

STAFFORD COUNTY PLANNING COMMISSION MINUTES
February 26, 2014

The meeting of the Stafford County Planning Commission of Wednesday, February 26, 2014, 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, Apicella, Coen, Bailey, English, Boswell, and Gibbons

MEMBERS ABSENT: None

STAFF PRESENT: Baker, McClendon, Knighting, Ehly, and Zuraf

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any Declarations of Disqualification this evening? Very good. Now at the point in time for Public Presentations; if there's any member of the public that would like to come forward and speak on any item this evening, they may come forward and do so at this time. Okay, they won't come forward. Very good; there are no public hearings so we'll now move onto Unfinished Business. Before we do, I would highlight that...

Mr. Gibbons: Could I make a motion?

Mr. Rhodes: Please.

Mr. Gibbons: We have one item here tonight. Nobody's here for the Fox Chase?

Mr. Rhodes: Actually I was just about to announce; it's been deferred. We didn't get it marked on here and I wanted to say that before we got going. It will be deferred and it will be covered on March 12th. Is that correct? Yes. So it will be the next session, March 12th. There are couple items they'd like to work on. They've asked for a deferral. Mr. Apicella is going to meet with them to talk about a couple modifications.

Mr. Gibbons: Is that part of Mr. Apicella's new policy of doing a public meeting before the public meeting?

Mr. Rhodes: He's working it out. No, but they do want to work on a couple items so they will defer it... they asked for a deferral to March 12th which was acceptable, so we'll defer that. So there will not be any items on New Business this evening. Since it's not a public hearing, it doesn't require necessarily a motion...? Okay, very good. So therefore, we'll... but thank you for raising that... we will move onto Unfinished Business with first item, number 1, Adoption of New Proffer Guideline Policies. Mrs. Baker.

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

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1. Adoption of New Proffer Guideline Policies - Proposed Resolution R14-13 would establish new Proffer Guidelines (Guidelines) for proffer statements submitted as part of a zoning reclassification or proffer amendment application. **(History: Deferred on January 29, 2014 to February 26, 2014)**

Mrs. Baker: Yes, Erica Ehly is going to give a presentation.

Mr. Gibbons: Mr. Chairman, I would like to...

Mr. Rhodes: Please.

Mr. Gibbons: We have a committee that met on this so I think you should take the committee report and then we'll lead into Erica.

Mr. Rhodes: That'd be fine; it would be absolutely fine.

Mr. Gibbons: The 3 Commissioners met last Friday with FABAs and two or three other developers and one law firm. And it was one of the most professional meetings I've seen in many years. All the staff showed up (inaudible) and we had a good dialogue. So tonight, when Erica gives the presentation as both the committee part of it and the staff part, we merged them altogether so we have one presentation tonight.

Mr. Rhodes: Great.

Mr. Gibbons: But I'd like to thank the two Commissioners for being there with us.

Mr. Rhodes: I'd like to... certainly on behalf of the Commission as a whole, would like to thank all three of the Commissioners for working through that issue. We had some weather issues, had some other complications, so I know that caused a couple of changes but I appreciate the effort of the committee to address the issue, try and capture in what looks like a great package; looking forward to the presentation. But thank you for doing that and thank you for the work of staff. Ma'am, it's yours.

Ms. Ehly: Good evening Mr. Chair and members of the Planning Commission. At the meeting on January 29th, the Commission requested that we have a meeting with representatives of FABAs and we had members of the Commission there, as Mr. Gibbons just stated. And we had a meeting to go over the concerns that were expressed in the FABAs letter that you all did receive at that time. Computer please. Sorry, I'm still getting used to this. There we go; okay. So, I have a couple of slides in the beginning just to summarize FABAs had several comments, general support of the overall effort made by County staff in amending the proffer guidelines. And they endorse... they wanted to make sure that we were aware that they do endorse mark targeted growth in Stafford County consistent with the Comprehensive Plan. And they agree that development should mitigate the cost of impacts to the public facilities. So, they did make several requests which are related to their concerns that were expressed. They wanted to see a comparison of the Parks and Recreation proffer amounts with and without the inclusion of undeveloped park land; and comparison of the school proffer amounts utilizing both the new-neighborhood and countywide student generation rates; and the consideration by the Commission of who should pay for maintaining the current level of service as reflected in the CIP. They also requested credit for developer construction of public facilities and/or land dedication for such things as park and/or school sites. They wanted to see a report showing proffer contribution amounts received and expenditures over the last five years. Clarification of the language regarding offsite dedication

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requirements. Next slide please. Clarification of the language regarding the geotechnical requirements of offsite dedications, and that the County will be the responsible entity. There was some vagueness as to who would be responsible for having the work done. And, also, consideration of the most effective way to incentivize targeted growth. That was a comment and brief discussion that we had at the end of the meeting.

Mr. Rhodes: On those clarifications, did they propose any language particularly? Or just had general points of what they thought needed to be clarified?

Ms. Ehly: For the clarification?

Mr. Rhodes: Yeah.

Ms. Ehly: We'll get to that in the slide presentation. It was really simple clarification; not a big issue at all. So, the first item, FABAs representative expressed concern that the methodology used in the park proffers included funding for the acquisition of park land at the current level of service, which includes the 349 acres of undeveloped park land. Next slide please. And so staff created a comparison; at the top is the proffer amounts including undeveloped park land, and below the proffer amounts excluding undeveloped park land. And basically it results in a 30% reduction in the proffer amount when you exclude the undeveloped park land from the methodology.

Mr. Rhodes: Can you point to, or describe where that is, the 30% reduction?

Ms. Ehly: From \$528 in the upper... and then going down to \$370. And then from \$526.80 going down to \$368.70, and from \$414.04 to \$289.83.

Mr. Rhodes: If and at a point in time that we develop the undeveloped park land, would they then agree that it should include the cost of land?

Ms. Ehly: That we did not discuss. However, I know incorporated into this new guideline methodology, every year the numbers will be updated. So, once those projects are added to the CIP, then that cost value will be reflected in the new numbers annually.

Mr. Gibbons: Mr. Chairman, we brought up the fact that at a zoning, if the properties are being zoned, you only zone them one time. And the only time that you have a chance to do passive and active is at that time. So, do you run out of park land and then you don't have no zonings coming in to expand it or not, so that's what our rebuttal back was. And we want to wait for the full Commission to hear that. But our point is it runs with the property so you can't go back and get anything more at a later date.

Mr. Rhodes: But, at the end of the calculations, it ranges between \$125 to \$160 a dwelling unit.

Mr. Gibbons: Yes.

Mr. Rhodes: Okay.

Ms. Ehly: Okay, so next slide please. And the next issue was the comparison between the countywide generation and the new-neighborhood generation rate. FABAs made the comment that the countywide generation is more closer to the amount that they would be looking for more willing to accept. Next slide please. So we created this comparison chart. At the top, the calculation using the actual data from

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selected subdivisions were the new-neighborhood generation rate and the chart below that is utilizing the average student generation rate or the countywide generation rate. And that resulted in a 43% reduction in the proffer amount per single-family unit, a 56% increase per townhome unit, and a 40% decrease per multi-family unit.

Mr. Rhodes: Now I would, just to remind all, this was a specific element of discussion we had here as Planning Commissioners as well. Discuss through the two different approaches to what you consider and I think as we noted you could probably make a case for either one of them; and they do have a difference. At that point in time, we did end up deciding to go with the ones from I think it was the new-neighborhood bases, but I don't disagree that that is a point to be considered because that was one we debated and considered.

