

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**October 23, 2013**

The Special Meeting of the Stafford County Planning Commission of Wednesday, October 23, 2013, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Rhodes, Hirons, Apicella, Coen, English, Boswell, and Gibbons

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, and Zuraf

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualification concerning any item on the agenda this evening? Now move to public presentations. If any member of the public would like to speak on any item this evening, they may come forward and do so at this time. Any item except for... well, there is no public hearings. Yes, any item.

PUBLIC PRESENTATIONS

Mr. Waldowski: Dale Gribble alias Paul Waldowski. Happy Halloween. Above the fold, trouble development region, plan dies. Undeveloped downtown areas, UDAs are next. Obamacare should have died when the 57 Democrats, two Independents, along with the late Republican Senator from the Commonwealth of Pennsylvania, Arlen Specter, became vote number 60 in the US Senate. Yes, even for those of you who have Democratic hope, prohibition lasted 13 years and was repealed on December 5, 1933, with the 21<sup>st</sup> amendment replacing the 18<sup>th</sup> amendment to the Constitution. Recently, the socialistic 288 units by one, and only one, applicant, HH Hunt and Old Potomac Church, LCC, giving land to the 20<sup>th</sup> century college named Germanna. Who is Germanna? If you're not a Virginian, I don't think you know who they are. Yet Stafford Meadows has 209 units without a County water and sewer bill for its owners, plus the subdivision is in dire need of being placed on the Utilities' CIP. Like the Roosevelt Plantation, where they spent \$1,164,777 for just 104 lots. That's must have been in Rockville. Where's our Proclamation? It's just amazing that if Al Gore didn't invent the internet, I would have never figured out that you could be a Planning Commissioner and on the BZA. It's just like going to a lawyer's office; they're supposed to check if there's a conflict of interest in case you might have a client where it could be on the other side of something else.

Mr. Apicella: Mr. Chairman? I think the speaker is out of line.

Mr. Rhodes: He's confused but, no, that's okay.

Mr. Waldowski: I have the right to independently speak.

Mr. Rhodes: You may address the Board.

Mr. Waldowski: Thank you.

Mr. Rhodes: Or the Commissioners, excuse me.

Mr. Waldowski: Thank you. Voters select politicians. Politicians don't select voters. You all are starting to feel the effect of the gerrymander districts. In fact, some of you, it's come to my attention, don't even live in

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the district you're representing. So maybe we need to have northeast, northwest, southeast, southwest, and a chairman. That would save the taxpayers a whole bunch of money. And I'm going to close with a Chinese cookie fortune that I came because they must have thought that I was collecting the \$10,000 stipend: Plan your work and work your plan. You've been doing that for 22 years.

Mr. Rhodes: Anyone else?

Mr. Waldowski: Don't interrupt me again Apicella.

Mr. Hirons: The Commission will stand at ease until the Chairman returns.

Mr. Rhodes: Excuse me. We will now move on to Unfinished Business, item number 1, COM1200323, Comprehensive Plan Compliance Review, Clift Farm Quarter. I would just highlight that we do need to take dispositive action on this item this evening. Mr. Harvey.

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

1. 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) (Deferred on August 14, 2013 to September 11, 2013) (Deferred on August 28, 2013 to September 25, 2013) (Deferred on September 25, 2013 to October 9, 2013) (Deferred on October 9, 2013 to October 23, 2013)**

Mr. Harvey: Thank you Mr. Chairman. Mike Zuraf will give the staff update.

Mr. Zuraf: If I could have the floor computer please. Good evening Mr. Chairman, members of the Commission. I want to provide a quick summary of the proposal even though we've kind of gone over it a few times, but just to refresh everybody's memory. This item is a request for Clift Farm Quarter. It's a request for a determination of compliance with the Comprehensive Plan to extend public sewer outside of the Urban Service Area. The proposal would extend public sewer to serve 108 future single-family lots. Those are the number of lots outside of the Urban Service Area. It's part of an overall cluster subdivision of 196 total lots. The proposal that we had received represented 1-acre lots. But we will note that on September 17<sup>th</sup> the cluster Ordinance was amended to require 1½-acre minimum lot sizes, so there would be probably a reduction in the ultimate number of lots that would be allowed should this get approved. Here's the layout of the project. The green line towards the bottom of the screen identifies the location of existing sewer line that the subdivision would tie into. The blue line through the middle of the site basically follows Eskimo Hill Road and waterlines would stub off of that waterline into the proposed neighborhood. Actually, through our Utilities Ordinance, the project would be required to connect to water given this situation. The Comprehensive Plan designates this property, the property inside the Urban Service Area, to the left of the red line that bisects the site, to the left of the red line. The red line is the Urban Service Area, to the left west is an Urban Development Area, the Eskimo Hill Urban Development Area, and to the right is park land. The property is part of a recommended Urban Development Area with a specific number of apartments and townhomes and single-family homes of a higher density. The applicant previously requested a rezoning to the TND Zoning District. That request is currently on hold in front

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of the Board of Supervisors and subsequently they've submitted a cluster plan which is being considered on the same property. With regards to the Comprehensive Plan, there are policies within the Comprehensive Plan that do not recommend the extension of public sewer outside of the growth area without there being documented risk to public health. So other policies in the Comp Plan also though do recommend and encourage cluster development in rural areas. The proposal, there was a public hearing on June 26. At that time staff did recommend approval. The Board at that time tabled the case to July 10<sup>th</sup> to seek additional background information. In the meantime, also, the Board did grant the Planning Commission an extension to October 31<sup>st</sup> to continue their decision. And then also, after the July 10<sup>th</sup> meeting then the Planning Commission tabled the case to August 14<sup>th</sup>. We provided more sewer capacity information in this area. The case was then tabled to September 25<sup>th</sup> to await results of pending litigation. And prior to that meeting the litigation was undecided and there was a trial date actually set for the early part of January of 2014. And hearing that, the Planning Commission did table to case again requesting the Board consider an additional extension till a point after the January trial. But the Board, at their last meeting, did not approve that extension request so this would be the last chance the Planning Commission has to make a decision on this case. And I'll take any questions at this time.

Mr. Rhodes: Questions for staff?

Mr. Hirons: Mike, did the Board take action... did they actually take action on our request or did they not bring it up at all?

Mr. Zuraf: They did not take a vote. They did not take a vote on the request.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: You mentioned the issue of clustering and the Comp Plan permitting clustering. There's nothing about... if the Comp Plan Compliance Review is not approved in this case, there's nothing that would preclude them from doing clustering.

Mr. Zuraf: They could still cluster, yes.

Mr. Apicella: And as I recall, they gave us a handout, their attorney gave us a handout at the last meeting that showed us an alternative that they might be able to achieve a cluster subdivision.

Mr. Zuraf: Yes they did.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Okay. Yes Mr. Gibbons, please.

Mr. Gibbons: They didn't take a vote? The Board did not vote?

Mr. Zuraf: I believe they discussed it. I'll ask Mr. Harvey to ask with this.

Mr. Harvey: Yes, Mr. Gibbons, the Board did discuss the issue but did not take action on the resolution.

Mr. Gibbons: I thought they had to vote up or down?

Ms. McClendon: No Mr. Gibbons, I believe the Board was advised that if they decided not to take a vote, they would be inherently denying the request and the Planning Commission would have to act by the 31<sup>st</sup> of October.

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Mr. Rhodes: Okay.

Mr. Gibbons: I don't understand that one but that's alright. I've got the book here; I'll have to read it (inaudible - microphone not on).

Mr. Rhodes: Any other questions for staff? Okay.

Mr. Hirons: Mr. Chairman?

Mr. Rhodes: Yes Mr. Hirons.

Mr. Hirons: I'd like to make a motion to deny COM1200323, Comprehensive Plan Compliance Review, Clift Farm Quarter.

Mr. Apicella: I'll second that motion.

Mr. Rhodes: Okay, motion for denial by Mr. Hirons, second by Mr. Apicella. Any further comment Mr. Hirons?

Mr. Hirons: Well, this has been in front of us several times now and I think the, kind of the will of the Commission has kind of been expressed a few times. The Comp Plan is fairly clear here in my mind that there is no real reason to extend water and sewer across into the adjoining property. The USA line is established for a reason and it's established in accordance to the Comp Plan and there's no reason to set a precedent here to extend the water beyond the USA in this case.

Mr. Rhodes: Okay. Further comment Mr. Apicella?

Mr. Apicella: Mr. Chairman, the matter in front of us is not about whether or not this property should have a cluster. Instead, it's to determine whether or not the request is or is not in compliance with the Comp Plan. I gave my reasoning at the last meeting for agreeing with the motion to deny. I stand by that same analysis. I would just summarize by saying that there are specific criteria in the Comp Plan for extending water and sewer, and it's contingent upon there being a demonstrated risk to health and safety that was not supported in this particular case. I (inaudible) the applicant's not here today. The bottom line is I do not believe it's in compliance with the Comp Plan; that's why I'm supporting this motion to deny.

Mr. Rhodes: Okay, very good. Any other comments by any other member?

