

STAFFORD COUNTY PLANNING COMMISSION MINUTES
November 28, 2012

The meeting of the Stafford County Planning Commission of Wednesday, November 28, 2012, was called to order at 6:31 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Rhodes, Hirons, Apicella, Boswell, Hazard, Gibbons, and Schwartz

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Zuraf, Hornung and Knighting

DECLARATIONS OF DISQUALIFICATION

None

PUBLIC PRESENTATIONS

Mr. Rhodes opened the public presentations portion of the meeting. With no one coming forward he closed the public presentations and moved on the public hearing.

PUBLIC HEARINGS

1. Amendment to Subdivision Ordinance – Proposed Ordinance O12-11 would amend Chapter 22, Section 22-134, “Required Amenities” by allowing the option of posting securities for amenities prior to recording the final plat. Currently, the subdivision ordinance requires that private amenities be constructed prior to recording the final plat. **(Time Limit: January 8, 2013)**

Andrea Hornung presented the staff report. She stated the item before the Commission was proposed Ordinance O12-11, which amends Chapter 22 of the Subdivision Ordinance. She stated this would allow the option of posting securities for amenities prior to recording the final plat. Currently any amenities shown on a preliminary plan shall be completed prior to recording the final plat. She stated staff conducts inspections, it satisfies what was on the construction plan and the preliminary plan, then that can be approved and moved forward. She stated there have been concerns from FABA and some of the development community saying that at this time posting securities would be a better option than having those amenities in place. She gave an example of an amenity inspection she performed and the roads were not paved because they were working on the utility lines, but the playground, tot lot and fields were in the back of that section. Depending on the placement it could be problematic to have that completed with the paving of the parking lot and other items for the infrastructure of the subdivision are not ready and lots have to be recorded so the lots can be sold to assist with financing the remainder of the project. She stated there was a statement added to the Ordinance which says *shall be constructed, or securities posted for the amenities associated with the corresponding section*. And then another paragraph was added to say *before any structure in the corresponding section of the subdivision may be occupied, amenities as provided for on the approved preliminary subdivision plan shall be constructed prior to the first occupancy permit as shown on the approved construction plan for the corresponding section where such structure is located. Disclosure of required amenities shall be made to all future home owners prior to the issuance of the occupancy permit for the corresponding section of the subdivision. An exception may be granted by the agent where all future home owners have signed an affidavit, provided to the subdivision agent, acknowledging the requirement for the amenities prior to*

occupying the dwelling.

Mr. Rhodes asked the Commission members if they had any questions for staff. With no one responding he opened the public comment portion of the public hearing. With no one coming forward he closed the public comment portion of the public hearing and brought it back to the Commission for further comments or discussion.

Mr. Boswell made a motion to recommend approval. Mrs. Hazard seconded. She stated in the prior discussion before bringing this item to public hearing, staff had indicated this was actually a good idea. And whatever the amount chosen to be posted would be adequate. Mr. Apicella stated he thought this was a common sense ordinance change and therefore he would support its adoption. With no other comments, Mr. Rhodes called for the vote. The motion passed 7 to 0.

Mr. Rhodes asked Mrs. Hornung if she had items for TRC. Mrs. Hornung stated yes. Mr. Rhodes asked if the agenda could be modified to move the TRC item up on the agenda. Ms. McClendon stated it would be fine to modify the agenda.

OTHER BUSINESS

5. TRC Information – Meeting December 12, 2012

Mrs. Hornung stated there were three items for the TRC on December 12, 2012. Westlake residential construction plans, which was in Mrs. Hazard's district. Then there was a major site plan for Dollar General, which was in Mr. Hiron's district. The last item was Stafford Regional Airport Hanger Row C2 which was Mrs. Hazard's also. She discussed the times each item was scheduled. After a brief discussion between the Commission and Mrs. Hornung it was decided that she would try to change the meeting times for the Airport and Dollar General to better accommodate Mrs. Hazard and have both items back to back and move the time for Dollar General to the later time to better accommodate Mr. Hiron's. Mrs. Hornung stated she would contact the applicants to let them know the change in the meeting times.

UNFINISHED BUSINESS

2. RC1100261; Reclassification – Celebrate Virginia North Apartments - A proposal to (1) amend proffered conditions on a portion of Assessor's Parcel 52-1, zoned RBC, Recreational Business Campus Zoning District, consisting of 36.79 acres, located on the south side of Scotts Ford Lane, 650 feet west of Celebrate Virginia Parkway and (2) reclassify from M-2, Heavy Industrial to RBC, Recreational Business Campus Zoning District Assessor's Parcels 44-90 (portion), 44W-2 (portion), 44W-2A, 44W-2B, and 44W-5E, consisting of 91.56 acres, located on both sides of Celebrate Virginia Parkway, 1,100 feet south of Banks Ford Parkway. The combined parcels, subject to the proffer amendment and reclassification, consist of 128.35 acres and are within the Hartwood Election District. **(Time Limit: December 18, 2012) (History – October 10, 2012 deferred to October 24, 2012) (Deferred at October 24, 2012 to November 14, 2012) (Deferred at November 14, 2012 to November 28, 2012)**

Mike Zuraf gave a brief update to the Commission and stated this request for reclassification was first heard by the Planning Commission for public hearing on September 19, 2012, and the case has been deferred for several meetings for various reasons. The last deferral was because the Commission wanted to hold off on their decision until they found out more about the status of the proposed RBC Ordinance amendment that would allow multi-family dwellings as a by-right permitted use in the district. He stated the issue was dealt with by the Board of Supervisors on November 20, 2012 and they voted to forward the ordinance amendment on the Planning

