

STAFFORD COUNTY PLANNING COMMISSION MINUTES
November 13, 2013

The Special Meeting of the Stafford County Planning Commission of Wednesday, November 13, 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, Hiron, Apicella, Coen, English, Boswell, and Gibbons

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, Harbin, Zuraf, Ehly, Doolittle, and Blackburn

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualification for items that are on the agenda this evening?

Mr. Gibbons: Yes sir.

Mr. Rhodes: Yes Mr. Gibbons.

Mr. Gibbons: Under Shelton Knolls number 2 and number 1, I did meet with the applicant and I met with the engineer also. So I just want to make sure everybody knows that.

Mr. Rhodes: Thank you Mr. Gibbons. It's always good to have that disclosure even though it's not a disqualification; appreciate that. Any other items? With that, I'll move forward to Public Presentations. This is an opportunity for a member of the public to speak on any item that is not before us for public hearing. So this is the opportunity to speak on any item or any topic whatsoever other than items 1 and 2 on the agenda. There will be another opportunity for the public to speak on those items later. So, if anyone would like to come forward to speak on any item for public presentation, they may do so at this time. Again, when you come forward for public presentation, it is an opportunity to present items to the Planning Commission as a whole, not to be addressed to any specific member but to the Planning Commission as a whole. You'll have 3 minutes to do so. You'll state your name and address when you come forward; a green light will come on then that will indicate 3 minutes. A yellow light will come on when there's 1 minute remaining, and when the red light comes on we'd ask that you wrap up your comments. Would anyone like to come forward? Thank you.

PUBLIC PRESENTATIONS

Mr. Waldowski: Paul Waldowski. Welcome citizens to the lame duck session of this iteration of the Planning Commission. Yes, the elections are over and the results have been tallied. Some politicians ran on the issues and fought clean while others got their just reward. Voters simply want people with convictions and backbone, not a bunch of pushovers who agree on everything because they believe in nothing. Although one party rule is still in effect in this 2011 redistrict gerrymander county, on January 1st, 2014, two very important things happen: all members of the hand-picked 2011 redistricting committee will no longer be holding any public office. A new era of leadership, including youth, will take their seat on the Board of Supervisors. There has to be a basic respect across party lines, a willingness to act as Americans first. At the end of the day, every seat on the Board of Supervisors is a Stafford County resident seat. Some even claim that a win is a win, when in fact, the results of one of the elections resulted in just 43% of the vote. That also means, statistically, that 57% of the vote was against the candidate. Reminds me of when my vote for Ross Perot actually gave the

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Presidency to William Jefferson Clinton, who only carried but one state by over 50% of the vote; that was Arkansas. Term limits are always possible on any election day. This has been a big week; the Marine Corps birthday, Veteran's Day was actually on 11/11, and yesterday the date and time mathematically was 11:12:13:14:15:16:17. That means, in plain English, no pun intended Commissioner, November 12, 2013, 1400 hours, 15 minutes, 16 seconds, and 17 tenths of a second. It was 20 years ago that I started at Geico, because at that time Warren Buffett did not own 51% of the company so their first name was Government. Now it's called Gecko and the marketing department is still saving customers 15%. No wonder I have State Farm; maybe a few of you are in... good hands. And if you wish to speak to me, please read my t-shirt, just raise your hand. In 13 months to the day we will all face another mathematical date and time event; 12/13/14/15/16/17/18. Hopefully UDAs will be optional just like TDRs went down in flames. And the main reason I speak here is for the citizens and the owners of Stafford Meadows Subdivision so it will be a capital improvement program so they get a water and sewer bill that they haven't had for 30 years.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to come forward?

Mr. Wireman: Good evening ladies and gentlemen, I'm Dudley Wireman. I strongly oppose and urge you to prevent the reclassification of Assessor's Parcels 20 and 20A, especially with regards to the road works that are being proposed in this proposal. In 2004 when I moved here, I was a military person and a new home buyer in the community. And I was attracted to Park Ridge for a couple of reasons, because it was a planned park-like residential environment that had things like daycare, transportation, library, and schools close by. Now the proposed spine road, one of the road works that they're proposing, the spine road is going to come off of Parkway Boulevard onto 610. They're also proposing at the Porter Library to put a right turn lane there as well. I see both of these as detrimental to the residents of our neighborhood. I read the documents. I came over here, took a look at some of the documents that were on file with the County. The first one on the spine road was connecting the Parkway Boulevard to 610 as part of this business development is going to allow cars to come off of Parkway Boulevard and cut through this development onto 610, rather than go up to the stoplight that's at Parkway Boulevard and 610 currently. I see this as attracting more cars that's going to be coming up through Parkway Boulevard to make that right turn to escape the traffic light to get through there, and that increase in traffic is what I'm concerned about. Because that traffic is going to come through the area where they're going to make the right turn lane which is going to be the same four-way intersection where the schools are, where the kids are using the crosswalk and the walkers and joggers are using it as well. Secondly is the road work where they're going to (inaudible) Porter Library where they make the right turn off the Hampton Road, or Hampton Park Road. What's going to happen there, I believe, right now I see the traffic coming up, they line up, everybody waits their turn at that four-way intersection, and traffic proceeds on. I very rarely see more than a 4 or 5 car backup there at any one time. So adding this lane is really not going to do anything for the residents, but what it's going to do for the business, and along with the spine road that's going to be proposed, is that folks that live in Hampton Oaks and the neighborhood right behind the Porter Library now will have this access to come through there just to run up to the spine road to get to these businesses thereby increasing our traffic even more. This is a very busy intersection so I'm very much opposed to that. Finally, with regards to the Conditional Use Permit, I just really question the benefit. I'm not opposed to businesses in this area but the proposal that they have that they filed with you has basically just said, we're going to have more of the same things that we've already got. Essentially we're going to have another pharmacy, we already have 3 within a 1-mile radius, we're going to have more service stations, we're going to have a car service unit or something there... we already have these things. So, my question to you as the Board members in this: are we just redistributing the wealth that's already on 610 or are we really generating wealth and benefit to the residents of Park Ridge and the Stafford community? I urge you to keep the park Park Ridge and prevent unnecessary traffic from destroying the quality of life that we have there now. Thank you.

Mr. Rhodes: Thank you sir. Is there anyone else who would like to come forward?

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Mr. Payne: Mr. Chairman, Charlie Payne with the law firm Hirschler Fleischer, and I typically don't comment during this segment. I first want to congratulate Mr. Hirons on your victory with the School Board. I'm sure you'll do a wonderful job. Mr. Chairman, I noticed in the Unfinished Business section regarding the Comprehensive Plan Amendment for Urban Development Areas. I just want to comment that I know that this has been deferred I believe since September. I would encourage you to defer it again and to do some more extensive analysis which I know this well-respected Board is always open to more due diligence and to more evaluation. I believe specifically in regards to a draft plan that I have seen regarding changing, if you will, the UDA south of Accokeek Creek to business and industry versus keeping it mixed use could have some unintended consequences. I think there are some unique opportunities for the County in regards to that particular area and I would encourage you to continue to have dialogue with the community as well as I'm sure with staff as to the best way to proceed. But again, I just thought I'd make that comment since it's not open to a public hearing, but I believe in the near future that there's going to be a unique opportunity for redevelopment of that area and would encourage it to stay as it is. Thank you Mr. Chairman.

Mr. Rhodes: Thank you sir. Anyone else would like to come forward?

Ms. Valvo: Hello, I would like to address the Park Ridge 610 plan. My name is Joanne Valvo. My family moved to Park Ridge 20 years ago. North Stafford was a very different place then. We were thrilled to move away from New Jersey from living with the results of ramped growth. Well, it has found us here now and it's creating the same scenario we moved away from. Now don't get me wrong, I like convenience and I understand the need for development. The proposed 610 plan has been referred to as a convenience. But is it? Or is it a repeat of all the businesses that are currently cluttering up Route 610? All of these so-called conveniences on 610 do not keep me from having to drive and spend money in Fredericksburg. This building trend of gas stations, strip malls, and vacant buildings is becoming a joke and it's an embarrassment to our area. This County is proud of the fact that Stafford is George Washington's boyhood home. Families move here because of our school system. It's time to start considering our history and our families, especially our youth, and stop the gas station trends. Starting right here and now, let development make a U-turn towards cultural activities and family fun. At past meetings, it was said that Park Ridge already has commercial properties. You cannot compare the activity levels of a realtor's office, a daycare, and the former health club now school with the commotion of this proposed plan. Furthermore, as it exists, our entrance is fine. It's inviting and lovely and it accommodates our residents. At past meetings, the need for dual left-hand turn lanes entering Parkway Boulevard was brought up. There is no space in our entrance for incoming dual lanes. How can that be accomplished without destroying the tone of our community? It is not right that our neighborhood has to accept gas tankers and tractor-trailers on Parkway Boulevard. It's understandable that you want to develop 610, but keep the associated nuisances on 610; don't bring it into our community. When making your decision, even though this site is within the commercial corridor, be reminded that the commercial corridor encourages commercial activities that are designed to be unobtrusive to the community. This plan does not meet that guideline. Please decide to vote no on this. And thank you very much for your time.

Mr. Rhodes: Thank you ma'am. Anyone else?

Mr. Jones: Good evening. My name's Keith Jones. I own KAZ Automotive on 610. And I developed automotive franchises for many years before I moved to Stafford. As the key rule, we never put another facility within 3 to 5 miles of an existing facility so you wouldn't dilute the market share. Obviously, with this proposal for Park Ridge, automotive repair is part of it. With that said, there are 10 automotive repair facilities between I95 and Mt. Ararat. That's a lot of repair facilities in about a 3 mile span. Five mile demographics show roughly 22,000 addresses; 900 of them being businesses. It's not a lot. We're not Fairfax. We're not Tysons Corner. So the population density is just not here yet. In this economy, sometimes I have technicians that will stand around all day and only have a few cars to work on. The last thing we need in this area is another automotive facility to dilute more of the market share. Now I know Stafford County supports small

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business. So I ask you this: do you support the small businesses that have been here for 10, 20, or 30 years? Or a start-up business that's going to come in the area and dilute again the market share and have a negative affect directly on the community? I think it would be detrimental to our community and careless for Stafford County to approve a permit for another automotive repair facility in this area. And I respectfully request that you deny any permits for another automotive facility on the 610 corridor. Thank you.

Mr. Rhodes: Thank you sir. Anyone else?

Ms. Freeman: Kathy Freeman and I oppose the Park Ridge development. I just really have to echo I've been up here every meeting that we've had on this and pleaded about my neighborhood where I live and that this does impact us. Again, just echoing this and asking that you please oppose and vote no to this.

Mr. Rhodes: Thank you very much.

Ms. Collins: Chauncia Collins. I have not been prepared; however, I became very alarmed when I heard that we were about to get a development at the beginning of our neighborhood. We moved out here from Woodbridge, Lake Ridge, which is a very large community, planned community, 13 years ago because we wanted to duplicate what we had there but in a larger house. And it was such an attraction to come to Park Ridge and build a home and raise our children there with the school being there and the daycare and, at the time when we moved there, the gym was there. And as everyone else has said, with the daycare center being there and the school and the library, those are all family-oriented things. I've raised my children in this house in that neighborhood and now we are now helping my son and his fiancé to raise their child, my grandchildren, in this same house. And I feel that it's bringing us no value as a community to bring those types of businesses that we already have, considering that we have many, many places that are empty right down 610. Apple Grove, that shopping plaza that was built some years ago is still practically empty. You know, all the businesses that we do already have, it is a duplication of what exists there already. So I don't see it bringing value from that perspective. But from a personal perspective, I feel like that it's bringing devalue to our community and the homes in our community. I mean, we have already gone through a period where we have houses that are not valued near as much as many people have paid for them. And now I feel that bringing something like this into our community is cheapening our community. Many individuals who live in some of the other neighboring communities, they don't have those conveniences, convenience stores or gas stations, in their neighborhoods, nor do we want that same thing. I just ask you to consider the people who live in that community, the people who will move there, and those of us who've been there for some time and say no and vote no to this property being built up. Thank you.

Mr. Rhodes: Thank you ma'am. Anyone else?

Mr. Gregory: Good evening ladies and gentlemen, I'm Matt Gregory. I also don't have anything prepared and I don't want to belabor the point because the previous speakers have probably much more eloquently stated their positions. And I just want to register an additional protest of building this development there in Park Ridge for a lot of the same reasons that have already been addressed. The same businesses that are planning to be built there, we already have ready access to the exact same types of businesses in multiple areas on 610. As a family-oriented community, I don't feel that those are going to bring any benefit whatsoever to my quality of life or the other residents' quality of life. I obviously don't have the technical background, I guess, to assess the traffic issue that is outlined in the plan, but I really do not see how building these facilities there could do anything but increase the traffic, increase the congestion, and potentially cause harm for the family-oriented and pedestrian-oriented area that we already have with the school, the library, the children walking on the sidewalks, people running, and I just don't see what good could possibly come for the community of Park Ridge. Thank you.

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Mr. Rhodes: Thank you sir. Anyone else?

Ms. Defeo: Good evening, my name is Jeannie Defeo. And I am a realtor, I am a Park Ridge resident, and I also spent 10 years in the commercial property management field where I ran office buildings with retail. I wanted to show you just some of what 610 offers as far as vacant space. In the real estate community we have enjoyed overall improvement in the residential market. However, from my observation, we haven't done the same on the commercial side. When I was forced to move to Stafford with my husband, I was very unhappy. I liked living in close in Northern Virginia and I always knew that commercial would probably come to Stafford. And it did and I was very excited. I think it's a win/win for everybody to have the commercial office space in Stafford. It's good for families. It's good for traffic. It really is good for everybody. My problem with the Park Ridge classification is that we don't need it right now. I drove down Parkway Boulevard, made a right-hand turn onto 610 today and between Parkway Boulevard and Stafford Marketplace, there were 38 for sale or lease signs. I took pictures of a lot of them; I didn't bring them today. I can certainly provide them, but there were 38 to the east side of Parkway Boulevard. So everybody's saying that the commercial is moving down 610; it's not there yet. When I made a left-hand turn, there were 12. There's a huge office park development... I forget the name of it right now, it's in my notes... North Stafford Center, that currently has a large amount of vacancy. There is a huge retail strip area that has two occupants. They've been the only two occupants there, a nail salon and a little deli; they've been the only occupants there for years. Again, I'm not against it but what can this developer attract that none of these other vacant spaces can attract? That's my question to them. I really don't see it right now. And maybe there's a time that I would, but not right now. Let's see... I would briefly like to just address the concerns with the traffic pattern. I concur with the gentleman that spoke earlier about it. But I think that it's dangerous. Adding a convenience store to a subdivision with thousands of residents... we have a lot of outside traffic with the County library. We have the only County library in North Stafford. We have the merit school now, which is a huge facility, we have daycare. We have traffic in and out of there. We have soccer fields on a Saturday morning. We have a lot of traffic beyond... above and beyond the residents' traffic. So, to close, I would just strongly encourage you to thoroughly evaluate the need for this type of mixed use property at the present time and in this location. Stafford County residents, retailers, and building owners have a lot to lose and no real gain. Even for the developer who may end up with vacant space. Thank you for your time.

Mr. Rhodes: Thank you ma'am.

Ms. Krysztopik: Hello. My name is Melinda Krysztopik and I just want to say that I am totally against the 610 Park Ridge plan. And I'd like to give my time to John.

Mr. Rhodes: We can just start it over as another person. Your name and address please sir.

Mr. Valvo: I'm John Valvo, a resident of Stafford.

Mr. Rhodes: Thank you sir.