Mr. Coen: Mr. Chairman?

Mr. Rhodes: Yes, please Mr. Coen.

Mr. Coen: And being sort of new, I'll beg peoples' indulgence. I too sort of feel odd about this. If memory serves, four of us were serving on the Comp Plan Steering Committee when we started this many years ago. And one of the first things that happened was one of the University professors came and explained to us the theory of a Comp Plan, the idea of having the growth area, the idea that if you want to change it you amend it, and the idea that it has to be a compelling need. And this clearly... also the element was you don't try to change the Comp Plan so early into the Comp Plan. I mean, it's only a couple years old. And so, I have a really hard difficult idea of view of changing the Comp Plan to expand the Urban Service Area so quickly after it was adopted without the compelling need that is spelled out. I sort of feel awkward that we're not going through the formal amending process as well. It's clear they could do the clustering without this parcel so that's not, and I'm also concerned with the precedent that we would set. In looking back, to do research, at the minutes from

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6/26, it was reported that in 2005 there was an expansion of the Urban Service Area and with the inference being that we can do this. And the concern I have is that 2005 was the tail-end of that Comp Plan. It wasn't the very beginning of a Comp Plan. And in all that, there wasn't any great delineation as to what the compelling need was to expand it. And my concern is that if we were to approve this, what will be in the mind of future developers is, on October 23, 2013, the Planning Commission approved expanding the Urban Service Area. And that's what would go forward. If you're looking at this and saying, well, this is only for X number of parcels of Y or Z specific reasons, that won't forward. What will be the precedent is moving the Urban Service Area this soon into the Comp Plan with not doing it through the formal amendment process. So I again support denying this. Thank you.

Mr. Rhodes: Very good. Are there any other comments by any other member? I, too... I'm going to come at it a little differently so I'll confuse things. But I believe that we have done a pretty good job of staying fairly consistent with the application on our Comp Plans and Comp Plan Compliance Review. We've had a few instances, and I can think of 2 in the past 8 years that I know that just were awkward to me. And this one here, it's not the full sewer and water but, I mean, it's a partial on a partial and I've just been kind of struggling with that as we've gone through this for a while. And I'm actually going to vote against; I'll be in the minority but I'll vote against the motion. This one just starts to get about that 51%/49% that maybe it draws over the line where we have to do a little more qualitative than quantitative in the process, but certainly I respect all the opinions of all that have been stated here. And we'll go ahead and call for the vote then on the motion for COM1200323, the motion to recommend denial of the Comp Plan Compliance Review, Clift Farm Quarter. All those in favor of the motion signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: And any opposed? Nay. So it passes... the motion to deny, to not approve, passes 6 to 1. I think I said that right.

Mr. Gibbons: Can I ask one clarification?

Mr. Rhodes: Please.

Mr. Gibbons: I'm trying to... I know Rysheda said but if the Board takes no action, what does that signify?

Ms. McClendon: With regards to the Planning Commission's request for the extension? Is that your question?

Mr. Gibbons: What's that? I can't hear.

Ms. McClendon: I'm sorry... with regards to the Planning Commission's request for an extension if the Board takes no action? Is that your question?

Mr. Gibbons: We went to the Board for approval...

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Mr. Rhodes: We asked the Board for an extension.

Mr. Gibbons: Right, and the Board didn't vote on it.

Mr. Rhodes: Yes.

Ms. McClendon: Right. Basically, the Board only had to take an affirmative vote on your request. If the Board did not take a vote, it means that they want you to act by the deadline that was already imposed. The Board was advised that they only had to take a vote if they wanted to (inaudible).

Mr. Gibbons: When you get a chance, put that down there, jot it for me.

Ms. McClendon: Sure.

Mr. Gibbons: Because you're saying they passed it, they passed by it. Is that the code?

Ms. McClendon: No, I'm saying that the Board was advised by either the County Attorney or the County Administrator that they did not have to vote on the Planning Commission's request. They only had to vote if they were going to give a resolution extending the time.

Mr. Gibbons: Okay, thank you.

Mr. Rhodes: So, because there was already a deadline, by not taking any action they were leaving the deadline. They only had to take action if they wanted to extend the deadline.

Ms. McClendon: That's correct Mr. Chairman.

Mr. Rhodes: Alright, very good. So, that's item 1 and we are now moving onto item number 2, the Proffer Guidelines. Mr. Harvey?

2. 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) (Deferred on September 25, 2013 to October 23, 2013)**

Mr. Harvey: Thank you Mr. Chairman. May I have the computer please? As you recall, in September of this year the Commission had an extended discussion about proffer guidelines and made some conclusions and asked for additional information from the staff. In particular, a conclusion that was held was that the Commission felt that Alternative B was the desired methodology for calculating monetary proffer contributions. Alternative B takes a look at the costs to the County based on our CIP for new infrastructure, and also uses the student generation rate based on our observations of student attendance from new neighborhoods. The Commission also asked staff to highlight pros and cons of the debt service credit concept analysis of by-right credits for by-right development. Also, they asked for information about Chesterfield County and their proffer collections, and asked for information regarding what the County has accepted per unit for proffer contributions. The being that possibly what our guidelines are versus what we're collecting may be different. Also, the Commission asked for information on the number of building permits that were issued in the past year that paid proffers, and also the percentage of homes constructed outside the Urban Service Area. This is Alternative B that we discussed at the last meeting. We have, for single-family homes, a total of almost \$42,000 per dwelling, for townhomes close to \$21,000, and multi-family \$20,500. And also, in the far right column, you can see what the effect of a debt service credit would be. It would reduce the total monetary proffer guidelines. The new

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student generation overall had an average of 1.1 students per household, but when we looked at the new neighborhoods single-family generated a high number of 1.31, townhomes were .56, and multi-family were .61 students per household. Regarding the debt service credit, staff could readily identify the pros and cons. The pro is that in some respects it's considered double payment towards capital projects. Part of everyone's real estate tax bill goes towards paying a portion of the capital budget which is part of the overall general fund budget. As a con, some Commissioners rightly pointed out that the tax payments that you pay go towards projects that have already been approved where we've incurred debt on and we're paying off, and/or projects we already have in our CIP that we're going to pay potentially with cash. So, it could be held that the taxes being paid are servicing improvements that were already approved prior to the house being built versus what's going to be needed once the house is built. So, staff will need some guidance from the Commission on how the Commission views the debt service credit, whether it should be retained or not. With regard to by-right credits, we've provided an example of how the different rates for the credits may work. The Commission asked us to come up with percentage rates of 25, 50, 75 percent and how it would affect the overall dollars collected for an individual project. So we looked at a hundred acre tract of land assuming it was zoned agricultural which would allow 3-acre lots. When you assume that some land is taken out for roads and other not buildable areas, we estimate you typically see about 10%. So that would take us down to about 90 acres which would be approximately 30 lots. So out of that hundred acres, if it was zoned R-1, they could by the zoning achieve 150 lots at 1.5 units per acre. So, if you take the 150 lots and you count 30 by-right units, you can see from the table what the effects are. With the 25% credit for the by-right, it reduces the proffer total collections by about \$200,000, maybe a little over \$200,000. If it goes to 50%, it drops it down another \$300,000 and etcetera. So, looking at the percentages, in this particular example when you looked at a 25% credit it reduced the total proffer collections by 5%. If you looked at a 50% credit for by-right units, it would reduce the overall collections by 10%, 75 is 15, and 100 was 20. Now that number is going to vary depending upon the number of total dwelling units that are in the project and also the number of by-right units that would be on the base zoning as it exists prior to rezoning. So there is a substantial effect that can be seen depending upon what percentage of credits given for by-right development. The Planning Commission's proffer guidelines committee had recommended that we use 25% credit as the benchmark. And that's a policy decision that the Commission would take forward. There's no real math or science that I'm aware of behind what percentage of a credit to give for someone for by-right. With regard to Chesterfield County, the Commission asked for information and wanted to know how many proffer dollars they collected. We've provided information about the last 13 years of proffer collections and basically their average proffer collection per year is about \$4.9 million. When you look at Stafford and compare that to Chesterfield County, we are much lower; we're only collecting \$762,000 per year on average over the last 10 years.

Mr. English: Mr. Harvey, that's a flat rate that Chesterfield's doing, right?

Mr. Harvey: Correct. Chesterfield County has a maximum proffer dollar amount of \$18,966 per dwelling unit. They have a formula that you could calculate the proffer dollar figure to be higher than that based on certain conditions, but they set a cap.

Mr. English: So that's on just a multi-family. What about townhouses and apartments?

Mr. Harvey: That's for all dwellings.

Mr. English: Straight up.

Mr. Harvey: That's the maximum amount. Now you may have some dwelling unit types that would generate a lower number based on the calculations, but you could also generate a higher number and it would be capped at that amount. Also, staff had talked to, from our County, talked to their staff about the purpose behind that and they indicated that their Board of Supervisors felt that that was more of an incentive for people to rezone by having a more moderate rate for the proffers, because a high rate for proffers could be considered a disincentive

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when a developer's weighing the advantages and disadvantages of applying for a rezoning... because with by-right development there are no proffers being paid. They may achieve fewer dwelling units but they can go through the system faster since they don't have to (inaudible).

