

STAFFORD COUNTY PLANNING COMMISSION MINUTES
September 24, 2014

The meeting of the Stafford County Planning Commission of Wednesday, September 24, 2014, was called to order at 6:31 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, Baker, Doolittle, and Ehly

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualification this evening? Hearing none, we'll proceed onto public presentations. During the public presentations portion, this is an opportunity for any member of the public to speak on any item except for the items that we have public hearing. Those items that we have a public hearing, we will have an opportunity for public comment during those sessions. Those items for public hearing, just to highlight, are the Amendment to the Stafford County Comprehensive Plan, the Amendment to the Zoning Ordinance, 1 and 2, then items 3 and 4 which are another Amendment to the Stafford County Comprehensive Plan and another Amendment to the Zoning Ordinance. So, other than those four topics, if anybody would like to speak on any other item, you may come forward and do so at this time. When you do, I'd ask that you state your name and your address for the record, and once you do so a green light will come on at the lectern there that will indicate that you have 3 minutes to speak. A yellow light will come on when there's 1 minute remaining, and then a red light will come on and we'd ask that you wrap up your comments at that point in time. So, anyone who would like to speak on any item other than those public hearings may come forward and do so at this time... except for Mr. Hiron. Sir, how are you?

PUBLIC PRESENTATIONS

Mr. Hiron: I'm back. Mr. Chairman, members of the Planning Commission, I'm Scott Hiron. I come before you tonight as a private citizen. While many of you know I'm an elected member of the Stafford County School Board, my remarks tonight are my own and do not reflect any adopted policy or view of the School Board or any other body. I wanted to share my thoughts with you about the impacts of development on education here in Stafford County. With the perspective I'm gaining by serving on the School Board, I have been able to better understand the impact of decisions made from your chairs on our school children. This year we're having a tough year. Due to budget constraints, we had to make a very difficult decision; one that I still lose sleep over. We had to reduce our teaching staff by over 55 positions. We are seeing the impact of this decision right now. We have many classrooms throughout the County with 30 or more students. It's a tough learning environment for our young people when they have to share classrooms, teacher time, and all the other resources with 29 or more of their peers. The crowded classrooms were not only a result of our reduction in force, but we also experienced a higher than projected student growth rate. We added over 300 students to our rolls this year. That number was higher than previous predictions, but pretty close to revised predictions that we received a little more than a month ago. In the coming years, we expect similar growth in our student population. What's interesting about the more revised numbers is they were calculated after several Board members... School Board members pointed out concerns that our consultants, in their original numbers, did not include housing projects that were fairly recently approved and are now coming online in the County.

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Now, we don't currently have the mapping piece in place to really see and understand where the 300-plus new students come from, but it's pretty logical. Much of that growth in student population has come from newer development. It's imperative that the impacts of growth in the County are mitigated. As you consider applications before you, I would ask that you always consider the impacts on all aspects, but especially education. We are a struggling organization right now. We are working hard to be a better organization, but we need the help and watchful eyes to decrease the burdens that we have to pass onto the taxpayers. It's critical new developments help pay for necessary infrastructure that are required in terms of land, buildings, and other needs of new schools in order to educate the kids that come with new development. I think you for your time and service to the taxpayers of Stafford County. I just wanted to share my perspective with you as you make decisions on various elements of growth in the County, including several of the topics that you have on your agenda tonight. Thank you. I don't miss being up there one bit.

Mr. Rhodes: Thank you very much; appreciate it. Anyone else who would like to come forward, please.

Ms. O'Neill: I've not done this before; I'm kind of green and I'm not particularly good at following rules but can I talk about Crow's Nest? Or is that off the table?

Mr. Rhodes: That's not one of the items on the public hearing, right? I mean... oh TDR...

Ms. O'Neill: I just want to talk about Crow's Nest.

Mr. Rhodes: It's Crow's Nest, I think that's fine. If you'd state your name and your address please.

Ms. O'Neill: My name's Patty O'Neill. I've been a citizen for 24 years. I'm not particularly politically inclined or here for any group or organization, just on my own passion which is Crow's Nest. I've had an opportunity to spend some time there as a volunteer with Mike Lott going deep into the forest. And I do mean forest because it is, and maybe many of you know these things -- I just wanted to share some real things that I think are cool. It is a calcareous ravine forest which is considered globally imperiled a G1 by the State of Virginia which is the highest level of rareness. And, in fact, it is so rare that the land around it, the Marlborough and the Widewater, the land isn't even like Crow's Nest. Crow's Nest has topography that's like goes 160 feet up and down; it's crazy. It's like a piece of land that was taken and accordion and that's why it's not been developed because it probably shouldn't be. It's just the way it is. It's the largest unfragmented piece of old... mature growth old forest in the coastal plain of Virginia, exceedingly rare. It has many endangered species or considered globally rare. The most coolest thing really is that it's only 5 by 2 miles, 10 square miles approximately, but 1,300 acres are marshes, 700 being fresh water marshes. This represents... get this... 60% of all marshes in Stafford County. Stafford's big. I can't imagine walking it but this little plot has 60% of the marshes which is, of course, marshes, aquifers, cleaning. Amazing. It's so cool that over 60 migratory birds have been identified as breeding there; over 25 water fowl. That goes on with the amphibians and the heron rookery, 70 acres, has 300 nesting pairs in there. Bald eagles, federally protected species, breed there. I had one fly right over my head; the coolest thing. I urge you maybe if you haven't been there, to go there because it's like crazy different than anything you've seen. I've been up and down the east coast, it's just highly unique. And when I pulled this is why I came because when I pulled this map and you see the development all around it, the houses and then the little thing here that I know is on the table, it's everywhere. There's no more room. This is a piece of land that is nowhere else in the country, the world, it's not anywhere else in Virginia; it's right here in Stafford County. It's like super unique. It has features of it that aren't anywhere else around so I urge, like each of you collective and each of you

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uncollectively to really consider the details. I don't know the ABCs of the TDRs or any of that, I just know they don't build stuff like this anymore. And for the people who really belong... the rightful owners, the fawn and the flowers and the amazing diversity that's no place else. And for the people to stand by in awe please pursue protecting this as expediently as you can. Thank you very much.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on any item?

Ms. Stencavage: I just want to clarify I'm discussing number 5, unfinished, and that's okay right now?

Mr. Rhodes: Yes.

Ms. Stencavage: Okay, I just wanted to clarify. So, I'm Darla Stencavage. Also, my comments are a little bit longer than 3 minutes so Annie Bramer here has also given me her time if that's alright with you.

Mr. Rhodes: No, but she can finish your statement if that would work.

Ms. Stencavage: Okay, that's fine. If you don't mind doing that then, Annie. I have it printed out.

Mr. Gibbons: I thought a group goes 5 minutes?

Mr. Rhodes: What's that?

Mr. Gibbons: Represent the homeowners group doesn't go 5 minutes?

Mr. Rhodes: I don't know that she's representing the Homeowner's Association.

Ms. Stencavage: I'm not. We have the Homeowner's Association President here.

Mr. Rhodes: Would you like her to speak for the Homeowner's Association? Okay, then if you're speaking for the Homeowner's Association we currently do 5 minutes for that.

Ms. Stencavage: Okay, then I'll try to make sure it's in 5 minutes.

Mr. Rhodes: Thank you.

Ms. Stencavage: I first wanted to say the weather yesterday was just amazing. And, you know, it's really been gorgeous and it makes you want to go home and relax. And I'm sure a lot of you would rather be home relaxing than sitting in here tonight. And, you know, even in the rain tonight, we enjoy sitting outside in the rain and watching the rain. And my kids love doing rain walks. So, I wanted you to imagine, if you would, would you be so eager to sit out on your back porch and breath in the smell of barbeque or some other restaurant cooking, mixed with the smell of soured trash as you look at the backs of a restaurant in a shopping center. Would you also feel so relaxed letting your young children play in your back yard, which should be a safe haven for them, but now abuts a commercial area that may pose a threat to your family's safety and security. Your little piece of the American dream of a safe, secure home has become something of a Stafford County nightmare with a shattered sense of security. Not what you imagine when you think of going home and relaxing. Yet this is the future that awaits us if the Board approves the request for rezoning. Therefore, I am here again to ask you to deny the request for the rezoning and hold the applicant to the original proffer made in 2003. I would like to

