

**BOARD OF SUPERVISORS**  
**Agenda Item**

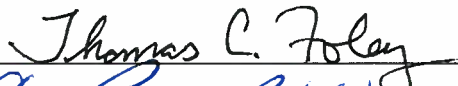

<b>Meeting Date:</b>	June 20, 2017
<b>Title:</b>	Consider the Request to Amend Proffered Conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, Zoned LC, Life Care/Retirement Community, to Modify the Mix of Dwelling Unit Types Permitted on the Property
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey A. Harvey, Director
<b>Board Committee/ Other BACC:</b>	Planning Commission
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	September 13, 2017 to comply with the one year deadline for action

**ATTACHMENTS:**

1.	Background Report	6.	Land Use Action Request
2.	Proposed Ordinance O17-21 (Approval)	7.	Original Ordinance O14-20 with proffers
3.	Proposed Resolution R17-104 (Denial)	8.	Original GDP
4.	Proffer Statement, dtd 4/26/17 (redline)	9.	Application and Related Materials
5.	Proffer Statement, dtd 4/26/17 (signed)	10.	PC Minutes dtd 4/12/17 & 5/10/17

<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
<b>New Business</b>	X	<b>Public Hearing</b>		<b>Add-On</b>

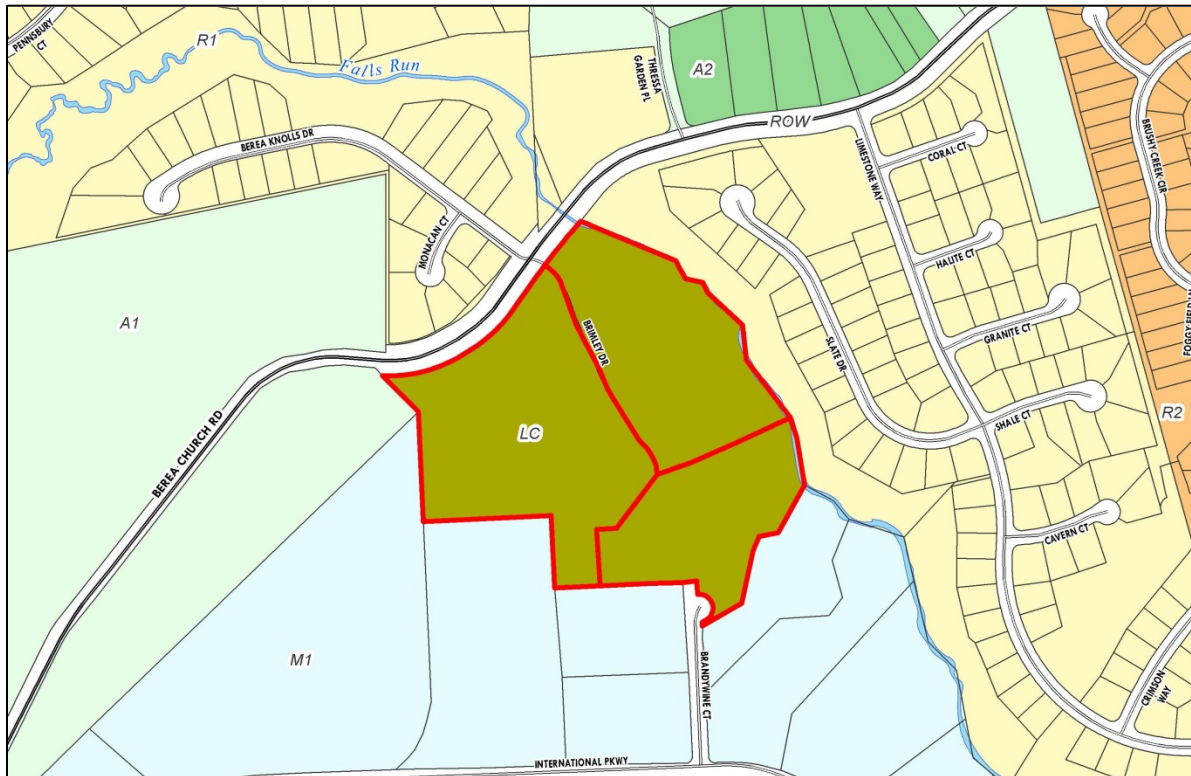
**REVIEW:**

X	County Administrator	
X	County Attorney <i>(legal review only)</i>	

<b>DISTRICT:</b>	George Washington
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## **BACKGROUND REPORT**

The Board is asked to consider a request from Stafford IL-AL Investors, LLC and Stafford Residential I, LLC (Applicant) to amend proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B (Property), zoned LC, Life Care/Retirement Community, to modify the mix of dwelling unit types permitted on the Property, located on the east side of Berea Church Road, and along both sides of Brimley Drive. The zoning map below highlights the rezoning area with a red outline.



*Zoning Map*

### **Zoning History**

In March 2008, the Property was rezoned to the LC, Life Care/Retirement Community Zoning District, in order to construct a retirement community with a variety of housing options, including independent living units, an assisted living facility, and a nursing home (Project). Proffers associated with the Project established the intensity of the project, monetary contributions to offset impacts, primary and secondary access, transportation improvements, and other site amenities.

In June 2009, a site plan was approved for construction of the Project.

In August 2009, the proffers were amended to allow for phasing of the Project. Phase I included for access to the nursing home, on a temporary basis off of Brandywine Court and through Stafford Industrial Park. Phase II included construction of the assisted living (AL) facility and independent living (IL) units, with the requirement to complete access improvements on Berea Church Road. Improvements and access along Berea Church Road are complete.



In September 2010, the site plan was amended.

In June 2014, the proffers were amended to increase the maximum number of AL beds from 127 to 142, concurrently decrease the number of IL units from 240 to 207, and modify other language to clarify and remove confusion regarding references to beds (for AL) and units (for IL).

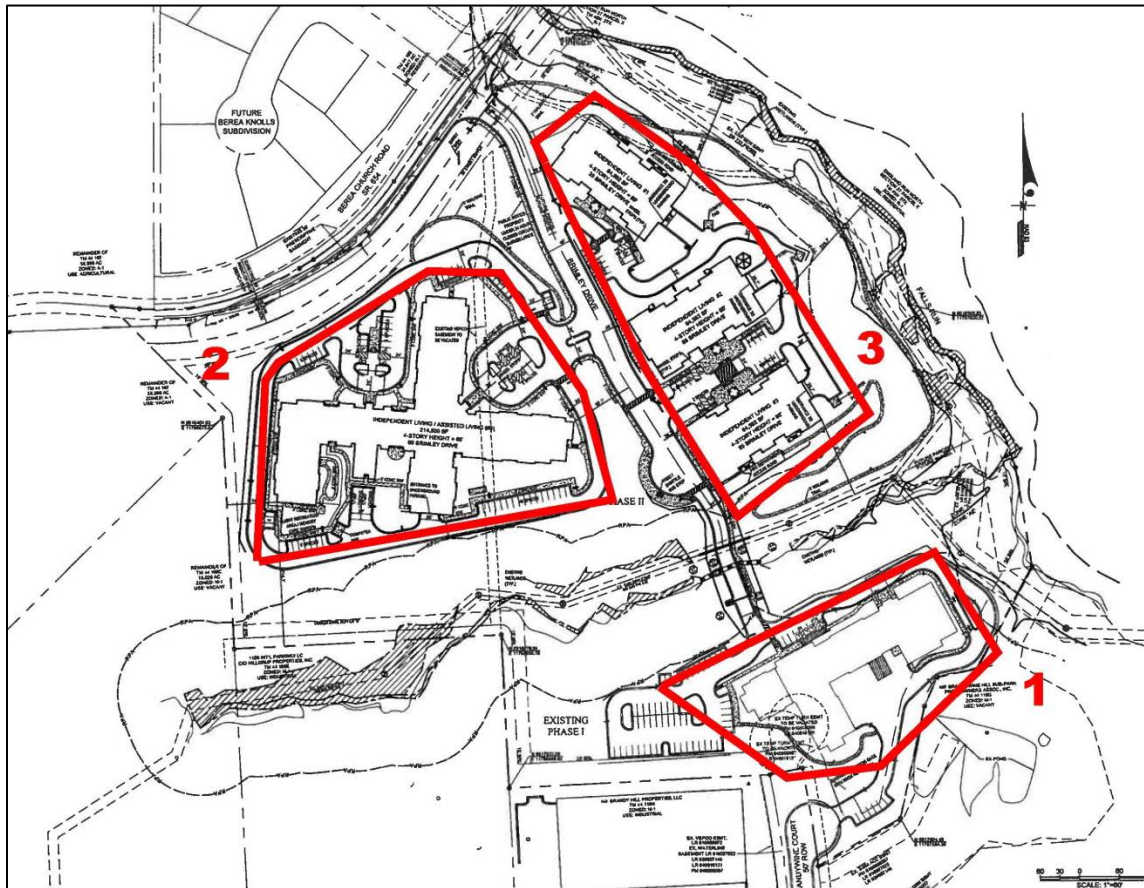
### Existing Conditions

The Property includes three parcels, two of which have been fully developed as part of the original Project known as Stafford Nursing Home and Retirement Community, with structures, associated vehicle travel-ways, and parking. The uses include the Falls Run Nursing and Rehabilitation Center, a nursing home facility with 90 beds, and The Crossings at Falls Run, a facility with 142 AL beds, and 46 IL units (up to 92 beds). The third parcel had been graded and is currently vacant. The terrain had been modified as part of the development but generally slopes from the west to east down to Falls Run, a stream that includes associated wetlands, a 100-year floodplain, and a critical resource protection area (CRPA). A tributary to Falls Run bisects the Property. The areas along these streams are wooded and the remainder of the site has been cleared. The Property has frontage on Berea Church Road across from the Berea Knolls subdivision and an access Road, Brimley Drive, bisects the Property.



*Site - Aerial View*

On Page 3 is an image of the approved Generalized Development Plan (GDP) (Attachment 8). The GDP identifies the location of the current and planned uses on the site. Area 1 identifies the existing Falls Run Nursing and Rehabilitation Center, with nursing home beds. Area 2 identifies the location of the existing Crossings at Falls Run facility, with AL and IL facilities. Area 3 identifies the potential for three buildings identified as including IL units. Area 3 has not been developed and currently consists of an open graded area and a small parking lot.



*Generalized Development Plan*

**COMMENTS:**

Amendments are proposed to Proffers 5, 6, and 7. The original/red-lined proffer statement is included in Attachment 4, and the draft revised proffer statement, with changes highlighted, is included in Attachment 5. The following is a summary and evaluation of the proposed amendments.

**Amendment to Proffer #5: Use**

As noted, the proffers currently allow no more than 142 AL beds and 207 IL units (up to 414 beds at 2 beds per unit) for a total of 556 AL and IL beds. The Crossings at Falls Run includes the maximum 142 AL beds. The Applicant is finding a greater need from residents seeking assisted living needs and wishes to increase the flexibility between these two bed/unit types.

The proposed amendment to Proffer 5 is as follows:

- Modify the mix of dwelling unit types permitted on the property to allow up to 556 beds, either as AL beds or IL units, of which at least 100 shall be IL units (200 beds) through the full build-out of Phase II, including at any one time no less than 30 IL units in place.

Currently, the existing facility includes 46 IL units. If this number remains the same, when the last parcel is developed, it will have to include 54 IL units. If the existing IL units are reduced to 30, as permitted under this proposed proffer amendment, development of the last parcel will have to include 70 IL units. After the 54 to 70 new IL units are constructed, they may be converted to AL units as long as 30 IL units are retained on the Project.

LC Zoning District Purpose and Standards

The County’s Zoning Ordinance states “[the] purpose of the LC district is to provide areas for the continuing care of elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home care, where all related uses are located on the same lot or adjacent lots (which includes lots separated by a public right-of-way).” Special regulations related to the LC Zoning District require there be a mix of IL, AL, and nursing home care beds, and require a number of AL beds equal to or greater than 15% of the total number of IL units. There is no required minimum number of IL units, other than that they must be provided. The following is a comparison of the number of IL and AL beds permitted under the current, approved proffers and proposed proffers, should the maximum number of AL beds be developed.

	Assisted Living Beds – Units - % of Total	Independent Living Beds – Units - % of Total	Total Beds – Units
Current Approved	142 – 71 – 25.5%	414 – 207 – 74.5%	556 – 278
Proposed (w max AL)	496 – 248 – 89.2%	60 – 30 – 10.8%	556 – 278

Other than allowing for a proportionally greater share of AL beds in the future, the proposal would not be in conflict with the Zoning Ordinance requirement.

Development Plan

According to the original GDP, the remaining vacant parcel of land in this project is identified as having three relatively smaller IL unit apartment buildings. Should the remaining units develop as AL, the site may develop with a single building, similar to that of the current assisted living facility.

Fire and Rescue

The Department of Fire, Rescue, and Emergency Services (F&R) provided the following comments and concerns regarding the proposed amendment for this specific facility:

- 1) Any increase in AL beds will result in an increase in emergency medical services (EMS) calls to the facility.
- 2) The facility is wood-frame construction, which presents a higher fire threat. Staff assumes a renovation or addition would use the same construction method, proportionately increasing the fire threat.
- 3) Evacuation times for the current facility for fire alarms are a challenge to say the least. An increase in AL beds would increase the evacuation time of the facility.

An increase in EMS call volume, wood-frame construction, and less than ideal evacuation times for fire alarms present a number of challenges that F&R staff would do everything in their power to address although these challenges are not necessarily easily addressed through proffers. Staff urges serious consideration of its concerns when discussing the proposed proffer amendment on this Project.



In response to the F&R concerns, the Applicant has noted that many of the residents come to the facility from private residences within the County. The Applicant has also stated that the homes the residents are moving from may be older and may lack the same level of fire protection offered at the facility. This facility will offer 24-hour supervision in a modern and safe building, and an increase in AL beds would require more staffing as well as Health Department oversight.

Despite the increased EMS call volume and other concerns expressed regarding the AL units in general, LC communities (IL, AL and nursing home combinations) may be seen as preferred over stand-alone, multi-family style IL units, as evidenced by commentary provided during recent discussion of the proposed R-5 Zoning District. Having each of these various levels of on-site care, with the appropriate supervision and resources is preferred over having a primarily AL unit and nursing home facility at this location.

### **Amendment to Proffer #6: Cash Contribution**

The proposed amendments to Proffer 6 are as follow:

- Clarify a prior requirement that IL units are the only types of units that are required to pay cash proffers; and
- Prohibit the Applicant from seeking any future reimbursement of cash proffers previously paid for IL units if they convert to a different type unit.

Under the amendments to Proffer 5, the Applicant would have the ability to convert 16 of the existing IL units to AL units. This amendment would avoid any potential reimbursement of cash contributions already paid.

### Cash Proffers

The Applicant has paid proffers on 46 IL units, and completed transportation improvements that were approved as part of the original cash proffer package. The Applicant noted that Proffer 7 permitted a portion of the cash proffers for transportation to be applied to intersection improvements at the Berea Church Road/US Route 17/Fleet Road intersection, a value of \$582,000. The improvements were made and the Applicant has not requested a credit for this work. In total, the applicant has provided \$949,770 in cash and in-kind improvements. Additional cash contributions, based on the latest proffer modification, would bring the total contributions closer but slightly below the original cash proffer amount of \$1,654,965. Listed below and on Page 6 is a cash proffer analysis of what has been paid, the remaining value, and potential total contributions:

#### **Original Proffer Amount:**

207 IL Units x \$7,995 = \$1,654,965

#### **Paid Contributions:**

46 IL Units x \$7,995 = \$367,770

#### **In-kind improvements:**

Transportation improvements completed = \$582,000

*\*\* Proffer 7 permitted a portion of the cash proffers to be applied to this improvement. The applicant has not requested a credit for this work. New proffer language will not permit any reimbursement of previously paid proffers.*

**Current total contributions: \$949,770**

**Future Contributions:**

With 54 IL Units x \$7,995 = \$431,730 (Total Contributions: **\$1,381,500**)

With 70 IL Units x \$7,995 = \$559,650 (Total Contributions: **\$1,509,420**)

**Amendment to Proffer #7: Transportation**

The proposed amendment to Proffer 7 is as follows:

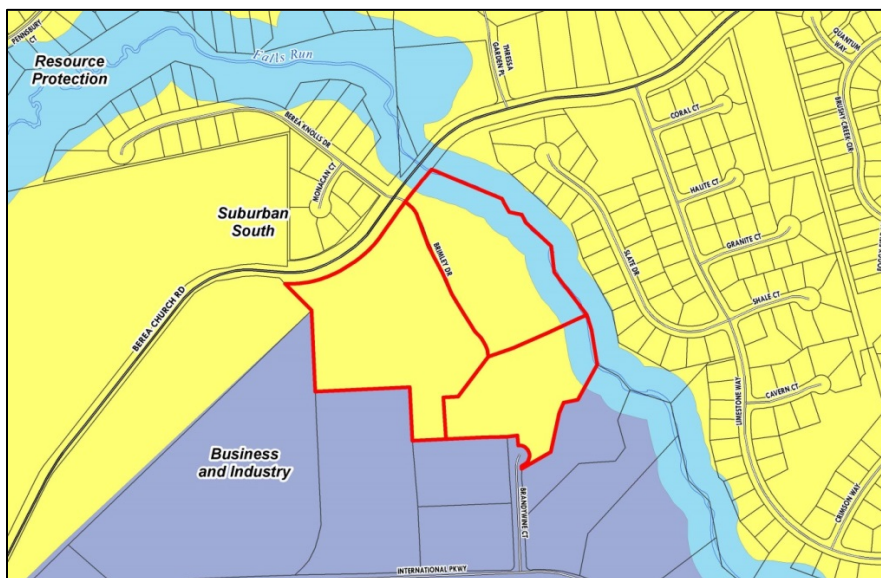
- Deletes statement that the Applicant would not be required to expend more than the specified transportation proffer amount of \$1,478,640.00 for intersection improvements.

The amount of transportation dollars the Applicant is required to spend would likely vary with flexibility in the number of IL units under this proffer amendment. Removal of this language would not prohibit the County from collecting future transportation contributions for IL units.