Mr. Gibbons: Can I ask a technical question? Mr. Chairman?

Mr. Rhodes: Yes please, I'm sorry Mr. Gibbons.

Mr. Gibbons: Okay, I don't know the zoning map for Chesterfield but they're roughly what, a hundred, hundred and forty thousand more in population than we are today? Are they in the 200,000 range?

Mr. English: They're probably more than that.

Mr. Harvey: I believe they're close to 300,000.

Mr. Gibbons: Three hundred thousand. And I thought that most of the County was zoned? It wasn't a lot of rural or open agriculture?

Mr. Harvey: Mr. Gibbons, I don't know the details about their zonings.

Mr. Gibbons: So I think that that would affect why somebody would get more proffers than a county that had a lot of land that's in a rural area, by-right, this 1.3. I'm not saying that you didn't do the comparison right, I'm just saying I'd like to see the map of it sometime.

Mr. Apicella: Mr. Gibbons, I'm trying to follow your logic though. You only get proffers if you do a rezoning, so how would that make difference what's (inaudible)? Based on current zoning, that would be by-right so they wouldn't be getting any proffers. But they're getting proffers because they're rezoning.

Mr. Gibbons: Yeah, but I don't know if they got like a rural rezoning, where they're going from rural to multi-family or whatever it is. I'm seeing where you're coming from.

Mr. Apicella: Why would you rezone in a rural area to multi-family where there's not a lot of infrastructure?

Mr. Gibbons: I just want to take a look (inaudible).

Mr. Apicella: I'm with you. I'm just trying to thin through... sorry, didn't mean to...

Mr. Gibbons: Oh, no, you're right.

Mr. Rhodes: Mr. Hirons?

Mr. Hirons: Well, I'm not sure if... it looks like it's telling us something but I'm not sure if this data is actually telling us anything. What... how many rezonings did Chesterfield have during that period and how long a period are we talking about here that we're comparing the 4.9 to the 760,000?

Mr. Harvey: That's a 10 year average.

Mr. Hirons: Okay. And during that time, were our rezonings and a number of added dwelling units about the same as Chesterfield or...?

Mr. Harvey: I don't know, I'd have to research that.

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Mr. Hirons: I think that's what I'm missing here is Chesterfield may have had, you know, 80% more rezonings than we did. So I don't know what that \$4.9 million in proffers is telling us compared to our 762. Again, not trying to be critical of the work because I know you guys put a lot of effort into it, but I'm concerned that's not really giving us an accurate picture... although I understand the theory behind it.

Mr. Apicella: I think the point is you don't get an proffers with a by-right, zero, versus you get a rezoning you're going to get something.

Mr. Hirons: Right, but...

Mr. Apicella: Whatever that dollar figure is...

Mr. Hirons: ... but we're trying to get the comparison of incentive of that flat rate as opposed to our variable rates.

Mr. Apicella: I think the point is the flat rate is much lower than what our upper rate is.

Mr. English: Yeah, but you're getting more money out of it, it looks like, other than doing a flat rate.

Mr. Apicella: I guess my question would be, from a developer's perspective, because this is based on economics, would they prefer to go with by-right with a limited number of units and no proffers, or would they prefer volume and paying some proffers? Wouldn't they, in the long run, potentially make more money by... because, if you're taking a piece of land and you put 10 units on it, you're going to make a certain amount of money; if you put 50 units on that same amount of land you're going to make more money because of the economy is a scale and not having to build much more infrastructure on that same parcel. So, again, I'm just trying to understand the dynamics of if we're trying to figure out a way to incentivize more revenue for the County based on development, which would be the smarter path... at least in terms from a developer's perspective and in terms of building units?

Mr. Harvey: Mr. Apicella, from what you described is the same thing I've heard from developers over a number of years is that it's a matter of economics and if you add more lots you may be able to absorb the proffer cost depending upon the type of house you're trying to sell, what the profit margin is with that type of house. And those are things that are outside the County's control. But that goes into some of the decision making process whether to rezone or not. Based on the number of lots you anticipate yielding the cost of the houses, you anticipate infrastructure costs plus your proffer fee, pro rata fees, and all those other things that go in with normal development. So, most developers go in with the mindset that they have to for corporate reasons because there's a certain amount of profit and if they can make it pencil out, the rezoning may be something that they can pursue. If not, they'll choose a by-right option.

Mr. Apicella: Thank you.

Mr. Gibbons: So can I ask...

Mr. Rhodes: Yes, please Mr. Gibbons.

Mr. Gibbons: Jeff, I forgot one of my charts at home but you said of the 800 and some units this year, how many are in the growth area and how many were out?

Mr. Harvey: I was going to get to that in a moment.

Mr. Gibbons: I'm sorry.

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Mr. Harvey: No problem. The Commission also... well, let me back up with Chesterfield County, they also are looking at an amendment to their current flat rate policy and specifically looking at allowing the proffer dollars to float based on the construction cost index. We had that in our current guidelines and also in the proposed draft. What that means is if you commit today for a certain dollar figure, if inflation affects the cost of construction, your proffer contribution would go up to try to meet the cost of inflation. Likewise, as we saw in the economic decline, if you have a reduction or deflation, your proffer contribution could actually drop. So, it's intended to keep pace with the actual costs for the County to build capital facilities. The Commission also asked staff to take a look at the rezonings that we've had over the last 5 years and look at the per unit contribution. And I've outlined it here in this chart. In particular, you can see there was a fairly limited number of projects in the last 5 years; there was also a fairly limited number of dwelling units. The most recent one is Abberly which is the top of the list. When you look at their per unit contributions, it's \$8,434 for 288 multi-family units. Now this chart does not reflect any lump sum payments or other in kind contributions; it just strictly looked at the per unit contribution. Because some developments have proposed credits like Abberly and some others in their proffers to go against the monetary contribution per unit, most times they try to provide in their impact statements an explanation as to how you can get to the County's desired proffer number based on the credits that they're asking for. But currently our policy doesn't have any specifics on how you accept credits and that would be something with our new guidelines is to set forth what's acceptable and what's not acceptable for a credit. Of the projects that are on this list, if we were to apply the current guidelines that we're looking at, we would find that 2 projects seem to be in excess; and that was Fox Chase Townhomes, which would exceed the new guidelines we've been discussing. And I guess Westgate was right on track as far as around \$38,000, depending upon whether they got a credit or not for the debt service.

Mr. English: You've got Stafford Nursing Home in here. Can you explain why a nursing home is in there?

Mr. Harvey: Correct. That project had multi-family housing for retirees, so it was for the age-restricted multi-family housing.

Mr. English: Just apartment... sort of apartment kind of setup is what you're saying?

Mr. Harvey: Yes.

Mr. English: Assisted living type?

Mr. Harvey: Well, these proffers would not apply to assisted living units, just regular multi-family retirement units. Also, looking at the building permits, and getting to Mr. Gibbons' question, in the last fiscal year we had 161 out of our 852 dwelling units paying proffers, which is roughly 19% of the total dwelling units are paying proffers. And as far as keeping track of where we are in relation to our Comprehensive Plan, our Comprehensive Plan says our goal is to have 80% or more of our growth within the Urban Service Area. When we look at the permits that were issued for development outside the Urban Service Area for the last 2 years, we find that we're close but not quite meeting our goal. There's 26% or 74% of our growth occurring in the Urban Service Area with 26% out in 2012. In 2014... excuse me, 2013... there's 24% occurring outside the Urban Service Area which would equate to 76% occurring inside the Urban Service Area.

Mr. Apicella: Mr. Chairman, I'm curious if that more recent trend is consistent with what we've experienced in the past. I thought we had a greater imbalance in years prior to this.

Mr. Harvey: I have to go back and take a look at previous years to get a better bead on that. Well, as far as next steps, the next steps would be for the Commission to determine whether or not to use the debt service credit, determine to use and if we do use a by-right credit and at what percentage, determine if there should be a maximum dollar contribution for proffer guidelines. After those decisions are made, staff can go back and

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incorporate the recommendations into a finalized document. We'd bring the finalized document back to the Commission for your November 13<sup>th</sup> meeting which the Commission could authorize a public hearing.

Mr. Rhodes: Could you go back, Mr. Harvey, to the slide associated with your discussion on debt service credit?

Mr. Harvey: Mr. Chairman, do you want to see the actual proffer guideline with debt service?

Mr. Rhodes: Do you have that?

Mr. Harvey: I do. Here we go.

Mr. Rhodes: That's right; that's the one. And the debt service credit is different for each type, right?

Mr. Harvey: That's correct.

Mr. Rhodes: So it's approximately \$4,000 for single-family, \$2,300 for townhouse, and \$500 for multi-family.

Mr. Harvey: Yes.

Mr. Rhodes: And can you talk through the debt service credit one more time? The logic? If it were applied? Or how it's calculated?

