

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**September 25, 2013**

The meeting of the Stafford County Planning Commission of Wednesday, September 25, 2013, was called to order at 6:31 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Rhodes, Hiron, Apicella, Boswell, English, and Gibbons

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, and Zuraf

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualification this evening? Okay, we'll move onto the Public Presentations. This is an opportunity for any member of the public to present any item they would like to except for the items that are scheduled for public hearing. So, if anyone would like to present any item except for dealing with items 1, 2, and 3 on our agenda, any topic, you may do so at this time. When you come forward I'd ask you to state your name and your address. Once you do so, a green light will come on indicating the start of 3 minutes, a yellow light will come on when there is 1 minute, and then a red light will come on and we would ask that you wrap up your comments. So anyone would like to come forward at this time?

PUBLIC PRESENTATIONS

Mr. Waldowski: Paul Waldowski. Less than 6 weeks until the lame duck session begins. Tonight, let's revisit that Park Ridge CUP fiasco that this Planning Commission of now 6... even though Virginia Code only requests up to 5 Planning Commissioners, but you can have as many as 15. As a matter fact, at one time when I was looking through the records to resolve my County water sewer bill, I found there was 8 Planning Commissioners and 6 Board of Supervisors in the 80s. I love when I see votes 4 to 2 to 2. We all know the 4's are the A's and the 2 is the no, but I love when someone abstains because he can't get blamed for it or he can't credit for it. Now, I don't want to get into the details and take up my time of the CUP, but if you read the verbiage that's in your agenda, you'll see that it uses convenience store twice. And we all know that Dan's Pharmacy would be really happy if you put a pharmacy in there. And like I said previously, this land on the hill there is probably something that shouldn't be touched. Now one thing that is clear is that the Sheriff has a couple of phantom officers on both sides of 610 in between this property. And they're using these empty police vehicles, to me, what appears to be a VDOT traffic analysis to bring in that 500K of commercial revenue that now that we have this build-out all in there in that entity. Now y'all know that I am anti-development. It's no secret. I wish I could speak for 21 hours and 19 minutes; it'd be great about HOAs, UDAs. But until I get that County water and sewer bill, I've even made a promise to myself... I'm not going away even if I get it. In fact, as you know, I have my own acronym for Planning and Zoning, like TDR. And on 9/11 I was published. And I use the acronym Troubled Development Region. And even last night at the School Board, one of the incumbents used the acronym inaccurately in terms of what such a program would have on student enrollment. Many of you don't realize that New York's programs for protecting historical landmarks and environmental based in the New Jersey Pine lines and the Long Island Pine Barrens are the most notable uses of TDRs, but they have a population that's tenfold of what Stafford County has.

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Mr. Rhodes: Thank you. Is there anyone else who would like to come forward and speak on any item except for the 3 that are in public hearing this evening? Seeing no one come forward, I'll move on from Public Presentations to the public hearings. First item for public hearing is the Amendment to the Zoning Ordinance, proposed Ordinance O13-46. Mr. Harvey?

PUBLIC HEARINGS

1. Amendment to Zoning Ordinance - Proposed Ordinance O13-46 would amend Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards," and Section 28-39(s)(2), "[Master plan.]" for the HI, Heritage Interpretation Zoning District. The proposed Ordinance amendment would correct an error in a section number reference that was previously misidentified in Table 3.1. The proposed Ordinance would also require review and recommendation of a master plan or amendment to a master plan by the Planning Commission and approval by the Board of Supervisors prior to the issuance of any grading or construction permits. **(Time Limit: November 12, 2013)**

Mr. Harvey: Thank you Mr. Chairman. This proposed amendment would affect Section 28-39 of the Zoning Ordinance. This amendment was initiated at the request of the Planning Commission, specifically dealing with the master plan that is required for Historic Interpretative zoning category. The current text stipulates that a master plan must be filed with the rezoning application for a Historic Interpretative zoning classification. The Historic Interpretative zoning classification is ultimately reviewed by the Planning Commission and approved by the Board. By approval of the zoning classification, it's inferred that the master plan has been reviewed and accepted by the Board of Supervisors. The proposed amendment would clarify the process to specifically require an approval by the Board. It would stipulate that the submittal would have to go to the Planning Commission. The Commission would have 90 days to review the master plan and make a recommendation for the Board prior to the Board approving the plan. The Historic Interpretative zoning classification is intended to serve historic properties that may have a wide ranging effect as far as heritage tourism. And these types of sites normally would not comply with normal commercial development standards, so they are exempt from many of the commercial development standards we see in our Zoning Ordinance, specifically with curb and gutter, and sidewalk and those types of features, which are not congruent with historic settings. The staff recommends approval of the proposed amendment and I'll be happy to answer any questions.

Mr. Rhodes: Very good. Any questions for Mr. Harvey? Yes, Mr. Apicella.

Mr. Apicella: I just have a question about the last sentence in the proposed change under 28-39, where it says the master plan or amendment to the master plan shall be approved by the Board prior to issuance of any permit for grading or construction on the site. Can you just tell me what you believe that means? Just so there's no gray...

Mr. Harvey: Well, in my view, that means that if there's a new building that's to be built or improvements to be built on that site, if it's not already shown on the master plan they have to come back through for approval. And the County would not issue any permits for any work until the master plan has been approved with those features shown.

Mr. Apicella: Thank you.

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Mr. Rhodes: Okay, very good. Any other questions for staff or Mr. Harvey? Okay, then we will open this item to public comment. If there's anyone who would like to speak on item number 1 public hearing, the Amendment to the Zoning Ordinance, proposed Ordinance O13-46, dealing with the Heritage Interpretation Zoning District you may come forward and do so at this time. Again, we would just ask that you state your name and your address, and a green light will come on indicating 3 minutes, yellow light 1 minute, and a red light would ask that you wrap up your comments. Again, the opportunity of public comment is to present any items or issues or discussion that's not an interactive or question and answer, but certainly if there's a topic or an item that we can, through staff, have addressed in our subsequent dialogue we would certainly attempt to do so. Okay, seeing no one come forward, I'll close the public comment portion of the public hearing and I'll bring it...

Mr. Gibbons: Mr. Chairman, I make a motion for Ordinance O13-46.

Mr. Rhodes: So, a motion to recommend approval of proposed Ordinance O13-46. Is there a second?

Mr. English: Second.

Mr. Rhodes: A motion by Mr. Gibbons, second by Mr. English. Any further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Mr. English? Any other member? Okay, very good. All those in favor of the motion to recommend approval of Proposed Ordinance O13-46 signify by saying aye.

Mr. Apicella: Aye.

Mr. Hiron: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; it passes 6-0. Very good. Now we're on to item number 2, the Index of Official Road Names, Proposed Ordinance O13-40, dealing with roads in the Courthouse area. Mr. Harvey?

2. Index of Official Road Names - Proposed Ordinance O13-40 would amend the Stafford County Addressing Ordinance by amending the Index of Official Road Names to rename or name roads in the Courthouse area. **(Time Limit: October 8, 2013)**

Mr. Harvey: Thank you Mr. Chairman. We have two public hearings tonight that deal with changing of road names due to significant capital improvements projects that are occurring in the County. May I have the computer please? The first project we're going to discuss tonight is the Courthouse Road interchange. The Courthouse Road interchange is being currently designed by VDOT. VDOT intends to finish their design in November of this year and they'd like to have the proposed street names configuration identified on their plans so as they move forward with construction the contractor will

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know the appropriate street names to post on the property and on the project for the motoring public as it moves forward. This project is fully funded in the State's Six-Year Plan. There will be right-of-way acquisition beginning next year and utility relocation, I believe, construction starts in 2016 timeframe. For identification purposes, there have been a number of street segments that we've identified. Essentially two street segments will have new names, but others will be renamed. The interchange, as you can see on the screen, is going to change the configuration of the road network in this area. Courthouse Road, as we know it today, will be disconnected at the interchange and be rerouted. In developing this scheme of street names, staff took into consideration emergency response purposes, as well as navigational systems and overall attempt to help out with citizens traversing in the area, listening to and/or giving someone directions. Just to highlight some of the street segments, A to B is Austin Ridge Drive; it's being relocated from its existing alignment which goes like this. It's being moved further to the west. That segment would continue the Austin Ridge Drive street name. You have segment B to C which will now be Courthouse Road. There are directional lanes which separate through this section of Courthouse Road. The eastbound lanes would be further to the south and the westbound lanes would be further to the north, and you would access different directions on the interstate based on the various ramps that are shown on the diagram. Section C through D will now become Courthouse Road, and there is an existing street name in this location near Station 2, the firehouse; it's known as Jason Mooney Drive. It's the access to the fire station. That street name will be relocated to section D through E, while this section, C through D, maintains a new name of Courthouse Road. And then D through F, continuing east, will also be Courthouse Road. So, in this area, Courthouse Road will essentially take a jog for the motoring public and people trying to navigate through the area. Section G through H will be known as Hospital Center Boulevard; it'll essentially be an extension of the existing street name that goes from Route 1 to the hospital and Courthouse Road. I through J is existing Venture Drive, but it will be extended in this location from here to here to match up with the new intersection. It'll be signalized in this location. K through L will be a new street name. Based on the input that we received at the last Planning Commission meeting, this would be named John Sullivan Drive to memorialize a person in public service that lost their life in the line of duty. Similarly, M through N would be a street with a new name; it'd be Israel Rodriguez Court. And this would serve a planned commuter parking lot in this vicinity, as well as commercial zoned development that will occur in the future up in this area off Austin Ridge Drive. O through P would be relocating an existing street name, Florida Rock Road, which currently comes off of Wyche Road and accesses a concrete plant not too far from our current location. The access to the road would come off now the new Jason Mooney Drive to the concrete plant, but also serve as access to another commuter parking lot which would be on the east side of the interchange generally in the vicinity of where McDonald's currently is located. And that concludes the overall layout and proposed street names. Staff notes that should the Board of Supervisors adopt these street names, there would be four properties that would be re-addressed. Three of them are currently on Courthouse Road and one of them would be on Venture Drive. We would implement the street names on the ground physically and change people's addresses as the construction of the interchange project moves forward and affects those specific properties. And staff recommends the Commission consider adopting approval... or recommending approval of Ordinance O13-40 which would change the street names.

Mr. Rhodes: Questions for staff? Mr. Hiron's?

Mr. Hiron's: Can we go back to the map for a second?

Mr. Rhodes: Computer please?

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Mr. Hiron: While we have the map up, I just want to see if you might have the answer to a couple of these. This isn't the greatest time, but the commuter lot... that's going to be a new commuter lot? What's going to happen to the old commuter lot?

Mr. Harvey: Mr. Hiron, as you can see from this diagram, the old commuter lot is going to end up being under a ramp so it would be vacated.

Mr. Hiron: It will be just left as asphalt do you know?

Mr. Harvey: I don't know...

Mr. Hiron: (Inaudible) damaged from pillars and stuff going up?

Mr. Harvey: I don't know if that engineering design has been completed yet.

Mr. Hiron: Okay, that's all I had on that. The Rodriguez Drive... will that always remain or as that commercial gets built out, will that be overtaken by the commercial?

Mr. Harvey: No, we anticipate that name would stay. There may be additional streets and street names in the commercial property as it develops out. This would be the main access drive to that commercial area and the commuter lot.

Mr. Hiron: Okay. And then, did we have any information on the folks that are... their address is changing? How they go about that process, for everything that they have to deal with, with change of address? You know, how do they deal with their address becoming known as the new street name? Do they have to go to the Post Office and go through the change of address process or does the Post Office do that for them? Are they compensated in any way or is it going to cost them anything?

Mr. Harvey: Mr. Hiron, anyone who has to change their address would need to go to the Post Office and present the Post Office with a change of address form. A lot also would have to notify their creditors and family members and friends of the change in the address. The County notifies Verizon for Emergency 9-1-1 purposes. Most of your services that do GPS address directions, they eventually pick up information from the Verizon database and that would eventually get caught up as those systems renew their information. The County also notifies our internal agencies such as the Commissioner of Revenue, 9-1-1 Dispatch, the Utilities Department, and other agencies that we normally interact with.

Mr. Hiron: How about the Voter Registrar? So they don't have to go and try to vote and (inaudible).

Mr. Harvey: I don't remember; we may send our letters to the Registrar, but I don't recall. But I can check into that.

Mr. Hiron: Now these four, are they residential? I know in the next one I think there is more; all of them are residential that are going to be affected. But in this one, are the four addresses residential or are they businesses?

Mr. Harvey: These four are businesses.

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Mr. Hirons: Okay, so it's... I was going to say it's probably a little bit better but, maybe not, because they've got commerce to do. We'll figure that one out.

Mr. Rhodes: Mr. English?

Mr. English: Just a couple questions. On reference to the notice, do you give them like a 6-month notice that there's going to be a change? Or is it a 30-day notice that their address is going to be changed? How does that play out?

Mr. Harvey: The shortest time period we would give is a 30-day notice, but we try to work with people as much as we can. This project, they'll have probably several years' worth of notice because of the timing. Rocky Pen Run, I understand, that they're intending on flooding the road in the winter months, so it may be December/January when that occurs. So the residents in the next public hearing, they may have 30 to 60 days' notice to change the address.

Mr. English: And also, the Sullivan family and the Rodriguez family, they were notified about the road change and they were okay with the names?

Mr. Harvey: We hadn't been able to track down the affected parties there.

Mr. English: So we're just going to go with the first names?

Mr. Harvey: Yes.

Mr. English: Okay.

Mr. Rhodes: Other questions for staff? Okay. Very good, we'll go with the public comment portion. And now if anyone would like to speak on item number 2, the Index of Official Road Names dealing with proposed Ordinance O13-40, that is the renaming of the roads in the Courthouse Area, you may come forward and do so at this time. Again, I just ask that you state your name and your address and then a green light will come on indicating 3 minutes, a yellow light at 1 minute, a red light we would just ask that you start to wrap up your comments.

Mr. Mancini: I'm going to be talking under 3, but I want to speak... I'm Dave Mancini.

Mr. Rhodes: Thank you sir.

Mr. Mancini: But I wanted to address about it's not that easy to change your address. It's easy when you move, but it's not easy if you don't move. And you have things such as HIPAA... high tech now. For instance, if you change your address at PNC, you can go down to the local bank to change your address. Well, you got to also notify New Jersey. Your statements come from Pennsylvania, so it's not that simple. You have multiple checking accounts, it's not that easy. You have licenses from other states, it's not that easy. So, it's a lot more involved and it takes more than a year. It takes sometimes two years before you get everything changed correctly, so it's not as simple as that gentleman said it was. It's very, very involved in changing your address and especially when you've got to answer the question 'how long have you lived here'. I don't know the answer to that because your address has changed. Okay. So, my wife had an incident for a DA number and they changed the Zip code, her license actually lapsed. She had to go through Congressmen and stuff to get it reinstated.

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It isn't that simple. Okay, it depends on what you have available and I'll talk more on that when the Rocky Run comes.

Mr. Rhodes: Thank you sir. Anyone else would like to speak on this item? Seeing no one come forward, I will close the public comment portion of the public hearing and bring it back in to the Planning Commission.

Mr. Hiron: I have a quick follow-up.

Mr. Rhodes: Please.

Mr. Hiron: Mr. Harvey, has the County been through this type of process recently or before, where we've taken a road name and changed it where people have lived?

Mr. Harvey: It's happened in the past but it's very infrequent. Typically, you'll see it in the case of a road construction project where...

Mr. Rhodes: Mountain View.

Mr. Harvey: ... roads may get realigned. As Mr. Rhodes is implying, when the Mountain View Road interchange at Centreport Parkway was built, we had to rename streets and re-address people in that location.

Mr. Hiron: Do you have any knowledge of what the experience was like then for any of the residents?

Mr. Harvey: I don't have any firsthand knowledge, no.

Mr. Hiron: Is there any County office where someone who's just having the problems like the gentleman talked about, you know, just not getting the federal government to listen, not getting the bank to listen, is there a County office that can work as an ombudsman for them to help them with that process?

Mr. Harvey: Yes, in the Planning and Zoning office, our technician that does the addressing, she often times will work as an intermediary if there's a problem, calling agencies and explaining that she's from our department and the address has changed and this is the old address and this is the new address.

Mr. Hiron: When these folks are notified, is that information within the letter of notification?

Mr. Harvey: Typically, it says if you have questions or concerns of problems, contact our office.

Mr. Hiron: Okay. Alright, thanks.

Mr. Gibbons: Mr. Chairman, I'll make a motion for proposed Ordinance O13-40.

Mr. Rhodes: Motion to recommend approval of proposed Ordinance O13-40 by Mr. Gibbons. Is there a second?

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Mr. Apicella: I'll second that.

Mr. Rhodes: Second by Mr. Apicella. Any further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Further comment Mr. Apicella?

Mr. Apicella: No.

Mr. Gibbons: Mr. Chairman, I do. I want to thank Darrell for his thoughtfulness of these two individuals and I appreciate it. Thank you.