Comprehensive Plan

*Future Land Use*

The County's Future Land Use Plan recommends the Property for suburban land use and resource protection. Suburban areas are designated to be primarily residential in nature but are complimented by neighborhood and community oriented activity centers, places of worship, parks and play areas, retail, and business activities. The resource protection designation reflects where sensitive environmental resources are located and recommended for protection. The existing zoning is in compliance with the land use designation, and the amendments to the proffers would not affect the land use.



*Future Land Use Map – Suburban & Resource Protection*

EVALUATION CRITERIA:

County Code Sec. 28-206 lists 12 criteria to be considered at each public hearing for reclassification.

1. Compliance of the request with the stated requirements of the district or districts involved - *The use is in compliance with the stated requirements of the LC Zoning District.*
2. The existing use and character of the property and the surrounding property - *The Property is partially developed with one parcel remaining to be built. The general character of the Project would not change as a result of the proffer amendment.*
3. The suitability of the property for various uses - *The proposed amendment is not changing the residential use of the Property.*
4. The trend of growth and development in the surrounding area - *This site serves as a transition from single-family residential development to the north and east and industrial development to the south and west.*
5. The current and future requirements of the County for land - *No needs for land are identified for the subject parcel.*
6. The transportation requirements of the Project and the County, and the impact of the proposed land use on the County's transportation network - *The proposed proffer amendment should have minimal impacts to the surrounding transportation network and may reduce the impact on the transportation network. The reduction of independent units may reduce the number of residents that own or drive a car.*
7. Requirements for schools, parks, recreational lands and facilities, and other public services, potentially generated by the proposed classification - *The proposal would not change impacts to schools and parks as the number of residents would not change. These amendments would ensure total contributions of \$1.38 to \$1.50 million, slightly below the original cash proffer amount of \$1.65 million.*
8. The conservation of property values in the surrounding area - *The proposed amendments do not change the Project's effect on Property values in the surrounding area.*
9. The preservation of natural resources and the impact of the proposed uses on the natural environment - *The proposal does not include additional clearing or development of the Property that would impact natural resources.*
10. The most appropriate use of land - *The proposal does not change the residential use of the Property.*
11. The timing of the development of utilities and public facilities and the overall public costs of the development - *No changes are anticipated that would impact the installation of water and sewer improvements as originally proposed, so there would be no additional cost to the County.*
12. The consistency, or lack thereof, of the proposed rezoning with the Stafford County Comprehensive Plan as in effect at that time - *The proposal is consistent with the Comprehensive Plan.*



SUMMARY OF POSITIVE AND NEGATIVE FEATURES:

POSITIVE:

1. The proposal is consistent with the Comprehensive Plan.
2. The adjustment to the number of IL units and AL beds does not increase the overall number of residents in the facility.
3. Provides flexibility to allow for the development to adjust its residential offerings based on changing needs.
4. In general, AL units and IL unit apartments in a life care community offer better fire safety than that of stand-alone IL unit apartments.

NEGATIVE:

1. A potential for a much higher percentage of AL beds reduces the proportion of unit types runs contrary to the purpose of the LC zoning district.
2. Additional AL units would likely increase the demand for F&R.

RECOMMENDATION:

At its meeting on May 10, 2017, the Planning Commission voted 5-0-1 (Mr. Rhodes abstained, Ms. Bailey was absent) to recommend approval of the application.

Staff is supportive of this application (RC16151470) with the amended proffers, pursuant to Ordinance O17-21, and has determined that the Project's benefits outweigh the negatives.

O17-21

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 20<sup>th</sup> day of June, 2017:

MEMBERS:

Paul V. Milde, III, Chairman  
Meg Bohmke, Vice Chairman  
Jack R. Cavalier  
Wendy E. Maurer  
Laura A. Sellers  
Gary F. Snellings  
Robert "Bob" Thomas, Jr.

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON TAX MAP PARCEL NOS. 44FF-1, 44FF-2, AND 44FF-2B, ZONED LC, LIFE CARE/RETIREMENT COMMUNITY, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Stafford IL-AL Investors, LLC, and Stafford Residential I, LLC (Applicants), submitted application RC16151470, requesting an amendment to proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, consisting of 21.77 acres, zoned LC, Life Care/Retirement Community, within the George Washington Election District; and

WHEREAS, Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B are subject to proffered conditions pursuant to Ordinance O14-20, adopted by the Board on June 17, 2014; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that the requested proffer condition amendment is compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

O17-21  
Page 2

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of this Ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained to amend proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, zoned LC, Life Care/Retirement Community, as specified in the proffer statement entitled, "Proffer Amendment Statement, Stafford Nursing Home and Retirement Community Stafford, Virginia," dated April 26, 2017.

TCF:JAH:mz

R17-104

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 20<sup>th</sup> day of June, 2017:

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MEMBERS:

Paul V. Milde, III, Chairman  
Meg Bohmke, Vice Chairman  
Jack R. Cavalier  
Wendy E. Maurer  
Laura A. Sellers  
Gary F. Snellings  
Robert "Bob" Thomas, Jr.

VOTE:

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On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO DENY AN APPLICATION TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON TAX MAP PARCEL NOS. 44FF-1, 44FF-2, AND 44FF-2B, ZONED LC, LIFE CARE/RETIREMENT COMMUNITY, WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Stafford IL-AL Investors, LLC, and Stafford Residential I, LLC (Applicants), submitted application RC16151470, requesting an amendment to proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, consisting of 21.77 acres, zoned LC, Life Care/Retirement Community, within the George Washington Election District; and

WHEREAS, Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B are subject to proffered conditions pursuant to Ordinance O14-20, adopted by the Board on June 17, 2014; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that the requested zoning amendment is incompatible with the surrounding land uses and does not meet the criteria for a rezoning in Stafford County Code Sec. 28-206;



R17-104  
Page 2

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that application RC16151470 be and it hereby is denied.

TCF:JAH:mz

**PROFFER AMENDMENT STATEMENT**

Stafford Nursing Home and Retirement Community  
Stafford, Virginia

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County: County of Stafford, Virginia

Applicant/Owner: Stafford IL-AL Investors, LLC and Stafford Residential I, LLC  
(collectively, "Applicant")

File No. RC16151470 (formerly RC1300524 & RC2900127)

Property: Tax Map & Parcel Nos.: 44FF-1, 44FF-2 and 44FF-2B, consisting of  
21.773 acres, more or less (collectively the "Property")

Proffer  
Amendment  
Date: ~~February 28,~~[April 26,](#) 2017

Zoned: LC Life Care/Retirement District

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**RECITALS**

**WHEREAS**, on or about March 4, 2008, the Stafford County Board of Supervisors did approve the Applicant's rezoning request pursuant to Ordinance O08-03; and

**WHEREAS**, on or about August 18, 2009, the Stafford County Board of Supervisors did approve certain amendments to the proffered conditions of O08-03 pursuant to Ordinance O09-35; and

**WHEREAS**, on or about June 17, 2014, the Stafford County Board of Supervisors did approve certain amendments to the proffered conditions of O09-35 pursuant to Ordinance O14-20; and

**WHEREAS**, since the aforesaid zoning approval, the Applicant has diligently undertaken extensive steps to develop the Property and presently operates facilities with 46 Independent Living units, 142 Assisted Living beds, and a 120 bed nursing home facility; and

**WHEREAS**, Applicant desires to better serve the Stafford County community by amending the current proffered conditions under Ordinance O14-20 by allowing the Independent Living units to be developed as either Independent Living units or Assisted Living beds; and

**WHEREAS**, it is the purpose of this proffer amendment statement to provide the following amended proffers:

1. General Application & Effect. Subject to the terms herein, the purpose of this proffer amendment statement is to amend the prior approved amended proffers under Ordinance O14-20 as provided in this statement and for no other purposes. This proffer amendment statement will replace and supersede all prior proffers approved under Ordinance O14-20, and the proffers under Ordinance O14-20 will hereby be void, unenforceable and of no further legal effect upon the Stafford County Board of Supervisor's ("County") final approval of this proffer amendment statement and underlying application. The County and the Applicant agree that the amended proffers provided herein are the only proffered conditions offered in this proffer amendment application, and any prior proffers in which the Property may be subject to or previously offered are hereby superseded by these proffers. Notwithstanding anything to the contrary is this proffer statement, several of the following proffers, since the initial rezoning approval and amendment, may have previously been fully satisfied and remain applicable herein only for purposes of continuing consistency and clarity with prior proffer statements, except as amended hereunder.
2. Generalized Development Plan. The Property will be developed in accordance with the Generalized Development Plan ("GDP") submitted with proffer amendment application entitled "Generalized Development Plan – Stafford Nursing Home and Retirement Community", prepared by Greenhorne & O'Mara, Inc., dated April, 2009, as last revised. The County and the Applicant further agree that all parcel lines, parcel sizes, building envelopes, building sizes, public road locations, private driveway and travel way locations, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be amended by the Applicant to fulfill requirements of final engineering and design and/or compliance with state agency regulations including, but not limited to, VDOT, DEQ, etc., and compliance with the requirements of the County's development regulations and design standards manual. Changes consistent with the original intent of the GDP (the original intent of the GDP providing only for the general location of the buildings, parking areas, and entrances to and exits from the development) will be permitted. Where it is necessary to determine if changes are consistent with the original intent of the GDP, the same will be referred to the County Zoning Administrator for determination thereof. Notwithstanding all of the foregoing, all final site and construction plans approved by the county subsequent to the approval of the GDP shall supersede and govern the development of the Property for purposes of this Section 2.
3. Developmental Phasing. The Property will be developed in multiple phases as depicted on the GDP. In this regard, Phase I will include only the construction of the Nursing Home Facility (as described below under Section 5) and accompanying amenities as shown on the GDP. In this regard and for purposes of this proffer amendment, the Applicant will utilize Brandywine Court as primary access to and from the nursing home facility with an emergency personnel access to Berea Church Road, all as shown on the GDP. The commencement of Phase II of the project will include Assisted Living units and upon the completion of Phase II, both the Assisted Living and Independent Living units (as described below under Section 5) and all other improvements will be completed as provided on the GDP. For purposes of Phase II, the primary access point will change to Berea Church Road, and Brandywine Court will become thereafter only an emergency

personnel access point, all as shown on the GDP. Notwithstanding the foregoing, Phase II of this project will be developed and constructed over a period time as determined by market forces and requirements.

4. Architecture: The architecture proffers for the project will be generally in accordance with the elevations and photographs attached hereto and entitled “Proffered Exteriors” for the Independent Living, Independent Living Apartments, Assisted Living and Skilled Nursing. The buildings will consist of brick, split-face block, drivit, composite siding, glass and concrete. The architectural materials depicted on the photographs will be utilized on all sides of the proposed buildings.
5. Use: The referenced Property will be developed for those uses shown on the GDP, which, when complete, will include the following: (i) for purposes of TM Parcels 44FF-2 and 44FF-2B, a maximum of 556 beds, as either Assisted Living beds or Independent Living units, which shall include a minimum of ~~thirtyone-hundred (30100)~~ Independent Living units (30 IL units = 60 beds) 100 IL units = 200 beds through the full build-out of Phase II, including at any one time no less than 30 Independent Living units in place; and (ii) for purposes of Parcel 44FF-1, a Nursing Home Facility with a maximum of 120 beds. The Applicant further agrees to commence construction of the Nursing Home facility prior to the construction of the Independent Living Condominiums.
6. Cash Contribution – The Applicant agrees to pay the County the sum of Seven Thousand Nine Hundred Ninety Five and no/100 Dollars (\$7,995.00) per ~~residential retirement unit constructed on the Property (i.e. Independent Living and Age Restricted Independent Living Units only)~~ Independent Living unit (also known herein as IL Units), payable at the issuance of the final County occupancy permit for each ~~residential family retirement housing~~ Independent Living unit. The per unit payment may, until paid, be subject to annual increases, with prior notice to the Applicant, to be calculated on a yearly basis commencing one (1) year after the date of final County approval of this proffer statement. Such increases will be calculated by utilizing Marshall Swift adjustment factor for the current year based on the original per unit cash proffer amount.

The per unit contribution for the Independent Living ~~Units~~ units will be allocated based on the following categories or subcategories, which are subject to the abovementioned annual Marshall Swift adjustment factor from the date of the original approval of the rezoning Ordinance O08-03:

General Government	\$ 504.00 per unit
Libraries	\$ 581.00 per unit
Fire and Rescue	\$ 749.00 per unit
Transportation	\$6,161.00 per unit

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~~\*Total Proffer Dollars: 207 units x \$7,995.00 = \$1,654,965~~

Total per unit: \$7,995.00 per unit

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Notwithstanding anything to the contrary under this proffer statement, any cash proffers paid for Independent Living Units prior to the date hereof, shall not be reimbursed to the Applicant and are applicable as provided herein.

7. Transportation – The Applicant agrees to apply a portion of the aggregate transportation proffer (listed above) to construct improvements to the intersections of Berea Church Road with Route 17 and with Fleet Road, as recommended by the County Transportation Department and subject to approval by VDOT and the acquisition of necessary right-of-way and easements (collectively “Intersection Improvements”). The Intersection Improvements may include, but not necessarily limited to pavement milling and overlay, signage, pavement markings, lighting, widening, curb and gutter, utility adjustments and drainage facilities. If the Applicant is unable, through the use of commercially reasonable diligence, to obtain the necessary right-of-way and easements for the Intersection Improvements, the County may exercise its powers of eminent domain in order to obtain said right-of-way and easements. In the event that the necessary right-of-way and easements have not been obtained by either means within one (1) year of the date of final approval of this proffer amendment application, the Intersection Improvements will be limited to only those improvements that can be reasonably accomplished within the existing right-of-way and easements. The design, permitting and construction cost of the Intersection Improvements is estimated to be approximately \$582,000.00, more or less. ~~Notwithstanding the foregoing, in no event, for purposes of the Intersection Improvements, will the Applicant be required to expend dollars in excess of the above transportation proffer amount of \$1,275,327.00.~~ Any remaining balance of the transportation proffer not expended on the Intersection Improvements will be designated for use on Berea Church Road or other area transportation improvement(s) as deemed appropriate by the County. The aforesaid Intersection Improvements will be completed prior to the issuance of a certificate of occupancy for the first building in Phase II.
8. Shuttle Bus Service – The Applicant agrees that a shuttle bus service will be provided for both Phase I and Phase II of the project. The shuttle service will have a regular schedule to locations in the general vicinity of the retirement community and may be modified periodically with notice to residents in the community. The Applicant may also transfer responsibility for operation of the shuttle bus service to the homeowners association for the retirement community.
9. Additional Donation. The Applicant agrees to provide a \$100,000 recreational proffer paid to the County in the following increments: (a) \$25,000 prior to the issuance of the certificate of occupancy for the nursing home facility under Phase I; (b) \$25,000 prior to the issuance of the certificate of occupancy of the first building in Phase II; (c) \$25,000 prior to the issuance of the certificate of occupancy of the second building under Phase II; and (d) final payment prior to the issuance of the certificate of occupancy for the third building under Phase II.
10. Travel Ways. For purposes of Phase I of the project, all entrances and roadways to and from Brandywine Court will be in conformance with the GDP. The temporary emergency access road will be eighteen feet (18’) in width and comprised of gravel only sufficient to

support emergency medical services vehicles. Upon the completion of Phase II of the project, the on-site private vehicular roads and travel ways will be constructed no less than twenty-two feet (22") in width (face of curb to face of curb) and the stone and asphalt thicknesses and maximum vertical grades will be in accordance with Virginia Department of Transportation subdivision street criteria for roads of such traffic.

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25. Utilities. The Applicant proffers to provide the Stafford County's Utilities Department with any necessary sanitary sewer easements along Falls Run Creek, for the upgrading of the existing sewer service in the area.
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B. All bus stops on the Property will be designed and built to include accessible bus stop shelters with open space for wheelchair occupants and seating for people with limited stamina.

C. The primary entrance door to each unit will be built with an optional kick plate on the push side of door to protect the surface of the door and also an optional auxiliary handle to aid in closing the door if the door does not automatically close.

D. Lighting fixtures and kitchen, bathroom, and laundry facilities in each unit will use easy to use hardware, which requires little or no strength and flexibility, such as lever door handles, push plates, loop handle pulls on drawers and cabinet doors.

E. In units where the washer/dryers are furnished by developer, the units will include clear floor space provided in front of washer/dryer. Free standing front loading machines will be provided to allow for easy access of users; however, stacked washer/dryer units may be used provided the reach range meets ADA guidelines.

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30. Certificate of Public Need. The Applicant agrees not to move the Certificate of Public Need outside of the County of Stafford, Virginia.
31. Emergency Gate. Knox key or box access will be provided to emergency personnel for purposes of the Berea Church Road emergency access for Phase I and Brandywine Court emergency access for Phase II. The emergency entrance to Brandywine Court will be in place prior to any occupancy permit in Phase II.

[AUTHORIZED SIGNATURES TO FOLLOW]

**OWNER/APPLICANT ACKNOWLEDGMENT & CONSENT**

Stafford IL-AL Investors, LLC  
a Virginia limited liability company

By: New Horizons Health Investors, LLC, Sole Member

By: Smith Packett Med-Com, LLC, Manager

By: \_\_\_\_\_  
Print Name: Hunter D. Smith  
Title: Vice Chairman & Manager

COMMONWEALTH OF VIRGINIA  
CITY OF ROANOKE, to wit:

I, the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that Hunter D. Smith, in his capacity as Vice Chairman and Manager for the owner/applicant, and has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation.

GIVEN under my hand and seal this \_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public

Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_  
[Seal]

Stafford Residential I, LLC  
a Virginia limited liability company

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
CITY OF ROANOKE, to wit:

I, the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that \_\_\_\_\_, in his capacity as \_\_\_\_\_ for the owner/applicant, and has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation.