Mr. Valvo: I have a petition opposing the rezoning and special use permits and plan. The petition was formed by listening to the Planning Board members, their questions, and also to ordinary people. So far, we are well over 700 signatures against this plan. There are more signatures coming in. We oppose this development because we are already saturated with these businesses, because it is unwise to develop this parcel without widening Garrisonville Road, and we oppose any entrance that routes additional traffic onto Parkway Boulevard. Importantly, the many hundreds of signatures came not only from Park Ridge residents but also from a cross section of business owners, workers, and people that frequent this area. In fact, this project was opposed by people in all 7 voting districts of Stafford County, and each person on the Planning Board and the Board of Supervisors represents people on this petition. It gives our decision-makers a convenient way to get

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a very clear picture from a very large mass of people that you serve. The scope and volume of these signatures proves that reasonable people think this is a bad idea. Those citizens are watching. The Wack website says that they're a construction company that builds hotels, banks, offices, and have produced many multi-million dollar projects. Their executive profile shows their concern is with the direction and growth of their company and their success -- which it should be. They can continue their goals and projects with less resistance by locating them where they can be a value to the community, which is not this site. Their offices are located in Fredericksburg and Richmond, so their executives will not be experiencing the gridlock on 610 or drive their kids to North Stafford High School, or they won't walk the little ones to the elementary school. They don't use our library or playing fields or tot lot or streets, and they won't breathe diesel fumes or avoid tankers when they're jogging. They won't have to complete the business with unneeded shops or have police patrolling more vacant buildings. The developer is an outside interest and won't have to deal with our new problems. People that you represent will. Here are some good ideas for the parcel that the public has: a park-like setting with walking or bike paths, a picnic grove, and a dog area, a cultural museum to support learning, education, and pride in our community, a banquet hall with gardens for events, or a desperately needed recreation center for our youth. Anything, any use you have should minimize traffic, pollution, noise, crime, and cost to infrastructure. Keep in mind, this is only at the application request right now. And, as it stands, the property cannot be used for the developer's purpose. Regardless of who owns the land, it is not a done deal. Ordinary citizens know what's best for their community.

Mr. Rhodes: Sir, I'd ask that you wrap up if you could please.

Mr. Valvo: I have my own 3 minutes.

Mr. Rhodes: Sir, each individual has 3 minutes, yes sir.

Mr. Valvo: By denying the application and scrapping the plan you will open an opportunity to enhance the quality of our County and our lives, not reduce it.

Mr. Rhodes: Thank you sir.

Mr. Valvo: I understood that the time could be deferred.

Mr. Rhodes: No sir, but thank you sir. Anyone else who would like to come forward and speak? Okay, I will close the public presentation portion and we'll move onto the public hearings. The first item for public hearing tonight is RC1300364 which is the reclassification of Shelton Knolls. Mr. Harvey, will you want to present those 1 and 2 together?

PUBLIC HEARINGS

1. RC1300364; Reclassification - Shelton Knolls - A proposed reclassification from A-1, Agricultural to R-1, Suburban Residential Zoning District, to allow single-family detached residential units to be developed at a greater density on Assessor's Parcel 28-128A. The property consists of 47.63 acres, located on the west side of Shelton Shop Road, approximately 950 feet north of Courthouse Road, within the Rock Hill Election District. **(Time Limit: February 11, 2014)**
2. CUP1300365; Conditional Use Permit - Shelton Knolls - A request for a Conditional Use Permit to allow a cluster subdivision of up to 2.25 dwelling units per acre on Assessor's Parcel 28-128A, which is concurrently under consideration for reclassification from A-1, Agricultural Zoning District and to R-1, Suburban Residential Zoning District. The property consists of 47.63 acres,

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located on the west side of Shelton Shop Road, approximately 950 feet north of Courthouse Road, within the Rock Hill Election District. **(Time Limit: February 11, 2014)**

Mr. Harvey: Yes, please.

Mr. Rhodes: Okay, very good.

Mr. Harvey: And please recognize Mr. Harbin for the presentation.

Mr. Harbin: Good evening Mr. Chairman and Commissioners, my name is John Harbin. I'm an Environmental Planner and I will be presenting items 1 and 2, which is the reclassification of Shelton Knolls and a Conditional Use Permit. So, we'll break this up between the reclassification and CUP. To give some background on the reclassification, it's going from A-1 to R-1. It's on Assessor's Parcel 28-128A. It's about 47 and a half acres. The applicant is Joseph E. Francone. The agent is Mr. Charles W. Payne. The parcel is located and directly off Shelton Shop Road and has a few hundred feet of frontage on that road. It is directly north of the recently reclassified Shelton Woods Subdivision, which is now an R-1 zoned area. The parcel is surrounded by other A-1 and A-2 zoned parcels. For the existing conditions, the site is completely forested at this time. It's generally rolling terrain. There is a stream that runs through the center of it and out the southeast corner. From there, the terrain slopes upwards and is generally rolling. There is one cemetery located on this site which is right in this notch as well. The applicant is aware of that and has provided proper access. For the GDP, it shows 94 single-family homes, which does require a CUP as I mentioned, and we'll get into that in a few minutes. There is one access point along Shelton Shop Road here which includes a 100 foot setback of the home lots and a walking trail, but is split up because of this kind of outparcel here, as you can see. There's an additional access point from the south which uses the inter-parcel connector from the Shelton Woods Subdivision. And there is also one additional inter-parcel connection provided to the east here in the development. These will be publicly maintained streets and sidewalks and, as you can see, there were some questions about the open space. Open space is generally outside of the lot lines in this area up through here, a little bit over here, and then throughout here as well, and a little bit over here.

Mr. Rhodes: The hundred feet setback is beyond the 60 from centerline right-of-way that they're offering?

Mr. Harbin: Yes.

Mr. Rhodes: Okay, thank you.

Mr. Harbin: The applicant has proffered some architectural design guidelines for this project, which these are some sample elevations included in the proffers. They mainly require a minimum amount of stone or brick front façade which includes a 3 foot side return on that to minimize the false front appearances. They also will avoid blank street-facing sides by using windows or doors on those sides and avoiding repetitious elevations of adjacent homes. They would also use these carriage-style doors which are shown here at the bottom of the slide on each of the homes. So, disregard the garage doors shown in the sample elevation. As for the proposed proffers, it will be developed in general accordance with the GDP. The architectural design will be in accordance with the standards and illustrations I just discussed. They are proffering some in-kind transportation improvements which include the dedication of the right-of-way along Shelton Shop and that inter-parcel connection to the east. They will establish the 100 foot setback from Shelton Shop and construct the pedestrian trail through that setback as well. In addition, they'll

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provide cash proffers totaling over \$2.8 million, which equals about \$30,500 for each of the dwelling units proposed. These funds are allocated for specific projects that are outlined here, including Phase 2 of the Courthouse Road widening, school projects at Mountain View High School, specifically turf fields, and capacity improvements in the general school district that serves the subdivision, and additional money for recreational projects near Mountain View High School. The proffers also require establishment of covenants on the properties and that they provide fire sprinkler systems at the purchasers' option.

Mr. Rhodes: Just to clarify, when does the payment of the proffers occur? Upon building occupancy or... I'm sorry, I always forget this.

Mr. Harbin: It's at building occupancy I believe.

Mr. Rhodes: Okay, thank you.

Mr. Harbin: With this proposal, they did submit a Transportation Impact Analysis which studies the... it's based on the development of this site and other planned projects in the vicinity. They studied four intersections, which are shown here on the map by the stars. Those intersections include Garrisonville and Shelton Shop, Courthouse Road and Shelton Shop, Courthouse Road and Walpole, and then the future access point of the development along Shelton Shop Road. The TIA determined there would be 992 vehicle trips generated per day; 76 of those per those per hour in the a.m. and 99 per hour in the p.m. Of the studied intersections, they currently could function at a service of C or better, with the exception of Courthouse and Shelton Shop Road, which is at D. Without this project, 20 years down the road they do drop in service, but most do still function above, or at C or better. Specifically, Shelton Shop and Courthouse Road dropped to D and Garrisonville and Shelton Shop dropped to F. With the project built out, it adds to it but generally the conditions do remain about the same. The study determined that a right taper and left turn lane are needed and we did just receive comments from VDOT on this TIA tonight, literally at 5:53 p.m. So we have not had the opportunity to fully review those, but they did provide input. As I mentioned before, right-of-way dedication is included which is 60 feet along Shelton Shop Road. Speaking to the Comprehensive Plan for this site, it is recommended for Suburban Land Use, which is this yellow area. There is also some additional Resource Protection Area which is not shown because it was recently determined to have some based on the study provided with this plan.

Mr. Rhodes: Yes Mr. English.

Mr. English: So, the block area that you have right there on Shelton Shop, is that the Stafford Stone (inaudible)?

Mr. Harbin: The blue area?

Mr. English: No, do you see where it's blocked out?

Mr. Rhodes: Where that nursery is closed down.

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

Mr. Harbin: Oh, correct. I believe that's an old landscaping, kind of nursery business.

Mr. Rhodes: Yeah, not nursery, landscaping.

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Mr. English: Greenwood?

Mr. Rhodes: Greenwood, yeah.

Mr. Harbin: So, generally the intensity and type of development proposed here is in conformance with the Comp Plan. Suburban land use is generally residential, or primarily residential at up to 3 dwelling units per acre. This is below that so it is in conformance with the Comprehensive Plan. And the proffers that are proposed do minimize the impacts to adjacent properties. In addition, a fiscal impact study was included with this project. It looked at 3 scenarios determining the annual revenue generated from this development and then the cost of services of the County that would be required to fulfill the needs of the residents here. Generally, the development essentially pays for itself, much better in scenario 1 which almost has a surplus of \$200,000. Scenarios 2 and 3 are generally a break even scenario. They're probably the more likely to be accurate. They use two recent subdivisions and two comparable subdivisions in terms of size of house to generate those figures, so they're probably your more accurate ones. But, nonetheless, they have three scenarios provided. So, to offset some of that they do provide monetary proffers at approximately \$33,000 per unit, including cash and in-kind proposed. That total is just over \$3 million; however, that is below the \$45,000 per unit that's our current proffer guideline at this time which would total over \$4 million.

Mr. Apicella: John, how does that compare with Shelton Woods?

Mr. Harbin: I can get into that; at the end I have a slide that will compare that side by side.

Mr. Apicella: Thank you.

Mr. Harbin: So, to evaluate this, in terms of positives there are a number of them. The monetary contributions mitigate impacts to the schools, parks, and recreational facilities. It is in conformance with the Comprehensive Plan. It's consistent with the established and the proposed development patterns which primarily is the Shelton Woods Subdivision directly to the south. And the proffers would minimize potential impacts with the 100 foot setback. There are some negative aspects; the capital facility impacts on Fire and Rescue, libraries, and general government, and a portion of transportation would not be mitigated through the proffers. It is adding to an already stressed transportation network as the TIA determined. And measures to mitigate Fire and Rescue comments were not addressed. Moving onto the CUP, the background on this is a conditional use permit is required to allow a cluster subdivision in an R-1 zoned property, which would allow up to 2.25 dwelling units per acre. So I've compared what R-1 by-right would give them versus what they're proposing. In by-right, you could achieve 71 units; they're proposing 94 with this development. R-1 allows 1.5 dwelling units per acre; this is at 1.97, so it's not significantly higher but it does require the CUP. There is no open space required for an R-1 by-right subdivision, but there is a 30% required open space for a cluster and they're proposing 35%. So they do go a little bit above that. Generally, the proposed conditions limit the number of lots which is to 94 at this point, and that the location of the open space shall be in the general locations as shown on the GDP. The other conditions are kind of your standard ones that go along with any CUP. So, as for the evaluation, staff finds all positive aspects with this. It's consistent with adjacent residential uses in the established and proposed kind of development pattern. Conditions intend to mitigate potential negative impact which is truly the proffers that are associated with the reclassification, because that comes first. And it is in conformance with the standards of issuance for a conditional use permit. And we found no apparent negative features to this. So, as a summary, staff is generally supportive of the reclassification with the proposed proffers. The benefits do outweigh the negatives. I would ask that you consider the proffer

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amounts as they are under the recommended guidelines at this time, and maybe the allocation. And I will note that staff does not recommend that the turn lane be included as a proffer. I know that was a recommendation in the staff report but we would like to repeal that since it is required in the TIA anyway. And then, also...

Mr. Gibbons: Can you go over that one more time now? What are you saying?

Mr. Harbin: Sure. Just to remove... I no longer recommend that the turn lane is included as a proffer. They have to do it anyway based on the Traffic Impact Analysis, so it's not necessary to proffer that.

Mr. Gibbons: So, does it take the value out of the proffer?

Mr. Harbin: It wasn't included to begin with... in the revised proffers. And staff supports the approval of the CUP pending, obviously, the reclassification of this property. And, at this time, this is just kind of an overall view. As you can see, you have Augustine Subdivision to the south, Shelton Woods, and then proposed Shelton Knolls. At this point, I guess I'll answer your question Mr. Apicella. If you would like to compare the proffers associated with Shelton Knolls versus Shelton Woods, this is a side by side comparison. The per unit proffers are very similar for the two subdivisions. Shelton Woods included a bit more in-kind. Shelton Knolls includes more cash, so there's kind of the main difference here. But overall, they're pretty similar. Both are significantly under the current proffer guidelines, but I know that's up for discussion tonight as well. Are there any questions?

Mr. Apicella: And Shelton Woods was not a cluster subdivision, right?

Mr. Harbin: That is correct. Yes, that is a simply by-right R-1 subdivision which is why you'll see the density is lower there.

Mr. Rhodes: Questions for staff? Yes, Mr. Gibbons.

Mr. Gibbons: Just so the Commission knows, you're going to join the two subdivisions together; that's part of the...

Mr. Harbin: Correct. There will be that inter-parcel connection which will make it a nice coherent subdivision between the two.

Mr. Rhodes: Other questions for staff? Yes, Mr. English.

Mr. English: The cemetery... what's the status on the cemetery? Has anybody been able to look at that?

Mr. Harbin: Yes.

Mr. English: I see the way the plans are it looks like the houses are going to be built right over it. I don't know how that's set up or how big the cemetery is.

Mr. Harbin: I've actually seen it myself and it is a fairly small cemetery and it is...

Mr. Rhodes: Computer please.

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Mr. Harbin: There we go. It's located here in this corner, down there. It has the...

Mr. Rhodes: It's still working its way up.

Mr. Harvey: Mr. Chairman, for the purposes of describing this, we can have the applicant point to that during their presentation. They have a board that shows the General Development Plan and the location of the cemetery.

Mr. Rhodes: Okay, thank you. What will the disposition of the cemetery be? Is it fenced right now? Is it...

Mr. Harbin: Poorly fenced I would put at best. There's an old wall that runs around it. I'm not sure if the applicant plans on providing an additional fence around the buffer.

Mr. English: What runs around it now?

Mr. Harbin: A very poor conditioned brick stone wall.

Mr. Harvey: An old concrete wall.

Mr. Rhodes: An old concrete wall?

Mr. Harbin: Yes.

Mr. English: Has it been identified of whose cemetery it is?

Mr. Harbin: It has and I can't recall the family name.

Mr. Harvey: My recollection, there was two families, there was Anderson and I forget the other name, in the cemetery. Most of the headstones are dated from around the 1880's.

Mr. Harbin: It was hard to tell between the headstones and the footstones, as I remember in that cemetery. It's an old one. Are there any additional questions?

Mr. Rhodes: Other questions for staff?

Mr. Hirons: Mr. Chairman?

Mr. Rhodes: Yes, please Mr. Hirons.

Mr. Hirons: One of your concerns was allocation of proffer. Can you go over that again what the concern is on the allocations?

Mr. Harbin: Well, generally to give the Board... the School Board and the Board of Supervisors as much flexibility with the proffer money, you may like to consider removing some of the specific allocations of it at your choice. They've identified a couple specific projects, like I mentioned the turf fields at Mountain View High School. And then they didn't specify where the capacity improvements would be

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used; that was a more general proffer. And then the Parks and Recreation projects near Mountain View High School which they didn't specify exactly where that would be.

Mr. Hiron: Yeah, that wasn't specified. Are there any planned park projects that you know of near Mountain View High School?

Mr. Harbin: Not that I can think of. Mr. Harvey, have you...?

Mr. Harvey: Yes, the Board of Supervisors and their Infrastructure Committee has talked about possibly using some excess land adjacent to North Stafford High... excuse me, Mountain View High School as a potential park. That was one property. There was also additional land at one time that was planned to be a possible community college site that hasn't been developed. That may be another location for potential park development.

Mr. Rhodes: On the previous one, the previous development, below it I think we added a sentence or so after each of the proffers that gave some flexibility should they not be needed for those specific purposes, that the disposition gave the flexibility to the Board of Supervisors and I think we might want to consider something like that just to ensure we don't...