Mr. Rhodes: Yep, thank you.

Mr. Hiron: Can I ask for just a friendly amendment that along with this recommendation of approval, and I'll do the same thing if you'll accept it for the next public hearing, to recommend to the Board of Supervisors that they instruct the Office of Planning and Zoning to include a flyer specific for help with address changes?

Mr. Gibbons: I have no problem with that.

Mr. Apicella: I'm good with that.

Mr. Rhodes: Okay, so there is a motion to recommend approval of proposed Ordinance... just to confirm... proposed Ordinance O13-40 and then with the additional narrative to the Board of Supervisors with the recommendation that they have Planning and Zoning add a specific separate one pager, if you will, narrative on how they can seek some assistance with the name changes. Any other further comments by any member? There's no doubt that, even without the difficulty, it's an emotional thing. It's a change; people have lived at a place for a long time and so that's a hard thing to do. So this is certainly not something you take lightly. I understand it's an infrequent issue but some things arise and you try and minimize the impact. But it certainly is unfortunate but it is sometimes things we need to deal with. I'll call for the vote. All those in favor of recommending approval of proposed Ordinance O13-40 signify by saying aye.

Mr. Apicella: Aye.

Mr. Hiron: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; the motion passes with the additional narrative to the Board of Supervisors as the friendly amendment. We'll move onto item number 3, Index of Official Road Names, proposed Ordinance O13-43, and this is dealing with renaming that portion of

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Rocky Run Road to Roberson Road. Mr. Harvey?

3. Index of Official Road Names - Proposed Ordinance O13-43 would amend the Stafford County Addressing Ordinance by amending the Index of Official Road Names to rename a portion of a road from Rocky Run Road to Roberson Road. **(Time Limit: October 8, 2013)**

Mr. Harvey: Thank you Mr. Chairman. May I have the computer again please? Rocky Pen Run Reservoir is currently under construction. When the reservoir is complete and begins to fill up with water, it will sever Rocky Run Road into two segments. We have segment A-B in this location, this is the B-C segment that will be inundated and cut off, and then the C-D segment. The address ranges for Rocky Pen Run and the origin of the road... excuse me, Rocky Run Road... the origin of Rocky Run Road begins at Greenbank Road at the point on the map shown as letter D. And the addresses increase in range as you move further to the west and north, all the way to Holly Corner Road. When the reservoir is flooded and cuts these segments off, the new origin for this segment, A-B, will become at Holly Corner Road, because that's your nearest road intersection where you can gain access to that area. So, in looking at the properties and people affected and talking to the Board of Supervisors, we recommended that section A-B be renamed from Rocky Run Road because section C through D has more property owners along that segment so we were trying to minimize impacts to the overall community. As we know, it's difficult to change your address, and there is a lot involved and we try not to change addresses unless we have to. The proposal for consideration to change the street name is to Roberson Road. That would be the new street name for segment A through B. We do have a draft proposed change in addresses for all the people that are affected and we have extra copies here that we can hand out if any of the citizens want to see the change in addresses. We try to work with people on the addresses as much as we can. Some people prefer to have certain numbers or do not like other numbers and, if we can work in the parameters and move the digits a couple spaces, we try to do that. So that's why we say these are proposed and not finalized at this point in time. But, from a staff perspective, we believe we need to change the name of the road for emergency response purposes and also change the address range and the origin point of the road for emergency response purposes. Staff is recommending approval of the proposed road name change.

Mr. Rhodes: Questions for staff?

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes Mr. Apicella.

Mr. Apicella: The list that's provided here... if you can put it back up...

Mr. Rhodes: Computer please?

Mr. Apicella: How many total properties are impacted?

Mr. Rhodes: Twenty-four.

Mr. Harvey: I haven't counted them but I believe there's 24.

Mr. Rhodes: Twenty-four I believe.

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Mr. Apicella: And of those 24, some I presume have residences on them or businesses and some may not. Do you know how many actually have something in place?

Mr. Harvey: Well these are the addresses so there's a building there that's addressed currently.

Mr. Apicella: Okay. So, are there other properties... I presume there are other properties (inaudible).

Mr. Harvey: Yes, there are vacant properties that would have additional addresses as they develop.

Mr. Apicella: And the thought was that... I presume the thought was in having two separate names, a Rocky Run Road and a Roberson Road, would in the long run be beneficial to minimize any confusion for somebody saying taking GPS travelling down Rocky Run Road and having it end, and then not realizing that there'd be another segment of Rocky Run Road that they'd have to go all the way back out onto 17 to be able to get to.

Mr. Harvey: Yes, that's correct. Trying to differentiate the road names, especially in the case if someone's giving oral directions, it's easier to differentiate Roberson from Rocky Run than say the western segment of Rocky Run or something like that.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Other questions?

Mr. English: If this is approved and it goes to the Board of Supervisors, how long will it take these folks to know about this?

Mr. Harvey: Well, once the Board of Supervisors adopts the road name change, we'll send letters out to the affected owners as soon as we can, probably within that week. And then also in our letter we would tell them how soon they'd have to make the change and that would partly be dependent upon when the reservoir is flooded and the road is cut off.

Mr. English: Okay.

Mr. Rhodes: Other questions? Yes Mr. Gibbons, please.

Mr. Gibbons: But there's a possibility we don't have to rename the road, is that correct?

Mr. Harvey: Staff's recommendation is we rename the road. There are some possibilities on different road names if the Commission (inaudible).

Mr. Gibbons: No, I don't mean the road... the possibility is just leave it the way it is, because you can put a sign up on the beginning of the road that this is not a through way and you could do the same thing on the other side. The GPS will pick it up, because if it's not a through way then the GPS knows that and it will give the direction. So there's a possibility of not changing it at all. I just want to make...

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Mr. Rhodes: Right. I think that's technically correct. I mean, that's not staff's recommendation but you could have two segments of a non-contiguous road. There's not a state law that's against that, correct?

Mr. Harvey: No. I'm not sure how that impacts emergency dispatch.

Mr. Rhodes: Right. No, no, there's a lot of shortcomings. Okay, other questions? Alright, I will open the public comment portion of the public hearing. Anybody that would like to speak on item number 3, Index of Official Road Names, proposed Ordinance O13-43, you may come forward and do so at this time. I just ask that you state your name and your address please.

Mr. Dearing: My name is Brian Dearing. I'm a resident directly affected by this change and I'm displeased with the proposed change. I'll address one point about the emergency responses. I was an emergency responder for 13 years in a city with non-continuous streets. If you are an emergency responder, you know where they are, you know where the roads begin, you know where the roads end, you know what block and how to get there. If you don't, you're not much of an emergency responder. I'll address the GPS issue being directly involved with that. The GPS will pick that up. Your GPS will direct you property to the right segment of the road. The issue I've heard mention is the maps; if someone is following a map or oral directions, for instance, they might get lost. That will happen if they have an outdated map and that will happen if the road is West Rocky Run Road or Roberson Road or any other road. If you're driving around with an outdated map, you will get lost. I'd like to point out something from Resolution 13-206. It says a bunch of stuff but at the end, be it further resolved that the Planning Commission take into consideration names of historic figures, places, as well as local veterans, and input from residents in the naming of new streets. Earlier we talked about the changes to the street names around the Courthouse Road and Interstate 95 change and we had John Sullivan, a Falmouth Volunteer Firefighter killed in the line of duty; Israel Rodriguez, killed while answering a call to assist accident victims; Jessica Cheney, a Virginia State Police Officer killed in the line of duty. And for West Rocky Run Road we have Roberson, whose claim to notoriety and nobility is that he owned an awful lot of property. This just doesn't meet my threshold for naming the road. I moved into this address approximately 18 months ago so I've lived there a little over a year. I changed all of the addresses that I could remember to change. There are, however, some of the people that I correspond with, some of the businesses, I don't receive anything from them even annually. So those things get lost and they have to track them down at some point. Changing an address is not a convenient thing. My name is Brian Dearing, I disagree with the proposed change. I want to hear it called West Rocky Run Road. Thank you.

Mr. Rhodes: Thank you sir.

Mr. Brito: Good evening Mr. Chairman, members of the Planning Commission, I'm Joe Brito. I've been busy the last few days. I've been visiting my neighbors. And I visited all of my neighbors on Rocky Run Road except one; I couldn't get ahold of them. But I have a petition here from all my neighbors on Rocky Run Road except one, that states, "A petition to rename Rocky Run Road West Rocky Run Road or Old Rocky Run Road and to keep the same address numbers. We, the people, that live on or near Rocky Run Road believe the road should retain a portion of the name. We also believe that we should not be inconvenienced by having to change the address numbers." Now this... now with the vast majority of the people that signed this, except one that I didn't get ahold of, that indicates that that's the will of the people that live there. The people should be responsible for the planning of their own community, not some politicians. So, I want to leave it at that and ask you to either name...

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rename Rocky Run Road West Rocky Run Road or Old Rocky Run Road. I do want to point out that there are a number of homes that... like one home, for instance, has some brick pillars on the front that have engravings of their number in the brick on both pillars. So trying to change those numbers are going to be very costly and difficult. And a number of people have the numbers screwed on their metal doors. So if they had to change the numbers, then they have holes in their door. So that's just, you know, an inconvenience and, you know, we don't deserve that. Thank you.

Mr. Rhodes: Thank you very much sir.

Mr. Mancini: Again, David Mancini. And I object to the change, and as Mr. Gibbons said, there's no reason to change it, really. You have Charles Street in downtown Fredericksburg in 3 sections. As far as GPS, I looked at 3 different GPS programs that are fairly modern and you still don't have one of the road... what's that name... the one you cut with Centreport Parkway... that's Mountain View. It's still not correct. Two of them I checked don't have any name; one has the old name and how many years has it been. Again I point out 10 years ago was easier to do it than it is today due to HIPAA, high tech, and all these regulations; you can't do it in one place. You've got to contact everything separately. I have an NFA Trust, I'm going to have to get an attorney to change the address. Some of the things when I change things on them, with the DA, it takes over a year. My address... they'll never get to me because the Post Office only forwards for a year. The FedEx on Centreport Parkway... have you ever tried to get there by GPS? The address says Centreport Parkway but you can't get there from there. You haven't even fixed that and nobody has problems with it. Talk to Fredericksburg; they don't have any problems with 3 sections of the road. And all the GPS's, once that road is cut, just as soon as they would do Roberson, they would automatically route you... in fact, most of the time to my address, they route you down... the GPS's will take you down Holly Corner Road anyway. So I really don't see a single really valid reason that you could... to do this other than somebody wants to name it after a friend of theirs. Okay? Plus, the announcement said changing the name. It didn't say anything about numbers. That's a whole nother issue. And that should have been in the announcements also. Thank you.

Mr. Rhodes: Thank you sir. Anyone would like to come forward and speak on this item?

Colonel Welch: Good evening. My name is Colonel Preston Welch. I'm also opposed to this change and several things have been discussed such as public safety, the cost to the homeowners, inconvenience of changing the address, GPS systems. I've got one... it may seem minor but in the totality of things, the name Roberson is actually going to be a very confusing name because people are... you'll be on... with operators you'll be talking, people will assume Roberson, Robinson, Robertson, and I think things like that should also be taken into consideration. And if a full comparative analysis is done, I think that the cons of, you know, naming... changing the name, you know, outweigh the pros. And I just recently heard that the name Roberson is actually, is essentially a wealthy donor and I would ask this body to consider the negative connotations that that will bring with that name. So, I request that, you know, please consider West Rocky Run, Old Rocky Run, or just not changing it at all. Again, Colonel Preston Welch. Thank you.

Mr. Rhodes: Thank you sir.

Mrs. Mancini: Hello, I'm Pamela Mancini. I agree with all those who have spoken already. I do have an objection to changing the name. I don't really perceive the safety issue. A year ago, more than a year ago, the Post Office had us move our mailboxes to the opposite side of the road in preparation for

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the road dead-ending. And they seemed to be able to figure out how to go down the road, turn around, and come back. And so, we've all moved our mailboxes to the other side of the road without a change of address. I appreciate the issue of safety but I also feel that our first responders are capable of adjusting the programs that they use to find our homes. And I think that would be a simpler solution than having us on the phone calling 9-1-1 saying "I live at 55... no wait, uh, it's 345, uh, uh, Roberson, and I, and, and you can only get there from Holly Corner" because I think they can adjust their programs to do that. The GPS I think is a bigger problem for us if you change that address. It's going to take much longer. And that's what people use to get around now. Most people don't use paper maps. I do think that the notification is rather late on this and it has a shifty feel to us in the neighborhood because it doesn't seem like much publication was done. If you're savvy, then you know to look at what the Board of Supervisors is doing or what the Planning Commission is doing. But, most people aren't that savvy and then they get a notice in the mail a few weeks ago essentially saying your road is changing and make do. And I don't really perceive the need to do that. And I do object to the name because I feel that particular name is a very confusing name. I don't think it's going to contribute to safety in any way. And I think naming it, although the people in the office in the idea don't like the idea of West or Old Rocky Run Road, I think that's a perfectly good distinction, and it doesn't require someone to be very clever to know that West Rocky Run is not the same as Rocky Run. And my last comment is, if you really want to honor somebody, honor them with a longer segment of the dead-end road and leave us Rocky Run Road. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else? Okay, I'll close the public comment portion of the public hearing. Mr. Harvey, just to check on a couple things. Now, the orientation of the numbers, that is just a traditional planning construct that you go from your root portion of the road and come in with the numbers, is that why staff developed that recommendation?

Mr. Harvey: Yes, standard practice is from the origin of the road, the numbers are low and they grow in range as they go down the road.

Mr. Rhodes: Okay.

Mr. Harvey: And our information that we provide to Verizon with all the addresses and the street segments, we have to provide them with a range of 0 to 500, say, or 0 to 1,000, depending upon the length of the road and where the addresses fit into that.

Mr. Rhodes: Okay. Is there a requirement, either from VDOT or the Verizon's management of the 9-1-1 system that requires that numbering orientation in that manner, or is that just a standard practice? Just so we are clear on what the requirements are.

Mr. Harvey: It's not a VDOT requirement. I would have to check with the staff to find out about the address ranges and specifically if that's something necessary in how it fits in with emergency response purposes. But it's a uniform practice throughout the County.

Mr. Rhodes: Just so I understand, was staff directed... I know you worked on some options and names as we talked last time... were you all directed to use the name Roberson?

Mr. Harvey: No. That was an option that was put out earlier but, as referenced in the Resolution, the Board gave the Commission latitude and it was discussed and put forward as Roberson. But my recollection was the Commission would entertain other names.

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Mr. Rhodes: Yeah, absolutely. As I said when we voted this to public hearing, we used that as a starting point. I didn't think there was any conspiracy directive on the use of the name Roberson; it was one to start with and, as I recall from the last session, you said certainly we have precedent for using Old and New and different constructs. You have some concerns about the East and West because not everybody is always sure which way they're facing, as I recall. But we do have some Old and News, right, in Stafford County, as precedent?

Mr. Harvey: Some Old, yes.

Mr. Rhodes: Some Old, okay... no News, but just Olds. Very good. Okay, that's good to...

Mr. Gibbons: Do you spell that O-l-d or O-l-e?

Mr. Rhodes: I'm a mix of a Kentucky/Japanese, born all kinds of stuff... I can't pronounce anything. Okay, very good. Other questions for staff or other comments? Mr. Apicella?

Mr. Apicella: Is there a guideline or rule book that says a certain length of, I'll call it road for lack of a better term, has to use Road versus Street or Boulevard, Parkway?

Mr. Harvey: There is no hard and fast rule.

Mr. Apicella: So, it could be renamed Rocky Run Street, Rocky Run Boulevard, Rocky Run Parkway?

Mr. Rhodes: Yeah, how does something become a Street or a Drive? Just what they name it when they start?

Mr. Apicella: Rocky Run Lane.

Mr. Harvey: For the most part, if something ends in a cul-de-sac, it could be a Court.

Mr. Rhodes: But there's not a hard and fast, it just...?

Mr. Harvey: No, there's no prescribed thing that says you have to have 4 lanes before you become a Boulevard.

Mr. Rhodes: Oh, okay.

Mr. Apicella: So that might be one option, just to change the back end of it to something else like Street, Lane... and leave the numbers the same?

Mr. Rhodes: But we've got to confirm that the system can allow for that, just to make sure we're set.

Mr. English: Regardless if you change it Lane, Old, whatever, you're still going to have to change your address. I mean, if you put Old Rocky Run Road, when you do your mail, you'll have to do that. I would like to see that you could look into it and maybe just, like Mr. Gibbons said, just to stop it and then just pick up... keep it Rocky Run and just leave it like it is; a stop and a go point right there, if we can do that. That's what I would like to see.

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Mr. Apicella: I'd still like to get more clarity on what the pros and cons would be, because it's not a small discontinuance, it's a long discontinuance and start-up. And the two entry points are very far apart. I think we have to strike a balance here. I'm just trying to look for a reasonable... I sympathize with the neighbors and their concerns, I'm just trying to find a reasonable compromise that, you know, is the best way forward.