GIVEN under my hand and seal this \_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public

Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_  
[Seal]

**PROFFER AMENDMENT STATEMENT**

Stafford Nursing Home and Retirement Community  
Stafford, Virginia

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County: County of Stafford, Virginia

Applicant/Owner: Stafford IL-AL Investors, LLC and Stafford Residential I, LLC  
(collectively, "Applicant")

File No. RC16151470 (formerly RC1300524 & RC2900127)

Property: Tax Map & Parcel Nos.: 44FF-1, 44FF-2 and 44FF-2B, consisting of  
21.773 acres, more or less (collectively the "Property")

Proffer  
Amendment  
Date: April 26, 2017

Zoned: LC Life Care/Retirement District

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**RECITALS**

**WHEREAS**, on or about March 4, 2008, the Stafford County Board of Supervisors did approve the Applicant's rezoning request pursuant to Ordinance O08-03; and

**WHEREAS**, on or about August 18, 2009, the Stafford County Board of Supervisors did approve certain amendments to the proffered conditions of O08-03 pursuant to Ordinance O09-35; and

**WHEREAS**, on or about June 17, 2014, the Stafford County Board of Supervisors did approve certain amendments to the proffered conditions of O09-35 pursuant to Ordinance O14-20; and

**WHEREAS**, since the aforesaid zoning approval, the Applicant has diligently undertaken extensive steps to develop the Property and presently operates facilities with 46 Independent Living units, 142 Assisted Living beds, and a 120 bed nursing home facility; and

**WHEREAS**, Applicant desires to better serve the Stafford County community by amending the current proffered conditions under Ordinance O14-20 by allowing the Independent Living units to be developed as either Independent Living units or Assisted Living beds; and

**WHEREAS**, it is the purpose of this proffer amendment statement to provide the following amended proffers:

1. General Application & Effect. Subject to the terms herein, the purpose of this proffer amendment statement is to amend the prior approved amended proffers under Ordinance O14-20 as provided in this statement and for no other purposes. This proffer amendment statement will replace and supersede all prior proffers approved under Ordinance O14-20, and the proffers under Ordinance O14-20 will hereby be void, unenforceable and of no further legal effect upon the Stafford County Board of Supervisor's ("County") final approval of this proffer amendment statement and underlying application. The County and the Applicant agree that the amended proffers provided herein are the only proffered conditions offered in this proffer amendment application, and any prior proffers in which the Property may be subject to or previously offered are hereby superseded by these proffers. Notwithstanding anything to the contrary is this proffer statement, several of the following proffers, since the initial rezoning approval and amendment, may have previously been fully satisfied and remain applicable herein only for purposes of continuing consistency and clarity with prior proffer statements, except as amended hereunder.
  
2. Generalized Development Plan. The Property will be developed in accordance with the Generalized Development Plan ("GDP") submitted with proffer amendment application entitled "Generalized Development Plan – Stafford Nursing Home and Retirement Community", prepared by Greenhorne & O'Mara, Inc., dated April, 2009, as last revised. The County and the Applicant further agree that all parcel lines, parcel sizes, building envelopes, building sizes, public road locations, private driveway and travel way locations, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be amended by the Applicant to fulfill requirements of final engineering and design and/or compliance with state agency regulations including, but not limited to, VDOT, DEQ, etc., and compliance with the requirements of the County's development regulations and design standards manual. Changes consistent with the original intent of the GDP (the original intent of the GDP providing only for the general location of the buildings, parking areas, and entrances to and exits from the development) will be permitted. Where it is necessary to determine if changes are consistent with the original intent of the GDP, the same will be referred to the County Zoning Administrator for determination thereof. Notwithstanding all of the foregoing, all final site and construction plans approved by the county subsequent to the approval of the GDP shall supersede and govern the development of the Property for purposes of this Section 2.
  
3. Developmental Phasing. The Property will be developed in multiple phases as depicted on the GDP. In this regard, Phase I will include only the construction of the Nursing Home Facility (as described below under Section 5) and accompanying amenities as shown on the GDP. In this regard and for purposes of this proffer amendment, the Applicant will utilize Brandywine Court as primary access to and from the nursing home facility with an emergency personnel access to Berea Church Road, all as shown on the GDP. The commencement of Phase II of the project will include Assisted Living units and upon the completion of Phase II, both the Assisted Living and Independent Living units (as described below under Section 5) and all other improvements will be completed as provided on the GDP. For purposes of Phase II, the primary access point will change

to Berea Church Road, and Brandywine Court will become thereafter only an emergency personnel access point, all as shown on the GDP. Notwithstanding the foregoing, Phase II of this project will be developed and constructed over a period time as determined by market forces and requirements.

4. Architecture: The architecture proffers for the project will be generally in accordance with the elevations and photographs attached hereto and entitled "Proffered Exteriors" for the Independent Living, Independent Living Apartments, Assisted Living and Skilled Nursing. The buildings will consist of brick, split-face block, drivit, composite siding, glass and concrete. The architectural materials depicted on the photographs will be utilized on all sides of the proposed buildings.
5. Use: The referenced Property will be developed for those uses shown on the GDP, which, when complete, will include the following: (i) for purposes of TM Parcels 44FF-2 and 44FF-2B, a maximum of 556 beds, as either Assisted Living beds or Independent Living units, which shall include a minimum of one-hundred (100) Independent Living units (100 IL units = 200 beds) through the full build-out of Phase II, including at any one time no less than 30 Independent Living units in place; and (ii) for purposes of Parcel 44FF-1, a Nursing Home Facility with a maximum of 120 beds. The Applicant further agrees to commence construction of the Nursing Home facility prior to the construction of the Independent Living Condominiums.
6. Cash Contribution – The Applicant agrees to pay the County the sum of Seven Thousand Nine Hundred Ninety Five and no/100 Dollars (\$7,995.00) per Independent Living unit (also known herein as IL Units), payable at the issuance of the final County occupancy permit for each Independent Living unit. The per unit payment may, until paid, be subject to annual increases, with prior notice to the Applicant, to be calculated on a yearly basis commencing one (1) year after the date of final County approval of this proffer statement. Such increases will be calculated by utilizing Marshall Swift adjustment factor for the current year based on the original per unit cash proffer amount.

The per unit contribution for the Independent Living units will be allocated based on the following categories or subcategories, which are subject to the abovementioned annual Marshall Swift adjustment factor from the date of the original approval of the rezoning Ordinance O08-03:

General Government	\$ 504.00 per unit
Libraries	\$ 581.00 per unit
Fire and Rescue	\$ 749.00 per unit
Transportation	\$6,161.00 per unit
<hr/>	
Total per unit:	\$7,995.00 per unit

Notwithstanding anything to the contrary under this proffer statement, any cash proffers paid for Independent Living Units prior to the date hereof, shall not be reimbursed to the Applicant and are applicable as provided herein.

7. Transportation – The Applicant agrees to apply a portion of the aggregate transportation proffer (listed above) to construct improvements to the intersections of Berea Church Road with Route 17 and with Fleet Road, as recommended by the County Transportation Department and subject to approval by VDOT and the acquisition of necessary right-of-way and easements (collectively “Intersection Improvements”). The Intersection Improvements may include, but not necessarily limited to pavement milling and overlay, signage, pavement markings, lighting, widening, curb and gutter, utility adjustments and drainage facilities. If the Applicant is unable, through the use of commercially reasonable diligence, to obtain the necessary right-of-way and easements for the Intersection Improvements, the County may exercise its powers of eminent domain in order to obtain said right-of-way and easements. In the event that the necessary right-of-way and easements have not been obtained by either means within one (1) year of the date of final approval of this proffer amendment application, the Intersection Improvements will be limited to only those improvements that can be reasonably accomplished within the existing right-of-way and easements. The design, permitting and construction cost of the Intersection Improvements is estimated to be approximately \$582,000.00, more or less. Any remaining balance of the transportation proffer not expended on the Intersection Improvements will be designated for use on Berea Church Road or other area transportation improvement(s) as deemed appropriate by the County. The aforesaid Intersection Improvements will be completed prior to the issuance of a certificate of occupancy for the first building in Phase II.
8. Shuttle Bus Service – The Applicant agrees that a shuttle bus service will be provided for both Phase I and Phase II of the project. The shuttle service will have a regular schedule to locations in the general vicinity of the retirement community and may be modified periodically with notice to residents in the community. The Applicant may also transfer responsibility for operation of the shuttle bus service to the homeowners association for the retirement community.
9. Additional Donation. The Applicant agrees to provide a \$100,000 recreational proffer paid to the County in the following increments: (a) \$25,000 prior to the issuance of the certificate of occupancy for the nursing home facility under Phase I; (b) \$25,000 prior to the issuance of the certificate of occupancy of the first building in Phase II; (c) \$25,000 prior to the issuance of the certificate of occupancy of the second building under Phase II; and (d) final payment prior to the issuance of the certificate of occupancy for the third building under Phase II.
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[AUTHORIZED SIGNATURES TO FOLLOW]

**OWNER/APPLICANT ACKNOWLEDGMENT & CONSENT**

Stafford IL-AL Investors, LLC  
a Virginia limited liability company

By: New Horizons Health Investors, LLC, Sole Member

By: Smith Packett Med-Com, LLC, Manager

By: [Signature]  
Print Name: Hunter D. Smith  
Title: Vice Chairman & Manager

~~COMMONWEALTH OF VIRGINIA~~ Charleston South Carolina  
CITY OF ~~ROANOKE~~, to wit:  
Charleston

I, the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that Hunter D. Smith, in his capacity as Vice Chairman and Manager for the owner/applicant, and has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation.

GIVEN under my hand and seal this 16 day of May, 2017.

[Signature]  
Notary Public

Print Name: C. Kelly Baldwin  
My Commission Expires: 10/31/17  
Registration No.: N/A  
[Seal]



Stafford Residential I, LLC  
a Virginia limited liability company

By: [Signature]  
Print Name: Hunter D. Smith  
Title: Vice Chairman Manager

COMMONWEALTH OF ~~VIRGINIA~~ South Carolina  
CITY OF ~~ROANOKE~~ to wit:  
Charleston

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[Signature]  
Notary Public

Print Name: C. Kelly Baldwin  
My Commission Expires: 10/31/17  
Registration No.: N/A  
[Seal]



8719004-1 031887.00007

**LAND USE ACTION REQUEST**

**BOARD OF SUPERVISORS**

Date: June 20, 2017

New                                       Revised                                       Unfinished

**REQUEST:** Amendment to proffered conditions on Assessor's Parcels 44FF-1, 44FF-2, and 44FF-2B, zoned LC, Life Care/Retirement Community.

Conforms with the Comprehensive Plan?     Yes                       No                                       N/A

**CONDITIONS:** See proposed Ordinance 017-21

**APPLICANT:**

Name:                      Craig Penny  
                                    Stafford IL-AL Investors, LLC &  
                                    Stafford Residential I, LLC

Address:                      4423 Pheasant Ridge Road, Suite 301  
                                    Roanoke, VA 24104-5300

Agent:                      Charles W. Payne, Jr.  
                                    Hirschler Fleischer

**TAX STATUS:** Paid through June 4, 2017

**PLANNING COMMISSION RECOMMENDATION:**                      Approve                       Deny

At its meeting on May 10, 2017, the Planning Commission voted 5-0-1 (Mr. Rhodes abstained, Ms. Bailey absent) to recommend approval of Application RC16151470.

**TIMING:**

Application Date                      September 14, 2016 (submitted); September 14, 2016 (completed)

Advertisement Date/s                      June 6, 2017 and June 13, 2017

Plan. Comm. Action Date                      May 10, 2017 (Required) July 21, 2017

Proposed Board Action Date                      June 20, 2017 (Required) September 13, 2017



O14-20

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 17<sup>th</sup> day of June, 2014:

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<u>MEMBERS:</u>	<u>VOTE:</u>
Jack R. Cavalier, Chairman	Yes
Gary F. Snellings, Vice Chairman	Yes
Meg Bohmke	Yes
Paul V. Milde III	Yes
Laura A. Sellers	Yes
Cord A. Sterling	Yes
Robert "Bob" Thomas, Jr.	Yes

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On motion of Mr. Thomas, seconded by Mr. Sterling, which carried by a vote of 7 to 0, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON ASSESSOR'S PARCELS 44FF-1, 44FF-2, AND 44FF-2B, ZONED LC, LIFE CARE/RETIREMENT COMMUNITY, WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Stafford IL-AL Investors, LLC, and Stafford Residential I, LLC, applicants, submitted application RC1300524 requesting an amendment to proffered conditions on Assessor's Parcels 44FF-1, 44FF-2, and 44FF-2B, consisting of 21.77 acres, zoned LC, Life Care/Retirement Community, within the George Washington Election District; and

WHEREAS, Assessor's Parcels 44FF-1, 44FF-2, and 44FF-2B are subject to proffered conditions pursuant to Ordinance O09-35, adopted by the Board on August 18, 2009; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the testimony, if any, at the public hearing; and

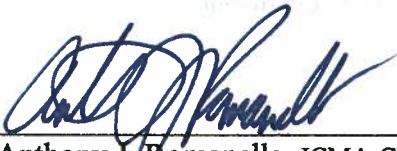
WHEREAS, the Board determined that the requested amendments to proffered conditions are compatible with the surrounding land uses and zoning; and

O14-20  
Page 2

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to amend the proffered conditions on the subject properties;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of June, 2014, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the proffered conditions on Assessor's Parcels 44FF-1, 44FF-2, and 44FF-2B consisting of 21.77 acres, zoned LC, Life Care/ Retirement Community, as specified in the proffer statement entitled, "Proffer Amendment Statement, Stafford Nursing Home and Retirement Community Stafford, Virginia," dated March 31, 2014.

A Copy, teste:



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Anthony J. Romanello, ICMA-CM  
County Administrator

AJR:JAH:mz

**PROFFER AMENDMENT STATEMENT**

Stafford Nursing Home and Retirement Community  
Stafford, Virginia

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County: County of Stafford, Virginia

Applicant: Stafford IL-AL Investors, LLC (owner of TM Parcel 44FF-2 ); Stafford Residential I, LLC (owner of TM Parcel 44FF-2B), and MS Stafford, LP (owner of TM Parcel 44FF-1)

File No. RC1300524 (formerly RC RC2900127)

Property: Tax Map & Parcel Nos.: 44FF-1, 44FF-2 and 44FF-2B, consisting of 21.773 acres, more or less (collectively the “Property”)

Proffer  
Amendment  
Date: March 31, 2014

Zoned: LC Life Care/Retirement District

---

**RECITALS**

**WHEREAS**, on or about March 4, 2008, the Stafford County Board of Supervisors did approve the Applicant’s rezoning request pursuant to Ordinance O08-03; and

**WHEREAS**, on or about August 18, 2009, the Stafford County Board of Supervisors did approve certain amendments to the proffered conditions of O08-03 pursuant to Ordinance O09-35; and

**WHEREAS**, since the aforesaid zoning approval, the Applicant has diligently undertaken extensive steps to develop the Property and presently operates facilities with 46 Independent Living units and 127 Assisted Living beds, and a 120 bed nursing home facility; and

**WHEREAS**, Applicant desires to better serve the Stafford County community by amending the current proffered conditions under Ordinance O09-35 by increasing the maximum number of Assisted Living beds; and

**WHEREAS**, it is the purpose of this proffer amendment statement to provide the following amended proffers:

1. General Application & Effect. Subject to the terms herein, the purpose of this proffer amendment statement is to amend the prior approved amended proffers under Ordinance O09-35 as provided in this statement and for no other purposes. This proffer amendment statement will replace and supersede all prior proffers approved under Ordinance O09-35,

and the proffers under Ordinance O09-35 will hereby be void, unenforceable and of no further legal effect upon the Stafford County Board of Supervisor's ("County") final approval of this proffer amendment statement and underlying application. The County and the Applicant agree that the amended proffers provided herein are the only proffered conditions offered in this proffer amendment application, and any prior proffers in which the Property may be subject to or previously offered are hereby superseded by these proffers. Notwithstanding anything to the contrary is this proffer statement, several of the following proffers, since the initial rezoning approval and amendment, may have previously been fully satisfied and remain applicable herein only for purposes of continuing consistency and clarity with prior proffer statements, except as amended hereunder.

2. Generalized Development Plan. The Property will be developed in accordance with the Generalized Development Plan ("GDP") submitted with proffer amendment application entitled "Generalized Development Plan – Stafford Nursing Home and Retirement Community", prepared by Greenhorne & O'Mara, Inc., dated April, 2009, as last revised. The County and the Applicant further agree that all parcel lines, parcel sizes, building envelopes, building sizes, public road locations, private driveway and travel way locations, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be amended by the Applicant to fulfill requirements of final engineering and design and/or compliance with state agency regulations including, but not limited to, VDOT, DEQ, etc., and compliance with the requirements of the County's development regulations and design standards manual. Changes consistent with the original intent of the GDP (the original intent of the GDP providing only for the general location of the buildings, parking areas, and entrances to and exits from the development) will be permitted. Where it is necessary to determine if changes are consistent with the original intent of the GDP, the same will be referred to the County Zoning Administrator for determination thereof. Notwithstanding all of the foregoing, all final site and construction plans approved by the county subsequent to the approval of the GDP shall supersede and govern the development of the Property for purposes of this Section 2.
3. Developmental Phasing. The Property will be developed in multiple phases as depicted on the GDP. In this regard, Phase I will include only the construction of the Nursing Home Facility (as described below under Section 5) and accompanying amenities as shown on the GDP. In this regard and for purposes of this proffer amendment, the Applicant will utilize Brandywine Court as primary access to and from the nursing home facility with an emergency personnel access to Berea Church Road, all as shown on the GDP. The commencement of Phase II of the project will include Assisted Living units and upon the completion of Phase II, both the Assisted Living and Independent Living units (as described below under Section 5) and all other improvements will be completed as provided on the GDP. For purposes of Phase II, the primary access point will change to Berea Church Road, and Brandywine Court will become thereafter only an emergency personnel access point, all as shown on the GDP. Notwithstanding the foregoing, Phase II of this project will be developed and constructed over a period time as determined by market forces and requirements.