Commission. He stated the draft language was included in attachment 1. He stated at the last meeting Mr. Gibbons questioned if the proposed training facility could be classified as an extended stay hotel use. Staff looked into that issue and looked at some of the uses in the Zoning Ordinance to see how that might fit in and found looking at the definitions of hotel, resident and dwelling unit, it might be implied that someone lodging over 90 days may no longer be considered transient and may be considered a resident. That could possibly be a violation of the hotel definition. The dwelling unit definition does not include any time parameters and all of those definitions were included in the memo. Mr. Apicella asked if it was prior to 90 days, something like a residence inn would be permissible. Mr. Zuraf stated yes. Mr. Apicella asked if it made a difference if the person changed rooms, are they talking about the complex itself or if they were staying in a room for 91 days, then they become a resident. Mr. Harvey stated he did not believe the Ordinance was that specific. He stated we have not run into that particular situation, but there were some hotels where they have long term or weekly or monthly rentals, but usually not more than a month at a time. Mr. Gibbons stated in the past there were problems with campgrounds and boat docks. He stated the campground ordinance specified no long term. Mr. Harvey stated he did recall several years ago children were being picked up for schools at hotels and the County addressed it at that point in time. He stated that may be why the definition of residence was added to the Zoning Ordinance. Mr. Zuraf stated attachment 2 was a memo from the applicant addressing feedback from the Planning Commissioners and attempts to explain market limitations on high density housing and discusses issues with the Comp Plan guidelines and future land use map. He stated the applicant was present if the Commission wanted to hear more about their evaluation. He stated at the desk tonight was a compilation of all the RBC District standards out of the Zoning Ordinance. He stated the main change being proposed in the Ordinance amendment was to include multi-family dwelling as a by-right use in the RBC District. In addition the proposal would add intensity regulations to that use, the allocated density would be 7 dwelling units per acre and a minimum open space ratio requirement of 25 percent for multi-family units and a maximum building height are 50 feet. He stated there were specific performance standards in the RBC district that limits the amount of area that could be associated to one use or the other and there would be an addition of limiting the amount of area in the RBC district that could be multi-family residential development to 10 percent of the gross area of the district. He stated generally what they were applying was an area that would not exceed and was almost up to that 10 percent limit. Dr. Schwartz asked Mr. Zuraf if he was talking about square footage or acreage when he was talking about gross area. Mr. Zuraf stated in this case it would be acreage. Dr. Schwartz asked if there were building a 3 story building, would it still be 7 units per acre. Mr. Zuraf stated yes. The 7 units per acre would apply over the site; the open space requirement would be any area that was not impervious. Mr. Gibbons asked if there was anything in the Board Resolution for guidance. Mrs. Hazard stated there was not much, they basically referred it. However, it was not a unanimous decision, Mr. Snelling voted against this. She stated it was sort of strange how this came forward and discussing a little bit of the RBC before it comes before the Commission. Because there have been some questions raised, it seems that it should be discussed somewhat. Mr. Gibbons asked when the first time the Commission could hear that item. Mr. Rhodes stated it would be on the agenda for December 12th. Mr. Harvey stated it would be unless the Commission was to authorize a public hearing tonight, but it still could not make the December 12th public hearing date. Mr. Rhodes stated he did not think the Commission would want to authorize for public hearing before they discussed the nature of what was being advertised for public hearing. He stated he thought the earliest public would probably be the second Wednesday in January. Mr. Harvey stated it would probably be the second meeting in January. Mr. Rhodes stated if the Commission referred it December 12th we could make the first meeting in January. Mr. Gibbons stated the time limit runs out in December and the problem still comes back. Mr. Rhodes stated the referral did not come with strong intent, it was just referred down to the Commission for general consideration. Mrs. Hazard stated as she read Resolution R12-317, it appears to say that it sends it to us for public hearing and recommendations and allows us to make modifications and amendments as deemed appropriate. So we have the opportunity to look at this RBC and make recommendations. Mr. Zuraf stated correct. Mr. Gibbons stated in his opinion the

third whereas was a pretty strong statement and read *“the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance.”* Mr. Rhodes stated that was standard necessary language. He stated sometimes when the Board was strong in their position was when they do not allow any modifications, they simply want the Commission to get it to public hearing and we and have the right to make a proposal and we would have to hold two public hearings, in this case they are giving the Commission flexibility to make modifications and changes. Mr. Gibbons stated it does not give much fluctuation when it says require the adoption of such Ordinance. He stated that was directive, it does not say study it or give your recommendation. Mr. Rhodes asked if the Commission had the right to modify and adjust. Ms. McClendon stated the therefore paragraphs were the paragraphs that give the Commission their instructions. And it instructs the Commission to holding a public hearing with making recommendations and you are also allowed to make modifications. Mr. Rhodes stated he thought the third whereas in that language was their basis for taking a vote and referring it down because they believe in there was work that was necessary for the welfare and good ness of the county, and the charge comes below that. Mr. Zuraf stated that was all he had and would answer any questions the Commission may have.

Mrs. Hazard stated the Commission would be wrestling with this RBC coming forward and asked when something becomes by-right in the zoning category, what does that mean in general. She stated it appears to her that proffers and other things could not be collected, but in RBC there are a lot of other pieces. She asked Mr. Zuraf if he could illustrate how that would work, that there was an overall site plan. She stated she knew the Commission would be learning more, but thought that would be helpful. Mr. Zuraf stated if a use was allowed by-right it could occur administratively without too much extra work. Now with the use of the RBC zoning district there was a little more control over the uses, in the add on you received you can see there was a series of additional performance standards and measures that they would need to be comply with. He stated in the RBC district, the main one was that a land use concept plan has to be approved that restricts where and what uses may occur in the district. Just adding in multi-family dwellings in the district alone does not allow someone in the RBC district to have and build that use because at that point it still would not be on the land use concept plan. So that would be a follow up step and any other proffers that might apply would also be possible limiting factors to the extent and number of multi-family dwelling units. Mrs. Hazard stated on the particular application the Commission had now, when would the land use concept plan come before them or was that part of the application that was pending before the Commission. Mr. Zuraf stated that would be a follow up step that would come to the Planning Commission following adoption of the reclassification, should it be adopted. Mrs. Hazard stated what has been attached as attachment 1 to the packet it would make the retail uses do not exceed 10 percent of the gross area district, that’s the RBC. The gross area of the retirement housing communities was 30 percent and on top of that it would add another 10 percent of the whole area for multi-family communities. So 50 percent of the RBC would either be retail, 10 percent, retirement 30 percent and multi-use 10 percent if it was going forward. Mr. Zuraf stated that was correct but the numbers could be less because those were to not exceed. Mrs. Hazard stated she was not sure if anyone else had questions about how the by-right works, but there were a lot of pieces on the RBC portion that makes it even less clear to her. Mr. Zuraf stated as a reminder, one thing that was noted in the original staff report was a comment about the allocated density. He stated the 7 dwellings per acre based on the initial concepts that were brought with the application and initially included a much larger area of land that would be allocated for the multi-family units. He stated a lot of the land was in conservation areas and staff suggested to limit the multi-family area to a smaller foot print and that would affect the ultimate lot yield the applicant would get on the property. So they would actually need a higher density to get the yield that they would want. It would have to be upwards of 15 or 16 dwelling units per acre, so that was something for the Commission to consider as a possible modification. He stated 15 dwellings units per acre was not unheard for a typical garden style apartment complex. Mrs. Hazard stated she thought that was discussed in page 7 if 11 of attachment 2. She asked if the Commission advertised 7 dwelling units