Mr. Rhodes: I did want to confirm... once we voted this for public hearing, staff did send letters to each of the affected properties, correct?

Mr. Harvey: Yes.

Mr. Rhodes: Okay. Following a few days after the meeting?

Mr. Harvey: We sent out the letters, yes.

Mr. Rhodes: Okay, I just wanted to confirm as there seemed to be concern on that. Okay, so we've got... I think it's important to know either if there's a contractual system operation dynamic with the 9-1-1 system, if the numbering orientation could choose not to be changed or if it was required to be changed. I know I, for one, would consider deferring this a bit till we could see if we could find that out. Certainly, we heard, as we had talked about when we voted this to public hearing, that we wanted to hear what other options are so it sounds like there are some who have a desire not to change it and just leave the long discontinuous portion but same name. It seems like the strongest sensing, if we did have to change it, would be to go to Old Rocky Run versus one of the other options. So that's certainly important to register. Are there other thoughts on anything else that we need to have staff look at as we're going forward on this from anyone?

Mr. Apicella: The question is my idea, so I love it, but again, I still like the idea of keeping Rocky Run. I think it would make it easier for people who have to make a change to have something at the end of it than to have something at the beginning of it that changes it. It certainly changes it when you look up on a map, Old... you might not realize that it's Old. You might be looking for Rocky Run and not find it, so that changes the dynamics quite a bit potentially, or new or whatever you want to call it, that changes the front end because it's a complete change. That's my thought and concern.

Mr. Rhodes: That's fair. I know I just have a personal bias of the 19 homes and about 7 different states and all those places were the same front and they just kind of changed the back messes me up every time. But that's a personal bias. Okay, other thoughts on this topic. Mr. Harvey, do we have many other streets in the County where they have the same front end and just a change on the back end of Run, Street, Road?

Mr. Harvey: Yes, we have several streets that have the same name but a different suffix like Washington Drive...

Mr. Rhodes: Is that what that's called?

Mr. Harvey: ...Washington Street; that's an example. One's in the north part of the County and one's in the south part of the County. In Hampton Oaks you have North Hampton, Hampton Park; you know, Hampton is used in a number of occasions.

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Mr. Gibbons: Mr. Chairman, we have a subdivision out in our neck of the woods called Hidden Lake but everybody finds it.

Mr. Boswell: Mr. Chairman?

Mr. Rhodes: Yes, please.

Mr. Boswell: I'd be in favor, if there was any way to work it, to leave it like it is. But if not, to come up with something, as Mr. Apicella suggested, where we can leave the numbers the same. Because as the lady was saying that spoke, if you've lived there your whole life and the number changes, you know, that could be difficult if you're trying to... you know, I know it shows up on the computer and everything... but if you're trying to give somebody directions, it makes it difficult for older people.

Mr. Rhodes: You know, so, if we were to just defer this for a couple weeks so that we can find... I think it's important to find out if there is a requirement that would have to be changed from bases of contract or bases of system administration of something else, that's an important fact to know. In that interim time, we have some very interested individuals and several of them who we're privileged to have come out this evening and so I'm sure they're not shy to send emails and other things. So it'd be helpful to know if there was a change, would the preference in the change... it'd be great to get a little tally of account for those who would be affected... if there was to have to be a change in a name or if there was going to be a recommendation on that, would it be preferable to be something like an Old Rocky Run or would you prefer to just see the descriptor of it not be Road or something else. It would just be helpful to know that feedback, so I would just throw that out there. All our email addresses are on the website so it's easy to shoot us a thought, and there's 24 so we can do a quick tally. So it would be great to know.

Mr. Harvey: Mr. Chairman?

(Inaudible from audience.)

Mr. Rhodes: I'm sorry, just one second sir.

Mr. Harvey: I'd like to point out that we do have a time limit for consideration on this ordinance and the Commission would have to vote out before your next scheduled meeting.

Mr. Rhodes: Is this based on the referral from the Board? Is that how this is...? How did we get this?

Mr. Harvey: Yes, it was referred to the Commission in July.

Mr. Rhodes: And if we fail to act in a timely manner, what is the penalty? How does that work Ms. McClendon?

Mr. Gibbons: It's forwarded to the Board.

Mr. Rhodes: Yeah... in what form is it forwarded?

Ms. McClendon: It will go to the Board being recommended as approval.

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Mr. Gibbons: We meet on the 1<sup>st</sup>, don't we, with a joint meeting?

Mr. Rhodes: It's not advertised for this... for the 1<sup>st</sup>. Does it not need to be part of the agenda if we were to try and take it up on the 1<sup>st</sup>?

Ms. McClendon: It would not have to be part of the agenda, but it would have to be a special meeting of the Planning Commission, which would have to meet special meeting requirements.

Mr. Rhodes: Okay, and those are?

Ms. McClendon: It needs to be advertised, I want to say, 3 business days in advance, as long as it's made at a regular meeting in which members then have notice.

Mr. Rhodes: And 3 business days would be Thursday, Friday, and Monday, right?

Ms. McClendon: Yes.

Mr. Rhodes: So, unless it was advertised right now... does it have to be advertised in the paper?

Ms. McClendon: No, it just needs to be advertised by a general public notice (inaudible).

Mr. Rhodes: So by the announcement of declaration of a motion here, we could call that a special meeting that we could conduct after the public hearing on the 1<sup>st</sup>?

Ms. McClendon: Yes. I would suggest not having it in the Board Chambers because the Board will still be meeting, but outside of that...

Mr. Hirons: What time does the Board meeting start?

Mr. Rhodes: Seven.

Mr. Hirons: Can't we dispose of this by...?

Mr. Rhodes: Isn't it 7 o'clock?

Mr. Harvey: Yes.

Ms. McClendon: The Board has an afternoon session and an evening session, and generally the afternoon session runs until they cover all the items, and they break for dinner.

Mr. Hirons: Well, that's what I'm wondering, if we can meet up in like ABC Conference Room at 6:30...

Mr. Rhodes: Can we do that by public announcement?

Ms. McClendon: Yes.

Mr. Hirons: ...and dispose of this...

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Mr. Rhodes: Mr. Harvey, do you think you'll have the opportunity to find out if there are specific technical requirements associated with the numbering order in the 9-1-1 system? It's not much time...

Mr. Harvey: Yes, Mr. Chairman, we can get you those answers by the 1<sup>st</sup>.

Mr. Rhodes: Okay, so we could take a motion then to hold a special meeting of the Planning Commission at 6:30 in hopefully ABC, if we get in there, on the 1<sup>st</sup> then and that would meet the requirements. And give some time to see if we are required to change the numbering sequence or not so that we would at least have that information, and maybe get some other feedback from folks that if they were to have to be forced to deal with the change, what would the preference be, either the Run on the back end or Old on the front end. That would be helpful to know. So that's doable Ms. McClendon, you think?

Ms. McClendon: Yes, Mr. Chairman, it is. So if for some reason the location has to be changed due to availability, it will be put in the paper notice and also published on the door.

Mr. Rhodes: Okay. Other thoughts. Does that seem reasonable to the Planning Commission members?

Mr. Hirons: Should we have a 6 p.m. start time though? Because what happens if we don't actually, you know, we hit 7 o'clock; we would have to (inaudible)?

Mr. Rhodes: Yeah, 7 o'clock we've got to go down. I mean, you're either going to have to change the numbers or you're not. I don't think there's a will to make many changes if we don't have to even though it would be non-conventional... or unconventional.

Mr. Gibbons: Mr. Chairman, we can meet here at 6:30 because we're going to meet the Board at 7:00.

Mr. Rhodes: No, the Board is in... I thought I understood they were in work session prior?

Ms. McClendon: The Board has a session prior. Generally they're done by that time, but you also have to give staff time to set up the Board Chambers and the Board's clerks.

Mr. Rhodes: It would probably be better if we were somewhere otherwise just to make sure not to mess them up; they've got stuff to do. So, thoughts? Six o'clock or 6:30?

Mr. Gibbons: Six-thirty is fine. If we can't solve this problem in 5 minutes, we've got a real problem.

Mr. Apicella: I agree with Mr. Gibbons.

Mr. Rhodes: So, I would entertain a motion to defer this to a Special Meeting of the Planning Commission on October 1<sup>st</sup> in the ABC Room at 6:30. Is there a motion?

Mr. Hirons: So moved.

Mr. Rhodes: A motion by Mr. Hirons; is there a second?

Mr. English: I'll second it.

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Mr. Rhodes: Second by Mr. English. Okay, any further discussion? Mr. Hirons?

Mr. Hirons: Nope.

Mr. Rhodes: Mr. English?

Mr. English: No sir.

Mr. Rhodes: Mr. Harvey? Are we good? We just really need to figure out that 9-1-1 limitations, I guess would be the main point for you guys.

Mr. Harvey: Yes sir, I will notify the Public Information Officer so that it will be posted on the web page and other appropriate locations.

Mr. Rhodes: Thank you very much, I appreciate that. All those in favor of the motion to defer to a special meeting and to promote the special meeting for 1 October signify by saying aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None, passes 6-0. Thank you very much for coming out; appreciate that. And now we're on to old business, or unfinished business, item number 5. Mr. Harvey?

4. RC1300296; Reclassification – Colonial Forge Proffer Amendment - A proposed amendment to proffered conditions on Assessor's Parcels 28-94, 28-94A, 28-100, 29-27, and 29-31, a portion of the original development known as Augustine, consisting of 110.17 acres, zoned R-3, Urban Residential – High Density Zoning District, to remove phasing requirements for the commercial development. The Property is located on the south side of the intersection of Courthouse Road and Woodcutters Road, within the Hartwood Election District. **(Time Limit: December 10, 2013)**  
**(History: Public Hearing continued from September 11, 2013 to October 9, 2013)**

UNFINISHED BUSINESS

5. COM1200323; Comprehensive Plan Compliance Review, Clift Farm Quarter - A request for review to determine compliance with the Comprehensive Plan, in accordance with Virginia Code, Section 15.2-2232, for the extension of public water and sewer outside of the Urban Services Area, to serve up to 108 lots on Assessor's Parcels 38-123A and 38-124 (portion), located along Eskimo Hill Road, approximately 2,000 feet east of State Shop Road, within the Aquia and Falmouth Election Districts. **(Time Limit: October 31, 2013)** **(History: Deferred on June 26, 2013 to July 10, 2013)** **(Deferred on July 10, 2013 to August 14, 2013)**

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**(Deferred on August 14, 2013 to September 11, 2013) (Deferred on August 28, 2013 to September 25, 2013)**

Mr. Harvey: Thank you Mr. Chairman. Item number 5 is Comprehensive Plan Review for Clift Farm Quarter. Mr. Zuraf is here and he can give an update to the Commission.

Mr. Gibbons: Could I have an update on...Mr. Hiron...I was out of the country so I didn't get notified. Did this...was this resolved in the Court...the court case?

Mr. Zuraf: No, Sir it was not resolved and I understand the issue is going to be continuing...

Mr. Gibbons: What? I can't hear what you're saying.

Mr. Zuraf: No, it was not resolved in the court. The court case was not resolved and I understand it's continuing and will continue to be discussed early part of next year.

Mr. Gibbons: Thank you.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. This item is continuation of Clift Farm Quarters, the Comprehensive Plan Compliance Review. This, just to kind of rehash the issue that's at hand, it's a request for compliance with the Comprehensive Plan to extend public sewer outside the urban services area. They would extend sewer to serve up to 108 future single family lots. There is an overall cluster subdivision plan that's part of this that have 196 total lots, 108 of those outside of the urban service area. The lots are, on the current plan, minimum 1 acre lots in size. We'll note that on September 17<sup>th</sup> the Board of Supervisors did amend the Cluster Ordinance Provisions. That would require 1.5 acre minimum lot sizes and so this plan that we currently have will likely end up being modified and the number of lots would likely change. This is just a layout of the site. The blue line is an existing water line that runs along Eskimo Hill Road. Eskimo Hill Road is in this location. Jefferson-Davis-Highway is in this location. The area of the lots are, just to kind of highlight the limits of the subdivision lots, are in this location and so the subdivision bisects Eskimo Hill Road and the existing sewer line that the subdivision would tie into is across the southern border of the property. It's the green line, the southern border, which I'll now mark in blue. So that's the existing sewer line that they would tie into at this location. The Comprehensive Plan, the urban services area is the red line that generally bisects the overall site. The area to the west of the line is inside the urban services area and to the east of the site is outside the urban services area where the bright green area is on the Comprehensive Plan. This area inside is the Eskimo Hill urban development area. The green area is an associated park area that was envisioned to be accompanying that urban development. The public hearing for this case was conducted back on June 26<sup>th</sup>. Staff did recommend approval at that time. The request was then tabled to July 10<sup>th</sup>. We provided some additional background information. Between that, the public hearing and the July 10<sup>th</sup> meeting, the Board did grant the Planning Commission's extension to October 31<sup>st</sup> to make a decision. The case was then tabled to August 14<sup>th</sup>. We did provide some more sewer capacity information that was requested at that time. And then it was requested again to this meeting to await the results of the pending litigation which there was, as I mentioned, the litigation has been undecided and it will be continuing into next year. Maybe the applicant can speak more to the details of that.

Mr. Gibbons: But you're saying that the Board allowed us to go to the 31<sup>st</sup>?

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Mr. Zuraf: Yes and with that we'll take any questions.

Mr. Rhodes: Questions for staff? Mike, the original recommendation, staff recommending approval, is that changed now? Or Mr. Harvey, or anyone?

Mr. Zuraf: No, it has not changed.

Mr. Rhodes: Okay. Any questions for staff?

Mr. Apicella: Mr. Chairman, I have some questions.

Mr. Rhodes: Yes please, Mr. Apicella.

Mr. Apicella: I apologize if I'm recovering ground. It's been a while since we looked at this so I just kind of want to refresh my and our memory. So to start off with the project proposed. It's different than the Stafford Town Station project?

Mr. Zuraf: Correct.

Mr. Apicella: And this is a different applicant?

Mr. Zuraf: Than the Old Stafford Town Station? Yes.

Mr. Apicella: And since Stafford Town Station was reviewed, the Compl Plan was amended, right, or updated? There's a new Comp Plan.

Mr. Zuraf: Correct.

Mr. Apicella: Now remind me again, what is the purpose of a Comp Plan Compliance Review?

Mr. Zuraf: Comprehensive Plan Compliance Review is to evaluate public facilities to determine whether they're in conformance with the guidelines and the recommendations of the Comprehensive Plan.

Mr. Apicella: And the issue of whether or not this parcel should be part of a cluster development is not something we're considering tonight? Not part of the request before us?

Mr. Zuraf: No.

Mr. Apicella: Okay. And as I understand it, a Cluster Subdivision is approved by an administrative process.

Mr. Zuraf: Yes, it is.

Mr. Apicella: And that's done without further review by the Planning Commission or the Board of Supervisors, right?

Mr. Zuraf: Correct.

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Mr. Apicella: Now if the extension of water and sewer is not approved, could the applicant still pursue a Cluster Subdivision on some portion of the parcel?

Mr. Zuraf: Yes, they can.

Mr. Apicella: And they can pursue a non-Cluster Subdivision as well, right?

Mr. Zuraf: Yes and they already have a non-Cluster Subdivision already approved on the site.

Mr. Apicella: Okay. So the applicant is seeking to extend water and sewer outside of the USA. So what are the criteria that is in the Comp Plan for extending water and sewer?

Mr. Zuraf: The general criteria is, the Comprehensive Plan does not support the extension of sewer and water outside of the urban service area, unless there is a designated need due to maybe drainfield failure or risk to...hazard to public health.

Mr. Apicella: Right. So when I read it, the issue fundamentally was, whether there was an issue with public health and safety...a demonstrated issue. And there is no other criteria that I could find in the Comp Plan beyond that?

Mr. Zuraf: No.

Mr. Apicella: Has an issue of public health and safety been identified in this case?

Mr. Zuraf: No, it has not.

Mr. Apicella: So some the proposed development is inside the USA and some is outside the USA?

Mr. Zuraf: Correct.

Mr. Apicella: Does the Comp Plan deal directly or indirectly with that kind of a circumstance? This is, I don't want to say unique, but part of it's in, part of it's out.

Mr. Zuraf: It does not speak to whether a project is bisected by the urban services area.

Mr. Apicella: Now, within the last year we had a Comp Plan Compliance Review in front of us that was not, in my mind, completely dissimilar from what we have before us today. Can you refresh our memories? What did we do in that case?

Mr. Zuraf: That was the Jumping Branch Farm and the request was determined to be not in compliance with the Comprehensive Plan.

Mr. Apicella: And do you remember why? What was our rationale?

Mr. Zuraf: Not specifically, no.

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Mr. Apicella: I thought, because...again...in that particular case we didn't see an issue of public health and safety. Now, should the Planning Commission...or let me say it this way. Were there any other options the applicant could have pursued to address their issue? Any other approach?

Mr. Zuraf: There is always the option of requesting amendment to the Comprehensive Plan to revise the location of the urban service area.