Mr. Hiron: And in these ones the statements do reference that somewhat. It says the reallocation will go to or any excess funds are not used go to schools in the Rock Hill. So I have a problem with that because where would the kids from Shelton Knolls go to school? And particularly, elementary school? I believe the attendance zone would be Winding Creek which is not in the Rock Hill district. Proffers should, in my opinion, go to mitigate impacts from the project itself. So, I would like to see the language there... and we can discuss it with the applicant... allow for that reallocation or allow flexibility. But, in the schools in particular or schools that are directly affected by the project.

Mr. Rhodes: Other questions for staff?

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes Mr. Apicella.

Mr. Apicella: Speaking of schools, the staff report indicated that both Mountain View High School and effectively Rodney Thompson Middle School are already at capacity. So, has the school weighed in on this project formally or informally? There's a lot of development going on in that area beyond just Shelton Woods and Shelton Knolls that may or may not impact those schools. So I'm just kind of curious what their views are on continued growth in that area and how impact schools that are already overstretched as it is.

Mr. Harbin: Sure. We have not received any formal comment from them but it's probably a good idea to reach out to them and see what their input might be, besides the proffers attempting to mitigate that and the capacity improvements.

Mr. Apicella: Again, a part of that query to the school system I think should be what will you do with these students? Where will you send them if you don't have any more seats?

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Mr. Harvey: Mr. Apicella, I know that the School Board is currently studying those kind of issues. They recently had a presentation from a consultant that indicated what the growth is projected to be and what the capacity of the various schools will be. Also, in concert with that we have to look at timing of development and the CIP. Presently there's a number of schools that will be renovated and also added to for high schools in the 2018-2019 time period. If this project is to move forward, it's likely to start development and building houses out of the ground probably in the timeframe around 2016 to 2017, depending upon how diligent they are as far as moving forward with their overall development. But there also may be other opportunities to make adjustments in the future.

Mr. Rhodes: Alright. Mr. Coen.

Mr. Coen: If I could, before I get to a question, I'm fortunate to serve on the school's CIP Committee and received a copy of their latest draft. And one of their recommendations is to move up the additions to the various high schools earlier. Initially they were all going to be added on in the same year. They've shifted them and so Mountain View, for example, is slated for in Fiscal Year 17 to spend a million dollars at the first stage of their doing their renovation to add onto them. And so I'm curious to a certain degree that if there's roughly \$1.2 million in proffer and, according to what we got, this would result in Mountain View being over capacity, I guess the question would be if we give the School Board the leeway to say well the million dollars would be better to mitigate growth of students versus a field that they could actually do that. And I'm guessing if you say you give the language that's vague, they could do that. Is that a fair assessment?

Mr. Harbin: We could put that sort of language in there that will allow you guys to (inaudible).

Mr. Gibbons: Mr. Chairman...

Mr. Rhodes: Mr. Gibbons.

Mr. Gibbons: I want to make the point... I tried to make it before... but the proffers is an action of the Board. You don't directly give the proffers to the School Board. The Board of Supervisors allocates on the proffers where they want to go when they try to blend it in with the CIP. So, in this particular case, the same argument we had before on the other parcel that the Chairman so eloquently made a good argument about is that when we met with the developer and the Board member met, this is the agreed upon approach that the Board member wanted to bring this thing forward. So before we got it, they had worked it out. So I don't know what he's worked out with the School Board member but he did meet with the School Board member. But we don't directly give it, the proffers; that's an action of the Board. We make a recommendation. But the CIP this year, Mr. Coen, is \$44 million and this is a pittance when it comes to the CIP money every year.

Mr. Coen: Mr. Chairman, and I'm aware of all that. I was just trying to get Mr. Hiron's suggested giving some flexibility and I was asking staff if that flexibility would give the Boards the leeway, whereas, if the wording is vouched off build a field, then it's in there. So I was asking if for that...

Mr. Gibbons: I mean, it's good that Mr. Hiron, who just got elected to the School Board, carries that flag very well.

Mr. Coen: And just one other element to let people know about, on the CIP Committee, Mrs. Kidby who's on the School Board, was giving us an explanation of that report that that body was doing about

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growth. And she felt that it was low. And in discussing it and looking into it, several projects that had already been approved by the various boards, for example Abberly, were not even in their matrix. And so it's very likely that their growth analysis is not going to be accurate. And so it could well be that the numbers that we're sort of basing that Mountain View would be over 44 seats with this may well be they were going to be even more over and so that may be something that again talking to the School Board might be worthwhile. Another question, in reading the report it talked about wetlands, but then I didn't really see a delineation of where that was or how the open space area that was being discussed actually related to the wetlands. So I was curious about that aspect.

Mr. Harbin: If I could get the computer up and running I would... The wetlands and stream are shown on the GDP and I'll try to highlight where those are. So generally speaking, the wetlands are within the open space. However, there are two road crossings, one here and one here. The RPA is currently shown as here; it is actually up in this vicinity so that could change the plan slightly. But generally speaking, the wetlands are within the open space, mostly down in this area here and they do have some additional impact through the lots throughout the plan a little bit. So, overall, they have just below the impact that's required to get a general permit so they're below that threshold, under a tenth of an acre of wetland impact. So that's to their benefit, but there is some impact and two road crossings.

Mr. Rhodes: Okay. Mr. Coen?

Mr. Coen: Just one last question; if we pull out the widening for the turn lane, can you specify exactly what the transportation proffers are then just to make sure it's clear? Because it seems as though in a cursory thing that part of the transportation is just linking into the other subdivisions as opposed to doing something to mitigate the traffic.

Mr. Harbin: Okay. Well, in terms of in kind proffers, which includes the right-of-way dedication... if I could have the computer please. So, this is their estimated value at approximately \$230,000, the dedication of the right-of-way, and the inter-parcel connection, those are essentially required anyway. The hundred foot setback is not but they do provide that in the pedestrian trail as a small proffer, but they do consider that an in kind proffer. So that's why it is presented. Their main transportation proffer would be the \$867,000 that will go to the Phase 2 for the Courthouse Road widening. Does that answer your question Mr. Coen?

Mr. Coen: Yes.

Mr. Rhodes: Okay. Mr. Apicella.

Mr. Apicella: Mr. Chairman, I'm sorry John, could we go back to the slide that you were just showing about the open space areas?

Mr. Harbin: Sure.

Mr. Apicella: Mr. Coen had asked a question via email and I'm just going to kind of follow-up on it. So, we've got kind of three options here; either to allow the parcel to be built out by-right under A-1, to allow it to be rezoned under R-1 with 71 units, or to allow a cluster subdivision for 94 units. And the delta between the 71 and the 94 I think is 23 units. So I'm just trying to understand because we had this conversation with Brooke Village and just to be fair and kind of take the same approach and have quite frankly the same concerns. What I see here is a lot of scattered open space rather than a contiguous area

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or contiguous areas of open space. A lot of what is in the open space is wetlands and that's allowable under a cluster and should be counted. But I'm still trying to discern within the parcel where the wetlands and the RPA areas are currently, what portions could they build on if we just decided to allow it to be rezoned at R-1 without a cluster subdivision? I mean, what changes as a result of this being a cluster subdivision versus just a regular subdivision in terms of where they could build?

Mr. Harbin: Well, truthfully they could still build in the same areas they are now. They may not be able to build at the same density or...

Mr. Apicella: I'm talking about in terms of the areas designated as RPA and wetlands. Could they build within those areas?

Mr. Harbin: No, oh no. Well, they could have additional impact to the wetlands but they would need a much more expensive permit to do that which is probably cost prohibitive.

Mr. Rhodes: Now they could build in the upper right corner of that picture, correct? That little portion of open space?

Mr. Harbin: In this vicinity?

Mr. Rhodes: Yes.

Mr. Harbin: Yes.

Mr. Rhodes: And then the lower right corner, there is a portion that is RPA but there's a portion that's not.

Mr. Harbin: Kind of in that area?

Mr. Rhodes: Yeah, in that portion.

Mr. Harbin: Yes.

Mr. Rhodes: And then there's some of the hundred foot buffer space and other area on the left-hand side along Shelton Shop I would assume.

Mr. Harbin: Kind of over here?

Mr. Rhodes: There and just above it, yeah.

Mr. Harbin: Okay.

Mr. Rhodes: Yeah, I would think those seem to be the areas to me.

Mr. Apicella: I mean, looking at the way the parcel is laid out, could you build houses there? I mean, what configuration would allow...?

Mr. Rhodes: Well, you'd have to be more gridular.

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Mr. Apicella: Right. Again, these are the same kind of questions we asked when we were looking at Brooke Village and we had a certain idea in mind when we decided to push forward with cluster subdivisions in R-1 and A-1 for that matter where the open space would be linked together or there'd be larger areas of open space. I certainly appreciate what the notion that there be a hundred foot buffer. By the same token, there are other subdivisions in close proximity, right, that don't have a buffer that are viewable from Shelton Shop Road, right? So this is sort of an anomaly to put some kind of buffer between the road and the subdivision.

Mr. Harbin: Yeah, I'd say that's probably more for the benefit of the lot owner.

Mr. Apicella: Right. So not necessarily to the benefit of the County but the benefit of the people who are in the subdivision, to some extent. Again, Mr. Chairman, I'm just trying to understand what the benefits are to the County by allowing an additional 23 units. I do have concerns here as I did with Brooke Village that it doesn't achieve the vision that we had hoped for where the open space would be more contiguous. And I'm looking at the way the parcel is laid out; I don't see... well, first of all, under an R-1 zoning by itself they couldn't get any more units. So, again, the question is what is the benefit to the County by allowing additional density here? I'm not sure what it is so I'm hoping that maybe the applicant can help us better understand.

Mr. Rhodes: Other questions for staff?

Mr. Coen: Just one quick one.

Mr. Rhodes: Please Mr. Coen.

Mr. Coen: Did I understand, I asked about when Shelton Shop was going to be widened, and if I understood correctly the actual road work to widen it isn't until 2024.

Mr. Harbin: Correct. And I forgot to mention that; thank you for bringing that up.

Mr. Coen: Oh, my pleasure.

Mr. Harbin: It is in the CIP for 2021 for funding and then construction starting in 2024.

Mr. Coen: So, in theory, the actual widening of that road up to Garrisonville will be done 2026 by the time it's finished?

Mr. Harbin: If everything goes to plan.

Mr. English: And they're planning on if this is approved, when are they going to start this subdivision... 2016, is that what you said?

Mr. Harbin: I believe they would start selling lots in 2015 to builders who would probably finish in 2016 timeframe.

Mr. Rhodes: Yep, okay. Any other questions for staff before we have the applicant come forward? Okay, thank you very much. Applicant please.

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Mr. Payne: John's a tall man. Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and I represent the applicant, L&F Courthouse, LLC. Please forgive me for my voice as I have a 3 year old who treats her parents like a petri dish, as you probably all know, so I'm a little under the weather. As staff has noted, the property is Tax Map 28, Parcel 128A, and it includes approximately 48 acres located near the intersections of Courthouse Road and Shelton Shop, and as many of you may recall, just north, immediately north of Shelton Woods. And I recollect in those conversations and the good doctor who was sitting in Mr. Coen's position asking us when would we ever have that connection happen, that inter-parcel connection happen? Well, it's happened. And so now we have the connectivity with the proposed project that we have put forward with Shelton Knolls. It is a rezoning from A-1 to R-1 with a cluster. It does include 94 units as staff has noted, very similar to Shelton Woods. These are high-end market homes with a finished purchase price in the high \$400's to mid-\$500's, which is very consistent with that particular area of the county, including our neighbors Shelton Woods, Colonial Forge, and Hills of Aquia. Average lot size is 0.25 so it's at least a quarter acre... there's a quarter acre average lot size and the unit density is about 2.25 units per acre, very consistent obviously with the ordinance. Open space areas, about 35% and we're able to get there because of the clustering opportunity. I understand Mr. Apicella's comments but with R-1, I think the ratio is about 0.5, basically zero. And also in regards to the RPA's, the impacts would still be there in regards to the inter-parcel connection with Shelton Woods, minor impacts that they are, and also the road that goes from Shelton Shop. So nothing would change in that regard. What you do get is more open space. You know, some of the keys to this project, again, very consistent with Shelton Woods is obviously the architectural features that are proffered and design features for purposes of our development that is very unique. I recollect that before the Board of Supervisors, the Board saying as a whole that this was one of the best projects that they had seen from a residential perspective was Shelton Woods, specifically in regards to architectural features and designs. We have also dedicated 60 feet of right-of-way along Shelton Shop which is going to be necessary for the future expansion of that road. We have included and certainly is something that we haven't necessarily proffered but we have included obviously left turn and right turn lanes off of Shelton Shop. And as staff stated, the Level of Services basically remain unchanged with our project. We have also provided and as pointed out by Mr. Apicella a hundred foot buffer, transportation buffer area, between Shelton Shop and the first lot at Shelton Knoll. In that regard that is consistent with what you see at Shelton Woods, again having the neighborhood away from the view of the public right-of-way and sort of hidden back if you will from that perspective. We are also including a pedestrian walking trail similar to Shelton Woods within that development. Again, I think also something very unique an opportunity that we have here is the connectivity between the two developments of Shelton Woods and Shelton Knolls... hopefully I don't mix that up... that was expressed I know by this Board and also by the Board of Supervisors in regards to connecting sidewalks and also transportation. In essence we will have two opportunities for both developments to come in and out of Shelton Shop and Courthouse Road, and to the east eventually. There are, and I'll get more into this, cash proffers of close to \$2.9 million all focused on the Rock Hill District which was also very unique and consistent with the Shelton Woods project. And the project is located in the Urban Service Area which again is something I know that this Board concentrates on, I know that the Board of Supervisors concentrated on, is an encouraging investment in a Urban Service Areas and to do what we can to avoid urban sprawl. The project is consistent with the Comprehensive Plan. This is suburban land use district and this project, like Shelton Woods, pays for itself. We had various scenarios, we have the school numbers and how you determine those generate how that net operating number is going to be at the end of the day; it can range anywhere from \$194,000 (inaudible). At the end of the day it pays for itself. And as time goes on, that net gets higher obviously as the kids move on out of their homes. That's very positive and I think it's important to know that that type of property owner is also a consumer energy strength for the County, and I'll get into that a little bit more as well. Staff did a very good job, John did a very good

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job in presenting our case today and on behalf of the County and in regards to what our application states. I won't repeat all that he stated in regards to architectural materials, but I will... there are some additions that we have here different than what you saw in Shelton Woods is that all units will have brick or stone degrade on any side facing a street including corner lots, that's the addition; also all units will include architectural shingles at time of construction. That's also new and we have also agreed to follow the County's new guidelines on pitch roofs, which is also new, and we've included those in our proffers. Entrance features are very similar. Transportation improvements, as I've stated, there's a 60 foot right-of-way dedication which obviously has a value to it. We've also provided a hundred foot transportation buffer and pedestrian walking paths within it. We've also agreed to provide the left turn and right turn lanes from Shelton Shop. And the monetary value of the in kind contributions for transportation are roughly \$228,000. Again, as noted, the cash contributions about \$2.9 million and yes, we have earmarked specifically for projects within the district working with the leadership of this particular district. I think that's vital and important as the leadership of the district obviously knows the best interest for his district. And we discussed...

Mr. Hirons: Mr. Chairman?

Mr. Rhodes: Yes please Mr. Hirons.

Mr. Hirons: Can I ask a quick question while you're on that point? You heard my question about giving flexibility to any excess or funds that aren't used for the projects specified. Rather than specify in the Rock Hill District, specify the attendance zone schools for this project. That was the language that went forward from the Commission, I don't know what the Board ultimately did, with the Shelton Woods project.

Mr. Payne: I believe the Board reverted back to the original proffers. But I'll answer your question, how about that.

Mr. Hirons: Okay. I understand you've negotiated with a member of the Board of Supervisors and a School Board member may or may not have been involved but I think I'm starting to learn a little bit about schools and it's going to be a heck of a lot more important to be able to mitigate the impacts on the schools. Now, Mr. Gibbons is a hundred percent right; I mean, this is chump change for the total projects there at Mountain View and it's probably all going to be consumed with the projects you have outlined. But, from a school concern, I'd most certainly want the flexibility if we decided not to do the improvements at Mountain View as a School Board, or if the School Board does, to have the flexibility to mitigate impacts to the schools that are actually going to be affected by these kids.