Mr. Harvey: The debt service credit, and I'll have to try to remember exactly how... it's been a while. Usually I rely on the Finance Department to help me with that. My recollection was it looked at the percentage of the tax bill that would be paid towards the capital budget. And look at that in relation to the assessed value of the house, the typical house, and then project that over a 10 year time period. And there's a 3%... and I forget the term now... a 3% rate that's applied to that and that's how they come up with the number. I'm sorry I'm not giving a very thorough explanation.

Mr. Rhodes: I was just trying to remember how they did it. So... yeah, Mr. English.

Mr. English: When you say capital, you say the capital improvements budget? Is that what you're saying? CIP?

Mr. Harvey: Yes sir.

Mr. Rhodes: And then, in addition to these numbers, whatever it might be here, there's also the countywide transportation impact fee, right?

Mr. Harvey: Correct.

Mr. Rhodes: So that... of another... what is that amount?

Mr. Harvey: Two thousand, three hundred ninety-nine dollars.

Mr. Rhodes: Three thousand bucks, okay. Okay. So, again, staff needs... yes, please Mr. Gibbons.

Mr. Gibbons: I'm going to go back to a question Steven asked and then I'll go from there. But, a lot of counties had rezoned the whole counties so a few counties in Virginia have no by-right. So that's why I want to go back and look at Chesterfield, to see, you know, how many lots they had in the county that are available by-right. A

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lot of counties don't have it like Fairfax. But the other thing is, of what we have in place now, do we have the number of lots available broken up by what's by-right now and what is not? I imagine everything that you have on the books is by-right and to change the by-right to some other zoning, then it doesn't become by-right.

Mr. Harvey: Mr. Gibbons, I can, at a future date, pull up our subdivision list which shows all the active development projects, and we can highlight which ones have proffers associated with them and which ones don't.

Mr. Gibbons: Okay. Thank you. I mean, my concern is if we're looking at Chesterfield, which is a good one to look at, I just would like to know how the zoning map was. And then where did it drive... like Mr. Hirons said, where did they get most of the proffers? Was there any huge apartment complexes came in? Was there some big shopping center? So they might have had a Lego type industry come in.

Mr. Rhodes: Right. The \$4.9 million, was that just that one year or was that an average? Because the \$800-something was average, right? For Stafford County?

Mr. Harvey: They were both averages.

Mr. Rhodes: Okay, thank you. Over how many years?

Mr. Harvey: Ten.

Mr. Rhodes: Okay, thank you. Again, the key here is to give staff some direction on these last few major things so that they can try and get something in a form that we might consider for a public hearing.

Mr. Apicella: Mr. Chairman...

Mr. Rhodes: Yes please, Mr. Apicella.

Mr. Apicella: ... I have some questions and some comments. Kind of on the same lines as Mr. Gibbons inquired, I'd be curious to know by zoning category how many undeveloped lots there are in those various zoning categories. Also, what's the average or range of units built in the County annually. I know it fluctuates but if you could come up with an average number, that might be informative as well. I'd also like to know, from a staff's perspective, what are the pros and cons of by-right development versus the pros and cons of a rezoning? In taking a look at the data, this is kind of what I saw. And it may be different year by year but the information that the staff provided us... this is what I saw. Between 2012 and 2013, as Mr. Harvey indicated, there were 852 permits issued. Of that, 691 or 80% were without proffers; so, only 161 of the 852 were with proffers. So, we continue to have a lot of by-right development in Stafford County which means we're getting zero impacting the County without any way to offset the impact of that growth. I suspect that's probably not an anomaly? Of the 8 rezonings since 2009, including the ones that we most recently did, the total number of units that were approved was 1,219. The total amount of contributions we got out of those is \$13 million. So the average amount that we're getting per unit is \$10,665 per unit. Okay. So, contrast that with what's happening in Chesterfield where their view is... and I'm not saying we should do this per se but I think it's informative... their approach is to incentivize rezonings because, again, it brings in some money, whatever that amount might be. In their case, it's around \$18,900. I don't have the exact figure in front of me. But I calculated what that would be... what the County would have gotten if we had Chesterfield's approach. So we got \$13 million from the rezonings that were approved over the last 4 years, as compared to \$23 million if we had taken the Chesterfield approach and held to some kind of constant amount. So, I'm just... oh, and of the ones that were approved over the... the permits that were issued over this same period, 65% were single-family homes which have the most students, 19% were townhomes, and 16% were multi-family which have the least amount of students. Again, stepping back from where we've been, the County has, and perhaps rightly so, for a long

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period of time kind of given the stiff arm to rezonings. But what does that mean? There's a lot of lots in Stafford County that have not been built that are by-right, and if we keep going down that path we're not going to collect enough money, as I think data has shown, to offset the impact of that growth. We're going to keep going down the same vicious cycle of having more by-right units for years to come with a small number of rezonings that provide a modest amount of revenue for the County to offset that growth. We talked at the last meeting about, at a minimum, incentivizing growth in the Urban Services Area, and particularly urban development, or whatever we're going to call it, by having a reduced figure. So, from whatever number we come up with, whatever that number might be, some reduction from that amount to, again, incentivize urban type development. But I'm just wondering whether we ought to consider, in some way, shape, or form, the same logic that Chesterfield has. We're going to build and there's going to be a certain number of units in Stafford County every year whether we want them to or not. People will move to Stafford. And the question is whether the builders and developers are going to use by-right lots or whether they're going to pursue rezonings. And I suspect, again, if the average number is a thousand units per year, we probably have at least 10,000 lots that could be built on if not more than that. And I think when we were planning for the Comp Plan, I think the number was like 14,000 new families in Stafford over the next 20 years.

Mr. Harvey: That would be for the 10 year period. It was close to 29,000 for the (inaudible).

Mr. Apicella: Ten year period. So, I'm just wondering if we go down the same path or whether we step back and maybe reconsider what we've done and learn from history and kind of think about a way we can recoup the costs of growth that's going to happen regardless of whether we want it to or not, whether we try to put up road blocks or not, because we really can't... at the end of the day. That's just kind of my thoughts after looking at the data here.

Mr. Rhodes: Okay. Other thoughts or comments for staff? Yes, Mr. Coen.

Mr. Coen: Just to make sure I understand... on the debt service issue; so, for example, the reservoir which was built for future growth. If we don't include that into this because of the theory it's a double payment but we're actually... that almost disincentives us from planning for future growth. Does that sort of make sense? I mean, that if we say by having this as a double payment that they're paying for services that are already here, but something like a reservoir, or if we plan for something like the Board used to do with water treatment plants and stuff way back then, you're planning ahead. Then wouldn't it make sense to put that into this because we're planning for their homes by putting these things in or does that just completely make (inaudible)?

Mr. Gibbons: But sewer and water now, you pay for that when you get your tap...

Mr. Coen: Right. But, I mean, a big project... but the concept's the same.

Mr. Harvey: Yes, Mr. Coen, you are correct. I will caveat that sewer and water is probably not the best example because that's a separate fund, and from Stafford's perspective that would be in the Utilities Department CIP and Utilities fund CIP versus the general fund which every taxpayer contributes to. But your concept is correct to say, for instance with schools, the CIP has schools in it in anticipation of growth. So some projects that you're paying for with our tax bill are going towards debt service for things that have already been built, some of it's going towards engineering costs for future schools... it wouldn't be necessarily for the debt service on that school yet because you haven't drawn the loan to build the school yet.

Mr. Coen: Cool. And then, just so I understand, how flexible are these guidelines? I mean, is this a situation where we set a dollar amount what we believe but then if the developer says he wants to do something, it is some flex to it? And then, on the flip side of that, if you're giving them a 25% credit, is that going to be flexible or is that something that we would want to be hard and fast on when we create this?

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Mr. Harvey: Mr. Coen, proffer guidelines are just that... they're guidelines. They're a starting point for the discussion with the developer. It's ultimately up to the Board of Supervisors as to what proffers they approve with a rezoning, so the flexibility essentially lies with the Board. But it is a starting point; and also the guidelines that we are working on are an attempt to try to put some structure into the process as well.

Mr. Rhodes: Other questions for staff? Do we feel able to give feedback to staff on the open questions that they had coming forward with last time and this time dealing with whether we include debt service credit in the (inaudible) calculation? What percentage of by-right unit credits we are inclined towards as far as giving them guidance on that?

Mr. English: Can he go back to those questions?

Mr. Rhodes: Yes. Computer please. Debt service credit is at almost \$4,000 adjustment on the single-family homes, the \$500 on multi-family, and I think it was close to a thousand on the townhomes. So that would take a single-family to about \$37,000, but you've still got the transportation impact fee if you were going that line.

Mr. Apicella: To me, again, the point is moot because if we are going to keep charging, whether it's \$40,000 plus when you add in a transportation impact fee or, you know, \$37,000, it's still too high. Again, I think my point was and is, we are discouraging rezonings in Stafford County and we're not going to get that amount. Starting point or not, it has a chilling effect on somebody who's out there with a parcel of land and seeing what they can do. If they have to do the back and forth with the County to try and negotiate the kabuki dance to figure out what amount they can live with versus what amount we want from them, they might just again continue to pursue by-right zoning to no good end for the County from my vantage point. I think we need to... again, I don't know what the right amount is. I think we need to set a firm amount that's below that \$37,000 threshold. I think that's just way too high. It's not realistic. We've only gotten one time; we have, on average... I know it's not exactly this way... 2 rezonings per year. The most we got in the last 4 years was \$38,000 on Westgate, as contrasted to the only other single-family rezoning that we got in Stafford County, Shelton Woods where we got \$26,000. Again, that's the biggest driver of school children is single-family homes.