Mr. Apicella: Mr. Chairman, if I may add, as you said we discussed that over several meetings. And as I recall, the bottom line was that we found that the new generation rate was more accurate as compared to the countywide rate, especially since rezonings result in new development, not pre-existing development. I understand and appreciate where they're coming from; from my vantage point I'm not yet convinced that we should go back to the original countywide (inaudible).

Mr. Gibbons: What we felt as a committee, we should bring you back the two comparisons.

Mr. Rhodes: Right, very good.

Ms. Ehly: Mr. Chair, I just wanted to point out, the numbers in parenthesis are at 100% and then the numbers on top are at the 75%, which was...

Mr. Rhodes: But at the, again, the end of the calculations, it ended up in ranging between 14,000... it's 14,000 decrease, 6,500 decrease, and interestingly the 9,000 increase. Okay.

Ms. Ehly: Approximately. Okay, so with regard to the level of service, FABAs commented that using the level of service currently reflected in the CIP as a snapshot in time. That includes existing deficit where new development has a larger percentage of costs allocated to it through the payment of proffers than by-right development. The comment was made that there should be consideration given to that ratio of who should be paying for the current level of service, whether new development should assume such a large amount of the costs, and obviously they would like to see the proffers as low as, you know, would be acceptable. Additionally, a request was made for an explanation to be provided as to how the calculations were made to determine the suggested proffer amounts using the existing inventory of public facilities and level of service in the current CIP, and then allocating the cost value per capita for each public facility. The Commission did receive the calculations that were created by staff. And I do have that on a separate slide presentation in case you want to go through those one at a time, but we won't do that right now. So that was prepared for the Commission and for the members of the committee to review. Next slide please. The discussion concerning credits at the committee meeting centered around a request by FABAs for credit towards developer-constructed facilities and/or land dedication. That's pretty much the credits that they seem to be interested in pursuing. They noted that this provision would allow for public facilities such as school sites and parks to be part of larger developments which can be beneficial versus the acquisition of land separately by the County, which would also likely be at a greater distance from the residents of those developments. Next slide please.

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Mr. Rhodes: Now certainly there's an... I mean, the obvious point there is there's an economy of scale reality there. If it's a larger development, that's a likely possibility; if it's a smaller development, it's not reasonable. So, for the large developments, that's a possible consideration.

Mr. Gibbons: Well, there's also a possible consideration of a large development coming in and building their schools and leasing it back like they did at Mountain View. So, I mean, if they want to do that, can you give them... I don't know what type of credit you give them but...

Ms. Ehly: And comments from FABAA concerning the timely expenditure of proffer contributions seem to be directed at the idea that a developer-constructed facility would be better than having money sitting in an account waiting to construct a facility. Next slide please. And so we did prepare a summary of... they've made a request to report the percentage of cash proffer contributions expended from the amounts received over the past five years. Overall, the average rate of expenditure was 42%. Next slide please. And, as far as the clarification of language, staff clarified at the meeting that the point of having the owner's consent was intended for public facility sites such as parks, schools, fire stations, things like that if those sites are going to be dedicated. In order for that to be feasible, we needed to have the owner's consent, especially if it's not owned by the developer.

Mr. Gibbons: They claimed this was an onerous... you want to jump in, you go ahead.

Mr. English: (Inaudible, microphone not on). If the owner backed out of the deal before it was considered then would they have to get it rezoned and things like that is what they were considering.

Mr. Gibbons: But Mr. Chairman, we've had two or three cases where if we had done that, you know, the County had to go in and claim it themselves, so if we don't have something in our hands before we go through with the zoning then there's no guarantee after the zoning. And that's what we felt as a committee.

Ms. Ehly: And the next slide shows the specific language that we're talking about; proffers related to offsite land dedications and construction of offsite capital facilities shall include an exhibit showing the owner's consent for the offsite proffer. So, that has not been changed yet but we can certainly clarify that.

Mr. Rhodes: Otherwise what good is it.

Ms. Ehly: Next slide please.

Mr. Rhodes: If I could, just a moment, going up actually two boxes there where it identifies the State Code requires the transportation proffers be spent within seven years of collection. What happens if it's not spent within seven years of collection?

Ms. Ehly: Mr. Chair, it's my understanding that it does have to be returned to the payor.

Mr. Rhodes: Hmm... okay.

Ms. Ehly: And then another area of just clarifying language, if we can go to the next slide, just clarifying that... I'll just read the statement first. Proffered conditions should specify that dedication of land shall be made upon County acceptance of subservice geotechnical analysis. So, there was some confusion as to whether the entire geotechnical analysis had to be done for the entire site, but no, it's just

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for land that's dedicated for construction of public facilities. And then we would also clarify that the County would be responsible for doing that, that it's not the developer that would be responsible for doing that.

Mr. English: We just also clarified we didn't want another situation like we had in Embrey Mill that the property was not being able to develop for school like we had over here.

Ms. Ehly: Next slide please. And then again, as far as discussion of by-right credits, the only credit type that was discussed at the committee meeting was the credit for dedication of land for school and/or park sites. And then credit for early payment, you know, they understand that the state law limits the ability of the County to collect payment early. Next slide. The two-thirds vote will remain the same; it's a requirement of the Commission By-Laws. The discussion of going to the lower... I'm sorry, next slide please. The large proffer amounts promoting sprawl and this type of thing of how do you incentivize development in targeted areas, that's a big picture issue that will have to be given quite a bit of effort on the part of both the Board and the Commission...

Mr. Gibbons: But Mr. Chairman, the one above it, we can change the By-Laws to do a simple majority. I don't know why we had it the way it is. I couldn't find nothing in the notes I had.

Mr. Rhodes: Conversely, I haven't found it to be a problem either. I've never known a point where we haven't gotten to a two-thirds vote to accept information or changes. So, I mean, in can certainly be... yeah, you're right. It's in our By-Laws; it can certainly be changed. I'm just not sure what problem it has caused. Did they have...?

Mr. Gibbons: They didn't bring specificities.

Mr. Rhodes: I can't recall a time where we haven't supported that... when there hasn't been another larger issue that's caused a deferral. If that's been the only issue, we've typically tended to work them out and accepted the new information the night of.

Ms. Ehly: Okay, next slide please. They brought up the lower proffer amount, the Chesterfield proffer amount, the flat fee; it's about \$18,600. And we just reiterated the fact that that was considered by the Commission, seriously looked at, and was not part of the final document. And then the next item again...

Mr. Rhodes: And I'm sure (inaudible) the proffer amounts of all the counties that are in a closer proximity than Chesterfield is to us.

Ms. Ehly: Those are higher, yeah. And then again, the issue of targeted growth and the amount of proffers being suggested, the proffer amounts being suggested and how they were seeing them interrelated. The Comprehensive Plan again targets growth through the assignment of the future land uses and, as far as incentivizing growth where the Comprehensive Plan is directing it, that is a big picture, a larger issue again that we'll have to look at in the future. It would take a great effort than... there's not necessarily the relationship between the proffer dollar amount and incentivizing growth in certain locations. There's other tools, other planning tools, that can be utilized, but that would be a different process. And the next item, FABAs just noted that the market drives the growth rate regardless of the number of zoning changes or lots available. And we did not discuss the population numbers, the 2010 Census number were used, but in the...

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Mr. Rhodes: What was... I'm sorry, I didn't quite follow. On the growth rate, what was their suggestion or recommendation associated with that or was that just a general comment?

Mr. English: It was just a general comment (inaudible - microphone not on).

Mr. Rhodes: Okay.

Ms. Ehly: And then as far as the population numbers, staff agrees that we should probably use the current population numbers, and those numbers are part of the budget every year. And so that would make sense to use that as we're updating the proffer amounts in relationship to the CIP which is also part of the budget, that we would update the population numbers. And Finance actually did start using those numbers in the background information that you did receive. And so that's the summary of those issues. I'd be happy to answer any questions.

