

STAFFORD COUNTY PLANNING COMMISSION

February 27, 2019

The meeting of the Stafford County Planning Commission of Wednesday, February 27, 2019, was called to order at 6:30 p.m. by Chairman Crystal Vanuch in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Mike Zuraf, Rysheda McClendon, Eva Campbell, Amy Taylor, Andrea Hornung

DECLARATIONS OF DISQUALIFICATION

Ms. Vanuch: Any declarations of disqualification or disclosure from any members on the Commission for any item on the agenda this evening?

Mr. English: Madam Chairman, just we met... I met with the folks with Village of Greenbank on Monday to discuss the... I met with Chris Hornung, just to let you know.

Ms. Vanuch: Okay, thank you Mr. English. And I, just for the public's transparency, I also was in attendance at that meeting with Mr. Hornung discussing the applicant's proffer amendment and the ordinance amendment. Okay, now we'll move on to public presentations. This is the point in time where any member of the public who's here this evening may come forward and speak for 3 minutes. If you come forward, you can only speak about any item that is not a public hearing. So, if you're here tonight for the Villages at Greenbank Proffer Amendment or the RBC Amendment for the Zoning Ordinance, then you would not be able to speak about those two items. Is any member of the public wishing to come forward to speak? Okay, seeing no one come forward I will close the public presentations portion for this evening and move on to the public hearings. The first item on the agenda this evening and the second item we'll be hearing together, which is the Villages at Greenbank Proffer Amendment and the RBC Zoning Ordinance Amendment. And I will, before you start, Mr. Zuraf, I just wanted to remind the Planning Commission that a lot of staff was here very late last night for another meeting and so we would like to streamline tonight's presentations by allowing the staff to do their presentation, the applicant to come up and do his presentation, and if the applicant would only hit on items that staff didn't present. And then we will open the public hearing, then we'll bring it back to the Planning Commission to ask questions and... of the applicant when he comes back up. And again, if the Planning Commission has any points of clarification they would like to get from staff, please get my attention and we'll move forward that way. Mr. Zuraf, go ahead.

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

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

March 29, 2019) (History: December 19, 2018 Public Hearing Continued to February 27, 2019)

Mr. Zuraf: Good evening Madam Chairman, members of the Planning Commission, Mike Zuraf with the Planning and Zoning Department. And just for clarification, we do... the first two items, we have those as separate presentations so we can... we just have to take a break if you want everything presented at once, but it is kind of... we do have it separate.

Ms. Vanuch: Okay, then you can do it separate. Will we have to do the public hearing separately then? Yeah? Okay, alright, that's fine then. Go ahead.

Mr. Zuraf: Okay. So the item for consideration is the Proffer Amendment for the Villages at Greenbank. This is a request to amend proffers on property that's zoned RBC, Recreational Business Campus. It would involve the approval of 1,177 dwelling units in a retirement housing development. There are two parcels involved that cover 441 acres. The applicant is Silver Companies, represented by Chris Hornung. And the owner of the property is Silver Celebrate VA Golf LLC. Just as a reminder of the site, it is... the property is highlighted in red on this map. It's located at the southern terminus of Celebrate Virginia Parkway, where a portion of the northern property boundary follows the road and also it's on the south side of Scott's Ford Lane. The property is the southern portion of the 1,200 acre tract that is zoned RBC, Recreational Business Campus. The RBC zoning is the deep purple colored area on the map, on the zoning map. The property was included in the original 1,170-acre RBC rezoning that was initiated by the Board and approved in 1999. There are currently no proffers on this portion of the RBC zoning district, but staff does note there are use restrictions associated with land use concept plan that is associated with the RBC district. So, just for an update of the application, some of the history, the first public hearing occurred on December 19, 2018. The item was deferred to this meeting and the public hearing is still open. In the meantime, in January the Planning Commission did review and made changes to the concurrent RBC Ordinance Amendment. One of the main changes made by the Planning Commission was to reduce the maximum retirement district area, that was being requested, from 47% to 35. So, this would be basically, in essence, an increase from 30% to 35% with the change to the proposed Ordinance. So, this has an effect on this application. The current application wouldn't conform with this version of the ordinance, so the applicant is currently working on revisions to the application in response to the ordinance changes. The applicant did request a 120-day extension to the time limit. The Planning Commission did agree to this and asked the Board for the extension on both this proffer amendment and the concurrent ordinance amendment. The Board is going to consider the request at their March 5th meeting. So, just to kind of rehash the proposal, the RBC district does require the submittal of the preliminary concept plan, which establishes the land use pods where different types of development are permitted in the RBC district. The current concept plan is shown on the left. The proposed concept plan is shown on the right. Just so you know, or just to reorient you, the area subject to this application is generally in this area. So, currently it's designated as a resort district, which has limited potential for additional residential development; it's generally recreation uses that are permitted. So, the proposed concept plan on the right would expand the retirement district land use pod, shown in purple, down into this area, into the subject area, where the resort district was. Also, a new land use pod of a conservation district has been added as a new category. That's shown in light blue and that is generally in the location of conservation easements and restricted building areas; those are in these areas and basically surrounding the perimeter of the site, which includes a lot of the land adjacent to and along the Rappahannock River. With the addition of conservation districts, the current retirement area would be reduced from 357 acres down to 270 acres. The new retirement district would cover 287 acres. So, in effect, the old area kind of shifts 87 acres of retirement district from this area down to the new area. So, you kind of have a net gain of 200 additional acres in the retirement district.

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Mr. Apicella: Madam Chairman? I'm sorry, can you explain how that happens again? Where is that coming from?

Mr. Zuraf: So that 87 acres is basically the conservation land. This doesn't really help, but it's the light blue areas in this location would... the area that basically amounts to 87 acres.

Mr. Apicella: So, it's a net reduction in total conservation area?

Mr. Zuraf: No, it basically is... the conservation area is a new land use pod. And in that area it amounts to 87 acres where... in an area where previously it was just all designated retirement district.

Mr. Apicella: I'm still trying to understand what the net effect is in terms of how it impacts the number of units or acreage into retirement.

Mr. Zuraf: Right, so in the current area on the right you have 357 acres, and under the proposal you drop down to 270 acres in this location. So, in effect it's a reduction of 87 acres and it's transferring over to this location.

Mr. Apicella: So, it's just moving it, it's not... I'm just trying to figure out, in total acreage devoted to retirement office, pre- or current versus new, how does that... what's the net increase in acreage that's devoted to?

Mr. Zuraf: The net increase is 200 acres.

Mr. Apicella: So, 200 more acres of developable land?

Mr. Zuraf: Yes.

Mr. Apicella: Okay, thank you.

Mr. Zuraf: So, the Zoning Ordinance allows currently up to 30% of the district to be developed with retirement housing. The current concept plan shows nearly 30% of the district as retirement housing. The proposed plan increases the percent up to 46.5%. This image depicts the conceptual layout for the proposed 1,177-unit development. The project is proposed to be developed into three villages; they're shown in different colors on this plan. In total, there would be 236 detached units, 588 duplex units, and 353 townhouse units proposed. The primary access road would extend from the current end of Celebrate Virginia Parkway through to a roundabout, and then there's some internal roundabouts, and then also kind of the primary road runs through to the end of the development where there is a proposed interpretive park. The proposed interpretive park is in this location. Access to that park would run through the neighborhood in this direction. And one additional access point is proposed onto Scott's Ford Lane, generally in this location. There are several amenities in this project; a main clubhouse with indoor and outdoor amenities is located in this area. There's one-acre parks within each section, within each of the three villages in these spots here. There's a Civil War interpretive park in this location. The interpretive park, as already identified, covers 66 acres on the southern end of the site. And then there's additional sidewalks and an 8-foot wide trail, shared-use paths proposed throughout the development and connecting to the existing shared-use path that runs along Celebrate Virginia Parkway. Looking at the evaluation of this proposal, it is consistent with the land... there's several positive aspects consistent with the land use recommendations in the Comp Plan, which support residential development in this location consistent with the established development patterns in the area. And also park amenities would provide opportunities for recreation and historical cultural interpretation on the site. Proffered

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improvements are included to Celebrate Virginia and the Banks Ford intersection that are consistent with VDOT recommendations. This includes construction of a traffic circle at that intersection to improve safety in that location. Also, proffered improvements, amenities, and monetary contributions would help to offset impacts. There are some negatives; it would result in less land for potential recreation or commercial uses which is inconsistent with the original vision for the development and intent of the RBC district. There are concerns expressed by the Utilities Department that have not been fully addressed yet. And monetary proffers are below guideline recommendations. Staff does recommend deferral to allow time to work through utility concerns and to provide the applicant time to revise their application in response to recent changes to the ordinance. The time limit for a decision is March 29th and the Board again is considering the extension at their meeting on March 5th. And that's the end of the presentation.

Mr. McPherson: Mike, one quick question if I may. Just briefly, what are the Utilities' concerns?

Mr. Zuraf: There were concerns that the overall intensity of this development was not fully... that the downstream, so to speak, planned improvements to the utility network, sewer and water network, they wanted to make sure that they can handle the additional development envisioned in this development, in this project. There's concerns the overall evaluation as part of the Utilities Master Plan may not have considered or assumed as much development as being proposed in this area.

Mr. McPherson: Thank you.

Mr. English: Mike, when would they be able to give you an answer you think?

Mr. Zuraf: That's in the process of I guess going... there's some back-and-forth between Utilities and the applicant and...

Mr. English: So, it's all depending on units, that's what it's gonna base it on, right?

Mr. Zuraf: Potentially, I guess unless an evaluation shows that everything's okay. So, it's in the process of being considered and evaluated.

Mr. English: Okay, alright, thank you.

Mr. Zuraf: So, the proposed units might be okay but that's not been determined just yet.

Mr. English: Okay.

Mr. Bain: Mike, the application for the 120-day extension, would that start March 5th if the Board approves it?

Mr. Zuraf: I believe it would, I'm not certain what the... how the exact language goes, but it would be either...

Ms. Vanuch: It's from the time we see it.

Mr. Zuraf: Right, so maybe the next meeting after.

Ms. Vanuch: No? Rysheda's shaking her head no, so.

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Mr. Zuraf: So that would be March 13th I believe.

Mr. Bain: Alright, thank you.

Ms. Vanuch: Mr. Apicella, one more question and then we'll bring up the applicant.

Mr. Apicella: I'm just trying to understand how the math works here. So, you indicated that 200 acres are being shifted that could now be developable, they originally proposed a 47% cap versus a 30% cap that currently exists. I know there's a proffer that would limit that to 1,177. Let's just, again, just try to understand the math. If I take 200 acres and multiply it by 7, absent the proffer, that gives me 1,400... about 1,400 additional units. Is that about right?

Mr. Zuraf: Well, in this case, as far as considering full build-out...

Mr. Apicella: Yeah.

Mr. Zuraf: ... I would actually apply 7 units per acre to the full 287 acres, because...

Mr. Apicella: Two hundred eighty-seven acres?

Mr. Zuraf: Yeah.

Mr. Apicella: Oh, that's even higher than 1,400.

Mr. Zuraf: Yes, because I just... I use that the 87 acres were being transferred so, but what the actual development area is 287 acres in total.

Mr. Apicella: So, what's the math on that?

Ms. Vanuch: Two thousand nine.

Mr. Apicella: No, total number of units times 7. If it's 209 acres? Two hundred eighty seven acres...

Ms. Vanuch: Times 7.

Mr. Apicella: Right, that's not 209.

Ms. Vanuch: It's 2,009.

Mr. Apicella: Oh 2,009 -- I heard 209, I'm sorry. My math is bad but not that bad.

Ms. Vanuch: I know Mr. Waldowski is not here tonight, but I can use my calculator.

Mr. Apicella: Okay, and so are they able to shift land around at the current 30% cap?

Mr. Zuraf: Yeah, I guess in essence they could potentially shift those 87 acres over and apply that to this location. That may still require a proffer amendment but it... we'd have to evaluate that or consider...

Mr. Apicella: But, again, I'm just trying to understand...

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Mr. Zuraf: Yeah, 87 acres could be shifted over...

Mr. Apicella: So, that's 87 times 7, that's 609 on top of the 11... on top of the... what's the current number? About 1,200? No, I'm talking about the current number that they could do at the 30... that's currently thought that they're going to be able to do under the 30% cap. I'm just trying to figure out what the range is if nothing happened here.