4. Architecture: The architecture proffers for the project will be generally in accordance with the elevations and photographs attached hereto and entitled “Proffered Exteriors” for the Independent Living, Independent Living Apartments, Assisted Living and Skilled Nursing. The buildings will consist of brick, split-face block, drivit, composite siding, glass and concrete. The architectural materials depicted on the photographs will be utilized on all sides of the proposed buildings.
5. Use: The referenced Property will be developed for those uses shown on the GDP, which, when complete, will include the following: maximum of 142 Assisted Living beds (this applies to both TM Parcels 44FF-2 and 44FF-2B); maximum of 207 Independent Living units (which are deemed up to two beds) (this applies to both TM Parcels 44FF-2 and 44FF-2B); and a Nursing Home Facility with a maximum of 120 beds (this applies only to Parcel 44FF-1). The Applicant further agrees to commence construction of the Nursing Home facility prior to the construction of the Independent Living Condominiums.
6. Cash Contribution – The Applicant agrees to pay the County the sum of Seven Thousand Nine Hundred Ninety Five and no/100 Dollars (\$7,995.00) per residential retirement unit constructed on the Property (i.e. Independent Living and Age-Restricted Independent Living Units only), payable at the issuance of the final County occupancy permit for each residential family retirement housing unit. The per unit payment may, until paid, be subject to annual increases, with prior notice to the Applicant, to be calculated on a yearly basis commencing one year after the date of final County approval of this proffer statement. Such increases will be calculated by utilizing Marshall Swift adjustment factor for the current year based on the original per unit cash proffer amount.

The per unit contribution for the Independent Living Units will be allocated based on the following categories or subcategories, which are subject to the abovementioned annual Marshall Swift adjustment factor from the date of the original approval of the rezoning Ordinance O08-03:

General Government	\$ 504.00 per unit
Libraries	\$ 581.00 per unit
Fire and Rescue	\$ 749.00 per unit
Transportation	\$6,161.00 per unit

\*Total Proffer Dollars: 207 units x \$7,995.00 = **\$1,654,965**

7. Transportation – The Applicant agrees to apply a portion of the aggregate transportation proffer (listed above) to construct improvements to the intersections of Berea Church Road with Route 17 and with Fleet Road, as recommended by the County Transportation Department and subject to approval by VDOT and the acquisition of necessary right-of-way and easements (collectively “Intersection Improvements”). The Intersection Improvements may include, but not necessarily limited to pavement milling and overlay, signage, pavement markings, lighting, widening, curb and gutter, utility adjustments and drainage facilities. If the Applicant is unable, through the use of commercially reasonable

diligence, to obtain the necessary right-of-way and easements for the Intersection Improvements, the County may exercise its powers of eminent domain in order to obtain said right-of-way and easements. In the event that the necessary right-of-way and easements have not been obtained by either means within one (1) year of the date of final approval of this proffer amendment application, the Intersection Improvements will be limited to only those improvements that can be reasonably accomplished within the existing right-of-way and easements. The design, permitting and construction cost of the Intersection Improvements is estimated to be approximately \$582,000.00, more or less. Notwithstanding the foregoing, in no event, for purposes of the Intersection Improvements, will the Applicant be required to expend dollars in excess of the above transportation proffer amount of \$1,478,640.00. Any remaining balance of the transportation proffer not expended on the Intersection Improvements will be designated for use on Berea Church Road or other area transportation improvement(s) as deemed appropriate by the County. The aforesaid Intersection Improvements will be completed prior to the issuance of a certificate of occupancy for the first building in Phase II.

8. Shuttle Bus Service – The Applicant agrees that a shuttle bus service will be provided for both Phase I and Phase II of the project. The shuttle service will have a regular schedule to locations in the general vicinity of the retirement community and may be modified periodically with notice to residents in the community. The Applicant may also transfer responsibility for operation of the shuttle bus service to the homeowners association for the retirement community.
9. Additional Donation. The Applicant agrees to provide a \$100,000 recreational proffer paid to the County in the following increments: (a) \$25,000 prior to the issuance of the certificate of occupancy for the nursing home facility under Phase I; (b) \$25,000 prior to the issuance of the certificate of occupancy of the first building in Phase II; (c) \$25,000 prior to the issuance of the certificate of occupancy of the second building under Phase II; and (d) final payment prior to the issuance of the certificate of occupancy for the third building under Phase II.
10. Travel Ways: For purposes of Phase I of the project, all entrances and roadways to and from Brandywine Court will be in conformance with the GDP. The temporary emergency access road will be eighteen feet (18') in width and comprised of gravel only sufficient to support emergency medical services vehicles. Upon the completion of Phase II of the project, the on-site private vehicular roads and travel ways will be constructed no less than twenty-two feet (22") in width (face of curb to face of curb) and the stone and asphalt thicknesses and maximum vertical grades will be in accordance with Virginia Department of Transportation subdivision street criteria for roads of such traffic.
11. Outside Equipment. All mechanical equipment for all of the proposed buildings will be screened from view of the general public.
12. Lighting. The Applicant will design the lighting for the buildings by implementing "down-lighting" techniques for such lighting not to exceed 1.0 foot candles at the property line or so as not to intrude upon the adjacent properties. Lighting within parking areas

will not be lighted at any time other than during the same hours that the use to which the parking is appurtenant is open for business except for necessary security lighting.

13. Recreation. The Applicant will provide a no less than five foot (5') wide lighted walking trail with park benches located adjacent to each building on the Property prior to the certificate of occupancy for each respective building as provided on the GDP. In addition, the Applicant agrees to place a historical marker, not to exceed \$1,600, identifying Union troop works at a site to be later determined by the Applicant and County.
14. Covenants. Upon completion of Phase II of the project, the Applicant will encumber the Property with a declaration of conditions, covenants, restrictions, and easements ("Declaration") for the purpose of (a) protecting the value and desirability of the property; (b) facilitating the planning and development of the community in a unified and consistent manner; (c) providing for the installation, maintenance, and repair for all common area, including landscaping, on-site amenities and open space; (d) creating an integrated senior housing and healthcare community; and (e) maintaining the 62 + age restriction of the community residents by complying with the exemption criteria of the Fair Housing Act of 1968 and the Housing for Older Persons Act of 1995. The Applicant will also create a property owner's association as a non-stock corporation under the laws of Virginia that will provide and ensure oversight and structure for services provided, quality standards, intercampus relationships and common area maintenance.
15. Dumpsters. In accordance with each phase of development, the Applicant will locate the dumpsters for the assisted living, nursing homes and independent living buildings in the rear of such buildings with a three-sided brick enclosure with the fourth side of each dumpster consisting of a wood/controlled access opening that provides a solid screen appearance when closed. The Applicant will limit the times for trash pickup during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.
16. Entrance Improvements. Prior to the issuance of the first certificate of occupancy for Phase II of the project and for purposes of Berea Church Road, the Applicant will extend the full-width right turn lane from the required 100' to 200' and the taper from 150' to 200' and add intersection warning signage up to 200 yards north and south of the proposed entrance to inform the public of turning vehicles; these signs will include flashing beacons and will function 24 hours a day/7 days a week/365 days a year. These improvements will be subject to VDOT approval.
17. Street Lights. Prior to the issuance of the first certificate of occupancy for Phase II of the project, the Applicant will install street lights along the frontage of the Property to illuminate the entrance to one foot candle. This improvement will be subject to VDOT approval.
18. FRED Stop. Prior to the first certificate of occupancy for the first building during Phase II and to the extent approved by FRED bus services, the Applicant will add a FRED bus stop to the site to connect to the current FRED D2 line, which operates along Route 17



from Geico into Fredericksburg and FRED Central, subject to final approval by the Fredericksburg Regional Transit Authority or other public transportation system.

19. Sprinkler Systems. All buildings will be sprinklered in accordance with NFPA-13. An area ten feet in width around all buildings to be clear of any structures or vegetation and with a slope not exceeding two percent from the edge of the building to be used by emergency services will be provided.
20. Stairways. All stairways will be enclosed with fire-rated walls and doors and will have standpipes, in accordance with statewide and/or local building codes.
21. Crossings. All bridges and culvert crossings will be designed to handle the weight of fire emergency vehicles and equipment.
22. Defibrillator. The nursing home will be equipped with a defibrillator on each floor and the Assisted Living Facility will have a defibrillation unit at each nurse's station.
23. Sound Transmission. The nursing home will be constructed with exterior walls of STC 96 as shown on page 2 of the GDP to limit sound transmission.
24. Nursing Home. The area south of the designated perennial stream (bisecting the property) and as designed on the GDP will not be utilized for any Independent Living Units, and only as a nursing home facility.
25. Utilities. The Applicant proffers to provide the Stafford County's Utilities Department with any necessary sanitary sewer easements along Falls Run Creek, for the upgrading of the existing sewer service in the area.
26. Universal Design Considerations For purposes of Phase II only, the Applicant agrees to design all units with universal design features to improve accessibility and maximize the independence of the residents. The following is a partial list of our standard universal design features:
  - A. All Building entrances will be designed and built as accessible building entrances on an Accessible Route, as defined by the Fair Housing Act.
  - B. All bus stops on the Property will be designed and built to include accessible bus stop shelters with open space for wheelchair occupants and seating for people with limited stamina.
  - C. The primary entrance door to each unit will be built with an optional kick plate on the push side of door to protect the surface of the door and also an optional auxiliary handle to aid in closing the door if the door does not automatically close.

D. Lighting fixtures and kitchen, bathroom, and laundry facilities in each unit will use easy to use hardware, which requires little or no strength and flexibility, such as lever door handles, push plates, loop handle pulls on drawers and cabinet doors.

E. In units where the washer/dryers are furnished by developer, the units will include clear floor space provided in front of washer/dryer. Free standing front loading machines will be provided to allow for easy access of users; however, stacked washer/dryer units may be used provided the reach range meets ADA guidelines.

F. The bathroom in each unit will be equipped, in addition to the framing for future grab bars required by the Fair Housing Act, with grab bars installed behind the toilet and the bathtub, with an additional grab bar installed on the short wall beside the toilet at a minimum distance of 18" away from the toilet. Said bathroom will also include an optional hand held shower head on a slide arm mount, and will include raised toilet seat and spacers installed raising height from 2" to 6" on 15" standard height toilet.

- 27 Fencing. Upon completion of each applicable phase, the Applicant will provide a split rail fence along the entire perimeter of the Property, except for those areas where a privacy fence is required. All fences will be maintained by the property owner's association.
- 28 Landscaping. Upon completion of each applicable phase, the Applicant proffers to provide at least twenty five (25) percent of the required Planting Units in all transitional buffers with evergreens. In addition, the Applicant agrees for purposes of further mitigating the CRPA areas (in addition to the already approved major water quality impact assessment) near the nursing home driving aisle, to plant in the CRPA areas additional indigenous plantings to this site. The additional mitigation plus the approved mitigation associated with Phase I will provide at a minimum, a rate of 1 square foot of mitigation per 1 square foot of encroachment. Further, the Applicant agrees to clean-up, concurrent with the commencement of Phase I, any and all waste located within the project site along and near Falls Run creek and the unnamed tributary to Falls Run.
- 29 Light Recreational Areas. Incrementally with the completion of each building on the Property, the Applicant will provide, prior to the certificate of occupancy for each respective building, recreational amenities for the residents of the retirement community including, but not limited to, shuffle board, putting greens, horseshoe pits or exercise apparatuses along the walking trails.
- 30 Certificate of Public Need. The Applicant agrees not to move the Certificate of Public Need outside of the County of Stafford, Virginia.
- 31 Emergency Gate. Knox key or box access will be provided to emergency personnel for purposes of the Berea Church Road emergency access for Phase I and Brandywine Court emergency access for Phase II. The emergency entrance to Brandywine Court will be in place prior to any occupancy permit in Phase II.

**OWNER/APPLICANT ACKNOWLEDGMENT & CONSENT**

Stafford IL-AL Investors, LLC  
a Virginia limited liability company

By: New Horizons Health Investors, LLC, Sole Member

By: Smith Packett Med-Com, LLC, Manager

By:       /        
Print Name: Hunter D. Smith  
Title: Vice Chairman Manager

COMMONWEALTH OF VIRGINIA  
CITY OF ROANOKE, to wit:

I, the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that Hunter D. Smith, in his capacity as Vice Chairman for the owner/applicant, and has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation.

GIVEN under my hand and seal this 28 day of April, 2014.

Carol A. Doudiken  
Notary Public

Print Name: Carol A. Doudiken  
My Commission Expires: 10-31-16  
Registration No.: 226376  
[Seal]

CAROL A. DOUDIKEN  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #226376  
My Commission Expires Oct. 31, 2016

Stafford Residential I, LLC  
a Virginia limited liability company

By: *[Signature]*  
Print Name: Hunter Smith  
Title: Vice Chairman Mgr.

COMMONWEALTH OF VIRGINIA  
CITY OF ROANOKE, to wit:

I, the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that Hunter D. Smith, in his capacity as Vice Ch Mgr for the owner/applicant, and has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation.

GIVEN under my hand and seal this 28 day of April, 2014.

*Carol A. Doudiken*  
Notary Public

Print Name: Carol A. Doudiken  
My Commission Expires: 10-31-16  
Registration No.: 226376  
[Seal]

CAROL A. DOUDIKEN  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #226376  
My Commission Expires Oct. 31, 2016

**OWNER ACKNOWLEDGMENT & CONSENT**

MS Stafford, LP

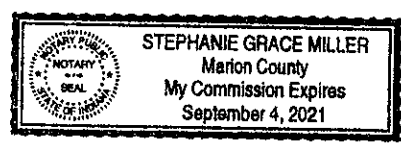
By: [Signature]  
Print Name: Adlai Chester  
Title: CFO

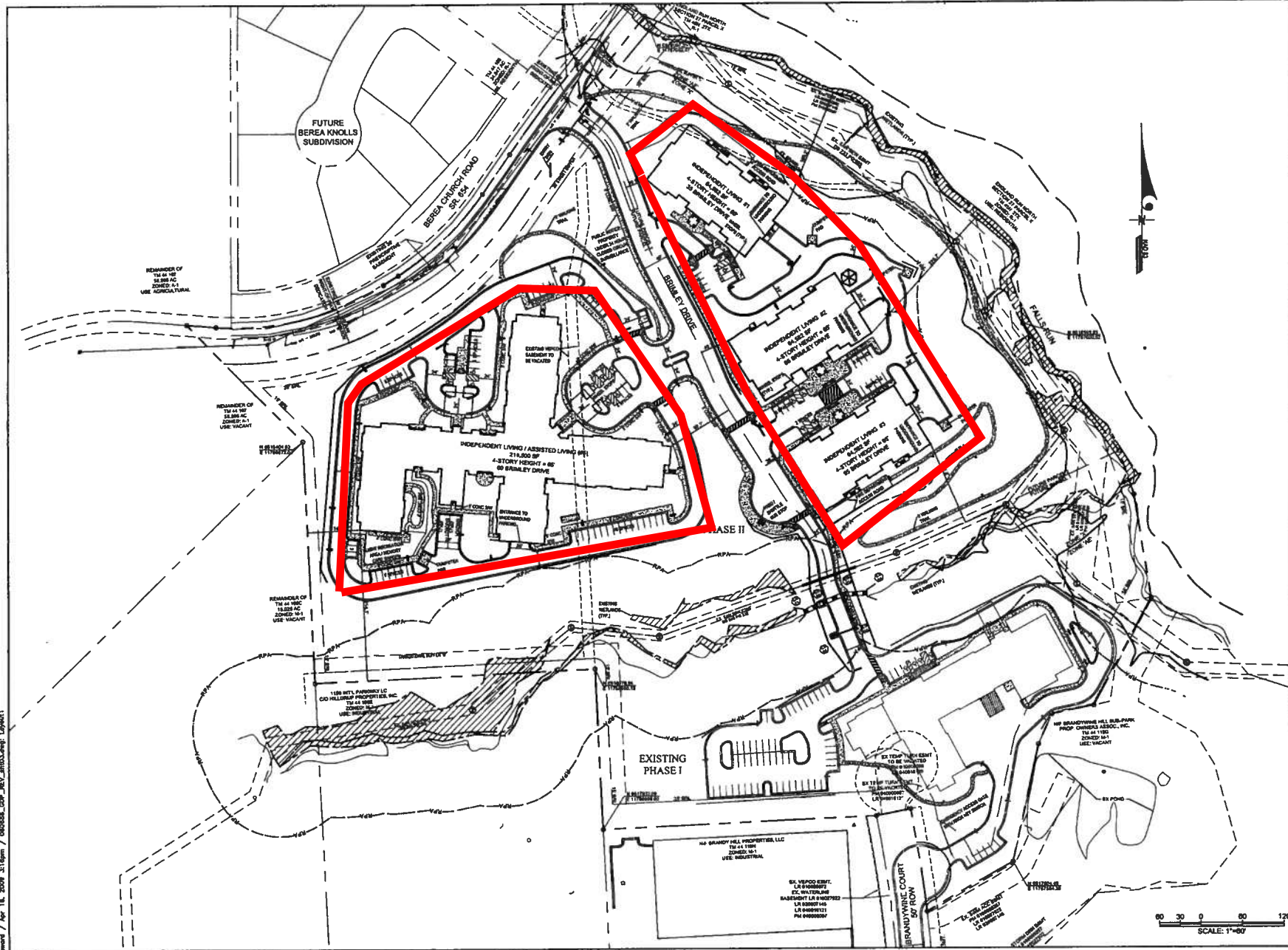
STATE/Commonwealth of Indiana,  
CITY/COUNTY OF Hamilton, to wit:

The foregoing instrument was acknowledged before me this 27 day of May, 2014,  
by Adlai Chester as CFO for MS Stafford, LP.