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point out that Mr. Rick Wolff of Rocky Ridge Joint Venture, in care of the George H. Rucker Realty Corporation, was the exact same applicant making the proffer for the area to be PD-1 in 2003 and who is now saying that he did not realize the area was PD-1. Moreover, in 2011, it was again Mr. Rick Wolff of Rocky Ridge who signed an agreement with American Life (inaudible) for an access road through that property. This document was part of a rezoning application to the County in 2012. On the GDP for this action, it clearly shows that the 3.3 acre parcel is PD-1. Consequently, I have a really hard time believing the applicant when he claims that he did not know until 2013 that the area was only for planned development. It shows us that his word cannot be trusted. This is the very same applicant who is trying to go back on his original proffer and who still has not fulfilled other items proffered more than 10 years ago. He is not trying to keep his promise to keep the area free from commercial development. He has not kept the promise to build a competition pool for Austin Ridge as shown under proffer 5a. He has shown that he does not keep his word. Where are the 27 acres for a Stafford County park in the Austin Ridge area as shown under proffer 5e. All of these multiple promises have already been broken by this developer. He has shown that he does not keep his word and is not going to fulfill all of the proffers he makes. So I ask, why should we allow this developer to come into our County and break more promises to Stafford County and its residents? Stafford County should not trust this developer to follow through on any of the proffers in this latest application. This developer is not being accommodating to Austin Ridge residents. He is, once again, trying to pull the wool over our eyes making empty proffers that are never fulfilled. As Edmond Burke said, hypocrisy can afford to be magnanimous in its promises. For never intending to go beyond promise, it costs nothing. So why should Stafford County sit idly by and allow this to happen? Stafford County needs to deny the request for rezoning. The residents of Booth Court and Century Street feel this way as was attested in the petition that was sent to the Board of Supervisors on August 25; I've got it here if you need a copy. This petition was done in just 2 days because we found out about it, we did it quickly so it could get in, and we only asked the people of Booth Court and Century to sign this at that time. Since then, we've had many residents from Austin Ridge, many of them are here today, that have also expressed their displeasure about this and also would like the request to be denied. So, they are standing with us for a denial of the petition for rezoning of this 3.3-acre parcel. We stand together tonight to ask Stafford County not to allow this developer to shatter any more American dreams of a safe and secure and relaxing home. And we ask Stafford County to deny the request for a rezoning. Thank you so much for listening.

Mr. Rhodes: Thank you very much. Anyone else would like to come forward and speak at this time?

Ms. Smith: Hello, Cherie Smith. I was here at the last meeting and we have been meeting concerning this issue, rezoning the Austin Ridge development for quite some time now. Back in August we started this process. And even though Mr. Wolff has been very accommodating to some of the requirements and requests that everybody has asked of him, the mere fact of still having this building behind my house, directly behind my house within footsteps from my backyard, from my children, from my children's play area, is still appalling to me. The fact of the matter of still being able to look out and see this enormous institution sitting behind my back yard which, once of course as we were noted, was full of luscious trees with birds and everything else, is still not fundamentally fun to me. And the mere fact of my security and safety being in jeopardy because I know Mr. Wolff desires more than Stafford County to be participant of this shopping mall-center-whatever you want to call it because he's put it in so close proximity to I-95 which, by the way, we don't know who travels on that road, we don't know their destination, we don't know their personality, we don't know the intent and the motive behind why they come into our neighborhood to shop, to peer through our little bit of trees we have to see if our homes are vacant, whether we're on vacation, whether our children are outside. You have so many dangers these days with commercial being behind, directly behind a resident property that I think we

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really do need to consider and being so close to a getaway which is I-95. And, from what I understand, I believe that Stafford is in a hiring freeze for polices and additional security and safety mechanisms that that was the last thing I read that I don't even know if we've even considered putting some safety mechanisms down there for our protection. So I am asking, even though Mr. Wolff has complied with the last request of him outside of one thing and that is the operation hours, he still submitted to us via email that he would like these hours to be from 6 a.m. to midnight which I am opposed to. We are working citizens who we go to bed by 10 o'clock and we are up by 3 a.m. to get on I-95. And having something open until midnight when we're in bed by 10 o'clock on weekdays and 11 by weekends is really not feasible for the working class person who actually purchased their home realizing that we were purchasing our American dream. And I think if we continue in this vain, our American dream is shattered, but the most of you all who don't live behind this commercial thing, your dreams are intact. So I ask that you deny this. Thank you.

Mr. Rhodes: Thank you very much. Others who would like to come forward and speak at this time?

Ms. Hannah: Hello, good evening, my name is Jane Hannah. I have lived in Austin Ridge community for some 11 years now and have noticed the many changes made here within that time. Rezoning is sometimes necessary for the good of the community, but is not always essential, and I believe strongly that this is not necessary. The 3.3 acre area on Austin Ridge Drive that had previously been determined as PD-1 is now going through the process of an attempt to change in order to be used for commercial development. I wish to put forward my objection to this happening and the aforementioned land to remain PD-1 as originally planned. I believe that the land towards the Courthouse Road that is already stripped of any vegetation and wildlife is sufficient without including this 3.3 acre zone in question. Commercial development on this area is too close to the existing residences on Booth Court and Century Street and would create an intolerable living environment for the people living there. It will cause noise disturbance with deliveries, trash collection, and the odors associated with it. Also, security issues as it will attract undesirables further into our area as commercial premises usually do. There will also be an increase in the traffic flow throughout. Plus the unsightly view no matter how the developer attempts to disguise it. Even disguised it would take many years for the promised trees to establish enough of a current residence to benefit from it. All this said, I firmly believe that if the rezoning is passed for commercial, the property values will fall considerably and will have a domino effect through our community. When I purchased my house, I did not expect to be looking out onto commercial premises and will be disappointed if I have to do so. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak at this time?

Ms. O'Hagan: Good evening. My name is Geraldine O'Hagan. I'm asking that the Planning Commission deny the request for the rezoning. In 2003 I purchased my home with the understanding that the area immediately behind my home would not be developed. I purchased my home in conjunction with my plans for my retirement. I wanted a retirement home where I'd feel that I would be safe, that it would provide me with a sense of community, and accompanying sense of security. I recently saw a commercial that said it well... I'm not just looking for a house, I was looking for a home. A home in the community where I could live comfortably, could feel free to sit in my yard or to walk around the neighborhood, and to know that I was part of a caring community. I specifically chose this community because I wanted a place where the country and the community members would be there for me and I wouldn't have to worry about my safety and security. When I chose my home, I trusted that the developer would keep the word about not being commercial. And I trusted Stafford County to look out for me and other citizens that you have done in the past and you will continue to do for the future, and that is much appreciated. But I wanted to continue to feel the sense of peace and security. I want to

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feel and trust that the promises that the developer has made and the County officials make do come true. I want to continue to trust Stafford County that will look out for me. However, I feel that that can only happen if the rezoning is denied and Rocky Ridge is held to their original proffer. I'll lose my feeling of safety, security, and my belief in Stafford County about watching out for the citizens. And I know that your intentions are the best and I'm comfortable with having you as representatives for us. I'm a humble citizen that's worked for many years in the civil service for our great country. I believe in democracy and a chance for my voice to be heard. And now it's time for Stafford County to show its citizens what their beliefs are when you act for the good of the residents or for the developers. And I also want to say I appreciate that the owner of the property has the property and he can do what he wishes. But he has yet once again, Saturday, all day Saturday and all day Monday, continued to enlarge the area and cut down many more of the trees. And it is his property, but feeling that we would be having this meeting this evening, and he's done that before... cut it down... which he had a right to do. I just feel that he's not being fair and I really feel that, in plain language, that we're getting a screw job from the developer. And I would like to think otherwise, and I'm hoping that you will agree with the citizens here for Stafford County because we're the ones that live here and want to support our community and make it better for other people if they have to go through the same process that we are going through. Thank you.

Mr. Rhodes: Thank you very much. Anyone would like to come forward and speak at this time?

Mr. Fratis: Hi, my name is Larry Fratis. I'm also opposed to the rezoning. I've been living in Stafford since 1996 and this is clear as day when I drive down Austin Ridge Road I see how close it is to the homes that are impacted. I guess since living in there and having 3 boys, 3 teenage boys, I realize, and they all play sports, and I thought well, my solution on how simple it is or not, I know years ago Stafford County passed a bond to build athletic fields. I thought, there's a prime opportunity. You've got fields that's leveled. I don't know how much the owner is looking to sell the land for but, I mean, I just think that'd be in my mind and lot of parents' minds of young kids that play active sports, use that land for field development rather than commercial. So, that's about it. Thank you.

Mr. Rhodes: Okay, sir, thank you very much.

Mr. Crowe: My name's Blake Crowe, I'm a retired Brigadier General in the United States Marine Corps. I've been a Virginia resident since 1967 and I've lived in Stafford on and off since 2003. It's interesting... I was reading a paper that comes to my home every week, the Star Weekly. They talk about proffers and your decisions you've made on another area south of here near the airport recently. They talk about amenities, community centers, we heard about a pool they were going to build but they haven't built yet, etcetera, tennis courts, trails, etcetera. My point is I support Booth Court. I'm a neighbor. I will continue to be a neighbor. But we count upon everyone here at the board to represent us when a contractor or land developer does not develop to the standards he's either proffered for or promised to. We don't have that voice, you do. So I hope that you take that into consideration. Thank you.