Mr. Zuraf: So, under the current RBC zoning area or land use area, there's 1,055 units.

Mr. Apicella: One thousand fifty-five. Does that include the apartments?

Mr. Zuraf: No.

Mr. Apicella: So that's another 250-ish?

Mr. Zuraf: Two hundred eighty-seven.

Mr. Apicella: Two eighty-seven; so a little over 1,300, right?

Mr. Zuraf: Right.

Mr. Apicella: So, again, at 30% if they shifted the 87 acres, they could get another how many units on top of 1300? Six hundred nine. So, basically about 1,900 units. If nothing happened other than the proffer amendment moving acreage around, right?

Mr. Zuraf: Right.

Mr. Apicella: And we've proposed a cap of 35% -- I know there's more discussion of it in the next item, but these two pieces are very much linked together. I think in that staff package it says 436 additional units on top of, again, I think the 1,300 that they have now, so. Is that truly the cap or could they do more based on the information that you have?

Mr. Zuraf: Yeah, it was actually more, so yeah. When I did that initial, and I was going to cover that in the ordinance portion, the... yeah, I did not account for the 87 acres that were shifting over. So, it was more.

Mr. Apicella: So it's another about 600 units, taking it to about 1,030 units at 35%? I'm just...

Mr. Zuraf: The effect of the... you're referring to the ordinance change and the 35%?

Mr. Apicella: Yeah, the two pieces together, what's the max that they could potentially do?

Mr. Zuraf: Yeah, that's 1,050 dwelling units.

Mr. Apicella: One thousand fifty at 35%. Okay, thank you.

Ms. Vanuch: Alright, Mr. Hornung, would you like to come up?

Mr. Hornung: Good evening Chairman Vanuch and members of the Planning Commission. My name is Chris Hornung. I'm Vice President of Operations for Rappahannock Development Group and I'm the

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applicant in this case. During the January meeting, the change in the 35%... Mr. Apicella, you stated that they are linked, they're very much linked... to the proposal that was submitted assumed 47%, which was the land area, and a cap of 1,177 units. A change to 35% at the same density that was originally proposed equates somewhere around 490 to 500 units at that... at what was originally proposed, which was around a 2½ to a 3 unit to the acre density was what the original proposal was, if you looked at it. The 35%, and I know that's in the next case, does present some challenges primarily from the fact that age-restricted retirement communities are attractive because of the amenities. And the amenities are dependent upon, to some degree, the number of units. We did hear you in the last meeting and your concerns, that you were concerned about the intensity, the number of units, the timing of the amenities being built, the increase in cash proffers, and in concerns over Parks and Rec. The challenge we've had is that going from 47 to 35 is a big undertaking for a project that had been in the planning process for about a year. That's why we've asked for the additional 120 days is because it is a big impact and we want to have something comprehensive that we can submit to you. And we're well on our way. We've got a couple of different options. We'd like to get staffs input on those, but that was really the reason for the request is we understand your concerns. We may come back and request another look at that 35% in concert with a reduced number of units, a reduced proffered number of units, that may be more palatable to the County. We're not, at this point, proposing to do a trade and do things by-right. We understand that the number of units is critical and is the main area of concern when it comes to the percentages. So, we're willing to work with the County and come up with a number that makes sense if the County were to agree to approve it and move forward with the project. Or allow us to approve forward with the project. Going back to the point about the amenities in a project, I have some handouts for you that I've given to Mike that can be posted online after the meeting I guess as part of the meeting minutes. Within this, this is the original vision guide we had for the project which we did not share with you in the first meeting. We felt, at that point, the scope of the presentation and handing all this stuff out may have kind of taken over and may have required more time than you would have been patient for. But in that is a Washington Post article from September of this year that talks about the competitiveness of age-restricted retirement communities and how communities are upping their game on amenities to attract retirees. As we've talked about previously, individuals in the U.S. 65 and older is one of your fastest-growing demographics. According to the Weldon Cooper Center, residents 65 and older are expected to increase by 88% in Stafford County by 2040, so a very large increase. Those residents are... jurisdictions are competitive for those residents because they reach an age where the revenues they generate far exceed what they cost a county and services because of the lack of schoolchildren, but you still have high quality homes that pay taxes in the county. So, basically what I wanted to come and say tonight is we're simply not ready with a revised proposal. We've heard your concerns, we're modifying it. If there are additional concerns, we will continue to work on massaging this. But we do feel we need the additional time in order to address it because many of the questions that were asked are different. There are different answers to... at a community that is on significantly less land and maybe at a different density. So, that the questions are a little bit more difficult to answer when you don't have a final product just yet. Lastly, there was one comment... there were a couple of comments dealing with shortfall on proffers and the County's proffer guidance. I did a little research with the County; I just wanted to convey this to you all. The original proffers... your current proffer guidance I had mentioned in the previous meeting that they weren't based on any computations that the county did. After further research with the county, what it appears is that back in 2002, when those were originally drafted, the County assumed that age-restricted to be very similar to apartments, so they simply just copied all of the numbers from apartments and put it down in the age-restricted without an analysis, which is not really an appropriate way to compute what proffers should be. In 2005, the County went through an evaluation of its proffers and was very close to adopting new proffers at that time. I have copies of the County's proffer evaluation that they did. The reason why these weren't adopted was because of the proffer legislation that was passed by the General Assembly which kind of derailed this. But what staff computed is that age-restricted single-family homes should pay a proffer somewhere in the range of

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\$5,400 per unit and townhouse \$4,157. Those numbers are substantially lower than what your current guidance is. This was based on an actual evaluation of number of residents and the impact that retirement has on the community. It's a much more accurate computation that the County did, it just wasn't adopted because of the General Assembly passing the proffer bills. So, I have copies of this, this came from Mr. Harvey and your computations and I just wanted to provide that to you this evening. So I'm ready to answer any questions you may have.

Ms. Vanuch: Are you sure about that?

Mr. Hornung: And just knowing that we're in the middle... we were in somewhat of flux, as we're trying to figure out what this ultimately will look like with additional restrictions on number of units and land area.

Ms. Vanuch: I think this is fair to do probably before the public hearing just so everybody kind of is on the same page and they understand. Mr. Apicella, did you have some questions on the acreage allotments?

Mr. Apicella: You know, I think I've asked those questions and I think Chris probably understands where I'm going and what my concerns are. I did notice in the staff report here that it mentioned the impact on fire and rescue for age-restricted development or complex is 125% higher than a non age-restricted. I take that to mean more than two times the normal amount of impact. And so it really begs the question, again I haven't looked at the proffer guidelines in a long time, we're not really using those proffer guidelines, and I think again based on some more research and experience that I've had that perhaps we may be underestimating the impacts that age-restricted communities have. I think in some ways they demand more services. Again, Fire and Rescue being one, Parks and Rec being another, libraries, because as I said at a previous meeting these folks are looking for things to do during the day. They're not going to just sit in front of their TV all day 24/7. They're going to want to get out into the community. I go to the Y and I see a lot of seniors and I'm close to being a senior myself. But I think they do want services and they want services during the day. So, I think that's probably something we want to take a greater look at and if you have some more evidence to demonstrate that they require fewer amenities or fewer types of activities, I'm happy to take a look at it. Obviously, Florida has a lot of retirement age communities. Some of those communities do have some amenities on-site, but again I see people, I used my mom who's 82 years old as an example, she's constantly out and about doing stuff in the community so, and she does demand a lot of services. So I think we need to maybe take another look at it. Maybe the \$5,400 is right, maybe not; I don't know at this point in time.

Mr. Hornung: If you don't mind me responding to a couple of those. Retirees absolutely demand services and I don't know, have you visited the Del Webb community at Celebrate?

Mr. Apicella: I've been by there, yes.

Mr. Hornung: The amenities and the recreational facilities that exist there, in my opinion, far exceed anything that the County offers to county citizens at large. The programs that they have, the trips, the clubs, the walking trails that they have along the river, the clubhouse, and the gym that exists, the two pools -- those are part and parcel of the attraction of why people want to move to a retirement community. So, I do agree they do look for those services, but I doubt you will find anyone who lives in those communities that exists today going to the Y instead of working out in the gym that exists there.

Mr. Apicella: I know some of these people, I do see them at the Y, and I see them at the library, and I see them at some of our parks. You know, I'm not saying they're gonna be there all the time, but they

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are going to demand amenities outside of their own complex. And they're going to be on our roads driving to get to those amenities and/or shopping.

Mr. Hornung: Right. And our proffer analysis, if you looked at it, it did evaluate all of that. It evaluated the number of trips, it evaluated the frequency, the number of residents, and what we were proposing was in line with the impact that they have. I do believe that on Fire and Rescue, you do have a point. We did, just between the last meeting and this meeting, get information on increased service. It wasn't broken down between Fire and Rescue. All of these units will be sprinkled, so as far as a fire goes these are sprinkled buildings, which is not a requirement countywide; it is required in this development. And rescue services on a daily... on a usage basis, the fees associated with ambulance calls are typically reimbursed to the County through insurance payments. So, when we discussed this with staff, staff did not identify any CIP, any specific CIP needs for this community, which is normally what proffers go towards. But we are happy to increase, if there is a concern that it's not high enough, we are willing, knowing that there are more frequent visits from ambulances, we are willing to revisit that and see if there's an increase that's appropriate there.

Ms. Vanuch: Alright, perfect, thank you. Okay, so at this time we'll open up the public hearing for this item. So, if you're here this evening to speak on behalf for or against the Villages at Greenbank Proffer Amendment, please come down to the microphone and the podium. State your name, address, the district that you reside; you'll have 3 minutes when the green light comes on, 1 minute when the yellow light comes on, and when the red light starts blinking please conclude your comments. Would anyone like to come down? No? Oh, come on down.

Ms. Lawrence: My name is Barbara Lawrence and I live in Celebrate. And I've lived there about a year, as well as the two ladies I'm with. And one of the major concerns that we at Celebrate have with the thought of... with the proposal of bringing this added environment of all those people is all the cars, the traffic. And even without that, we at Celebrate would very much like to see at least two traffic signals on Celebrate Parkway. And so, that is our concern and we would like to know if there's any plan whatsoever to add traffic signals at two of the major intersections. That's all I have, thank you.

Ms. Vanuch: Thank you. Anyone else to care to speak this evening? Okay, seeing no one come to the podium, I think we're gonna leave this public hearing open because I do believe the applicant is requesting a deferral and so should this be deferred, we'll leave this open so that we can continue to allow the public to comment on this proffer amendment as we move forward. But, at this point, I'll bring it back up to the Planning Commission to ask the applicant any additional questions. So, Mr. Hornung, would you like to come up? I think... I do want to clarify her traffic signal question. Okay. Okay, so apparently we need a date certain for the public hearing to be left open, so I think probably the March, the March 27th meeting? You okay with that, March 27th? Okay, so March 27th will be when we leave this public hearing open for. Okay, go ahead Mr. Hornung, I'm sorry.

Mr. Hornung: We'd met with the Del Webb community in a community meeting at the beginning of this process, I think it was last spring. We also met with the Battleground Estates community and traffic primarily at certain areas were a concern. The area that we got the most concern about was at the intersection of Banks Ford and Celebrate Virginia Parkway, which is right up by the Giant shopping center. It's a very wide intersection. It was originally designed and we had approval of the design for a traffic signal way back in 2004. The problem was that the intersection, because there wasn't enough traffic on it, did not meet VDOT warrants and VDOT would not allow it to be installed until it met warrants. Late... early last year, we met with VDOT and asked if we could go ahead and install the traffic signal. We had... there was a request from the Supervisor whose district it's in and others to go ahead and put it in and we were willing to go ahead and do that as part of this project. VDOT responded

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that the intersection still did not meet warrants and, given the current development trajectory of the project, they didn't think it would ever meet warrants. But it was a very large intersection that was unsafe. So, what we have in our proposal is to convert that intersection, because we could not convince VDOT to allow us to install that, to convert that intersection into a traffic circle intersection, which means that everyone has to make a right to go around it. And what it does is it eliminates some of the difficulties people are having crossing that intersection. We do have exhibits that were included in our package of what that looks like. VDOT has signed off on that and I believe staff was supportive of it as well. So, the one intersection that I think was the biggest concern was proposed to have upgrades to it that will improve its safety. There are a couple other intersections that have some sight distance challenges that we've looked at and we've already spent some time clearing brush and removing landscaping to make it easier to see. The main issue is this road was designed to carry a large amount of traffic and, with a smaller amount, the traffic signals are not going to be warranted. And so, we have made design improvements but we do have that one improvement that is part of this proposal that would be done I think before the 250th unit is complete.