Mr. Apicella: And or to change the criteria, right?

Mr. Zuraf: Yes.

Mr. Apicella: And that hasn't happened? That request wasn't made?

Mr. Zuraf: No.

Mr. Apicella: Okay, that's it. Thank you.

Mr. Rhodes: Any other questions for staff? And we have typically. I would just...commentary...I would just say that this body has typically held pretty consistent on our application of provisions for extension of water and sewer, based on that criteria. I did want to go back, so I was trying to remember the wording that was used back in the original staff report. I think the reason staff did a little bit of a different recommendation with this one was it helped to...few comments, I just want to highlight them out there...the Cluster layout could allow for preservation of more open space. Because of the surrounding properties they don't see that this extension would lead to a further extension of water and sewer, which is always a concern. If you're always abutting it, then can't you always extend it out? Was there any other...those are the only two...because I was trying to figure out why you recommended approval...were there any other particular reasons?

Mr. Zuraf: There was already an approval on the site for the by-right Subdivision.

Mr. Rhodes: Okay, I'm just trying to remember the conversation. Alright, very good. Are there any other questions for staff? Mr. Gibbons.

Mr. Gibbons: I'm confused now. The date hasn't been set by the Court.

Mr. Zuraf: Not that I'm aware of. Again, I maybe have to defer to the applicant, maybe.

Mr. Rhodes: Ms. McClendon?

Ms. McClendon: The counsel in my office basically says, I believe their first trial date is 2<sup>nd</sup> January, but there are several trial dates that have been set, so I believe Mr. Leming can explain.

Mr. Rhodes: She thinks it's in January, but probably Mr. Leming can confirm with the applicant. Okay, thank you. Applicant please.

Mr. Leming: Good evening, Mr. Chairman, members of the Commission. The answer to the question is January the 10<sup>th</sup>. There are other trial dates on related issues, but the issue on whether or not a Comprehensive Plan Compliance Review is required in this case occurs on January the 10<sup>th</sup>. If I could,

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I'll just take a moment and review what our position is. This is different from Jumping Branch. Jumping Branch was wholly outside of the growth area. In this case we're essentially half in and half out, at least that's the split on the lots. At one of our prior meetings I shared with you a plan, showing that we could actually do this as a Cluster development and I don't know whether all of you have seen this. Now this is not the layout that has been submitted to the county under the Cluster concept application. What this does is to show that the same number of units that are submitted there can be handled in this fashion. The USA line is the straight line that extends out from Eskimo Hill Road, runs along Eskimo Hill Road for a while, then zigzags and has a strange little configuration coming back the RPA and heads to the southern property line. Everything on the eastern and southern side of that line would be on septic fields, everything on the other side of line is in the urban service area and would be on sewer. Incidentally the number of references to water and sewer...it's mandatory that we hook up the sewer. That's not an issue before you. This only concerns water. Water is on Eskimo Hill Road. So the anomaly this creates, if this becomes the way we have to do it, is that basically on one side of the street you're on septic and on the other side of the street you're on water. To us this is a common sense issue. It really doesn't make sense to have a development that is half on sewer and half on septic, so that is the basis for the request. This same issue came before the Planning Commission in 2005 all be it with a different configuration, one that covered the entire tract and the Planning Commission at that time made a determination to extend sewer to the entire property. Similar decision was made just to the property to the north which is owned by a different entity altogether. So both of the properties have approved by-right developments that would permit sewer to be extended to the entire property. The Cluster development is better for a number of reasons. It does preserve more open space, smaller lots, less developed area. I think under you all's Ordinance the County still has some options with regard to the area that is left over when there is a Cluster development. So there is an incentive to do a Cluster development. From our standpoint it simple doesn't make sense to have it half in and half out. The other issues that I think are relevant here is that there is sewer on the property. There is a sewer trunk line that comes onto the property outside of the urban service area, just to the...it comes on to the property only a distance of about 20 feet. There's a sewer pump station and there is a trunk line and the trunk line comes on to the property from south. There's a pump station immediately to the south that would have to be improved as part of this development. Anything that gets developed on this property requires the improvement of this pump station which falls on the developer, the cost of that. You may have notice in your staff information, there's a report from Mr. Allen and specifically he indicates that there's a lack of capacity in that pump station. So that has to be improved under any circumstances. The sewer line comes on to the property just to the east of the urban services area, about 100 feet to the east of the urban services area. It's a 12 inch sewer line. It was originally planned as a trunk line to transverse the entire property. That's never happened because the property hasn't been developed. There is a force main that extends immediately east from the point where the trunk line comes on to the property that serves Camp 21 and also the Animal Shelter. It goes all the way up to the landfill. That force main brings the sewage back up to the trunk line on this piece of property and then it gravity sewers to the pump station and is pumped from that point to the treatment plant. So that is the basis for the request. I think the sole issue that is before you is whether the language that's used in the state code is whether or not there is substantial compliance with the Comprehensive Plan. Under your Comprehensive Plan Cluster development is encouraged. It's true. We can do a Cluster development without extending sewer outside of the urban service area. Would we? I doubt it. Simply because it doesn't make sense from a development standpoint and a sales standpoint to have part in and part out. So we probably would go back to the by-right plan which covers the entire development. So yes, there's another development option. What it really comes down to is that the smarter development option is to do the Cluster. And the way to do the Cluster is to have the sewer. So that is the proposal before you. The litigation, I understand, serves as a backdrop to all of

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this. That will continue. It may be that the Court will decide at some point that it wasn't necessary to have a Comprehensive Plan under any circumstances, because this is a Cluster development anyway. But what we have done is to come in the front door and say, okay, the easiest way to resolve this is to put it before you and make our case and try to persuade you that it makes sense to have sewer on this split property. That eliminates the need for the litigation and we go on from there. So, I'll be happy to answer any questions that you have.

Mr. Rhodes: Questions for the applicant? Okay. Thank you very much. Bring it back in to the Planning Commission.

Mr. Hirons: Mr. Chairman?

Mr. Rhodes: Yes, Mr. Hirons.

Mr. Hirons: Is this a recommendation or is this our action?

Mr. Rhodes: Comp Plan Compliance Review is not one of two that are ours?

Mr. Harvey: That's correct. It can be appealed to the Board of Supervisors.

Mr. Hirons: Mr. Chairman, I would move to deny COM1200323.

Mr. Rhodes: Okay. Motion to recommend denial of the Comp Plan Compliance Review.

Mr. Apicella: I'll second that.

Mr. Rhodes: Second by Mr. Apicella. Further comment, Mr. Hirons?

Mr. Hirons: Like Mr. Leming said, they have options and extending services here just isn't what the area wants and that's not what we want to do.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: Mr. Chairman, I support Mr. Hiron's motion for the following reasons: this is a Comp Plan Compliance Review. It's my understanding, the purpose of which is to determine if the request complies with the provision of the most recent version of the Comp Plan. So I can't speak to the previous version. The current version has a specific set of criteria. That's what I think we need to apply in this case. This Comp Plan is updated, discourages growth in the rural areas and only supports the extension of water and sewer outside the USA when there is a documented risk to public health and safety. I didn't find any other criteria, asked staff that question if there was any other criteria and there was none and so there is nothing that supports the specific request for an extension in this particular case. We recently denied, from my vantage point, a similar request involving Jumping Branch Farm for very similar reasons. I realize, it's kind of a development in whole, but the folks that were putting forward the Jumping Branch project would say, hey we were right next to the USA ourselves. I think that was one of the arguments that they made and, again, we denied in that case because there was no documented risk to public health and safety. You know, Stafford and other jurisdictions are being sued under the contention that we haven't followed our policies and procedures. Again, in this case, there's no special criteria or exceptions for convenience, because part of the parcel would be served by public

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water and sewer, while another part would not and I didn't find any other provisions that would authorize an extension beyond the reasons of public health and safety. So from my vantage point, approving an extension under these circumstances would be legislating on the fly by adding to or reinterpreting the existing criteria in the Comp Plan beyond what is clearly there. So for those reasons, Mr. Chairman, I strongly support Mr. Hiron's motion to deny.

Mr. Rhodes: Okay, thank you. Further comments, other members? Mr. Gibbons, please.

Mr. Gibbons: I noticed that we got until 31 October on this, that's correct? Can the applicant extend it till the first meeting past the court date? Is that allowed?

Mr. Rhodes: We would have to get the Board, right?

Ms. McClendon: In this particular situation the continuance here is granted by the Supervisors according to State Code.

Mr. Rhodes: So it wouldn't be the applicant, it would be the Board extending...

Mr. Gibbons: I mean you still got a court case coming up on the same property. It seems to me that this issue is not going to go away. I'd rather see what the court rules on it before I did anything and I would like to go back to the Board and ask for extend to the first meeting past the court date.

Mr. Rhodes: Well, we have a motion on the table, unless you were willing to remove it. Okay. Any other comment, any other member? I don't disagree with anything you said, Mr. Apicella. I will tell you though, there were one or two cases where we have voted to actually extend under some unique circumstances and while I won't dispute or diminish what you said, I been inclined, it's not a slam dunk, but I've been a little bit inclined that maybe this is one of those circumstances given that there are no other areas around it. It's right through there, it's through the middle of the property. It's been some of the circumstances we've done in those couple of instances, at least that I could recall in the past 8 years. And so I'll actually be voting in the reverse of the motion on here, but...so with that I will call for the motion. All those in favor of the motion, which is to deny the Comp Plan Compliance Review Clift Farm Quarters, COM1200323 signify by saying aye.

Mr. Apicella: Aye.

Mr. Hiron: Aye.

Mr. Rhodes: All those opposed signify by saying nay.

Mr. English: Nay.

Mr. Boswell: Nay.

Mr. Rhodes: Nay. One, two, three. Abstain or did you nay?

Mr. Gibbons: No. Nay.

Mr. Rhodes: I'm sorry. I wasn't sure.

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Mr. Gibbons: I'd like to make a substitute motion. I'd like to request the Board to extend this past that court date. I'd rather have the court render a decision. Then it's final. That's my recommendation.

Mr. English: I second the motion.

Mr. Rhodes: Okay, so the motion is to defer this while requesting that the Board extend the time limit.

Mr. Gibbons: Yes, Sir.

Mr. English: Till after the court date.

Mr. Rhodes: Okay, so there is a deferral to...I mean we have to defer this item to a set date.

Mr. Apicella: We have until the 31<sup>st</sup>.

Mr. Rhodes: Yes, I just want to confirm how we're going to do this.

Ms. McClendon: No, you don't have to...excuse me...defer it to a set date only because it's not a public hearing. The staff can come back with the Board's answer to the Planning Commission's request and then at that time it can be deferred to a set date if you prefer.

Mr. Rhodes: Okay. So it's a deferral and a motion to request to the Board for extension out into January. And a second. Any further comment, Mr. Gibbons? Further comment, Mr. English? Any other member? Please, Mr. Hirons.

Mr. Hirons: What happens if the Board says no on the time extension? Then we have to take action by the 31<sup>st</sup> of October?

Ms. McClendon: That's correct, Mr. Hirons.

Mr. Rhodes: Any further comment, Mr. Apicella, Mr. Hirons? I will just say, just because I'm nay-ing tonight I will vote not to agree with this either. My vote for nay was not to delay it. I think we've gotten the information we need. When we had a hearing we might have had a decision by the court within just a couple of weeks. It seemed reasonable to defer it. I don't think it's reasonable to defer an application for that extended amount of time, so my nay vote before was to actually to vote for approval, but not for deferral, so I will...so that is the reason I will be voting against this motion. So all those in favor of the motion to defer this item and ask the Board of Supervisors for an extension out past the court date that is set in January signify by saying aye.

Mr. Apicella: Aye.

Mr. Boswell: Aye.

Mr. English: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Was that an aye? Okay, 4. Any opposed?

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Mr. Hirons: No.

Mr. Rhodes: Nay. So it passes 4 to 2. This is deferred until we get an answer back from the Board of Supervisors. Thank you, gentlemen, for being here this evening; appreciate it.

Mr. Leming: Thank you Mr. Chairman. And, if I may, the number 4 on your agenda is the Colonial Forge Proffer Amendment, which has been continued to your October 9<sup>th</sup> meeting. I've talked with my client today and we would like to defer that to your first meeting in November if that's possible.

4. RC1300296; Reclassification – Colonial Forge Proffer Amendment

Mr. Rhodes: How do we do that? I'm the worst parliamentarian, sorry. How would we do that if we would choose to?

Ms. McClendon: I'm trying to remember, Mr. Chairman. Do you remember if the public hearing was kept open for that item?

Mr. Rhodes: Yes it was. So it's advertised.

Ms. McClendon: So I would suggest at the next meeting continuing the public hearing to another date certain.

Mr. Rhodes: So we would still, because we've advertised that and we've stated that date for the public hearing on October 9<sup>th</sup>, we would continue to hold that public hearing on the 9<sup>th</sup> and then if we were inclined we would then keep it open until a later date, or what?

Ms. McClendon: That's correct. Basically, if the public hearing is not continued on the date that's been advertised I would suggest it needs to be re-advertised for the first meeting in November.

Mr. Rhodes: Okay. So if the Commission's inclined to this request, is what you're saying we just cancel the item for that night and then at that meeting we re-announce a new night. I'm just trying to understand how the procedure would work.

Ms. McClendon: It really depends on the Commission. If the Commission does not mind re-advertising the public hearing for the first meeting in November. It does not have to be taken up at the next meeting. However, if you do not want to advertise you do have to open the public hearing on the 9<sup>th</sup> and then continue it after that until the first meeting in November.

Mr. Rhodes: Mr. Harvey, what's the cost of the advertising.

Mr. Harvey: It'll be several hundred dollars to run the ad in the paper.

Mr. Rhodes: Not cheap, but it's not like we're mailing out letters to thousands of folks and other things like that, right?

Mr. Harvey: Well, if we advertise there will be a notice to abutting owners as well.

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Mr. Leming: We don't mind covering the cost of that. We've done that in the past. The issue on the 9<sup>th</sup> is that we're just not going to be ready to give you additional information that would be necessary for the public hearing.

Mr. Rhodes: So in fairness to the public, if we were to do that, how do we let the public know that it's been cancelled for that night?

Mr. Harvey: At the beginning of your meeting we'd announce that the public hearing...

Mr. Rhodes: Anybody who came can always talk at the public comment portion. So we just have to announce in the front end. Okay. Thoughts?

Mr. Gibbons: The idea of a public hearing is to provide everything for the public. So why would we have to open a public hearing if he doesn't have the information available.

Mr. Rhodes: No, no, agreed. So if we were inclined, we could take a motion now to cancel that and move it so we can advertise and then at the beginning of that meeting, we'd announce to folks, they weren't ready. We've moved it, but if you're here and you want to make a comment, you can talk. Can we take a motion on that if the Commission so chose, or how do I do that?

Ms. McClendon: Yes, Mr. Chairman, I believe you can. Item number 5 has been resolved.

Mr. Rhodes: Okay. So are you inclined, Mr. English, to defer the public hearing now to, and have it advertised for the first session in November? Okay. Motion on item number 4 to not hold the public hearing on the 9<sup>th</sup> and advertise for public hearing on the first session in November. Is there a second?

Mr. Gibbons: Second.

Mr. Rhodes: Second by Mr. Gibbons. Further comment Mr. English?

Mr. English: Mr. Leming said that they would pay for that, is that correct?

Mr. Rhodes: Can we do that? Is that acceptable Mr. Harvey?

Mr. Harvey: Mr. Chairman, that'll be fine if the applicants are willing to do that.

Mr. Rhodes: Okay.

Mr. Leming: I think the reason we were continuing the public hearing is because we were going to substantially change the application...

Mr. Rhodes: Right. You said you'd come back, there's a lot of comments.

Mr. Leming: ...the first public hearing wouldn't be valid anyway, but since we're asking to continue, we'll pick up your advertising fee.

Mr. Rhodes: Okay, fair.

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Mr. English: Does that need to be in formal motion or not?

Ms. McClendon: The part about payment?

Mr. English: Yes.

Ms. McClendon: No, we have it on the record that the applicant is going to pay.

Mr. Rhodes: And Mr. Harvey has a collection agency. So, any other comments, Mr. Gibbons? Any other member? All those in favor of the motion to defer and not hold the public hearing on the 9<sup>th</sup>, but defer it to the first session in November, signify by saying aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Okay, so be it. Very good. Thank you very much.

Mr. Leming: Thank you. Let me know what the charge is.

Mr. Rhodes: So we're on to item number 8. Mr. Harvey? Proffer guidelines?