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

Mr. Haimovici: Good evening, my name's Kevin Haimovici. Good evening members. I am a member of the Austin Ridge community and I'm also the President for the Board of Directors, Austin Ridge Homeowner's Association. I'm here to speak on behalf of homeowners of Austin Ridge. On Monday, just two days ago, we had a meeting at the... a special meeting with the Board of Directors with the citizens of Austin Ridge to discuss the rezoning of the 3.3 acre parcel adjacent to Booth Court. We had

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a large turnout and concerned homeowners and had representation for most areas of the neighborhood. Though the developer had a meeting with the homeowners on 3 September and addressed the concerns of the homeowners on Booth Court and Century Street, the Austin Ridge Homeowner's Association strongly believes that the developer should be denied to rezone the parcel from PD-1 to commercial for the following reasons: the safety, noise, smell, crime, lights, and other issues regarding the proposed development for this parcel has potential to negatively affect the values of homes bordering the parcel. This will affect the association as a whole. The developer does not want to commit to low impact businesses that are suitable to the values of the homes such as a gym, book store, or other low impact retail establishments. Restaurants or other establishments that have been long business hours, involve the sale of alcohol or other risks, should not even be considered for this parcel. We believe the developer has not done enough to address our concerns about the development or the negative effects on our home values. The developer stated that he believed it was a mistake to have the parcel rezoned as a residential and that he was not aware that it was zoned for residential or recreational development. He should have known that the parcel was zoned for residential or recreational use when the proffer was submitted in 2003. Though the land may not be suited for residential single-family homes, it is suitable for recreational use and the Association strongly encourages this plot to be developed as such. The developer took action to clear-cut the area without a rezoning approval, then the developer tried to submit the rezoning action without first communicating with the homeowners or the Austin Ridge community. It was only after the Stafford County direction that the developer agreed to meet with the affected homeowners. The developer has a right to clear the land as they see suitable for development. The developer of the Westgate community, going between Cabinetmaker and Century Street, came to the Association, communicated with us, talked to the Board of Directors, reached out to the affected homeowners. Westgate showed consideration prior to taking action. Rocky Ridge has not done the same. Now the developer is using this as a negotiating leverage to obtain his goal. We do not believe that this is professional nor shows good faith. I ask you to please consider the profound affect that the rezoning of this parcel will have on adjoining homes and the Austin Ridge community as a whole. The parcel is critical in buffering our neighborhood. What would you do if you lived on Booth Court or you lived on Century Street? Would you want to have your back home facing a commercial development? I don't think so. Would you be concerned about the resale value of your property? I believe you would, and the safety of your family. And the members of the Austin Ridge Homeowner's Association are very concerned about these issues and hope that you will consider denying this request. I thank you for your time.

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

Mr. Otto: Good evening board members and Chairman, my name is Steve Otto. I also am opposed to the rezoning. I've lived there since 2009 and a little bit before in another part of Stafford. I used to, you know, enjoy walking in the woods that used to be there. I'd take my dog back there walking the trails. Now that's all gone. And the more and more development I see... I understand the importance of developing and I don't think anybody has any objection to how this development will bring jobs, you know, and nobody is saying like, hey, tear it down, forget everything. I just ask that you consider upholding his original plan and, you know, I don't think the gentleman's going to lose a significant amount of money. I'd rather see houses than commercial development. Thank you for your time.

Mr. Rhodes: Thank you very much. Anyone else?

Mr. Tran: Good evening Mr. Chairman, I'm Andy Tran. I'm also a homeowner in Austin Ridge. In fact, I've actually owned three homes in Austin Ridge. Over the course of the 12 years I've lived in Austin Ridge, I've seen quite a bit of development which is great for the community as a whole. But

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this disturbed me today as I had to drive 2 hours in traffic just to be here to convey that. In the same voice to the Directors of Austin Ridge is that this development will not create any more pleasantries to our area, but actually it's going to create more of a hardship to the kids that can run through normal streets. That may endanger them throughout the days. So I ask that you to not approve this development as well. Thanks.

Mr. Rhodes: Okay, thank you very much. Anyone else?

Mr. Polania: Good evening. Thank you for the opportunity, thank you for being here. I too am a homeowner in Austin Ridge.

Mr. Rhodes: Could I ask your name and address please sir?

Mr. Palonia: William Palonia. Closer to Anthony Burns and further away from the proposed development; however, it does affect the community. And there was a lot of support at the meeting that the President of the Homeowner's Association brought up. And we're all very concerned. And I've only been in this area for 4 years; I'm a Marine Corps Officer. But I plan to stay here. We built to stay. And we did our research before we bought. And I think that, I probably speak for many of us, that when we bought, we were thinking okay, this is the future plan. We understand there's development in the area. But what I think we're most concerned with is a potential break in trust. And I think from the commentary tonight you're getting from folks, you're getting a sense of folks feel maybe betrayed and they're looking to this committee to see if... to this Commission to see if, can you see that we feel there's a break in confidence here, or a potential break in confidence. I've never spoken at one of these before but I understand that this takes up plenty of your time from what I've read in the papers. So I appreciate your time and hope that you consider the anguish that this is causing. Thank you.

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

Mr. Totton: Good evening. My name is William Totton. I'm not going to take up the whole time. We had a meeting two nights ago as our HOA President gave light to. And the room had about at least 3 to 4 times many people; I mean, it was packed in there to this issue. And there wasn't one descending vote to the direction that we want to go or to oppose this rezoning. So, I just want to say that we're here to support that. Everything that he said, I can't say anything better. And I just want to let you know that we're here to give that support. Thank you.

Mr. Rhodes: Thank you sir. Anyone else? Okay, very good. We'll move past the Public Presentations onto the Public Hearing items. The first item for public hearing is item number 1, Amendment to the Stafford County Comprehensive Plan. Yes please, Mr. Gibbons.

Mr. Gibbons: I was kind of wondering if we could and take 3 and 4 first because that's the hottest item tonight.

Mr. Rhodes: Three and four first? Is there any objection? Do we need a motion to modify the agenda?

Mr. English: I'll make a motion to modify the agenda.

Mr. Coen: Second.

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Mr. Rhodes: Okay, motion to modify the agenda to move items 3 and 4 ahead of 1 and 2, and seconded by Mr. Coen. Any further comment Mr. English? Mr. Coen? Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed.

Mr. Gibbons: Then we can hear 3 and 4 together for public comment.

Mr. Rhodes: Yeah, I believe that's probably what we're going to do. Mr. Harvey, if we could go onto item number 3; are we going to present 3 and 4 together, correct?

PUBLIC HEARINGS

1. Amendment to the Stafford County Comprehensive Plan (the Plan) - A proposal to amend the textual document, "Stafford County, Virginia, Comprehensive Plan 2010-2030," dated January 17, 2012, specifically Chapter 5, "The Public Costs of Growth and Development," with regards to the Proffer Guidelines. **(Time Limit: October 12, 2014)**

Discussed after items 3 and 4.

2. Amendment to the Zoning Ordinance - Proposed Ordinance O14-28 would amend the Zoning Ordinance, Stafford County Code Section 28-58(d), "Historic resource overlay district regulations," to allow exterior painting, except when proposed on unpainted masonry surfaces, to be deemed minor work and subject to review and approval by the agent or his designee instead of the Architectural Review Board. **(Time Limit: October 7, 2014)**

Discussed after items 3 and 4.

3. Amendment to the Stafford County Comprehensive Plan (the Plan) - A proposal to amend the "Stafford County, Virginia, Comprehensive Plan 2010-2030," dated January 17, 2012, to implement a Transfer of Development Rights (TDR) program. The proposed amendment would modify Chapter 3, "The Land Use Plan," to incorporate amendments to the textual document and adopt a new map entitled Figure 3.8, Transfer of Development Rights Sending and Receiving Areas ("Map"). **(Time Limit: October 30, 2014)**
4. Amendment to the Zoning Ordinance - Proposed Ordinance O14-26 would amend the Zoning Ordinance, Stafford County Code Section 28-35, Table 3.1, "District Uses and Standards," and

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Table 3.1(a), “Standards for Transfer of Development Rights (TDR);” Section 28-355, “Applicability;” Section 28-356, “Right to transfer development rights; general provisions;” Section 28-357, “Sending properties;” Section 28-358, “Receiving properties;” Section 28-359, “Calculation of development rights;” and Section 28-360, “Transfer of development rights sending property development limitations” to modify the TDR Ordinance. **(Time Limit: October 30, 2014)**

Mr. Harvey: Yes Mr. Chairman.

Mr. Rhodes: Okay, very good. And so the Amendment to the Stafford County Comprehensive Plan, item number 3 and 4. Mr. Harvey.

Mr. Harvey: Thank you Mr. Chairman. Please recognize Kathy Baker for the presentation.

Mr. Rhodes: Hello ma’am.