Ms. Vanuch: Okay, thank you.

Mr. Apicella: Madam Chairman? May I ask...?

Ms. Vanuch: Mr. Apicella, go ahead.

Mr. Apicella: Chris, to the extent that you all change your project's scope, size, whatever, as a result of revisiting the percentage, are you all willing to do another community meeting to re-engage folks to let them know what might be on the horizon...

Mr. Hornung: Absolutely.

Mr. Apicella: ... or how things might change as a result of the discussions back and forth?

Mr. Hornung: I had a conversation with the Chairman of the Communications Committee of Del Webb today to inform him of what was going on and that I would come back to explain changes. And I'm also in constant communication with the Battleground Estates which are the residential development that's right next to this.

Mr. Apicella: And how do they reach out to their community and let them know that this opportunity is available to them?

Mr. Hornung: They have a very active Facebook and communication; I'm not sure exactly what the... if it's an email or if it's through Facebook entirely, but the last meeting we had we had close to 300 people there. So, it's not a... it's not tough to get the word out.

Mr. Apicella: So, can you let us know? Because I'd be interested in seeing it.

Mr. Hornung: Yes, we invited the... last time around we did invite, but we're happy to invite all of you to come to that meeting.

Mr. Apicella: Great, thanks.

Mr. Hornung: Thank you.

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Mr. English: Hey Chris, just one more question. Have you kind of got a feel from people that or maybe what kind of amenities they do use outside of their, at Celebrate, like do they use... how many people do use a library, how many people do use the public facilities? Have you ever tried to...

Mr. Hornung: I haven't done a poll of that. I will tell you that if you look at some of the Del Webb stuff there...

Mr. English: I have and I know they've got... it's nice, but I was just curious if you just said, hey, you know, we don't go to the library, we don't do is, we kind of stay inside and the only place we do... I think most of them go to Fredericksburg because we don't have any restaurants and I think that was the draw that they go to, but I'm just curious.

Mr. Hornung: I think the on-site amenities are great for their recreation activities. I think you're right, some of the things that they're looking to do outside of being in their homes is in Fredericksburg. I'm also correct that a lot of... most of these folks, if you go there to a community meeting, you'll see this is not where people are sitting around in rocking chairs.

Mr. English: Right, I have been there.

Mr. Hornung: This is a very active... a lot of them are still working, but the amenities they're going to are places like Riverside Dinner Theater, which they were here at the last meeting to speak, going to restaurants which unfortunately we don't have enough of on Route 17 -- we hope this helps change. Those are the kinds of things, trips up to D.C. -- but a lot of those are administered, I mean, the clubs that they have and the trips, the overseas trips and things that they have through the Del Webb community are really incredible. And I hope if you all can attend the public meeting when we do have it again you're able to see some of that.

Ms. Vanuch: Thank you. Any other questions?

Mr. Randall: I have a couple questions.

Ms. Vanuch: Go ahead Mr. Randall.

Mr. Randall: Just a couple questions. So, is the intent of this new area to be like a Del Webb community? To have the same type of amenities, the same type of, you know, pools and clubhouse and...

Mr. Hornung: That was the original vision, would be an addition... as we're getting to the point where Del Webb is getting close to being complete, it would be an additional, almost, I'm not gonna call it identical because we were going to focus on outdoor type things, the park at the end, we're right next to the reservoir, Civil War Park, bike trails, connectivity, but a very, very high-end nice clubhouse similar to what Del Webb would be.

Mr. Randall: Would those types of outdoor activities be available for the Del Webb people? Would it connect to there where they could come down on a bike and be able to use the same type of paths?

Mr. Hornung: We had proposed that all the bike trails and the park would be available for people to ride bikes to just about any time. We did want to open and close the gates because we didn't want people there in the middle of the night and control that. Originally, we had asked if the County wanted it to become a public park and we didn't get a whole lot of feedback that they did. But we did anticipate this

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would connect in and that the trails along the river associated with the park would ultimately connect to the trails along the river that are already being maintained by the Del Webb community, which is really a great amenity, so tying the two together. And we did have conversations with members of their hiking club that wanted to get involved in the trail identification to kind of bring these two together. Normally, it really depends, if this... if the ultimate manager or builder of this project was Pulti, as for Del Webb, there probably would be some cross use. If it ends up being a different builder, they're probably not going to have open access to each other's clubhouses, but there would be some, you know, all of the public... all the parks and everything else, it's an open community so you could... they could certainly come down and use those.

Mr. Randall: I'm concerned a little about the amenities, you know. I'm with Steven. I go down and visit down in Florida my father all the time and they're in a very active, you know, age-restricted community. And so, when you talk about the amenities, you talk about the parks and you talk about one acre, do we think one acre is enough with all of the people there, with all of the ability? And if you talk about an outdoor kind of feel and flavor, do we think one acre's enough? And then what are you gonna... what do you plan to put in that one acre? Is there gonna be an open space where people can do whatever they want or will there be amenities inside that park that will, I guess, encourage certain activities?

Mr. Hornung: So, the original, if you look in the literature I handed out tonight, the original vision included a 60+ acre interpretive Civil War Park with an events venue, a visitors... a little visitors kiosk, parking, there's Civil War earthworks down there, there's going to be interpretive signage, trails that go down to the river. All tolled, including the conservation easement and the city land, there's about 550 acres of land all at the end of that peninsula which was going to be available for the residents because the city does allow passive recreation within their land. That was the major park amenity. Then we had a Civil War encampment area that was going to be another amenity, and then within each land pod we were proposing what we would call a pocket park, which would include amenities, and I think we included in the proffers a list of amenities that could be included. It could be athletic courts, it could be fountains, gardens, there could be community gardens within those, all of those things. You know, as far as is one acre enough? With all of the other amenities we were proposing we felt like it was, but you know, if it were two acres or three acres, you know, I'm not sure we'd be opposed to increasing the size of that.

Mr. Randall: To the only point that, you know, if my father lived in a place like this, he'd only go to the Civil War park a certain number of times and then he'd be like I'm done, now what do I do, you know, and he'd want other things to do besides walking down to the Civil War park and going to an interpretive park every day type stuff. The second thing is, is have you looked at the number... at the feasibility of townhomes in an age-restricted community? I know that townhomes, up and down stairs and all of those things prevent... provide... bring forth certain problems that may be not best for age-restricted. Is there a reason why you went with so many townhomes in an age-restricted environment?

Mr. Hornung: They're not really townhomes, that's the def... I mean, they are single-family attached structures. And if you look in the retirement community, the ones that exist, they're basically villas. They are main level living units...

Mr. Randall: Okay

Mr. Hornung: ... that may... that are attached to another one, because it helps reduce the cost per unit, mainly for purchasing because it's a different...

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Mr. Randall: Now if you say a villa I understand that...

Mr. Hornung: But many of them do have a second floor but most of them are used for guest bedrooms or for, you know, and we're not talking... the main goal here is to make sure that people can age in place in these units so they have their amenities on the first floor...

Mr. Randall: Right.

Mr. Hornung: ... but most of them are still very mobile and can use those... the other parts of the house if they're there. Most of them are single-level living.

Mr. Randall: Okay, that's all I had. That's all I had, thank you.

Ms. Vanuch: Alright, I think that's it. Thanks Mr. Hornung.

Mr. Hornung: Thank you.

Ms. Vanuch: Okay Mr. English, this is in your district.

Mr. English: Yes ma'am, I make a motion that we defer.

Ms. Vanuch: To March 27th?

Mr. English: Yes ma'am, March 27th and leaving the public hearing open.

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

Mr. Boswell: Second.

Ms. Vanuch: Alright, so we have a motion on the floor to defer this item until March 27th while leaving the public hearing open by Commissioner English, a second by Commissioner Boswell; any further discussion Commissioner English?

Mr. English: No ma'am.

Ms. Vanuch: Commissioner Boswell? Anyone else? Alright, go ahead and vote. Tally the vote. Okay, motion carries 7-0. Mr. Zuraf, item number 2 the proposed Ordinance O19-14 for the RBC district.

2. Amendment to the Zoning Ordinance - Proposed Ordinance O19-14 would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms;" 28-33, "Districts generally;" 28-34, "Purpose of districts;" 28-35, "Table of uses and standards;" 28-39, "Special regulations;" 28-53, "Planned development districts;" 28-55, "Planned Development-2 District (PD-2) regulations;" 28-56, "Application for planned developments;" and 28-129 "Types permitted in commercial and office districts (B-1, B-2, B-3, RBC, RC, SC and HI)" to rename and redefine the RBC, Recreational Business Campus Zoning District to the PD-3, Planned Development-3 Zoning District, and to modify district requirements and amend other Zoning Ordinance provisions accordingly. Generally, the proposed Ordinance would, as compared to the existing RBC Zoning District, increase the amount of age-restricted residential housing allowed in the PD-3 Zoning District to 35% of the district; establish the PD-3 Zoning District as a mixed-use district with a significant age-restricted housing component; remove certain uses

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and special regulations for such uses that are incompatible with residential use; amend open space requirements to allow a lower percentage of open space in the district; and clarify open space requirements generally. **(Time Limit: March 17, 2019)**

Mr. Zuraf: Okay, if I can have the computer again please? Good evening again Madam Chairman, members of the Commission, Mike Zuraf with the Planning and Zoning Department. This item is a concurrent kind of request to the previous proffer amendment. This is a proposed ordinance amendment for the RBC Zoning District. This would be a proposal to amend Chapter 28 of the of the Zoning Ordinance to redefine the RBC, Recreational Business Campus Zoning District, to basically rename it to PD-3, Planned Development-3 Zoning District, and to modify district requirements and amend other ordinance provisions. The proposed ordinance amendments are related to the concurrent proposal to develop the 1,177 additional retirement housing units at the end of Celebrate Virginia Parkway. So, there are two aspects of the proposed amendments. The first relates to requests made by the proffer amendment applicant. These... initially, the applicant just requested simply to increase... keep the RBC Zoning District the same as it is and increase the allowed percent of retirement housing from 30% to 45%, and also include farm wineries and agri-tourism as permitted uses so providing some other uses of some of the open space area on the remaining land. Then the second aspect relates to additional amendments suggested by staff during our review that expand on the applicant's request. These suggested amendments would rename the RBC District to the Planned Development-3 District and include in the planned develop... include the regulations into the planned development regulations section of the code. The idea here is the action would change the overall intent of the original RBC Zoning District and it becomes more of a planned development type of zone that we currently... similar to other planned development zoning districts that we have in the county. Also, to clarify how open space is calculated and revise the ordinance to require 35% district open space as, and specifically, as common areas for clarification; also, increasing the allowed percentage of retirement housing to 47%. I highlighted that because, as we kind of have already discussed that, that has changed in the latest iteration of the ordinance. Also removing uses which are incompatible with the residential uses, which are kind of becoming the trend in this district. Also removing uses listed unnecessarily and removing regulations which would no longer apply given the changes. Also removing several performance standards which are already regulated by other sections of the code to reduce redundancies, and then require that any change to the Preliminary Concept Plan be acted on by the Planning Commission. Currently, if there are minor amendments, those can just happen administratively. So, the current ordinance amendment that we have to consider now includes those staff suggestions plus the additional changes made by the Planning Commission on January 9th. This reduced the maximum percentage of land for retirement districts from the 47% down to 35% of the entire district. So, in effect it's an increase from 30% to 35%. Also, childcare center use, that was changed from a by-right use to a conditional use permit requirement. Also, added adult daycare center as a use that would require a conditional use permit, and added a requirement that retirement community clubhouses include a minimum of 10 square feet of gross floor area per retirement housing unit. These changes are reflected in proposed Ordinance O19-14, which you received in your package. So, this slide identifies, and we kind of went over this but I'll go over it again, this slide identifies the potential full residential buildout at maximum density, if we were to increase the maximum percentage of the retirement district from 30% up to 35%. So, currently 420.23 acres is the total land area permitted for retirement districts in the RBC district if you applied the 35% requirement. Currently, the retirement district area, with the modified land use concept plan, accounts for and includes 270 acres. So, the difference there, 149.9 acres, is the additional retirement district area that could be achieved in this lower portion of the site. And when you apply the maximum density of 7 dwelling units per acre to the 149.9 acres, you get a full potential maximum buildout of 1,049 dwelling units. And as we've gone over, the current zoning reclassification is proposing more units on more land and we've discussed that the applicant's working on making modifications to that. So, the ordinance amendment is integrally related to the proffer

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amendment application submitted by the applicant, and the two items should be considered concurrently. The proffer amendment application must be revised to ensure conformance with the latest ordinance changes, and also I'll note the ordinance amendment time limit is March 17th. The Planning Commission has requested the Board grant the 120-day extension requested by the applicant and, again, the Board will consider this request on March 5th. So, should the Board not grant the time extension on March 5th, the last day for the Planning Commission to act would be March 13th and staff recommends deferral until March 13th because of this.