Mr. Rhodes: That is if you don't give any offset for by-right unit credits. If you include by-right unit credits in there, it in effect is much less than \$37,000.

Mr. Apicella: Well...

Mr. Rhodes: I would just... so it is \$37,000 or \$40,000 if you're not going to give any by-right unit credit. If there is a by-right unit credit, it's a very different calculation.

Mr. Apicella: I don't disagree with that. I mean, I think we'd have to figure out a way to balance the two so that they work out to be sort of the same dollar figure. Again, that's why I can't tell you what the right dollar figure is. But logic tells me that \$37,000, with or without transportation impact fees, or with or without the debt credit, is we're not going to get there so why don't we do it more strategically and come up with a way to try to maximize our ability to get some kind of income where we're getting zero income for the County to offset the growth.

Mr. Rhodes: I'll throw it at you a little... kind of in the reverse. The last two, we've gotten 38 and we've gotten 26, I thought it was. What was Shelton Woods?

Mr. Apicella: Twenty-six thousand.

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Mr. Rhodes: Twenty-six thousand. If you were operating this at a 25% by-right credit, that in effect takes the \$37,000 down to 20... about 27 I think it was... 28? Is that what that takes that to?

Mr. Harvey: Mr. Chairman, in this example the 25% credit took it from \$37,900 to \$36. That was just indicative of this individual example where you had a hundred units, 30 by-right, and 150 total. I mean a hundred acres (inaudible).

Mr. Rhodes: So you'd only apply the proffer though to the 70 that you were getting out of density to?

Mr. Harvey: That's correct.

Mr. Apicella: I guess part of my thought is let's not focus on the by-right credit and let's not focus on the debt credit, let's focus on a figure. So if they build 10 homes and 2 of those would have been by-right, or they build 50 homes and 30 of those would have been by-right... that's why I go back to volume. Is it more lucrative for a developer to focus on the bottom line number that they're trying to drive to, to maximize their profits, or to get a by-right credit for some number of units that they could have otherwise done. I think they're going to focus on the overall dollar figure, whatever that might be. The end result is what dollar figure is it going to cost me on average per unit to build a home in this particular subdivision I'm proposing.

Mr. Rhodes: And I don't disagree with that from the developers' perspective. I'm trying...

Mr. Gibbons: Mr. Chairman, if you go back to the chart that's got the 829 on it... can you do that?

Mr. Rhodes: Mr. Harvey can do anything.

Mr. Gibbons: Right here. This is the telltale thing to the Board of Supervisors...

Mr. Rhodes: One more.

Mr. Gibbons: Wait a minute... go back one. Keep going.

Mr. Rhodes: Other way.

Mr. Gibbons: Where you had the 829...

Mr. Rhodes: It's slide 7 I think. There you go.

Mr. Gibbons: Right here. This is a very telltale story that out of all 852, you only had a 161 paying proffers. So what Steven is saying is, is right on track. How do you get maybe half of them paying proffers instead of all of it by-right?

Mr. Rhodes: Chesterfield only had about 260 paying proffers. We had 161.

Mr. Gibbons: Okay. But that's a hundred more than what we had.

Mr. Rhodes: That's right.

Mr. Gibbons: (Inaudible) saying is you might have to take a look at the whole County like Jeff will do and say here's where everything is by-right and here's where everything is and go from there.

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Mr. Rhodes: Okay. The only thing I would add is that if you go with the... if one were to go with the approach B that we had been on previously, and then maybe doing the adjustments by-right and so forth, what that does allow for is a very trans... I think... you can communicate exactly what you've got there. You multiplied it out by each component of cost, had a very transparent and deliberate calculation that got you to there, and then you're rationalizing out some degree of the fact that they would be able to do some by-right anyways. I'm also trying to think of how we communicate how we develop the amount of the proffer.

Mr. Apicella: There's nothing that keeps us from saying you would have paid this, okay, but our strategy is we want to incentivize rezonings. So, as a result of that, this is what we're going to charge... and not charge, but this is what we're going to hope for. And by the way, that's the bear minimum. You know, you don't give us that, it's probably not going to be approved because this is what we really needed to offset the costs of growth. We would have accepted something less. You're offering something even below that; that's kind of a non-starter.

Mr. Rhodes: Can you say that's what you really needed to offset the cost of growth when we reduced it below the amount that we calculated per unit?

Mr. Apicella: Well, we would have set a cap. This is a cap. It's not just arbitrarily throwing a number out. It's saying we've done the analysis; we know that \$37,000 is the figure we would like to have to offset the cost of growth but we understand we're not going to get it based on history. And we want to encourage rezonings so we're going to go with some figure, just say it's \$25,000. I don't know what that figure is going to be but this is it. We're not going any lower than this because we could have gone higher.

Mr. Gibbons: But there's a math equation that goes along with what you're saying Steven. Take the 852 and you take 70% of that was in the urban areas, right, and you only got 161 out of those that paid proffers. What does it take get more to pay proffers?

Mr. Apicella: A lower amount. I mean, that's just intuitive, right?

Mr. Gibbons: Well, I'm with you but I'm saying...

Mr. Apicella: It's got to cost a lot of money to come up with a development plan, I assume. And so, if a developer... again, I'll go back to my example... if you have X number of units you could put on a parcel by-right, and you don't know what the County's willing to accept, you're going to have to go back and forth, and at the end of the day the County's going to say no, why would you even go there? Why would you spend your time, energy, and money trying to come up with a plan for a rezoning not knowing what the County's going to accept. Plus the County's been basically saying we don't even want rezonings... for years. We've only had a small number in the last 4 years.

Mr. Rhodes: Is there any empirical data that might be available that would indicate the degree to which lower proffers or indications of accepting lower proffers increases the amount of rezonings that's pursued versus by-right? Do you know if there's ever been any studies that might indicate that?

Mr. Harvey: Mr. Chairman, I've not heard of that kind of analysis in the literature that I've read over the years.

Mr. Apicella: But that's Chesterfield's strategy. That's why they have a cap. So they must think it works and their data shows that they're collecting a lot more than we are. And on a per unit basis, they would have collected more money that we did. So... by \$10 million, almost twice as much. Not quite twice as much, maybe 80% more. We would have gotten 80% more in Stafford County on the 1219 units that we've approved over the last 4 years by having a lower figure across the board than by this kabuki dance of, hey, you know, this

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is what I'm going to give you, no that's really not going to do it, and we end up with \$8,000 where we could have gotten \$18,000.

Mr. Rhodes: I just don't know what I don't know about the degree to which that motivates.

Mr. Gibbons: Good point.

Mr. Coen: Mr. Chair?

Mr. Rhodes: Yes Mr. Coen.

Mr. Coen: Two things... a couple things jump at me and I understand totally where you're coming from. But a couple things keep hitting me in the face. One is that these are guidelines that are often negotiated and so my concern is we set a number that's lower than the actual cost that it is going to impact our community and then it ends up being lower than that. And so I'm not certain if it can be a solid number or not; I mean, from what I understand is the person could come in and if we set it at 25, say, I only want to give 20 or 18 or 15, and that's a part of the negotiation, at which point if it's really 37, and I get you that if they did by-right we'd get zero, but I'm just concerned that you said a number and it ends up really being lower than that. And I don't know... Mr. Harvey, you can let me know if I'm wrong... that we can't say it shall be X and that's it. Or, are we allowed to do that and then that sort of makes it easier but we'd have to come up with a legitimate number that we're not going to get fought over.

Mr. Harvey: Mr. Coen, it is a guideline. There's some case law that said, you know, when a locality denied somebody because they didn't give enough money, they lost in court. The issue is not just the money, it's the land use and are the impacts being mitigated. Certainly monetary contributions can go towards mitigating those impacts but they may not be the total means to do it. But, in Chesterfield County's case, their setting a maximum number; you can go below the maximum and that begs a question you could look at a minimum and a maximum as a range.

Mr. Rhodes: I understand what you're saying, Mr. Apicella, again I just don't know the degree to which that does or does not motivate behavior. I can understand the intuitive belief that it might. Personally, just one individual here, again, I am more inclined towards the calculations that actually try and validate what is the cost in the impact. I would be personally more inclined towards upwards of a hundred percent offset for by-right which acknowledges if you build by-right we get nothing. I mean, that's the way it's set. But for every additional unit you get you pay the 37, for example, which would make it essentially if they doubled their density you'd get 50% of that value which would be 19/5 or something like that. I have an inclination towards something that first starts from the point of what is the impact to the County. But, I guess going back to the heart of the issue, the question that staff just needs guidance to be able to figure out how to go forward, if we want to start back looking at, you know, we had honed in on that one approach before but if we want to go back and look at some others, we could have staff do that. We could also get a subcommittee together to kind of dig into it and develop options. I mean, we don't have a deadline, right, they're just kind of waiting for us.