Mrs. Baker: Good evening Mr. Chairman and members of the Commission. Kathy Baker with the Department of Planning and Zoning. This item is the Transfer of Development Rights, both Comprehensive Plan amendment as well as Zoning Ordinance amendment. And to summarize, I know you all have heard this presentation before in various manners, but I am going to recap just particularly for those who haven’t been involved in this over the last few years, as well as for the public. TDR generally allows by-right development to be transferred from designated sending areas to designated receiving areas through the exchange of development rights. And this seeks to protect the rural areas or areas outside our Urban Service Area and encourage development closer to those developed areas where services such as roads and utilities are already in place. TDR is a voluntary program. It’s something that a landowner would apply for. Each transfer development right would be developed... could potentially be developed as a single-family unit or as additional commercial square footage within the designated receiving area. There would be a deed and an easement that would restrict the future development on that original sending area property. And the capacity of the receiving area would need to be able to receive all those potential development rights under by-right zoning. As you recall, in February of 2013 the Board of Supervisors adopted Ordinance O13-21 and this identified administrative procedures for a TDR program. It did not allow for a TDR program to actually be implemented, it just laid out the processes and procedures. In October of 2013 the Board did consider follow-up Comprehensive Plan and Ordinance amendments that would be necessary to implement the TDR program. At that time, those were not adopted. So, the Board has recently discussed this again and in June of this year they referred proposed Comp Plan and Ordinance amendments to establish the sending and receiving areas, as well as guidelines for TDR to the Planning Commission for your consideration. Beginning with the Comprehensive Plan, generally it would modify Chapter 3 of the Comprehensive Plan to incorporate amendments to the textual document which outlines the TDR program. It would also include new State Code provisions for architectural design standards. This would actually amend a separate element of the Comprehensive Plan in addition to Chapter 3 which would reference architectural design standards within the new properties under the receiving area. And finally, it would adopt a new map showing those sending and receiving areas which I’ll go over. As you see on this map to the right, the properties outlined in blue... the area outlined in blue is the designated sending area. And to the left of the screen, the designated area outlined in red would be the receiving area. The sending area generally is the area east of the CSX line, south of Aquia Creek and north of Potomac Creek. And these properties would be zoned A-1, Agricultural, and A-2, Rural Residential. In order for a property to be eligible as a sending property, it would have to be 20 acres in size, either as an individual parcel or contiguous parcels that add up to a minimum of 20 acres. In addition to that, a 2-

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acre property would be eligible if it were designated as parkland on the Comprehensive Plan. Regarding the receiving areas, this is generally in the Courthouse Redevelopment Area, except for any area of the redevelopment area west of I-95. The receiving area properties would need to be rezoned... excuse me, zoned A-1, Agricultural; R-1, Suburban Residential; P-TND; PD-1; PD-2; and Urban Development Area, which are typically our mixed use developments; and then B-3. So those properties, in order to be eligible as receiving properties, would have to have that zoning. With regard to the ordinance amendment, it would revise the criteria for the qualifying sending properties. As I said, we had a previous Ordinance adopted; this would revise that existing Ordinance. It would have additional changes to properties zoned A-1 or A-2. It would again clarify that you have at least 20 acres or you have contiguous properties that add up to 20 acres, or at least the 2 acres as designated park on the Comp Plan. This change would also incorporate the required architectural standards, and it does add B-3 zoning. Initially, the Ordinance that was adopted did not have B-3 zoning as a potential receiving area. It also is going to reduce the density in your A-1, Agricultural zoning district, from 5 dwelling units to 2.25 dwelling units. I'm not going to go over this in detail, but this does show the process for entering into the TDR program. And it starts with the landowner actually filing an application with the Department of Planning and Zoning to determine the number of development rights on that sending property. The Director would issue a determination of development the rights, which establishes that potential number. The landowner would file covenant restrictions and then request a certificate for the transfer of development rights with the specified number. The landowner could then transfer, they could sell their developments rights to a third party. And basically once a property in the receiving area, a property owner would come in, file a subdivision plat; that plat would have all of the recommendations from that TDR certificate. The Director of Planning would issue a letter approving that plat based on the development rights allowed under that TDR certificate. Staff is supporting adoption of the amendments to the Ordinance, as well as the Comprehensive Plan. We do believe it would produce a functioning TDR program. TDRs do have the potential to serve as growth management tools for our more rural development areas. And it does comply with recommendations under our policies and objectives already outlined in the Comprehensive Plan. So with that, I will open it up to questions.

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

Mr. Gibbons: The deed to restrict... that's under the State Code, right?

Mrs. Baker: The allowance for the deed?

Mr. Gibbons: Yes.

Mrs. Baker: It is laid out in the State Code.

Mr. Gibbons: What is allowed?

Mrs. Baker: What do you mean, what is allowed?

Mr. Gibbons: If the housing or whatever... the residential is transferred, what is left in the residue? In other words, if I have 20 acres and I transfer them, can I build 5 lots on that as 3-acre lots?

Mrs. Baker: No. Your residual property is going to be used as agricultural or park purposes. Mr. Harvey, can you help me with what is left on the residual?

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Mr. Harvey: Mr. Gibbons, the residual uses, as Mrs. Baker said, are agricultural and park, as well as forestall uses and campgrounds. Those are the potential residual uses that a landowner could have once they have severed their development rights. As Mrs. Baker said, there would be a covenant which would essentially act as an easement on that protected area that would prohibit any future development.

Mr. Gibbons: Okay, and then I have one other question Kathy. You said if you've got a 2-acre, then you have to have a Comp Plan? I don't see no Comp Plan amendment with this Ordinance. So, you're saying if you come in with a 2-acre lot, you need to designate it for a park, then you want a Comp Plan amendment to accompany the...

Mrs. Baker: No, it has to be actually designated on our existing Comprehensive Plan as parkland.

Mr. Gibbons: Who's going to do that?

Mrs. Baker: It's already a designation with our Comprehensive Plan. The Land Use Map that is shown on the Comprehensive Plan, if you go... let me see, we'll go back to this. If you look within the blue area... actually, I'm sorry, this is zoning.

Mr. Gibbons: So you're saying the whole sending area is in the Comp Plan as park use?

Mrs. Baker: Not the entire sending area. You generally have agricultural designation, land use designation, which is not your zoning but your agricultural land use designation. You also have parkland which basically, if you look on this map, is the dark green area. That's the designation of parkland. So, if a property that falls within that existing parkland designation is 2 acres, then we would deem that eligible.

Mr. Gibbons: What about the one that's in the light green -- it doesn't apply then, right?

Mrs. Baker: Correct. That's agricultural where you'd have to have the minimum 20 acres.

Mr. Gibbons: The only area that can have 2 acres is the one that's in the park area designated by the Comp Plan.

Mrs. Baker: Correct, yes.

Mr. Gibbons: Thank you.

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

Mr. Coen: Kathy, do we know how many 20-acre parcels are in that area?

Mrs. Baker: We did do an analysis of that on our GIS system. Do you recall the numbers?

Mr. Harvey: Mr. Coen, the criteria to be eligible is that you have to have a combination of properties that could comprise 20 acres. So the analysis was not done strictly on 20-acre tracts of land. So you could have a 5-acre piece, a 10-acre piece, and another 5-acre piece and be eligible for TDR.

Mr. Coen: Alright, so do we have any idea...? I mean, we either have to have a person who has several parcels or could work together to combine several parcels to get 20 acres, or they might actually have 20

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acres and we really don't know how many there are of just 20 acres or the other group either, we just know that there's land that we could, in theory, cobble together if it's contiguous to do it.

Mr. Harvey: Yes, Mr. Coen, we'd have to do additional analysis to break it out, if suggested.

Mr. Coen: Okay, thank you.

Mrs. Baker: What I failed to mention was the actual number of potential development rights that are within the sending area and the receiving area. And in the sending area it's 1,490 and that's just based on that general analysis. The receiving area can receive up to 2,400 approximately development rights.

Mr. Rhodes: Okay, thank you. Mr. Apicella.

Mr. Apicella: Mr. Chairman, just so we all understand and we're all on the same page about the Board's referral, was it... the parameters of the Board's referral... was it broad or narrow?

Mrs. Baker: It specified what they were referring down to the Planning Commission to take action on.

Mr. Apicella: So they gave us a very specific package they wanted us to vote up or down on. Is that kind of essentially...?

Mrs. Baker: That's correct. That's the direction of the resolution they adopted.

Mr. Apicella: And if we wanted to make changes, the only way we could do that is sort of outside of whether we vote up or down, we might be able to forward some additional recommendations to the Board for additional changes they might want to consider?

Mrs. Baker: Yes, you can forward additional recommendations, but...

Mr. Apicella: But not as part of that package.

Mrs. Baker: That's correct.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Thank you. Any other questions for staff? Very good; thank you Mrs. Baker. I'll now open this to public comment. Any member of the public that would like to speak on the items 3 or 4 may come forward and do so at this time. When you do, I'd ask that you state your name and your address. Once you do so, a green light will come on indicating the 3 minutes that are available. A yellow light will come on when there is 1 minute remaining, and then a red light will come and we'll ask you to wrap up your comments. Sir.

Mr. Coady: Yes Mr. Chairman, Patrick Coady, Chairman of the Northern Virginia Conservation Trust. And could I have 5 minutes speaking as an organization?

Mr. Rhodes: That's what we seem to be doing.