Ms. Vanuch: Thank you, Mr. Zuraf. Chris, would you like to come down, Mr. Hornung?

Mr. Hornung: I really don't need to comment further and just, if there were any questions, we do think these should travel together and I think we addressed the concerns in the last case that, you know, we had with it so, if you have questions...

Ms. Vanuch: Okay. Alright, so now we're gonna go ahead and open up the public hearing for this item. So, if you care to come forward, please state your name, address, and the district that you reside for the record. And when the green light comes on you have 3 minutes; when the red light comes on please conclude your comments. Anyone care to come down and speak on this item? Okay, seeing no one come forward, Commissioner English, this is in his district and he has requested that we close the public hearing. That gives the Planning Commission, just so you guys understand, a little bit of flexibility. As you saw earlier, when we leave a public hearing open on an item, which you'll still be able to come and talk about the proffer amendment item, we have to give a date certain. And because we're still waiting on the Board to grant us that additional 120 days, we don't want to leave the public hearing open on this item because then we'd have to hear it again on the 13th, then they would not be traveling together anymore, they'd be on separate meetings making you guys have to come back on the 13th and the 27th. So, our hope is, is that these can both be on the meeting agenda for March 27th saving you guys a trip out, if you care to come and speak on the proffer amendment. So, seeing nobody come up, does the Planning Commission have any questions for staff or the applicant on this item? Okay, seeing none, Commissioner English, what would you like to do?

Mr. English: I make a motion to defer to March 27th.

Mr. Apicella: March 13th.

Ms. Vanuch: Yeah, March 13th, then we can defer again on the 13th to the 27th.

Mr. English: I'm sorry, March 13th.

Ms. Vanuch: Okay, and we also have the flexibility if it's not a public hearing we can always... if you actually just defer it I think can't we just pick a date once we have clarity from the Board? It doesn't have to be deferred to a date certain, does it?

Mr. Harvey: Madam Chairman, no. In fact, a motion to defer would, unless stated otherwise, take it to the next meeting.

Ms. Vanuch: Okay, so you want to amend your motion?

Mr. English: Yeah, I'll just make a motion to defer.

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

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Mr. Boswell: Second.

Ms. Vanuch: Okay, so a motion by Commissioner English to defer, a second by Commissioner Boswell; any further discussion Commissioner English?

Mr. English: No ma'am.

Ms. Vanuch: Commissioner Boswell? Anyone else? Alright, go ahead and vote. Okay motion carries 7-0. Alright, now item 3 on the agenda is a public hearing that will be on March 27th, so we don't have that one this evening. Now we're moving on to Unfinished Business, which is the landscaping and screening standards. That was in subcommittee and I believe we got some information on that and I think Ms. Hornung is here to go over the Landscaping Subcommittee results. They better be good because we have to vote this to public hearing tonight. No pressure.

3. RC18152278; Reclassification - Rappahannock Landing Apartments - A proposed zoning reclassification from the R-1, Suburban Residential Zoning District to the UD-3, Urban Development – Residential Mixed Use Zoning District, to allow for the development of 324 multi-family dwelling units on Tax Map Parcel No. 53-1E (Property). The Property consists of 25.5 acres, located south of the intersection of Musselman Road and Krieger Lane, within the George Washington Election District. **(Time Limit: May 24, 2019) (History: February 13, 2019 Public Hearing Continued to March 27, 2019)**

UNFINISHED BUSINESS

4. Amendment to the Zoning Ordinance - Proposed Ordinance O19-15 would amend the Zoning Ordinance, Stafford County Code, Sec. 22-153, "Lots for required buffers;" Sec. 28-25, "Definitions of specific terms;" Sec. 28-54, "Planned Development-1 District (PD-1) regulations;" Sec. 28-55, "Planned Development-2 District (PD-2) regulations;" Sec. 28-66, "P-TND, Planned Traditional Development;" Sec. 28-67, "Falmouth Redevelopment Area Overlay (FR);" Sec. 28-82, "Required buffers;" Sec. 28-83, "Buffers for historic properties and districts;" Sec. 28-86, "Landscaping standards;" Sec. 28-88, "Screening standards for appurtenances;" and the Design and Construction Standards for Landscaping, Screening, and Buffering (DCSL) Manual by Reference. **(Time Limit: March 31, 2019) (History: Deferred on November 14, 2018 to December 19, 2018) (Deferred on December 29, 2018 to January 9, 2019) (In Committee)**
(Authorize for Public Hearing By: February 27, 2018)
(Potential Public Hearing Date: March 27, 2019)

Mr. English: We got it.

Ms. Hornung: I had emailed everything but I also made hard copies for you.

Ms. Vanuch: She just sent it like literally as we were sitting here.

Ms. Hornung: I didn't expect so soon.

Ms. Vanuch: Okay. Hit the highlights.

Mr. English: Just the highlights.

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Ms. Hornung: Good evening. The Landscape Committee met Monday as a result of the snow and the closed office because we were going to meet last Wednesday. So, the information that I provided you is basically a synopsis of what was decided Monday night. And to highlight some of the items is basically on the first page of the document, you'll see that, well, I'll just start with the first page. Some of the highlights are that we looked at... the committee looked at standards comparing the peer localities. That is the chart that is about the, I think it's right, it's about the second page in. These are double-sided so it'll be about the second page in that has some yellow shading in it. The chart shows a comparison of the peer localities, and with that we noted... staff noticed that there was... they used pretty much a 5% configuration which I'll talk about a little later. Another item was to consider requiring 50% of the required landscape islands to be no more than 300 square feet in area and dispersed throughout the parking area, parking lot area. Working with an engineer at the committee meeting, this seemed to cause some concern of max... putting a maximum size on the planting area, so that was removed so that the maximum requirement didn't exist but then there was some discussion back and forth and it was finalized that the 150 feet of exclusive... 150 square feet of planting area and an island which was exclusive of the curbing, because if you included the curbing in a square footage that essentially adds additional area because staff was looking at making the landscaped island approximately 9 by 20, a parking space, but that didn't consider the existing curbing around that island. So the 150 square feet is... appears to be pretty standard that for an island it would be a minimum of 150 square feet exclusive of the curbing. Then there were some other requirements for interior parking lot landscaping islands and plant unit requirements for industrial uses. But through research with peer localities, none of the peer localities singled out industrial uses compared to commercial or residential. So, and most of them if not all of them compared... I'm sorry, required 5% of the parking to be provided in the landscaping and the committee compared the 5% to current and previously proposed landscaping requirements. If you look at the folded picture... graphics that you have, there is a graphic of the... taken an example of a proposed site plan and looking at the current... looking at the current requirements and comparing it to a 5% so the current would be about 30... I think it's 30 square feet, and then the proposed requirement is a 5% landscaping to the parking lot area. And then the second graphic, which is an aerial, actually shows an existing target location in Stafford County and compared to a landscape target area in, I believe it's Mechanicsville... in Mechanicsville, so that you had some visual graphics on what the existing parking lot landscaping looked like in Stafford County compared to what it may look like in one of our peer localities. Another question came up and I believe it was even... excuse me, started from a Board of Supervisors request on defining fringe area and providing a graphic. No graphic was technically found or defined in our peer localities but what information staff found were that buffers are allowed to be naturally vegetated and do not require natural maintenance... I mean regular maintenance, excuse me; grassed open spaces and subdivisions are not regulated by the design construction standards manual; natural areas in open spaces would require submittal of a planting plan to avoid the tall grass complaints per the Zoning Ordinance. And this is... an example of this would be if a homeowners association that had open space would like their open space to be converted to a meadow. In order to have a managed meadow, they would have... they would need to supply a planting plan or some type of documentation on how they're going to maintain that or what they're going to do so that it's not just going to be a tall grass complaint. The other thing was that the types of areas would be at the discretion of the developer of the homeowners association since fringe areas promote native plants and other animals and complaints could come from that. We left critters in there because we thought that sounded... it would put a smile on your face maybe. Also, some of the other items to look at for Monday and what was discussed were allowing plant units associated with stormwater facilities in parking lot landscaping islands to count toward minimum parking lot landscaping requirements. But the issue with that is landscaping and stormwater management facilities, or I should say plantings and stormwater management facilities would be counted toward a stormwater management requirement. And if those state regulated stormwater management requirements are revised or amended through the state, then those landscaping... landscape plantings that were counted toward the landscaping requirement would

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then be removed and essentially create the project to become in compliant, non-conforming or in compliance with the... not in compliance with the landscape ordinance. So, we removed that plus the stormwater management requirements... no, the square footage associated with stormwater management is automatically deducted from landscaping requirements anyway. So, while they couldn't double dip stormwater regulations... stormwater management regulations have certain requirements, landscaping would have certain requirements, and it would be very difficult to combine the two because if stormwater management changed then landscaping would not be compliant with the DCSL. Also discussed, we're looking for substitution of qualifying grasses for shrubs and landscape strips along streets or in parking lot islands. And so, it was decided to add the title of ornamental grasses and to have them equivalent to one plant unit which is very similar to the small shrub. And that could be an option, so it adds more options, because remember we, staff, eliminated the specific plant list at the end of the manual, so by removing that specific plant list adding references that add plant list, statements are entered into this document that refers to or that states refer to the reference list for additional species. We added statements that said utilize native species, do not utilize invasive species; they're not permitted. So there was some clarification there. Also, added a definition for xeriscaping so that if anybody's looking at this manual, they do know that they are allowed to use xeriscaping methods if it applies to their area and their project. The other item that was of discussion was adding a delayed effective date. There's a number of scenarios that the Commission can add to the draft ordinance, would be recommending a time period of delay once it's adopted by the Board, provided the Board would, you know, essentially approve that delayed enforcement, or recommend that projects currently under review are exempt from the adopted ordinance. Those are two scenarios and something that we've recently experienced with the Parking Lot Ordinance when it was adopted and then it came back to include the applications that were submitted prior to a certain date after the adoption of the ordinance. So, in conclusion, a lot of the items that were discussed, basically what the staff has been completing was fixing any typographical or technical errors. Staff noticed that in the planting schedules there's some language in there that needs to reflect the changes that were made as of Monday, as well as checking to make sure the calculations are accurate. In your copy, those aren't totally completed as far as the planting schedules are concerned, but they definitely will... everything will be in as perfect form as staff can make it before your next public hearing. Propose a 5% method of total parking area to include the entire paved parking vehicular circulation areas and also include parking spaces and drive aisles. The ordinance, I mean the manual, currently states drive aisles and parking spaces, but it was added entire paved parking and vehicular circulation. Also, as a result was to require that planting areas at the end of every parking row and spaced every parking spaces, so that you wouldn't have maybe a hundred spaces in one row or in dual rows and no landscaping in between. So, there'd be some landscape islands in between some of those, after every 16 spaces so that it's breaking it up, so you don't have a hundred spaces in one set, in one row. Also, currently the ordinance... the manual states that 12 plant units per 300 square feet of planting area are required. In looking at everything and because the decision to recommend 150 square feet of planting area, that plant unit was reduced to 12 units per 150 square feet of planting area. And also adding a requisite that a minimum of one tree shall be in that planting area. So, that those parking islands in the parking lot, you should see at least one type of tree. There are some trees worth 10 points, some trees worth 7 points, and then you have some smaller items worth 3 and 1 point so that there would be a combination of tree and shrubs. And, of course, the 150 square feet is exclusive of curbing. And you do have the manual with you in a packet. Also, at the end of the manual is, or includes the sections of the Zoning Ordinance where we were making sure to update it, the language, as it is compared to the manual and then the definitions that are in the manual to make sure that the same definitions are either added to the Zoning Ordinance or revised as they are in this manual. So, we will not have any conflict with definitions either in the Zoning Ordinance or the manual. And I believe that covers everything that came out of Monday evening's meeting and...