6. RC1300001; Reclassification – 610 Park Ridge - A proposed reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District to allow for the development of a commercial retail, service, and office complex on Assessor's Parcel 20-20A, consisting of 9.24 acres, located on the south side of Garrisonville Road and east side of Parkway Boulevard, within the Garrisonville Election District. **(Time Limit: November 26, 2013) (History: Deferred on August 28, 2013 to September 11, 2013) (Deferred on September 11, 2013 to October 23, 2013)**
  
7. CUP1300002; Conditional Use Permit – 610 Park Ridge - A request for a Conditional Use Permit to allow (1) motor vehicle fuel sales in a B-2, Urban Commercial Zoning, within the Highway Corridor Overlay Zoning District, (2) an automobile service facility in a B-2, Urban Commercial Zoning, within the Highway Corridor Overlay Zoning District, (3) a convenience store within the Highway Corridor Overlay Zoning District, and (4) three drive-through facilities within the Highway Corridor Overlay Zoning District. The drive-through facilities are for a proposed bank, pharmacy, and gas station with convenience store. The site is on Assessor's Parcel 20-20A, consisting of 9.24 acres, and located on the south side of Garrisonville Road and east side of Parkway Boulevard, within the Garrisonville Election District. **(Time Limit: November 26, 2013) (History: Deferred on August 28, 2013 to September 11, 2013) (Deferred on September 11, 2013 to October 23, 2013)**

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8. Proffer Guidelines - Discuss proposed amendments to the County's proffer guidelines for zoning reclassifications. **(History: Deferred on May 8, 2013 to June 26, 2013) (Deferred on June 26, 2013 to July 10, 2013) (Deferred on July 10, 2013 to August 28, 2013) (Deferred on August 28, 2013 to September 11, 2013) (Deferred on September 11, 2013 to September 25, 2013)**

Mr. Harvey: Thank you, Mr. Chairman. This is a continuation of a matter that has been discussed with the Commission for a while and I have a power point presentation I'm going to be bringing up to help guide me in this discussion. As you know, the Planning Commission and Board has been working on new policies and amended guidelines. Our current guidelines have their origin from 2005 and have been updated annually base on inflationary cost increases or decreases for construction cost. The Board has worked on this issue in May, asked the Planning Commission to finalize recommendations on proffer guidelines. Specifically, to look at updated figures based on new CIP cost, look at impacts of student generation for new development projects, consider a flat student generation rate across all housing types and use credits for TDRs and development. The Planning Commission developed three alternatives and considered them in discussion. The Commission recommended deleting one of those which was the flat rate for all dwelling units as an option that was known as alternative C. The Commission recommended excluding the transportation category from proffer guidelines since the countywide impact fees will be charged at \$2,999 per dwelling unit for projects not already approved. The Commission asked for information on how localities smooth out year to year fluctuations in the CIP and I'll get to that in a minute, also how much proffer money has been collected in the past 10 years and what is the current school enrollment capacity for students and does assessed value of neighborhoods effect student enrollment. Some of the findings are that some localities use level service standards in their Comprehensive Plan as a guide. So, that's a fixed constant guideline. So it doesn't fluctuate on a year to year basis like a CIP would. Certain aspects of that would fluctuate as in maybe cost, if they saw the cost go up, but typically they would have a desired level of service of X acres per 1,000 population or so many square feet per population, similar to what we have in some of our factors in the guidelines that have been drafted to date. One locality, Chesterfield County, sets a maximum proffer contribution. So if your calculations come out to be in access of the maximum, you automatically get dropped down to the maximum amount. This proffer maximum is approximately 18,000 per dwelling unit. So far in the last 10 years the county has collected 7.9 million in proffers. The annual collections vary from year to year and can vary greatly based upon what projects were being developed in the County. We have a lot of by-right development that doesn't pay proffers, so proffers are only collected on those that have gone to the rezoning process and funds have been negotiated as part of the approval of that zoning change. The overall student enrollment capacity in schools is 4,465 seats.

Mr. Rhodes: You mean the existing, unused capacity?

Mr. Harvey: Yes, I was looking at the average yearly membership versus the design capacity of schools. And this is based on information in the recently adopted CIP part of the county budget. There were 2,614 seats in elementary schools, 1,785 in middle, and 66 in high schools. I attended the School Board meeting last night and there was a presentation provided by the School Board consultant with regard to future growth trends and they acknowledged that there will be some, probably, changes in the future. Also they had a discussion about design capacity versus program capacity. And those can give you different numbers. Program capacity, from what I understand, is actually how the classroom and the space in the school is being utilized, which may mean you have fewer students per class from a program standpoint. But when you look at the number of classrooms available and the

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seats available and rest of the rooms, you may have a problem. So there's a couple of different ways you can look at it, but overall if you look at design capacity, the high schools are tight, but there is space in the middle and elementary schools. Staff was not able to find any direct correlation between assessed values and number of school children per household based on a random sample of selected new neighborhoods. The Commission was speculating that if the housing prices were lower there may be more school children or vice versa. We couldn't really find any specific relationship within the new neighborhoods that are being built to the affect. When we typically looked at the houses, we looked at the assessed value. We typically picked 7 houses on any given street, not in any specific order, and looked at the values and could not find any correlation between the number of students and the assessed values in those neighborhoods. As I mentioned earlier, the Commission still is considering 2 proposed alternatives for monetary proffer guidelines. This chart shows alternative A, which looks at a countywide student generation factor. For a single-family detached, if you apply debt service credit, the cash proffer guideline would be \$19,661, for a townhome it would be \$24,813 and for multi-family \$11,483. We have figures allocated across the different categories that are listed. These categories of public facilities generally comport with how they're listed in the CIP.

Mr. Rhodes: And then there would be the countywide transportation 2,999.

Mr. Harvey: And that would be applied on all development, regardless of whether this property has been rezoned...

M. Rhodes: So that's an addition to this?

Mr. Harvey: Yes.

Mr. Hirons: While we're there, when is that 3,000 dollars actually paid? Is it building permit?

Mr. Harvey: It's prior to issuance of the occupancy permit.

Mr. Apicella: Can you help me understand this notion of a debt service credit?

Mr. Harvey: Yes. Some other localities use this as well. It takes a look at the taxes that we pay with the new house, because part of your tax bill typically goes toward the paying off the capital debt which is our CIP projects to provide additional school capacities, library capacities, parks and those types of thing. So, one school thought that a lot of jurisdictions look at it as if the proffer is intended to offset those impacts. So if the proffers are offsetting those impacts and the person's also paying a tax to offset those impacts, that person is being assessed twice essentially.

Mr. Apicella: I hear what you're saying, but I'm not completely sure I buy into that notion, because capital projects are usually paid for over 20 plus years and these people who come are also, just like the people that are here are paying towards debt service for the things that we've already decided we're going to have. It may not necessarily be here or are here, and we still need to pay for them. So if we have a park in place and we're still paying the debt service on it, as the people that are here are paying the debt service for it and then new people who come here are helping to pay the debt service for it. So again, I thought the whole notion of proffers was we're doing a rezoning, we had already planned for growth at X level now we're going to go above X level. We're going to go to Y level. We hadn't planned for it. There's no money for it. So they're creating an additional need that we haven't had our source of funds to make it happen. So again, I'm not quite sure I buy into this notion of a debt service

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credit. That's my personal feeling, but I understand the construct, but I'm not quite sure it works completely in this case, because everybody benefits from what's already here and everybody ultimately might need to help pay for what's already here.

Mr. Harvey: And that's some guidance that staff will need from the Commission as to whether it's appropriate to have this type of credit.

Mr. Gibbons: But going back, if you look at what he briefed already, if you went back the last 10 years, what is your annual school debt right now? Around 44 million?

Mr. Harvey: I'm not sure, Mr. Gibbons.

Mr. Gibbons: It's pretty close to 50 million, and if you took over 10 years I think it's average between twenty-something and up 44, 45. You've only collected 7 million dollars in 10 years.

Mr. Harvey: And that's across all categories of proffers.

Mr. English: What's our current rate now, 40? What is the current rate?

Mr. Harvey: It varies, and if you give me a minute I can flip down to another slide that shows our current proffer guidelines. The current proffer guidelines have the single-family detached at \$45,514, townhomes at \$39,125, and multi-family, regardless of whether it's age-restricted or just standard market rate multi-family, at \$25,155 and manufactured homes at \$27,271.

Mr. English: So how many years has it been at 45? I mean, when was the last time this was updated?

Mr. Harvey: This was updated in November of last year. Based on the current Board policy, we examine the Marshall Swift Construction cost index every November and then apply the new index increase or decrease and apply it to the proffer number that you see here. During the recession we actually had a decrease in some of the proffers for at least 2 years in a row.

Mr. English: But 10 years, 7 million dollars seems awful low.

Mr. Rhodes: Only the ones with proffers.

Mr. Harvey: Correct. It's only the projects with proffers and the county, as we know, has had a lot of by-right development.

Mr. Rhodes: Now Jeff, if nothing else changes, everything stayed exactly the same, wouldn't we at minimum be taking the transportation out of this, because of the countywide that goes to 3,000. So, if nothing else, just with that logic, the first one would go down by 13,000 and the... well it'll go down 16, but then they'd also have a 2,999 or 3,000 dollar countywide transportation impact fee, so it's kind of a net result of about a 13,000 decrease and for the townhouse, the net result would be about an 83,000 decrease, etcetera, right?

Mr. Harvey: Correct. Alternative B was looking at student generation for new communities. We looked at a number of new communities in the county by dwelling unit type and came up with student generation ratio and applied it to the schools component. As we see with this alternative, if you look at

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the total for single family homes, without the credit for debt service, it's almost 42,000 dollars. With the credit for debt service it goes down to almost 38,000 dollars. Similarly townhomes are 20,741 versus 18,476 and multi-family is roughly 20,500 and 20,000. So compared to alternative B to alternative A, the numbers in alternative A are lower, because what we found is with... and the significant difference is the schools and we find that newer neighborhoods in the county, on the ones that we selected to study, had higher student generation than the overall county rate.

Mr. Hirons: Mr. Harvey, did you guys do the study or is that what we got from the Commissioner of Revenue's Office when we were discussing one of the projects at one point?

Mr. Harvey: This was new information. The Commissioner of Revenue only looked at single-family detached homes and we added additional, updated information from what he has.

Mr. Hirons: Okay, so you looked at all the different types?

Mr. Harvey: Yes.

Mr. Hirons: What period of time... was there a certain period of time on those new homes over the last 10 years, or over the last 20 years?

Mr. Harvey: We picked projects for the most part that we either recently built or are still under construction.

Mr. Hirons: And the countywide number is .6? Is that the one they use for student generation?

Mr. Harvey: That's overall for all housing unit types.

Mr. Harvey: Just for single-family, what's the number for this one?

Mr. Harvey: Let me see. You're skipping ahead in our slide ahead. If you look at the countywide numbers for single-family homes, it's .63, for townhomes it's .81, and for multi-family it's .31, with an overall rate of .58 students per household. If you look at new neighborhoods, the student generation overall is 1.1 students per household, with single-family homes at 1.31, townhomes at .56 and multi-family .61. So this indicates for new neighborhoods, single-family homes generate the most number of school children per household and countywide overall, townhomes generate the highest number of school children per household.

Mr. Gibbons: Yes, but wouldn't it fluctuate on the value of the home being sold? The prices have come down significantly in the last 3 or 4 years and when that happens then you get the families with more children, I mean school age children moving in, but if you get the homes in the 600 to 1 million dollar range, you don't tend to get that. You get the high school level. So that's only in there for 2 or 3 years.

Mr. Harvey: Mr. Gibbons, staff didn't study the overall county picture. We looked at the new neighborhoods that we had identified and we did a random sample of the homes in the new neighborhoods. We didn't find that the price affected the number of school children. And you may get a different result if you look at all, across the county, for all neighborhoods. Old ones and new ones. But just for the new ones we didn't see it being a factor.

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Mr. English: How much did they say that Embrey Mill was going to generate? Is it like 1,400 kids? Is that what they said last night?

Mr. Harvey: I don't recall specifically from that briefing.

Mr. English: Fourteen hundred have just been generated.

Mr. Harvey: So the key decision points from a staff perspective are: 1 – Do we want to keep the 2005 monetary proffer methodology regarding level of service or go with the 2013 methodology based on CIP. From a staff perspective, we feel the CIP approach is closer to what the state code recommends. However, if you do that approach, you have to be more careful as to what projects get put in the CIP, because you only put proffer guidelines towards projects that are in project categories that have CIP dollars associated with them. So if you don't have any fire station improvements you wouldn't have a fire and rescue portion of the proffer. Similarly right now with schools. There is not a middle school project, so there would be no funds going towards middle school in this calculation. Also, another key decision point is which student generation factor to use. The countywide or new neighborhood. And that would have to be reviewed on a periodic basis to make sure it's still calibrated correctly. In our credits acceptable as presented is, does the Commission believe that a debt service credit, is that appropriate. Also in the text that talks about giving credits for by-right development, the Committee that worked on this recommended that the developer get a .25 dwelling unit credit for each by-right lot that they could claim. Say for instance, if someone has a piece of an agricultural property and they want to rezone it to residential at a higher density, they have the ability under the by-right agricultural zoning to have 3 acre lots. So that could generate a few additional houses. So one philosophy is that you take those by-right lots and you deduct them from the number of total unit that could be generated and only apply proffer guidelines across the new number of units that are being generated. Also the, as I mentioned, the police speaks to credits plus also how we accept proffers and the process that people need to go through to submit proffers to the county and are those generally acceptable or are there some things that we need to edit out or add on? And then also when the Commission would like to schedule a public hearing on proffer guidelines.

Mr. Rhodes: Thoughts?

Mr. Gibbons: I got one question, because I thought Steven brought this up before we were doing the UDA, or maybe I misunderstood it, but if we're going to try to encourage growth where the infrastructure is, and that's the only growth that's going to be paying proffers, shouldn't we try to make an incentive to bring them back in to where the growth area is, rather than rural area? Because if you look at, what do we have, almost 45,000 homes in the county and I think we only got, what, 32 – 33,000 on utilities. I might be off a thousand on that. And then if we took the 44,000, I doubt if we have 10 to 15% percent to ever pay proffers. When you look at it as a whole, so I'm just wondering that if we make it so high or we don't follow what we're doing, making some incentives, everybody's going to building out in the rural area and we won't have anything in the urban.

Mr. Apicella: Can I try a different way of asking the same question, Mr. Gibbons? Once we arrive at a number, okay? Let's just say the number is 15,000 for lack of a specific number, across the county, could be part of the philosophy or policy be that you would get a credit or deduction per unit if you pursuit and urban development construct. Would that be permissible? So let's say, normally it's 15,000, but if you're going to do 1,000 homes in the urban development area then we would give you a

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\$5,000 deduction or rebate or credit to, again, incentivize the growth to occur in the urban areas vice in the rural areas. Would that be permissible?

Mr. Harvey: Mr. Apicella, the State Code specifically suggests that localities do that in the urban development areas. That we could provide incentives of reduced proffer dollar figure, reduced impact fees and other types of things as incentives.

Mr. Rhodes: That's interesting. Other thoughts?

Mr. Harvey: Mr. Chairman, Mr. Apicella had requested me to consider putting together a slide that showed Stafford's proffer guidelines compared to some other areas in other localities and I've provided this chart here. It takes a look at Spotsylvania and Prince William and Chesterfield County for the most part. When I looked at proffer policies I didn't really see anything with a published dollar figure for Loudoun County. Their guidelines have a formula and tend to be geared towards large development projects that are mixed use. Hanover County repealed its proffer guidelines and I had read somewhere that they reinstated it, but at a relatively low proffer dollar amount, but I haven't been able to find that, but the latest information that I've been able to uncover is that they repealed their proffers and they're going to implement a decal tax.

Mr. Apicella: Mr. Chairman, can I ask a question on this chart? So, for Spotsy and Prince William, Chesterfield, etcetera, the figure that we see would include, in theory, their transportation related amounts in that figure, as compared to ours, I think the 37,000 for example under single-family does not include transportation. So the \$33,000 would be on top of that \$37,000?

Mr. Harvey: Correct. The Prince William and Spotsylvania figures do include transportation.

Mr. Rhodes: Okay.

Mr. English: How old are these figures? Do you know?

Mr. Harvey: I did this research for the July 10<sup>th</sup> meeting.

Mr. Rhodes: Mr. Hiron.

Mr. Hiron: Mr. Chairman, back to Mr. Apicella's and Mr. Gibbons' question. If an incentive is given to development in an urban development area we would not be able to incentivize the transportation impact fee, right? That has to be applied, correct?

Mr. Harvey: Correct. That's a uniform across the board fee charge.

Mr. Hiron: And we can't legislatively, as a rezoning come to us, say, well we'll waive transportation impact fee.

Mr. Harvey: Yes, that's not in the Board's authority the way I understand it, in terms of a rezoning.

Mr. Hiron: Okay, so even they're building 1,000 homes, they're still paying the full amount for the transportation impact, in theory?

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Mr. Harvey: Yes.

Mr. Hirons: But it's schools and parks that would end up losing that proffer if we did incentivize?

Mr. Harvey: Correct. The other categories could have a lower proffer dollar.