Mr. Coady: Just to remind, we've been active in the County since 1997. We own 124 acres of preserved land. We have stewardship and easements on another 340 acres, and we hope to be more

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active in the County over a very long period of time. I'd like to kind of first... we went back after the last meeting of the Planning Commission to try to understand what the ground rules were. And we just had a discussion of that. So, the question is, what is the scope of the mandate? And we also looked further as where did the residual rights come from? So, I'd just like to share with you the results of our reading and the advice of leading counsel who has practiced in Stafford. So this is just not my reading of it, but the advice we've gotten based upon the resolution that was from the Board of Supervisors, the whereas says, the Board requests the Planning Commission prepare amendments to the County Code and Comprehensive Plan, and whereas, the Planning Commission is to consider the following during its preparation of the amendments. So, when we asked the question of our counsel, he said that the actual language coming from the Board says any amendments, but please consider these. So that was the interpretation; that's what I think has been put forth but that was our reading when we tried to understand what the ground rules and the scope of the thing is. In any event, you know, we're fundamentally suggesting some changes so that we would hope that the Planning Commission is empowered to actually address these changes. Worst case is you don't agree with that interpretation and you forward the recommendations. The second thing is, was kind of where did the residual rights come from? And frankly for two years I always thought, you know, it was kind of like it came down from Abraham or the mountain and the big tablet. So, you know, it was kind of not discussable. But I went to look at the state TDR statute and, under Section C of Transfer of Development Banks, the key word is "may." So, once again, we talked to counsel about what the scope was. And the point is that I think the residual rights which I think this relates to I think one of the problems from the ordinance from the get-go, residual rights would make a lot of sense for large parcels. But they should be distinguished from the small parcels and, according to our counsel, that could be done. You could distinguish the small lots particularly by location, size, and Comprehensive Plan. So we believe that the Planning Commission is in power to take a look at what are the appropriate residual rights for Crow's Nest Harbour. Then the question is, if you try to remove them and our counsel says that if you de-intensify a change, you don't have to have a new advertisement. So I'm just saying we tried to figure out what the grounds rules were; that was the advice that we got. We've prepared a flyer kind of summarizing, with a map of what our concerns are, and I'm just going to read the three things. TDR ordinance and the proposed amendment does not preserve the lots of Crow's Nest Harbour in a timely unambiguous manner. The likely outcome, as proposed, is a checkerboard of uses that will take decades to sort out. The Trust has expressed concern for 2 years about the lack of a pathway for Crow's Nest Harbour to become an important part of the Natural Area Preserve. Second relates to residual rights. It allows for timbering, agriculture, or camping and this is really incompatible with the standards for the Natural Area Preserve and complicates any kind of transferability. The third point is, as we've looked at other land trusts and successful programs and have interviewed people, the thing that kept coming back to us is that the success of a program puts time and effort into an economic analysis of the values of the sending and receiving area so that there was... a market would emerge. It's a very complicated subject. I've talked to some of the Supervisors and Planning Commission but there's a guide, there's an actual County thing. Our situation is not that complicated. We're trying to summarize how it might work here going forward. So, we've all been at this for a long period of time but I think our view is, when we first got approached and we sat down with Pat Taves who was kind of going over it, it was like we always thought a TDR was a good instrument and we still believe it's a good instrument. But we basically kind of, as the thing has kind of wrapped through the years, become experts of a sort and put a lot of time and energy into the TDR Program. So, we see some fixes that I think would accomplish the goal. I think everyone... at least we were persuaded that the starting point for this was...

Mr. Rhodes: Sir, if I could ask you to be wrapping up.

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Mr. Coady: ... yeah, and the Crow's Nest Harbour and the surrounding sending area. But Crow's Nest Harbour was going to be a targeted area for this and I think everyone on the Board and the Planning Commission, I don't think anyone wants to develop Crow's Nest Harbour. So, the question is, how do we get there in a timely unambiguous manner.

Mr. Rhodes: Thank you. Thank you very much. If there's anyone else who would like to speak, please come forward.

Ms. Kirkman: Could I ask, how do I make it go forward? Okay.

Mr. Rhodes: Computer please. Is there a presentation?

Ms. Kirkman: Both.

Mr. Rhodes: Okay.

Ms. Kirkman: Good evening. As an organization, we'll also take our 5 minutes. My name is Cecilia Kirkman. I'm here tonight representing Save Crow's Nest. And along with me are Trixie Franke Coldwell from the Hartwood District and Alice Stewart from the George Washington District. And as you can see, we've brought back our blue heron and our bulldozer.

Mr. Rhodes: I like the bulldozer.

Ms. Kirkman: Well, we'll make a special one for you Chairman Rhodes. So, we at Saves Crow's Nest have always insisted on two principles -- that the entire Crow's Nest peninsula should be saved, and that preservation should be done in a fiscally responsible manner. Unfortunately, the TDR legislation falls short on both of these counts. We're here tonight to urge you to vote recommend denial of the TDR amendments, and earn your blue heron. And we're also here to offer solutions, because we concur that you do have the ability to make changes. We presented to you 3 principles for making these decisions. We suggested a separate park and agricultural sending areas with separate eligibility criteria and separate residual uses; that you include a mechanism to ensure that all of the Crow's Nest lots under corporate ownership are voluntarily placed in the TDR Program and incorporated into the existing State Natural Area Preserve; and that you limit the residual uses in the park sending area to public park use. TDR is voluntary. When someone chooses to participate in the TDR Program, they are also choosing to abide by the conditions. And if they choose not to abide by those conditions, they don't have to participate in the TDR Program. The TDR Program could cost taxpayers anywhere from 37 to 70 million dollars in lost proffer and tax abatement revenues, and for that reason we believe the taxpayers deserve a public benefit from this TDR Program. As currently constructed, the TDR legislation does not contain a single mechanism to guarantee that the land, held by the major landowners on Crow's Nest Peninsula, will be protected from development. The TDR will allow the corporate... as it's done now, could allow the corporate owners of lots in Crow's Nest Harbour to put only the unbuildable lots into TDR saving the best lots for development. Excuse me, we're having a technical problem here. It's not... there we go. So, sending properties -- we believe there are two different ways you could go about fixing this. The first is to require that if the land is in the... designated as park, that you have to send all the properties that you own. The second potential mechanism is... would be more difficult to implement but would also do the same thing and is really within the bounds of the state enabling statute, which is to say that it should be inclusive of all properties designated as park in the Comprehensive Plan within the sending area under... Excuse me, could we stop this for a second and get the... this working correctly?

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Mr. Harvey: If you'd please ask me to advance the slide, I will be glad to do so.

Ms. Kirkman: What's that?

Mr. Harvey: If you please ask me to advance the slide, I will do so.

Ms. Kirkman: Oh okay, alright. Can we go back? There we go. A second way to go about doing this is to require for parks... lots in the sending area that aggregate parcels in existence on the effective date of the ordinance comprising 861 acres and designated as park on the Land Use Map in the Comprehensive Plan. By putting that criteria in, you're saying that either all the owners in Crow's Nest Harbour agree to participate or none of them will participate. Next please. You did limit the residual uses on 20 acres... less than 20 acres in size by limiting new structures; however, the problem is all somebody has to do is vacate property lines after they've removed the rights and they can still build. So the next thing... thank you... that you need to do is fix that by saying less than 20 acres in size on the effective date of the ordinance. Next please. You also need to make it clear that there are limited residual uses for the properties that are in the park sending area; and specifically, the sole residual use on sending properties designated as park in the Comprehensive Plan shall be park use. Thank you.

Mr. Rhodes: Thank you very much. Anyone else would like to come forward and speak on items 3 or 4?

Mr. Hiron: Mr. Chairman, members of the Planning Commission, again Scott Hiron. Again, I'm here as a private citizen and none of my remarks tonight reflect adopted policy or via the School Board or any other body. I come before you tonight as a concerned citizen with regards to Transfer of Development Rights. As most of you know, I spent four years sitting up on that dais expressing my concerns about TDRs. My concerns have not changed, and have probably shifted even further towards the direction that the current construct of the TDR ordinance in Stafford is just not right. I continue to be concerned about design standards, although the state has given us some help with that regard, about the types of dwelling units that can be built in the receiving area, and impacts to our community without the ability to collect proffers on development. With the perspective I've gained now serving on the School Board, I have even more concern about what the potential of dense development in the receiving area means without mitigation. All of the schools that currently serve the Courthouse Area are near or above capacity, except for Stafford Middle School. As we make changes in school districting this coming year, all of the schools will be balanced and nearly all will be at... operating very close to capacity. Without the mitigation of the ability to collect proffers for development, the burden of adding schools, at a cost of 40 to 100 million dollars per school, will reside solely on the shoulders of the taxpayers. I appreciate and applaud you for having concern about sprawl and the notion that we would be a better county preserving land and avoiding the 3-acre dot-the-landscape type of development that goes on now. However, when you really examine the sending area in the current TDR policy, the risk of development of that land is very low. The risk of turning the receiving area into a densely populated area with inadequate road infrastructure and overcrowded schools is very high. Please do not support the Comprehensive Plan amendments or the Zoning Ordinance amendments before you tonight. Stand up for the schoolchildren, the commuters, and the taxpayers of Stafford County. Take TDRs back to the drawing board and develop a program that preserves land, but also takes in concern for the future of Stafford County. I'll just end with saying all of you know that I spent a full four years up there speaking about TDRs and my concerns about them. And as I stated, those concerns have not changed. Please do what's right and really think about this ordinance and the future impacts of this ordinance if you guys move forward and make a recommendation to the Board of Supervisors to adopt this policy. Thank you.