[Signature]  
Notary Public

My Commission expires: \_\_\_\_\_  
Notary Registration number: \_\_\_\_\_  
SEAL:





**GREENHORNE & O'MARA**  
CONSULTING ENGINEERS  
1227 CENTRAL PARK BLVD., FREDERICKSBURG, VA 22401  
PHONE: (540) 745-2528 FAX: (540) 745-1814  
www.g-o.com



NO.	REVISION	DATE	BY



LAYOUT PLAN - PHASE II  
**STAFFORD NURSING HOME**  
GENERALIZED DEVELOPMENT PLAN  
FALMOUTH-HARTWOOD MAGISTERIAL DISTRICT  
STAFFORD COUNTY, VA

DESIGN	SLM / MBT
DRAWN	SCW
CHECKED	WSP
DATE	APRIL, 2009
SCALE	1" = 60'
<b>3 OF 3</b>	
SHEET NO.	0686 GDP REV

work / Apr 16, 2009 3:16pm / 068686\_GDP\_REV\_001.dwg: Layout1

# ZONING RECLASSIFICATION

## APPLICATION



June 30, 2016

**Beginning July 1, 2012, per Ordinance O12-19, a 2.75% technology fee will be assessed and collected on the total fees for all new and resubmitted applications until June 18, 2017.**

### **Stafford County Department of Planning & Zoning**

1300 Courthouse Road  
P.O. Box 339  
Stafford, VA 22555-0339

Phone: 540-658-8668  
Fax: 540-658-6824

**[www.staffordcountyva.gov](http://www.staffordcountyva.gov)**



## **Reclassification Application Instructions**

1. It is recommended that a preliminary conference should be held with the staff to discuss the application before it is filed.
2. Resolution R16-170 is the policy for the filing of rezoning and proffer amendment applications with Stafford County and is provided in the Appendix of this application.
3. The application process takes approximately 6 to 9 months from time of submittal to a final decision. The following are the steps involved in the processing of an application:
  - The application is filed. Note that the application can be filed at any time during the month.
  - The application is reviewed by staff for completeness to be deemed to be filed. The department director will provide a written notice to the applicant identifying the date the application is deemed to be filed.
  - If the application is filed by the third Friday of the month, it will be reviewed during the following month.
  - The application is scheduled for the staff Development Review Meeting on the first Wednesday of the following month.
  - Staff provides review comments by the end of the same month.
  - Applicant resubmits application materials in response to staff comments.
  - Staff reviews revised application materials. The length of time for review is dependent on the number of outstanding issues.
  - Once the issues are addressed, the case is scheduled for the next available Planning Commission public hearing. Approximately 1 month is needed to meet public notification requirements.
  - Following the Planning Commission public hearing, the Planning Commission has up to 100 days to make a decision.
  - Following the Planning Commission decision, the case is scheduled for a public hearing with the Board of Supervisors. The Chairman of the Board typically schedules the case, one month after the Planning Commission decision for required public notice.
  - Following the public hearing, the Board of Supervisors must decide to approve or deny the request no later than one year from the date the application is filed.
4. Additional information regarding proffers is provided in the Appendix of this application.

**Application Submittal Checklist**

- Completed **"Project Information & Primary Contacts"** form (Page 5)
- Signed **"Statements of Understanding"** from the owner(s) and applicant (Page 6)
- n/a  Signed and Notarized **Owner's Consent Statement** (if applicant/agent is not the owner)
- Completed **"General Information"** sheet (Page 7)
- Completed **"Review Fee Calculation"** sheet and appropriate fees payable to "County of Stafford" and "Virginia Department of Transportation" (if applicable) (Pages 8 – 10)
- Completed **"List of Adjoining Property Owners"** (Pages 11 & 12)
- Completed **"Application Affidavit"** (Pages 13 – 16)
- n/a  Completed **"Checklist for Generalized Development Plans"** (Pages 18 & 19)
- n/a  Completed **"Transportation Impact Analysis Determination Form"** (Page 20)
- Proof that **Real Estate Taxes** have been paid
- n/a  Complete **Legal Description** of the area to be reclassified (Acreage must match Boundary Survey Plat)
- n/a  Completed **Impact Statements**  
\* See **"Checklist for Impact Statements"** (Page 17)
- n/a  Completed **Transportation Impact Analysis (TIA)**, if required (Five (5) paper copies with electronic copies or ftp site)
- n/a  Completed **Proffer Reasonableness Analysis**, if proffers will be submitted in relation to any project which includes a residential use (See Notice to Applicants Regarding Residential Proffer Submissions in the Appendix)

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PLATS AND PLANS

- n/a  **Boundary Survey Plat** of area subject to rezoning (with 3 copies at 8½" x 11" size)
- n/a  **Generalized Development Plan** (12 full-size copies at 24"x 36" size)  
\* See **"Checklist for Generalized Development Plans"** (Pages 18 & 19)

Applications for reclassification to the P-TND zoning district shall also include:

- Twenty (20) copies of the Regulating Plan
- Twenty (20) copies of the Neighborhood Design Standards

RECEIVED	OFFICIALLY SUBMITTED
DATE: _____ INITIALS _____	DATE: _____ INITIALS _____

### **Optional Application Materials**

Although not required, the following additional materials are requested to be included with the initial application submission, if available. These items are often requested during the review process. Providing the information in advance can assist in accelerating the review:

1. Proposed Proffer Statement. **(See Notice to Applicants Regarding Residential Proffer Submissions in the Appendix.)**
2. Site Illustrations or Building Elevations
3. Electronic Version of generalized development plans, boundary survey, and any illustrations (a pdf on a CD, DVD, sent via email, or through ftp site is acceptable)
4. Additional Fiscal Impact Information for Commercial Rezonings, including:
  - a) Direct jobs expected to be created from the rezoning (years 1-5)
  - b) Estimated average wage
  - c) North American Industry Classification System (NAICS) business sector code
  - d) Projected investment in real property - broken down by land and building (years 1-5)
  - e) Projected investment in machinery & tools/equipment (years 1-5)
  - f) Projected investment in business tangible personal property (years 1-5)
  - g) Other revenues projected such as Sales, Meals, Lodging Taxes (years 1-5)

STAFFORD COUNTY  
Department of Planning and Zoning

**Project Information & Primary Contacts**

<b><u>PROJECT INFORMATION</u></b>	<b><u>PROJECT #</u></b> <u>RC16151470</u>
<u>Stafford Nursing Home and Retirement Community</u>	_____
PROJECT NAME <u>60 &amp; 140 Brimley Drive and 100 Berea Church Road</u>	SECTION <u>21.773 acres</u>
ADDRESS (IF AVAILABLE) <u>44FF-1, 44FF-2 &amp; 44FF-2B</u>	TOTAL SITE ACREAGE <u>LC</u>
TAX MAP /PARCEL(S) <u>Intersection of Berea Church Road and Brimley Drive</u>	ZONING DISTRICT _____
LOCATION OF PROJECT _____	_____

<b><u>APPLICANT/AGENT</u></b> (Provide attachment if Applicant and Agent differ)	Primary Contact Person <input type="checkbox"/>
<u>Craig Penny</u>	<u>Stafford IL-AL Investors, LLC &amp; Stafford Residential I LLC</u>
NAME <u>4423 Pheasant Ridge Road, Ste 301</u> <u>Roanoke</u>	COMPANY <u>VA</u> <u>24014</u>
ADDRESS _____	STATE      ZIP
PHONE NUMBER      FAX NUMBER	EMAIL ADDRESS <u>cpenny@smithpackett.com</u>

<b><u>OWNER</u></b> (Provide attachments if multiple owners)	Primary Contact Person <input type="checkbox"/>
_____	<u>Stafford IL-AL Investors, LLC &amp; Stafford Residential I LLC</u>
NAME <u>4423 Pheasant Ridge Road, Ste 301</u> <u>Roanoke</u>	COMPANY <u>VA</u> <u>24014</u>
ADDRESS _____	STATE      ZIP
PHONE NUMBER      FAX NUMBER	EMAIL ADDRESS <u>cpenny@smithpackett.com</u>

<b><u>PROFESSIONAL</u></b> (Engineer, Surveyor, etc.)	Primary Contact Person <input type="checkbox"/>
_____	_____
NAME _____	COMPANY _____
ADDRESS _____	STATE      ZIP
PHONE NUMBER      FAX NUMBER	EMAIL ADDRESS _____

STAFFORD COUNTY  
Department of Planning and Zoning

**Project Information & Primary Contacts**

<b><u>PROJECT INFORMATION</u></b>	<b><u>PROJECT #</u></b> _____
_____	_____
PROJECT NAME	SECTION
_____	_____
ADDRESS (IF AVAILABLE)	TOTAL SITE ACREAGE
_____	_____
TAX MAP /PARCEL(S)	ZONING DISTRICT
_____	_____
LOCATION OF PROJECT	
_____	

<b><u>APPLICANT/AGENT</u></b> (Provide attachment if Applicant and Agent differ)	Primary Contact Person <input checked="" type="checkbox"/>
Charles W. Payne, Jr. (Agent)	Hirschler Fleischer
NAME	COMPANY
725 Jackson Street, Suite 200	Fredericksburg VA 22401
ADDRESS	CITY STATE ZIP
540-604-2108	540-604-2101
PHONE NUMBER	FAX NUMBER
	EMAIL ADDRESS
	cpayne@hf-law.com

<b><u>OWNER</u></b> (Provide attachments if multiple owners)	Primary Contact Person <input type="checkbox"/>
_____	_____
NAME	COMPANY
_____	_____
ADDRESS	CITY STATE ZIP
_____	_____
PHONE NUMBER	FAX NUMBER
	EMAIL ADDRESS

<b><u>PROFESSIONAL</u></b> (Engineer, Surveyor, etc.)	Primary Contact Person <input type="checkbox"/>
_____	_____
NAME	COMPANY
_____	_____
ADDRESS	CITY STATE ZIP
_____	_____
PHONE NUMBER	FAX NUMBER
	EMAIL ADDRESS

STAFFORD COUNTY  
Department of Planning and Zoning

**Statements of Understanding**

I, as owner/co-owner of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a reclassification as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

  
\_\_\_\_\_  
Signature of Owner/Co Owner

Stafford IL-AL Investors, LLC, a Virginia limited liability company  
By: New Horizon Health Investors, LLC, a Virginia limited liability company,  
its sole member  
Printed Name \_\_\_\_\_ Date \_\_\_\_\_


\_\_\_\_\_  
Signature of Owner/Co Owner

By: Smith/Packett Med-Com, LLC, a Virginia limited liability company,  
its manager  
Printed Name \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner/Co Owner

By: Hunter D. Smith  
Printed Name \_\_\_\_\_ Date \_\_\_\_\_  
Vice Chairman Manager

I, as applicant or agent for the owner(s) of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a reclassification as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

  
\_\_\_\_\_  
Signature of Applicant/Agent  
Hunter D. Smith  
Vice Chairman manager

Stafford IL-AL Investors, LLC, a Virginia limited liability company  
By: New Horizons Health Investors, LLC, a Virginia limited liability company, its sole member  
By: Smith/Packett Med-Com, LLC, a Virginia limited liability company, its manager  
Printed Name \_\_\_\_\_ Date \_\_\_\_\_

\* Additional sheets may be used, if necessary.

STAFFORD COUNTY  
Department of Planning and Zoning

### General Information

Clearly indicate all information that applies to this project:

#### DETAILED DESCRIPTION OF PROJECT

Request to amend proffer statement to allow the Independent Living beds to be developed as  
either Independent Living units or Assisted Living beds.

#### INFORMATION FOR FEE CALCULATIONS

21.773 # of Acres

Type of Rezoning:

- Standard Rezoning
- Planned Development
- Proffer Amendment
- Minor Proffer Amendment
- Minor Proffer Amendment (when submitted simultaneously with Minor Conditional Use Permit Application)

#### INFORMATIONAL

Previous Ordinance # O08-03, O09-35 & O14-20

Previous Resolution # \_\_\_\_\_

# of Lots (if rezoning to residential) N/A

Original Zoning N/A

Proposed Zoning N/A

Proposed Use(s) See general description above.

STAFFORD COUNTY  
Department of Planning and Zoning

**Review Fee Calculations**

**STAFFORD COUNTY FEES:**

The County review fee calculations are divided into four sections. Each section is based on a different type of reclassification. Determine the application fee by filling out the one section that applies.

-----  
**Section I. Standard Rezoning:**

A. Base Fee: (Required - Enter the dollar amount that applies)	
If less than 5.0 acres .....	\$4,375.00
If 5.0 acres or greater .....	\$12,500.00..... \$ _____
B. General Fee: (If greater than 5 acres)	
( _____ Acres - 5) X \$125 .....	\$ _____
C. Fire & Rescue Review Fee (required).....	\$ <u>125.00</u>
D. Utilities Department Review Fee (required).....	\$ <u>215.00</u>
E. Public Works Review Fee (required).....	\$ <u>200.00</u>
F. Traffic Impact Analysis Review Fee: (If TIA required)	
Volume <1,000 VPD .....	\$200.00
Volume >1,000 VPD .....	\$400.00..... \$ _____
G. Adjacent Property Notification (required):	
( _____ Adjacent properties) X \$6.48 .....	\$ _____
<b>Sub-total</b> (Add appropriate amounts from lines A thru G above).....	\$ _____
H. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ _____
<b>TOTAL (Sub-total + H. Technology Fee)</b> .....	\$ _____



STAFFORD COUNTY  
Department of Planning and Zoning

**Section II. Planned Development:**

**(For requests to the PD-1, PD-2, or P-TND zoning districts)**

A. Base Fee .....	\$ <u>15,000.00</u>
B. General Fee:	
(_____Acres – 75) X \$25 .....	\$ _____
C. Fire & Rescue Review Fee (required) .....	\$ <u>125.00</u>
D. Utilities Department Review Fee (required) .....	\$ <u>215.00</u>
E. Public Works Review Fee (required).....	\$ <u>200.00</u>
F. Traffic Impact Analysis Review Fee: (If TIA required)	
Volume <1,000 VPD .....	\$200.00
Volume >1,000 VPD .....	\$400.00
G. Adjacent Property Notification (required):	
(_____Adjacent properties) X \$6.48 .....	\$ _____
<b>Sub-total (Add lines A through G) .....</b>	<b>\$ _____</b>
H. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ _____
<b>TOTAL (Sub-total + H. Technology Fee).....</b>	<b>\$ _____</b>

**Section III. Proffer Amendment:**

A. General Fee:	
\$10,000 + If Acres>5 ((Acres – 5) X \$25) .....	\$ _____
B. If Planned Development:	
\$10,000 + ((_____ Acres – 75) X \$25) .....	\$ _____
C. Adjacent Property Notification (required):	
(_____Adjacent properties) X \$6.48 .....	\$ _____
<b>Sub-total (Add lines A and C) or</b>	
<b>(Add lines B and C) .....</b>	<b>\$ _____</b>
D. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ _____
<b>TOTAL (Sub-total + D. Technology Fee).....</b>	<b>\$ _____</b>

STAFFORD COUNTY  
Department of Planning and Zoning

**Section IV. Minor Proffer Amendment:**

A. General Fee: .....	\$ <u>6,190.00</u>
B. Adjacent Property Notification (required):	
( <u>13</u> Adjacent properties) X \$6.48 .....	\$ <u>84.24</u>
<b>Sub-total (Add lines A and B) .....</b>	<b>\$ <u>6,274.24</u></b>
C. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ <u>172.54</u>
<b>TOTAL (Sub-total + C. Technology Fee).....</b>	<b>\$ <u>6,446.78</u></b>

**Section V. Minor Proffer Amendment (when submitted simultaneously with minor Conditional Use Permit Application):**

A. General Fee: .....	\$ <u>3,095.00</u>
B. Adjacent Property Notification (required):	
( _____ Adjacent properties) X \$6.48 .....	\$ _____
<b>Sub-total (Add lines A and B) .....</b>	<b>\$ _____</b>
C. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ _____
<b>TOTAL (Sub-total + C. Technology Fee).....</b>	<b>\$ _____</b>

Sections I, II, III, IV and V: MAKE CHECK PAYABLE TO "STAFFORD COUNTY".

- If an application is withdrawn prior to the first public hearing, fifty (50) percent of the amount of the application fee may be refunded to the applicant.
- If an application is withdrawn after the first public hearing, the application fee is non-refundable.

-----  
**VIRGINIA DEPARTMENT OF TRANSPORTATION FEES:**

**Transportation Impact Analysis Fee:**

(For applications that meet VDOT Traffic Impact Analysis thresholds)

A. Subject to low volume road criteria (see 24 VAC 30-155-40 A 3)	\$ <u>250.00</u>
B. All other submissions	\$ <u>1000.00</u>

**MAKE CHECK PAYABLE TO "VIRGINIA DEPARTMENT OF TRANSPORTATION"**

**For a third or subsequent submission of a rezoning proposal that is requested by VDOT on the basis of the failure of the applicant to address deficiencies previously identified by VDOT, the fee is equal to the initial fee paid. (per 24 VAC 30-155, §15.2-2222.1 of the Code of Virginia)**

STAFFORD COUNTY  
Department of Planning and Zoning

### List of Adjoining Property Owners

The applicant is required to provide a list of the owners as shown on the current real estate tax assessment books of all abutting properties and properties immediately across the street or road from the property to be rezoned or issued a Conditional Use Permit. If the application requests a rezoning of only a portion of the parcel or a Conditional Use Permit on only a portion of the parcel, the entire parcel must be the basis for the below listing.

Provide additional pages if needed.