Mr. Gibbons: Mr. Chairman, I'd like to have the other two Commissioners chime in. Go ahead, Mrs. Bailey. Do you have any comments?

Mrs. Bailey: Not about the information that you provided, but I did want to say, if I could just a thought that the facilitation of the meeting by Mr. Gibbons was very well done. And there was a lot of great dialogue that went into the conversation and whenever you have items like this that are of great concern to a lot of people, it's very good to be able to allow the opportunity for people to come in. We want to be good business partners with those out there in the community and building these relationships, this is a great step towards that. So, thank you.

Mr. Rhodes: Thanks. Mr. English?

Mr. English: Yeah, I went in with the thing we were going to be there till 12 o'clock but it wound up we were there for 45 minutes and Mr. Gibbons did an excellent, excellent job on how he handled them and how everything was done. Staff did a good job by getting this presentation together. And I don't think we argued one time. I think we laughed more than we did anything as far as getting stuff done. So it was a productive meeting and, just like Mrs. Bailey said and Mr. Gibbons said, it's probably a good thing that we did meet with them. So, good job Mr. Gibbons.

Mr. Gibbons: Mr. Chairman, that comes with osmosis, after so many years it sinks in, you know. But anyways, I can't think the staff enough about this and the speed in which they updated the formula, updated the figures, and got them back to us so we could review them. I think it's amazing.

Mr. Rhodes: Well, clearly there was a lot of preparation on all sides. That's the only way you can have that solid and positive a meeting. So, kudos to all involved. And, again Mr. Gibbons, thank you for the suggestion and raising the hand to take that issue forward. Are there particular elements of the dialogue though that you would...

Mr. Gibbons: I think there's two or three issues and everybody chime in. It's the first time publicly that they went on record saying that they support proffers. We've always had this problem with the State Legislature where they always went in and we didn't get anywhere. But they went on record and said, we don't agree with some of the methodology, but we agree that the proffers should be. So I thought that was a plus. And then the biggest thing was, and Mr. Apicella has brought this up a couple times, if you're going to have incentives to go back into the growth areas, what are the incentives? So if we make the proffers too high, or don't give incentives, then what is it that they gain from just staying in the

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rural area building then going in the growth area? And that was for dialogue. So, I don't think we're that far apart. It seems like we are as far as maybe a percentage point or two, but the philosophy is there and I think that we're trying to deal with the UDAs, the growth right now. So, what is the incentive? If you go back on the... can you bring up the proffer slide?

Mr. Rhodes: Computer please.

Mr. Gibbons: I mean the amounts? It's the slide you in the last five years.

Ms. Ehly: There it is.

Mr. Gibbons: And you can see the amount of money that we have collected per annum. If it were a deduction and some of that was given to say to put in the growth area and your savings for utilities, roads, and everything offset that, then wouldn't that be a good incentive to bring it back in? And then the other thing that we had brought up and the good counsel, she's always the good counsel over your left shoulder. She gives good advice. I went back to Mr. Milde and asked him what he had brought to the Board to see how do we reduce the land in that rural area and bring that growth back into other than PDRs. So, that's why we had this chart in there. So we don't have a tremendous amount of proffers but if we took some of it for encouragement, is that a loss for the County as a whole or is that a gain? And I don't know how to take a cost benefit analysis because I don't know what to go against. You have one in your letter tonight that's coming in. Is that the one we should look at? Is there a benefit of doing that and taking the rural land and putting it in preservation? I don't know. But it would be an active one and we would be dealing with today's dollars, not yesterday's dollars.

Mr. Rhodes: Were there specific thoughts on, you know, from all this now reflecting on it of elements that we had modified what we went to public hearing with?

Mr. Gibbons: I mean, I'll do whatever the Commission... we thought we should go out and reach out and get comment back. The Board of Supervisors has a committee in the Finance Committee and they're the final say. So I would suggest, Mr. Chairman, that we, all the committee reports and attachments be forwarded to the Board with a motion.

Mr. Rhodes: Yeah, one approach could be we continue to proceed but make sure that there's clear visibility on all the input and all the suggestions for the Board's final consideration. Certainly there's a balance here of the timing of how long we work on this and are there really other refinements that we might make associated with it compared to I think what is also an obligation of ours to ensure that we best support the Board and all their deliberations and the timing of what they're going to be taking on and the budget discussions and other elements. This is timely items to consider as well, and so we wouldn't want to hold that up. I mean, if there are specific elements in there that between staff and the committee, I believe we probably really should look at working into the current proposal before we go the Board; we should do that. And I think we could always make modifications to the proffer guidelines, I mean, there's not an exact science to it. So we could always work that a little bit more and rationalize it out a little bit more. Or if we just provide a clear logic on what our recommendations are based on currently on the proffer guidelines and then clear visibility on the input and the dialogue that occurred, I think that could be beneficial as well. I do know... I would raise that just a little bit ago there was a letter that came in from FABAs. Actually there was a similar tenor in that letter and I actually just forwarded it to everybody because I got it, and so we'll get it in for the record for the public disclosure on it. It came into the County but it came in in electronic form initially. But to characterize it, it certainly was thankful and appreciative of the dialogue that was allowed to occur. I thought there

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was great professionalism from the staff and all involved. And then commented that they would like a little time to look at some of the calculations, you know, a couple weeks. And they cited one item where staff would characterize this correct on there was a miscalculation on one portion with the park, the park land calculation. That said, again even it's only, at it's worse even if you took it all out, it's only \$500... I'm not trying to be de minimis of \$500 but it's not the bulk of the calculation, but it was one element that they noticed an error in. So, I just think in fairness to them and in the partnership effort should clarify that they would throw out their delay. I don't know that that's necessary but I'd throw that out for their consideration.

Mr. Gibbons: I don't think they benefited from the new calculations and what they had asked for. So, Mr. Chairman, a two week delay will not hurt the Board action with the budget going on. Then when we give it back to the Board, it goes to the Finance Committee. So I would say for two weeks and give them the chance to look at it would be reasonable, but no more than one Board meeting.

Mr. English: I agree.

Mr. Rhodes: Other thoughts? Please, Mr. Apicella?

Mr. Apicella: Mr. Chairman, I'll say what I said last time, that to the extent that they still have disagreements with the document, that I'd like to see specific red-line strikeout changes. If they disagree with the numbers, change those numbers and tell us why those numbers have changed, and what the methodology is that they used to get to those numbers. I'm certainly willing to consider it. I think it's a good thing that we had dialogue with the development community to understand their perspective. But there is a point in time where we do have to proceed forward. Another two week delay I don't think is a showstopper. But again, I'd really like to see... I think there's been some give and take back and forth. I think the staff, they've provided their comments, we've provided comments back. There's a point where I really need to see what are the specific things that you want to see changed, why, and again, what's your thought process behind it. So, I'm certainly amendable to a two week delay.

Mr. Rhodes: I do know Mr. Harvey did pass that from the last discussion, did share with them the desire for specific almost line in, line out verbiage recommended changes that we didn't receive any as I understand.

Mr. Gibbons: Well I don't... Mr. Chairman, not to belabor the point, but I don't think that they expected to have the meeting that we had. I mean, it was the first time that they had access to the complete financial staff, the budget staff, the planning staff, utilities, all in the same room. So they had everybody there that could listen. And when we started with the dialogue, it was a positive one. So we never got into a... we've always had battles on both sides, so this was not that type of a meeting and I think... I don't mean it took them by surprise, but I think they weren't looking forward to such a basic dialogue that it got down to and I think the fruition of it is going to be good for us because for them to come out and say for the first time since I've been around they support proffers when they've been fighting this for 30-some years in Richmond.