Mr. Payne: Mr. Hirons, you know obviously I appreciate your comments. And again, given your most recent election, I understand where your comments are coming from and certainly this applicant is always open to ensuring that the best interest moves forward for purposes of the particular district and the school zone. With that, I don't think that we would have an issue if the dollars were not allocated specifically for that purpose, that the dollar in the school zone for the benefit of the kids that are at our development. So, to answer your question, I don't think that would be an issue. But the process and the discussions not nego... I don't think negotiations is the appropriate word... discussions that we have had with leadership in the County, you know, we listened to them, we evaluated, we determined what's in the best interest of not only the immediate district but also of the applicant who obviously has to come up with the funds to make it work. We come up with a plan and that's what we present. So, again, we're open to having that dialogue with you. But again, if I could, I'd like to just continue forward with the presentation and then

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we can circle back and discuss the proffers a little bit more. The cash contributions, obviously, total \$1.2 million. They allocated over \$750,000 for turf fields at Mountain View High School and \$450,000 for capacity expansion improvements at Mountain View as well; \$800,000 under Parks and Recreation to be paid and allocated for upgrades to Mountain View recreational fields; and \$868,000 roughly for Phase 2 of Courthouse Road widening. So, it's important to understand that we are, you know, although we have a direct link to Shelton Shop, we understand the importance of also the impact to Courthouse. So, we're touching two roads at one time which I think is unique for our development. Total cash proffers are about 2.867 plus the in kind of about 229; the total is roughly \$3,095,957. So if you were to just look at, we rounded it different than staff, to the higher number of course, the by-right units we could get of 16, so the delta would be 78. If you looked at that number, we're about at \$40,000 a unit, which is very consistent. I know what you guys are looking at from a draft perspective for proffer guidelines and for all units it's roughly about \$33,000 per unit. Again, targeting earmarking those priorities is schools, parks, and roads. You know, I've been asked this before and I know tonight that you guys were having this discussion about proffers, and I think it's important to understand that we don't look at this and kind of roll the dice and say, this is how it falls out. You know, a lot of what happens with proffers is one, obviously market driven. Today is a lot different than it was yesterday. I think we can all agree that this economy is very soft, recovery is very soft, there's a lot of unknowns, and there's certainly some concerns of what's going on at our federal level, which I am sure many of you can relate to. So, the consumer doesn't absorb... can't absorb those costs like they used to in the past. So it's a different mechanism, a different market today. So you've got to be very aware of that. And also, I think we should learn from the past. I think in the past, the largest impacts that we had in regards to growth was sprawl, urban sprawl. People who obviously have sold property and developed property in A-1 zoned areas on 3-acre lots have obviously benefited and they've done some wonderful things. But they've also had some impacts on County core services, including schools, roads, and public safety. That's why this Planning Commission, why the Board of Supervisors passed a Comprehensive Plan to encourage growth in our Urban Service Areas. That's what this project does; that's what Shelton Woods does. Proffer guidelines give no credit to by-right units. I know that you guys were evaluating that but that's just a fact. You've got similar situated property being treated differently. If you're not going to require by-right units to pay any impact fees or proffers, it's unfair in my opinion to require rezoning properties not to get the same benefit for their by-right units. When you spread out your growth, when you don't concentrate it, you lose opportunities at commercial investment. Commercial investors follow that density. They do. I know we heard some people here earlier today from Park Ridge. But the fact that they've got 1,800 units backed off of 610 and that that particular site is right off a commercial corridor, that's a good thing. It's not a bad thing. We want commercial investment in our community. (Inaudible) proffers, you know that; let's not forget about the great recession. It's still with us, we're still pulling ourselves out. We want to encourage growth. I will tell you, I represent a unique... I have a unique opportunity to represent, you know, larger clients and small clients. My smaller clients... my clients are the plumbers, the electricians, the carpenters, the framers, they're working today. They are working today. They weren't working 2008 to 2011/2012; they were struggling, going elsewhere, leaving their families to find work. This is a good thing; residential development growth and prosperity is a good thing pulling us out. Please embrace it. School capacities, I know we discussed this and we had discussions about school capacities. Some schools have not enough capacity and some have a lot. That's not my decision, I don't make those decisions about how to reallocate those resources but it's a fact. And we've had anemic growth over the past 5 or 6 years. Transportation impact fees... again, I think that we have addressed those with our proposal. In closing, Mr. Chairman, I know you're ready for me to shush, this is a positive infill residential development that pays for itself. Again, we're introducing high-end market homes with proffered architectural features and cash that focuses on priorities. Again, another hundred foot view shed setback from Shelton Shop Road which is very positive for development, we're dedicating 60 foot of

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right-of-way for a future expansion of Shelton Shop. Again, cash proffers adequately address key capital project priorities. They have inter-parcel and sidewalk connectivity with our neighbors. And we are going to work with our neighbor, Shelton Woods, to create one HOA. And, again, architectural design and materials create valued homes. With that, I'm happy to answer some questions. I know there are some questions regarding a cemetery and... what was the other question... I think it was just the cemetery was the one I haven't hit on yet. But, Mr. Chairman, I'm happy to answer (inaudible).

Mr. Rhodes: Questions for the applicant? Mr. Gibbons? Oh, Mr. English? Yeah, I do know there was a question, are you doing anything to improve around the cemetery?

Mr. Payne: The plan is obviously to... can you come up here and show...? Mark will point to the cemetery area and show that there's an access point.

Mr. King: (Inaudible - not at microphone).

Mr. Rhodes: We have it on the screen there if you want to... That way you can use the microphone. Thank you sir.

Mr. King: The cemetery is sitting right here, okay? What we're doing right now, and we talked to the applicant and he is willing to replace the fence that staff had discussed being sort of falling down and not in very good shape. We're providing an access right here that will get them a paved access to come in for weekly, monthly, yearly maintenance of that cemetery. But it is being preserved. And it's not on a lot, it's behind the lots.

Mr. English: Has your group tried to contact the families or anybody that owns this?

Mr. King: We normally don't. The only time we usually contact the family is if there is going to be some type of disturbance, we'd have to advertise that.

Mr. English: Even if the family came up tomorrow, they would have the right-of-way to get in there.

Mr. King: Oh absolutely.

Mr. English: And what about historical... has the Historical Committee looked at that? Is it anything that (inaudible)?

Mr. King: I don't believe we've had any... have you looked at it John? Okay, okay.

Mr. English: And what was their findings? Did they say?

Mr. Harbin: They have been out there and there is no known other historical significance on this property. They are following the state code requirements of providing access and providing I believe it's a 30 foot buffer around the wall of the cemetery.

Mr. Payne: Mr. English, we're going to provide a new fence and we're going to put some landscaping there.

Mr. Rhodes: Is that documented anywhere? Do we have it listed?

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Mr. Payne: We can certainly add it to a proffer, but that's our plan.

Mr. Rhodes: Mr. Harvey?

Mr. Harvey: That would be something that would need to be addressed in the proffer if that would be the case.

Mr. Rhodes: In the proffer, okay, got it. Any other questions for the applicant? Yes Mr. Apicella?

Mr. Apicella: Mr. Chairman, in the staff report it indicated, and I think elsewhere in the applicant's documentation but I didn't see it in the proffers, that there needs to be a 200 foot taper for northbound traffic and a left turn with 200 feet of storage for the southbound traffic. So, again, I think I saw it on the staff side and the applicant's side but not necessarily in the proffers. I'm looking at...

Mr. Harvey: Mr. Apicella, that was the correction that Mr. Harbin made. In staff's initial discussion with the applicant, we said don't proffer that because it met the warrants for a turn lane and VDOT's going to require that as part of the subdivision plan approval. When we drafted the staff report, we didn't make that correction so we noted it as a deficiency, but it's really not because it's something that's required in order for them to develop the subdivision.

Mr. Apicella: Got it. It obviously came in at a late hour so you probably haven't had a chance to review it, but certainly would be interested in your response to VDOT's comments. I think they had a different take on a couple of issues. So, again, I'm not expecting you to off the cuff respond to it but hopefully you'll have a chance to digest it and respond in kind to...

Mr. Payne: I'm not sure what they found differently. I think their findings are fairly (inaudible).

Mr. Apicella: I think they... at least I'm looking at number 3, they talk about a Level of Service Delta between your TIA said D and their findings I think were E. That's just one example of where there's a difference between the TIA and VDOT's comments. And there's some other comments as well. Again, I think it would behoove you to take a look at it and then to let us know what you think.

Mr. Payne: We'll be happy to look at it.

Mr. Rhodes: Okay. Other questions? Mr. English.

Mr. English: Yes, staff says that about recommending for Fire and Rescue concerns not fully addressed. You guys want to look at that again?

Mr. Payne: Well, Mr. English, you're probably well aware that pretty much each comment we get for every project regarding residential development from the Fire Department is, is that we sprinkle the homes. And what we offer is that we'll offer the sprinkler system to the buyer; you know, that's a fairly expensive cost but it's not required by state code.

Mr. Rhodes: Anything else? Okay, thank you sir.

Mr. Payne: Thank you Mr. Chairman.

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Mr. Rhodes: I will now open this to the public comment portion of the public hearing. It's an opportunity for any member of the public to speak on item 1 or item 2 of the agenda this evening dealing with the reclassification or the Conditional Use Permit for Shelton Knolls. If you'd like, you may come forward at this time. State your name and address. You'll have 3 minutes to speak; a green light will come on, a yellow light will indicate 1 minute remaining, a red light will start blinking and then we would ask that you just start to wrap up your comments. Would anyone like to come forward and speak on item 1 or 2?

Ms. Parker: My name is Alesia Parker. I have an adult care home there on Shelton Shop Road. Shelton Shop is 2 lanes. They're talking about putting a hundred houses behind me. Can you imagine the traffic that's going to be? Two of my employees have been hit trying to turn into my driveway. If they want to put them in, oh well, but they need to widen the whole road from 610 to Courthouse. If they need another access, tell them to come borrow by my property because this is ridiculous. There is no way, no way, that they're going to be able to handle the traffic. And in 10 years this hundred houses is going to have 200 kids driving. What's going to happen then? It's something to think about. I'm not telling you no, I'm not telling you yes, I'm giving you my opinion. Shelton Shop has got to be widened and that's where they need to start. Thank you.

Mr. Rhodes: Yes ma'am. Thank you very much.

Mr. Valvo: I just wanted to hand in the petitions.

Mr. Rhodes: Oh, yes sir. Anyone else would like to speak on item 1 or item 2? Okay, I will close the public comment portion of the public hearing and bring it back to the Planning Commission. Yes Mr. Gibbons.

Mr. Gibbons: I know we got another item on the agenda tonight about proffers.

Mr. Rhodes: Yes sir.

Mr. Gibbons: And when I got my home computer system going and got all the viruses out of it, if we take it by-right that we're considering tonight, you know, as part of the package, if I did my homework right, the additional 80 units that come on top of the by-right comes out to be \$41,000 per rezoned unit. I did that twice so I might be off a thousand or two, so that meets just about in the guidelines where the County is. I mean total amount.

Mr. Rhodes: Yes sir.

Mr. Gibbons: And then the other thing is that it's been in this for a while and I wanted to make sure that you have compatible zoning and subdivisions complement each other like we did at Magnolia Woods and Country Woods and all. I want to make sure that... I love the other subdivision, Shelton, and that was architecturally done right. This is compatible with that so it would be like homes and the connection between the two subdivisions would be done. And it's my feeling that Shelton Shop will be widened and so will Courthouse Road ahead of time with the new effort coming out of Richmond with the money. So I think we'll see it before 10 years out because we need it today and I think that we'll get it. But the \$41,000, I want to make sure that gets in the record because if the guideline comes up later on, by-right added onto it, it comes out to \$41,000.

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Mr. Rhodes: If there were an offset for the by-right it would be \$41,000, yes sir.

Mr. Gibbons: Thank you.

Mr. Rhodes: I do know we had... I don't know if there were other comments or other issues, what I had taken note of, if we do tend to defer this over was I did want to look to maybe refine a little bit of the language on the flexibility with the cash proffers, just should it not be for the explicit purpose how that flexibility would work. There was I noted discussion on more clearly documenting the improvements of the cemetery area and that access. There was an open question on just feedback, both from staff and applicant's perspective dealing with the comments from VDOT; make sure we're comfortable with those. Those were the comments that I took note of and certainly we all know how difficult the traffic is on Shelton Shop and the need for widening there. Other items people had... yes, Mr. Apicella?

Mr. Apicella: Mr. Chairman, at the risk of beating this horse again like I did with Brooke Village, I would ask the applicant to take another look at where they've designated the open space to see, like the folks in Brooke Village did, to make it a bit more attractive and in line with the vision that we had when we decided to do clustering and maximize the open space for the benefit of the larger community, not just the immediate community in the neighborhood that directly is impacted by the development. Again, I need some help trying to, and some convincing, that going from 71 to 94 is right in this case. I'm not there yet. So, it's a big number. It's another...

Mr. Gibbons: You're saying 2 weeks from now you'll be there?

Mr. Apicella: Well, it depends on what the applicant can come up with.

Mr. Rhodes: Consideration of the applicant to other opportunities to make more contiguous.

Mr. Gibbons: Would one month be better or three months?

Mr. Apicella: It's not a matter of time, it's a matter of the proposal. Again, the applicant in Brooke Village redesigned their subdivision to add more open space and to make it more connectivity between the open space. I think that option may be available here as well.

Mr. Gibbons: Mr. Chairman, I'd like to make a motion to...

Ms. McClendon: Excuse me, I'm sorry to interrupt.

Mr. Rhodes: Yes please.

Ms. McClendon: Mr. Chairman, under the public hearing guidelines, the applicant has rebuttal time.

Mr. Rhodes: Oh, okay. Please, I'm sorry... thank you very much. As always, our good parliamentarian.

Mr. Payne: Well, I was enjoying the conversation Mr. Chairman.

Mr. Rhodes: Yes please.

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Mr. Payne: But I will just add a couple things real quickly. I wanted to make sure I got Mr. Hirons' proposed language regarding an adjustment to the proffer and, correct me if I'm wrong, but if the dollars that we've allocated are not utilized for the purposes in the proffers that they would go to the applicable school zone.

Mr. Hirons: Yes, the attendance zone for...

Mr. Rhodes: To the benefit of the schools in the attendance zone.

Mr. Hirons: ... the homes that are going to be built, yeah.

Mr. Payne: And just to address Mr. Apicella's question, I'm not sure what else we can do. You know, the part of the development plan, if you will, an important part of it is the hundred foot buffer which obviously has, I wouldn't say an impact, but obviously dictates if you will the sort of the rest of the development going east. And, of course, we're well within the confines of the ordinance. The ordinance doesn't state that we have to have contiguous open space. It encourages us to have open space. That's the point of the ordinance under the state law and under the county ordinance. And the flip side of that is, if it was R-1 without the cluster, it wouldn't be any open space. They can build bigger lots, the road impacts would be the same. So, I appreciate your comments obviously, but we think the priority for this perspective is the open space if you will that buffers us from Shelton Shop.

Mr. Rhodes: I think the open question of the left was just whenever we come back on this it would be to, or depending what we do on this, would be just to consider if there are any other alternatives that might make more contiguous the open space and/or enhance the benefit to the immediate and the surrounding area.

Mr. Payne: But, as always, we will look at it and... that's what we will do. Cemetery... absolutely, Mr. Chairman, we'll bring you some language that will be put in a proffer for that. We can provide it now.

Mr. Rhodes: Okay, thank you. Mr. Gibbons?

Mr. Gibbons: Well, I was going to make a motion for deferment to the next meeting and with the questions that have been presented, and I'd like to have the staff look at VDOT along with the applicant to make sure all the bases have been covered.

Mr. Rhodes: Okay, motion for deferral on... do we do these separate items or can we do them together? Together? Okay, motion on deferral of item 1 and 2 until the I believe it's the 11 December, but the session in December. Is there a second?

Mr. English: Second.

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

Mr. Gibbons: No sir.