<u>44 107</u>	<u>LEWIS BARBARA S &amp; MAYNARD E T LEWIS</u>	
TAX MAP / PARCEL	NAME	
<u>1335 TRUSLOW ROAD</u>		
MAILING ADDRESS		
<u>FREDERICKSBURG VA 22406-5003</u>		
CITY	STATE	ZIP

<u>44HH 5</u>	<u>SANFORD JEFFREY D &amp; GABRIELLA S</u>	
TAX MAP / PARCEL	NAME	
<u>6 MONACAN CT</u>		
MAILING ADDRESS		
<u>FREDERICKSBURG VA 22406</u>		
CITY	STATE	ZIP

<u>44HH 4</u>	<u>CEPEDA ORLANDO C</u>	
TAX MAP / PARCEL	NAME	
<u>5 MONACAN CT</u>		
MAILING ADDRESS		
<u>FREDERICKSBURG VA 22406-5165</u>		
CITY	STATE	ZIP

STAFFORD COUNTY  
Department of Planning and Zoning

<u>44HH 3</u>	<u>OKYNE GLORIA &amp; WILLIAM SCOTT</u>	
TAX MAP / PARCEL	NAME	
<u>3 MONACAN CT</u>		
MAILING ADDRESS		
<u>FREDERICKSBURG VA 22406-5165</u>		
CITY	STATE	ZIP

<u>44HH A</u>	<u>BEREA KNOLLS HOMEOWNERS ASSOCIATION</u>	
TAX MAP / PARCEL	NAME	
<u>3330 BOURBON ST STE 117</u>		
MAILING ADDRESS		
<u>FREDERICKSBURG VA 22408-7334</u>		
CITY	STATE	ZIP

<u>44HH 1</u>	<u>KELLER INGRID LAUREN</u>	
TAX MAP / PARCEL	NAME	
<u>1 BEREK KNOLLS DR</u>		
MAILING ADDRESS		
<u>FREDERICKSBURG VA 22406-6300</u>		
CITY	STATE	ZIP

<u>44 117R</u>	<u>CARMEAN LORRAINE</u>	
TAX MAP / PARCEL	NAME	
<u>77 WATEREDGE LN</u>		
MAILING ADDRESS		
<u>FREDERICKSBURG VA 22406-4334</u>		
CITY	STATE	ZIP

STAFFORD COUNTY  
Department of Planning and Zoning

<u>44 117P</u>	<u>IRWIN RICHARD L &amp; JUDY LOUISE BERNAC</u>	
TAX MAP / PARCEL	NAME	
<u>169 BERA CHURCH RD</u>		
MAILING ADDRESS		
<u>FREDERICKSBURG VA 22406-5125</u>		
CITY	STATE	ZIP

<u>45N 27 X</u>	<u>ENGLAND RUN NORTH HOMEOWNERS ASSOC</u>	
TAX MAP / PARCEL	NAME	
<u>11351 RANDOM HILLS RD STE 500</u>		
MAILING ADDRESS		
<u>FAIRFAX VA 22030-6081</u>		
CITY	STATE	ZIP

<u>44 119G</u>	<u>BRANDYWINE HILL BUSINESS PARK PROPER</u>	
TAX MAP / PARCEL	NAME	
<u>14145 BRANDYWINE RD</u>		
MAILING ADDRESS		
<u>BRANDYWINE MD 20613-3003</u>		
CITY	STATE	ZIP

<u>44 119N</u>	<u>BRANDY HILL PROPERTIES 2004 LLC</u>	
TAX MAP / PARCEL	NAME	
<u>PO BOX 7165</u>		
MAILING ADDRESS		
<u>FREDERICKSBURG VA 22404-7165</u>		
CITY	STATE	ZIP



STAFFORD COUNTY  
Department of Planning and Zoning

### Application Affidavit

This form to be filed with:

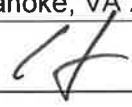
**STAFFORD COUNTY  
BOARD OF SUPERVISORS**  
  
**1300 COURTHOUSE ROAD  
STAFFORD, VIRGINIA 22555**

Internal Use Only
Project Name: _____
A/P #: _____
Date: _____

All applicants for a special exception, a special use permit, conditional use permit, amendment to the zoning ordinance or variance shall make complete disclosure of the equitable ownership of the real estate involved in the application, including in the case of corporate ownership, limited liability company ownership or similar business ownership, the name of stockholders, officers, managing partners, general partners, owners and members, and in any case the names and addresses of all of the real parties in interest. The requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the event the ownership of the involved real estate changes in any respect during the time the application is pending, the applicant shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein. If the applicant is a contract purchaser, the ownership information required herein shall be provided for the contract purchaser in addition to the owner of the real estate involved in the application. This section applies to applications before the board of supervisors, planning commission and board of zoning appeals.

See Section 15.2-2289 for State Enabling Authority

#### 1. Applicant information

<b>Name of Applicant</b>	Stafford IL-AL Investors, LLC & Stafford Residential I LLC
<b>Name of Company</b>	Stafford IL-AL Investors, LLC & Stafford Residential I LLC
<b>Applicant Address</b>	4423 Pheasant Ridge Road, Suite 301 Roanoke, VA 24014-5300
<b>Applicant's Signature</b>	
<b>Name of Agent</b>	Charles W. Payne, Jr.
<b>Address of Agent</b>	725 Jackson Street, Suite 200, Fredericksburg, VA 22401

#### 2. Type of Application

- Conditional Use Permit                       Variance  
 Rezoning - Minor Proffer Amendment       Special Exception

STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

**Page 2**

**Applicant:** Stafford IL-AL Investors, LLC &  
Stafford Residential I LLC

Project Name: _____ A/P #: _____ Date: _____
--

**3. Property Information**

**Assessor's Parcel(s)** 44FF-1, 44FF-2 & 44FF-2B

**Address** 60 & 140 Brimley Drive and 100 Berea Church Road

**4. Unless the equitable ownership is a corporation, limited liability company or similar business ownership, list all equitable owners of the property.**

<u>Name of owners</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____

**5. If the equitable ownership of the property is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders.**

Stafford IL-AL Investors, LLC

<u>Name of Members</u>	<u>Address</u>
<u>James R. Smith</u>	<u>4423 Pheasant Ridge Road, Suite 301, Roanoke, VA 24014-5300</u>
<u>Hunter D. Smith</u>	<u>4423 Pheasant Ridge Road, Suite 301, Roanoke, VA 24014-5300</u>
<u>New Horizons Health Investors, LLC</u>	<u>4423 Pheasant Ridge Road, Suite 301, Roanoke, VA 24014-5300</u>
<u>Smith/Packett Med-Com, LLC</u>	<u>4423 Pheasant Ridge Road, Suite 301, Roanoke, VA 24014-5300</u>

**6. Unless the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all individuals involved with the purchase of the property.**

<u>Name of Members</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____



STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

**Page 3**

**Applicant:** Stafford IL-AL Investors, LLC &  
Stafford Residential I LLC

Project Name: _____ A/P #: _____ Date: _____
--

**7. If the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders**

**Name of Members**

_____	_____
_____	_____
_____	_____
_____	_____

**8. Have all individuals listed on this affidavit been notified of the purpose of the application?**

Yes       No

**9. If #8 is No, list all individuals who have not been notified about this application plus submit the cost required for the Department of Planning and Zoning or Code Administration to send certified letters notifying those listed below of this application prior to the public hearing.**

<b><u>Name</u></b>	<b><u>Address, including zip code, no P.O. Box please</u></b>
_____	_____
_____	_____
_____	_____
_____	_____

Number of owners to be notified: \_\_\_\_\_ X  
 Cost for certified letters      \$ \_\_\_\_\_ (cost as of the day of submittal)  
 Total due:      \$ \_\_\_\_\_ (Make checks payable to County of Stafford)

**Please submit a check in the amount due with this application to cover the cost of serving the individuals listed in this section.**

STAFFORD COUNTY  
Department of Planning and Zoning

Project Name:	Stafford Nursing Home
A/P #:	RC 16151470
Date:	_____

**Application Affidavit**

Page 4

Applicant: Stafford IL-AL Investors, LLC & Stafford Residential TLLC

**10. Affirmation & Witness**

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief. In the event the ownership of the involved real estate changes during the time the application is pending, I shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein.

Printed name of Signer Hunter D. Smith

Corporate Office of Signer Vice Chairman Manager

Signature [Handwritten Signature]

Date 8/15/2016

COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD, to wit:

City Roanoke

The forgoing affidavit was acknowledged before me this 15<sup>th</sup> day of August, 2016 by

Hunter D. Smith owner/applicant.

My commission expires: 9/30/2018

<p><b>Tammy S. Blankenship</b>  NOTARY PUBLIC  Commonwealth of Virginia  Reg. #220853  My Commission Expires Sept. 30, 2018</p>
---

[Handwritten Signature]  
Notary Public

### **Checklist for Impact Statements**

Impact statements are required for rezoning requests which meet at least one of the following criteria:

- a. would allow for a use(s) that could generate more than 500 average daily vehicle trips;
- b. would have a gross density of more than seven (7) dwelling units per acre;
- c. would have more than fifty (50) dwelling units;
- d. would be greater than fifty (50) acres in size;
- e. propose a commercial rezoning adjacent to residentially zoned property.

Impact Statements must address the following:

- a. current capacity of and anticipated demands on highways, utilities, storm drainage, schools and recreational facilities;
- b. fiscal impact: potential tax revenues and anticipated cost to County services;
- c. environmental impact;
- d. impact on adjacent property;
- e. location and proximity to designated and identified historic sites.

\*\* These studies shall describe the differences which would result from maximum, ultimate development of the land under the proposed zoning classification as compared to maximum development under the existing zoning classification.

#### **Transportation Impact Analysis**

A Transportation Impact Analysis Determination Form (provided on page 18) must be submitted to determine if a Transportation Impact Analysis is required. A Transportation Impact Analysis (TIA) may be required by the County or VDOT depending on the amount of traffic generated by the proposed development. The thresholds are provided on the determination form.

STAFFORD COUNTY  
Department of Planning and Zoning

**RECLASSIFICATION  
TRANSPORTATION IMPACT  
ANALYSIS DETERMINATION**

Name of development \_\_\_\_\_  
Type of development \_\_\_\_\_  
Parcel # 44FF-1, 44FF-2 & 44FF-2B

RECEIVED BUT NOT OFFICIALLY SUBMITTED:  DATE: _____ INITIALS _____  OFFICIALLY SUBMITTED:  DATE: _____ INITIALS _____
--

**Traffic Volume Calculations**

This site generates:

- \_\_\_\_\_ VPH (highest VPH)
- \_\_\_\_\_ VPD on state controlled highways (highest)
- \_\_\_\_\_ VPH Peak AM
- \_\_\_\_\_ VPH Peak PM
- \_\_\_\_\_ VPH Peak Saturday
- \_\_\_\_\_ VPD highest intensity\*

\*\*\* Attach a page showing the calculations and the ITE trip generation codes to this form.\*\*\*

**Minimum Thresholds to submit a TIA**

County: Any proposals generating 1,000 or more VPD.

VDOT: See "VDOT Traffic Impact Analysis Requirements" table on next page.

**Trip Generation Calculation Guidelines**

- Traffic volumes shall be based on the rates or equations published in the latest edition of the Institute of Transportation Engineers Trip Generation.
- If a site has multiple entrances to highways, volumes on all entrances shall be combined for the purposes of this determination.
- If the site does not have direct access to a state maintained road, the site's connection is where the site connects to the state highway system.
- Traffic volumes shall NOT be reduced through internal capture rates, pass by rates, or any other reduction methods.
- For redevelopment sites only: when the existing use is to be redeveloped as a higher intensity use, trips currently generated by the existing development that will be removed may be deducted from the total trips that will be generated by the proposed land use.
- When rezoning, use the highest possible traffic generating use unless development is limited by proffer to less than the possible highest traffic generation.

For development proposals that generate 1,000 or more vehicle trips per peak hour the applicant shall request a scope of work meeting with VDOT and Stafford County Office of Transportation to discuss the required elements of a traffic impact analysis.

\*The highest intensity use is the highest possible use allowable under the zoning requirements for the entire property should it be developed to its fullest extent possible under the current building guidelines. The trip generation for the highest intensity use shall be analyzed in the study. The only exception is if proffers limit the area and type of uses.

**VDOT Traffic Impact Analysis Requirements**

Process		Threshold	Review Process*	Fee**
Comprehensive Plan and Plan Amendments (including small area plans)		5,000 VPD on state-controlled highways, or  Major change to infrastructure / transportation facilities	Application submitted to VDOT for review and comment  VDOT may request a meeting with the locality within 30 days  Review to be completed in 90 days or later if mutually agreed	\$1000 covers first and second review.  No fee if initiated by locality or public agency.  No fee for citizens' organization or neighborhood association proposing plan amendments.
Rezoning	Residential Low Volume Road Submission	400 VPD AND exceeds the current traffic volume on a state controlled highway	VDOT or local TIA (certified by VDOT) and Application submitted to VDOT for review and comment  VDOT may request a meeting with the locality & applicant within 45 days  Review to be completed in 120 days if VDOT requests a meeting  Otherwise review to be completed in 45 days	For first and second review:  \$250 - Low Volume Rd  \$1000 - All other submissions
	All Other Land Uses including residential	5,000 VPD on state controlled highways, or  5,000 VPD on locality maintained streets AND within 3000 feet of a state controlled highway	NOTE: When a related comprehensive plan revision and rezoning proposal are being considered concurrently for the same geographical area, then only a rezoning TIA package is required.	No fee if initiated by locality or public agency  No fee if using a VDOT TIA prepared for a small area plan

\* For proposals generating less than 1000VPH the locality and/or applicant may request a Scope of Work Meeting with VDOT. For proposals generating 1000 VPH or more the locality and/or applicant shall hold a Scope of Work Meeting with VDOT.

\*\* Third or subsequent submissions require additional fee as though they were an initial submission.

myStafford [Payments Home](#) > [Account Search](#) > Account Details

**Stafford County Real Estate Tax Search/Payment**

**Owner**

Name / Mailing Address:  
MS STAFFORD LP  
26691 RICHMOND RD BEDFORD OH  
44146-1421

**Property Description**

Map #: 44FF-1  
Alt. ID/PIN: 50101  
Legal: 140 BRIMLEY DR

**Current Assessment**

Land Value: \$1,306,800  
Improvement Value: \$6,668,200  
Total Taxable Value: \$7,975,000

[View Real Estate Details](#)

- Pay Total Due Today: \$0.00
- Pay Total For Year: \$0.00
- Pay Another Amount: \$ 0.00

Next

**Invoice History**

Filter by Year Paid to get tax payments for a particular year

**Bill Type**

- ALL -

**Year Paid**

- ALL -

Clear Filter

Print Version

Filter Results

**Change Penalty/Interest Calculation Date**

Total Due:	\$0.00	Total Tax Paid:	\$533,141.34
		Total Penalty/Int Paid:	\$0.00
		Total Fees Paid:	\$0.00
		Total Other Assessments:	\$10,550.42

Year	Bill #	Type	Due Date	Rate	Levy Due	Penalty Due	Interest Due	Total Due	Total Paid	Date Paid
2016	48776	Real Estate	12/5/2016	0.990	\$39,476.25	\$0.00	\$0.00	\$0.00	\$39,476.25	12/5/2016
2016	48776	Real Estate	6/6/2016	0.990	\$39,476.25	\$0.00	\$0.00	\$0.00	\$39,476.25	6/6/2016
2015	48808	Real Estate	12/7/2015	1.019	\$39,199.91	\$0.00	\$0.00	\$0.00	\$39,199.91	12/4/2015
2015	48808	Real Estate	6/5/2015	1.019	\$39,199.91	\$0.00	\$0.00	\$0.00	\$39,199.91	6/8/2015
2014	48876	Real Estate	12/5/2014	1.019	\$39,199.91	\$0.00	\$0.00	\$0.00	\$39,199.91	12/1/2014
2014	48876	Warrenton Road	12/5/2014	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/1/2014
2014	48876	Real Estate	6/5/2014	1.019	\$39,199.91	\$0.00	\$0.00	\$0.00	\$39,199.91	6/5/2014
2014	48876	Warrenton Road	6/5/2014	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	6/5/2014
2013	48920	Real Estate	12/5/2013	1.070	\$39,554.16	\$0.00	\$0.00	\$0.00	\$39,554.16	12/4/2013
2013	48920	Warrenton Road	12/5/2013	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/4/2013

Go Back

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**Stafford County Real Estate Tax Search/Payment**

**Owner**

Name / Mailing Address:  
STAFFORD IL-AL INVESTORS LLC  
4423 PHEASANT RIDGE RD STE 301  
ROANOKE VA 24014-5300

**Property Description**

Map #: 44FF-2  
Alt. ID/PIN: 50102  
Legal: 60 BRIMLEY DR

**Current Assessment**

Land Value: \$2,538,800  
Improvement Value: \$22,673,700  
Total Taxable Value: \$25,212,500

[View Real Estate Details](#)

- Pay Total Due Today: \$0.00
- Pay Total For Year: \$0.00
- Pay Another Amount: \$ 0.00

Next

**Invoice History**

Filter by Year Paid to get tax payments for a particular year

**Bill Type**

- ALL -

**Year Paid**

- ALL -

Clear Filter

Print Version

Filter Results

**Change Penalty/Interest Calculation Date**

Total Due:	\$0.00	Total Tax Paid:	\$1,350,936.62
		Total Penalty/Int Paid:	\$0.00
		Total Fees Paid:	\$0.00
		Total Other Assessments:	\$6,267.40

Year	Bill #	Type	Due Date	Rate	Levy Due	Penalty Due	Interest Due	Total Due	Total Paid	Date Paid
2016	48777	Real Estate	12/5/2016	0.990	\$124,801.88	\$0.00	\$0.00	\$0.00	\$124,801.88	12/6/2016
2016	48777	Real Estate	6/6/2016	0.990	\$124,801.88	\$0.00	\$0.00	\$0.00	\$124,801.88	6/3/2016
2015	48809	Real Estate	12/7/2015	1.019	\$122,493.99	\$0.00	\$0.00	\$0.00	\$122,493.99	12/3/2015
2015	48809	Real Estate	6/5/2015	1.019	\$122,493.99	\$0.00	\$0.00	\$0.00	\$122,493.99	5/26/2015
2014	48877	Warrenton Road	12/5/2014	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/2/2014
2014	48877	Real Estate	12/5/2014	1.019	\$122,493.99	\$0.00	\$0.00	\$0.00	\$122,493.99	12/2/2014
2014	48877	Real Estate	6/5/2014	1.019	\$122,493.99	\$0.00	\$0.00	\$0.00	\$122,493.99	5/23/2014
2014	48877	Warrenton Road	6/5/2014	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/23/2014
2013	48877	Real Estate	12/5/2013	1.070	\$124,864.72	\$0.00	\$0.00	\$0.00	\$124,864.72	11/21/2013

Go Back

myStafford [Payments Home](#) > [Account Search](#) > Account Details

**Stafford County Real Estate Tax Search/Payment**

**Owner**

Name / Mailing Address:  
STAFFORD RESIDENTIAL I LLC  
4423 PHEASANT RIDGE RD STE 301  
ROANOKE VA 24014-5300

**Property Description**

Map #: 44FF-2B  
Alt. ID/PIN: 50279  
Legal: 100 BEREAS CHURCH RD

**Current Assessment**

Land Value: \$1,844,900  
Improvement Value: \$0  
Total Taxable Value: \$1,844,900

[View Real Estate Details](#)

- Pay Total Due Today: \$0.00
- Pay Total For Year: \$0.00
- Pay Another Amount: \$0.00

Next

**Invoice History**

Filter by Year Paid to get tax payments for a particular year

**Bill Type**

- ALL -

**Year Paid**

- ALL -

Clear Filter

Print Version

Filter Results

**Change Penalty/Interest Calculation Date**

Total Due:	\$0.00	Total Tax Paid:	\$108,628.48
		Total Penalty/Int Paid:	\$0.00
		Total Fees Paid:	\$0.00
		Total Other Assessments:	\$1,217.70

Year	Bill #	Type	Due Date	Rate	Levy Due	Penalty Due	Interest Due	Total Due	Total Paid	Date Paid
2016	48950	Real Estate	12/5/2016	0.990	\$9,132.26	\$0.00	\$0.00	\$0.00	\$9,132.26	12/6/2016
2016	48950	Real Estate	6/6/2016	0.990	\$9,132.26	\$0.00	\$0.00	\$0.00	\$9,132.26	6/6/2016
2015	48982	Real Estate	12/7/2015	1.019	\$9,399.77	\$0.00	\$0.00	\$0.00	\$9,399.77	12/4/2015
2015	48982	Real Estate	6/5/2015	1.019	\$9,399.77	\$0.00	\$0.00	\$0.00	\$9,399.77	5/27/2015
2014	49050	Real Estate	12/5/2014	1.019	\$9,399.77	\$0.00	\$0.00	\$0.00	\$9,399.77	12/9/2014
2014	49050	Warrenton Road	12/5/2014	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/9/2014
2014	49050	Real Estate	6/5/2014	1.019	\$9,399.77	\$0.00	\$0.00	\$0.00	\$9,399.77	6/5/2014
2014	49050	Warrenton Road	6/5/2014	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	6/5/2014
2013	49095	Real Estate	12/5/2013	1.070	\$9,870.22	\$0.00	\$0.00	\$0.00	\$9,870.22	12/2/2013
2013	49095	Warrenton Road	12/5/2013	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/2/2013

Go Back



1. RC16151470; Reclassification - Stafford Nursing Home & Retirement Community Minor Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, zoned LC, Life Care/Retirement Community, consisting of 21.77 acres, located on the east side of Berea Church Road and along both sides of Brimley Drive, within the George Washington Election District. **(Time Limit: July 21, 2017)**

Mr. Harvey: Yes Mr. Chairman, please recognize Mr. Zuraf for the presentation.