Mr. Rhodes: Agreed. I just would suggest that if we do choose to defer action a little bit longer, I do think it would be beneficial from staff's perspective in follow-up communication with them to again highlight that we are desirous of moving forward. And if they do have specific proposals to be considered, or specific items that they think need to be adjusted or modified based on what we've had prepared and (inaudible)...

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Mr. Gibbons: Well, Mr. Chairman, I'll make that in the form of a motion with your comments and the Commissions' comments.

Mr. Rhodes: Okay, so Mr. Gibbons, a motion to defer this for two weeks but staff communication to them that we will be acting on it next time so if they have any specific recommendations they need to provide this. Okay, is there a second?

Mr. English: I'll 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?

Mr. Coen: If I could, I keep wondering because the phrase "we're not that far apart" and I'm not certain whether that means there's been movement or that they didn't quite understand where we were coming from and so they've moved from where they are. So I think that... it would probably be helpful to know...

Mr. Gibbons: It gets into a dialogue for one. I mean, do you do it at a countywide or the neighborhood wide, you know, when we did that? And we have good reasons as a Commission why we did it that way. And just like the Chairman said, they have very good points why they wanted to do it countywide. So, I'm saying, if we get down to certain... we're not that far apart. We've got to come to a meeting of the mind that everybody agrees.

Mr. Coen: That's what I was trying to get a feel for, if it's that the Commission and the staff has worked and now we're moving what they've done to satisfy this group or is it that that group didn't understand the methodology so now they're like oh, okay, we'll move it that way. For the two week to defer, I know that legal did an excellent job with the idea of the land preservation aspect and if staff could sort of look at whatever language or whatnot, could that be put in. If we are going to have a deferral, we might as well have that aspect looked at. I know Mr. Gibbons sent an email I think it was almost the same time I did that said the Board had asked us to and we'd like to... so if we are going to have a deferral, if we can have that addressed as well. Thank you.

Mr. Rhodes: I don't think that was a specific referral from the Board, I believe it was just in a commentary associated with it. My only comment before we vote would just be that I internalize this as being not that we've gone further one way or they've gone further another. There's greater clarity and greater visibility, but we still have our positions and there are a lot of factors to be considered and it's very likely that the Board may massage it a little differently because, again, there are a lot of variables, a lot of approaches you can take on these things.

Mr. Apicella: Mr. Chairman, before we vote, just a couple things that I'd like to add. I agree with my colleague, Mr. Coen, about the land preservation piece. I think it's... I'd like to see some language that we might want to incorporate to help our thought process if that's where we want to go. I think it would be helpful, because I think we have some new members since we talked about the student generation rate, if we could get that material again, and I certainly wouldn't object to providing that same material to the development community to see why we think that's the right methodology for Stafford going forward. And lastly, Mr. Gibbons mentioned that there may be other types of incentives that we might

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want to consider. I think you were kind of intimating non-monetary incentives. If they have some ideas along those lines, if they want to bring those up I think that would be helpful to all parties. So I would certainly be interested to get their thoughts and feedback on that as well.

Mr. Rhodes: Very good. Well then, we will take a vote on the motion which is to defer this for two weeks, communicate to the participants of the last meeting that we expect that we will probably act on this at the next session, so any specificity to recommendations for consideration ought to be provided in the greatest clarity possible. And then we will move this forward and then a few suggestions for staff that I know you were taking notes on that we can have for part of the dialogue next time. With that, all in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None; passes 7-0. We will take this back up next session on the 12th of March I believe it is. And with that we'll move onto item number 2, Comprehensive Plan Amendment; Urban Development Areas.

2. 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)**

Mrs. Baker: As always, Mike Zuraf will be making this presentation.

Mr. Rhodes: Comp Plan... Comp Plan... Comp Plan.

Mr. Zuraf: Good evening Mr. Chairman, members of the Commission... I'm here to provide you an update on where we are with the Comprehensive Plan Amendment regarding the Urban Development Areas. As you may be aware, on February 18th, at the Board of Supervisors meeting, the Board did discuss the issue of providing more specific direction to the Commission and approved a Resolution which you received in your staff report (inaudible).

Mr. Rhodes: I just would like to also acknowledge and thank for the quick work on turning that portion of the transcript over. That was very helpful in getting the context and better understanding, so thank you for doing that. I know that was a bit out of cycle.

Mr. Gibbons: Maybe the Department of Defense could learn from this.

Mr. Rhodes: Ah, we'll never.

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Mr. Zuraf: So, in the memo you received, we provided you a summary of the main points out of the resolution of what the Board is looking for in their guidance to the Commission on the changes to the UDAs. And I'll just go through those and add some more commentary. The first point would be to maintain the concept of targeted growth areas as currently represented in the Urban Development Areas. What that means is instead of the proposal to designate one larger targeted growth area, their desire is to maintain... the limits of the Urban Development Areas as they currently stand, designate those as individual, several individual targeted growth areas. So it's more of maybe a terminology change there. The boundaries stay the same with terminology changes. Then going to the second point, evaluating the established density restrictions within the Urban Development Areas to allow some more flexibility; basically modifying the language, the recommendations in the language to allow more flexibility in the amount of growth that's recommended for residential and commercial, and you'll have some suggestions on that as we go along. Third point, to correlate the defined areas of the Urban Development Areas with the Redevelopment Areas; this would apply to where there is an overlap of UDAs with RDAs, so that would apply to the Southern Gateway and Courthouse areas. The intent there is, you know, the Boswell's Corner Redevelopment Area and Falmouth Redevelopment Area, those boundaries would just stay the same as we currently have. The fourth point, provide an analysis of any compatibility issues related to the residential land uses that might be within the proximity of the Stafford Regional Airport. Because our adjustments that were being considered did propose removing those residential areas and changing them to Business and Industry. And the locations closer, the Board is looking at maintaining those areas that might be close to the airport and allowing flexibility where residential might be in closer proximity. And so they do want us to kind of look into that and make sure that that type of land use recommendation, what kind of impacts that might have on the airport and their operations. So that will be a separate kind of unparalleled staff effort. The fifth point, evaluating the desirability to retain specific Urban Development Areas, and so for clarification there is any of the Urban Development Areas that we feel would desire to be retained, that those would become targeted growth areas. And then consider if any of the current Urban Development Areas should be recommended for removal. So, then additional points to kind of expand on this and kind of as a follow-up of an email that you may have received this afternoon in response to questions from Mr. Apicella, that kind of adds some clarification to the whole issue I believe. And the points there that I've also provided in the memo, the second point to do not extend... these are points that the Board made in their overall discussion, is a recommendation to not extend the Urban Services Area boundary. This was...

Mr. Rhodes: Where did we extend that?

Mr. Zuraf: Yes, this was proposed in two locations and can you advance maybe two or three slides... next... okay. On this slide you can see the two green circles; this is the current land use map. Those two green circles identify areas currently outside of the Urban Service Area, and if you go to the next slide you can see where the area along Courthouse Road, the circle on the left, that is land along Ramoth Church Road. And then...

Mr. Rhodes: Was that area that was already water and sewer?

Mr. Zuraf: Is not, so... and the thought there was if the Urban Development Areas were being removed and the overall intensities was being reduced, then it's kind of providing area for growth elsewhere.

Mr. English: I thought that Ramoth Church had water? Ramoth Church does have water but I don't think sewer.

Mr. Zuraf: Parts of it might have water but, yeah, it's more of a sewer issue.

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Mr. English: Okay.

Mr. Rhodes: And then the other one was around the schools.

Mr. Zuraf: And then, yes, this area to the right is along Courthouse Road, to the east of the Courthouse, basically that change added Stafford Middle School and Brooke Point High School into the Urban Service Area. So it didn't add a large area of new buildable area, it's more kind of a correction there to kind of... yeah, they have utilities and it's kind of a...