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Mr. Rhodes: Thank you very much. Is there anyone who would like to come forward and speak on item 3 or 4?

Ms. Franke: Hello. I'm Antoinette Franke. As you can see from my t-shirt, I am also trying to save Crow's Nest. As you know, it was a wonderful thing a few years ago when the Crow's Nest... a part of the Crow's Nest area became a natural preserve. And we all, you know, went to that ceremony and rejoiced. And we're very happy for that development. And as you also know, from the man who spoke earlier that the NVCT has owned since 1997 a 70-acre great blue heron nesting area. This nesting area is one of the top nesting areas for herons in the state of Virginia and the Chesapeake. Now, in order to protect this nesting area, we can't have development right next to it. And it's always been the citizens' desire to somehow get to where we can connect the natural area that has been preserved to the heron rookery. And in between that, of course, is the Crow's Nest Harbour area that is planned for development. But we believe that it would not be wise to change the Comprehensive Plan of development for this area. In other words, the land does not support its own development and so the company wanted to bring in public water and sewer. And that was denied recently and so now there's a new kind of strategy to work through the TDR. The TDR Program should be a wonderful channel to prioritize preservation of lands for parks, agriculture, and forestry, and to move residential and commercial growth into other areas that should be planned for that. Right now, the proposed amendment does not preserve the Crow's Nest Harbour area and we think it's a faulty plan. And so I am asking you to vote no on this amendment. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to come forward and speak at this time? Okay, I will close the public comment portion of the public hearing and bring it back into the Planning Commission.

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

Mr. Rhodes: Please Mr. Apicella.

Mr. Apicella: For staff. Can you remind us, Kathy, how many lots there are in Crow's Nest Harbour?

Mrs. Baker: Sorry, the exact number fails me. It's 346? Yes, 346.

Mr. Apicella: And there are roughly somewhere between 50 to 60 lot owners? Give or take? I know there's a couple of lot owners who own the vast majority but collectively somewhere in that range -- 40 to 60?

Mrs. Baker: I was going to say 60 to 80.

Mr. Apicella: Okay, could be. Out of how many development rights that could be in this program, as you guys have scoped it out?

Mrs. Baker: It would be three hundred and...

Mr. Apicella: I'm saying the broader context of the TDR Program, as it's currently envisioned, with the sending areas that the Board asked us to consider.

Mr. Rhodes: Fourteen-ninety?

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Mr. Apicella: So around 1,500?

Mrs. Baker: Is the total... is the total of all of the sending area. That's the total number of units that could sent from the total sending area.

Mr. Apicella: And so, as Mr. Hirons indicated, we've been at this now for 5 years at least. Just a little bit of the recent history -- some of the property owners came to... well, after going to the BZA, some of the property owners attempted to get the Planning Commission to do a Comp Plan Compliance Review allowing water and sewer on the property that was ultimately denied by both this panel and the Board of Supervisors, right?

Mrs. Baker: Yes.

Mr. Apicella: Okay. And then they recently went to the Board asking for the plats to be vacated to essentially allow them to build homes without the requirement for public water and sewer?

Mrs. Baker: That's correct.

Mr. Apicella: Okay. So, short of the state, the County, and/or a private entity are all working together to buy Crow's Nest Harbour, are there any other realistic programs out there that could potentially save this area from development?

Mrs. Baker: I'm going to defer that to our esteemed attorney.

Ms. McClendon: I don't believe that's a legal question... question of legal nature so I'm not prepared to answer that.

Mrs. Baker: Mr. Harvey.

Mr. Apicella: Again, we've been at this for 5 years, it seems to be me having worked on this for most of those...

Mr. Gibbons: I didn't hear the last comment from the attorney.

Mr. Rhodes: She didn't see the question as a legal question so she wasn't prepared to answer.

Mr. Harvey: Mr. Chairman, Mr. Apicella, I can try to answer the question. Short of allowing development to occur on the property based on the platted lots in Crow's Nest Harbour, the other mechanisms to prohibit that type of development would either be to purchase the property or negotiate some sort of restriction of use of the property from the owners.

Mr. Apicella: So, I'll go back to, at least it's a comment if it's not a question... realistically there's not a lot of tools out there other than collectively or singularly the County, the state, or private entities buying this property to preserve it. So, again, TDRs are one of the few tools available, whatever the program looks like, to preserve Crow's Nest which is, I think, what everybody wants to do but can't necessarily agree on how to get there. Just a couple of comments, Mr. Chairman, and questions. That's it, for now.

Mr. Rhodes: Okay, very good. Other questions for staff? Alright, very good. Well, it's with the Planning Commission. Is there desires on a motion dealing with item number 3?

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Mr. Gibbons: Mr. Chairman, I think the thing that we lacked when we got this thing passed down to us is I don't have the background or the analysis that the Board did when they drafted this ordinance. When we did ours, we had the staff but I'm not privy to what the analysis of structure was that developed this version of the TDR. I mean, I tried to get it out of the public hearing thing but there was not a lot of facts there.

Mr. Rhodes: Did this go through Community and Economic Development or how did they develop this? Mr. Harvey, do you recall?

Mr. Harvey: Mr. Chairman, I believe it was discussed at the Community and Economic Development Committee, and then went back to the Board for a referral to the Planning Commission.

Mr. Rhodes: Okay.

Mr. Harvey: Mr. Gibbons, was your question regarding how the number of sending units and receiving units were calculated, or was it something different than that?

Mr. Gibbons: No, Jeff, I mean, we've been at this like Steven was saying, about 5 years now and I don't know how many cuts you can take and how many times you can go back and visit again. But it must have been methodology that they came up with... when they came up with the sending areas and the 2 acres and the 20 acres. What was the methodology behind that?

Mr. Apicella: Is that mythology or methodology?

Mr. Gibbons: Methodology.

Mr. Rhodes: Yeah, methodology.

Mr. Harvey: To answer your question, previous versions of TDR did have a 20-acre threshold for being eligible to send development rights. And past years there had been a seclusion of Crow's Nest Harbour specifically. And then this version they wanted to try to accommodate Crow's Nest Harbour, that's why there's language in the draft amendment that would allow lots in the park area... or 2 acres in size to be eligible to send development rights.

Mr. Apicella: Mr. Chairman, I'm remiss; I had another question for staff, speaking of mythology.

Mr. Rhodes: Please.

Mr. Apicella: So I've heard the contention, again, for the last 5 years, that there's a significant cost to this program. It's my understanding that what would happen again is you would move by-right development units from a sending area and send an equivalent number of development rights to a receiving area. So it's a one-for-one exchange, right. So, by-right from one area to another area; it's not increasing the overall density in the County, it's just moving by-right development. Is that correct?

Mr. Harvey: Yes, it's moving development potential.

Mr. Apicella: Right. And by-right development does typically not come with proffers?

Mr. Harvey: Correct. It would be eligible for transportation impact fees but not proffers.

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Mr. Apicella: Again, if the Commission would indulge me... I've heard some good suggestions and we've been talking about it, at least individually, some Planning Commissioners and some Board members, about some of the issues that have been raised. I think, from my vantage point, we all want a TDR program that is successful, that maximizes participation, and achieves the desired end of moving development from rural areas of the County to urban areas of the County, while also trying to conserve areas of the County, especially those that are parkland, aka, Crow's Nest Harbour. I'm concerned about some of the recommendations that I've heard and the context of I believe that we want a program that incentivizes participation, while also not dis-incentivizing participation because that would be counterproductive. I do think there's some, whether we vote this down or up, I do have some recommendations that I think, again, my understanding of what the referral was is we were limited in our flexibility to make changes to the actual verbiage and language that the Board gave us, but that we could still separately send recommendations forward... again, whether we recommend approval of the package that the Board gave us or not. And so...

Mr. Rhodes: Mr. Apicella, just so we can get one more confirmation, that is the interpretation; correct, Ms. McClendon?

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

Mr. Rhodes: Thank you very much. Okay.