Mr. Hirons: Would it be possible to incentivize via... leave the school amount where it is? I suppose I'm asking, can we structure it so the incentive doesn't affect schools. It might affect parks, because in theory and urban development type area they would be building parks within their community. So the park proffer might be a little lower. Is that value...or even fire and rescue, because in theory they're much closer to the fire and rescue services that exist. I'm just... school's obviously kind of important to me right now and I just want to avoid impacts in schools.

Mr. Apicella: There's a benefit to pushing... steering people to go in urban development areas, because there is infrastructure there, so to the county potentially there's a lower cost than if we had those same homes being built in a rural area. So in theory there might be a good rationale for given them some kind of relief, because in the long run it just makes sense to try and push concentrated growth in areas because of the cost. The economy is a scale or more prevalent in an urban area where you have a congestion of homes, versus in a rural area where your cost is actually going to go up. Because you don't have an infrastructure there.

Mr. English: Could the libraries and parks be dumped into the general government? Is that possible to do that?

Mr. Harvey: Certainly, Mr. English, we could lump the categories in any way we feel like we want to. Our proffer guidelines are generally broken up into categories that you saw on the chart previously, because that's how our CIP is segregated.

Mr. Apicella: Mr. Chairman? These numbers...the latest numbers that are being recommended have changed from the Sub-Committees recommendation, when I look at the figures. Am I presume the reason why is, because...took another look at school generation rate which highly influenced what the need, the offset would be to take care of new construction associated with the schools, the additional capacity that would be needed for the students. Based on that, I guess .61 or close to that figure, our generation rate for housing. Is that why there is a delta?

Mr. Harvey: Yes. That is one of the things and also the transportation part. When the Committee first started looking at this, transportation was a line item in the proffer guidelines and the Commission said let's take it out since we have impact fees.

Mr. Apicella: Let's take the single family detached home, what's recommended here under alternative B for example 37,000, I mean the figure now is 45,000 and that includes transportation so if you take transportation out, the 37,000 is actually a higher amount, having excluded the transportation fees. You understand what I'm trying to say?

Mr. Harvey: Yes. Because if you took the transportation piece and put it back in to the alternative B you would probably look at 51,000.

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Mr. Apicella: Right. One of the questions asked and entered was the amount that we've collected so far. I think it was close to 8 million dollars, but going back in history there was a period in time in this county we didn't do a lot of rezonings which would mean we wouldn't get a lot of... and there's a lot of by-right development out there. So those two things taken into consideration is probably why we haven't gotten a whole lot of proffer money over the last 10 years. It seems to me that the cycle has changed a little bit. We've had a few more rezonings in recent history, than we've had in the last 10/15 years. Is that somewhat true?

Mr. Harvey: Yes. The rezonings that we've had in recent years though have produced limited number of new additional units, but they've been mainly smaller in scale.

Mr. Apicella: I'm not even talking about the amount that we've collected. I'm just saying, for a period of time this county did not approve many, if any, rezonings. So we haven't captured a lot of new money associated with the rezonings that had been approved, but what we have captured is an amount. We have some figure that has been offered and as a part of the negotiation process been agreed to by the county. So I guess my question, fundamentally, is what's the highest amount... I hate to put you on the spot...that we've collected so far in proffers, say for a single family detached home in the last 2/3 years?

Mr. Harvey: I'd have to look that number up, because I don't know...

Mr. Apicella: I'm sure it's not... I suspect... it's not even close to the 45,000 and it's probably not the 37,000 that's listed here.

Mr. Harvey: I would suspect it's probably in the low to mid 30s.

Mr. Apicella: Right. So, Mr. Chairman, you know, my concern is, part of our discussion going forward is, we have to make some reality based decisions. We can have a number out there of 45,000; we're never going to get it, we haven't gotten it, I doubt we've ever gotten it. So, I think we need to use some data to see what is the art of reality or the possibility rather than the art of, you know, how we're going to fully pay for all the new capacity that's generated? We can keep asking for it; we're never going to get it when it's in the \$45,000-50,000 range. And when we look at other jurisdictions, they're not even close to that figure. So, I personally think that the figure is too high. Whether it's \$45,000 or \$37,000. I don't know what the floor should be. I think \$19,000 might be a little low, again, when I compare it to some of the other jurisdictions. I just don't... I think we have to accept the notion that we're not going to fully collect what we need for rezonings. So we need to look at what is more likely going to happen. And then, rather than trying to go back and forth, hold the... to the extent we can... I mean, the purpose of proffers is to mitigate the impacts of growth... try to hold the applicant to that figure. So, again, for example, just to say we decided that it's not going to be \$45,000, it's going to be \$25,000, and if they don't give us, if they don't offer \$25,000 then it's probably not going to even come close to mitigating the growth and, therefore, maybe part of the policy is if you don't offer up something that truly comes close to mitigating the growth, we're just not going to approve those projects. All I'm trying to say is what we shouldn't do is create a new ceiling and then we're not abiding by the ceiling now, create a lower ceiling and then not abide by it going down the road because we're continuing to put the... ultimately the taxpayers have to bear the burden of any proffers that don't fully pay for the capacity, the new capacity that we haven't planned for, haven't put in the CIP thus far. I don't know if I'm making any sense, but we should try to collect as much as we can, no doubt, but we've got to make it more realistic and more reliable.

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Mr. English: I think we're great. I think we're right in line with Spotsylvania and Prince William as far as going with Alternative B.

Mr. Gibbons: But the realistic...

Mr. English: I understand what you're saying.

Mr. Gibbons: ... the reality is we've probably got 40/50% by-right going on right now in the rural, or the not so rural area, and we have no way in the world of collecting it. So we spend all this time and money, we spent months on this thing, and then when I sat down with Jeff I think this year we got \$3 or \$4 million maybe, or last year, and the debt payment was over \$40 million. It didn't even... and most of the proffers didn't even go to CIP anyways; it went to a ball field or something else. So, I don't know... if we're going to be realistic then it's got to be realistic.

Mr. Apicella: I think you raise a good point. At this point we're creating a disincentive for people to push to consider rezonings versus by-right where we get zero. So, I don't know where the point of equilibrium is...

Mr. Gibbons: I don't either.

Mr. Apicella: ... but I think we've got to think about it in that construct. How do we encourage growth to occur in a way that we're going to recoup some of the costs associated with that growth, rather than having to pay for it.

Mr. Harvey: Mr. Apicella, I was not able to find any correspondence to that effect, but I imagine that was part of the debate that went into the thinking in Chesterfield County in capping it. Their proffers are capped at \$18,966 per unit.

Mr. English: I would be curious at what they're collecting, how they're collecting what their rate was collecting on those.

Mr. Gibbons: Mr. Chairman, I've got one request. Jeff was very good to send out the slides of the School Board presentation last night, and I think if I could get the original soft copy, Jeff, because this is a little blurred when you get it up on the screen. But I would like to see, Jeff, if you could take what they reported on all of their lots and compare it to what you have to see if it's pretty close to being accurate. You know, they briefed on all of the buildable lots and the document you sent out here, I wonder if there's a comparison. Can we audit what they go to see if we're both on the same wavelength?

Mr. Harvey: Mr. Gibbons, I did look at their presentation before it was made to the School Board and had one comment about a project that they listed. So, everything I saw in their slides that I could directly discern, as far as listing of projects and number of units, that all lined up with the information that we provided to them. But as far as projections, I would have to meet with their school staff to drill down on that some more.

Mr. Gibbons: Okay sir.

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Mr. English: Hey, in the reference to Chesterfield, they've got a flat rate, do you know how that's working for them? As far as the flat rate that they've got? I mean, is it... they had to go to that for a reason so it must be working for them to do that. Can you elaborate on that?

Mr. Harvey: I couldn't discern the background on that when I was reading the website and them adopting that flat rate.

Mr. Apicella: Alternatively, I don't dislike the idea of a cap. And the way I might see it is, here's what we think it would be if we were trying to... these are the figures we think it would be if we were trying to fully capture a hundred percent offset, that's what I call it. The amount needed to pay for that additional growth. So, let's just use single-family detached house. It's roughly... the recommendation is \$38,000 plus roughly \$3,000 for transportation, all things taken together. So that's what we need, but a cap might be something like say \$30,000, okay, far less than the \$45,000 today but maybe something more realistic. I want to say that I do believe we've gotten some approved proffers at about \$30,000, \$31,000... what was the, I think it was one of the projects that Mr. Payne brought to us where they agreed about a \$30,000 proffer...

Mr. Harvey: I think was around \$36,000 when they took credits for by-right and other things, right-of-way dedication and those kind of things.

Mr. Apicella: Right. So, we know that at least in that case was achievable, so they could make the economics work in that case. I'm not saying that's the absolute right number, I'm just saying... I'm just throwing something out there so that we can maybe make some progress here. I know this is somewhat arbitrary but, you know, \$30,000, \$25,000, \$20,000 as a cap for these 3 categories. Give or take, you know, a thousand or \$2,000 there. It's closer to our own reality and it's at least a little bit better than... well, it's certainly better than what we have in place now that we're not collecting and somewhere in the range of what other localities are collecting. Because we're going to keep talking about what's the right number, what's the right number, and I'm not sure if we're ever going to get there.

Mr. Rhodes: I intuitively understand that logic of some of the concerns and complications. It just seems that we stand on the best footing if we have a math or a deliberate and transparent methodology and logic behind the number and it comes out where it comes. Right now, to me that's closer to Alternative B. I'm intrigued by the thought of if it's in the UDA, that's where we want our development because we can capitalize in leverage on other development that already exists or their core centers where we're working our infrastructure plans at, so I'm intrigued by that offset in that area. I don't know why we hadn't really come up more deliberately previously. I would see it at a different level for the townhomes or the multi-family, but I think that's intriguing. I just think when you can say here's why we got to the number and when you go into the each's, there's a pretty solid bases of logic behind it, to me that's what I think we, as a Planning Commission, should be sending forward, acknowledging all these other realities, and then the broader dynamics of the realities, well, we'll never get it or what have you, I think that's kind of the Board to apply.

Mr. Apicella: Again, my only reason for suggesting a lower figure is, I'm kind of (inaudible) off what Mr. Gibbons said, that until we start getting a lower proffer amount to start with, we're not going to get rezonings and we're going to keep steering people towards the by-right areas which is, in my view, counterproductive for a lot of reasons. So, yes, there's a lot of logic built behind the \$37/38,000 figure; really more like \$41,000 when you take into consideration transportation. Again, that to me,

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based on our experience to date, that's still going to start steering people towards by-right development because it's so much cheaper for them to build there. That's been our experience for since I've been here for the last, you know, umpteen years.

Mr. Rhodes: That's true.

Mr. Apicella: And I think there's kind of like a two-prong approach; one, how do we incentivize development to occur across the County more towards the, say, suburban areas... and that's what I would think where a cap might work... and the second piece of that is how do we further encourage more growth to happen in the urban areas by providing an even lower amount.

Mr. Rhodes: Thoughts on (inaudible). Staff is ready to draft something up to authorize for public hearing. We just have yet to... a lot of ideas, a lot of work. We've got to figure out a definitive way ahead.

Mr. English: How often do we go... this is new to me... how often do we go back and readjust these proffers? Is it every year or is it every...?

Mr. Gibbons: Every November, isn't it?

Mr. Harvey: Yes, they're adjusted for inflation every November since 2005. Prior to 2005, we redid the guidelines 3 other times that I can recall. And we started collecting cash proffers in 1989.

Mr. Rhodes: You made the comment earlier that one approach you felt had a greater... it was more consistent with the intent of State Code and I think that was tying it to the CIP. Could you expand on that a little bit, what is less or more consistent the approach is to the way we interpret it in State Code?

Mr. Harvey: Alternative A and Alternative B on the chart follow the CIP specifically. The current guideline looks at desired Levels of Service identified in the Comprehensive Plan. So, you end up with right now a slightly higher figure based on the desired Level of Service rather than what's actually being provided.

Mr. Rhodes: And what's actually... could you say that again?

Mr. Harvey: The proffer dollar figures under the current guidelines are based on desired Level of Service. And from looking at the dollar figures associated with it, they are slightly higher than you would see for the Level of Service that we're actually providing based on the CIP projects.

Mr. Rhodes: Okay, got it. Okay, they've suggested a couple ways forward. Other thoughts?

Mr. Hirons: We're looking to get this moving on to public hearing, correct?

Mr. Rhodes: Yep. Ultimately we've got to move it to public hearing so that we can get it back to the Board.

Mr. Harvey: Yes, Mr. Chairman. From a staff perspective, I'd like to get guidance from the Commission and then I'll put of all the information back together into one document to present to the Commission, have the Commission take a look at it again to make sure this is everything that the

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Commission desires to send forward to public hearing, and then have the Commission authorize a hearing. So that would be at a future meeting; I'm not looking necessarily for authorization tonight.

Mr. Hirons: I report as the Chairman of the Proffer Committee, since two of the members that were on that Committee are no longer here, they can't argue with me. But the general sense of that committee I think was the Alternative B, where we use the student generation number, based off of the studies done on new neighborhoods and I personally would like to see us retain and move forward with Alternative B. I understand what Mr. Apicella is saying but, at the same time, if we lower the number or if we even put a cap on it, we may not get to the point of collecting from a rezoning the full guideline, or the complete dollar figure that the guideline provides. But again, it's a guideline, it gives us negotiation power, it gives the County negotiation power with the developer when he's coming through with a rezoning. So, I really don't think we should lower that number anything below it is now. You know, the old adage in politics is development should pay for itself. Staff has done a fantastic job working with the committee, providing us with the information and data that showed us the way on how they reached that number. And it is the number that says, as Mr. Rhodes said, it is the number. It is what it is. It is what pays for development. While we're looking to push growth into that Urban Services Area, which I don't deny, I don't know if it's the developers are not incentivized to do that development; it's just the type of development that Stafford County was looking for. The larger 3 acre lots in the rural area, the folks that were looking to move to Stafford County, that's they types of homes they were looking to buy. I think it was the market; I don't think it was the disincentive of high proffer amounts that discouraged growth within the Urban Services Area. So, at any rate, as a starting point I think the Committee and I would recommend moving forward at this point with Alternative B, and then... what other specific questions did you have?

Mr. Harvey: A question dealing with the credit for debt service payment; should that be applied?

Mr. Rhodes: If it weren't applied, these numbers would be higher, right?

Mr. Hirons: Right.

Mr. Harvey: Correct. If they weren't applied, the numbers would be \$41,979 for single-family...

Mr. Rhodes: Plus \$3,000.

Mr. Harvey: Yes. Ultimately there would be 3 more thousand for transportation impact fees.

Mr. Gibbons: But, Mr. Chairman, when you look at, because I know what Scott's saying, but out where we live we've got more rural subdivisions than I've ever seen in the last 10 years underway. And when you look at a house that he doesn't pay any sewer and water fees, he doesn't pay any proffers, you're talking about \$15-20-25,000 maybe up to \$100,000 difference than the cost of a builder building in a rural area versus building in the urban area. And that's something we have to look at.

Mr. Hirons: Right, but that's always going to be cheaper to the developer and he's always going to do it as long as there are buyers who are going to buy that property and those types of houses. And that...

Mr. Gibbons: But Scott...

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Mr. Hirons: ... that's who they're marketing to.

Mr. Gibbons: But Scott, other counties, and I'm not in favor because I voted against it, but we were going to do a countywide rezoning and put another agricultural area so we could collect proffers off of everything that was being built and it never did work out. And we're spending all this time... and I'd like to have development pay for itself. But this year alone, you've got about a \$40-50 million school debt problem and you're not even going to collect but what, \$3 or \$4 million? And that's a pittance to offset that thing, so we've got to come up with something if it's assessed valuation in the tax base.

Mr. Rhodes: Let me just throw this out there, okay. So, if we went forward, just starting to think of how this works, if we went forward with something like the proposal B, which is the higher one that is causing some discomfort, as staff is preparing that for public hearing, we could also concurrently get a list of, just a list because I think this would be informative, of all the proffers... what is the value of all the proffers we have gotten? You know, I think we thought the highest might have been 32 or 33, but then is the next highest 28, 27? That'd be informative from, as you're saying, a reality check. We could gather that. Maybe have staff, in the interim, also look at how they would entertain an offset for building in the UDA. Is there a method or only a rationale that they could find from other places that have done those offsets? But here's my thought... let's just say we went forward with public hearing on that, and that at the end of the result of the public hearing the human outcry and the fact that we get some reality check of what the maximum amount has ever been and we see where we're going to get, if our ultimate modification to it is one that lowers the cost and lowers the impact those are changes you can do in going forward. But if we started at 20 and wanted to make it 25 or 30, I think the lawyer would say that that is a greater impact, greater restriction, greater governance, therefore, you have to do another public hearing to take that forward. If we think about it from a process perspective, if we are to lower the impact on the community and the public, that is something we can do subsequent to a public hearing and any recommendation that goes forward and we can move it forward.

Mr. Apicella: I like where you're headed, I'm just not quite sure... I think we certainly need at least one more meeting to see the details before we put anything to a public hearing.

Mr. Rhodes: Yeah, we have nothing to vote for in a public hearing, I don't think, tonight.