Mr. Rhodes: Now, is it fair to... again, it was very helpful to have the minutes because it added a lot of context... but I registered the dialogue and discussion as indicating they wanted, in response to this, they wanted some targeted recommendation solely associated with the current UDAs and where we would apply targeted growth areas and RDA consideration and just that. But it still doesn't preclude us in parallel coming back with other recommendations associated with other elements such as what's on the right hand side of the screen here. And those can be other recommendations we can make but they just wanted a clean set solely on the UDAs and then we could in parallel do some others.

Mr. Zuraf: Yeah, it doesn't preclude the Commission from providing other suggestions that might be beneficial.

Mr. Gibbons: That's a responsibility anyway (inaudible).

Mr. Rhodes: They just don't want them all kluged together.

Mr. Gibbons: Right. And if you look at what the resolution has, it's pretty simple.

Mr. Rhodes: Yep.

Mr. Zuraf: And one of the things that was proposed and the last point on that first page is the recommendation to not add new land use designations. We added in the Neighborhood Center land use designation in place of some of these Urban Development Areas. And so in kind of my response to Mr. Apicella earlier today, there could be a way to kind of work that planning construct into the language within these targeted growth areas that it could be a type of land use that is recommended as maybe a suburban center within these targeted growth areas. But in short of creating a whole new land use designation, we can kind of retain some of that, some of those (inaudible) limitations.

Mr. Gibbons: One of the real big hang-ups is the difference between the Neighborhood Center and the ...

Mr. Rhodes: P-TND?

Mr. Gibbons: ... and the Town Center. There's a different philosophy on the Board of Supervisors whether they should have either or.

Mr. Rhodes: Well, in addition to that, we could also save those comments for whatever parallel recommendations we take up to them as well.

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Mr. Gibbons: Well, what my understanding, they started out they wanted one answer; do you need a UDA or do away with them? And they got expanded into something that they never... So, I guess, do we need UDAs or are they desirable? I guess that's what the Commission has to decide.

Mr. Rhodes: Well, again, I took from the comments that it seems we could make a very targeted recommendation based on what they've asked. And then there are other things in the course of our dialogue in dealing with their first query months ago and developing our concept of targeted growth areas. There are some other good recommendations we might want to put forward but we can just do those as a separate set of recommendations that can be worked in parallel or just closely behind the first set of recommendations, and they can deal with each group of them as they deem appropriate.

Mr. Gibbons: Well, you've got one that was delivered to you that's...

Mr. Rhodes: Very specific.

Mr. Gibbons: I mean, you can't no more specific than that.

Mr. Rhodes: Yep, yep. I was curious, there was comment of an area concern or a change of concern that was in the Rock Hill area that Mr. Sterling recommended. Could you address that? I was trying to, just in reading, and off the top of my head I wasn't able to quite follow that.

Mr. Zuraf: That's the expansion of the Urban Service Area along (inaudible).

Mr. Rhodes: That was that one there? Okay, okay. Good. Got it. That's fair. Now there is the one RDA though that has nothing to do with a UDA up in Boswell's, right?

Mr. Zuraf: We would just be focusing on the adjustments to the RDAs in correlation with UDAs...

Mr. Rhodes: That overlap.

Mr. Zuraf: ... yes.

Mr. Rhodes: Okay.

Mr. Zuraf: And, you know, the Board did also want... they requested staff come back with some regular updates as we move along so they can kind of see how things are proceeding.

Mr. Rhodes: The one last thing that I took from reading through the transcript, and I'd be curious of both staff and other Commissioners' reaction to this, I sensed that there might be a preference on the Board to get a very... before we go into a lot of detail... just to get a high level quick answer on how do you think this looks, show me with no specificity in words but really just almost pictures on a map, show me what it is you're thinking and then work out the greater detail. That's what I got from the end of the back and forth dialogue there. I'm just curious; what do you think the product is they're looking for?

Mr. Zuraf: Well, I think the due date of June, I think it is at that point to have some specific details laid out that are in a form suitable for public hearing. But, in the near term, I think that would be beneficial to move along just general concepts.

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Mr. Coen: Mr. Chairman?

Mr. Rhodes: Yes Mr. Coen.

Mr. Coen: Just for clarification, I'm not thinking that I remember seeing it in any minutes or whatever, that there was actually a vote on the two circles. So was there actually a vote by the Commission to that or just discussion of we want to straighten the lines that are this, that, and the other?

Mr. Zuraf: Not specific to that. It was more I guess that could be implied because the recommendation to limit the changes to within the boundaries of the Urban Development Areas as they currently exist.

Mr. Coen: Well, and I think Mr. Chairman, I think that's part of sort of the delay in all this over the last couple of months is that there was this perception that there was an effort to expand the area when I don't think necessarily that was it. I sort of got the feeling from watching the meeting and then reading the transcripts and then discussing with my member that it's sort of a statement from us saying this is what we're looking at to make sure that there is... it sort of alleviates this misconception. And I don't know whether that needs to be in the form of a motion or just a communication of what we're sort of looking at. But I think that there was some sort of miscommunication as to what we were trying to do. Granted I'm later in the process than a lot of the rest of you, but in reading back I think it was pretty clear, at least when I got on, that there was no real effort to expand the USA. We wanted to eliminate the term and the ideas of the UDA and change whatever language we needed to to make that applicable; replace it with the term the Targeted Growth Area. And then just to sort of change the Comp Plan with anything that was coming down from the state or the feds that we sort of had to deal with. And there wasn't any great move, at least from what I've read or seen, to say let's do a whole resale changeover of it. So, I'm not sure whether just some type of communication to the Board of that (inaudible), or I might be totally misreading or listening to everybody.

Mr. Rhodes: Well, I agree with all that you said in the context that we weren't looking to make massive changes. But as we were throwing out UDAs we just said here this broad area is where the growth is happening and where it should be targeted, and it's all along the infrastructure that can best support it closest to what degree of mature road and transportation infrastructure we have, etcetera, and that area in the middle seems to be connecting the what is kind of the north and the south area. But now we've got a resolution... now we've gotten a referral from the Board that goes into pretty good specificity. They're taking us back to those specific UDAs and where they overlap the RDAs as well, and they want us to address those specific spots. And so now we're back to blotches, about seven blotches or so on the map, and addressing those specific spots.

Mr. Gibbons: You know, if you go back, the state created this problem by you had to have so much (inaudible).

Mr. Rhodes: Mandated, yep.

Mr. Gibbons: So you had a number and our friends up in Northern Virginia drove this, you know; they wanted to share the wealth about building homes. But, so where did you put them? So you had to create some area to put them. Well you don't have that requirement no more. So, do you need seven UDAs or do you need five or three? I don't know. And do you have a Town Center or an Urban Center? The Board has to... if you want urban versus suburban or suburban versus urban, then they've got to come back and tell us that. Because you've got an application right here tonight that's going to affect a UDA.

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Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes, please Mr. Apicella.