Mr. Harvey: Madam Chairman?

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Ms. Vanuch: Okay, Mr. Bain, I think he had his finger on the trigger first and then we'll do Mr. McPherson.

Mr. Bain: Yes, and I'm sorry, maybe I should have asked this of Mr. Zuraf. But in the ordinance that Mr. Zuraf was talking about, the term agri-tourism was mentioned. Does the Landscaping Ordinance in any way address what agri-tourism could or could not include? Because I don't know what that term really means and if it's... so that's why I say maybe I should have asked Mr. Zuraf, but is that something that should be covered in the Landscaping Ordinance then if it's something that could be allowed in an open space area?

Ms. Hornung: No, it's not in the manual. The manual is strictly for what kind of plantings will be in buffers and parking lot areas. I guess that would be a question for Mike if it's... if it's defined in the RBC.

Mr. Bain: I'm sorry to...

Ms. Hornung: That's okay.

Mr. Zuraf: Agri-tourism refers more to uses that relate to rural, in rural areas of the county and not dealing with necessarily buffers and transitional buffers or anything like that.

Mr. Bain: Okay, so it wouldn't be in... couldn't be allowed in a buffer then.

Mr. Zuraf: Well it's aside from... yeah, any use of it, if there's a buffer required it's gonna be required.

Ms. Vanuch: Agri-tourism is like a use, like how you're using it like a farm, an equestrian facility, a museum, a drive-through, like that's the use.

Mr. Zuraf: Like a farmers market or something.

Ms. Vanuch: Yeah.

Mr. Bain: Alright.

Ms. Vanuch: Okay.

Mr. Bain: So, it won't be in there. I think we need to consider adding a distinction because I don't think we want a pig farm in the middle of an open space area and somebody consider that agri-tourism. That's the kind of thing...

Ms. Vanuch: I think... no, this is just a landscaping buffer.

Mr. Bain: I understand, I'm saying...

Ms. Vanuch: Yeah, you couldn't put a pig farm...

Mr. Bain: ... I need to pursue this further with Mike then.

Ms. Vanuch: Well, we have to vote this to public hearing tonight.

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Mr. Bain: On the landscaping...

Ms. Vanuch: On the landscaping, yes.

Mr. Bain: ...I have no problem with that.

Ms. Hornung: And with the agri-tourism being a use, that's gonna be covered in the Zoning Ordinance elsewhere; this will basically address any type of buffering between uses, along streets, drive aisles, public right-of-way, parking lots. It's just adding vegetation basically into those areas and being a little bit more specific and deliberate on making sure that we have aesthetically pleasing projects by revising this manual so that it is easier to understand as well and being able to get what the Commission, you know, decided to recommend to the Planning Commission.

Ms. Vanuch: Mr. McPherson?

Mr. McPherson: Yes, thank you. I don't have a question because I was there Monday. I just have one comment I'd like to add regarding where you talked about adding the landscaping islands at the end of the parking base. I'd like to point out to everybody, and it is actually in the ordinance that, that can increase the 5% amount in the parking area. So, if we have the parking islands at the end of every parking bay, and that brings the total up to 7% or 7½%, the higher percentage does apply. So the parking island can only increase that 5% amount, it is not limited to 5%. I just want to make sure everybody understood that. I think that's an important point.

Ms. Hornung: And we can state that in the manual that it's a minimum of 5% so it gives the flexibility to have more.

Mr. McPherson: Just reading it, it does say a minimum of 5% required, the higher percentage shall apply based on the landscape island; so it's in there. I just wanted to point that out.

Ms. Hornung: Yes, thank you.

Ms. Vanuch: Mr. English?

Mr. English: Madam Chairman, I'd like to make a motion that we move this to public hearing for March 27th.

Mr. McPherson: Second.

Ms. Vanuch: Okay, we have a motion and a second. Discussion?

Mr. English: No. Oh, I do want to just thank Andrea and Amy and Jeff and Susan for working on this and thank you for working with us on making these meetings, appreciate it, all your hard work.

Mr. McPherson: Agreed.

Ms. Vanuch: Mr. McPherson?

Mr. McPherson: No comment.

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Ms. Vanuch: Okay, anybody else? Discussion? Okay, alright, go ahead and vote. Thank you Ms. Hornung. Tally the vote. Motion carries 7-0. Thank you guys so much for your hard work. Okay, now moving on to item number 5 on the agenda, for this we're gonna recognize Ms. Campbell for the Big Spring Estates Preliminary Plan presentation, which is the only New Business on the agenda this evening. Ms. Campbell?

NEW BUSINESS

5. SUB18152476; Big Spring Estates Preliminary Plan - A Preliminary Subdivision Plan to create 67 single-family lots on Tax Map Parcel Nos. 38-101, 38-103A, 38-103B, and 38-103C, zoned A-1, Agricultural with Transfer of Development Rights, on 30.17 acres, located to the east of Jefferson Davis Highway north of Big Spring Lane, within the Aquia Election District. **(Time Limit: April 28, 2019)**

Ms. Campbell: Good evening Madam Chairman and members of the Commission, I'm here to present item 5 on the agenda which is a preliminary subdivision plan for Big Spring Estates. The site is located on Assessor's Parcels 38-101, 38-103A, 38-103B, and 38-103C. It's bordering Jefferson Davis Highway to the west and Big Spring Lane to the south, and is approximately 30 acres, zoned A-1 within the Aquia Election District. The project is proposing a total of 67 lots, 57 of which are utilizing Transfer of Development Rights. This is a location map which is showing the parcels utilized in this development. And here's an aerial view of the site with the surrounding zoning classifications and, as you can see, it's surrounded with a mix of agricultural and industrial uses or zones. The applicant is utilizing Transfer of Development Rights with this project which allows them to use the total amount of development rights received plus the number of by-right lots allowed, as long as they do not exceed 2.25 dwelling units per acre. By-right, the property yields 10 lots per A-1 zoning regulations and the applicant is utilizing 57 Transfer of Development Rights, which equals 67 lots totaling at 2.22 dwelling units per acre. There's a minimum open space requirement of 50% and the applicant is proposing 51%. The project is proposing two entrances, one is an extension of State Shop Road and the other is an entrance off of Big Spring Lane. So, here is the extension of State Shop, hold on, here, is it showing up? Hold on... Do I just press this? Alright, it's not working, but if you can see down at the bottom left that's the extension of State Shop and then the entrance to the right is the Big Spring, is the entrance off of Big Spring Lane. All streets have curb, gutter, and sidewalk, and the project is to be served by public streets, public water, and public sewer. All open space is to be privately owned and maintained by the neighborhood Homeowners Association, and any covenants and restrictions will be provided with the final plat. There is an inter-parcel connection provided to Tax Map Parcel Number 38-98 to the north, which you can see with the temporary cul-de-sac up at the top. And the minimum lot size under this zoning is 6,500 square feet with all lots meeting this requirement. Pursuant to Section 28-364A, the preliminary plan approval is conditioned upon affixing the requisite number of Transfer of Development Rights on the property, and without the Transfer of Development Rights the plan is void. Proof must be provided for these rights prior to the approval of final plat. Staff recommends the approval of the plan and believes that the Big Spring Estates Preliminary Subdivision Plan complies with Stafford County's Code requirements. Thank you.

Ms. Vanuch: Thank you. Alright, would the applicant like to come up? Mr. Reese?

Mr. Reese: Madam Chair, members of the Commission, I'm Bruce Reese with Legacy Engineering and we concur with staff's recommendation.

Ms. Vanuch: Alright, well I like that, I like that report. Do we have any questions for the applicant or for staff?

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Mr. English: I do for staff.

Ms. Vanuch: Okay Mr. English.

Mr. English: I think we had this issue come up once before not too long ago in reference to it being in the flight plan of the airport. And I think we denied that because we had those townhouses, remember that Steven? So there is a flight plan concern that the... that we came up with so we had a preliminary plan for how many, it was like 56...?

Ms. Vanuch: I remember that.

Mr. English: ... 76 townhomes, wasn't it in there, in that area? I think we denied it because it was in the flight plan.

Ms. Vanuch: Yeah, in the flight plan.

Mr. Apicella: Well, I guess it begs the question, because when this... when the airport impact areas are impacted, that's part of the review process. So, I'm not sure what happened here.

Mr. English: Yeah, that's my question.

Mr. Harvey: Madam Chairman and Commissioner English, the project you were referring to was a rezoning application for higher density development. In this case, this is a by-right activity so there is no zoning change for that aspect to really have a significant influence on. As you recall, with the airport overlay recommendations in the Comprehensive Plan, there'd be a number of mitigating measures which we would talk to a development applicant about considering proffers for noise mitigation and other measures. But in the case of by-right development, we don't have that opportunity.

Mr. Apicella: So, somebody who's buying a house... I'm trying to see some of the number... I'm buying house number 64; I'm not going to get any kind of notification that I'm in the flight path?

Mr. Harvey: Correct. In this case, this area is not in the direct landing or approach pattern for the airport runway, it's in part of the circulation pattern. So, you may have planes flying over this area in a circle pattern if they're waiting for an approach to land at the airport.

Ms. Vanuch: So, what are our options here? I mean, I'm trying to remember preliminary plans coming to us for approval; I mean, we don't really have many options do we?

Mr. Harvey: Madam Chairman, a preliminary plan is considered to be a ministerial act on the part of the Planning Commission. So, if the Commission believes that the application does not meet any of our code requirements, you could deny the plan for that reason and, under the state code, you'd have to stipulate the reasons for denial. Then the applicant would have 10 days to refile a revised plan to correct those changes and that would result in the application being brought back to the next Planning Commission meeting.

Mr. Apicella: Madam Chairman, can we bring the applicant back up?

Ms. Vanuch: Yeah. Mr. Reese, come on up.

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Mr. Apicella: I should have listened a little bit closer to the exact phraseology about where this sits, but nonetheless I think what you're saying is planes could potentially be flying over, waiting, to land; do you... is there any chance you'd be willing to provide some transparency to prospective buyers that that certain circumstance might exist?

Mr. Reese: I'm convinced the applicant would have no problem with that.

Mr. Apicella: So, how would we... how would we enforce something like that or get more of a concrete commitment to do that?

Mr. Harvey: Madam Chairman and Mr. Apicella, normally a feature like that would be considered a zoning proffer. With regard to a subdivision plat, normally those types of conditions are not on a plat because conditions would, for notification, would normally be something that would be a zoning condition to verify that letters were sent to people, that they're aware of it.

Mr. Reese: Mr. Apicella, for what it's worth, there is a pretty good chance that this is going to be developed by a national builder who would likely want to make sure that any potential purchaser would be aware of the possibility of being within the Airport Overlay District. It's a note on the plat; the preliminary plat already has a note indicating that we're in the overlay district. I don't know how I get from here to the concept that they fully intend to disclose, but I'm convinced that they'll have no problem doing that.

Mr. Apicella: Well, I appreciate it, I can't hold you to it, but I'm gonna ask you to please try your best to make sure that prospective buyers are notified that the circumstance exists.

Mr. Reese: Yes sir.

Mr. Apicella: Thank you.

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

Mr. Apicella: Actually, I do have one more question. I'm sure we do this automatically but the cul-de-sacs, are those of sufficient size for a fire truck to be able to turn around or they have to back up?

Mr. Reese: No, those are large enough to turn around.

Mr. Apicella: Okay, great thanks.

Ms. Vanuch: And I just have one question. Are there sidewalks on both sides of the street? We had this issue this morning so I just want to make sure.

Mr. Reese: Yes ma'am, sidewalks on both sides.

Ms. Vanuch: Okay, anybody else? Alright, thank you Mr. Reese. Alright, okay, Mr.... I think this is in Mr. McPherson's district, Aquia? Yep, Aquia. What would you like to do?