Mr. Apicella: So, some very interested stakeholders are very knowledgeable about Crow's Nest and about the TDR Program. I agree with some of the concerns that they raised and disagree with one in particular. I would agree... and again, some of us have talked about potentially removing silviculture and agricultural uses, as well as any non-park-related structures as residual uses on parkland. And I assume that that is a recommendation we could put forward to the Board. That we don't necessarily... one of the suggestions was that we have two separate criteria for residual uses. I think within that one section that deals with residual uses we can make that modification or suggest that modification. So that's number one and I think it addresses some of the concerns that allowing those kind of uses on parkland again is counterproductive and goes against what the desired end state is for that parkland. Another suggestion has been raised, I think, that is not permissible under the state law. And again, with any ordinance or County requirement, we're dealing (inaudible). We can only do what the state allows us to do. We can't reinterpret what the state has provided. This is a voluntary program. We can't force people to participate. We can't have one criteria for corporate owners and another criteria for regular landowners, if there is such a distinction. So, I don't believe it's permissible to require people who are within a sending area to participate in this program. Again, it says very clearly in the State Code, on TDRs, that this is a voluntary program. So I don't see a fix to this concern. And quite frankly even if we went back to the legislature, I'm not sure they would be amenable to that kind of concern because, in the broader context of TDRs, it is a voluntary program. So, while I appreciate the notion and the suggestion that everybody who's in Crow's Nest Harbour either participates or nobody participates, again, when you have 40 to 60 owners, number one I don't think that's possible and number two I don't think it's legally permissible. And I also had heard at some point in time some suggestion that for those people who do participate in the program who are in parkland, that they must donate their property, the residual use and I guess the land itself, to a conservator like NVTC. Again, I don't think that's permissible in the State Code. I've asked that question of legal counsel and, again, the answer is that it's not permissible. So, I don't see how we can address that concern and still have a TDR program that's legal and follows the state code. On item 3, I do see a concern here, especially in terms of one of the recommended changes that the Board put forward which has to do with the lots on parkland. And it essentially created... I'm not going to read it verbatim... an entitlement for lot owners in parkland to at

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least one development right. And this program is, as I've worked on it over the years and I think Scott, when we were on a panel talking about TDRs, we didn't want to give lot owners a right or entitlement that they wouldn't otherwise get; meaning that if the lot itself was not buildable, that they wouldn't get a development right. And that's why we put exclusions under 359... I think it's 359A. There's certain criteria that would exclude hydric soils and steep slopes and etcetera from density calculations. So, if you had, you know, a 2-acre lot and two-thirds of that lot was unbuildable, you wouldn't, at least in theory, you wouldn't get a development right. This proposed revision that the Board's asked us to look at would contravene what I think we were trying to achieve here, which is if the lot is buildable therefore you would get a development right. So, those are some changes, at least 2, that I think are possible and I think address in part the concerns raised by Save Crow's Nest. I'm not sure where we're going to go from here tonight.

Mr. Gibbons: I'd like to make a motion. I mean, we've got until the end of October. Everybody's brought up good suggestions; we got good input tonight from the public. I think, Mr. Chairman, we ought to take our time and if we don't agree with some of it, that we go back to the Board with a very comprehensive input.

Mr. Apicella: So, was that a motion?

Mr. Gibbons: Yeah.

Mr. Apicella: I would support that motion.

Mr. Rhodes: Okay, so just to confirm, Mr. Gibbons, you made a motion to defer this item to our next meeting and I understood that part of that was with the logic of the opportunity to further refine what recommendations we might make forward to the Board along with whatever recommendation we make to the actual change to the Comp Plan. And it was seconded by Mr. Apicella. Okay. Further comments Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Mr. Apicella? Any other members? Comments at this point? Please, Mr. Coen.

Mr. Coen: Mr. Gibbons, once again, beat me to the punch. I was going to try to move to defer because I think there are a lot of issues.

Mr. Gibbons: Well, I'll withdraw.

Mr. Coen: No, no, no. And I think that you also have some questions about the methodology that I think we could get some more information. If memory serves me when we last talked about this area, there was a discussion that the various single lot owners were not communicating to work together. So that would sort of defeat the whole purpose of trying to put everything into a 20 acre parcel too. So I think there are legitimate questions about this and I think it also would help if the ideas that Mr. Apicella brought forward, or anybody else brings forward, we can make that more public when we do bring it back so that people can see what it is ahead of time and be able to, during the regular comment period, make some comment to add their input. So bravo to the two gentlemen.

Mr. Rhodes: Okay. Further comments from anyone else? Okay then, motion to... we'll just do 3 and 4 -- can we do a deferral together or just do them separate? Okay, thank you very much. And to confirm,

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you were referring to both 3 and 4 since they go together Mr. Gibbons and Mr. Apicella. So a motion to defer items 3 and 4 to our next session in order to provide staff possibly some time to just give us any other clarity on the methodology that was used in the development of the proposal that's before us and certainly for members of the Planning Commission to refine some other details on requirement, or recommendations they'd make forward to the Board of Supervisors with any motion to support or not support these changes. So with that I'd call for the vote. All those in favor of the motion to defer to next session 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. Okay, so we'll pick that up again next time. With that we'll move onto item number 1. Mr. Harvey? I guess 1 and 2.

1. Amendment to the Stafford County Comprehensive Plan (the Plan)

Mr. Harvey: Thank you Mr. Chairman. If you'd please recognize Erica Ehly for the presentation.

Ms. Ehly: Good evening Mr. Chair and members of the Commission. If I could have the computer please. This item is a consideration of Resolution R14-174 to adopt Comprehensive Plan amendments that are related to the proffer guidelines. So, on July 1st the Board of Supervisors considered the proposed guidelines and they also referred related Comprehensive Plan text amendments to the Planning Commission for recommendation. This slide shows... well, actually the amendments are related to two sections of Chapter 5 of the Comprehensive Plan which is entitled The Public Cost of Growth and Development. And this slide shows minor changes that have been made to Section 5.2.3... very minor. Language has also been added in order to clarify the connection between the capital improvements plan and the proffer guidelines. It is as follows: the CIP is a dynamic document that is updated annually as part of the adopted budget. In this way, it reflects the capital capacity projects that are deemed necessary to meet and maintain level of service standards. Proffer guidelines are also updated annually and utilize a methodology which reflects the capital capacity projects in the CIP. Additionally, the amendment removes the reference to Table 2 and the suggested cash proffer amounts for residential units from Section 5.3.2 because these would be updated to correspond with the annual update to the budget in the CIP. The language following the strikethrough is new language; it should be underlined, so sorry about that. And this slide shows Table 2 which is being removed, the cash proffer amounts from November of 2009. Staff is recommending approval of the amendments in order to update the Comprehensive Plan and to clarify the connection between the Capital Improvements Plan and the proffer guidelines.

Mr. Rhodes: Very good. Questions for staff?

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Mr. Gibbons: I've got a question for you Mr. Chairman.

Mr. Rhodes: Please Mr. Gibbons.

Mr. Gibbons: When was the Planning Commission removed from the CIP process?

Mr. Rhodes: I do not know. Mr. Harvey, can you answer that?

Mr. Harvey: Mr. Chairman, I do not recall. It was in the 2000's, in that decade; I don't remember which year.

Mr. Gibbons: Okay, thank you.

Mr. Rhodes: Okay, very good. Other questions for staff? Mr. Apicella?

Mr. Apicella: Mr. Chairman, just to clarify, we're not, as I understand it, we're recommending text changes, we're not being asked to recommend specific amounts.

Mr. Harvey: That is correct.

Mr. Rhodes: Correct, that's the way I understand it as well.

Mr. Apicella: I just want to be sure.

Mr. Rhodes: Just some generalizing text amendments, yes. Other questions for staff? Okay, I'll open it to public comment. If there's any member of the public that has a comment on item number 1, you may come forward and make those comments at this time. Okay, I will close the public comment portion of the public hearing and bring it back to the Planning Commission.

Mr. Gibbons: Mr. Chairman, I'll recommend the amendment to the Stafford Comprehensive Plan.

Mr. Rhodes: Okay, a motion recommending approval of the amendment to the Stafford County Comprehensive Plan. Is there a second?

Mr. Coen: Second.

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

Mr. Gibbons: No sir.

Mr. Rhodes: Mr. Coen?

Mr. Coen: No sir.

Mr. Rhodes: Any other member? All those in favor of the motion to recommend approval of the amendment to the Stafford County Comprehensive Plan, item number 1, signify by saying aye.

Mr. Apicella: Aye.

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Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; it passes 7-0. Thank you very much. Item number 2
Mr. Harvey.

2. Amendment to the Zoning Ordinance

Mr. Harvey: Thank you Mr. Chairman. Please recognize Kathy Baker for the presentation.

Mr. Rhodes: Very good.

Mrs. Baker: Good evening. I don't have an overhead presentation on this one; I'll be very brief. This is an amendment to the Zoning Ordinance regarding our Historic Resource Overlay District. As you know, we have approximately 23 historic districts in the County that are governed by the Architectural Review Board. The Architectural Review Board does review these... any changes to exterior properties... the exterior buildings on properties and those are spelled out under Section 28-58 of our ordinance. The ARB has considered one of the issues within what they have oversight of and that is painting on structures. And they don't believe that painting of a structure is a permanent effect on a historic district. So what they'd like to do is remove the requirement for an applicant. If they choose to change the color paint on a property, rather than going to the Architectural Review Board with an application, they can go forward to the Director of Planning to make that determination -- if it's consistent with guidelines that have been established for our historic districts. So, basically they can go forward as a minor work and ask the Director of Planning to approve that. The only stipulation would be if you are painting an unadorned masonry that that would still have to go forward to the Architectural Review Board. So, we're just looking at making some minor text language in the Zoning Ordinance.

Mr. Rhodes: And to confirm, it's the recommendation of the ARB, correct?

Mrs. Baker: Correct; they brought this forward to the Board for referral.

Mr. Rhodes: Very good. Questions for staff? Mr. Coen, please.