Mr. Apicella: Eighteen plus months ago we started down this path and I appreciate that the state kind of changed the ground that we were working under to make it optional or discretionary, not mandatory. But we did have a lot of discussion that in the absence of a state mandate, it still made sense for Stafford County, for the sake of smart planning and better managing growth, to identify those parts of the Urban Services Area where we wanted to concentrate high density growth. So, we did deliberate on the seven. We came up with a list of those that we thought were most viable and least viable, and some logic behind why we came to those conclusions. I think, you know, that we at least thought that two did not, going back and revisiting the parameters and what we were trying to achieve and whether they were even viable, given where they were located, we decided the two probably did not make sense going forward. So, I still think that that... that way ahead makes sense to me, that we should still again try to steer growth in places where it makes the most sense, try to reconsider those UDAs that don't make sense, rename them because they have a bad connotation... and I appreciate that. And also I think that one of the lessons learned having gone through the Abberly rezoning process is that we may have been, in trying to tailor it, been very prescriptive in a way that did make sense. And we might want to, as a second step, revisit the parameters that we're setting, either in a broad way or by doing area plans like we did with the Courthouse Area. So, I think that we've got some of this ready to go and I don't want to throw the baby out with the bath water, which in part was why I suggested that maybe there's some things that we did talk about even with the new box that we're working under that there may be some good things that came up that we might still want to incorporate within those UDAs. Even within a UDA there might even be a higher concentration of growth and just based on the lay of the land and the circumstances on the ground, Neighborhood Center or whatever we wind up calling it, to try and, you know, do the right and the smart thing. If we continue to have this patchwork quilt of growth, we're not going to get anywhere ahead of the curve and what we're going to end up with less than desirable or non-optimized growth in Stafford County. And I think it behooves everybody to try to be smarter. We've got a 20-year plus horizon and I think we can work together with the development community and residents to make some smart decisions that didn't happen in the past. So, that's where I'm at Mr. Chairman.

Mr. Rhodes: I may be looking at this with too rosy of glasses, but it seems that the document we submitted a little over a year ago, which had a bit of a prioritization and feedback back, if we start from there and simply a map that has UDAs and RDAs on it, we can revalidate our prioritization, if it makes sense, and that kind of lays out which ones we think you'd consider keeping and which ones you'd least consider keeping. And then this next step is now let's look at where the RDA and UDA overlap. Would we think we'd modify the boundary of the UDA to incorporate all the RDA or part of it or none? That's probably not too... doesn't take too long a dialogue and then staff would need to do a little work in response to that. So, that gets us pretty far down the line towards... that's three of the five here. And then the other two are the, you know, the density restrictions on the points here. And number four, the compatibility issues... we've got to think through how we might provide feedback for that. That targets their specific suggestion. I still think there's some other good work that was occurring and underway that we ought explore and probe and look at for another set of considerations for the Board, but that's separate from this now very specific task that we have in hand. But it's still what we can do to continue a lot of the work and a lot of good initiatives that are there.

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Mr. Gibbons: But you've still got that philosophy problem; urban versus suburban. And they've got to come back and give guidance on that. Do they want Town Centers or Urban Centers? And you can't do anything until that philosophy is...

Mr. Rhodes: We can respond to these five questions.

Mr. Gibbons: They're very easy. You can go back and say we recommend five instead of seven.

Mr. Rhodes: Yeah, and these are the five and these two would have boundary changes to incorporate the RDA or not. And then we've got to give a... the density restrictions, that involved as I recall over several years based on the state code, the mandated requirement, and then the maximum of the floor being the same was direction from the Board at the time. I think we would all agree there probably ought to be a range versus a specific ceiling, and min or max, it's the same. So I think we want to go back to where we were before we were mandated to have the min and max be the same, and if staff could pull back to where we were at that point in time and re-present that information so we could just consider it, because I think we had a bound. We actually had a bound that had some sense on it but we now have a different Planning Commission and so we ought to hear that. But I think we can dispose of that fairly quickly because we had done a lot of work to getting to a range before it had to be the min is equal to the max. So, really that only leaves item number 4 to address, as far as this specific requirement. There's a part of me that doesn't see a hard time getting this to them and getting them a sense of where we're headed in a reasonably, reasonably tight timeline. It doesn't mean that all the other things that we were looking at we have to throw away. We can still go that... we have a right, we have a responsibility to do that on the Comp Plan. And we can continue to do that. But we should be able to answer this in a targeted fashion I think. But I think if we get the land use map... I mean, if we just get a presentation that looks at the old blotches, the seven blotches, and the RDAs overlapping, and then a copy of our input we provided to them on the targeted growth areas which prioritized what we thought were the near term focus areas that ought to be, the mids and then there were a couple that we thought wait a long time, you know, maybe some day. I think we can come up with positions on three of the five here. And then if I think if we pull out the prior to us having to make the min equal the max on the density, we had a range that we had developed and I think if we go back to that point. Didn't we Mike? I was pretty sure we did.

Mr. Zuraf: I think they were pretty exact numbers.

Mr. Rhodes: Were they always the minimum because I thought there was a range at one point? I may be mixing up P-TNDs and this stuff.

Mr. Zuraf: Well, that's in density... we created a range in general density but unit numbers was always a specific number.

Mr. Rhodes: Yeah, but number 2, they asked us to evaluate the density restrictions. Because I think right now, the minimum equals the maximum so it's only a singular number, isn't it?

Mr. Zuraf: Yes.

Mr. Rhodes: But I think at one point before that was directed by the Board, I think we had had a range.

Mr. Zuraf: In the density I think... I don't recall dwelling unit numbers having a range.

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Mr. Rhodes: Oh, okay. Well then, if you could develop and recommendation on what might be other than what we have right now.

Mr. Zuraf: Maybe like an overall cap but then maybe a range for the different dwelling unit types within each area, that might be a way to (inaudible).

Mr. Rhodes: Well, if we get a couple proposals on that we can have a discussion on it.

Mr. Apicella: I'm sorry, I think that part of the thought process ought to be again, what... thinking of an Urban Development Area versus something less than an Urban Development Area... that's kind of the starting point. So what is the threshold that brings it up to a higher level of some density, whatever that number is, and then the max might be something that is just, you know, there's a point where's it's sort of unobtainium... you can't get there and so maybe that's kind of the range. I know that's very generic but just I would ask you from a planner's perspective what makes sense. What makes it viable and what gives the development community sufficient flexibility to make it work? I don't know what those numbers are and we can kind of...

Mr. Gibbons: But you've got to be careful. When you take a look at the university, the plan is to put sidewalk in a place that the students don't walk. So I don't want to do the same thing here.

Mr. Apicella: I understand, but again, we've set some numbers to the point where it's just not going to work; it's unworkable, right, and that's part of what I think the... what is going to make it viable?

Mr. Rhodes: I think we have information to make 1, 3, and 5 pretty deliberate; I think that's readily available. I think 2 we could look for staff starting point recommendations that we could probably discuss through fairly deliberate order or we could get a subcommittee or do a work session. But I think we should give it a shot first to see if we can knock this. And then I'm not sure exactly... do you have particular ideas or thoughts on number 4? Or does anyone?

Mr. Zuraf: Yeah, we plan on doing some research to...

Mr. Rhodes: What the key issues are to be considered for compatibility?

Mr. Zuraf: Yeah, there's sources out there that will allow us to address number 4.

Mr. Gibbons: Mr. Chairman, going forward now, you got a request in your hand today and we all got it. It's going to affect AUDA.

Mr. Rhodes: Mm-hmm.

Mr. Gibbons: And then when we go forward to the Board, it'd seem to me that we would go and ask for guidance to go forward, at least use one of them as an example and you've got one right in front of you.

Mr. Rhodes: But we don't even have a concept for that one yet. We just have what they... a general proposal that they're going to lay out in the future.

Mr. Gibbons: Well, what I was told the future is now. I mean, they've got it.