Mr. Harvey: Correct.

Mr. English: Let me ask you this question, since we don't have a deadline, can't we answer these questions anyway and least get them a start?

Mr. Rhodes: I mean, we've given them a starting point. This was for them to refine something to go out to public hearing, but if the will of the body and the majority is not... that we're not ready yet to do that, then if we want to pursue, if there's an inclination to pursue some other flat rate or some other approaches then...

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Mr. English: I personally would like to see to pursue the flat rate and see where that goes. That's what I would like to see. Chesterfield is doing something right, the money that they're collecting and how they're handling it. Just answer some of the questions that we've brought up today. That's my take on it.

Mr. Rhodes: Okay.

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes please, Mr. Apicella.

Mr. Apicella: I actually hadn't thought about what you said at the previous comment about giving a hundred percent by-right credit. Maybe we could compare the two approaches; if we had a flat rate versus a couple scenarios where we gave, you know, a hundred percent credit, what would that look like? And then that might help inform our process going forward. I see your logic there that might get us to the same end, which is a lower amount. What's that Bob?

Mr. Gibbons: It'd be a miracle.

Mr. Apicella: It's probably not going to be the same amount, but I'm just saying. Again, the bottom line is, I feel strongly that we're... experience is telling us we're not doing it right. You know, what is the definition of (inaudible) doing the same thing over and over again but looking for a different result.

Mr. Rhodes: How about this then... Mr. Harvey, if... okay, tell me how bad this is - look, Mr. Zuraf's already holding his head, he's just in pain... okay, just think off the top of my head here. If we took the last 4 rezonings, last 5, just pick whatever's reasonable of those and I'm trying to think how easy or how hard this calculation is. Calculate them out if they were using that Plan B with or... I guess, with the debt service, however we want to do it... but at a 50% by-right credit and at a hundred percent by-right credit. Just do the two options there and then one with the flat rate like Chesterfield's. And just see what those end results would be. I mean, there's a degree to which here I think we're going with a bit of an intuitive as well as a real deliberate. But just see some of those side by side on the last 4 or 5 rezonings, what the implications of that would be.

Mr. Harvey: Mr. Chairman, I can take this chart and...

Mr. Rhodes: Just extrapolate it out?

Mr. Harvey: Yes. There will be a couple of them that won't have any by-right based on the zoning, for instance.

Mr. Rhodes: And that's what's I think good to see through with if you did a 50, if you did a hundred percent and if you just do a flat rate regardless of the words by-right, it'll show the ramifications of those. Mr. Coen.

Mr. Coen: And if I could, sort of in gathering the more data from Chesterfield, I would be curious to see that if in theory they can go below the cap how many times did they go below the cap? I mean, there's a cap of a certain amount but in theory they could have gone below and that's not shown in this. It's sort of like they've raised X many million but we don't know if some of those they went in for a lower amount. So that would be nice how much wiggle room they actually used.

Mr. Rhodes: Is that obtainable from...?

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Mr. Harvey: That may be difficult to ascertain because even Stafford County's number, we have project that were rezoned 20 years ago that are coming in and paying much less in proffers. So, you're going to get a big mixed bag of who's paying what as of timing of development.

Mr. Rhodes: That's fair. So, for the other members, does that seem reasonable to go and ask them to kind of calculate out these last rezonings and see what they look like under those few scenarios and just see what the results are? See if they guide us towards a direction? Or other thoughts?

Mr. Apicella: It does, but I would just add to that.

Mr. Rhodes: Please.

Mr. Apicella: Somehow the data is just all over the place. If they find another comparison set that might be informative; maybe they have to go back a couple years. And okay, this data set might be more useful than the last 4 years. Just give them some flexibility...

Mr. Rhodes: Oh sure.

Mr. Apicella: ... to be able to inform our thought process here.

Mr. Rhodes: I think Mr. Harvey and the staff are highly motivated to help us see the light. How long have we been carrying this item over? May 8<sup>th</sup>? Okay, good.

Mr. Gibbons: But Mr. Chairman, there's a good example. If you look at the school budget this year for capital costs, it's over \$40 million. And what have we taken in proffers, 3 or 4 million?

Mr. Rhodes: Right.

Mr. Gibbons: So, I know it's a very important thing... it's a driver... but it's not even putting a dent in the budget. The general fund is carrying most of the capital improvement.

Mr. Rhodes: Very fair. Other thoughts for staff to help us get information so that we can move this forward?

Mr. Coen: (Inaudible - microphone not on).

Mr. Rhodes: Well, that was when we thought we were kind of honing it in and almost done.

Mr. Coen: It wouldn't hurt to give them some sort of idea on some of the other ones I guess.

Mr. Rhodes: The only other one was that maximum dollar contribution, if you capped it out. But I think this scenario, this endeavor might... I mean, it takes that into consideration. We're just kind of arbitrarily picking Chesterfield's, but that always good as anywhere to start.

Mr. Harvey: Mr. Chairman, I have a number of items on the list so I just want to verify that I've got them all.

Mr. Rhodes: Please, please, please.

Mr. Harvey: The first item is how many rezonings has Chesterfield had over the past 10 year time period. What is their zoning scheme compared to ours. From Stafford, identify what subdivisions have proffers. Also, look at the zoning categories of our subdivision list and how many dwelling units were being proposed by zoning category. And pros and cons for by-right versus rezoning, from the staff perspective. How many

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permits were issued in Stafford over the last 10 years, so you can look at a 10 year time projection of how many houses we've been building, see the trends. And then a chart to compare past projects with the by-right credits; if you used 50 and 100% credit and then also put Chesterfield's flat rate in there in the chart. And then try, if we can for all this, to get some comparative data sets.

Mr. Rhodes: That's pretty cruel. Okay. Anyone else? We're just going to try and see where we can get to by the next session?

Mr. Harvey: Yes. The next meeting is November 13<sup>th</sup>.

Mr. Rhodes: He was just saying the next meeting is November 13<sup>th</sup> and we'll just see where we can get to by then.

Mr. Harvey: Yes.

Mr. Rhodes: Okay. Anything else on that one? That was fun. Okay, we'll move onto item number 3, the cluster development. Mr. Harvey.

3. Cluster Development - Discuss changes for lot size and open space requirements for A-1, Agricultural zoned cluster-designed subdivisions. **(Time Limit: December 30, 2013)**

Mr. Harvey: Mr. Chairman, Mrs. Blackburn will lead this discussion.

Mr. Rhodes: Great. I would just highlight that, again, here's one... we've got a time limit of December 30<sup>th</sup> which means we would need to take dispositive action by the 11<sup>th</sup> of December. So we want to try... I know there's a lot of things to consider on this but we want to try and get some guidance going forward so that in theory the staff can get us something for our final shaping at the next session. And then we'll be able to close it out on the 11<sup>th</sup>. Yes, please.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, I'm Susan Blackburn and we're going to discuss cluster design again. And, at the September 17<sup>th</sup> meeting, the Board of Supervisors adopted Ordinance O13-38 clarifying the open space and lot requirements for cluster-designed subdivisions in the A-1, Agricultural and the A-2, Rural Residential, Zoning Districts. And the result of that was that in the A-1, it is 1½ minimum lot size with 50% open space of the total tract of land, and in the A-2 it's .7 acre minimum lot size with 30% open space of the total tract of land. Now during that meeting, several Board members inquired about reducing the lot size further in the A-1 and increasing the open space. And no mention was made of increasing density at that time. The Board adopted Resolution R13-320 which authorized the Planning Commission to research and provide the findings on this proposal. And on October 9<sup>th</sup>, the Planning Commission instructed staff to research the subject and present the findings. Now, at one point in time, the talk was to propose a lot size as 1 acre and 66% open space in the A-1. The lots in the A-1, Agricultural zones, are often served by private well and septic fields. Each lot must accommodate a well site, primary and reserve septic fields, and the dwelling location. The wells must be setback from the septic fields by 50 feet to 100 feet depending on the depth of the well, and 50 feet from the dwelling. Soils must accommodate the septic fields and slopes area factor for location, particularly in Stafford County. And the dwellings must comply with the setbacks from the property line. This can be a very tight fit, and if everything works out well it may fit like a puzzle. But the size of the lot can be problematic with this. And the Planning Commission also requested clarification on what regulations can be placed on open space within the cluster subdivision. The State Code allows for standards to be placed on cluster-designed subdivisions but it also requires that the standards cannot be more stringent than those imposed on other developments. Currently, the Zoning Ordinance does not address the configuration of open space. And I know there was some correspondence and some questions by one of the Planning Commission members. And the short sweet answer to some of this stuff is that the Virginia Code 15.2-2286.1(b) does not allow more stringent