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

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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. Okay, there, that one's done. And now we're onto unfinished business. This is items 3 and 4 both deal with the 610/Park Ridge Reclassification and Conditional Use Permit. Mr. Harvey, I know we had some items in the staff report and a letter from the applicant.

UNFINISHED BUSINESS

3. RC1300001; Reclassification – 610 Park Ridge - A proposed reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District to allow for the development of a commercial retail, service, and office complex on Assessor's Parcel 20-20A, consisting of 9.24 acres, located on the south side of Garrisonville Road and east side of Parkway Boulevard, within the Garrisonville Election District. **(Time Limit: November 26, 2013) (History: Deferred on August 28, 2013 to September 11, 2013) (Deferred on September 11, 2013 to October 23, 2013) (Deferred on October 9, 2013 to November 13, 2013)**

4. 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)**

Mr. Harvey: Yes Mr. Chairman. Mike Zuraf will have the update.

Mr. Rhodes: Thank you very much.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. Items 3 and 4 just to review... a combination of two applications for 610 Park Ridge. Item 3 is a Reclassification from the A-1 zoning district to the B-2, Urban Commercial, zoning district. And the second item, item 4, would be a Conditional Use Permit that would allow several different things: motor vehicle fuel sales in the B-2 zoning district and within a Highway Corridor district; automobile service facility in a B-2 zoning district and within the Highway Corridor Overlay; a convenience store within the Highway Corridor Overlay; and 3 drive-through facilities within the Highway Corridor Overlay. The public hearing for these cases were conducted

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back on August 28th, deferred to September 11th, and again to this meeting. The issues that were remaining with these items, with this case, that the Commission requested the applicant consider amending the proposal to address several issues, determine how the anticipated traffic impacts could be mitigated by adjusting the proposal in some certain fashions, narrowing down the list of allowable that could occur on the site, and enhancing the buffering around the existing entrance feature to Park Ridge and enhancing landscape along Parkway Boulevard for enhanced screening. The applicant, in response to these issues, the applicant is in the process still of amending their proposal to address the issues and would be working on amendments to the General Development Plan and proffers. We've not received those yet and they're working on providing those at a future meeting. Also, then the next issue requested the uses associated with the 3 drive-through facilities be specified in the Conditional Use Permit. We did include, as attachment 1, an amended version of the Resolution R13-294 which added a new condition that would specify that the 3 drive-through facilities would be specific to the uses shown on the General Development Plan. And this would be modified if the proposal in any way is amended as we move forward. And the last point, the Commission asked for some history associated with the construction of the retaining wall that's present along Garrisonville Road when it was widened years ago. What we were able to receive from VDOT staff was an estimate of the wall costing between \$200,000 and \$250,000 back in 1992 when the road was widened and the wall was constructed. They didn't have any additional information as to the basis or history as to why the wall was built to save the home due to the time between... from back in 1992 they didn't have the files that would provide us any of that information. Included in the packet...

Mr. Gibbons: I'll try to help you from home because I've got all the history of that, and it was to save the house.

Mr. Zuraf: Okay.

Mr. Gibbons: That's what the whole thing was about.

Mr. Zuraf: Well, they didn't have any additional information as to why...

Mr. Gibbons: And in 1992 dollars, that was a lot of money.

Mr. Zuraf: We included Ordinance 13-54 reflecting approval of the reclassification in attachment 2. And then I will note also the time limit for the Planning Commission to make a decision is November 26; this is your last regular meeting in advance of the time limit. In the last attachment, the applicant is requesting an extension to the December Planning Commission meeting and the applicant is here to talk to you about that extension request.

Mr. Rhodes: And just to confirm, Ms. McClendon, therefore, if we accept this letter here and this request in the letter and we operate consistent with it, that would satisfy the extension of the time limit that we currently are under.

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

Mr. Rhodes: Okay. Thank you very much. Alright; questions for staff? Yes Mr. Gibbons.

Mr. Gibbons: I've got a question again Mr. Chairman. The same thing on the time; we're extending it till 1 December, but when will we get the package to look at it before.

Mr. Rhodes: From the applicant, the modifications?

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Mr. Gibbons: Right.

Mr. Rhodes: That's a question and actually I'll ask the applicant to come forward (inaudible). Any other questions for staff at this point? If the applicant could come forward for just a minute. It's a 2-part question, Mr. Payne. Do you... I know we've asked you to look at several aspects, there've been a lot of community comments on this and I know you were taking notes on those and considering some alternatives that might mitigate some of the traffic impact, mitigate the intensity of development, and enhance the landscape buffering around the areas both of the entrance and to the south though there is the Fire Department property down there obviously. They generally have been around those themes. Do you... you have here the 11th. Are you at a point where you think that you'll be ready by the 11th and then secondly enough in advance where we'll see the packages and proposals?

Mr. Payne: I like the VDOT approach. I mean, right at (inaudible)...

Mr. Rhodes: At 5:53, yeah, that's right. And you've got to work.

Mr. Payne: Mr. Chairman, thank you... other members of the Planning Commission. Charlie Payne with the law firm Hirschler Fleischer and I represent the applicant. I think we were first before you in September, if my memory serves me. And we obviously heard from the public a couple times in regards to their concerns about this project. And we asked for a deferral then so that we could go back to the drawing board and review those issues, which we have continued to do. We thought we'd be ready but we weren't quite ready to deliver a final sort of package to you, if you will, but I will assure you that we have addressed all of your concerns I think reasonably... maybe not to everyone's 100% satisfaction but I think reasonably addressed this. We have in regards to the intensity question I think it's fair to say that we have taken off the table the convenience and gas dispenser use out front. The replacement use that we're looking at is a more community neighborhood friendly if you will type of use. I can't guarantee a Starbucks but that's certainly something that we're looking at and a restaurant that would in essence replace that front. Don't hold me to it, we're still kind of evaluating it, but that's the focus. Reduce the intensity on the site. Good advice from Mr. Apicella, we have agreed to proffer out most of the intense uses if you will for that site. So we've got that in place, the buffering, the landscaping, and dressing up is not the right word but ensuring that there's a nice feel, community feel, neighborhood feel to the entrance on Park Ridge; we're looking at that. We want some connectivity to the neighborhood. We want them to feel like they can walk to us, take their bikes to us, and we're looking to volunteer to be in the Garrisonville service district which would be an obvious benefit from a tax revenue perspective to contribute towards roads in the future, in addition to the in kind contributions which we're willing to make. So I think that we're getting there; we just don't have a final package yet. But we've listened to you, we appreciate and respect the community, we appreciate obviously this well-respected Board, and we want to bring something back to you that's going to be beneficial. I will also just say real quickly just I want us to remember that, you know, our traffic numbers are very clear, even on the higher end of the convenience store that at the end of the day that we're adding, depending on which way you're going, no more than 7% new traffic. So, it would be unfair if you will to say to us we've got to fix all the traffic problems there. I think we're contributing quite a bit to addressing those in the near future and in the long term, and also at the same time providing a revenue source, a necessary revenue source for our County that doesn't impact schools. So, with that I think we're moving in the right direction but I thought it would be inappropriate to bring to you a half-baked plan, but we're getting very close to having this done. And I think a roundabout way to getting to your question, yes, well in advance you'll have that information.

Mr. Rhodes: I mean, there's going to be a lot of interest from the community and so they'll want to have an opportunity to observe...

Mr. Payne: Sure.

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Mr. Rhodes: Okay, very good. Other questions for the applicant?

Mr. Gibbons: We're going to extend it... we're going to come back on the 11th?

Mr. Rhodes: The 11th of December is currently what it appears.

Mr. Payne: Yes sir.

Mr. Gibbons: Okay, we've got to be able to vote up or down that night because we're not extending it...

Mr. Rhodes: Yes, should there be a need to extend it or from further discussion and should there not be an extension, then we would have to vote it up or down that night, that's correct.

Mr. Gibbons: With the way it is now, right?

Mr. Rhodes: Yes sir.

Mr. Payne: I'm sorry... with the way it is now?

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

Mr. Rhodes: Yes sir.

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

Mr. Payne: You're not in favor of voting on the 11th?

Mr. Gibbons: I don't mind the presentation, but you're going to have public... you've got a petition tonight of 600 residents or 700, and it's a very sensitive issue. So when you bring it forward to have one evening meeting and it's an up or down decision on something that has that much (inaudible)...

Mr. Rhodes: And your point is, you would have preferred that there was an extension right now that already carried it into January which gave an opportunity to have discussion on the 11th and gave the flexibility of further discussion into January.

Mr. Gibbons: Yes sir.

Mr. Coen: Mr. Chair, I think that Mr. Gibbons' idea is excellent. I mean, with that many people who want to have input if they don't have access to it, it really stymies their chance to make their opinions known as well. So I think Mr. Gibbons is spot on on that.

Mr. Rhodes: Mr. Payne, would the applicant be willing to provide a subsequent letter that would allow for an extension... agree to an extension of the time limit to the first session in January?

Mr. Payne: Mr. Chairman, I guess a couple things. One, the public has certainly weighed in on our project on several occasions including when it was the more intense, and I think there is some that simply just don't want it and they're not going to change their minds. But that's their opinion, that's their preference. I'm subject to the will of the Planning Commission to a certain extent we're not telling you you've got to vote it on the 11th. I think that we have heard you, responded, and have come back and I think with a reasonable plan addressing your concerns and we would like for you to vote on it on the 11th. But obviously I want you to have some time

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to absorb it and to comment on it. And I would like to kind of keep my cards close to the vest and have the flexibility of making that determination when we get closer to that date. And plus I need client approval.

Mr. Rhodes: But I anticipate... so I would just suggest I anticipate it's going to... I take you at your word and I do know you've been looking at this a lot and hearing a lot of comments and realizing the strength of those comments and so I fully anticipate there will be a good deal of modification that incorporates much of it. But that will mean there's actually a good deal of change which folks will want to, up here will even want to digest. So I would just anticipate or I would just suggest a dialogue with the applicant on that topic to give some opportunity to be able to digest and discuss it and have some flexibilities in there. Right now though we do only have the letter that's in front of us, the 11th, which does take us till then, and gives us the opportunity to at least see how they've approached the modification of the application.

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

Mr. Rhodes: The 11th of December.

Mr. Payne: I think we'll have some time between now and that point to determine better how to proceed on our end. I certainly can't tell the Planning Commission how to act.

Mr. Rhodes: So I would... unless there's any further comment or questions for the applicant, I would just make a motion for deferral of items number 3 and 4 to the 11 December session, awaiting the modified proposals.

Mr. Hirons: Motion made to defer items 3 and 4; is there a second?

Mr. Gibbons: I'll second that. I don't like it. I just as soon vote it up or down tonight and send it to the Board, to be honest with you because you've got a brand new Supervisor in that district that has not been briefed on this.

Mr. Rhodes: There is, and there will be the opportunity there to see... I think I'd like to see what the (inaudible).

Mr. Gibbons: Mr. Chairman, I back your request.

Mr. Rhodes: Yes sir. And I think all's been said so I have no further comment.

Mr. Hirons: We always could schedule a meeting for December 25th which would be our normal meeting.

Mr. Rhodes: Ah, there goes the Grinch again.

Mr. Hirons: Okay, motion made and seconded. Any other discussion by any other members? Those in favor please signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mr. Rhodes: Aye.

Mr. Boswell: Aye.

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Mr. Gibbons: Aye.

Mr. Hirons: Aye. Any opposed?

Mr. English: Aye. I opposed.

Mr. Rhodes: Nay; one opposed.

Mr. Hirons: Motion passes 6 in favor, 1 opposing.

Mr. Rhodes: Very good, thank you. Okay, we'll now move onto item number 5, the Proffer Guidelines. Mr. Harvey?

5. 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) (Deferred on October 23, 2013 to November 13, 2013)**

Mr. Harvey: Thank you Mr. Chairman. May I have the computer please?

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

Mr. Rhodes: The request is a modification to the agenda to move number 8, item number 8 before number 5? Is that what I'm hearing Mr. Gibbons? The Garrisonville Landing Preliminary Subdivision Plan?

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

Mr. Apicella: Mr. Chairman, I was going to ask if we could just move number 5 to the end and then dispense with all the other items first, because I think we'll spend a lot of time...

Mr. Rhodes: Okay, so do we need to have a formal vote on that Ms. McClendon?

Ms. McClendon: Yes, it would be to modify the agenda.

Mr. Rhodes: Okay, Mr. Apicella has a motion to modify the agenda to move number 5 to after number 9.

Mr. Apicella: Yes Mr. Chairman.

Mr. Gibbons: Second.

Mr. Rhodes: Okay, seconded by Mr. Gibbons. Further comment Mr. Apicella?

Mr. Apicella: No sir.

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

Mr. Apicella: Aye.

Mr. Coen: Aye.

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Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None? Very good. So we move on to next. Mr. Harvey.

Mr. Harvey: Mr. Chairman, just for me to be clear, that's item 6, the Comprehensive Plan Amendment?

Mr. Rhodes: No, item number 5, Proffer Guidelines, is moved to after number 9.

Mr. Harvey: Correct, so is the next agenda item number 6?

Mr. Rhodes: Yes, I'm sorry. Thank you.

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: And Mr. Chairman, Mr. Zuraf will give the update.

Mr. Rhodes: Very good, thank you.

Mr. Zuraf: Mr. Chairman, members of the Commission, so you received a memo from staff on this issue of the Comp Plan Amendment. We were working on making adjustments to the Future Land Use Plan regarding Urban Development Areas. I had hoped to have some amendments/documents for you to review or at least hand out to you this evening, but we don't have that ready yet. You did receive an add-on sheet regarding the issue. When we start getting into this type of an amendment amending the Urban Development Areas in the Comp Plan, we kind of start identifying a whole lot of things that need to happen to the amendment to the Comprehensive Plan. So I've provided in this extra sheet just kind of some of the things that we're going to be needing to do, and we are doing now, to get the amendments to proper form. And also we have some questions for the Commission to consider to help us along the way. So, we've already provided to you concepts on the amendments to the Future Land Use Map and this has reviewed that and has kind of okayed the general concept. And we're working on that and working to modify text to kind of describe the changes. But part of that will be reevaluating now how the build-out and how the growth patterns will change with the changes to the Comp Plan because with the way the map is currently with all the Urban Development Areas kind of concentrated in somewhat of a central area, this may require reallocation of future growth to other parts of the County, other parts of the growth area. So we need to kind of work through that and do some analysis. There are a lot of references to Urban Development Areas in the Comp Plan and we need to kind of just scrub the whole document and make sure that's covered. We're working to incorporate new growth projection data into the Plan; those growth projections were discussed earlier in the year and the end of last year. So we'll work to modify that. We also need to amend Chapter 4, the Transportation Plan. There are state code provisions now that require localities that when you're amending the Comprehensive Plan and Future Land Use Plan, we do need to reevaluate the impacts on transportation on state roads and send those amendments to VDOT for evaluation. That's going to require us to reevaluate the transportation needs based on the new land use distribution. We're going to go through and update our transportation area zone data, our TAZ data, that sets up basically grids of where growth will happen. And there's a model then that will be...

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we've run this model before, we need to rerun the transportation model to determine the impacts and make adjustments to future improvements to existing or future roads in response to what the results of that model shows. And then the end result, amending the map and text as the model, you know, in response to the model itself. We'll make some minor adjustments to Chapter 6, the existing conditions section, to kind of update a little bit of the background data. And then through this there will be coordination with other departments, specifically getting the new land use information to the Utilities Department. They are kind of in the process of updating their Utilities Master Plan. With this new land use pattern that would result from these changes, there may be a need for the Utilities Master Plan to be adjusted somewhat. And through all this we'll be working with our GIS department to help with the map updates and build-out projections. Questions for the Commission we have is, also we have Chapter 2, the goals and objectives section... question for the Commission on whether we should be looking to amend any of the goals and objectives. There are some goals and objectives that tie our future growth to Urban Development Areas and so there might be a desire to update that. Also, consideration of the planning horizon that this Plan looks out to; currently it's the 2010-2030, year 2030 Plan. And now we're kind of approaching year 4 of the Plan and almost getting towards the 5-year update and so would there be a desire to move the future time horizon of the Plan out to either 2035 or 2040. We'll note that FAMPO's long range transportation plan looks out to 2040 so that this might be a good opportunity to kind of bring our land use plan in line with the regional transportation plan. And then the... it's actually Chapter 7, the Implementation Plan, we may need to look to rework the time horizons for those tasks because all the effort's really been put on adjusting the Comp Plan to deal with the Urban Development Areas. So, some of the other implementation tasks have lagged behind and so these are some of the questions we have and I'll turn it back for any input you might have.

