of these three options could potentially work in Stafford. So, it's just some overview information and we would do potentially a deeper dive at a later date with additional information. And along those lines, what I would recommend, Mr. Bain, also is that we respectfully ask the Board to give us another 30 or 60 days to finalize a more comprehensive report that includes again some background... more background information and these three options further flushed out. So, I think... I'm not sure if it requires a vote, but let's just say it does, so I would ask for a motion again to provide a modified report to the Board for the Commission to authorize yourself and myself to

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work with staff to provide a modified version of this document and to also ask the Board for another 60 days so that we can further work on this item.

Mr. McPherson: So moved.

Mr. Harvey: Mr. Chairman?

Mr. Apicella: Yes.

Mr. Harvey: Excuse me. For your... for the Commission's information, the Board of Supervisors meeting next Tuesday, September 1st, they're agenda materials will be posted tomorrow. So, if there is any additional work to be done between now and September 1st, that will not get conveyed to them based on the discussion of this meeting. So, in the staff report, I would hope that I could get some guidance from the Commission as to what message do you want me to put in the staff report to send to the Board. Is it the summary of the text that the Commission...

Mr. Apicella: Mr. Harvey?

Mr. Harvey: Yes, sir.

Mr. Apicella: I think between today and tomorrow, I don't know what time you're going to get that information to the Board, I think it's just a matter of making sure that we have the right baseline numbers and that we're working for an apples to apples comparison. So, if we could get on that quickly, early in the morning, I think we could get this finalized.

Mr. Harvey: Mr. Chairman, part of my concern is that I know some of us already have commitments in the morning and it may be difficult to try to achieve that goal.

Mr. McPherson: I'd recommend that...

Mr. Randall: Steven, what's the... I'm sorry. What's the rush, Steven? If we've only got a 50%, 75% product, why don't we make sure that it's as close as possible to being good.

Mr. Apicella: I hear you. The Board is on a very fast bell here. They intend on scheduling a joint public hearing in October, and I believe that we need to provide them some information, some more information. I don't think a summary of this summary is going to provide enough information for them to see that these are some reasonable and rational alternatives, and also to understand the context in which and why we're suggesting these alternatives. So, again, I think if we could get just a half hour of staff's time tomorrow morning and find out what the right numbers are between Al and myself, I think we could get this document finalized.

Mr. Harvey: Mr. Chairman, we'll work to try to set up a Web-Ex meeting and see if I can get appropriate staff together and to work towards that end. I'll inform the County Administrator's office so they'll know that we'll be making additional recommended changes to that staff report tomorrow.

Mr. Apicella: So, that's one piece of this. I also think, and I can't say whether they're going to be receptive or not; this is a big issue that involves a lot of complex information. And we've only had two months to work on it. I think if we had some additional time, we could further flush this out and get them a fully solid product. So, that's why I'm suggesting again that in the summary or in the information

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that you provide the Board, that we ask them respectfully for an additional 60 days. They may not give us 60 days, they may not give us 30 days, but it's worth at least asking given the potential impacts of what they're proposing to do. So, again, I think we can do this by consensus. I'm, again, asking for permission for Al and I to work with staff to get this document squared away as it is, and also to ask for additional time. Does anybody object to that?

Mr. Randall: Well, yeah, I hate to hesitate to ask the Board for additional time when we know they have a full intention of having a joint public hearing in October. If, you know, if we needed to get something to them by the 2nd of September, the 1st of September and we're not ready, that's on us.

Mr. Apicella: That's not fair, Mr. Randall. We've had six meetings.

Mr. Randall: I understand that, I understand that. Then, you know, I don't know. I don't think that I... I don't feel comfortable asking the Board for more time when we know what their timeline was from the very beginning. So, probably sending them what we have and saying this is a... this is half of what... we'll give you more by the end of September but this is what we're looking at doing. You know, let's summarize the three options so there's no on the table... I don't...

Mr. Apicella: Okay. I appreciate that I can't get consensus, so I'll ask for a motion, again, a two-part motion to authorize Al and I to work on this and finalize what we have with staff tomorrow, and the second piece to ask for more time. So, are there further comments?

Mr. Bain/Mr. McPherson: So moved.

Mr. Apicella: First of all, is there a motion to that effect?

Mr. McPherson: So moved.

Mr. Apicella: Is there a second?

Ms. Barnes: Second.

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

Mr. McPherson: It's definitely the right thing to do.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: I'm good.

Mr. Apicella: Okay. So, I'm just going to take a quick roll call vote on what we just discussed. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

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Mr. Apicella: Mr. Cummings?

Mr. Cummings: Aye.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Sure, yes.

Mr. Apicella: Okay, great, the motion carries unanimously. Again, I want to thank the committee that worked on this. I wasn't formally a part of the committee but I did participate. Again, I think you all did outstanding work. Moving onto Chairman's Report. Just as the last couple of meetings since I'm participating virtually, pursuant to our by-laws, I'm hereby authorizing the Vice Chairman to sign any documents in my absence. Onto Other Business, I think there's some TRC items that have been distributed by staff. We don't have any minutes to approve tonight so, with no further business before the Planning Commission, I hereby adjourn tonight's meeting. Thank you everybody.

CHAIRMAN'S REPORT

OTHER BUSINESS

17. New TRC Submissions
- Taylor Bott Ind Pk Lot 7 – 20153323 - Falmouth Election District
 - Cherryview Landing – 20153418 - George Washington Election District
 - Telecom Banks Site – 20153421 - Aquia Election District

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:41 PM.