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standards to be placed on cluster developments which occur by-right. And Virginia Code 15.2-2286.1(c) allows for cluster developments at densities greater than conventional subdivisions. Now, if this option is chosen that the Ordinance wants to have greater density, then there are 2... well, there are 2 options for that approval. One is to establish and provide in the Zoning or Subdivision Ordinance standards, conditions, and criteria for development and if the development complies with the set standards, conditions, and criteria, it will be permitted by-right and approved administratively. The other option is to set all of those criterias for additional density by approval of a special exception, special use permit, or conditional use permit. We do the conditional use permit in our Ordinance and it is for increasing the density in an R-1 zoning district. Now, there was much discussion about can... at the last meeting... can we shape the open space in these cluster developments. Can we decide what this open space is going to be. And it is my understanding that if you increase the density by approval of a conditional use permit, the conditions could not require open space to only be one type of the use listed in the open space definitions, but it can require that part of the open space be a certain type and that it can be configured such to provide the best size, use, and character to accommodate for the citizens. And so, there does seem to be a little give and take with that. Now, reducing the lot size and increasing the open space requirement may work for some properties. Smaller lots may create situations that deter this type of development. And the current standards of 1½ acre lots and 50% open space does provide a lot likely to accommodate all components required for development. And I had talked to several soil scientists and they felt that that size was going to provide a size that would allow for a little bit of diversity if the soils weren't really good in one spot or whatever, and just give them a little wiggle room. And it also provides land preserving open space. Now, staff does not recommend changing the lot size or open space requirements in the cluster-designed subdivisions in A-1, Agricultural zoning district. The lot sizes going down to an acre we feel will probably try to deter this type of development. And as far as controlling the open space within a conditional use permit, that is open for discussion.

Mr. Rhodes: Very good.

Mrs. Blackburn: Do we have any questions?

Mr. Rhodes: Questions for staff? I will submit that there certainly was a very informed set of questions and an extremely thoughtful response provided to them. It was very informative on some of the discussions here. Any particular questions of staff on this item? So we have... and the staff recommendation is to respond back not to reduce them any.

Mr. Apicella: Mr. Chairman, do we need to hold a public hearing on this?

Mr. Rhodes: Is this just a question from... this was just a question from the Board, wasn't it? Was it something that requires a public hearing?

Ms. McClendon: No Mr. Chairman, the Board was just looking for information and feedback from the Planning Commission.

Mr. Rhodes: Input, information... okay. So the thing we would do is work to frame a response back for the Board.

Mr. Gibbons: (Inaudible - microphone not on).

Mr. Rhodes: Yep, well, if we're comfortable with it. Mr. Apicella?

Mr. Apicella: You know, I think the staff has made a logical argument as to why this isn't going to... I understand the objective and I agree with it, but it's apparently not going to work. So I don't know how much time we want to spend on this again. I don't see how we can overcome the logic that's been presented to us.

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Mr. Rhodes: Other thoughts?

Mr. Gibbons: I make a motion to take staff's recommendation and send it on.

Mr. Rhodes: Mr. Harvey, would you... if I could just ask real quick before the motion formally gets out there... would this, do you think this form would satisfy the requirement of the Board to the Planning Commission or do we need to...? What are your thoughts?

Mr. Harvey: Mr. Chairman, I will communicate the Commission's recommendations to the County Administrator and to the Board.

Mr. Rhodes: You don't feel there's more format or other stuff needed then, if we were to take a motion and agree with this affirmatively on the staff recommendation?

Mr. Harvey: If the Board disagrees with the Commission's position, the Board can refer something specific.

Mr. Gibbons: I'll make that motion.

Mr. Rhodes: There's a motion by Mr. Gibbons to approve the staff recommendation here for the response back to the Board of Supervisors. Is there a second?

Mr. English: Second.

Mr. Rhodes: Second by Mr. English. Any further comment Mr. Gibbons? Further comment Mr. English? Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mr. Hiron: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. I'd like to thank the staff for getting us there. Thank you very much. And very thoughtful, very well-informed. Thank you very much.

Mr. Gibbons: It was a good presentation.

Mr. Rhodes: Yes, good presentation and good dialogue getting to this point. It was very thoughtful dialogue as well, so thank you very much. I will now move onto item number... let's see, number 4 and 5 are the 13<sup>th</sup> of November, so we're onto item number 6, Comprehensive Plan Amendment, Urban Development Areas. Mr. Harvey?

4. 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,

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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) (Deferred on October 9, 2013 to November 13, 2013)**

5. 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) (Deferred on October 9, 2013 to November 13, 2013)**
6. 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: Thank you Mr. Chairman. We don't have a specific update with regard to this matter, but we will bring you an update on your next meeting.

Mr. Rhodes: Okay, very good. Then we're onto item... let's see, item number 7 we're moving past for now, so we're onto item number 8, New Business, Conditional Use Process and Fees.

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

NEW BUSINESS

8. Conditional Use Process and Fees

Mr. Harvey: Thank you Mr. Chairman. Mrs. Blackburn will give a brief description of what we've outlined as possibilities.

Mr. Rhodes: Okay, thank you.

Mrs. Blackburn: Mr. Chairman, Planning Commission members... oh, can I have the computer please? On October 9<sup>th</sup> the Planning Commission requested staff to research the number of conditional use permits submitted during the past year, the use, and the processing time; also, how neighboring jurisdictions process such permits. We used the years of 2008 to 2013; 63 permits were submitted; 53 were approved; it took 6 to 7 months average processing time. The main forerunners were towers, auto sales/repairs, drive-throughs, and convenience stores and uses not listed were the forerunners of the uses. Processing time can be affected by completeness of submittal, responding to comments, and deferrals by the Board or the Commission. So that average 6 to 7 months was really a rough average, because they are very individualistic. And I did provide I your staff packet a chart of the individual times that each one took. Now, the neighboring jurisdictions, Prince William, Spotsylvania, Caroline County, King George, and Hanover, all have the Planning Commission review the cases and make recommendations to the Board of Supervisors, the same as Stafford County. And the Board of Supervisors makes the final determination. Now several of the counties categorized the permits by use or

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zoning district, and charged different fees accordingly. Each jurisdiction sets the fees to cover the costs of processing and the permit and advertising fees for the public hearings. Staff recommends referring this subject to the Board of Supervisors if additional research is desired.

Mr. Rhodes: Okay. Thoughts? Questions? Comments?

Mr. Hirons: Mr. Chairman, I just want to say thank you for staff. I was the one who brought this up the last time, so thank you for that.

Mr. Rhodes: Troublemaker.

Mr. Hirons: Trying to get something done before I get out of here. So thank you. Thank you for the effort and the information provided. You know, I think what we do see there is Stafford has a one-size-fits-all and I think it's hampering some of the opportunities here in the County for Economic Development and some business bring in, so I do believe we should probably move forward, however it may end up being suggested, to forward this information onto the Board of Supervisors and ask them for some guidance on adjusting fees or permitting process, etcetera, and whatever the next steps may be.

Mr. Rhodes: What struck me most was the... I'm trying to find the term... but it's where they were using the different levels or tiers of these... what do they call it? The categories? Yeah, where they had the various categories, they have the greatest potential to allow for a category that might be able to, from a staff perspective, attribute a lesser degree of workload to it so, therefore, a lesser cost. And also where it might more appropriately, because of the end result of it, want to be something where they couldn't pursue it if it was going to be too exorbitant of a fee. And so, I don't know how exactly that would be categorized but that's what stood out to me on some of these.

Mr. English: Are you talking about like what Prince William does? (Inaudible).

Mr. Rhodes: Yeah. That kind of... they use the multiple categories and I wasn't nearly intelligent enough to know how that might be structured, but that struck me as maybe there's some potential in there versus our one set of fee whether it's a category of activity that fairly consistently... some subset that kind of fairly consistently comes out as being less of a burden on staff and/or, perfectly it'd be and, but a category of activity that maybe doesn't have as great an economic upside to it where it's harder to pursue if there's a very high CUP fee associated with it.

Mr. English: I have a question on the reference he categorizing, he says exotic birds fee is a \$138 category ... does Stafford have something like that?

Mrs. Blackburn: We don't currently have anything like that but...

Mr. English: Nothing even in the realm of that?

Mrs. Blackburn: We have commercial kennels.

Mr. English: Excuse me?

Mrs. Blackburn: We have commercial kennels.

Mr. English: And what would that be?

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Mrs. Blackburn: Well, we now charge \$10,000 for a conditional use permit. And their categories... I mean, we started with exotic birds. But in that particular category, it's Category A in Prince William, birds and animals, keeping of domestic fowl (chickens). Then the next one is non-residential uses within residential areas, bed and breakfasts, childcare facilities, things like that. They were grouping them agricultural. Commercial riding facility which would be a boarding stable. It went onto another category, it was more of office type of things, non-commercial and commercial uses, adult daycares, homeless shelters, private schools, rural home business. Then their commercial lumped a lot of stuff together. Then they had greater intensity commercial. They have a huge long list of the uses they require special use permits for. But when you have one at \$138, childcare facility at \$1,370, veterinary hospital at \$2,000...

Mr. English: Is that possible that I could get a copy of that?

Mrs. Blackburn: Sure you can.