Mr. Rhodes: Reactions to the questions presented by staff? I think it makes sense to look at the other areas where it has an emphasis on the UDAs to see how we need to adjust those, in reference to Chapter 2 and then some of Chapter 6. Also in the timelines of 6, it's understandable we've been mucking around with it so, you know, we've got to make some adjustments there. At least that's my reaction. Thoughts on the planning horizon? I mean, it certainly makes sense to be at least 2035; that's keeping it in a 20-year window at minimum. I don't know if we go out with FAMPO's 2040...

Mr. English: Is it normally 20 years?

Mr. Rhodes: Yeah, it's usually a 20 year plan on the horizon. Makes sense; by the time we get it done it will be 2015. Okay, so 2035 it is.

Mr. Zuraf: 2035? Okay.

Mr. Rhodes: You okay with that Mr. Harvey?

Mr. Harvey: Yes sir.

Mr. Rhodes: Approve or would you like to guide us a different direction?

Mr. Harvey: I think 2035 or 2040 have merit.

Mr. Rhodes: Okay, we'll go 2035. Okay?

Mr. Zuraf: Okay. Deal.

Mr. Rhodes: Deal. Sold. Okay? Thank you sir. Okay, and item 7 is still deferred to further notice, correct Mr. Harvey?

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

Mr. Harvey: Yes Mr. Chairman.

Mr. Rhodes: Alright, so now we are onto item number 8, New Business, SUB1300267, Garrisonville Landing Preliminary Subdivision Plan. Mr. Harvey.

NEW BUSINESS

8. SUB1300267; Garrisonville Landing Preliminary Subdivision Plan - A preliminary subdivision plan to create 24 single-family residential lots on Assessor's Parcel 8-17, zoned A-1, Agricultural, consisting of 84.19 acres located on the south side of Garrisonville Road approximately 0.69 miles from the County line, within the Rock Hill Election District. (**Time Limit: February 5, 2014**)

Mr. Harvey: Thank you Mr. Chairman. Mrs. Doolittle will give the presentation.

Mr. Gibbons: Mr. Chairman, I don't think her last name does justice to the amount of work that she does.

Mr. Rhodes: Doo-little. Okay, got it. Very good.

Mrs. Doolittle: Computer please. Good evening Mr. Chairman and members of the Planning Commission. Item number 8 is SUB1300267, Garrisonville Landing Preliminary Subdivision.

Mr. Rhodes: This one we get to approve, or disapprove; I mean, it's not just a recommendation. Okay.

Mrs. Doolittle: The proposed subdivision is on Assessor's Parcel 8-17 located on the south side of Garrisonville Road approximately 0.69 miles from the County line. The parcel is 84.19 acres, zoned A-1, Agricultural, within the Rock Hill Election District, and the plan proposed 24 single-family lots. Here is the location map of the site. It is adjacent to Hidden Lakes Subdivision and Ralph's Way which is a private ingress/egress easement. And here is an aerial view, and here is 610, Garrisonville Road, and Hidden Lakes Subdivision. In June of this year the Planning Commission granted a waiver of Section 22-143(a) Shape, for the 5:1 lot shape ratio for Assessor's Parcel 8-17 allowing the applicant to record a minor subdivision plan to create one lot for the existing home on 8.29 acres. And this is that parcel, and it is not a part of this major subdivision. The main access for the subdivision will be from Garrisonville Road with two streets ending in cul-de-sacs. The plan is proposing one inter-parcel connection to parcel one, the parcel created by the minor subdivision. And this site is located within Quantico Noise and Range Compatibility Zones, Noise Zones 2 and 3. A Critical Resource Protection Area is located primarily on the rear of lots 5 through 7 and 9 through 11, and signage will be posted on all lots affected stating restrictions within the buffer. All lots will be served by private well and septic, and stormwater management will be achieved by utilizing low impact development methods such as bio-filters and vegetative buffers. And the facilities will be placed within storm drainage easements and will be maintained by the Homeowner's Association. Staff recommends approval of the Garrisonville Landing Preliminary Subdivision Plan. And I'd be happy to answer any questions and the applicant is also available.

Mr. Rhodes: Okay, questions? Yes, Mr. Gibbons.

Mr. Gibbons: Jeff, I thought that wasn't a fuel tank supposed to be taken out of this property?

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Mr. Harvey: Mr. Gibbons, I don't recall the specifics in that case.

Mrs. Doolittle: I believe you might be talking about the 8 acre parcel.

Mr. Gibbons: Right. Wasn't a building supposed to be taken down and a fuel tank? No?

Mr. Harvey: I don't recall.

Mr. Gibbons: I'll have to dig out my emails that you gave me because... okay.

Mr. Rhodes: Other questions for staff? Mr. Hirons?

Mr. Hirons: Can you just describe for us real quick on what the Noise Impact Zones refer to and what zones were they again?

Mrs. Doolittle: Zones 2 and 3, and I actually have a PDF of the map.

Mr. Rhodes: Computer please?

Mrs. Doolittle: Actually, the proposed subdivision is right here I believe. So this is Zone... the green is 2 and the blue is 3. And it has to do with the decibel levels.

Mr. Hirons: Mmm-hmm. And our Comp Plan kind of talks to our non-desire to develop within a Noise Impact Zone, correct?

Mrs. Doolittle: I think it's residential and Noise Zones 2 and 3 are listed as incompatible.

Mr. Hirons: And while our Comp Plan discourages it, there's no state code or county code that restricts the building of by-right development, correct?

Mrs. Doolittle: That's correct.

Mr. Hirons: Okay, thank you.

Mr. Rhodes: Other questions for staff?

Mr. Gibbons: Mr. Chairman, I'll make a recommendation for approval.

Mr. Boswell: Second.

Mr. Rhodes: Okay, well there's a motion to recommend approval of the preliminary subdivision plan by Mr. Gibbons and seconded by Mr. Boswell... thank you, I wasn't paying attention. Further comments Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Further comments Mr. Boswell? Any other member? All those in... yes please Mr. Hirons.

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Mr. Hiron: I just want to say real quick, I kind of reluctantly vote in favor of this because there's no, like mentioned, there's no code that restricts the building. But I hope the developer of this project informs the homeowners or purchasers of this property of the noise impacts.

Mr. Gibbons: It's in the deed... it has to be in the deed.

Mr. Hiron: It is, but if you move in on a day and you buy on a day there's not bombs going on, you're probably not reading your deed all that closely. So, I just want to encourage the developer to (inaudible).

Mr. Gibbons: Well, they've got a beautiful recording at Quantico now that says the sound you hear is the sound of Freedom.

Mr. Hiron: Amen. Don't we wish everyone believed that.

Mr. Rhodes: Extra insulation. 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? We have approved something; Garrisonville Landing Preliminary Subdivision Plan is approved. We're now onto item number 9. Mr. Harvey?

9. Amendment to the Zoning Ordinance - Proposed Ordinance O13-58 would amend the Stafford County Code, Section 28-35, "Table 3.1, District Uses and Standards," to repeal generating facilities as a by-right use in the A-1, Agricultural and M-2, Heavy Industrial Zoning Districts, when such facilities are located on land owned by Stafford County, the Commonwealth of Virginia, or another county, city, or political subdivision and reinstate generating facilities as a conditional use in the A-1, Agricultural and M-2, Heavy Industrial Zoning Districts (**Time Limit: January 13, 2014**)
(*Authorize for Public Hearing by: December 11, 2013*)
(*Potential Public Hearing Date: January 8, 2014*)

Mr. Harvey: Yes, Mr. Chairman. Ms. Blackburn will give the update.

Ms. Blackburn: Mr. Chairman, Planning Commissioners, this is item number 9, Amendment to the Zoning Ordinance and it is proposed Ordinance O13-58 which will amend the Stafford County Code, Section 28-35, "Table 3.1, District Uses and Standards," to repeal generating facilities as a by-right use in the A-1, Agricultural and M-2, Heavy Industrial Zoning Districts, when such facilities are located on land owned by Stafford County, the Commonwealth of Virginia, or another county, city, or political subdivision and reinstate generating facilities as a conditional use in the A-1, Agricultural and M-2,

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Heavy Industrial Zoning Districts. Because we've kind of been here a little while, I'm going to try and make this short. In January of 2013 the Board adopted Ordinance O13-09, which did allow for such a use to be a by-right in the A-1, Agricultural and M-2, Heavy Industrial zones, if this facility was located on government owned land. At the time they added a caveat to the adoption of the Ordinance that they would revisit the issue of power-generating facilities in October 2013. This all came about by the Rappahannock Regional Solid Waste Management Board having discussions with a private company to construct and operate a Solid Waste to Energy Production Facility at the regional landfill and there has been much discussion concerning this Ordinance and the Board has delayed further action on this business venture until the proposed Ordinance amendment has been considered, which is the one for tonight. On October 15th the Board of Supervisors adopted Resolution R13-352 to repeal Ordinance O13-09, which when in effect, re-establishes the requirement of a Conditional Use Permit. In requiring a Conditional Use Permit for such a use the process would include the review and recommendations of the Planning Commission in addition to the review by the Board. Both of these reviews would be conducted through the Public Hearing process, which would provide the citizens of the County the ability to voice their opinions and the staff recommends adoption of proposed Ordinance O13-58 and Resolution R13-352, refer the proposed Ordinance to the Planning Commission for its review and recommendation within 90 days of adoption and the deadline for the Planning Commission to act is January, 13, 2014 and staff does recommend that the Planning Commission authorize a Public Hearing for its December 11th meeting.

Mr. Rhodes: Questions for staff?

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes, please, Mr. Apicella.

Mr. Apicella: I would recommend that we put proposed Ordinance O13-58 to a Public Hearing at the December 11 meeting.

Mr. Rhodes: Motion to advertise for Public Hearing. Is there a second?

Mr. Coen: Second.

Mr. Rhodes: Second Mr. Coen. Further comment Mr. Apicella?

Mr. Apicella: No, Mr. Chairman.

Mr. Rhodes: Further comment Mr. Coen?

Mr. Coen: Not at this time.

Mr. Rhodes: Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mr. Hirons: Aye.

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Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 7-0, authorized for public hearing. Thank you very much. And now we're back to item number 5, if I did my math correctly and that's Proffer Guidelines. Mr. Harvey?

5. Proffer Guidelines

Mr. Harvey: Thank you, Mr. Chairman. If I can have the computer please. At the last Planning Commission meeting on the 23rd of October the Commission had an extensive discussion about Proffer Guidelines. The Commission came to the conclusion that alternative B was the desired methodology for determining cash proffer contributions. That methodology looked at the current capital improvements plan, as well as student generation rates, based on new neighborhoods. Also part of the discussion stemmed from knowledge that Chesterfield County has a maximum proffer dollar amount of 18,966 dollars per dwelling unit and comparably to Stafford, they've collected a lot more money in proffers over the last ten years, approximately 5.75 million a year, compared to Stafford's roughly 761,000 per year. The Commission asked staff to come back with a number of items to compare and contrast the development pattern in zoning scheme with Chesterfield County. Compare the number of rezoning cases with cash proffers that had been approved over the last 10 years, between Chesterfield and Stafford. Compare the number of new residential units approved. Also compare Chesterfield County's proffer collections versus our proffer collections and development potential for Stafford, based on our Zoning Districts and by-right development and also compare proffer commitments that we've collected to date or committed to date, versus alternative B in our new guidelines we're discussing. Alternative B is displayed before you. It shows, for a single family detached home the cost would be \$37,931 for the recommended guideline. For townhouse it would be \$18,476 and for multi-family dwellings it would be \$20,013.

Mr. Rhodes: So these are with the transportation out, right?

Mr. Harvey: Correct. This does not include transportation as a proffer, because we are proceeding with adopting impact.

Mr. Rhodes: Okay, I just wanted to confirm. Thank you.

Mr. Harvey: And the student attendance rates that we use for the calculation purposes was 1.31 students per single family home, .56 students per townhome and .61 students for multi-family home. We look at Chesterfield County and by comparison, their 2010 to 2035 Comprehensive Plan, which is a 25 year plan, noted that they had a population in 2010 of 319,000 people and it has 466 square miles. The estimated household size is 2.7, 2 persons per household. They're projected to have a population increase over the next 25 years of 123,000 people, which equates to over 45,000 dwelling units, based on their household size, which for them is 1,809 dwelling units per year, that they'd be approving with building permits. Your agricultural zoning comprises a little over 54 percent of their total land area and the residential comprises almost 35 percent of the total land area. As far as the land that's available for development,

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right now 43 percent of the agricultural and residential zones are classified as being vacant. Chesterfield County has 14 zoning districts...

Mr. Rhodes: Mr. Gibbons. Mr. Harvey, what do you mean by vacant?

Mr. Gibbons: What do you mean by vacant?

Mr. Harvey: Their Comprehensive Plan was referred to as vacant. I didn't get into the details of how they defined that.

Mr. Gibbons: Does that mean is there any zoning on the land or is it just vacant?

Mr. Harvey: It has a zoning, but it's not developed.

Mr. Rhodes: Undeveloped.

Mr. Harvey: Chesterfield County, like Stafford County, has zoning in operation throughout the county. Chesterfield County has 14 zoning districts that have residential uses. The primary use is within the zones. Their A-1 zone is the most prevalent zone and they have a minimum lot size of 5 acres. The residential lot sizes vary from 88,000 square feet, which is 2.2 acres, to 7,000 square feet, or .16 acre for single family homes. Townhomes have a minimum lot size of 1,520 square feet which equates for them for density of up to 8 dwelling units per acre and for multi-family, they allow up to 10 dwelling units per acre.

Mr. Gibbons: How big is Stafford, compared to Chesterfield's square miles? Do you know that, Jeff?

Mr. Harvey: Yes. Again, Chesterfield is 466 square miles and Stafford is 277 square miles. So we're a little bit more than half their size.

Mr. Gibbons: Okay.

Mr. Harvey: This is the Land Use plan map from Chesterfield for the Comprehensive Plan. As you can see, the majority of their development occurs in the north and east parts of the county. As you can see, the county itself surrounds the city of Richmond. Also it surrounds the city of Colonial Heights and abuts the town of Hopewell. The vast majority of the higher density development can be found radiating off of major transportation corridors, like US-60, US-360. You also have Route 1 that runs through the County, Interstate 95, Interstate 295 and 195, which is the Powhite Parkway. So they have major transportation routes and that's where you find the majority of their dense development. Looking at the zoning pattern, it's fairly similar to the Comprehensive Plan. You can see some of the nomenclature on the map. R-88 is the 88,000 square foot or 2.2 acre lots for that zoning category. They're pretty much in the perimeter of the more urbanized area. You have some areas that have R-25 zoning, which is 25,000 square foot lots, which is roughly half an acre. So in those cases you have water and sewer serving those locations. There's R-15 zoning, which is 15,000 square foot lots. So you kind of also see from the development pattern the brown color is more dense development, the yellow is a little bit less intense to the above color, which is 2.2 acres to the green, which is agricultural. So they have a wide variety of different zones throughout the county, but it is more concentrated in the north and east, but also fairly closely along the transportation corridors. The purple is some of their planned districts in commercial areas. The grey is some of their industrial zones. And overall you can see that they tend to have still a lot of area that can be

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developed out and I'll get into some more of the details about their zoning aspects in a second. Compared to Stafford County, our 2010 to 2030, 20 year Comprehensive Plan says we, at the time, in 2010 we had 124,000 population, which is almost a third of what Chesterfield County had and we have about have the land area. Our household size is larger. We have 2.79 persons per household. Stafford's historically been known to have a significantly higher number of school age children than many other jurisdiction in the nearby area. We are projected to have a population increase over that 20 year time period of 82,000 almost 83,000 people, which equates to close to 30,000 homes. If we took that on an average, annual basis, it would be 1,400 homes, roughly, built per year in order to meet that housing demand. Our county has approximately 49 percent of our land area in agricultural zoning. Residential zoning is roughly 20 percent. A significant note is, 18 percent of our total land areas is Quantico. So that's area that can't be built on or developed, because that's part of the federal reservation.