per acre for this, the current proposal before the Commission would not meet that standard. Mr. Zuraf stated the applicant would not be able to build all that they were originally proposing, they would only be allowed to build something of a lesser amount or the alternative would be for them to come back and modify the limits of the application, and that require all new hearings. Mr. Gibbons asked when the next Board meeting was scheduled. Mr. Harvey stated the next Board meeting was scheduled for December 4, 2012. Mr. Gibbons asked if the Commission asked the Board to send it back, the Board could act next Wednesday to send it back and the Commission could have a public hearing in January. Mr. Rhodes stated he was not sure about the send it back portion, but even if the Commission were to act on it tonight would it make their agenda for next Tuesday? Mr. Harvey stated that could be the Planning Commission's recommendation. Normally with land use cases once the Commission has made its recommendation we would work to schedule a public hearing which December 4th would be too short of a time frame. But if the Commission was requesting in your recommendation that the Board send it back for reconsideration, we could send that to the Board in advance of advertising the public hearing. Mr. Gibbons stated they you would have them both in your hand at the same time. Mrs. Hazard stated she thought this shows the Commission needs to discuss this before sending it directly to public hearing. Because if we sent it to public hearing with 7 dwelling units per acre and increased it that night to 12 to 15, that would be a significant change to what would be advertised at public hearing and we would have to re-advertise it again. Mr. Gibbons stated his request was to send a consideration back to the Board on December 4, 2012 and they could send it back to the Commission for the December 12th meeting. He stated the Commission could not act on it, why hold it up any longer. Just ask the Board to send it back to the Commission and then discussion could be held on the RBC and this application at the same time. Mrs. Hazard stated she was thinking about the RBC issues and stated Mr. Gibbons was talking about the underlying application that the Commission was out of time on. Mr. Gibbons stated yes and not to advertise the RBC until you get the reconsideration back from the Board.

Dr. Schwartz stated they were talking about 7 units per acre and asked how many units per acre were in pod H. Mr. Harvey stated while Mr. Zuraf was looking up that information he knew the applicant expressed a desire to address the Commission with regard to the RBC amendment and wanted to bring that to the Commission's attention. Mr. Zuraf stated it would take him a few minutes to find that information. Mr. Rhodes asked Mr. Hornung if he would like to come forward and take this opportunity to present anything he had.

Mr. Hornung stated he was not expecting the Commission to take action on the RBC tonight. But he did want to let the Commission know about the confusion on the density. What was originally submitted to the County was a request for apartments on pods that were larger than what you have before you now. He stated the reason for that was because the RBC already allowed 7 dwelling units to the acre for each restricted multi-family. They did not want to exceed what was already allowed in the district, so they purposed to leave it at 7 but have a larger land area. He stated one of the comments from staff was that you don't need all the extra land. Just keep it to the pod where you are building the apartments instead of adding addition land to make up the density difference. He stated that was done but there was confusion that then affected the RBC density and that ended up creating the issue they had now. He stated at the this point re-advertising, changing the GDP back to show the larger areas again would take them through a much longer process then simply looking at the RBC and going to what they believe would be a 14 unit. He stated pod H was about 13 and a half units per acre, based on what was on the current GDP. He stated as Mr. Zuraf stated that was kind of a standard for the most part when you were looking at multi-family it was anywhere from 14 to 15 units to the acre. Dr. Schwartz asked Mr. Hornung if he was looking to redraft the GDP or just looking for an up or down on the current pod H and do the by-right separately. Mr. Hornung stated he just received a note that pod I was a little denser, it was 15 almost 16 units per acres. He stated their preference was originally to have the larger parcels and it would be 7 units per acre. He stated if you look at the County UDA limit, it was 12 units to the acre which they thought was too low. But proposing a density that was much higher than what you have

in other districts, they felt may cause some heartburn. The stated their preference would have been to with the old GDP limits and the 7 units to the acre, but if that means it has to be advertised and go back through the process, that takes months and they would preferred to change the density. Dr. Schwartz stated getting back to the 90 day limits, would the people be there more than 90 days in pod I? Mr. Hornung stated the last correspondence stated 80 percent of the people were there less than two weeks, but there were people who could potential stay longer. He stated the issue they had on classifying it as an extended stay hotel and not amending the RBC district to allow multi-family, was the issue brought in the first meeting. Where the developer was looking to execute a lease with the tenant, if that tenant leaves after 5 years and they have \$25 million worth of building sitting there that are extended stay hotels, that product in the middle of the project was not going to be successful project based on where it was located. It was really being built to serve that user. So what they were proposing was there was a fall back that they could convert those to non-secure or market rate apartments and pay a proffer penalty. When they were initially talking about how this was classified, they felt what they were proposing, as it was, could be defined as an extended stay. But the need to have it set up for financing and underwriting, required that it also be able to the classified as a multi-family dwelling unit. He stated the one comment he wanted to make on the RBC was the County does have multiple mixed use zonings. There was the RDA, the UD districts and the PD districts. He stated they felt the RBC was a mixed use district, because it has age restricted housing, single family housing, and it has office and commercial uses. It was the only one of those mixed use districts that does not have multi-family by-right. All of the other districts do. The point that was made earlier about the zoning, they were the only project within the County that was currently zoned RBC. It was a fact that they have a GDP that they were proposing and they have proffers that are limiting where they can build multi-family, just as anyone else who would come in looking for a PD1 or PD2 zoning would be required to submit a generalized development plan, list what used they want to build and submit proffers for those uses. So allow multi-family by-right within that district was not going to automatically allow it by-right across the County.

Mr. Harvey stated he would like to apologize to the applicant and the Planning Commission if staff created confusion on the RBC amendment. In looking at the zoning case, they initially saw the larger land area and felt that it looked a little odd. He stated they know apartment complexes typically have more than 7 dwelling units per acre and that was their rational in comments to the applicant with their zoning application. He stated staff felt it would be more beneficial if the foot print of the zoning area was more condensed. He stated again he would apologize if that has created problems for the applicant or the Commission.