Mr. Apicella: Right. So, I guess in line with what you're saying, I'd like to see those numbers, if possible, and I don't see why it would be impossible, to get those figures at the next meeting to rack it up and see what's happened thus far in the last couple of years. Again, to look at that kind of reality check and maybe go from there to decide what's the floor going to be, whether it's this number that's recommended by staff or something lower than that. I guess I'm saying the same thing, I just think maybe we can get some of this data by the next meeting.

Mr. Rhodes: Well, so... but if we go down there are key question points. I don't disagree, I'm just trying to see if we can knock any of them out. So, if we go down there are key question points. The first one was accept or reject the 2005 cash proffer methodology if it's to be accepted the base figure should be updated to reflect the Levels of Service in the current Comprehensive Plan as well as the construction costs. Or adopt the 2013 methodology based on CIP. We might want to adjust it based on that. I don't think there's any objection to the latter part of that. It might be that it comes out to too high a number and so we might want to arbitrarily adjust it. But I think accepting that methodology base versus the 2005 monetary proffer methodology, I think our answer to staff on that would be towards the latter. I haven't heard anybody object to that. I've heard us say that that results in a

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number that's too high in a practical sense and maybe needs to be arbitrarily lowered in some percentile fashion. But I think we can close out to say that methodology-wise, that would be the approach we would support. Does anybody object with that? Just trying to move something on this.

Mr. Hirons: I would agree. I think that's the right direction.

Mr. Rhodes: Now, as far as their second point, just as they're trying to pull some things off the table, I mean, just as we work to go forward, the student generation factor to be used, I think if you look at the student generation factors, to me intuitively and I'm not going to speak for anybody on this but I thought the student generation factor of what impact to the new homes have versus the average of the County was a more logical approach to use. Is everybody okay with that? Okay, just so we... I'm just trying to get some things off the table, so some of your variance will at least lower a little. Credits... how about the credits? The concept of the credits. Reactions to that? This is the debt service credit or are these the offsets?

Mr. Harvey: Well, there's a number of credits that are proposed. There's debt service credit, it's in the calculations, but also in the text it talked about 25% credit for by-right units. It also said if someone built public improvements they could give us a cost estimate and if we agreed to it they could take a credit against their proffer guideline for that as well.

Mr. Rhodes: Reactions to the concept of credits.

Mr. Apicella: Again, I still have heartburn with the... I know it lowers the number and I think that's where we need to go.

Mr. Rhodes: I think you only had heartburn with the debt service credit, right?

Mr. Apicella: I have heartburn with the debt service credit because we're not doing it on the transportation side. We're not reducing the \$3,000 because I could make the same argument; the new people shouldn't have to pay that because they're paying it twice. Right?

Mr. Rhodes: Yep. But what about on the infrastructure improvements credit or the by-right offset credit?

Mr. Apicella: I guess my philosophy on the infrastructure improvements... we shouldn't give credits for something they would have to do anyhow on a project, but if they do something that benefits the community, perhaps.

Mr. Rhodes: How would you submit this is currently structured Mr. Harvey?

Mr. Harvey: It's recommended that it's for offsite improvements, or for a capital facility like if someone built a county park as part of their project, they could take a credit towards part of that park construction.

Mr. Hirons: This is essentially what's happening in the Abberly South where they're providing the land for the Germanna and they're getting relief getting credit for their proffer... cash proffer.

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Mr. Harvey: Yes, the policy as it's been drafted says that they only get credit against what the current assessed value is, or if there's an agreement on an appraisal.

Mr. Hirons: Right. I'm not a big fan of credits but, at the same time, if a developer either has property that he's willing to contribute to a need or they're going to build something, they can typically do it cheaper if they're building it simultaneously as they're building their development. So, I'm not a big fan of credits but... for offsite credits but I'm okay with it.

Mr. Rhodes: Okay, so we've heard really it falls in 3 categories; the debt service credit, the offsite improvement or other infrastructure credit if the County accepts it... it's not automatic, it has to be something of value to us...

Mr. Apicella: And we have to agree to the amount.

Mr. Rhodes: Right, right. And the third one was the by-right, credit for by-right because they could have done a by-right. So let's take each: is there strong support for or strong heartburn with the debt service credit? I'm a heartburn.

Mr. English: I am too.

Mr. Gibbons: Why don't we be innovative; why don't we come up with the proffer and make it part of the building permit so when the fellow builds in the rural area his building permit is \$50,000 for the house instead of 500. And if he's in the UDA...

Mr. Harvey: Well, that, Mr. Chairman and Mr. Gibbons, that would fall under... well that would fall outside of the State Code legislation. Proffers are only dealing with rezonings and right now the County is only authorized to collect impact fees on transportation.

Mr. Gibbons: I'm not saying it's a proffer, I'm saying it's a building permit fee.

Mr. Hirons: Yeah, but you're hurting the guy who's building his own house on his property.

Mr. Rhodes: Fees that we charge... don't they have to be based on the costs involved?

Mr. Harvey: Correct. State Code says that they should not exceed the cost to provide service. So, a building permit fee should not exceed the cost that it takes the County to have the inspectors go out, have the plan reviewers review the plans, and those types of things.

Mr. Rhodes: Mr. Gibbons is just way ahead of his time. Okay, I couldn't get consensus on... yea or nay on debt service. Let me skip for a second. How about the offsite improvement credit if acceptable to the County and we can agree on a value or the infrastructure credit? I'm kind of for that. I think that's a concept that we leave in. Does anybody else have a strong feeling one way or the other?

Mr. English: Well, that can help us out in the long run.

Mr. Rhodes: Okay.

Mr. Gibbons: No matter what we do, it isn't a hill of beans on the debt service.

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Mr. Rhodes: But the fact is, we have a do-out to provide a proposal and proffer guidelines. We've got to make some progress. We can kick it down the road forever; we've got to make... I'm just trying to move it forward.

Mr. Gibbons: No, I think we've got to read and study what he gave us tonight and you got what the School Board got.

Mr. Rhodes: Okay, but we've had this stuff for months folks. I mean, we're adding to it and it's all good and informative...

Mr. Hirons: We're going on over a year that we've been talking about this. We really...

Mr. Rhodes: Okay, I'll take a motion to recommend deferral of this item for another month, or two, or four.

Mr. Gibbons: No. Let's go with Scott. We'll advertise what he wants.

Mr. Rhodes: All I want to do is... we have told the staff we're going to give them some guidance on some of these topics for about four months, and we've had very full calendars and I got it and I know why we haven't. I just think we can give them some so they can narrow down the vector here, we can get this additional information. I think it would be fair to give to the Board of Supervisors anyways regardless what we recommend. Here's what some of the reality of what we've got just to have that perspective. I think it's a good one to have. And it could influence how we shape it. Personally, I think it'd be great to get staff's input and creative juices going on, if you were to do a UDA discount, if you will. You said it's kind of consistent with the Code and the approach on this, or what should be in there. I'd love to see your thoughts on how we might do that, how we might attach that little template or application onto the software that is proffer guidelines. Outside that though I just think if we can give them some more to narrow down, it would help them.

Mr. English: I'm looking at this thing with Chesterfield, that flat rate. I don't know why we can't do a flat rate. I know that's (inaudible).

Mr. Hirons: There are a whole lot of other factors you need to look at; look at their tax rate, look at their fees and everything else.

Mr. Apicella: We talked about a flat rate; I think we kind of pushed that aside and I think the problem is, again, each type of unit by itself is going to have a different... it's the school issue that drives much of the costs. And so each different type of development unit is going to have a different cost differential. So if we give a flat rate, somebody who in a single-family unit is going to cost more is getting a better deal than somebody in a townhome who isn't going to have as many students that they're sending to the school system.

Mr. English: Okay.

Mr. Harvey: And just to clarify, the Chesterfield number is not a flat rate, it's a maximum rate. So you may have some unit types that don't hit the maximum, and others that do.

Mr. English: Okay.

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Mr. Rhodes: I mean, if we don't use the debt service offset, the methodology, which is very transparent, but the methodology would be even more expensive which would be even more difficult to get a likelihood of collecting. And so that's a reality but just trying to give them some guidance as to what to consider how they might develop language in dealing with offsets, or credits rather, or do we want to just say they're not part of the construct here?

Mr. English: I'm thinking with Scott with Alternative B is what I like, leaving the debt service in there.

Mr. Apicella: But you're focusing on the dollar value, not on the approach. And again, these are two separate issues.

Mr. Rhodes: Again, if you break it down, do we want to... the concept that was proposed was credits for debt service credit, offsite improvement or infrastructure improvement credit, or credit for by-right, the fact that they could have done by-right so give them a little bit of credit for that? So, the concept, as they're trying to narrow down the shell of what might ultimately be put forward to public hearing is do we want to have them incorporate sections that address any, all, or none of those?

Mr. Hirons: Let's try to two easier ones first, the credits for offsite improvements. I'd ask is there any objection?

Mr. Rhodes: Any heartburn with keeping that concept in the proffer...?

Mr. English: No.

Mr. Apicella: No.

Mr. Rhodes: Any heartburn with keeping the concept of by-right, a credit associated with by-right or some offset associated by-right factor?

Mr. Apicella: I don't have a problem with the concept, I just wonder if 25% is really fair?

Mr. Hirons: Mr. Harvey, I think you were present at the meeting, the (inaudible) came up was Dr. Schwartz's idea and there was some discussion about the level and... I don't remember how we got to that.

Mr. Harvey: Yes, my recollection was some discussion about the uncertainty of could someone actually get to the full number that we could calculate in theory for the by-right. And then also there was a general feeling that there shouldn't be full credit, because someone's asking for a rezoning and they should (inaudible).

Mr. Gibbons: You know, Jeff, you're getting to be almost a thousand permits this year, right? Pretty close?

Mr. Harvey: We might get fairly close.

Mr. Gibbons: Okay. It'd be interesting to come back and see how many homes had proffers in this year and how many did not have no proffers in it. How many had sewer and water and how many

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didn't have sewer and water. Because the public feels that what we're addressing is that development pays for itself and it doesn't. And this is nice to have, but I don't want the public misled that, you know, this is going to be the cure that solves the school problem or whatever it is, because it's not. And here's an example; you've got a thousand permits this year and I'll be darned I'll bet you there ain't but 200 or 300 that's got proffers on it. And I bet you that 40% of them are in the rural area.

Mr. Apicella: Mr. Chairman, just back to the basic question. Again, I think 25% is too low; I think 100% would be too high.

Mr. Rhodes: I mean, the effect of this can be powerful, because it can be a significant reduction to the proffers. So when you just look at the numbers, if you have an offset in there it suddenly changes the numbers in reality. Because every spot's got a by-right; I mean, every property does, has a by-right. So all of them are going to be reduced from the amount you've got in there then. Which is not a bad thing, I'm just saying it'll have an effect that we ought to consider. So, how do we determine... if we're inclined towards the concept, Mr. Harvey, any thoughts as to how we might better rationalize what that amount would be? Mike, you're still awake over there, right?

Mr. Hirons: Maybe give us a little model of different options; 25%, 35%, zero, a hundred.

Mr. Harvey: Okay, we'll come up with some alternatives.

Mr. Rhodes: If we take the... I know you hate this but if we just assume the B, okay, just for purposes of modeling, the effect of, you know, you pick the last 3, and the effect of 25% and a 50%. What would the real net effect have been on what the proffers would have been paid. Maybe we could model that.

Mr. Harvey: We can do that.

Mr. Rhodes: So that we can hone in and finish... and then debt service credit. Anybody strongly opposed?

Mr. Apicella: Are we strongly opposed to keeping it? I'm strongly opposed because we're not doing the same thing on transportation. I just think... I've made my argument. I should get a credit. I'm paying debt service.

Mr. Rhodes: Yeah, but we just like doing that to you. I like the other two, I don't like this one as much personally. So I would press for not incorporating it. Mr. Harvey, from a staff perspective, would you all argue one way or another?

Mr. Harvey: There's logic to it. A lot of localities don't do it... some localities don't do it, some localities do do it. It's I guess a matter of preference.

Mr. Rhodes: I personally... I like the other two, personally... just a personal opinion... don't like the philosophy on this one as much; however, that said, I do like the philosophy of one other new credit, and that is a UDA credit in some manner, way, shape, or form. In lieu.

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Mr. Gibbons: But you look at what Jeff gave you tonight, or today, right here, and you look at the School Board, you've got so many lots that already available, I mean, why would a man come in to do a zoning anyways?

Mr. Rhodes: Greater density. Greater number of homes per acre. I mean, that's the only reason they do them.

Mr. Gibbons: What's that?

Mr. Rhodes: Great number of homes per acre; density versus the by-right. That's why we get the applications we do. And, at the end of the day, it's only if it's economically viable. But I think we'll find that if you're doing the by-right credit and you model it out, subtly, even if we just use the number we've got without debt service offset, you've got 41, if you have... I don't know what 50% will come out at but that becomes a much lower number and it's not inconsistent with some of the proffers we've gotten. But, well, okay... so I guess we're keeping debt service credit for now. Oh, I think we asked staff for some suggestions as to how they might frame that or shape that. So, what I've heard is I've heard a question... I don't think this would be too hard to get just for historic perspective... what the proffers have been paid per unit in the last 5 or 6 applications; just what have been the real dollars, the values, the total values that have come out. I think that would be good historic information. Mr. Gibbons said... is this very hard to gather, Mr. Harvey, that is of the permits from this year? How many of them paid proffers or not? Or how many had contributed proffers associated with them or not and how many are on sewer and water or not?

Mr. Harvey: Yes, Mr. Chairman, we can dig that information up.

Mr. Rhodes: Is that painful digging or is that fairly available digging?

Mr. Harvey: I know we recently had something published on the water and sewer issue.

Mr. Rhodes: Okay. See what you can get. I know we throw a lot at you each time. We would be interested in your suggestions, creative suggestions, on how one might adopt or apply a UDA credit or incentivizing in some fashion for development and rezoning in the UDA area. And maybe from that, I think lastly that modeling, if you model the last 3 that have gone through this process with proffers. If they'd apply 25% or 50% to the dollars that are in that B approach, what would the net effect have been per unit? I think that might be informative, and maybe from those four data points we can come to some conclusion of an application or approach and give you enough guidance so that we can actually address something for public hearing. Any other thoughts?

Mr. Harvey: Yes, thank you Mr. Chairman. From what I understand, we're at Alternative B, with additional data.

Mr. Rhodes: I think for now, because what we'll inform from this additional data is, do we just say 80% of B or do we say B's good because the offsets will help. I think let's take it from there now, and the door's always open folks. We yet to find a door we can totally close.

Mr. Apicella: I just ask that we remember that it's B Plus, because it's B plus the \$3,000.

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Mr. Rhodes: Right. But I think from a modeling standpoint, using B is what I'm hearing here. So, using B to model this, what would a 25 or 50% if we were doing the offset for, or the credit for by-right. And if we're going just so we can see the modeling in there. And you're right, all those are plus \$3,000. Okay. So let's... when is a good time to bring this back Mr. Harvey? How much time do you need?

Mr. Harvey: If I could come back to the Commission for the second meeting in October, I think we can have all the requested information together.

Mr. Rhodes: Would love it.

Mr. Hirons: Second meeting or third meeting?

Mr. Rhodes: Technically, our third meeting. Our second scheduled meeting plus our special meeting.

Mr. Harvey: Oh yes, thank you.

Mr. Rhodes: Okay. Item number 9 Mr. Harvey. Comprehensive Plan Amendment, UDAs.

9. Comprehensive Plan Amendment; Urban Development Areas - Amend the Comprehensive Plan recommendations for Urban Development Areas and targeted growth areas in the County. **(History: Deferred on February 27, 2013 until further information from staff)**

Mr. Harvey: Mr. Zuraf is here to go through the map and be able to provide the Commission with any questions you have about logic and how we got there, or answer any questions from the Commission regarding this matter. And also get further direction from the Commission as to whether we are on track or if adjustments need to be made and additional steps that we have to go through to finalize the product.

Mr. Rhodes: Thank you.