Mr. Apicella: Jeff, can I stop you on the 1,487 a year. That's going to happen regardless, right? Regardless of how many units in total that we have left over. You're projecting that the population increase will be 1,400 almost 1,500 units per year.

Mr. Harvey: Over the 20 year period, yes, if you take the state's population growth projections and convert that to dwelling units.

Mr. Apicella: Thanks.

Mr. Harvey: And, if we also note that, as far as vacant land, our Comprehensive Plan identifies that 22.1 percent of our land area is vacant. We define vacant as not having a dwelling on that parcel. Stafford County has 9 zoning districts that have residential uses. Our agricultural zone has 3 acre lots that are recommended. Residential zones vary in size and density from 1 acre lots in our A-2 zone, which is 43,560 square feet, to 7 dwelling units per acre for town homes and multi-family dwellings. This is our Land Use plan and our Comprehensive Plan. Our Land Use Plan shows two primary residential areas, the northern, suburban area and a southern, suburban area. The northern, suburban area historically has been influenced by commuting to northern Virginia as well as development supporting Quantico and activities in the Quantico area. In the southern part of the county most parts been sort of a suburb. Fredericksburg, that's continuing to expand. This our zoning map which looks somewhat similar to the Comprehensive Plan map. We see higher concentrations of growth and development along the Route 1, I-95 corridor, along Garrisonville Road, Warrenton Road and suburbs of Fredericksburg. Looking at the applications that had monetary proffers, after we published the report, we got some additional information from Chesterfield County. During the last 10 years they had 168 rezoning cases, where there were cash proffers that were paid. Monetary proffers did vary in amounts. Some were less than the maximum proffer dollar they have in their guidelines. Their total collections for the 10 year time period was 57.48 million dollars. By contrast, Stafford County, we had 14 rezoning cases within that 10 year time period that had monetary proffers. Those proffer dollar values fluctuate between 6,000 and a little over 38,000 dollars per dwelling unit. Our total proffer collections over the 10 year time period was 7.6 million dollars and we determined the number of dwelling unit that had been approved with proffers during that 10 year time period and that was 3,034. I don't have information from Chesterfield as far as how many dwelling units were committed to proffers through the rezonings. Comparing the rate of growth and the total number of building permits issued per year, over the time period from January 2007 to October 2013, they had issued 9,294 new residential building permits. That's an average rate of 1,327 building permits per year over the last 10 years for Chesterfield County. Of those building permits 64.4 percent were single family homes.

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Mr. Gibbons: Something doesn't really track, you know, if they got 9,000 permits issued and it took 158 cases to do that?

Mr. Harvey: They also had by-right development, I assume. I don't know the particulars.

Mr. Gibbons: Yeah, but you said they got proffers. Did they get proffers off of by-right?

Mr. Harvey: No.

Mr. Gibbons: Well then this doesn't... We've got half the permits that they do, right? And we only had 10 zoning cases.

Mr. Harvey: We had 14 zoning cases with proffers and they had 168.

Mr. Gibbons: I don't know. I gotta go home and study that. You're following what I'm saying? They doubled the amount of permits that we issued, yet they're up 10 times on the zoning cases. So are they very, very small cases that come in, 15 or 30 at a time?

Mr. Harvey: Yes, we haven't been able to get any detailed information from them at this point in time. The primary dwelling unit type that was built during that time period was single family homes with 64.4 percent. 8.1 percent was townhomes and multifamily was 27.5 percent of their total dwelling units that were constructed. The same time period for Stafford, we issued 4,173 permits, which is a little less than half of what they did. Our annual rate is 596 over the last 10 years, which that is changing. With this year we're projected to be close to 900 permits being issued. Of all permits that were issued during that time period, 74.4 percent was single family detached homes, 20.1 percent were townhomes and 6.5 percent were multi family. So you can see the significant difference in dwelling unit types are, overall they're issuing more permits for townhomes and multi-family homes than we are. Multi-family homes especially.

Mr. Gibbons: Well, it's close to a major city.

Mr. Harvey: Yes, so they are close to a major city so you could argue a lot of their development (inaudible). It's probably more dense than ours, because the multi-family zone allows more dwelling units per acre than ours does. The townhomes are fairly compatible, slightly higher, as far as number of dwelling units they allow per acre. So our zoning pattern is more suburban in nature. Theirs has more elements of urbanism. When we looked at our preliminary subdivision plan list that we track, we look at the number of preliminary plan lots that had been approved. It's a total of 12,289. Of those, 3,327 have been built on and 2,652 are vacant. That leaves us 6,309 lots that have yet to be platted. And then of those lots to be platted, plus the ones that are vacant, our development potential is roughly 9,000 lots.

Mr. Apicella: So that, in comparison to the number of the 14... what was it... 50 or 60, there is kind of a big disconnect between the inventory we need versus the inventory that we potentially have.

Mr. Harvey: Yes.

Mr. Apicella: What's your recommendation? How do we deal with that?

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Mr. Harvey: Well, it goes with our Comprehensive Plan and the whole question of whether landowners commit for zoning changes to meet our plan. Elsewise we'll have by-right development occurring at the pace that it occurs. You can't really control the pace of development, but we can control the location and what it looks like and can it provide some amenities for us. And that's all done through rezoning.

Mr. Apicella: Again, my question or point is, once we've exhausted the inventory of development units, so we only have 10 years, but we're looking at a 20 years horizon. What are we doing for the following 10 years? We push for...

Mr. Harvey: There'll be new plans come in. Some of them would be based on zoning that has been approved, but they haven't submitted plans to us yet, so it'll be based on more by-right development. As by-right development occurs, most of it's been in agricultural and R-1 zones in recent years. That'll continue until those lands are used up.

Mr. Apicella: So, again, the 12,289 doesn't speak to the lots, the acreage that has not yet been...

Mr. Harvey: Committed.

Mr. Apicella: ...committed. Okay. Do we know what that number looks like.

Mr. Harvey: I haven't studied that yet, but we could get that number.

Mr. Apicella: Okay.

Mr. Harvey: Also, based on where we're seeing the growth go this year with approximately 900 units, if we look at the lots to be developed or development potential, that would lead us to about 10 years worth of time to develop those units out. Now that's assuming that it's all static based on this year's level of development. If it increases, that time period could go shorter, if it slows down, it could be longer. And the predominant zones where we have available lots are the A-1 and the R-1 zones. A-1 zones, we have a little over 2,100 lots available and the R-1 zones close to 2,500 lots available. There are a fairly number of lots in the R-2 and R-3 zones. The R-3 zones, you can pretty much account that to being one development project. Same with the PD-2 zone. That's one development project and as well as RBC. So examining the past 10 years of rezoning applications to the current guidelines with credits and to Chesterfield County, we know that Chesterfield County's maximum proffer is 18,966. The alternative B recommendations are 37,000 for single family, over 18,000 for townhome and 20,000 for multi-family. Applying by-right credits helps get us closer to Chesterfield's maximum proffer, but we don't quite get there. We're still above it and when we look at the rezonings that have occurred over the past 10 years, compared to alternative B, 3 rezonings exceeded what was recommended in alternative B and 11 were below alternative B's recommendations. And if we took those 14 zoning cases and the average amount by dwelling unit type, we would be somewhere between the alternative B recommendation and Chesterfield County's maximum, with exception of multi-family, that's below. And townhomes is really close.

Mr. Rhodes: Jeff, do you remember what...I'm just, for one other comparison to north...what Prince William County was?

Mr. Harvey: Yes, I have that. And that was going to be one of my next slides. But also in response to questions that we had after the last meeting, we have prepared a chart that you have at your desk and this

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chart takes a look at the existing zoning cases and looks at column A, what was approved per the proffers with that project. Column B looks at our proposed guidelines, if you apply them by the number of dwelling units for that project.

Mr. Rhodes: Is the approved including in-kind valuation?

Mr. Harvey: No, this is just straight up per dollar contribution and it also does not include lump sum payments. So some of these figures will be under value, compare to what they would ultimately pay, but trying to figure out in a usable concept, I had to just stick with what they're paying per dwelling unit.

Mr. Apicella: The second bullet, that says 37, almost 38,000 for a single family, that's with the debt service credit?

Mr. Harvey: Yes it is.

Mr. Apicella: Okay.

Mr. Harvey: Column B was, as I was saying, the project and the number of dwelling units and what would occur if you applied the alternative B proffer guidelines. The column C is if you did alternative B guidelines with the 50 percent credit and then also with the 100 percent credit. Now you see, some of those numbers will be the same, because they didn't have any by-right units to take the credit against. Some of them will vary by project. And then also we looked at the same development projects and the same number of dwelling units, and if you look at a request for 75 percent of the current alternative B guideline without credits and then ultimately show you Chesterfield's and how all that compares. We also provided total project dollars for the Commission to look at as well. Unfortunately this chart is too big to fit on a power point slide, so that's why we did the hand out. And getting to Mr. Rhodes' question, what do some of the other jurisdiction do? We have some updated information. In particular, we've updated for Loudoun County. Somehow I missed it, when putting the chart together. Originally their proffer guidelines are much higher than Stafford's. However, a little note, a lot of emphasis that they have is for mixed use developments and if you have a commercial component, you can a credit against the residential for the commercial aspect of the project. And also Hanover County, last I had reported that they had repealed their proffer guidelines. They went back and reinstated a proffer, but it's now 2,306 dollars as a flat rate per dwelling unit, regardless of the dwelling unit type. Getting to Prince William, you can look at Prince William to our alternative B, as far as single family homes, they're very compatible. Regarding townhomes we are much more affordable and we're close on multi-family. And next steps, we need to, from the staff perspective, the Commission to determine what percentage of by-right units to count towards credits, if any. Determine what the maximum dollar contribution should be, or if there is one. Incorporate whatever the recommendations the Commission gives the staff we will incorporate it into a finalized document and then bring it back to you for December 11th and at that point in time, the Commission could authorize a Public Hearing.

Mr. Rhodes: Jeff, a while back, when we picked alternative B, part of what I recall is, it allows for a very clear and deliberate and transparent methodology and calculation, so that we got a consistent basis for legal challenges, for other things...I know that was important to Ms. McClendon, to make sure that we strengthen ourselves by having a very clear and transparent methodology by which it was calculated. Do you think that is more clear and more transparent, or better if it is with the debt service credits or offset...I can't remember the term we used...or not? If we start as the basis the higher number or the 37...would we use that...what was it...debt service offset, is that what we called it, or credit?

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Mr. Harvey: Yes. That's what the staff had been recommending, is the debt service credit. There is, as we discussed in the last meeting, there is two different philosophies on that. One is that the homeowner, when they move into their house, they're paying tax, part of the tax bill goes towards paying on the capital debt for CIP projects and therefore they're getting taxed twice. The proffer fee plus what they pay in real estate taxes. On the other hand, there could be arguments made that what they're paying the real estate taxes for and the CIP could be a lot of projects. They're generated by things that occurred before they moved in, that they're not necessarily contributing to or maybe not contributing to wholly.

Mr. Rhodes: But from the perspective of having that transparent, credible, clear methodology, were you and legal counsel, were you more comfortable with the just straight up calculation or the calculation that has the debt service credit? Do you have a strong opinion one way or another?

Mr. Harvey: I don't think conferred on that specific question.

Mr. Rhodes: Okay.

Ms. McClendon: No, Mr. Chairman, we have not. I will say that it is the policy's decision and I think, from a legal perspective, I think either way is defensible.

Mr. Rhodes: Okay. Because then our conversation has subsequently (inaudible) to your first two questions, which are what is the... what credit do you give for by-right, if any and/or what maximum amount do you set on it, even if it's a lesser percentage than this and that, as Ms. McClendon said, it becomes the policy's decision and the implementation and the logic that would apply in order to encourage rezoning, consistent with our Comprehensive Plan and that would be the rationales, the basis why we use this clear methodology and then we do a modification or adjustment from there, which is somewhat intuitive, somewhat in form, but it's all intended to encourage the rezoning, consistent with the Comprehensive Plan. That's the rationale behind it. So back to the questions at hand. Are we, from the alt B, are we comfortable with the...I think we have been thus far going from the perspective of debt service credit.

Mr. Apicella: Well, I haven't bought into the notion of the debt service credit and I'll iterate my concerns with it. Somebody who's already here is paying taxes for everything that's happened...somebody who just moved here today is paying debt service on everything that's happened before they got here and that's fair, because they're the beneficiary of those things that are already here. I don't know if we're investing any money in Curtis Park, but we may be, and so somebody who's brand new, could benefit from Curtis Park and any investment that we're making towards Curtis Park. Okay, so somebody who moves here a year from now, who is subject to this new proffer, well there's an additional park capacity that's necessary as a result of rezoning that hadn't been factored into the equation and that's why we're asking them to help pay for that additional need. So they're getting the benefit of what's already here, plus they're also having an impact necessitating even more park capacity. That's why I don't think debt service credit is fair, because those of us that are already here, aren't getting a debt service credit.

Mr. Rhodes: I personally, as a general philosophy, I'm of an opinion that the amounts are a little too high that come out just the straight up calculation, so I think we would be best served to have some rationalized approach to adjusting it. So, we have a clear, transparent methodology, so I would be drawn towards the 41 with no adjustment, because we're already going to have some adjustment anyways, I think. Whether it'd be a by-right credit, kind of consistent with the talk earlier tonight, how that would calculate out or whether it be a cap that sat on it or both. So if we're going to have those anyways, we

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might as well just start from a clear, unmodified starting point. So I personally would be inclined towards the column that says the total and then go from there towards any adjustments. If we're going to do adjustments, let's just do it with one set of rationalized, rather a set of adjustments for the starting point and then other adjustments from there.

Mr. English: So that would be alternative B?

Mr. Rhodes: Yes, alternative B, but this total column would be kind of the starting point. And that'll be our justifiable, transparent, clear, we can trail back as to how we got there methodology and then we make some policy recommendations on adjustments, rationalized out, in form somewhat intuitive adjustments which may or may not be some degree of by-right credit, 50 percent, 75 percent, something in there and and/or an overall cap on the category.

Mr. Apicella: I certainly think that's the cleanest starting point.

Mr. Rhodes: Any objections to using that as our starting point. Okay, there we go, we got a starting point. Do I have a by-right credit? 50 percent? 75 percent...okay. So if we go to the big sheet, you've got the...staff has just done a tremendous job, I mean they've just done great work here...so if you go to the sheet there, you can see the different impacts of by-right credit. 50 and, I think those 50, 100 and 75. They got them in odd order, but 50, 100 and 75 is how it would have affected these if you were applying those, what was the reduced debt service credit.

Mr. Harvey: Yes, and Mr. Chairman, just to clarify that. 75 percent is not a credit, it's applying 75 percent of alternative B with that service.

Mr. Rhodes: Oh okay. So it's a max of 75 percent of the calculation.

Mr. Harvey: Yes.

Mr. Rhodes: In order to reduce it, to make it more incentivized to encourage a rezoning consistent with the Comp Plan.

Mr. Harvey: Yes, staff would provide that number.

Mr. Rhodes: So one approach would be to take this as our starting point and if we feel for multiple reasons, that it's not going to encourage rezoning consistent with the Comp Plan, that it's just too onerous, then you would apply a 75 percent factor to it. So the 41,000 would become about 30,500 or something. Now to be consistent, would it be best to apply that to all categories, or could we say, you know the only place that I think that this is too burdensome is on the single family home? Or should you apply consistently? What would your reaction be to that, Mr. Harvey or Ms. McClendon? Any concerns?

Mr. Harvey: My suggestion is, if you have rational reason for that percentage to justify that in can become part of your policy. If you pick and choose, you need to have some rational basis as to why single family would have a higher percentage reduction versus townhomes.

Mr. Gibbons: Going back to the chart. 10 years you got 7 million dollars and how much was the CIP for the last 10 years.

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Mr. Harvey: A lot.

Mr. Rhodes: 400 million.

Mr. Gibbons: So we're not even addressing that problem.

Mr. Rhodes: Okay, so how about 75 percent, the rationalized total column there, 75 percent of it.