Mr. Rhodes stated if their GDP had been 7 dwelling units per acre there was still not the multi-family authority currently as it stands. So we would still be facing the same issue. We just have to wrestle with and RBC modification. Mr. Harvey stated that was correct. There still would be a zoning text amendment, but it was yet to be determined how many dwelling units per acre.

Mrs. Hazard stated they have all been there listening to this on for a while. She stated she would like to thank all those who came and spoke regarding the project. She stated she would also like to say that she was personally impressed of how the applicant reached out to the public. They would not have known as much if Mr. Hornung and his team had not reached out and sat down with the communities that were going to be impacted. She stated it was refreshing to have the community reach out and she hopes it was a process that they could use in other applications. Because when you reach out to the HOAs you actually get new information. Unfortunately it does not look like all the pieces are going to fit to make everybody happy. She stated she was planning to make a motion but would like to say several members of the Planning Commission have inquired and they debated about why the application and the RBC change were not brought together. She stated in her opinion that has created some issues. Because they cannot look at it together and it has made it very difficult to make an informed decision. She stated she would have to make the motion tonight with regard to

reclassification of Celebrate North which was RC1100261, she would move that the Planning Commission not recommended for approval this application to the Board of Supervisors. Mr. Rhodes stated therefore a motion to recommend to the Board of Supervisors denial of the reclassification request and asked if there was a second. Dr. Schwartz seconded the motion. Mr. Rhodes asked Mrs. Hazard if she had further comments. Mrs. Hazard stated she had a fair amount of comment and she would not hit all of them. She stated this was a complicated piece with regard to this the denial does not mean from her perspective that the Planning Commission disagrees with all the components of this application. She stated she believed many of them felt there were some merits to a lot of pieces. She stated she thinks the denial simply evidences the fact that the Planning Commission cannot act within its current establish policy and guidelines to approve this application. She stated again she found aspects of the application very appealing, but she could not move for approval of an application that requires lots of additional actions of the Board of Supervisors, a relook at the RBC to make sure the Commission was correct. She stated currently it does not comply with the current land use guidelines for the County and it sets new policies as to proffers and crediting that have not been examined by either this Planning Commission or the Board of Supervisors. She stated the Planning Commission was appointed by the Board and they were not the legislative group, so they were to act within what the current guidelines require. She stated the RBC amendment has not been approved or vetted by the Planning Commission, as they can see there are some issues to make sure they have that right. She was not sure what they have before them was what would ultimately be approved. She stated she could not move an application that she was not sure what the underlying zoning was going to be. She stated in regard to land use expectations, she thought they found from the public and from others although this was a business campus there were some expectations by the public when they bought in that area. She stated she was not saying you could not put apartments there, they just may not have quite figured out how to do that. The fire and rescue response times of 11 minutes and as Chief Milliken stated in a correspondence, this would be on the outlier of the 8 minute rule for fire and rescue. She stated it was very hard for her to approve a project that was on that outlying area if there were problems. She stated staff supported the recommendation of denial and set out their pros and cons and weighed them as well and the negative did outweigh the positive. The road, to make sure it becomes part of VDOT, has not been an issue that has been addressed and currently it does not comply with the current proffer guidelines. She stated proffer guidelines were a guide, the addition of apartment would impact the County. She stated she know the applicant has worked in that area to make it more to the thousand dollar range, but she was not sure that quite has met what was needed there. She stated there was also some crediting being done in a way that has not been explored as a County among the Planning Commission or at the Board of Supervisor level. She stated she felt that would need to be debated before she was willing to make that policy as an unelected member of the Commission. Although she found a lot of things appealing, she liked how the applicant approached the public and how they have been forthcoming reaching out to the Commission and getting information to them quickly. She stated at this point she did not think she could approve it with the many conditions and actions that were required by other Boards and agencies and she thought it would set a precedent for future applications that she was not willing to make at this time. She stated the Commission has to approve based on current policies and the tools available, not speculation. She stated for those reasons she could not support recommending this application at this time. Dr. Schwartz stated it was brought up many times why the two pods were not separated. He stated there was a lot to like in pod I, and if pod I was separated with a different proposal, he thought it would fly through. Mr. Apicella stated he agreed with the comments of his colleagues. He stated from the onset this was the cart before the horse and he thought the Commission should have had the RBC modification before or at least the same time as this proposal. He stated he appreciated what the applicant was trying to achieve and he understands economics have changed causing them to rethink the RBC concept. But with all due respect you asked for an RBC that looked like what it was and got that. He stated it was the only area of the County where and RBC exists, but we have been asked to relook at the RBC concept not PTND or some other mixed use development that has a large component of residential. He stated he agrees

that there may be a need for more apartments in Stafford County based on where they were going with the population increase over time. As with any project you have to ask yourself whether what was being proposed was in the right place and he was not convinced during this process as a result of what he heard that apartments were the right thing for this particular area. He stated the applicant was asking the Commission to take some risk that the pod that would be available for student use would be for the long haul and again economics may change that and the County would have additional apartments for use by the public. It does not meet the proffer guidelines that exist today. He stated as Mrs. Hazard said the Commission was asked to look at something on speculation that certain things would fall into place as the applicant would like. They may, but they also may not. He stated for all those reasons and others, he would support the request for denial. He stated he would also say he appreciated the process the applicant went through, he thought they bent over backwards and he thought they really tried to accommodate many of the changes that were requested by the community, but at the end of the day he was not sure this was the right project for that area. Mr. Rhodes stated before the vote he would highlight that his feedback to his Supervisor as he deals with this project, would be to qualify for him that pod I was a tremendous proposal and a great contained element, but pod H has complications and he thought the Supervisor would have to consider significantly the history, the issues and concerns of the public, the long haul use of the property and the other factors as associated. There has been a modification on the proffers but they are still inconsistent with the current guidelines. And the other dynamic will be the Commission still has to address the RBC. He stated the Board has different flexibilities and authorities to it and they will see where they head. He stated he thought pod I was a great proposal and wishes it the best, but he thought pod H had certain dynamics that were very complicated and challenging and those were the ones he would caution his Supervisor concerning. He stated he appreciated the patience of the applicant as the Commission went through it and lastly would highlight to recommend approval brings with it a bit of precedent setting dynamics. He stated moving it forward one way or the other at least moves it forward and gives everybody an opportunity to proceed further. With no other comments, Mr. Rhodes called for the vote for the motion which was recommending to the Board of Supervisors, denial of the reclassification request RC1100261. The motion to deny passed 7 to 0.