Mr. McPherson: Madam Chair, I move that regarding item number 5, SUB18152476, I move that we approve the preliminary subdivision plan.

Ms. Vanuch: Okay, we have a motion to approve by Commissioner McPherson. Do we have a second?

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Mr. Bain: Second.

Ms. Vanuch: Second by Commissioner Bain. Any further discussion Mr. McPherson?

Mr. McPherson: No thank you.

Ms. Vanuch: Mr. Bain?

Mr. Bain: No.

Ms. Vanuch: Anyone else? Alright, go ahead and take your vote. Tally the vote. Motion carries 6-1 (*Mr. English opposed*). Okay, now moving on to the Planning Director's Report; for this we recognize Mr. Harvey.

PLANNING DIRECTOR'S REPORT

6. Yearly Expenditures
7. Downtown Stafford - Ongoing
8. Bicycle and Pedestrian Facilities Plan Update - Ongoing
9. HCOD - Screening of Bay Doors - *Referral*
10. Window Wells Setbacks - *Referral*

Mr. Harvey: Thank you Madam Chairman. In your packet of information was the expenditures to date for this fiscal year. As you can see from the expenditures, the Commission is well within its current budget. The fiscal year runs from July 1st to June 30th so we're a little bit more than halfway through the fiscal year. I do not have any new updates for the Downtown Stafford effort and/or the Bicycle and Pedestrian Facilities Plan. We're still actively working on those topics and hope to have an update to you at the next meeting. Item 9 on your agenda is a referral from the Board of Supervisors recommending that the Commission hold a public hearing regarding the screening of bay doors from the corridor highway. It was noted that we have a number of instances where we have automobile-related businesses that, for variety of reasons, need to be located where they're easily visible for the motoring public, and they have bay doors to service the cars or repair the cars. Our current ordinance requires that those type of businesses screen their bay doors from the corridor highway. Screening means that they're not visible in any shape or form which, in many cases, results in a situation that's not practical for the business owner because it means that their building is screened from view so people can't see the building driving along the highway. So, the Board recommended this come to the Commission and suggested that the Commission have the opportunity to make any changes it deems necessary. Staff has had some discussions with Commissioner Apicella with regards to it. In your handout tonight, highlighted in yellow, is the proposed change. The previous change said loading areas and service entrances shall be oriented and/or screened to not be visible from the corridor highway. This proposed language would say loading areas and service entrances shall be oriented so as not to be facing the corridor highway.

Ms. Vanuch: Any questions? Mr. Apicella.

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Mr. Apicella: Madam Chairman, so my initial concern was that by striking out the word “service bays” completely, it took away the other piece of part seven as it exists with regard to orientation. And so I was chatting with Mr. Harvey about it and I mentioned, just as an example, the Merchants, now National Tire and Battery, and the Goodyear on 17, both of those have their service bays oriented on the side, not towards the front of the building. That's usually where people come and check in at both of those outfits. And so I was suggesting that we try to find a way to strike a balance and achieve, or propose that we achieve eliminating screening of service bays as a requirement, but while also retaining the orientation of service space so that they're not facing towards the front of the road. And so, I'm looking at the language and I guess I need a little bit of a help, because...

Mr. Harvey: Yes.

Mr. Apicella: ... it looks like we've fixed the service bay issue but we've taken out the loading area and service entrances from the screening requirement. So, I'm not sure that that was what was intended either.

Mr. Harvey: Yes, I think the proposed change probably was done in haste because I believe from your intent was the “and service bays” would be retained in the language, so that they would be also oriented to be not facing the corridor highway because if they're eliminated then it's not being addressed at all.

Mr. Apicella: Well, I think there's two things here. So, I didn't see that, and maybe I'm missing something, that there was a proposed change to the screening of loading areas and service entrances. I thought that was... we wanted to retain that, okay? So, this language takes out the whole screening part, right, and also takes us... takes service bays out of the equation as well. So I think we kind of... maybe we just needed an additional sentence, separate from what is now seven and adding an eight that says “service bays will be oriented?” So, retain the language that's proposed... as originally proposed, right, so you retain the screening for loading areas and service entrances, but then you have maybe a number eight if that would be the right number that says service bays shall be oriented...

Ms. Vanuch: Not to be facing the corridor highway.

Mr. Apicella: ... not to be facing the corridor highway. Does that make sense?

Mr. Harvey: Yes it does. Madam Chairman, if it's permissible by the Commission, I would like to request that we defer this to the next meeting and come back with a proposed amendment to clearly break it into two sentences so it's clear as to what's supposed to be screened versus what's supposed to be oriented differently.

Ms. Vanuch: Mr. Apicella, you...?

Mr. Apicella: Yeah, I think that'd be great. Thanks.

Ms. Vanuch: Okay, do we need to vote on that or...?

Mr. Harvey: No...

Ms. Vanuch: Okay, fantastic we'll defer it then.

Mr. Harvey: ... just direction to staff. Thank you. And then also the, there is another referral to the Planning Commission regarding window wells and other encroachments into setbacks. There was an

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issue that came up last year for PD-2, Planned Development Zoning District, and specifically the Embrey Mill development. As you recall, the Board of Supervisors and the County reduced the minimum lot width for single-family homes in that district down to 40 feet. We've had a number of building permits for new home construction, 127 if I recall, where there were basement walk-up stairwells, as well as emergency exit wells, that were located in a side yard setback. When the building permits were reviewed, the Building Code allows for those type of encroachments within 10 feet of the other building or within 5 feet of the property line; however, based on our zoning regulations, that type of encroachment is not permitted and unfortunately that was not caught in the plan review for those building permits. So, the Board has asked the Commission to consider holding a public hearing to allow these types of encroachments for building permits that were approved by our office prior to June 14th of last year.

Ms. Vanuch: Okay, any questions?

Mr. English: So, you're just asking to have... you want us to set a public hearing on this?

Mr. Harvey: Allow staff to set a public hearing, yes.

Ms. Vanuch: And give you the flexibility, I know you had asked me for some flexibility for staff to pick the best date for that public hearing, right?

Mr. Harvey: Yes ma'am, that'd be greatly appreciated. We do have a number of land use cases that are starting to queue up and wanted to provide more even agendas for the Commission.

Ms. Vanuch: Okay.

Mr. English: I'll make a motion then that we give staff flexibility on this for a public hearing.

Ms. Vanuch: Okay, got a motion on the floor. Any seconds?

Mr. Randall: Second.

Ms. Vanuch: Okay, a motion by Commissioner English, second by Commissioner Randall; any discussion?

Mr. English: No.

Ms. Vanuch: Anyone else? Alright, go ahead and vote. Tally the vote. Okay, I was gonna say... Motion carries 7-0. Alright, thank you so much, is that all your report?

Mr. Harvey: That concludes my report, thank you.

COUNTY ATTORNEY'S REPORT

Ms. Vanuch: Okay, fantastic. Ms. Lucian? Used to be Luciana.

Ms. Lucien: You got it. Madam Chairman, Planning Commission, I have no report, thank you.

COMMITTEE REPORTS

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11. Cluster Ordinance - Policy Subcommittee
Update at February 27, 2019 meeting

Ms. Vanuch: Alright. Okay, Committee Reports, item number 11 on the agenda, which is the Cluster Ordinance Policy Subcommittee. We have two packets that were given to us just before the meeting on this. Mr. Randall, you were the Chair of that subcommittee, would you like to discuss?

Mr. Randall: I would if we want to go through... one of those packets is a copy of a... some comments and some modifications that I had gotten from Commissioner Apicella, and then with my comments to that. And then the second packet is the packet that we got from staff verifying, or including those comments and so I'd like to go through. Mr. Apicella, if you could kind of follow along as we go through and make sure that your comments are identified.

Mr. Apicella: Roger that.

Mr. Randall: And then we'll go from there. I'd like to just highlight what we've talked about. We talked about some of them last week, at our last meeting, but I want to just follow-up and then have a quick discussion on some matters of, and then hopefully be able to finalize this and be able to send this forward.

Ms. Vanuch: We're gonna focus on the ones highlighted in yellow?

Mr. Randall: Yes...

Ms. Vanuch: Okay.

Mr. Randall: ... please. So, on the first page you'll see that one of the comments was that the planning... Board and Planning Commission have been dissatisfied with the unintended consequence... outcomes, just the word unintended added. On the next page, open space, there was some discussion. We initially had home owners association and then it was two words versus one word; I would recommend that from here on to prevent confusion that homeowners would be one word all the time so that it's not a home owner, it's a homeowners association. So, you'll see that we've changed it there. And then in the next open space we added the word where and then have been established as additional clarification on those definitions. If possible for the Planning Commission if we could skip 134 right now, 22-134, that's where we're gonna... we'll come back and talk to those two. If we could go to page 5, we added under (b) we added up to 50% of the area located within a major utility easement may be calculated, so that it's not at 50%, it's up to 50%. In (b), we took out the Planning Commission and made it the Board of Supervisors as the recreation or conservation purposes as determined there, the determining factor for that land that may or may not be used as a park and given to the County. Again, any questions? The buffer, this is a change; I wanted to make sure everybody identified. There will be a requirement for a 50-foot wide buffer around the entire cluster subdivision exclusive of lots, but can be included in the open space or common area as it surrounds the development. So, the intention of this is that for all cluster subdivisions there will be a 50-foot wide buffer completely surrounding the subdivision that would make it somewhat invisible to the outside. You would drive through the road and then you would see the development, you would not see anything unless you were actually to drive into that subdivision. And so we've added that, and then it explains that a little better on the bottom, buffers contiguous to existing adjacent open space or common area may be reduced providing the existing adjacent property buffers owned and maintained by a property owner or homeowners. Again, we changed homeowners, and protected by a required buffer.

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

Mr. Apicella: Yeah, I think we just... there's just a typo, it needs to be changed to "s"... and then I have a question about... so it says lot coverage and there's a definition, and then on the next page it says maximum lot coverage. I know the two are sort of tied together, but I'm not quite sure whether the average person would understand the difference between lot coverage and maximum lot coverage, especially since that's a key factor in making sure that folks abide by the standards.

Mr. Harvey: Madam Chairman and Commissioner Apicella, I did not include a definition of maximum lot coverage within the draft amendment. The county code currently defines what lot coverage is and you see it here and it does not have any underline or strikethrough. From the amendment standpoint, we were specifying a minimum lot... excuse me, maximum lot coverage requirement under the various zoning classifications. So, from the staff's perspective, the term maximum is fairly self-explanatory, you cannot exceed a maximum. That's why I didn't propose adding the term maximum lot coverage in the draft.

Mr. Apicella: So, I hate to put you on the spot, are you comfortable with that, that we don't need to define maximum lot coverage versus just lot coverage? Okay.

Mr. Harvey: And Madam Chairman and Commissioner Randall, Commissioner English... excuse me, Apicella, I have not had the opportunity to send these proposed amendments through Ms. Lucian for her legal review, so this is done fairly quickly in the last few days.

Mr. Randall: Right, exactly. I would expect it. Now, understanding that the definition of lot coverage was not initially included in the ordinance, is that correct?

Mr. Harvey: It currently is in the code.

Mr. Randall: It is in the code, but it wasn't in the ordinance; we've added it to the ordinance for explanation purposes.

Mr. Harvey: Correct. Part of this amendment was to clarify issues we currently have with open space.

Mr. Randall: Yes.

Mr. Harvey: Right now our ordinance stipulates that you have to have a minimum percentage of open space on your lot, then also there is open space requirements for cluster developments. And that's caused confusion over time, so we thought to minimize the confusion we would have open space pertain to common open space, common areas, and then instead of open space on a lot we would change it to lot coverage. In other words, impervious area on the lot.

Mr. Randall: Yes, that was the discussion we had to clarify that aspect. Commissioner Apicella, any other questions?

Mr. Apicella: To the extent that we are not making a final determination today, I'm okay with that. If we do push it forward -- we're sending this to the Board, right -- and we're not taking any action on it, we would still have a chance to fix it if it's later determined that we need to have a definition?

Mr. Randall: The intent would be I guess we'd send it to the Board, they would look at it they would send it back to us from a public hearing and we would...

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Mr. Apicella: With hopefully some ability to make changes but.

Ms. Vanuch: Yeah, but we still need Ms. Lucian to be able to review this before we do anything. Yeah, we've got to give you some homework.