Mr. Coen: Hi Mr. Zuraf.

Mr. Zuraf: Can I have the PowerPoint please? Thank you. Good evening Mr. Chairman and members of the Planning Commission, Mike Zuraf with the Planning and Zoning Department. This item is a minor proffer amendment for Stafford Nursing Home and Retirement Community. This is a request to amend proffered conditions that exist on the property. This includes three parcels that total approximately 21 acres. The property is zoned LC, Life Care Retirement Community. The applicants are the two corporations that own these properties with the agent of Charlie Payne. The site's highlighted in red and located on the east side of Berea Church Road and along of both sides of Brimley Drive. Brimley Drive is the main street through the community and northern terminus of... and also located at the northern terminus of Brandywine Court. Surrounding the property... this is the zoning map, surrounding the property to the north and east is R-1 zoned property which includes single-family detached homes in the England Run subdivision and Berea Knolls subdivision. And then surrounding the property to the south and west is M-1 zoned property, M-1, Light Industrial property with flex office warehouse uses in Stafford Industrial Park. So in our planning lingo we tend to throw around a lot of acronyms and you probably saw that in the staff report. And so, to minimize confusion, I want to point out the acronyms that I reference in the presentation I might say a few times for this case. AL refers to assisted living dwelling unit types and IL, independent living dwellings. Also AL and IL, assisted living and independent living density is measured differently from time to time, with assisted living measured by the number of permitted beds and independent living measured by the number of dwelling units. So in the previous proffer amendment that occurred, we established an appropriate comparison between the two uses stating that one independent living unit would equal two beds, to get a like comparison between these uses that exist in this complex. So, looking at the history of this project, in March of 2008 the land was originally rezoned to the LC, Life Care, for this retirement community. In June of 2009, the site plan was approved for the entire facility; well, specifically, for the nursing home and assisted living facility that are existing now. In August of 2009, proffers were amended that allowed for the phasing of the development with temporary access on Brandywine Court while the main access road, Brimley Drive, and site frontage improvements were being completed. And the last amendment to proffers in June of 2014 allowed for the increase in the maximum number of assisted living beds from 127 to 142 and a concurrent decrease in independent living units from 240 to 207. The subject area includes three parcels; two of the parcels have been fully developed with structures and associated vehicle travelways and parking on those sites. The first site at the bottom, the building highlighted in orange, is the Falls Run Nursing Rehabilitation Center. This is a nursing home facility with 90 beds. And the building highlighted in blue is the Crossing at Falls Run. This is a facility with 142 assisted living beds and 46 independent living units, which correspond with up to 92 beds. The third parcel across Brimley Drive has been graded and is currently vacant other than a temporary overflow parking area. The GDP on the screen shows how the current uses fit into the overall development scheme. As noted, areas 1 and 2 have been developed as originally envisioned. Then area 3, the undeveloped portion of the project, identifies the potential for three buildings, which are highlighted in green, that would include only independent dwelling units. This shows the breakdown of the existing and planned unit types in each area of the project in relation to what has been proffered. Area 1 includes 90 of the 120 permitted nursing home beds, in this location. Area 2 includes all the currently permitted assisted living beds and 46 of the 207 permitted independent living

units. And area 3 would be permitted, once it's developed, to have the remaining 161 independent living units. In areas 2 and 3, the permitted number of assisted living beds and equivalent independent living beds total 556. So, the specific amendments, there are two specific amendments, first to proffer 5, that would modify the mix of dwelling unit types permitted to allow the approved 556 beds either as assisted living beds or independent living units with at least 30 of the units as independent living. And then proffer 7 was an amendment to the maximum transportation contribution as a result of prior reduction in the number of independent living units that occurred back in 2014. The amendment to proffer 7 is essentially a kind of a housekeeping change that is reflective of the prior amendment back in 2014. So, this is a summary of the effect of the proposed amendment to proffer 5, with the flexibility in unit types that the change would allow. So, with the change, the assisted living beds could increase from the current 142 up to 496. So basically all the remaining units could be developed as an assisted living facility. Or the remaining 161 independent living units equivalent to 322 beds could build out as currently approved. Or you might get a combination of the two options. This would be a mix of independent and assisted living as currently exists in the Crossings at Falls Run facility. Some other points include that 16 of the current 46 independent living units could potentially be converted to assisted living units to reduce... to go down to the reduction of providing at least 30 independent living units, and other units could be converted back and forth between assisted living and independent living units under this proposal. In evaluating the change to proffer 5, I would like to point out the Zoning Ordinance requirements for the Life Care zone. To paraphrase, the Zoning Ordinance states that the purpose of the Life Care district is to provide areas for the continuing care of elderly, providing for transitional housing progressing from independent living and culminating in nursing home care, where all related uses are located on the same lot or adjacent lots. There are special regulations related to the Life Care zoning district that requires there be a mix of independent, assisted living units, and nursing home care beds. And require a number of assisted living beds equal to or greater than 15% of the total number of independent living units. There's not a required minimum number for independent living units other than that they just have to be provided. So, the following is a comparison of the unit type mix with the number of independent living and assisted living beds in the project that are currently existing; that's across the first row. The maximum permitted based on the current approved proffers, that's the second row. And then the last row identifies how the proposed proffers could affect the future mix... unit mix should the maximum number of assisted living beds be developed as opposed to independent living units. So other than allowing for a proportionally greater share of assisted living beds in the future, the proposal would not be in conflict with the Zoning Ordinance requirement. Looking at the proffered cash contributions, currently there are current per unit cash contributions of \$367,000 received; this is for 46 of the 207 independent living units. The proffers require per-unit cash contributions only for the independent living units. There are unpaid per-unit contributions of 1.2 million, 161 of the 207 independent living units. It was brought to my attention by the applicant that there were transportation improvements provided to the Berea Church Road/17 intersection that account for some of that 1.2 million. We're not certain of the exact amount, so they did... they have contributed in-kind improvements that do reduce some of that 1.2 million. So, if future development as an assisted living facility occurs, the applicant could forgo the remaining contributions that would be left. The applicant... there are no reimbursements being requested though from the applicant should the existing independent living units be converted to assisted living; that would be 16 of the independent living units. And regarding unit conversions and cash proffer collection, I want to point out that staff notes the proffer funds could potentially be collected should any of the assisting living units existing or new be converted back to independent living units. But this would be difficult to track as there would not be a permit requirement for the change in unit type. So without a good tracking mechanism, there could be potential for some of the proffer funds to go uncollected under this scenario. So with fire... there are some comments provided by the Fire and Rescue Department. They note that any increase in assisted living beds would result in an increase in EMS calls to the site. The facility is wood frame construction which presents a higher fire threat in this specific case. An increase in assisted living beds also will increase the fire alarm and evacuation times at the facility, which are currently a challenge

as assisted living residents may need assistance to go downstairs if a fire alarm is going off. The applicant did respond to these concerns and note that many of the residents come to the facility from private residence within the County in homes that are older and may lack the same level of fire protection offered at this facility. The community would allow fire department resources to come to one location as opposed to being spread out among the County and the facility will offer 24-hour supervision in a more modern and safer building. On the last point, despite the increased EMS calls and other concerns from the Fire and Rescue Department, for this type of assisted living facility in general with the Life Care communities that may be seen as preferred over standalone, multi-family style independent living apartment complex. Having each of the various levels of care onsite with the appropriate supervision and resources seems to be preferred over having primarily just an assisted living and nursing home facility at this location and offsite independent living elsewhere. So looking at the overall evaluation, there are positive aspects. With the change, it's consistent with the Comprehensive Plan; the adjustments to the number of units and beds does not increase the overall number of residents permitted in the facility; it does provide flexibility to allow for the development to adjust its residential offerings based on changing needs in the future; and in general assisted living facilities and independent living apartments as part of a Life Care community offer better fire safety than standalone independent living situations. There are some negatives. There is potential unmitigated impacts on public safety and transportation resulting from an assisted living facility in place of independent living as proffered contributions may not be provided. And there is a potential for a much high percentage of assisted living beds which runs contrary to the purpose of the Life Care Zoning District which recommends a more equal proportion of unit types. Staff is generally supportive of the amended proffers pursuant to the Ordinance provided as the benefits outweigh the negatives. Staff does suggest that the Planning Commission consider the mitigation of public facility and transportation impacts as a result of the amendment. A way to maybe address this would be requiring... requesting some proffer amendments that would provide more certainty in the number of future units or beds that would be paying cash proffers. This could be accomplished by either requiring a minimum number of additional independent living units above the currently approved 46 or requiring a minimum number of assisting living units contribute some of the cash proffers that were previously offered. And I'll take any questions.

Mr. Coen: Okay, Mr. English.

Mr. English: Mike, how many stories is this? I mean it is two, three stories?

Mr. Zuraf: It is four stories.

Mr. English: Four stories.

Mr. Zuraf: Yes.

Mr. English: Then I'm assuming there's no elevator in there, correct, or do you know?

Mr. Zuraf: I'm pretty certain there is.

Mr. English: There is?

Mr. Zuraf: Yes.

Mr. Coen: Okay, anyone else? Okay, just a quick question because I know when this first came up in '14, and I went to the site and spoke with I think it may be one of the people in the audience. But I just want to wrap my head around it, so to convert it, the independent living to assisted living, that's going to

have to take some construction of that unit, correct? It's not just... you know, the unit stays completely as is and then we just sort of reclassify it. Or is there actually something that needs to be done to make it more?

Mr. Zuraf: In some situations there could be some if, for example, the independent living units might have full kitchens where an assisted living unit only is intended to have maybe a kitchenette or something. That's one possibility that, you know, internal modifications might be required. But it also will... the I guess the other issue here is maybe allowing people who have just independent living needs to... say if they have a spouse who has assisted living needs, they can share the same apartment and then that would... in those situations my understanding is that both residents have to be considered as assisted living, as the state sees it, but the spouse might be independent.

Mr. Coen: Right. Okay, and then as it stands right now this is merely... do we have a timeframe for the third building to be built? I mean... or is this, all of this is just dealing with the two buildings that are already there and just sort of shifting some of the use and the numbers of those ones?

Mr. Zuraf: I'd have to defer to the applicant. We've not received any new site plan for the third property, so I would have to defer to them on their future plans.

Mr. Coen: Okay, alright. Any other questions for staff? Alright, thank you Mr. Zuraf. And now the applicant.

Mr. Payne: Mr. Chairman and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. I appreciate your time this evening. Thank you to staff for its presentation. I think staff covered a lot of the key points of the application, but I just want to follow-up with a couple of additional points and reiterate a couple of points that Mr. Zuraf presented and to address any questions that you may have at the end of my presentation. But as Mr. Zuraf went through the history of this application commencing in 2008, that was a different time. As you may recall, it was just prior to the real estate crash that occurred and obviously the economic crash had an impact on people, especially those who were looking to go into retirement. So a lot of retirements were delayed. So the model of the having more independent living units was... made a whole lot of sense prior to that point. But thereafter, that... the economy did have an impact on the market, if you will, for those type of units. And of course thereafter soon, 2009/2014 we came before this Planning Commission and also the Board of Supervisors to increase those number of AL units from 76 initially to 127 to 146. And then here today, again to request some flexibility, if you will, in allowing us to be able to move between the AL and IL world, but to establish a minimum of IL units. Which was a good question, which has been raised by staff, and we've been thinking about this for some time that that 30 number, that 30 IL number, it just doesn't make a whole lot of sense for us. From a market perspective and moving forward to Phase 3 to the question that you had, Mr. Chairman, as to when that may occur. I think allowing us to have more AL units and given where the market is in this particular area in our region, that third phase is sooner to happen than later; because there's a greater need for the AL units than there is for the IL. So, with that, we were going to propose this evening that we would increase that minimum 30 to 100 IL units as a minimum, so that we wouldn't go below that number all through three phases of the project and then therefore still be able to increase our number of AL units. So we did think about that from a future market perspective and are willing to change our proffers for that purpose. So I wanted to share that with you. And certainly this... these facilities are very important to Stafford County, certainly very important to our region as well. They provide a necessary age in place, if you will, for many of our residents who don't have to go outside of the area, we don't displace families, we don't displace spouses. The more AL units allow us, if one of those spouses needs to be in an AL and the other spouse is with them, that's designated as an AL unit; so they need to be together. So, that's another important purpose of this request. In regards to the question about what happens if there is an AL that shifts back to an IL and do we miss the

cash proffer requirement, when we have to change the status of a unit from an AL to an IL, we've got to contact the State Licensing Board for that purpose. So, they typically coordinate with the County on those type of issues, and we'll certainly notify the County when that occurs as well. So that's not a problem and we'll make sure that we're able to coordinate all of that when that occurs. But the big catch would be the State would be notified and the State typically does work with the County on those type of questions. In regards to proffers, I just think it's really important to point out, and Mr. Zuraf, I appreciate the fact he had shared with you our comments earlier today. In the initial proffers from the beginning, from 2008 and which continued all the way through our amendment changes, you may recall that proffer 7 today required us to make certain improvements at the intersection of Route 17 and Berea Church Road and Fleet Drive -- which had to occur before they could get the first occupancy building permit in Phase 2. So that's happened. That was initially valued at about \$582,000 in 2008, so my bet is it probably was a little bit more than that thereafter. So, if you combine that with the proffers they had already paid for the 46 units, we're more than two-thirds there on the proffers for transportation alone, just prior to these amendments that we're requesting today. So, I think that's important to note in regards to whether or not we're losing significant transportation proffers and infrastructure proffers. And, of course, there's also the proffers that have been satisfied for the entire... all the buildings to be sprinkled. Also for the stairwells to be firewall protected. Of course, we have professional health care individuals onsite, so we certainly appreciate the concerns of the Fire Department and Fire Marshal in regards to perhaps the increase in number of calls. Those individuals who are in our area, they would be utilizing those services as well. But in this case, when those individuals are at one site, one, the first responder are the health professionals who are onsite. That's the first responder. And secondly, obviously if there still needs to be an EMS to come to the site, that's a much more positive environment with 24-hour supervision and support than it would be being in a rural area of the County or other places. So I just think that's important to note as well. The other proffers that have already been paid are \$50,000 towards the recreation proffers. Also the proffers at our entrance, which were beyond the normal sort of requirements, if you will, for our entrance, so those were in place. We also have the... again, I noted earlier that the fire... all the buildings are sprinkled and obviously that's a much safer facility to be in than being in an individual home if you need assistance and the emergency gate is in place. So just in regard to respond to some of the concerns from EMS, we do have a lot of these protections already in place. The other important thing is, this site employs 139 people, many of which who live in Stafford County. Last year they paid taxes between real estate and personal property well over \$250,000. If we're able to respond to the market, if you will, that demands more AL and we're able to move forward to our next phase of our development, that just means more jobs and more tax revenue for the County as well, in addition to more importantly, addressing a great need in our region and our County. And let's not also forget that the Berea Fire Station is only about 2 miles away, so they're fairly close to the site. And with that, I'm happy to answer any questions you may have. And again, just noted for staff, we're willing to change that proffer from a minimum of 30 IL to 100, which I think addresses many of the concerns that staff has raised.

Mr. Coen: Okay, any questions? I guess one question would be that 100, is that 100 in the existing and/or future or just for the future is there some...

Mr. Payne: Spread out for all... spread out... remember the first phase is the nursing home so that's not even impacted.

Mr. Coen: That is why I said the two.

Mr. Payne: It's for phases 2 and 3.

Mr. Coen: Okay.

Mr. Payne: So right now there's 46 total.

Mr. Coen: Right.

Mr. Payne: In building 2... Phase 2 I should say, I'm sorry.

Mr. Coen: Okay.

Mr. Coen: Alright, thank you. Alright, since no other questions, we move to our public hearing. During the public hearing gives a chance for the public to come forward to give their opinions on this issue. Remember that when you come down, you address the Commission as a whole. Please state your name and your address, and once you start talking you will have 3 minutes. The green light will turn on, at 1 minute the yellow light goes on, and then when the red light comes on we ask that you wrap up your comments. So if anybody would like to come forward, come on forward now. Good evening Ms. Callander.