3. Urban Development Areas - Discussion of Urban Development Areas to study the future applicability of Urban Development Areas in the County and identify any recommendations that should be considered for amending the Comprehensive Plan. **(Time Limit: January 2, 2013) (History – Scheduled a Committee Meeting at September 19, 2012 for October 10, 2012 at 5:30 p.m.) (Scheduled a Committee Meeting at October 10, 2012 for October 24, 2012 at 5:30 p.m.) (Deferred at October 24, 2012 to November 14, 2012) (Deferred at November 14, 2012 to November 28, 2012)**

Mr. Zuraf stated the Urban Development Areas were last discussed at the November 14, 2012 meeting. He stated the information reviewed was the development readiness evaluation. As for some modifications to that evaluation to identify the number of dwelling units in each area that would be attributed to large development projects. He stated in addition to the number of dwelling units, staff included the estimated amount of projected residential development in each area, as recommended in the Comprehensive Plan. And that information was included within the evaluation of each of the areas, and included at the end, a summary table that quantifies and provides all that information in one table. We provided the evaluation in its original form with the additional information included. Also attached was a modified map to include the Colonial Forge development in area A. He stated previously staff had that in area B, but that was a project that is currently being developed and we feel it fits in area A. He stated also included at your desk was the memo from the last meeting for reference which included a summary of previous thoughts on direction the Commission may want choose for a recommendation. He stated that was being provided for reference as part of the discussion.

Mr. Rhodes stated he did appreciate the reprinting of the November 14th staff report. He stated he would highlight the middle of page two through the half page on page three. He stated it did provide an outline of how staff might craft something out and make a more deliberate document and context of how we would refer something back to the Board of Supervisors. He stated at the last meeting the Commission had ended by asking for any commentaries associated.

Mr. Gibbons stated he had a question of the Commission. He asked if it was the feeling of the Commission that UDAs still carry a benefit to the community for the future. The Legislature gave us the opportunity yea or nay. Mr. Rhodes stated his personal opinion was some targeted areas that the Commission wanted to focus bulk or density of growth was a useful tool and this was a tool to identify that. He stated he did not necessarily agree that all the UDA areas and he thought the outline provided by staff, gave the opportunity to emphasize some might be targeted for nearer term and some left to a later term to see how things develop and mature. He stated in some way the Commission would need to focus the target growth but would not fall over his sword about the continuation of everything on UDAs, but was not wholly opposed to it either. Mr. Gibbons stated the reason he asked was because a former Supervisor was the Delegate that lead the charge in Richmond to do away with it. Mr. Rhodes stated he thought what has become very useful out of the past legislation, at a minimum, was the flexibility not to be completely prescriptive on the exact numbers that are going to be in each place and the exact mandatory applications. Now that it has taken off that prescription that you will put this many units and they will all be accommodated by UDAs, he was less opposed or concerned about the application. Now he just sees them as target areas we are focusing from a planning and developing prospective. Mr. Hirons asked what Mr. Gibbons question was to the Commission. Mr. Gibbons repeated, what was the feeling do you feel that the UDAs going in the future is the right tool going to the County as a whole. Not a specific target area, some could be future or some could be present. Mr. Hirons stated the Commission did have a time limit coming up in January and asked what was the goal. He stated he did not see the Commission getting very close to having a product that they were going to recommend to the Board of Supervisors. Mr. Rhodes stated he had believed from the staff report from the meeting on November 14, 2012, the last half of page 2 and page 3 was the outline of the Commission's recommendation back to the Board of Supervisors, which was a general sense that for now it seems reasonable to continue with UDAs, we really have just established them and not really utilized them tremendously, because they have not been around long enough. But then to provide some other perspective which was possibly a sensing of the Planning Commission as to which ones were nearer terms and which were worth considering for long terms. He stated the last half on page 3 talked about some other factors that have to be more deliberately considered associated with UDAs. Mr. Hirons stated one of his concerns with the time limit, with the general sense of the UDAs as they are. He stated he thought there was a general consensus that something has to change about them. They are not exactly what the Commission wants within target growth plan. He stated it may be wise to recommend to the Board that the Commission was in agreement that the UDAs, as they are, should be abandoned and in the meantime ask for additional time and possibly a joint work session to work out future development and targeted growth areas. Mr. Rhodes stated whatever the will of the Commission was, we have asked for extended time and they gave us extended time. Then we asked for extended time again and they said they were tired of giving us extended time and was left on our timeline. Mr. Hirons stated the Board was not going to give the Commission any additional time and he was not thoroughly convinced that in the next meeting we would be ready to say, here is our recommendation for UDAs and here is a plan for future targeted grow areas. Mr. Rhodes stated he thought the way the Commission was headed was to say UDAs are targeted growth areas and in focus from a planning prospective are important to have. Thankfully the legislative action eliminated the pre-scripted nature associated with them, therefore they were given flexibility and they could serve as our targeted planning areas. He stated in the nearer term or mid-term, he was not sure the Commission agreed that everyone was where we should be pressing growth immediately, but there were probably a couple the Commission should be focused on. His personal recommendation would be to highlight the Courthouse area, the