Mr. Apicella: What...I'm not following you. Is that your recommendation?

Mr. Rhodes: Yeah.

Mr. Apicella: I mean, that's my recommendation, Mr. Chairman, as well. Here is the point, I think the problem from my perspective is, we've got almost 9,000 units that are going to be built over the next 10 years. The vast majority of that are going to have zero proffers associated with it. We will never collect enough money to capture all of our CIP cost. That's gotta be a given. It's just not going to happen. So the question is, how do we get somewhere between zero and what we need?

Mr. Gibbons: It goes right back to what people complain about. The growth does not pay for itself.

Mr. Apicella: Growth is not going to pay for itself. Because we have so many by-right units in the mix. So how do we incentivize developers to do in the same case what they did in Shelton Knolls.

Mr. Rhodes: And these are exactly the comments that we would want staff to work into the rationale of an approach for an adjustment that we'll take to Public Hearing on...hopefully vote for Public Hearing next session. And those are the points we want to...we want to receive some funds to help pay for the growth, acknowledging that there's a lot of by-right growth out there we're not going to get anything for, but most importantly then, we should want to receive what funds we can reasonably receive, but in a manner that doesn't preclude, that encourages and doesn't preclude rezoning consistent with the Comprehensive Plan. We're trying to find that sweet spot.

Mr. Apicella: I'm going to kind of disagree with you a little bit on the "we're never going to get any money for by-right", because, again, I'm going to go back to the project that was in front of us today. Shelton Knolls had by-right development, okay? As did the previous project, Shelton Woods. And they decided, on average, I mean you can factor however you want to, maybe they got a by-right credit, maybe they didn't, but on average they brought in about somewhere between 30 to 33,000 dollars per unit.

Mr. Rhodes: If we don't rezone.

Mr. Apicella: Right, but how do we get them to take by-right and do a rezoning so we capture some...

Mr. Rhodes: Where do you find the sweet spot to encourage them to rezone, consistent with the Comp Plan. Absolutely. And what have we seen. We've had several applications, we had the one that was just off Mine Road, the townhomes and a few others, and they are getting into a sweet spot that's about 75 percent on this level. When you look at the most recent applications we dealt with, and the market changes, but in the environment we're in, they been around the 75 percent of this amount level for the multi-family and for...excuse me...for townhomes and for the single-family homes.

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Mr. Apicella: And I guess my point is, once we establish that as a new expectation, then we won't have that, I call it chilling effect, for somebody to say, I don't know what Stafford's going to agree to. I don't know if I'm going to invest my time, energy and resources trying to come up with a proposal, because I don't know what Stafford's going to do with it. If we re-establish an expectation that this is reasonable then maybe we'll get more rezoning applications, because they understand some receptivity to that number, rather than some "hey, we don't know what we want".

Mr. Rhodes: So are we okay with staff building the rationale for Public Hearing that first uses as the basis the methodology to calculate out which has sound principals behind it to the total column that's on this slide in front of us and then uses as a modifier to that, in order to appropriately encourage the development, enhancing rezoning to complement our Comp Plan. There will be a cap of 75 percent of that amount there.

Mr. Gibbons: That's not the problem. The problem has been identified by Steven. If you got x amount of units that have by-right, that have no proffers, what does it take to get that into the proffer area?

Mr. Rhodes: To get them to want to rezone, so that the amounts...

Mr. Gibbons: That's got to be our goal.

Mr. Rhodes: Right. But I would submit, if it's...

Mr. Gibbons: And even if you had, if you took all the units that you got and say they're all units that could be profitable and you...I'm not confusing profitability with proffers...but, if you brought them in and every dwelling we had, had a proffer on it, how much money would that be towards the ability to retire the CIP?

Mr. Rhodes: You're going back to the county-wide down zone.

Mr. Gibbons: Well, I'm not saying I have to know, but if you go back to it, how many units we got between...

Mr. Rhodes: 9,000 are in Preliminary Plans that are yet to be platted or developed, right?

Mr. Harvey: Mr. Chairman, I believe I have something that may help with that. Let me get to this slide. There is a request for missed opportunity cost for by-right development and if we look at the current proffer guidelines, and we looked at the subdivision list, deducted out the units that have some sort of proffer commitment, we come up with, under the current guidelines, 273 million dollars, or 272 million dollars. If we look at alternative B, it's 213 million and with 75 percent of alternative B it's 178 million. So the question is, do anyone of these options incentivize people to rezone, if so, you may find that you're getting more revenue.

Mr. Apicella: I got to tell you, 179 million beats zero any day of the week.

Mr. Rhodes: If they'll rezone.

Mr. Apicella: If they'll rezone.

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Mr. Gibbons: But that's...the challenge is that, Steve.

Mr. Apicella: But, what I'm saying, again, we've got two examples of somebody willing to go at the 75 percent level. So let's, again, going down the same path of inhibiting rezonings, because the amount is too high currently, versus trying to incentivize rezoning and getting something where we have nothing. It may be that 75 is still too high, but at least we'll try it. We'll see if it gets us more interest than we have currently.

Mr. Gibbons: You go down 616 today from one end of 17 down to where we live. You got nothing. Every ounce of land in the rural is being built on. I mean...

Mr. Apicella: But it still goes back to...it's also about volume. So if I could build 10 lots by-right that might be more profitable to me than adding some proffer amount. But, if I could build 20 units, then maybe it's worth it to me, to try end offer up some proffer to offset the cost.

Mr. Rhodes: Do you think it should be less, Mr. Gibbons.

Mr. Gibbons: No, I'm just saying that...I'll back whatever you want to do, but the problem is, you got these unproffered lots. How do you address that?

Mr. Apicella: To me, at the end of the day, it's an economic / financial incentive. That's the only way. What other way could you use?

Mr. Rhodes: A portion of it is finding that sweet spot that suddenly makes it worth reconsideration.

Mr. Apicella: Right.

Mr. Coen: Well and another element is, quite honestly, at least for the time I've been either watching on TV or sitting here, a lot of times we get in less than the amounts, so we could say we want it to be 75 percent of our alternative B, but if they turn around and come in at a lower dollar amount, it seems as though that's often what's going to happen, so we may be thinking we're going to get, well, 179 million, it may well be a lot less than that, because that's the way it's going to be. And I understand any dollar is better than zero. However, I think it really needs to be at least acknowledged that it's probably not going to be this...I'm not sure about saying sweet spot, but the spot may be to other people a lot lower than we what we would really like it to be.

Mr. Apicella: But at the end...I'll say it...at the end of the day you still don't have to approve a rezoning, if you don't think that it's going to mitigate the impacts of growth. So if somebody comes in with even less than 75 percent, I think you have a greater argument to say "hey, we're already below 100 percent. We're now at 75 percent. Here are all the impacts associated with your development. You come in at 50 percent, it's not going to work. It's not going to work for anybody." And you vote no. No one's forcing the County at any level to support, even if they came in at 100 percent of what we have now, you still don't have to approve the rezoning.

Mr. Rhodes: So are we okay with this bottom box here, the 75 percent of the what we have used as our basis for our alternative B?

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Mr. Apicella: Mr. Chairman, I would recommend that that's the approach we establish going forward and ask the staff to put together a package that we could put to a Public Hearing.

Mr. English: Is that a motion?

Mr. Apicella: Yes.

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

Mr. Apicella: I guess my only question – Do we need to have a Public Hearing?

Mr. Rhodes: I was going to... Ms. McClendon?

Ms. McClendon: Mr. Apicella and Mr. Chairman, yes, the Board has requested the Planning Commission to send this to Public Hearing to get the public's input on the proffer guidelines.

Mr. Rhodes: So, in the structure on the Public Hearing there, Ms. McClendon, could you clarify, are we better, again, looking at the degree of which you can make change and it doesn't require another Public Hearing, if you want to increase...if it increases the impact from what you originally publicized then you have to have another Public Hearing. So if we start out at 75 percent, but our ultimate, after all the comments and everything came in, we said we really want to recommend 85 percent, so we're now causing greater impact. Do we have to re-advertise for Public Hearing?

Ms. McClendon: No, Mr. Chairman. The proffer guidelines are only a policy. They're not a resolution or an ordinance, so Public Hearing is not required, therefore the Planning Commission is at liberty to make changes to its recommendation.

Mr. Rhodes: So we're not handcuffing in the way we structure?

Ms. McClendon: No.

Mr. Rhodes: Okay. So we got a motion on...for this approach and that would be recommending that staff take that outline and develop up something for Public Hearing, rationalizing out the adjustment there, the 75 percent, as far as explaining why we're proposing that amount. Any further comments? Mr. Apicella?

Mr. Apicella: You know, again, anything from this presentation or anything else that we've done thus far over the...almost year, that we've been talking about this, that would help inform, not just us, but the public as we have this Public Hearing process, because there is a lot of details that might get missed, if all they see is "Here is the number that we're driving."

Mr. Rhodes: Yes, and there is some awesome slides in here in this presentation for that.

Mr. Apicella: And I don't think we got to it, but one of those things are, again, what are the pros and cons of by-right development versus rezoning. I think we, if you go to that slide, we have, in a rezoning we have the opportunity to have some say in what the final product looks like. In a by-right development, hey, if they've met the requirements they get to do it. We don't get to have any say, so I think that's a

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point that needs to be made, that this is not just about the financial aspects, but some ability to have some input into and ultimate say of what the final proposal looks like, among other benefits.

Mr. Rhodes: Any further comments? Okay, 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? Mr. Harvey, there is actually direction and general agreement on an approach to go towards public hearing. Woohoo!

Mr. Harvey: Thank you very much.

PLANNING DIRECTOR'S REPORT

Mr. Rhodes: Okay, Planning Directors Report, Mr. Harvey.

Mr. Harvey: Thank you, Mr. Chairman. I want to point the Commission's attention to a new staff member that we have. Erica Ehly. She started last week with us. She's a Senior Planner. She's going to be helping the Commission out with a number of things coming in the future. She was also very helpful with some of the slides and information that we put together for tonight's proffer guidelines discussion.

Mr. Rhodes: Where are you coming from?

Ms. Ehly: Florida.

Mr. Rhodes: What part?

Ms. Ehly: Vero Beach.

Mr. Rhodes: Vero Beach. This is much more sunny. Welcome.

10. Cost savings for iPads

Mr. Harvey: Also, Mr. Chairman, we've included in your package information that had been requested from staff regarding cost savings for the iPads, as far as paper and staff time. We estimate that it was a little over 2,600 dollars for annual savings. And there are startup costs per iPad, but it may end up in the long term being a wash with the overall cost, but from a staff perspective it saves a lot of time behind the copier machine, which gives us flexibility to do other things and be more productive.

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Mr. Hiron: Mr. Harvey, I'm assuming your numbers don't actually take into account that staff time, or do they?

Mr. Harvey: Yes.

Mr. Hiron: They do, okay. And with the iPads, obviously I'll be leaving the Commission, if I turn my iPad back in, will it be reissued to my replacement, or will they be getting a brand new one out of the box?

Mr. Harvey: It'll get reissued until we get an overall re-supply of updated iPads.

Mr. Hiron: So that startup cost is pretty solid, pretty good. There's not ongoing costs of buying additional iPads.

Mr. Harvey: Not at this point in time.

Mr. Gibbons: You said 2,600 Jeff?

Mr. Harvey: Yes.

Mr. Gibbons: I think that's way low.

Mr. Harvey: That was our best estimate based on...

Mr. Rhodes: Anything else, Mr. Harvey?

Mr. Gibbons: Mr. Chairman, I got one request on this. I've attended TRC meetings and it's a tremendous amount of cost going in to paper and plots and you go through it, you sit there and they go through all of the plots, VDOT...and it's about 1,200 dollars for the first cut. Then you do another cut that's 1,200 dollars and somehow we gotta get this thing down to be automated, because on the Shelton Woods things I pulled everything off of the engineer's website, I didn't do anything, put it up on the TV and I had it all right there. And we gotta get into pdfs and softcopy, because we don't have the rooms. I went over to the Courthouse, I've been down to VDOT. VDOT ran out of room to store the plans. They don't have the ability to store. So the sooner we get on board with this automation, and we can prove it here, just like the staff puts everything up online, we gotta do that, but today was shock to me. 1,200 dollars sitting. You correct it, it's another 1,200 dollars and that's costly.

Mr. Harvey: Yes, Mr. Chairman. That's something we're actively working on. Our Public Works Department is going through the process now of implementing the requirement for a disc for the submittal, rather than plan sets, because it only costs 2 dollars to make a disc, versus, as Mr. Gibbons says, hundreds of dollars to run the paper copies. We're starting to head in that direction. Some of the issue will be for us to coordinate with outside agencies, because some of them don't have the capability right now to accept anything but paper, so we're still trying to work through that.

Mr. Rhodes: Okay.

Mr. Gibbons: And then the last item, I ran into it as you were getting your health food and the thing that we want to look it is, make sure that if we can, if the staff next year can look at making a folder or

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dropbox for each application so you can add as you're going through the zoning application, as we get new information it goes back into the folder that it belongs into.

Mr. Rhodes: Yes, I think, right now, each link, when we go electronically to an agenda item, is just a preset number of pages or other items that you've scanned in there and Mr. Gibbons was talking, when we met offsite, one day we ran into each other, but he was talking about the possibility, if that's a life folder and so as you get these new added pages that somebody will send in at the last minute, or do a letter update, I know your staff does a great job of emailing those out, but if those could be dropped in and added to that folder, so each time we're hitting that link, it's got the new added pages to it. The thought was if we could investigate with the IT folks if there's a way that we can modify, so our link is always just being updated with whatever added pages or new information has been brought in.

Mr. Harvey: Is the request similar to what we do with the iPad agendas, where we add all the previous reports to it?

Mr. Rhodes: Maybe. I mean, it's something like that, where everything is kind of there, so...we got this thing from VDOT. Let's say we had gotten it earlier than 5:53, but if we had gotten it this morning, you would have emailed it out. You would have scanned it and emailed it out, which would have been greatly appreciated, but if it also could have just been added as the next page behind it, attachment 10 of 9. You know when you first made the package it was 9 of 9, but it just goes in there and you just say we've added another attachment to the file and that's all the email says and we just go to that link on the agenda. Something like that was the thought, if that's technologically feasible. Which I'm sure it is, as long as I'm not doing it. Okay. Great. Thank you. Any other things, Mr. Harvey?

Mr. Harvey: No, Sir, 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. Rhodes: Very good. I don't think we have any Committee Reports. Chairman's Report. I have nothing else to report other than Happy Veteran's Day.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Mr. Gibbons: I thought were going to make a request to the Board for proclamation for Mr. Hiron's duty.

Mr. Rhodes: Mr. Hiron's? Who's that? We can work on that.

Mr. Gibbons: Can you do that for us, Mr. Chairman?

Mr. Rhodes: Yep, we can take care of that.

Mr. Gibbons: And I think his going gift should be a report card.

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Mr. Rhodes: Report card and high expectations of better...now you all can just stay in touch with the DRM meetings and the TRCs and everything else.

OTHER BUSINESS

11. TRC Information – Meeting December 11, 2013

Mr. Rhodes: TRC. Who's got one?

Mr. Gibbons: I got one.

Mr. Boswell: I got one.

Mr. Rhodes: You guys got one? You know your times? You know your days?

Mr. Boswell: No, I don't know the time, but we'll figure it out.

Mr. Rhodes: We're going to get them times? We'll just email them with times?

Mr. Harvey: Yes, Sir.

Mr. Rhodes: Okay. Cool.

APPROVAL OF MINUTES

October 23, 2013

Mr. Rhodes: I'd entertain a motion to approve the October 23rd, 2013 minutes.

Mr. Gibbons: So moved.

Mr. Rhodes: Motion by Mr. Gibbons.

Mr. Hirons: Second.

Mr. Rhodes: Second by Mr. Hirons. Any further comment, 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.

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Mr. Rhodes: Aye. Any opposed. None opposed. We are once again caught up 100% of the minutes. Yeah, Stacie, good job. Okay, any other things we missed?

Mr. Gibbons: Is there anything in the minutes, that's what we gotta check.

Mr. Rhodes: Ah, who cares. We're caught up. Thank you all very much.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:34 p.m.