Mr. Zuraf: Okay. If I could have the computer please. Okay, at the last meeting I know we just kind of handed out a draft version of an alternative land use map for you to consider. That was just kind of just quickly summarized so we went ahead and sent to you those maps again so you could have them a few days in advance with the written kind of brief summary of the changes and what we have in the map. And some of the... just to kind of start out... just to clarify I think it was kind of asked what the Planning Commission was tasked to do. And as a reminder, they did ask for the Commission to develop the specific amendments to the future land use recommendations in the Comp Plan for you to recommend back to the Board. And this does mean proceeding through public hearing process. So, we'll go through and create a whole new series of amendments; that means amendments to the map, text amendments, just what we might recommend as wanting to be in the new version of the Comp Plan if it's amended. So, what we'll look for tonight and the way forward would be to aim towards a consensus... it may not happen tonight... but shoot for a consensus on the basic land use concepts that we provided to you. And from that, staff would go forward with modifying the text in the Comp Plan document to describe the changes in the land use map and the changes that are reflected. And what we'd want to do is staff would work with Public Works in re-evaluating the transportation impacts with the revised land use patterns that are recommended. And we would also need to send any amendments onto VDOT and I believe they would need a 90 day review period and comment period to

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make sure that these land... to evaluate these land use amendments against the state roads and state transportation plan. And another thing for the Planning Commission to consider as we move along is to consider if any additional public information meetings might be needed to inform the public on what's being changed. So, here are the maps we had kind of went over briefly at the last meeting. These maps were prepared in response to our June 1<sup>st</sup> retreat which the direction that was recommended was to kind of develop a targeted growth area generally in the middle of the County from the areas around the Courthouse Road/95 interchange down to the Centreport interchange, generally focusing growth around each interchange. And part of it also is coming up with land use uses that would be potentially be doing away with the Urban Development Area concept. So what we have and what we've created was a transitional... sorry, the transitional land use was a suggestion. We came up with a Neighborhood Center land use which builds off of that. In the Neighborhood Center land use area you could have higher density residential development, apartments, townhomes, but there would be a recommendation to mix in service commercial uses that would allow for people to have shopping and services in close proximity to areas where we may have more higher concentrations of future residents. So, you have the Neighborhood Center use, then also just our standard kind of suburban land use that's consistent with the areas, the suburban areas we already have. And the Business and Industry uses consistent with what we already have. But also we do... our suggestions recommend kind of maintaining the Courthouse Urban Development Area concept but just kind of calling it the Courthouse Area and taking away the Urban Development Area language. Here's the future land uses that we've suggested. Just to orient you on the location, the targeted growth area is the bold red line. That kind of bounds the area that was shaded in the previous map. Here is Interstate 95, Route 1, Courthouse Road runs this way...

Mr. Rhodes: Now Mike, you're looking for specific suggestions on these maps as to whether they seem right or whether they need other adjustments so that you can start to work the narrative in the plan to comport to these, right?

Mr. Zuraf: Yes, right, and if it's generally in the right direction, if there's some slight things we need to work on, and we can come back at future meetings and kind of give you updates as we move along. I don't think the intent is we'll just get your okay and disappear for a few months and come back with everything, but I think we'd probably want to keep the contact as to what we're working on. So, the main highlights, though, in this is we have these Neighborhood Center areas. One would be recommended in the vicinity of Courthouse Road and Walpole Street. And we kind of looked to kind of under developed areas where there might be potential and in areas where there you have the developing commercial center but it's not fully developed and some additional rooftops might help that project along.

Mr. Apicella: Mike, is your Neighborhood Center concept a bit like the TND? Or is it something less than a TND?

Mr. Zuraf: I guess you could say it is something less; it's not necessarily recommending the same intensity. I guess it may be more suburban oriented but it could be somewhat like a TND. I think the idea is that the Courthouse area would be your TND. And that would be the one, these Neighborhood Centers might be more suburban in scope; what we've got is kind of the intent.

Mr. Apicella: Okay, thanks.

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Mr. Zuraf: Another Neighborhood Center would be to the kind of area east of Colonial Forge High School. And then in the area around Embrey Mill, the Westgate Center, and then south of Courthouse Road in this larger area. So you have 3 kind of Neighborhood Center areas kind of envisioned along Courthouse. And the kind of brick color red is your Courthouse Area recommendation. In this upper area, we do have two expansions of the Urban Service Area. In this general area, along Ramoth Church Road between Augustine North and Colonial Forge, that kind of just kind of bridges that area because we envision that with the removal of the Urban Development Areas and all the densities that were recommended, there's going to be some spreading out of future population and there might be a need to... we'll evaluate the build-out but there might be some areas where we're going to have to find where all that growth is going to go. And then over to the east we expanded the Urban Service Area in this area to include Stafford Middle School and Brooke Point High School. Those are the largest properties there; it just kind of bring those properties in. They're already served by public utilities and there would be a few private properties within that area that might get added in, but the future growth there would not be as much as it may appear there. Also, then, heading down Route 1 you have another Neighborhood Center. This is just to the north of Eskimo Hill Road and Ramoth Church. And then the areas around the airport from Accokeek Creek all the way down generally to Potomac Creek. In this area you have all Business and Industry land uses, including areas all the way down to the Centreport interchange. Around the Centreport interchange to the west we have another Neighborhood Center in this location. And kind of filling in some of the areas, you have some suburban land use. And we do with the dashed lines identify some potential road networks that may create more of a network of streets through these areas. So I've made a mess of that map.

Mr. Rhodes: Colorful.

Mr. Zuraf: The kind of issue if we're doing away with the Urban Development Areas, something would need to be done around Southern Gateway because that's outside of the targeted growth area. The targeted growth area is up in this upper corner; those are kind of the limits we drew in there. And we worked with the Economic Development staff in kind of melding some future land use concepts with the redevelopment plans that were envisioned in this area and came up with an idea of maintaining the commercial corridor concept on properties up front along Route 17 on both sides of Interstate 95; 95 is in this location. That's generally been the trend we've seen of projects that have come in. A lot of commercial-oriented development is still continuing to be proposed and occurring on properties fronting along 17. Then we do have Neighborhood Center areas on each side of 95 set back from the interstate in this location. This is probably going to be really a long term concept because you do have a lot of existing industrial uses that are ongoing in this area. You have the auto auction here so, you know, that may be really a long term type of vision for the area eventually transitioning over to that type of use. And then on the east side of 95 another Neighborhood Center in this location. And I think I mentioned, not on the screen, the Leeland Station Urban Development Area transitions over to suburban land use. Consistent with what we've seen is kind of ongoing and how that neighborhood is developing out. And the Brooke Station UDA would transition to agricultural/rural. So those are kind of the highlights of the changes and I can get into more detail on anything you kind of need some direction or (inaudible).

Mr. Rhodes: So the key now is, are there any elements on those 3 maps that anybody remains uncomfortable with or thinks needs to be adjusted at this point that's not making final decisions per se but it's certainly giving staff the ability to go forward with a generalized degree of confidence so you can start working to get narratives to match up to this, start working with VDOT, looking at road and traffic impacts, so they can take the next steps of building this out. Please.

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Mr. Apicella: Well, first of all, I think you've done an awesome job. I mean, this is exactly what we talked about during the summer. My only... I'm not sure it's a concern... but what's the number that we're still trying to accommodate? Whether... I mean, I understand Urban Development Areas are no longer required, but we still have the objective of trying to accommodate the growth that is going to happen in Stafford County over the next 10 to 20 years. So, what number are we still thinking is likely to increase our population by?

Mr. Zuraf: Well, the UDA number was approximately 14,000 units so that's where removing that intensity in those areas we need to kind of... staff will work to evaluate okay, what's the build-out then if you don't have those UDA intensities.

Mr. Apicella: So the 14,000 is all new growth or just the new growth that we wanted to target within the what was the Urban Development Areas?

Mr. Zuraf: UDAs, yeah...

Mr. Apicella: So there's additional growth beyond that that would naturally occur in the rural areas of the County and other places (inaudible).

Mr. Zuraf: Yeah, the 20 year projection was 28,000.

Mr. Apicella: Okay, so about half, or basically half of what we were expecting. So, when I look at the map and I see that half of it, rightly so, is commercial/industrial along the Centreport area, north and south, east and west, and the highest intensity that is being proposed now is in the Courthouse area, and so that would be the most intense. The next level would be the Neighborhood Centers, and then the suburban. Based on your knowledge experience, would this construct based as it's laid out accommodate the 14,000?

Mr. Zuraf: I think it will. I mean, I know the old plan really... the current plan with the concentration in the UDAs I think left a lot of room to grow in the suburban areas, and so maybe more of that growth now will happen and will get absorbed in the suburban areas inside the Urban Service Area. But I think we should be fine. But again, we just need to crunch the numbers to see.

Mr. Apicella: Well, it's the same topic. If I were Joe... you know, Joe Developer is out there. He's thinking about hmmm, Urban Development, whatever you call it, target area, Urban Development, and he's looking at the Stafford map, is it going to intellectually be apparent to him well these are the places I should focus on in trying to come up with a proposal. Because what I'm really seeing is The Urban Development Area that's being proposed is really the Courthouse Area and the other areas are something less than that. So we've really confined the opportunity for someone to come in, or several folks to come in and steer the growth in a more concentrate. We still now are kind of pushing it out, maybe not in the outer reaches of the County, but within this targeted are. It's going to be in a lot of different places.

Mr. Zuraf: Yeah, it creates nodes and the Neighborhood Centers still are going to have a density that to be able to support apartments and townhouses, you're still going to have a good...

Mr. Rhodes: Neighborhood Centers.

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Mr. Hirons: Yeah, and another point with Neighborhood Centers, the UDAs, they had a narrative that went along with them and it had very specific numbers of dwelling for each of the UDAs. We don't envision this, each of these neighborhood areas are going to have necessarily specific numbers that we're going to call it a narrative, but potential.

Mr. Zuraf: We can keep it general. We could be specific. We could...

Mr. Harvey: It depends on how the Commission wants to do it.

Mr. Hirons: Okay. Personally, I think it should kind of be a potential number but not really be targeting a number and ensure that all of the areas can fit in that 14,000. Allow it to be flexible enough to move from area to area.

Mr. Rhodes: Wouldn't this envision then subsequent policies that are encouraging certainly the Courthouse area but also the Neighborhood Centers as well for that 14,000, right?

Mr. Zuraf: Yes.

Mr. Hirons: As a whole.

Mr. Rhodes: As a whole.

Mr. Hirons: As a whole and not looking at Courthouse (inaudible).

Mr. Rhodes: I perceived, Steve, I perceived that you were concern that the intent is that all the policies and approaches would be to try and drive that 14,000 only to the Courthouse Area... that that's the way you took it.

Mr. Apicella: No, I'm not taking it that way (inaudible).

Mr. Rhodes: Oh, okay, okay, I'm sorry... I misunderstood.

Mr. Apicella: I'm just not quite sure that... we've really got to help people understand what the Neighborhood Center is and what the range of possibility might be there in terms of the number of development units. Because, what I'm seeing is 1, 2, 3, 4, 5, 6, 7 neighborhoods and I'm just not quite sure that those...

Mr. Rhodes: Right. So how about this... maybe, what I think, because again once we give them a general consensus that this is capturing it, they're going to start working to better reflect this in narrative and other form. So, maybe part of that is ensuring that as we talk about... we're talking about a targeted growth area, which is a big area. It's a lot of stuff in here, which is including focuses of development for this 14,000 in both the Courthouse... the Courthouse Area which has its own development plan associated with it and then as well as the Neighborhood Centers, or some narrative that helps to call that out, that it's all these areas that are being targeted in this targeted growth area, right?

Mr. Apicella: I guess part of what would help me, and it's obviously not easy to do on a small map like this, because I remember long ago doing the Comp Plan Steering Committee, one of the things we

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were looking at is what's already there. You know, and how does that help or conflict with what we're trying to achieve. So when I look at these neighborhoods, in the next generation of a product, or a product you can give us is within these neighborhoods, what's there now...

Mr. Rhodes: Or already approved.

Mr. Apicella: ... or already approved. I'm just looking again, trying to optimize and maximize our opportunity here. When I look at the two where you have the 630, you know, circle. What's in between there? So, you've got one Neighborhood Center on the right hand side, my right, and another Neighborhood Center on the left, and then you've got suburban in the middle. Is there a reason why? I'm not saying that's good or bad, I'm just wondering, you know, are there other places that... because you talked about a long term plan for the Southern Gateway area for the next 10 years these areas may already be building out suburban but maybe over a 20 year cycle or longer we want to move those to be more intense than what they are today. So I'm just asking to take a step back and see, you know, not that something got missed but what are some other opportunities here.

Mr. Zuraf: And what we can do is show, superimpose this map over and create a transparent over top of aerial photographs to kind of see, and that's kind of how I went through because certain areas you have established where it's yellow are kind of established older neighborhoods where you don't really see... they're not going to go away so why recommend something higher intensity when it's established. A larger lot neighborhood maybe but it's not going to go away anytime soon. So we kind of focused on where the underdeveloped larger properties that may have that potential.

Mr. Rhodes: So, part of the story may be, like you said, superimpose this on actual aerials and then another one is superimposing over this maybe the already approved development that exists, because that might help connect the pieces together and the areas together by seeing that. Okay, those are great points.

Mr. Zuraf: And the big part in the north is Embrey Mill. There's a lot of that.

Mr. English: What about the Brooke Station? Should that be taken out of that equation because it's kind of off and not even any water/sewer?

Mr. Zuraf: That was one of our recommendations.

Mr. English: So you're going to take it out?

Mr. Zuraf: Yes.

Mr. Gibbons: Yeah, because you don't have good sewer and water.

Mr. English: And then Eskimo Hill will be taken out also, right?

Mr. Zuraf: Yeah, that changes over to Business and Industry.

Mr. English: Okay.

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Mr. Rhodes: Other thoughts? Those are good inputs and good ideas for how we frame this. So, with those ideas to consider and incorporate, I think this very well reflects and captures the dialogue that we've had over the summer months. And so we can use this to frame this out, build the shell around it in a little more detail, get the impact studies, work with VDOT and others as you model it through. I don't know thoughts yet about some kind of a public session for inputs in addition to public hearing, but I think as you come iteratively when you think you've got the next evolution of the product, maybe we'll be in a better state to be able to start thinking about do we want to do a public sensing thing and/or get ready to start doing for public hearing.

Mr. Zuraf: Right, good.

Mr. Rhodes: Okay, great.

Mr. Zuraf: Thanks.

Mr. Rhodes: Wonderful; thank you very much Mike.

Mr. Zuraf: Thank you.

Mr. Rhodes: Okay, so that takes us to no New Business, so Planning Director's Report.

10. Discussion of Public Notification Requirements **(History: Deferred on February 13, 2013 until further information from staff)**

NEW BUSINESS

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. My report's fairly limited tonight.

Mr. Rhodes: You're a good man.

Mr. Harvey: Just to remind the Commission, we do have a joint public hearing and now a special meeting scheduled for next Tuesday, October 1<sup>st</sup>. Just a reminder, during the joint public hearing aspect, the Board will have opened its regular meeting and then invite the Commission up for the joint hearing. So, there will be additional information provided to you all about seating and protocol as it becomes available.

Mr. Rhodes: So, if I could ask and maybe we don't have the answer right now but it will be helpful to know at some point even if just a brief email, Ms. McClendon, how that works. So you said they'll open it up, we'll do the joint public hearing, then they're going to go back and do some other business, right? After that? Or is that all they're doing?

Ms. McClendon: No, that's correct Mr. Chairman. Right now the joint public hearing is scheduled for the first public hearing of the night and then the Board will continue on with its agenda after that.

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Mr. Rhodes: Okay. So, but to dispose of that public hearing or whatever is going to happen, do we have to then act as separate bodies? So we have to decide to defer or act or forward or recommend something forward...

Mr. Gibbons: You take your vote first Mr. Chairman, and then the Board takes your recommendation and then they vote on it.

Mr. Rhodes: So, after the public hearing has been conducted, we kind of take charge of the dais for a moment?

Ms. McClendon: Actual logistics are still being worked out with our office and the County Administrator's office, and we're going to provide the Commission and the Board guidance prior to the meeting.

Mr. Rhodes: I mean, that's what I would envision. I would envision there's something where we... because we have to take some dispositive action whether it's to defer it further discussion at our next meeting, whether it's to make a recommendation forward, or something, and then they're going to have to take a dispositive action. Then we get the hell out and they are back to the rest of their meeting, right?

Ms. McClendon: That's correct. There will be actions and motions, but with regards to (inaudible).

Mr. Rhodes: More to follow.

Ms. McClendon: Yes Mr. Chairman.

Mr. Rhodes: Okay, super. Thank you.

Mr. Gibbons: The last time they had one it didn't work out very good.

Mr. Rhodes: I remember I sat over there... it was kind of interesting.

Mr. Harvey: Mr. Chairman, that concludes my report.

Mr. Rhodes: Very good. County Attorney's Report?

COUNTY ATTORNEY'S REPORT

Ms. McClendon: I have no report at this time Mr. Chairman.

COMMITTEE REPORTS

Mr. Rhodes: Committee Reports... I don't think we have any hanging out there. Chairman's Report, nothing in particular. As we know, the news had another horrible event in this nation last week and part of our military family is hurting. Fort Hood, a few years back, killed and injured many military in uniform. This one was an event on a military base but it killed and injured mainly civilian members of the Defense Department. But keep those families in your hearts and prayers. Other Business... TRC, I think we've got one coming up, and I believe it yours, right? So, just need to work and confirm the

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times. They usually start those at 9 unless you ask otherwise. Okay. No minutes. Anything else? I'm sorry, I thought we'd get out of here earlier but we did get out before 10; I mean, that's something. Thank you very much, we are adjourned.

CHAIRMAN'S REPORT

OTHER BUSINESS

11. TRC Information – Meeting October 9, 2013

APPROVAL OF MINUTES

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:42 p.m.