Ms. Callander: Good evening. Alane Callander. I didn't come here tonight for this item; however, I find the presentation to be very interesting and concerning. I also regret, once again, I cannot pick up a copy of the proposal from the back table. Someone said they were cutting back on copying cost or something, I can appreciate that. But at the same time, it's helpful to the public, particularly in my case where I'm coming and talking extemporaneously about something I had not read up on before. But I do want to say I am familiar with the location off of Berea Church Road. I have been to the Crossings to visit a friend. In fact, while I was there, an ambulance was called in to take my friend to the hospital. So I do know how difficult it is to get from that area to either Stafford Hospital or Mary Washington. The roads are not easily traveled, they're congested. Or in the case of Truslow Road, it's a narrow windy road. This is not an ideal location. I know that there's a rehab center there, the Crossings is there. For some reason, there's been some settling of this type of use in that part of the County. I remember when we first talked about the Crossings, that there were some issues and concerns then. But now we're adding a lot more units and the assisted living units particularly will require more transfers to the hospital. Ideally this type of use would be near the hospital; that would have been an ideal place. So, I would caution you to be very careful with this, that we already have congestion on Route 17, we have a narrow road, Truslow Road that needs to be improved, and I just think this is a great concern. Thank you.

Mr. Coen: Thank you Ms. Callander. Anybody else wishing to speak? Yes sir.

Mr. Leonard: Hello, I'm Jeff Leonard.

Mr. Coen: Hi Mr. Leonard.

Mr. Leonard: My first concern is, as she brought up, Berea Church Road. It's a very narrow road with no shoulders. If you come up and down that road with a school bus or a truck, you got... I've had to pull over before to let trucks go by. So if they're doing construction, my concern is that. My second concern is also with Limestone Way. I live right there and it's right off of Berea Church Road. When they were building that subdivision there, that little Knolls subdivision, them big dump trucks and big trucks coming up and down our road and dinging the cars up because they're bringing rocks and dirt and mud flying everywhere, plus a school bus and there's a lot of kids on that road. I don't have any of the kids, mine are too old, but there are a lot of little kids there, and a lot of school buses. So, I'm concerned about the construction equipment, heavy trucks coming up and down the road during the construction phase. That concerns me too. So those are my two biggest concerns on that, and another one is increasing the traffic

through that subdivision, especially on Limestone Way, because if you know Limestone Way, it's got them hills and it's already a racetrack. It's a 25 mile an hour zone, but people rarely go less than 40 or 50 on that road. And it's going to increase the traffic on that road. So I don't know... I mean, I don't know what you can do to slow people down, maybe do like they did that subdivision right over the bridge where they put all them speed tables and stuff. So those are the concerns I have with this. Mainly it's the construction. I mean my mother-in-law, we've put her from South Carolina into that facility, she passed away there, so. I mean, it's a good facility and I have someone there I know there now, it's needed I agree, but it's just during the construction phase and afterward, all that added traffic. When you fixed that intersection at Berea and 17, oh that was a great thing. I agree, because I live there. But they did nothing with the rest of the road. I mean the rest of the road is just the same way it always is. I mean there's no shoulders, that's the biggest part there. You got to pull off the road sometimes them busses especially them big trucks come through there, but that's all I got.

Mr. Coen: Thank you Mr. Leonard. Alright, anyone else wishing to speak? Come on down sir.

Mr. Bundrick: Good evening. Yes, I too came... I'm sorry, my name is Gregory Bundrick. And I too didn't come here for this particular issue but I also found the topic compelling as well. My concern is that I noticed that you're moving from decreasing independent living while increasing assisted living, which is a change in the level of care for the individuals living in that facility. I also heard that it's going to be a 4-story facility. I wonder about the opportunities that people who will be living there will have for integration into the community. Of course, you don't want necessarily to have all people living in an institution; you want to have people getting out into the community and being part of the community. Then I just heard this gentleman talk about road conditions and traffic and so forth. So my concern would be what amount of integration people would have who live there to get out into the community and that they aren't isolated in one particular institution. And I did note as I said that you are going from one level of care to a higher level of care for more people.

Mr. Coen: Thank you Mr. Bundrick. Anyone else? Alright, seeing none, we will close the public hearing. Since it's in my district I'll let Mr. English speak and then eventually I'll have to turn the gavel over to the Honorable Mrs. Bailey.

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

Mr. Coen: And then you can address anything that was raised.

Mr. Payne: Thank you.

Mr. English: Mr. Payne, in reference to that, where they're talking about the traffic, where the rehabilitation center is -- I know if you go around back, it brings you back out to the industrial park.

Mr. Payne: Uh-huh.

Mr. English: Is that possible that they could widen that a little bit so they could go... is it emergency in and out?

Mr. Payne: I think it's emergency only, is my understanding.

Mr. English: Well, I know they can go around but sometimes they leave the gate open, sometimes they leave it closed. But is it something that could be worked in that they could leave that gate open permanently for that reason?

Mr. Payne: I defer to staff on that question, because I think it is only supposed to be for emergencies only.

Mr. English: Do you have any idea what I am talking about Mike or Jeff? Behind the rehabilitation center.

Mr. Coen: If not, they can look into it if need be.

Mr. Harvey: Yes, Mr. English, I'm familiar with the geography of the situation, but I'll have to look to see if there are any restrictions with that, because my recollection was when the project was initially approved the access through the industrial park was only intended to be emergency access. Mainly for the reverse of what people are talking about today, where they didn't want industrial traffic going through the residential project.

Mr. English: Right. Okay.

Mr. Payne: And I can address...

Mr. Coen: Thank you. If you'd like to address the things that people raised.

Mr. Payne: Yes sir. I appreciate that. How about if we address the entrance question first and folks believing that the road is not very wide and it's got no shoulders. We had to proffer a 200-foot right-turn lane and a 200-foot taper lane and then we had to put flashing lights basically to warn people to slow down because they're coming upon a facility, they're 200 yards also from the facility. So that's in place today. Of course, with AL versus IL you're reducing the number of people in cars; that's the other issue. The employees actually, the different various times when folks come in is off peak hours. So, we've got people coming in 7 to 3, 3 to 11, 11 to 7; so they're not coming in during peak hours which is important. So, I wanted to make sure we just addressed those issues with traffic. And of course, the improvements that we've already paid for, if you will, and proffered for transportation, you know again we've already proffered and paid for two-thirds of those for those proffers. I say paid for, including the intersection of Berea Church Road and Route 17. In regards to AL versus IL EMS calls, interesting that, you know, with the IL having no 24-hour support, there's a lot of calls for EMS. Again, the first responders for AL are in the facility, so we address many of those issues onsite. And just a concern about expanding, we're not expanding; it's the same plan that was originally approved, the same number of beds. We're just asking for some flexibility to address the needs in the community and the market between AL and IL. I just wanted to make sure we addressed that as well. And there are onsite amenities. It is a campus. It is intended to be an integrated campus. We have recreational amenities; it's a very nice rural site. That's the market today, that's the change versus building next to hospitals. They don't want people to feel like this, it's the end, if you will, when you get to these campuses. This is to be a nice environment for the community and for your family members to visit and for the people to reside. So the old model of being next to hospitals isn't the model today. That's changing throughout the country. And we also have the FRED bus stop onsite, so folks can travel if they don't have a vehicle, they can travel on the FRED bus as well. So, with that I am happy to answer some questions. Mr. Coen, do you have some questions? But I just wanted to address those quick issues that were raised by the public.

Mr. Coen: I guess there's two things that sort of popped into my head that... I mean, I had a family member that went into a unit down in Richmond and when I went on the tour we talked about that. And when this first came to us I talked about the need and understanding the need of having to go to more AL. But when one relative, my stepmother, was basically in AL and the whole idea was that my father who is



IL would be in the same thing. He still drove, so you still would have the same number of cars because you're still, as you said, you would have a family member that's in the same unit. So I'm not quite certain that the rationale that it would make fewer cars is there if you're going to have the spouse and the spouse is still driving.

Mr. Payne: You could, but typically when the AL increases, the driving of vehicles decrease.

Mr. Coen: Right, but then again you had pointed out that it would be...

Mr. Payne: You could have that situation...

Mr. Coen: Right, but again, you had pointed out that it could be... that was the whole point of the flexibility. And then the emergency care as well, when we talked about this, and I think Ms. Callander was addressing this, if the existing facility has sort of a mixture already. And somebody in the IL aspect needs an emergency care, and correct me if I'm wrong, but the staff that's on there 24 hours a day is not going to refuse to help them just because they're IL, not AL. They go and they help them. So, that sort of, I mean, if somebody needs an ambulance, somebody needs an ambulance. If somebody needed emergency care, they take care of them. I believe that's what they said to me there. So, that's not necessarily a difference with that aspect. But, as I said, it's not so much a question, it just seems sort of that those arguments from your own arguments that you brought forward were sort of negated by your points. So, I just wanted to make that clear. Did anybody else have any more questions for Mr. Payne? Okay, alright. Thank you sir. I now turn the gavel over to Mrs. Bailey.

Mrs. Bailey: Mr. Coen, this is in your district, do you have a motion?

Mr. Coen: Yes. I would like to move to defer only so that we can get some more information. I know staff brought some forward ideas and I know that Mr. Payne mentioned changing it up to 100 and I think staff... it would be appropriate to let staff have some time to nash that out and think about that. So, I'm going to make a motion and in consultation with staff, our next meeting, we already have four public hearings, and so the impression that I received and I know I'll get a glaring look if I'm wrong, but was that the next meeting would be too full so it would be the May 10<sup>th</sup> meeting.

Mrs. Bailey: So we have a motion to defer to our May 10<sup>th</sup> meeting. Do I have a second?

Mr. English: I'll second it.

Mrs. Bailey: Any discussion?

Mr. Coen: As I did when it came before us in '14, I totally understand the market. I understand the situation with our aging population. Having gone to the site, I understand the roads and their concerns. And so I fully get what you're trying to do. I think that I'm a little uncomfortable with just a blanket, especially when the building, the third building hasn't come forward yet. Putting forward that it's going to be x and because when this came in '14 I thought it was settled. And here we are a couple years later and it's being changed again. So, I'm leery of just tonight, without any real background and thought and getting some more input from staff, saying oh yes, okay, I'm fine with the number, because I just think that... since we had it not two years ago and it's changed, I just feel would feel more comfortable getting a little bit more data before I actually go forward with it. And so, that's sort of the reason why I think that a little bit more time, I would have made it the next meeting but staff has said that they think we're full, so that's why I'm pushing to what I'm saying.

Mrs. Bailey: Mr. English? Okay, no further comments then we can vote. Okay, so it's unanimous (4-0, *Mr. Rhodes recused; Mrs. Vanuch and Mr. Apicella absent*). Any additional comments?

Mr. Coen: Okay, thank you. Welcome back Mr. Rhodes. I was sort of feeling your spirit of your opening invocation that we wanted to be closer (inaudible).

*Planning Commission Minutes*  
*May 10, 2017*

5. RC16151470; Reclassification - Stafford Nursing Home & Retirement Community Minor Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, zoned LC, Life Care/Retirement Community, consisting of 21.77 acres, located on the east side of Berea Church Road and along both sides of Brimley Drive, within the George Washington Election District. **(Time Limit: July 21, 2017) (History: Deferred on April 12, 2017 to May 10, 2017)**

Mr. Harvey: Mr. Chairman, please recognize Mr. Zuraf for the presentation regarding the Stafford Nursing Home and Retirement Community Proffer Amendment.

Mr. Coen: Thank you Mr. Zuraf.

Mr. Zuraf: Good evening again Mr. Chairman, members of the Planning Commission. If I could have the computer please? So, this is a request to amend proffered conditions to increase the number of assisted living dwelling unit types permitted on the Stafford Nursing Home and Retirement Community property, and allowing for flexibility between the independent living units and assisted living units. On April 12<sup>th</sup> the public hearing was conducted and the application deferred to this date to address concerns raised at that meeting. Going through the issues that were raised, Commissioner English questioned if the current gated access off of Brandywine Court could be permanently open to traffic to reduce vehicle trips onto Berea Church Road. The location of the gate is identified within the red circle on the image that you see, and to the south is Brandywine Court. Regarding this issue, staff has a few... provided a few comments on that suggestion. Proffer 31 in the current proffers requires a current access restriction. The emergency access gate was required to be in place prior to any occupancy permit in phase 2 of the project where The Crossings facility is located. An amendment to proffer 31 would be required to remove that gate, that emergency access restriction. Also, during the initial rezoning request, staff did comment on the issue of access through to Brandywine Court. Staff did express concern about connection adding more traffic onto Berea Church Road in its unimproved state. And proffers did require onsite frontage improvements along Berea Church Road and offsite improvements at the Berea Church Road/Fleet Road/17 intersection to improve the conditions of Berea Church Road and, at the same time, place the access restriction through to Brandywine Court. Staff had commented from a planning best practices perspective the mixing of the industrial use and industrial traffic with retirement community traffic may be undesirable. In addition, the applicant may have concerns about the industrial traffic passing through their project. Staff had observed... has observed the gate being open during the daytime at random times, but is uncertain of the schedule for the opening and closing of that gate. Also, in the image, the road configuration highlighted with the blue line makes for an inconvenient cut-through route between Brandywine Court and Brimley Drive as the travelway is in a circuitous route around the nursing home building and under its portico. Next issue, there was a concern raised with flexibility in the unit types and resultant loss in future cash contributions that might result. Proffer... the last version of the proffers did allow an immediate reduction of independent living units from 46 down to 30, with no requirement for any future independent living units. So, potentially no more cash proffers would be required to be paid by the applicant in the prior version. So, at the meeting and subsequent, proffer 5 was amended by the applicant to require there be a total of 100 independent living units identified and resulting from the buildout of phase 2, basically the remainder of the project, with no less than 30 independent living units at any one time. So this would basically require at the time when they come in for a site plan anywhere from 54 to 70 new independent living units to be constructed as part of that last section of development. And, along with that, there'd be the collection of cash proffers at that time. And then, after that point, they could shift units back and forth between assisted and independent living units after the additional cash proffers were collected. So, staff did prepare a cash proffer analysis on what has been originally paid, with the remaining value and potential total contributions resulting from the latest change. The original total proffer amount amounted to \$1.6 million. Looking at the current contributions, with the 46

*Planning Commission Minutes*  
*May 10, 2017*

independent living units the applicant has paid cash contributions of approximately \$367,000. Also, the proffers have required as part of those proffers in-kind transportation improvements. This involve the transportation improvements at the Fleet Road/17 intersection with Berea Church Road, those improvements had a value of \$582,000 and have been completed. They were completed back when The Crossings was constructed. So, your current total contributions amount to \$949,000 with the cash and in-kind transportation improvements. And the potential future contributions with I mentioned anywhere from 54 to 70 independent living units that would occur on the last site plan, if there were 54 future independent living units, that would amount to an additional cash contribution of \$431,000, for a total of \$1.3 million in contributions. Or if there is a need for 70 additional independent living units, that would amount to \$559,000 or \$1.5 million in contributions in total in the future. Staff is supportive of the proffer amendment pursuant to Ordinance O17-21. The amendment does resolve concerns about proffer tracking with the payment that would be required. Upon completion of the last phase of the project we would... the County would be able to collect that cash contribution all at once prior to the occupancy of that building. And the additional contributions, with the latest amendment of up to \$1.3 to \$1.5 million does resolve concerns staff expressed about potential unmitigated impacts on public safety and transportation. And I'll take any questions.

Mr. Coen: Alright, any questions for Mr. Zuraf. Seeing none, okay, thank you. Then the applicant can come forward.

Mr. Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer; I represent the applicant. I appreciate your time this evening. I hope you're all doing well. I appreciate the time getting this meeting going because the Caps are on so I just want to make sure I try to make game 7 here in a few minutes; I'm not sure what the score is. But anyway, I think staff has covered the issues that were raised by the Planning Commission in regards to confirming our proffers. As we stated at the last meeting, we were willing to do at least a hundred minimum independent living units and no less than 30 at any one time. So the plan currently is to back the current 46 independent living units to 30 to get 16 extra assisted living units in the first building of phase 2, which is the second of the three buildings to be constructed at the site. And again, that's just a minimum; we could go up higher than a hundred units if the market was directing it that way. I just would also add, in addition to the proffers, that Mr. Zuraf just discussed that we have already contributed or paid. There's also \$75,000 in recreational proffers that we've already paid as well that were required through the first building of phase 2. So, with that, I'm happy to answer any questions you may have and I appreciate your time this evening.

Mr. Coen: Alright, any questions for Mr. Payne? I do have one. One of the things that I raised last time was this came before us a couple years ago where it got moved, and now here again. So, is it the forethought in this planning that this is a long-term solution to this? Granted, I understand markets change. And I'm happy to see a head nodding, but I just wanted to make sure we're not going to see this back in a couple years from now.

Mr. Payne: It's certainly not our expectation. The markets have changed. I mean, we're responding to what the community needs are. Assisted living is a great need in Stafford County and in this region, and this is the way to keep families here in place in Stafford County. You know, quite honestly, the independent living units are much more profitable for the development for the client. Assisted living is much more regulated, there's a lot more cost to it, you've got to have a lot more 24/7 personnel. So, you know if the incentive is there, obviously from market perspective to add more independent living as a combination of this development, sure. But right now, the assisted living component is driving the market.

Mr. Coen: Okay, thank you.

*Planning Commission Minutes  
May 10, 2017*

Mr. Payne: Thank you.

Mr. Coen: Alright. Okay, I will turn the gavel back over to Mrs. Vanuch.

Mrs. Vanuch: Thank you Mr. Coen. Since this is in your George Washington Election District, what do you desire?

Mr. Coen: Yes, I'm going to make a motion to approve O17-21.

Mrs. Vanuch: Second?

Mr. English: Second.

Mrs. Vanuch: Thank you Mr. English. I have a motion by Mr. Coen, a second by Mr. English. Mr. Coen, any further comment?

Mr. Coen: Just a couple. I think the applicant has made some movements on the different issues that we raised. I understand and can respect the concerns about this isolating seniors, as was raised earlier. But his complex has already been approved, so this is just... it's already going to be there so it is just a question of what's going to be there. I was supportive of this when it came a couple of years ago because I understand the need for flexibility because of the aging population. I do appreciate that they have put in there a certain set number, the hundred, and the head nodding that the idea is that is a long term solution that this won't be continually coming back to us. So with that in mind I am going to move for approval.

Ms. Vanuch: Thank you Mr. Coen. Mr. English, any further comments?

Mr. English: No.

Ms. Vanuch: No, any other comments from the only two remaining Planning Commissioners up here? No. Okay, with that seeing no further comment we shall take a vote on the reclassification of RC16151470. Okay, so the motion passes 5 – 0 with Mrs. Bailey being absent and Mr. Rhodes recusing himself.

Mr. Coen: Thank you very much.