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August 7, 2018

Mr. Richard H. Stuart, P.C.
Agent for Celebrate Virginia
Warehouse and Flex Space I, LLC
114 Polk Street
P. O. Box 1146
Montross, VA 22520

SUBJECT: *Application 18152337, Zoning Determination, Tax Map Parcel No. 44W-2*

Dear Mr. Stuart:

This letter is in response to your request for a Zoning Administrator Determination on the issues you cite in regards to age-restricted housing with the Celebrate Virginia North development. The responses to your questions are based on the current Zoning Ordinance regulations.

1. Is age-restricted retirement housing a by-right use within the Recreational Business Campus (RBC) zoning?

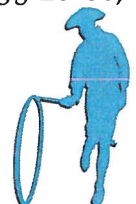
“Retirement housing,” as that term is defined in the Stafford County Code § 28-25, is a by-right use within the RBC zoning district. Age restrictions for retirement housing are located in Stafford County Code § 28-39(i)(13).

2. Are there any limitations on the amount of land upon which age-restricted retirement housing can be constructed within the RBC District?

Yes. Stafford County Code § 28-39(i)(10) states that “[t]he gross area of all retirement housing communities shall not exceed thirty (30) percent of the gross area of the district.”

3. Are there any limitations on the location upon which age-restricted retirement housing can be constructed within the RBC District?

There are no limitations in the Zoning Ordinance dictating where retirement housing is to be constructed generally within the RBC district. The location of individual retirement housing units are subject to density, open space, yard, building height, lot width, lot size, and other similar requirements in the Zoning Ordinance. See, e.g., County Code §§ 28-35, 28-39.



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4. Does the "Proposed Conditions Land Use Plan - Celebrate Virginia North," dated August 14, 2015 (the "Land Use Plan"), as shown in Exhibit C, which was submitted and approved as part of 015-37 and 015-38, represent the current "preliminary concept plan" for the Project as described in Sec. 28-39.i.(14)a. Special Regulations of Stafford County's Zoning Ordinance?

Yes.

5. Does the Development Proposal property, or a portion thereof, include Pod A3 as shown in Exhibit C?

Yes.

6. Is Pod A3 identified as a "Retirement/Office/Resort District" as shown in Exhibit C?

No.

7. Is Pod A3 identified as being within the "Office District" as shown in Exhibit C?

Yes.

8. Is retirement housing listed as a permitted use within the "Office District" as shown in Exhibit C?

According to the plan as shown in Exhibit C, retirement housing is not listed as a use in the office district.

9. In what District(s) on the Land Use Plan is age-restricted retirement housing permitted without an amendment to the preliminary concept plan?

Retirement housing is a permitted by-right use in the RBC and may be located, generally, anywhere within the RBC district, subject to the requirements stated in response to questions two and three above. Retirement housing may be placed in any district identified on the initial preliminary concept plan. An amendment to the initial preliminary concept plan is required for retirement housing to be constructed in any district not identified for retirement housing in the preliminary concept plan. See County Code § 28-39(i)(14)(a).

10. Does an application for age-restricted retirement housing in any District other than the Retirement/Office/Resort District, as identified on the Land Use Plan, require the submission of a zoning amendment application, preliminary concept plan amendment, and/or proffers?

No, unless a material change to the preliminary concept is being proposed. Then an

application for a preliminary concept plan amendment must be submitted under County Code § 28-39(i)(14)(a)(1).

11. Does a wholesale change to a land pod's District designation meet the definition of a "material change to the preliminary concept plan" under Sec. 28-39.i.(14)a . Special Regulations of Stafford County's Zoning Ordinance?

County Code § 28-39(i)(14)(a)(1) defines the term "material change." The term "wholesale change" is not used and is vague. Whether a proposed change to the preliminary concept plan is "material" can be determined by referencing the above Code section.

12. Does a wholesale change to a land pod's District designation (change from one designation to another) require an amendment to the preliminary concept plan?

See the response above to question 11.

13. Was a revised preliminary concept plan reviewed and approved by the County as part of 003-40, an ordinance to amend and re-ordain the zoning ordinance for Stafford County by amending the Zoning District Map to amend proffered conditions of Assessor's Parcels 44-89 and 90 (portion), Hartwood Election District?

No.

14. If yes, did the revised preliminary concept plan identify Pod A3 as an age-restricted retirement land use pod?

Due to the response to question 13 above, no response to this question is required.

15. Was the revised preliminary concept plan considered by the Stafford County Board of Supervisors in concert with the Applicant's proffered conditions?

See the response to question 14 above.

16. Did the Stafford County Board of Supervisors approve 003-40, as shown in Exhibit D, to include the amendment of the revised preliminary concept plan and the Applicant's proffered conditions?

See the response to question 14 above. Ordinance O03-40 amended the proffered conditions for the land that comprises the parcels identified in the ordinance.

17. Does Proffer #5 under 005-40, which states "The Applicant further agrees that retirement housing shall be constructed only on property within the RBC Zoning District that is subject to these proffers," restrict construction of retirement housing on portions of the RBC Zoning District that was not subject to said proffers?

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Proffer # 5 of Ordinance O05-40 addresses a buffer and does not mention retirement housing. Proffer # 5 of Ordinance O03-40 only applies restrictions to the land that comprises the parcels identified in O03-40.

18. Was it the intent of the Stafford County Board of Supervisors, as part of their approval of 005-40, to limit retirement housing within the Celebrate Virginia North RBC District to Land Pods C and D as shown on the preliminary concept plan approved as part of 003-40?

The Zoning Administrator cannot speak for the Board of Supervisors. The Board, as a legislative body, speaks through its resolutions and ordinances. Ordinances O05-40 and O03-40 speak for themselves.

You have thirty (30) days from the receipt of this letter in which to appeal this decision to the Board of Zoning Appeals (BZA), in accordance with Virginia Code § 15.2-2311, or this decision shall be final and unappealable.

Sincerely,



Susan W. Blackburn
Zoning Administrator

SWB:sjs

cc: Abutting Property Owners