Mr. Apicella: Can we do this on this one? If she determines that we do need to have a definition, give her the ability to work with Jeff to make that change, incorporate it if we decide to push it forward, and not have to come back to us?

Mr. Randall: I think that would be appropriate. If you're talking about the specific definition, I think that'd be appropriate.

Mr. English: And what about... you know, you have your hang-up on the homeowners association, what about just say HOA/homeowners association? Is that... could we add that, I mean, that way people know what an HOA is and HOA/homeowners...?

Mr. Randall: Jeff, do we want to define... do we just want to list HOA as continuous... I don't want to do this differently than we've done in the rest of the codes, do we...

Mr. Boswell: I like spelling it out.

Mr. English: Well, you can't spell it out, but you can say acronym HOA...

Mr. Randall: The first time and then use HOA through the rest of it.

Mr. English: Yes, that's what I mean.

Mr. Harvey: Yes, Madam Chairman, as Commissioner Randall's pointing out, in the code there are certain things we try to shoot for and that's uniformity. Throughout the code it refers to homeowners association and it is not abbreviated. A lot of times in writing code you try to minimize the use of acronyms to ensure that the public understands what's being said and referred to.

Mr. English: Okay. Alright.

Mr. Randall: Alright. And then to that point then, homeowners will be one word, correct?

Mr. Harvey: Yes sir.

Mr. Randall: Alright, thank you. Any other questions with page 6? We... open space common is... we just... that's pretty much defining... making it the same as other definitions that we have, right? And I think...

Ms. Vanuch: Fifteen.

Mr. Randall: We're good back down to the last page. Page 15, we go back to the R-1, Residential Zoning District, the density, the minimum lot width, the maxi... minimum front yard as you can see there.

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Mr. Apicella: So, my question and concern here is I believe we're still providing a bonus density and I'm trying to understand if that's something we still want to do, why, and what's the benefit versus not providing a bonus density?

Mr. Harvey: Madam Chairman?

Mr. Randall: Mr. Harvey, you please take care of that.

Ms. Vanuch: Go ahead Mr. Harvey.

Mr. Harvey: To make a clarification statement first and give some background, the area I've highlighted in yellow does not have an underline; in the previous version it did which that was my error. The areas highlighted in yellow are existing code requirements, as far as the density of 1.5 units per acre in the R-1, up to 2.25 with a conditional use permit, and the various setback and lot width requirements. The background on the 2.25 dwelling units per acre, when the ordinance was initially developed it was noted that this R-1, Suburban Residential zoning district is advisable to be located in our Suburban land use classification within our Comprehensive Plan. The Comprehensive Plan recommends a density of up to 3 dwelling units per acre. The current R-1 density is half of that, so the logic behind the 2.25 with a conditional use permit was to give the Board of Supervisors some latitude to maybe impose conditions with regard to a cluster development that wanted higher density. So, they would come closer to meeting our goals in the Comprehensive Plan but also the Board would have an opportunity to dictate that there be certain recreational amenities and other things with the project.

Mr. Apicella: So how many R-1 projects have we had where someone has come in and asked for, again, effectively bonus density.

Mr. Harvey: Madam Chairman and Commissioner Apicella, there's two that I'm aware of. Courthouse Manor was one project and then Brooke Village was the other.

Mr. Apicella: And how many... I know this is a hard question to answer, but how many R-1 projects have we had since we made this change? So, just trying to compare the two. Did we achieve what we were trying to achieve?

Mr. Harvey: Commissioner Apicella, I'd have to research that to see when this ordinance amendment was first adopted and look at the number of subdivision plans that have been approved in the R-1 zone since then to determine how many in total versus those two that were approved with bonus density.

Mr. Apicella: Madam Chairman, Mr. Randall, I think if we decide to keep it in for now I think we should ask the Board a speci... we should call this out and see if the Board... because I'm not sure they even remember that there's a bonus density. I had forgotten it quite frankly, and we have bonus density for A-1. The Board decided to take that out under the notion that, and I remember Mr. Milde saying this, that clustering by itself is its own incentive because it's cheaper to only develop half of a parcel versus trying to develop a whole parcel. So, I'm just wondering whether again there's some real benefit here, maybe there is, I'm not quite sure, but I think the Board might want to be conscious of that... of this being here and whether they want to continue on with it.

Mr. Randall: Okay. Mr. Harvey, how would we document that? Is there a note that we could put in there to that effect?

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Mr. Harvey: Madam Chairman, Commissioner Randall, when the Commission is ready to forward this to the Board, that can be part of your recommendation. That here's a draft ordinance, however we feel that this is the density... bonus density issue is something that needs to be discussed and clarified in any send down referral.

Mr. Randall: Okay, yeah, if you'd make a note to that effect that would be great, thank you. Alright and then the last item is on page 3. Just as a little background, the current guidelines that we had did not include a recreational amenities portion. When we were going through as a subcommittee it was something that we thought we ought to look at. And so we've made several back-and-forth... had several back-and-forth discussions on what would be an appropriate recreational amenity requirement. As noted by Mr. Harvey during the subcommittee meeting, any recreational amenity requirement for a cluster subdivision would also be applicable to all other subdivisions in the county. And so, given that and given some feedback that we've been given by different Commissioners, this is how we would like to look at it. I'd like to talk about what we've come up with and then see where we can go from there. So, the recreational amenities initially stated every 10 lots, 10,000 square feet of recreational amenities with all subdivisions, and there was some pushback about, you know, A-1 and those types of things. And so upon discussion with Mr. Harvey and some other Commissioners, this is the compromise language that we've looked at. Recreational amenities, I'm starting at (b), shall be monitored... shall be provided for all subdivisions with lot sizes less than 2 acres. Based on A-1 3-acre lots, the decision was that there's plenty of room for them to do... provide their own recreation and that they wouldn't need any amenities additional to those lots. However, lot sizes less than 2 acres will have recreational amenities included. Subdivisions with lot sizes less than 2 acres but greater than or equal to 1 acre, so between 1 and 2 acres shall provide a minimum of 10,000 square feet of common open space for recreation amenities per every 50 lots. I would like to look at modifying that sentence just a little bit. I think if we do it at 50 lots, we'll get the same issue we have now with the site plan and everybody will come in at 49 lots. I would like to move that to 40 lots rather than the 50 lots, so that includes as many subdivisions as we can capture. I would also like to increase the size from 10...

Ms. Vanuch: Can I just ask a quick question there?

Mr. Randall: Sure.

Ms. Vanuch: So, do we have any analysis on if you have a subdivision with just 40 houses or even 20 or even if it's 50, what that cost to maintain that particular facility, like let's say that it's a gazebo, picnic tables, benches, or a walking trail that hit that 10,000 square feet, what the annual cost would be to maintain the 10,000 square-foot for those 50... let's say you want to go with 40 homes, divide that across the year... because, as I understand it, a lot of these people, the HOA fees are 50/60 bucks a month and that covers administrative fees... they're barely breaking even every year and that's not including any landscaping, any trash pickup, if you have that park they're gonna have to have dog doody pickup and things like that. So I'm just curious if we've done any analysis, just to see what kind of burden we're putting on the HOAs. That's my big hang-up, because, you know, even when you have 50 houses dropping it down to 40, you're losing... if it's a hundred bucks a month in HOA fees, you're losing \$1,200 a year per house, which could be a lot to maintain the park.

Mr. English: Plus they're taking care of your common grounds on top of that, so you're adding...

Ms. Vanuch: Yeah...

Mr. Randall: To that point, and again, you know, if they put a swimming pool in there that would be one thing. If they're putting a gazebo and they've got open space for...

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Ms. Vanuch: They've got to paint it, they've got a power wash it, I mean I've just been talking to the Apple Grove community about what they have to do with their friggin tennis courts and it's ridiculous. The amount of money it costs to maintain those every year, because they keep, that's next, they keep flooding...

Mr. Randall: That's a whole other issue.

Ms. Vanuch: ...but I mean, you gotta maintain, you gotta trash to pick up when you have the common... so that's just... that's my only hang-up is if we... have we done any developer output or anything to determine...

Mr. Apicella: Madam...

Ms. Vanuch: Yep, go ahead.

Mr. Apicella: Well, I think, on the one hand it's a fair point, but going back to the project, the site plan that we just saw, what was it 57 units? Zero... zero recreational amenities, and these, more townhouses, they were single-family homes, and so I'd asked the question earlier about hey what are they doing here, they're putting in a tot lot...

Ms. Vanuch: And that's why I like the number 50, because I feel like 50, it's enough money to help maintain it. Anything below that and I think you're really strapping the homeowners with a higher HOA fee.

Mr. Apicella: So, do we agree that there should be at least some standard, because this just says space, it doesn't say what that space has to be in that space, it just says you have to set aside...

Mr. Randall: And that's in the next paragraph...

Mr. Apicella: ...set aside some space, could be a gazebo, could be a pool, tennis court, so I mean there's a big range of things that could be put on there. I don't disagree that there should be a threshold and 50 might be a good one and maybe the compromise is, I hear what you're saying because sometimes people purposely chop up their projects into smaller bits...

Mr. Randall: Yeah, that's exactly what they do.

Mr. Apicella: ...so they don't reach the threshold.

Mr. Randall: Right.

Mr. Apicella: So, is there a way, and this might be a legal question, that it can be cumulative? Once you, you know, if you have a... if you do it in two pieces there are 25 units, then you're gonna have to find a way once you get to that 50 to make sure that you've accomplished the 10,000 square feet. Does that make any sense? So, I hear what you're saying, 40 may be too low, but what we don't want to have folks doing is kind of playing a game...

Mr. English: But what if you left a space, if you say 50 homes and you just left the space and then kind of after the development got going it'll be up to the HOAs to put what they wanted in and what they could afford. In other words, maybe designating space, because I'm saying, just I'm with Crystal. I'm thinking you put that... it's an extra burden on the homeowners and I think...

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Mr. Randall: Well, it is, you're living in Stafford, there is gonna be a burden on homeowners living in a subdivision that has recreational activities, I understand that.

Mr. Apicella: I was an HOA president in a townhome subdivision, and I can tell you that the developer shorted us on recreational amenities.

Mr. Randall: Of course, that's exactly what they do.

Mr. Apicella: And so, you know, what does that do? That means those folks are gonna have to find some other place to go recreate so to speak and they're gonna be looking to the County to provide those additional opportunities. This is a way to share the burden. This is a way to get the developer to help pay for the impact of their project. So, I mean I hear both sides of the story but I've seen some bad situations happen and I understand where Mr. Randall is going to try to correct that problem so that developers are also thinking about, hey what can I do to kind of pay my fair share and provide those opportunities for my residents.

Mr. Randall: I guess my point is this, if you have a subdivision with the proper recreational amenities, a tot lot, a preschool lot, even something for the older kids to play at...

Mr. Apicella: A soccer field... that costs almost nothing.

Mr. Randall: ...maybe a soccer field for a larger development, my guess is that the homeowners would be more than happy to pay the extra money to keep those things up, to have those available to them within their subdivision. Rather than this one that we just approved, 67 lots and not zero, not a tot lot, not a...

Ms. Vanuch: Mr. English wants to make it clear that he didn't approve that.

Mr. Randall: The one that we just saw...

Mr. Apicella: And there's nothing there! A 57 unit, there's nothing...

Mr. Randall: Nothing! Not a tot lot, not a pre-school...

Mr. Apicella: ...there's nothing else around there...

Ms. Vanuch: And I'm not arguing on that, I'm just saying I think if we drop it below 50, we're putting more of a burden on these homes, especially with a 2-acre minimum, you could probably put a swing set on your own property. But, I think, 10,000 square feet, how big is that like acreage-wise? Is that a half acre?

Mr. Bain: Three hundred and thirty.

Mr. Randall: Well, look it's probably less than...

Mr. Bain: Square 330 by 330.

Mr. Randall: It's probably less than the size of this room.

Mr. Apicella: So could we add the word after 50, for every 50 cumulative lots?

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Mr. Randall: Well, the intent was is that for every 50 lots...

Mr. Apicella: Again, all I'm trying to get to and maybe it's not an issue here is that folks aren't chopping up their... this, they didn't turn this 57-unit subdivision into two separate subdivisions or two phases...