Mr. Rhodes: Mr. Harvey, so if it's a desire of the Planning Commission, what I have sensed here is that it has been noted by the Planning Commission that at times the fees associated with these may be difficult or may be onerous in the appearance of them compared to the purpose and use, and that in cursory staff reviews it was identified that there may be some other alternatives other than one set fee, but a multiple category fee. Is there another form you would need that to be able to take that sensing of the Planning Commission to the Board of Supervisors to see if they might consider referring direction, or might consider because the fees are in their purviews, excuse me so not referring, but how they might consider possibly adjusting fees? What form would that take? How would we suggest this to the Board?

Mr. Harvey: Mr. Chairman, I would take the Commission's recommendation and prepare a memorandum for the County Administrator reflecting the Commission's desire for the Board to consider changes (inaudible) category or whatever the Commission desires.

Mr. Rhodes: Do you think you any more from the Planning Commission to do that? I don't know if the others feel other things, but I think what stands out is the potential for maybe more than just the one fee that we have now and some categories to make it more representative for either the purpose or the impact on staff.

Mr. Harvey: Mr. Chairman, I think I have enough information to prepare a memo.

Mr. Rhodes: Is that consistent with the will of the Commission? Okay? Affirmative? We don't need a motion or do we need a motion? Okay, very good. So he's passing on the discussion that we've had here. Very good. Thank you all very much and thank you staff very much; appreciate it. So, Planning Director's Report... Mr. Harvey.

PLANNING DIRECTOR'S REPORT

9. Repeal of Ordinance O13-09

Mr. Harvey: Thank you Mr. Chairman. I want to start off with an actionable item that the Commission will have to take up; specifically, the Board referred to the Commission consideration of repeal of Ordinance O13-09. That was an ordinance that was taken up in March of this year by the Board and it pertained to electric generation facilities where it exempted... excuse me, power generating facilities on county-owned property from going through a CUP application in the A-1, Agricultural, zone.

Mr. Gibbons: Do we need to advertise for a public hearing?

Mr. Harvey: Yes sir.

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Mr. Rhodes: So, is that something we need to bring forward on the next... they're just wanting to reverse this now. We took it to establish it and they're suggesting we consider going to public hearing so that we can remove it.

Mr. Harvey: Correct. So, Mr. Chairman, I recommend that we allow staff to bring back the ordinance which would repeal that provision and also we'll have to reinstate the former language too.

Mr. Rhodes: Very good. Okay, so will we be able to hit that next time or is that not enough time for the 13<sup>th</sup>?

Mr. Harvey: That should be plenty of time.

Mr. Rhodes: Very good.

Mr. Harvey: From them I anticipate the Commission could authorize a hearing.

Mr. Rhodes: Very good. Okay, great. Okay, anything else Mr. Harvey?

Mr. Harvey: Further actions from the Board dealt with Celebrate Virginia, Ferry Farm, and Abberly. Those projects were all approved. Celebrate Virginia was for 192 apartments for law enforcement trainees; Ferry Farm was to remove the Historic Resource Overlay Zone; and Abberly was for 288 multi-family dwelling units.

Mr. Rhodes: Were they approved at the level that they went out of the Planning Commission? Were there any modifications do you recall?

Mr. Harvey: There were some modifications specifically to Abberly, but it didn't change the total contribution. It reallocated some of the proffer funds; specifically, they wanted the recreational proffer funds to go towards a turf field at Brooke Point High School. And then some of the other proffer funds for historic resources were pooled together for cannons at the Civil War Park.

Mr. Rhodes: Okay, very good; thank you.

Mr. Harvey: Also, too, just a reminder... some of the Commissioners had asked for VDOT to come and make a presentation to the Commission regarding traffic impact analysis and what the Commission should be looking for with what VDOT typically does in its review. VDOT officials have indicated that they're available to come to the December 11<sup>th</sup> meeting.

Mr. Rhodes: Great.

Mr. Harvey: And 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.

Mr. Rhodes: Okay, very good. Committee Reports... none are out there. Chairman's Report... I have nothing in particular. Other business... TRC information. Who do we have for the 13<sup>th</sup>?

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Mr. Gibbons: I don't know how to word this so it will come out but, we hear public comment time and time again and then it gets into a personal assault. And the last time that I witnessed something like this, we went and asked the Commonwealth Attorney for some guidance.

Mr. Rhodes: The... and I'll certainly let Ms. McClendon speak... I would just, as we had looked into that in the past instances, I do know the way in my simple mind I had been advised is that there is a good degree of latitude for speakers to make public comment. We have to be consistent in our presentation and we can control things as long as we stay consistent. And the consistent track record we have had in the Planning Commission is that all comments are to be made to the Planning Commission and not to individuals, and it's incumbent on the Chair to try to ensure that we do that. We don't always do it perfectly but try and ensure we do that. The only other controlling function we have other than directing speakers to address the Commission as a whole and not individuals, the only other controlling function we have is if they are disruptive and/or dangerous. And, Ms. McClendon, is there any other... I mean, other than that, they have a pretty free floor I think.

Ms. McClendon: That's correct Mr. Chairman. I think you basically stated the policy that we follow and also what's kind of legally permissible.

Mr. Rhodes: So it's the responsibility of the Chair to try and be smart and quick enough to ensure that discussion is directed towards the Commission as a whole and not directed towards individuals. And to ensure to call out and stop as out of order anything that would be disruptive and/or dangerous. Okay, thank you. TRC? Do we have any for the 11<sup>th</sup>? Do people have theirs? Or 13<sup>th</sup> rather?

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

10. TRC Information – Meeting November 13, 2013

Mr. Harvey: Yes, Mr. Chairman, it's been distributed to the Commissioners.

Mr. Rhodes: Okay. Everybody good with theirs?

Mr. Gibbons: I think that we might of a departure of one member to your left, and if he's successful I think we ought to give him a report card when he leaves.

Mr. Rhodes: We will. We will duly report card any member that might be parting.

Mr. Hirons: Let the chair cool first, would you please?

Mr. Rhodes: I do apologize to staff. I was held over at some meetings and wasn't able to call in today. I had one TRC at 12 and I was not able to do it, so I apologize for that. We're onto approval of minutes. I'd entertain a motion, unless there are edits necessary, a motion for approval of the September 11<sup>th</sup> minutes?

APPROVAL OF MINUTES

*September 11, 2013*

Mr. Gibbons: So moved.

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Mr. Rhodes: Moved by Mr. Gibbons; is there a second?

Mr. Hirons: Second.

Mr. Rhodes: Second by Mr. Hirons. Any further discussion Mr. Gibbons? Mr. Hirons? Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. I'd entertain a motion for the approval of the September 25<sup>th</sup> minutes.

*September 25, 2013*

Mr. English: I make a motion.

Mr. Rhodes: Motion by Mr. English; second?

Mr. Coen: Second.

Mr. Rhodes: Second by Mr. Coen. Any further comment Mr. English? Mr. Coen? Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. I'd entertain a motion for the approval of the October 1<sup>st</sup> Special minutes?

*October 1, 2013 Special*

Mr. Boswell: So moved.

Mr. Rhodes: So moved by Mr. Boswell; second?

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Mr. Coen: Second.

Mr. Rhodes: Second by Mr. Coen. Any further comment Mr. Boswell or Mr. Coen? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. I'd entertain a motion for the approval of the October 9<sup>th</sup> minutes?

*October 9, 2013*

Mr. Coen: So moved.

Mr. Rhodes: Motion by Mr. Coen; is there a second?

Mr. English: Second.

Mr. Rhodes: You didn't get one, you were too slow. Okay, second by Mr. English. Any further comment Mr. Coen or Mr. English? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed? We have no outstanding minutes, period. None. I mean, because we haven't adjourned yet so you can't have the minutes here. That's amazing.

Mr. Gibbons: That goes along with an outstanding Planning Commission.

Mr. Rhodes: Yeah, an outstanding Planning Commission staff, that's for sure. Anyways, okay.

Mr. Hirons: Mr. Chairman, out of curiosity, how do the minutes work for the joint meeting?

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Ms. McClendon: The minutes are kept separately so you'll see that your minutes are verbatim for the Planning Commission part and then the Board will have their own minutes in which they do their normal summary minutes.

Mr. Hirons: Okay.

Mr. Coen: Mr. Chair?

Mr. Rhodes: Please Mr. Coen.

Mr. Coen: I went to my first TRC Committee meetings today and was really impressed at the quality of the staff and how much detail and thoroughness, and it was just amazing. I made a point of running upstairs to Mr. Romanello to let him know that it was just really impressive. And just one question... last meeting we talked about a shoreline committee but I haven't heard anything. Not that I want more committees but I didn't know if there's been any movement on that. Or flow.

Mr. Harvey: Mr. Chairman and Mr. Coen, I have not heard any updates on that. I haven't heard a specific next date for the Community and Economic Development Committee; I suspect it will be the December meeting for the Board which I believe is the 19<sup>th</sup>.

Mr. Coen: Thank you.

Mr. Rhodes: Okay. Anything else from anyone else? That was fun. Thank you very much.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:12 p.m.