Southern Gateway area, and possibly the George Washington Village area because there was so much growth planned there. He suggested the rest to be left to mid-longer term to see how others things mature and other factors that the Commission would then need to be focused on and considered in that longer term planning and prioritize for the nearer term planning would be things like the transportation network, the capacity on the sewage wastewater, side walk improvements for interconnectivity and intermodal methods and those dynamics. He stated that was how he envisioned the Commission's recommendation going forward. It did not necessarily say that UDAs were the greatest thing on earth, but they are targeted planning areas and a few of these make the most sense, in nearer term to consider. He stated given the timelines the Commission had, that would be how I thought we might addressed this. Dr. Schwartz stated he thought one thing everyone was getting hung up on was that UDA came out of Richmond and then they said oh never mind. But nobody said let's just get rid of the term UDA. He suggested they stop talking UDA and call it Urban Target Development Area and move on to where we want to see the growth. Mr. Rhodes stated he did not remember, but he thought there was a discussion concerning did it matter what it was called and do we have authority to call it other things. Mr. Zuraf stated there was a provision in the UDA State Code language that does talk about the potential for funding for different infrastructure and things to be focused in areas that are designated UDAs. He stated it was not specific as to what type of funding and how that happens, but it does say if the Comp Plan has areas that meet the intent of the Urban Development Areas but was called something else, then that still applies, the funding can still be focused in those areas, the name was not important. Mr. Rhodes suggested a part of the way the Commission would go forward was the opening paragraph highlights whether they are called Urban Developing Areas or another title, it was important from a planning perspective to have targeted growth areas for the County and that we consider that in our Comprehensive Plan and as we go forward. He stated currently they are called Urban Development Areas and then we could go through to talk about a few that in the near mid-term have the greatest strength associated with them from where we are seeing growth, where we have infrastructure and then we could talk about the other factors that have to be considered for longer growth maturation whether or not the desires and interest of the Board are to change the title, keep it the same or whatever. He stated it was an important planning construct to know where you are targeting your growth. Currently we can use a few of the UDAs, whether they stay that name or not, to do that. So we could have some neutral paragraph in there that says we don't care what you call it, just have some areas that we focus from a planning construct. Dr. Schwartz stated he would recommend the Commission drop the UDA, nobody is going out and making a car and calling it an Edsel or a Pinto. Given the prior history of the term UDA, he would strongly recommend that a different moniker was found. Mr. Rhodes stated he did not have a strong feeling either way, he knows it permeates through the Comprehensive Plan, so more striking, cutting and pasting would need to be done throughout the Comprehensive Plan and then the Commission would have to make sure they deliberately determine what they want to refer to it as. He stated the Commission may want to cut the name once they know what else they want to call it. He asked Mr. Harvey if he saw any second or third order effects. Mr. Harvey stated no, it would be mostly a cut and paste job if you were changing the name. He stated if there were other changes in priorities as where we want the more dense development to occur, that may require more of a structural change to the Comprehensive Plan. Mr. Hirons stated Spotsylvania used something like Targeted Growth Areas for their name of the Urban Development Areas. He stated Culpeper just took action on their Urban Development areas, and asked if they abandoned them completely or rename them. Mr. Zuraf stated he was not certain. Mr. Rhodes asked where the Commission was on TDR. Mr. Harvey stated TDR was going to public hearing with the Board next Tuesday. Mr. Rhodes asked if that was all tied to Urban Development Areas. Mr. Harvey stated no, they took out reference to the Courthouse UDA. Mr. Rhodes stated there was just a targeted sending and receiving area but it had no affiliation to a UDA. Mr. Harvey stated it happens to encompass the same boundary as the Courthouse UDA, but it was not call the Courthouse UDA. Mr. Rhodes stated it did not complicate that at all. He stated he had a personal suggestion on a few that intuitively seem like the best near term targeted areas, whatever they might be called. So adding a bit more language in front saying maybe it would be

best to get rid of the title though we would need a targeted growth area to be an element of our planning construct. Mr. Apicella stated the last time the Commission met on this matter, his concern was and is, we came up with a construct base what we thought was right for targeted growth areas including the amount of density for those called now UDA areas. He stated his concern was these things would only bear fruit in reality based on market and whether or not developers who are the key players think that they can make money by developing the UDA construct as we suggested in the Comp Plan. He stated he knew the Commission spent a lot of time on the Courthouse UDA and the small area plans. He stated he was quite struck by Chris Hornung's report on multi-family development areas and how economics really don't support what we came up with for large dense areas of the County. He stated he wonders if the Commission just completely got it wrong because they only looked at it from a bureaucratic perspective and not kind of incorporated what we can do, on both sides of the equation to make this work. He stated even if he took it with a grain of salt because there may have been some self-serving interest, but his gut tells him what was on paper makes sense. Stafford is not yet at the point, we can try to build these kinds of... what he would like to see, and he has referenced what he has seen in Richmond and Myrtle Beach, we are not in the right place yet to be able to incentivize that to get developers to do what we want them to do. He suggested maybe the Commission may want to throw the baby out with the bath water because it does not make a lot of sense. We cannot get there from here and it may be 10, 15 or 20 year before we get there. He asked what are we trying to get at now. He stated he agreed with what Scott said, but he also agreed with what the Chairman was saying and at the end of the day we do want to have areas of the County where we want to target growth, where it makes the most sense. He stated in some cases maybe we did not get it right because we were forced to come up with seven, because we were trying to make sure the growth did not all happen in one or two areas and it just worked out that seven made it right, and it wasn't too much in one place or the other. He stated he has said it for years that in his opinion we have done a lousy job as a county to look into the future and see how this place is going to change over time whether we want it or not. Stafford County will continue to grow, people will move here whether we want them to or not, whether we incentivize it or dis-incentivize it because we are stuck between Richmond and Washington D. C. He stated this was a great area to live and in some cases we are our own worst enemy because we keep making it more attractive. We still have to plan for the future, we have to plan for the next two years, five years, ten years and twenty years. He stated we need to stop doing this patch work quilt where growth happens here and there and we don't have enough infrastructure to pay for it and tax payers are being overburdened. We need to put it in places where it makes the most sense, where we can get dense development and where we can get developers to help pay the most if not all of the cost of the infrastructure associated with it. He stated he was not part of the UDA process, but as he steps back and looks at the report he was not sure we are there and maybe we need to start anew and figure out, what was the right approach and what are the right tools and what are the right incentives where we work together on a solution to get us there.