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Mr. Coen: If I could tag... a couple things. One, it would be helpful if we're looking at a June drop-dead timeframe that they want something, it would be helpful to have an idea from staff walking it back, when do we have to have certain things by a certain timeframe. That would help us in planning and would sort of help us figure out where we want to go on that. I also sort of think that it would be helpful to have some type of clear communication to the Board exactly what we're thinking, what we're acting, so to help dispel any misconceptions so that that wipes that off the table. And I'm not certain if people feel this way or not but personally, I mean, we had the UDA because of state and there were certain rules and regulations that the state said you had to follow. And so if we don't need to follow them, I'm happy with calling them targeted growth areas or something else, but I have no problem telling the Board, you know, tonight we want to take away the word UDA and take it out of the plan completely. That's sort of what you've been working on is that concept. And I'm also not... I don't have any problem tonight yelling and screaming that I'm against expanding the USA... and then, you know, as a concept. And that would also dispel one of the concerns that they had that reflects in the minutes. So I don't know if people are there yet. But I think that that would also go a long way to helping staff know which way to go on things. It would go a long ways for the Board to know exactly where we're going and what we're thinking of. And it also, from what I'm gathering, is pretty much where we're at anyways other than those two circles which is what there was a concern about. And we could take it as due diligence as a separate track later on to look at those two circles, but I'm okay with right now saying we'll just stick with what we have. Even from a philosophical argument we just made the plan five years ago, I'm a little leery switching it and changing it this quick into it anyways, but I understand the rationale you all were saying. But I just feel comfortable just saying tonight just leave it the way it is and let's move forward on what language we need to do, exactly what Mr. Gibbons is saying, what do we want to call it, do we want to call these neighborhoods or urbans, and we could move that whole path and not spend the time worrying about where the lines are on the map.

Mr. Gibbons: Mr. Chairman, just one concern I have. Under the legislature, you get certain tools that are valuable with a UDA. I'm not so sure we'll have permission from the state to put that in the targeted growth area, and I don't know what the plus and minuses are.

Mr. Apicella: We had that conversation and, as I recall, there was no prohibition against changing the name.

Mr. Rhodes: Yeah, there's no prohibition against changing the name but I heard Mr. Gibbons comment just slightly different that, and I think we did have this discussion too, that you were concerned that there may be some authorities or special benefits that we receive if we have a UDA that we don't receive if we don't have a UDA. But I had thought Ms. McClendon and staff had gone through that and found that there really wasn't anything of concern at the end of the process. There were some things referenced but they really weren't going to impact us as I (inaudible).

Mr. Gibbons: Well then, we should put that with Mr. Coen's recommendation as we have reviewed this so that it's not another question coming back down.

Mr. Rhodes: Okay. But with they pass in their resolution, in their very specific resolution, we essentially have those five points that we need to address, which I think we need to go back to the old UDA map, quickly give our prioritization of one, three, and five of which ones should stay as targeted growth areas, which ones would we recommend the least prioritization or not keep, and would you modify the boundaries of those what were the UDAs to include the RDAs that overlap with them or not. And, quite frankly, I think we could talk about that portion of it next time, come to some closure on those portions, and give that interim feedback to the Board while we work two and four, and then have

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staff give us recommendation if you're not ready next time or the following time or if we need more dialogue to go on two and four through staff recommendations and our refining of it and get that back up fairly (inaudible). I just don't think this will take a terribly long time. I do like your point, Mr. Coen, that it might be useful in that to have a little bit of a prelude... what is that, prologue?... prologue to it just to clarify a couple points. Yes, there were a couple minor considerations of smoothing out a line on the USA, one of them because it's already got sewer and water and includes our two schools, so we just thought it's logical. It's already using it, it's there, and the other one, there's another philosophical but it wasn't a wholesale to it and understand their points. And we could raise a couple of the misconceptions in the prologue. I always get prologue and epilogue wrong.

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes.

Mr. Apicella: To that end, would you be willing to draft a letter to the Board just kind of again signposting, you know, the discussion that we've had (inaudible)?

Mr. Rhodes: The thought I had and we can accelerate this... the thought I had was once we kind of had at least something on one, three, five, and we're going to send something up, maybe craft something to go with that. But maybe in the interim I can work with staff and see if we can have something that we can kind of share and for our next meeting to think about, yeah, that kind of captures it. Just to give them some clarity on those points.

Mr. English: Are you going to mention any of the points here if you're going to send them a letter?

Mr. Rhodes: Well, what I would think is we would do that... my glass half full of rosy glass thing... is that next time we'll be ready to address one, three, and five on here, after our next session. I just don't... there's a part of me that says it's not going to take us that long to do those three. And then we give them an interim feedback on those three points of it, because they wanted to be kept up-to-date, along with this letter of clarification, by the way here were some concerns you had, let us just add these perspectives for your knowledge, just awareness. And then we see how deliberately we can move forward on two and four from staff's recommendations and our deliberations, and then we'll give that as soon as we have that for interim update. And that addresses this task. And then we can go back to some of our other broader concerns that we might develop recommendations for to the Board for consideration of Comp Plan issues. And from that, if they kind of say, yep, that's what we were looking for, then that efficiently uses staff time because then we can start doing the more deliberate, the modeling, the map changes, you know, and that kind of work.

Mr. Coen: Not to be annoying about this, but even if... would you be willing to send a note to say that that's how we're progressing? So that if, at the next meeting, they receive that and they wanted to say no, no, no, no, no, (inaudible) before our next meeting. I'm afraid that we're going to wait two more weeks then we'll start doing something, then we'll write up something, so they'll get in three weeks from now and then it'll be a month from now when we get the feedback back to them when we meet to actually do something. And it might be more proactive to just say this is what we're doing, this is how we're progressing on what you wanted us to do. You don't have to go into the specificity of everything, but just say, we heard you, we understand you, this is how we're progressing, you know, and keep that dialogue. If there was already miscommunication, perhaps it'd be beneficial for us to be proactive on that and let them know this is our action, this is our plan. Just my suggestion.

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Mr. Apicella: I would agree.

Mr. Rhodes: I'm fine with that. Okay. Oh, we have to take care of those people.

Mr. Gibbons: So are you going to go as a Chairman to Chairman correspondence?

Mr. Rhodes: I certainly can. I'd be happy to recap what we just dialogued here, what we think the fairly deliberate and hopefully expeditious short of us not agreeing next time approach to get them some interim feedback on where we're headed. But these targeted pieces, I would intend to also characterize the fact that we think there are some other things to be considered in the Comp Plan but we will do those as a separate recommendation up to them. And just to confirm, the way I understand this, this is not our formal recommendation of these. They're not something that requires public hearing, right? This is just feedback to them on perspectives to which they may refer some things to us that we would have to take for public hearing.

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

Mr. Rhodes: Great. Okay, so I think the conclusion of this is, I'll try and recap some of this and I'll share with everyone what it is I share to the Chairman of the Board on our way head with this task. Next time we will come back at minimum to discuss... to try and address some of one, three, and five with staff presenting the old UDA seven blotches, with the RDAs on there, a few more blotches, so that we can try and talk through one, three, and five fairly deliberatively, but you'll also provide us our feedback we gave them on the targeted growth areas and that prioritization. And then if you're prepared next time, you'll also bring in some staff recommendations dealing with two and four, which we may be able to discuss; if you're not ready, we'll do that the next time. Okay?

Mr. Zuraf: Good.

Mr. Rhodes: Awesome. Alright, New Business has been deferred till the 12th of March, so we're now to item number 4... no, Planning Director's Report, excuse me. Mrs. Baker?

NEW BUSINESS

3. SUB1300051; Fox Chase Commons, Preliminary Subdivision Plan - A preliminary subdivision plan to create 102 townhouse residential units and 12 stormwater management facilities on Assessor's Parcels 45-217 and 45-217A, zoned R-3, Urban Residential High-Density, consisting of 9.08 acres located on the east side of Jefferson Davis Highway across from Drew Middle School, within the Falmouth Election District. **(Time Limit: March 5, 2014)**

PLANNING DIRECTOR'S REPORT

4. 2014 Calendar Year Work Plan

Mrs. Baker: Yes, in your package you did receive the 2014 Planning Commission Work Plan. This is basically a rehash of last year's work plan which we hadn't moved forward with as we're dealing with this Comprehensive Plan UDA issue. So, basically the same topics; the timeframes have been reestablished so we're presenting those to you (inaudible).