Mr. Randall: Yes

Mr. Apicella: ...and they somehow feel like they can get around. We didn't put in 50, we did 2, you know 227 in the subdivisions...

Mr. Randall: And that was kind of the reason why we went with a low number initially with 10 was so that no matter how, once they divided it up, they wouldn't get to the point where (inaudible) 9 lots. So, the initial 10 lots and then the 10,000 square feet was to prevent that exact problem. Now, does that mean that we're going to get a subdivision with only 10 lots and a subdivision of 10 houses is going to have to take care of a 10,000 square-foot area? Maybe. But that was the reason for the initial number of being 10 and 10,000. Again you know, what's...

Mr. Bain: Could I please offer a suggestion?

Mr. Randall: Please.

Mr. Bain: Take out the reference to the number of lots, make it a minimum of 200 square feet per lot, but then in the uses paragraph where we're specifying what it can be used for, indicate that for smaller areas less than 10,000 square feet it can be passive recreation or some other terminology that would not require them to install expensive equipment that would have to be maintained. But on larger recreational areas require that, you know, jungle gyms or gazebos and that type of thing. That way, any subdivision would still be required to provide recreational area, but not necessarily expensive maintenance equipment as a possibility?

Mr. Randall: Well, 200 square feet per lot is... 50 lots is 10,000?

Mr. Bain: Is 10,000.

Ms. Vanuch: And then we have to have a minimum of like, you can't just have like 5 houses, you know what I mean?

Mr. McPherson: Yeah, we need to stick with a minimum.

Ms. Vanuch: Like 5 houses shouldn't... I think there should be a minimum of at least 25 houses.

Mr. Randall: Just out of curiosity, Mr. Harvey, what's the minimum subdivision, what's the minimum size subdivision we have in Stafford, do you know?

Ms. Vanuch: Two houses?

Mr. Randall: For a whole subdivision?

Ms. Vanuch: Yeah.

Mr. Harvey: Madam Chairman, Commissioner Randall, the Chairman is correct.

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Ms. Vanuch: Yes!

Mr. Harvey: By our definition of the subdivision ordinance, any division of property is a subdivision. So creating one more lot is a subdivision.

Ms. Vanuch: Okay, I just think, I mean, I hate to do this but I like your suggestion but I want to look at it, you know what I mean? Like I think we need to put that in here and reword it and then have Ms. Lucian look at it for any unintended consequences. I don't know if anybody else is feeling... yes, no?

Mr. Randall: Well, I'm concerned that and again, even if we did 50 lots, you know, what's... I'm concerned that 10,000 square feet isn't enough. I don't think it's anywhere close to being enough.

Mr. English: Well, you've got some that don't have any.

Ms. Vanuch: Yeah. If you have a park this big, that's pretty big.

Mr. Randall: I understand that, I understand that. Again, this is a paradigm shift for the entire county and I understand that. And this is for new developments, I understand that as well. But I think that it's important that we set the standard and the standard should be what we want, not what we're willing to accept. And so I think if we set it as what we want, then we're willing to say if I have 50 houses and I've got a tot lot and a pre-lot, a pre-k lot, I'm already at 10,000. I haven't done anything for the older kids and I'm already at 10,000 square feet. So, I think that there should be some... some level that says I need to have... I need to have amenities for all the ages kids. I put a basketball court and I have a tennis court or I have a tot lot, I'm well past the 10,000 square feet. So, I think if you're gonna do 50 then or if you're gonna do it per lot, I think it needs to be at least, you know, much more than a 10,000 square feet for 50 houses.

Ms. Vanuch: I don't agree with that. I just, Mr. Bain just told me that 100 or 10,000 square feet is a 100 by 100. I have a 48 by 48 horse barn, so that's four barns put together. I hate mowing around that; four barns of my size put together is twice the size of my backyard where my dogs play and I have a pool and a lounge area. Like I just don't think that we need to put that burden, mowing... I just think that that's probably too big.

Mr. English: Madam Chairman, can I make a motion that we go... have Mr. Bain's idea reworded and brought back?

Mr. Apicella: Actually, I have a way of incorporating it, at least a proposal. I think this is what you said, so bear with me here. Any subdivision... I'm adding this, sorry Al... or portion thereof with at least... let me start again. Any subdivision or portion thereof with lots less than 2 acres and at least 25 lots... I'm kind of messing this up, sorry again. Any subdivision or portion thereof with at least 25 lots, where those lots are 2 acres, at least 2 acres, but greater than or equal to 1 acre, shall provide a minimum of 200 square feet of common space of recreational amenities per lot. Not perfect, but I think that's kind of what you said.

Mr. Bain: That's what I was intending, yes. The 25 lots minimum I can agree with.

Ms. Vanuch: Alright, so let's table that paragraph for now, I do like it. I mean, we're not going to be able to do anything anyway because we still have to have legal review it, so maybe we can have, Mr. Harvey, we can try to work that language in there? And then, okay the next... where's the next one?

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You still have to go over the ones for less than 1 acre, right? Did you talk about the ones less than 1 acre?

Mr. Randall: No, no.

Ms. Vanuch: Okay, let's do that one real quick.

Mr. Randall: And that's 25 lots, 10,000 square feet.

Mr. McPherson: Why don't we just keep it the same?

Mr. Bain: I think you combine both those paragraphs, regardless of lot sizes.

Mr. Randall: Well, the problem is, is that you have a R-1 and they're much closer together and you have much less room and you need to have more available common recreational space that's available for them to use. Ten thousand feet I don't think meets the requirements for an R-1 space where they could be on... they could be on half acre, quarter acre lots for that matter for R-1. So, I think it's imperative that we give them some recreational spaces; and 10,000 square feet or 200 square feet per lot, I don't think is enough.

Mr. Apicella: I'm not sure I understand the logic there. Why would they deserve more space per unit than lots that are larger than 1 acre?

Mr. Randall: Well, because if I have a larger lot, I can do a lot of... I can do a lot of recreational stuff on my own land.

Mr. Apicella: Well, I mean the proposal right now is basically the same; the only difference is it was a lower trigger point, 25 lots.

Mr. Randall: Right, and my change would be the original was that it would be 10,000 square feet for 10 lots for R-1, for all of them, right? And so if you have an R-1 where you're limited to the amount of open space or lot coverage, lot space you have in your yard, that you should have more common recreational amenities throughout the subdivision so that you can use...

Mr. Apicella: I mean, I hear what you're saying, I just think it's hard to go beyond parity here treating R-1 lots... I mean, I can certainly see the difference between A-1 lots and lots that are of smaller than 3 acres, but then when you start really slicing and dicing the difference between 2 acres and 1 acre...

Mr. Randall: Two acres and a quarter acre? There's a huge difference between what I can do on 2 acres and what I can do on a quarter acre.

Mr. Apicella: Right, but the point is we're still getting something, I mean there's still something more of a requirement than there is now.

Ms. Vanuch: Hold on, because most R-1 has to come for a zoning change anyway so we can make them build tennis courts, basketball courts, swimming pools... we can ask them to do a whole lot more when they're coming for a zoning change.

Mr. Randall: Right, we could. I would just prefer to see it written down somewhere so that the guidelines are in place already.

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Mr. Apicella: Well, it is a fair point, what you just said Madam Chairman, there are not a lot of R-3... currently R-3 zoned properties now, so they do have to come in for a rezoning. I think we're talking maybe a couple of hundred acres worth of R-3? Maybe less than that across the entire county. Is that correct Jeff?

Mr. Harvey: Madam Chairman, Commissioner Apicella, there are limited parcels in the County for R-2 and R-3 zoning. R-1, there is a bit more as far as undeveloped land that could come in for development, some of which already has zoning proffers on it and concept layouts; some of it's infill pieces that are here and there.

Mr. Apicella: I'm just going to Mr. Randall's point that when you get down to quarter acres, you know, hey, we need more recreational amenities. So, in order to get to a quarter acre, in most instances they're already going to be like an R-1 lot and they're trying to get even more density than they currently have. So they're already... in most cases they're already going to be in front of us. So, I think we can achieve, the County can achieve what you're trying to do when they have to come through for a rezoning. You know, are we gonna have different standards for R-1, for R-2, for R-3?

Mr. Randall: No, that's why we went to lot sizes and not zoning classifications. So, if we have lot sizes and that... the expectation is different for everything. We understand that you can do a lot more on 2+ acres than you can less than 1 acre. Obviously, I'm the odd man out here so. We're looking to do something... I would like to see it so that we set a standard in Stafford County so that we don't ever have to think about it. It is part of the cost of doing business in Stafford County. That if you want to come here and build an R-1 community with 400 units that you know going in, without having to ask anybody's permission or get dictated at a meeting, you already know going in that you're going to... 400 units you're going to require 400,000 square feet of recreational amenities and it's going to be centrally located throughout the subdivision.

Mr. Apicella: Mr. Randall, you're right, it is a paradigm shift.

Mr. Randall: It is.

Mr. Apicella: I think you were getting close to where you were wanting. You may not get everything you want and I think we've made a lot of stride in trying to accommodate some of it. Can you live with...

Mr. Randall: It's not a matter of what I can live with, it's a matter of what's gonna cross here.

Ms. Vanuch: I don't think... yeah, I don't think we have the support to do that.

Mr. English: Madam Chairman, I'd like to make a motion we defer this to the 13th.

Mr. Boswell: Second.

Ms. Vanuch: Okay, so we have a motion on the floor to defer.

Mr. Randall: Well, you're just moving the discussion to another meeting, it's not gonna change anything.

Mr. Apicella: Right, but we're gonna look at that draft proposed language, right?

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Ms. Vanuch: Yes, so we're gonna put the draft together, so we have a motion on the floor to defer this to the 13th by Commissioner English, second by Commissioner Boswell; any discussion?

Mr. English: Yeah, that gives time for legal to look at it and then come up with that language that we just come up with...

Ms. Vanuch: Okay.

Mr. Randall: So, we're good for t that last paragraph then, we're good with?

Mr. English: Yes.

Ms. Vanuch: Yep.

Mr. Randall: Okay.

Ms. Vanuch: Okay, go ahead and vote. Tally the vote. Motion carries 7-0. Okay Landscaping Subcommittee is now done. They have their work completed, until the Board sends it back to you again -- no, haha. Alright, the Chairman's Report. I just have a follow-up from the last meeting. You'll see a single sheet of paper that was put at everybody's desk. Thank you so much, Mr. Harvey, for getting this together. Commissioner Apicella recommended last meeting to just put some draft language together regarding the County's elevation and construction standards for the flood hazard areas. And you'll see the proposed changes are the amenities provided in residential developments, such as tennis and basketball courts and tot lots shall meet the same elevation requirement as residential construction. So, if it's amenable by the Commission, I'd like to try to get something to the Board, but I'm gonna need somebody to make a motion for me.

12. Landscaping Subcommittee
Meeting - February 25, 2019 @ 5:00 p.m., ABC Conference Room

CHAIRMAN'S REPORT

Mr. Apicella: So moved, Madam Chairman.

Ms. Vanuch: Alright, so a motion by Commissioner English, do we have a second?

Mr. McPherson: Second.

Mr. English: No, that was Steve.

Ms. Vanuch: What?

Mr. English: Steve made the motion. I'm seconding.

Ms. Vanuch: Yeah, that's what I said. Oh, I'm sorry, Commissioner Apicella, second by Commissioner English. Any discussion?

Mr. Apicella: You're comfortable with this?

Ms. Vanuch: I'm comfortable, I think this solves the problems that I've been hearing from the HOAs.

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Mr. English: Yes. That's our job.

Ms. Vanuch: Alright, okay, any other discussion? Okay go ahead and vote to send this to the Board. Okay, motion carries 7-0.

Mr. Apicella: Madam Chairman, when we talked about this last time, again, I think we just need this part of the package, a problem statement, and how this corrects that problem.

Ms. Vanuch: Okay, yeah. Mr. Harvey, you can take care of that?

Mr. Harvey: Yes ma'am, that'll be included in the staff report.

Ms. Vanuch: Okay, and if you just let me know when it is, I can go to the Board meeting. I know they love it when I show up. Okay, so that concludes my report for this evening. TRC for March 13th has been cancelled, no meeting minutes to approve, so meeting is adjourned.

OTHER BUSINESS

13. TRC Information - March 13, 2019 - *Cancelled*

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:39 p.m.