Mr. Zuraf stated to respond to Mr. Hiron's question, Spotsylvania has the targeted mixed use areas as their term. Mr. Hiron asked if they defined that at all because mixed use areas could mean a lot of things. Did they adopt any sort of Zoning Ordinance like we did with the UD. Mr. Zuraf stated he believed they actually were doing that now, he was not sure if it was officially adopted but it was a very similar construct as our UD Zoning District. Mr. Apicella stated maybe he could make a recommendation to get the Commission started. He stated maybe the recommendation was a three prong approach which was we recommend that we start over and take another look at it, that would be the primary recommendation. Alternatively if the Board still thinks that we should continue on with UDAs, the Commission should focus on the ones that make the most sense in the short term. Mr. Rhodes stated as a reaction for that for consideration, just to build on it. He stated again going back to a basic primary principle, we ought to have an area that we are targeting growth. If we use that frame work, meaning that you first commit to continuing something by whatever name, Targeted Growth Area, UDA, etcetera and know what those are for the planning staff and the planning constructs. And then from that basis of having those identified, we go back to finding out

how we build a better targeted growth area from that. But knowing that we are calling out and identifying, even if they want to eliminate the name UDA, that it would be A, B and C. He stated he would submit it was Courthouse, Southern Gateway and George Washington Village where we have the most well developed infrastructure. Those are the things that you target for the near term while the Commission works to go back to the drawing board and find out what more there might be. Mr. Apicella stated the devil was in the details, it was all the pieces, the ingredients that the Commission puts into the UDA, like the density, the number of apartments and the commercial square footage. He stated yes, these are the areas that it makes the most sense to have growth based on current patterns, but all the other pieces just may not make sense. It was all built to achieve a certain number and that number may not have any basis in reality, it may not have taken into account the growth that was already there, and it may not get us where we want to because developers are not taking the bait. Mr. Rhodes asked Mr. Harvey what would the Commission break if they went back and said you don't need UDAs, but we do need some targeted growth areas and we think several of them for the next five years or so are probably in the general proximity of areas that were UDAs and here are a few of them. But we do not see a need to have a UDA because it brings with it a bit of frustrating history. He asked if the Commission were to pursue that approach, even if some of the principles and other things were outlined for the near term priorities, and by doing that if the Board wanted to give the Commission direction to proceed that way, would we break anything else. Mr. Harvey stated the Comprehensive Plan was the County's vision and the vision would change with time. He stated if the vision changed radically it could affect people's investments in the future of the county. People often make investment choices based on the zoning map and also what they see with the Comprehensive Plan. He stated if the Commission had a lot of changes that could create some uncertainty as to people's willingness to invest in the future of the County. He stated that would be his one cautioner concern of primary focus, but he would also request the Commission keep in mind that we need to plan for the next twenty years' worth of growth in our Comprehensive Plan. Mr. Rhodes stated right now all we are doing is giving them an opinion, they would have to refer something back, we would have to go through the process and there would be public hearings. Mr. Harvey stated yes, unless the Commission made a recommendation to the Board and they said to go for it, prepare the Comprehensive Plan amendment that could be the next few steps in the process. Or if the Board gave the Commission some other general guidelines and said prepare a Comprehensive Plan amendment. He stated there were other moving parts that go along with the implementation of the Comprehensive Plan. You may recall that we had an implementation plan that was adopted which would have to change and one thing we are actively working on now with the Utilities Department was the Sewer and Water Master Plan. He stated they were taking all of our land use categories and they are trying to creating a model to run to determine what size pipes they needed in what locations, how much future sewer treatment plant capacity and water treatment plant capacity we are going to need to accommodate all the future growth in the locations that were determined. If there are changes it may delay the process on getting that project complete and other types of things like studying road network. We would have to go back and re-evaluate our transportation model. He stated all those things were normal processes that occur after the Comprehensive Plan is adopted. He stated it may prolong the adoption of those subsequent parts of the Comp Plan, but he did not see that as an impediment to anything in particular.

Mr. Apicella stated in a deliberative kind of way asked FABAs to reach out to its community and give us their perspective and he found it interesting there was not a ground swell of reaction one way or the other. He stated no one came with input that said Stafford's UDAs are the greatest thing since sliced bread, don't change them. He stated he was an advocate at the last meeting to leave things as they were, but he has taken a look at it and looked at the material from Mr. Hornung and thought what he was hearing was a consensus that the Commission should plan for the future, but go at it in a different way. Mr. Rhodes stated he thought the general sensing that maybe Mr. Zuraf and Mr. Harvey could come up with something that captures these thoughts, that the Commission could be 90 percent comfortable with at the next meeting. It does not need a public hearing it was

just our observations and recommendations and thoughts back to the Board of Supervisors. So hopefully you can put something together on a single piece of paper to capture these thoughts and if the Commission was comfortable we could send it back up.

Dr. Schwartz asked if they could review the seven areas and have a general discussion individually. He stated for example Brooke Point, who really thinks in the next twenty years that would become an urban area. Mr. Rhodes stated it was seventh on his list. Dr. Schwartz stated they keep on making the Leeland train station lot bigger and bigger and building homes all around it. He stated you talk about the Market Commons in Myrtle Beach or what they have in Richmond. He stated in his opinion that was one for the primary areas and suggested the Commission review the areas one by one, balance the pros and cons, he thought the list could be reduced to four or five and send it on and call it a Mixed Use Target Area.

Mr. Rhodes stated he would go in order of the numbers, Urban 1 on the map, which was the Courthouse area was personally on the top of his list. It was where the 630 Interchange, the hospital, the Courthouse Redevelopment opportunities were and it was one of the targeted areas for the three to eight year window. Dr. Schwartz stated all the utilities were there, the mass transportation was close, they are going to be stopping the express way in close proximity. He agreed and thought it should stay in the plan. Mr. Apicella agreed and stated that would be his number one as well for all the reasons stated. Mr. Rhodes stated number two on the list was Urban 2, Southern Gateway. He stated that was his number two because of all the development that was there, it has opportunities to compliment and leverage. Dr. Schwartz stated we wanted to strongly encourage residential growth in the Southern Gateway. He stated what they were hearing from the businesses there was great traffic out there it was part of the Route 17/I-95. But businesses are having trouble trying and he asked how you would get the developers more interested in building more homes in that area. Mr. Rhodes stated you would call it one of your targeted areas and then start working policies and procedures to help leverage and compliment. He stated the third on the list was urban area 3, George Washington Village. He asked if that included Embrey Mill and Colonial Forge developments. Mr. Zuraf stated it did include the lower part of Embrey Mill, the portion planned for mixed use, but not Colonial Forge. Mr. Rhodes stated that portion Embrey Mill seems like a targeted area. Mrs. Hazard asked if there was some challenge around the bottom half. Mr. Rhodes stated yes. Mr. Rhodes stated Urban 4 was Eskimo Hill. Mrs. Hazard stated she did not think it should be 4, in her opinion it could drop a little lower based on having seen that particular project. It has gone through the Planning Commission and the Board and it was still languishing there and was coming back as a different project. She stated the Commission even heard the applicant's representative say it was tough to make it work with the UDA boundary if they did not own all the land. Mr. Rhodes stated he saw it as a mid or longer term. Dr. Schwartz stated he would scratch it off the list. They don't have easy access to I-95 and they are not near the railway, they will just head north or south on Route 1. Mr. Hirons stated he agreed with the comments of the other Commissioners and actually look towards the Centerport area as being higher on the list. Mr. Rhodes moved on to area 5, Centerport and stated it does have an access. Mr. Apicella stated his concern or issue was is that really where we want residential development or is it where we want commercial development? He stated in his opinion it should be looked at, but he was not sure it was the right place for homes. Mrs. Hazard agreed. Dr. Schwartz stated if you were looking to get corporate centers to use the air strips that would be and employment center or corporate center. If you wanted to take the residential and move it to the east side of I-95 in the George Washington Village area and keep more corporate growth on the west side. Mr. Rhodes stated he did not disagree, when he was looking at the information over the weekend he put in in his list of mid-term to see how things evolve in the area. He asked for thought on Urban 6, Leeland Town Station. Dr. Schwartz stated in his opinion that had great potential. He stated if you want to talk about the ideal mixed uses, you see the growth that is going on around that rail station now. You do not seeing many multi-family dwellings that would be ideal in that situation. He stated the commuter lot at that station was in a perpetual state of expansion. Mr. Rhodes asked how built out