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Mr. Rhodes: And I think we did touch on these a little bit last week... oh, excuse me, last time. And I think this is intended to reflect that, just to make sure there's nothing that's missed from what we kind of went over and the little bit of feedback with Jeff last time. Did anybody have any issues with this?

Mr. Apicella: Mr. Chairman, again, I don't know whether it's going to be a separate item but I'll reiterate what I said last time. The, I don't know what we want to call it, but my view is it's improving the rezoning process and schedule. I'd like to put that on as a task.

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

Mr. Gibbons: Where is Mr. Apicella's... the Spotsylvania? Where is that in there? I didn't see that in here.

Mr. Rhodes: Yeah, I think that's what he's...

Mr. Gibbons: Is that what you're referring to?

Mr. Rhodes: Yeah. It's the timing, the notice, the requirement for a public meeting before, yeah, etcetera. And I don't know if that's what's intended by the first sub-bullet under Planning Commission Retreat. It's not exactly what you were talking about but what I think that one would be, probably be good to have a chat about would be at whatever offsite retreat Saturday morning we target. So we add that as a topic and that was... Mr. Apicella had been suggesting consideration of a requirement to have developers do a public meeting, if you will, or a meeting with interested parties prior to actually submitting an application.

Mr. Apicella: That's where it started but I think you actually added that we should reach out and collect information from other jurisdictions to see what other nuggets they might have that we might want to consider.

Mr. Rhodes: Right. So, I thought that might be a topic we possibly hit on when we do pick a date, which probably in the next meeting or two we need to lock in a date so staff can start planning for it. We had talked about I thought early May but we didn't really lock a date. So we'll need to make sure to bring that up here next time probably.

Mr. Gibbons: Mr. Chairman, I hate to beat the drums but I think that's a very important thing right now and with the growth in all the zonings coming in, the longer we sit on this the further off. So I was wondering if maybe...

Mr. Rhodes: Earlier?

Mr. Gibbons: ... (inaudible) gentleman down on my left here would maybe come in with a draft.

Mr. Rhodes: Well, I think that... I mean, that would be great if he had some things (inaudible), but I think the key thing would be what we collect from... I mean, stealing and plagiarizing is always way better. And I think there's a belief that there's a couple out there that we might be able to model after.

Mr. Apicella: I don't disagree though to the extent that we can move ahead quicker than May. That would be great. I mean, if we can't then, sure, let's put it on as an agenda item for the retreat. But if we can make progress before then, more power to us and it would be helpful.

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Mr. Rhodes: Maybe, Mrs. Baker, if we could, if there are any things staff comes up with in our surrounding partners, along those lines in their ordinances or in their structure, if we could just add it to an upcoming agenda to at least share what it is you're finding just so we can have that to digest. If nothing else, we'll see where we go from there.

Mrs. Baker: Yes, we can certainly do that.

Mr. Rhodes: Thank you very much.

Mr. Coen: And perhaps if when Mr. Zuraf is working on some type of timeline for us to deal with the June aspect, that might dovetail into that too. If you end up having to have some type of retreat earlier, that could be easily put in that. Plus they would know how far along staff is in gathering that information. With that in mind, do we need to adjust the second item, the UDA Amendments to the Comp Plan to say March - May? If the idea is to get it out by June, would it be better to actually state that it should be done by the end of May so that it can move forward in June? I'm assuming the Board should have two meetings in June, right? So, theoretically we have two meetings to get them something; but I think the earlier the better, as Mr. Gibbons points out.

Mr. English: Do you think the budget might cause a problem if we speed it up another month?

Mr. Rhodes: I think they'll just set it aside.

Mr. Gibbons: We have to talk to budget by the first of May anyways.

Mr. English: Okay, (inaudible).

Mr. Coen: And I think there's a will by numerous members to try to move this expeditiously.

Mr. Zuraf: And Mr. Chairman, the Board's resolution on the UDA does ask for response at their first meeting; it's June 3rd. So, the Commission will have to end their work in May.

Mr. Rhodes: And I'm hopeful we'll be giving them stuff in March. Okay. Very good. Anything else Mrs. Baker?

Mrs. Baker: Not at this time, thank you.

COUNTY ATTORNEY'S REPORT

Mr. Rhodes: Very good, thank you. County Attorney's Report.

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

COMMITTEE REPORTS

Mr. Rhodes: Committee Reports, we had that earlier. Any further comment?

Mr. Gibbons: No sir.

Mr. Rhodes: Any other member? Again, we do appreciate your all's efforts, especially knowing that...

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Mr. Gibbons: I was going to say something.

Mr. Rhodes: Please.

Mr. Gibbons: In the last week or two, the three of us learned a lot about when the staff gets ahold of something, they can turn it out. So I was trying to leading into what Mr. Apicella brought forward; if we could get all that data gathered and come up with a... I think we could probably turn this around in a week or two too. I mean, I saw with my own eyes what they did...

Mr. Rhodes: They're pretty cool.

Mr. Gibbons: ... because when we got all of these zonings, there's three out of Hartwood and two out of Widewater coming in, there's nothing more important than to have that type of meeting. To me it's a critical thing because I'm just one member, that's all.

Mr. Rhodes: No, no... agreed and I think it probably won't take them long to find what's out there and we'll get that at an upcoming session so we see how quick we can move. Nothing further in Chairman's Report. Again, appreciate the effort and the time everybody provided, those on the subcommittee especially given that you had change schedules for the weather, in order to keep this really on track. And I really anticipate we'll get something back out of the Planning Commission and back to the Board on the proffer pieces of it at our next session. So, I think moving that forward very deliberately is a positive thing, but allowing for the appropriate dialogue that needs to occur because it gives more information for the Board which is what our responsibility is as we're enabling them with recommendations. Okay, Other Business. TRC... do we have our packets? Everybody get them already? Or were there any for the 12th?

CHAIRMAN'S REPORT

OTHER BUSINESS

5. TRC Information - Meeting March 12, 2014

Mr. English: I got this...

Mr. Rhodes: I know this week's got delayed, bumped...

Mr. English: ... for next week.

Mr. Rhodes: Is that for the 12th?

Mr. English: Yes.

Mr. Rhodes: Okay, so you got the packet for the 12th. You're a busy man. Alright, so we have the February 12, 2014 minutes... this is amazing. If you guys had seen this eight years ago when we were working on minutes from five and six months back... this is just amazing you all are churning these out so fast. And verbatim even. I mean, this is just very impressive. But anyways, if there are no recommendations for modification, I'd entertain a motion for approval of the February 12, 2014 minutes.

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APPROVAL OF MINUTES

February 12, 2014

Mr. Coen: So move.

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

Mrs. Bailey: Second.

Mr. Rhodes: Second by Mrs. Bailey. Any further comment Mr. Coen?

Mr. Coen: Just that Denise is faster than lightning.

Mr. Rhodes: Yeah, these people are scary. Mrs. Bailey, any other comment? Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; very good. I would highlight... I forgot to mention but it was referred to, you did have the letter that came in dealing with... it's referenced Comprehensive Plan Amendment; Urban Development Area from the one developer, Augustine South Associates, LLC, talking about a potential future development. And there was the letter that is provided electronically and will be available with staff for the record dealing with FABA on the follow-on to the committee actions. So, with that, if there's no alibis or other comments, I'll consider us adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:55 p.m.