that was around there. Mr. Hirons stated he could probably speak with some expertise since he lives in Leeland Station and has been involved in discussion with potential developers. He stated it was a good area, in his opinion, for mixed use opportunity, some commercial and multi-family type of space. To a certain extent he thought they run into a bit of the same challenges that they do in the Brooke area. While all the amenities necessary are there, sewer and water it was still a little bit off the beaten path and some of the market research some of the developers seem to have done seem to confirm that. At least in the short term, he thought long term it was a good idea and the challenge may be there was a project on the books. He stated a developer could come in and take advantage of and build it out by-right to a point of there would not be an opportunity for additional growth. He stated considering the basic posture it was currently in, that it was a good candidate for long term targeted growth. He stated he would not know how to make the narrative say if it does not get built out in the meantime, it would be a good area for the future. Mr. Rhodes stated he put it in the list with Centerport, to see what evolves in the future. You are bounded by the Urban Services Area around there. He stated he did not see there was a huge potential for new growth. There was the great benefit of the VRE and the train, but other than that the infrastructure was challenging. Mr. Rhodes moved on to area 7, Brooke Station. Mr. Hirons recommend Brook Station as a UDA or Targeted Growth Area not even be discussed. Dr. Schwartz agreed. Mr. Rhodes stated he thought all of that could be worked into the commentary to give feedback to the Board. He stated hopefully the Commission could package something that captures this well enough for the next session to have something the Commission was comfortable with to send forward to the Board. Mr. Zuraf asked for clarification, in the ranking would the Commission prefer it to be packaged as a top middle and lower. Mr. Rhodes stated he would group it as the near term and the priority focused area from both informed and intuitive reactions seen the greatest priority targeted growth area. Then there was a second group that has potential mixed opportunities that would most likely take a mid-longer term to see how they play out. And a couple that are just out there and he really did not know how they would fit. Mr. Apicella stated in regard to Centerport, the Commission could look at it in the context of see how it plays out or we could actually try to come up with policies and procedures to encourage and facilitate that area to be a commercial zone. He stated he appreciated what Mr. Rhodes was trying to say, his preference was that it not be residential, because he did not think it was the right place for it but he did think it was an awesome place in the center of the county where there was an interchange to promote commercial development and it was largely undeveloped. He asked how we get it to be what we want it to be. Mr. Rhodes asked if anyone had an objection to characterize that we think the greatest potential exists more focused towards policies that would support commercial development in that region now. Mr. Hirons agreed with that and wanted to make the point that part of the Urban Development planning process was not just residential it also included a significant commercial aspect. He stated he thought that would be a good direction to go because we not only need to be concerned about residential growth but we have to be concerned about commercial growth as well. Mr. Rhodes asked Mr. Harvey and Mr. Zuraf if they could work on something with the Commission to see if they could get something satisfactory. Mr. Hirons stated to add further direction, according to the current time line, that would be the last meeting to work on it and he was looking for something that was ready to get moving on its way.

Mr. Harvey asked if in the response memo for the next meeting if the Commission wanted staff to try to summarize this in bullet format so you could highlight each bullet and make modifications or delete and add as you deem necessary and use that as the basis for the motion. Mr. Rhodes stated he would work together with staff and they could try a couple of approaches to see what comes out.

NEW BUSINESS

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated there were some things that were referred to the Commission by the Board. One was the RBC amendment. Also the Board passed a resolution asking the Planning Commission to take a look at non-conforming churches in the R-1 zoning district, and that was included in the hand out this evening. He stated place of worship normally require a CUP, but in cases where that place of worship was located within a Historic Resource Overlay District, the CUP would not necessarily apply. He stated when going through the ARB you get a much higher level of scrutiny with any development on a piece of property. If you are in a historic district any structural change to the building on the exterior has to be reviewed for consistency with the historic assets. Any features or changes on the ground have to as well, so it was a pretty extensive level of review. He stated there was some concern there may be a duplicative effort by requiring a Conditional Use Permit. He asked if he could put it on the next agenda or did the Commission feel comfortable enough to authorize a public hearing. He stated in any case it would not go to public hearing at the next meeting. Mr. Rhodes stated he would rather wait, read it and then act on it. He stated it could be added to the December 12th agenda.

COUNTY ATTORNEY'S REPORT

Ms. McClendon stated she had no report at this time.

COMMITTEE REPORTS

4. Proffer Guidelines

Mr. Rhodes stated he sent out an email about proffer guidelines today and had not received any response.

Mr. Harvey stated he did forget one other item. The Board of Supervisors did conduct a public hearing on the appeal of the Planning Commission's decision with regard to the Jumping Branch Farm case. He stated the Board upheld the Commission's decision.

CHAIRMAN'S REPORT

Mr. Rhodes stated they would see where they get with proffer guidelines. He stated the 5th of December was the County's Holiday Reception.

OTHER BUSINESS

5. *TRC Information – Meeting December 12, 2012*

Discussed after the public hearing.

APPROVAL OF MINUTES

None

ADJOURNMENT

With no further business to discuss the meeting was adjourned at 8:20 p.m.