Mr. Coen: Just a quick question. Is there any or has there been any discussion about the continuity of an area? For example, I know the Falmouth... Jeff was wonderful in sending the map of all the 23 areas. But is it that we have a sort of a mindset that in Falmouth that we want it to look Colonial times or anything like that? Or is this a different type of policy down here?

Mrs. Baker: Well, Falmouth has, I want to say, 70 properties that are within the actual Historic District. Each property is going to be looked upon basically as what is on that property. We do have different eras represented in Falmouth, but you are going to look at the impact on the overall district, yes. But you're looking at not just the style but you're looking at the size of a new building or changes in

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addition to a building. You're looking at exterior changes that are really going to make changes to the individual property, as well as the overall. But Falmouth has a little bit different style. It's very simple buildings. It's very... you know, it's from a workman's era and so they're looking to really keep within the theme of what's existing. And I'm not sure if that quite answered what you were asking me about.

Mr. Coen: Nope, it did. Thank you.

Mr. Rhodes: Other questions of staff? Okay, thank you. I'll now open the public comment portion of the public hearing. If there's any member of the public that has a comment on item number 2, the amendment to the Zoning Ordinance, dealing with recommendation for change from the ARB, you can come forward and do so at this time. Okay, I'll close the public comment portion of the public hearing.

Mr. Gibbons: Sir, I move for Ordinance O14-28.

Mr. Rhodes: Motion recommending... making a recommendation supporting the amendment to the Zoning Ordinance, proposed Ordinance O14-28 by Mr. Gibbons. Is there a second?

Mr. English: Second.

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

Mr. Gibbons: No sir.

Mr. Rhodes: Mr. English? Any other member? All those in favor of the motion recommending approval of the amendment to the Zoning Ordinance, proposed Ordinance O14-28 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? I was slow on my aye -- it passes 7-0. Thank you very much. We will now move onto Unfinished Business, item number 5. Mr. Harvey.

UNFINISHED BUSINESS

5. RC1400142; Reclassification – Austin Ridge Commercial - A proposed reclassification from the PD-1, Planned Development 1 Zoning District to the B-2, Urban Commercial Zoning District, to allow for an entrance road and two commercial pad sites as part of a proposed shopping center on a portion of Assessor's Parcel 29-60. The portion of the property, which is the subject of this request, consists of 3.39 acres and is located on the east side of Austin Ridge Drive, 1,200 feet south of Century Street, within the Garrisonville Election District. **(Time Limit: November 11,**

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2014) (History: Deferred on August 13, 2014 to September 10, 2014) (Deferred on September 10, 2014 to September 24, 2014)

Mr. Harvey: Thank you Mr. Chairman. Again, please recognize Kathy Baker.

Mr. Rhodes: The Kathy Show.

Mrs. Baker: Mike's off this week. Thank you. Item number 5 is Austin Ridge Commercial. And if I may have the computer please. And this is a zoning reclassification from PD-1, Planned Development to B-2, Urban Commercial on a 3.39 acre parcel, with Rocky Ridge, LLC as the applicant. As you recall, this application went to public hearing here on August 13. It was deferred to the September 10 meeting. At that meeting, it was discussed and further deferred to this meeting. There was a... the applicant held an informational meeting for the community on September 3 where many items were discussed that evening. As you see, on this map, the property in question is a 3-acre parcel in gray that is outlined in red.

Mr. Apicella: Kathy, before you move on, can you go back to that slide? So, again, just for overall context, what I see around that site is PD-1 close to Century Street, a PD-1... I'm not sure what that street is...

Mr. Rhodes: Booth.

Mr. Apicella: ... Booth, B-2, B-2, B-2, and PD-2, and another B-2. So, what's allowable, or what's already been planned and approved or is by-right on those adjacent parcels?

Mrs. Baker: To the north is the Section 7 of Austin Ridge, which are single-family residences. To the west, the PD-2 property is currently undeveloped. That is planned commercial area for the Embrey Mill development. As you see, to the north of that are...

Mr. Apicella: And that's already been rezoned or by-right?

Mrs. Baker: It's been rezoned and we don't have currently development plans. We have the general development plan for the area, but no specific site or construction plans have come in for this overall PD-2 piece that's immediately to the west of the property. To the south, that B-2, the pink area, we have had a grading plan submitted for that entire piece. We've also had a site plan submitted for Phase 1 of a commercial project for a large anchor store and a retail strip and one additional building on that B-2 property. And it's overall 40 plus acres is that site.

Mr. Rhodes: That's the rectangles directly to the south?

Mrs. Baker: Directly to the south is B-2.

Mr. Apicella: So, just so I understand the full context here, within very close proximity to this 3-acre parcel and the homes that are adjacent to it, there's business, business, business surrounding that specific parcel.

Mrs. Baker: That's correct. To the east of where you see Century Street and that PD-1, there are additional commercial developments separate from the Austin Ridge commercial. You may recall

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Westgate Development which was rezoned 2 or 3 years ago; that is also a separate commercial area that would have access through this Austin Ridge commercial B-2 property.

Mr. Apicella: So, even if this one rezoning should not pass, again, there would still be quite a bit of potential commercial development in the area.

Mrs. Baker: There is potential commercial development, yes.

Mr. Rhodes: But the site plans that we have right now are just for the 40 acres directly to the south.

Mrs. Baker: A portion of the 40 acres, not the entire 40 acres.

Mr. Rhodes: A portion, thank you. There's not one specifically for the Westlake is there on the commercial side of it?

Mrs. Baker: On Westgate? Not at this time. We have the residential which is currently... you see the gold piece is R-2, that's also Westgate but it's residential that's currently being graded for that area.

Mr. Rhodes: Just while this is up and related to a public comment earlier, where are the indoor swimming and all the park fields planned? Isn't that on the far left PD-2?

Mrs. Baker: For the Embrey Mill project, yes. The far left, what you see west of Mine Road, which is PD-2, that area would have the indoor rec center.

Mr. Rhodes: Right. That's where all the fields will be and the indoor pool, right?

Mrs. Baker: That's correct.

Mr. Rhodes: Yeah, okay. I just wanted to get my orientation right. Okay.

Mrs. Baker: And again, this is just the aerial view, but I did not have an updated shot showing (inaudible).

Mr. Gibbons: When did you take that picture?

Mrs. Baker: I was in an airplane but it was before it was graded. No. It came from our aerial photography in our GIS.

Mr. Gibbons: It'd be nice if you had it what it was this morning.

Mrs. Baker: I have photographs but unfortunately not the entire aerial view.

Mr. Rhodes: The HOA buffer that exists, how wide is that? Is that 25 feet in the back of the property lines to their property?

Mrs. Baker: Yes. This area here, that's 25 feet that has existing buffer and tree line.

Mr. Rhodes: Thank you.

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Mrs. Baker: This is a more recent view. This is from the residential area in Austin Ridge Section 7, the end of Booth Court where the cul-de-sac is. To the left of that is the existing stormwater pond and then the grading that is behind that. To the right is one of the existing residences at the end of... very end of Booth Court, and that's the remaining buffer strip that you see.

Mr. Rhodes: To the left across the retention pond, that's where they've currently are citing the I think it's called high end store, or something like that... high retail, right?

Mrs. Baker: Farther back in the vicinity where you see perhaps the construction equipment. The applicant, subsequent to the last Planning Commission meeting, has revised the Generalized Development Plan. There were concerns raised at that meeting about moving the actual building further away from the residences. And this is the building that has been moved. It was previously at about this location. So this GDP has moved it back as far as they possibly can just for the purpose of showing it on the Generalized Development Plan. The revised proffers actually specify distance; 150 feet from the actual property line... rear property lines.

Mr. English: Kathy, can I ask you a question? Did the residents on Booth and Century get this advised... that it was moved. Did they get that?

Mrs. Baker: The applicant did email it to those that were on the email list from the community meeting.

Mr. English: Okay.

Mrs. Baker: So that's the biggest change on the Generalized Development Plan which does now comply with the new proffers that they submitted. Sorry, that's just the previous GDP showing the building location. This is just an aerial view again showing, Mr. Coen had asked at one time the proposed building locations for the commercial buildings that have already been submitted as Phase 1 and then the smaller building subject to this rezoning. This white one was the original location and now the aqua one is where they're proposing to move that building. So the revised proffers that the applicant submitted this time, specifically a change to proffer 2.d. which requires that any building on this 3-acre parcel would be located at least 150 feet from any rear lot line in Austin Ridge Section 7. And then the revision to proffer 3 which does proffer out additional uses, including a convenience store, machinery sales and service, nightclub, and motor vehicle sales. These are in addition to the ones that they previously did proffer out which are allowed in the B-2 zone. And again, just the revised GDP shows that building location that's specified in the proffers.

Mr. Rhodes: There was some comments earlier during general public presentations that indicated that prior proffers on the sites had not been fulfilled. Are you aware of any that were not fulfilled... to your knowledge?

Mrs. Baker: I know that the two that were specifically mentioned was a swimming pool and, correct me if I'm wrong, I believe there was a swimming pool constructed adjacent to the clubhouse. Is that correct Mr. Harvey?

Mr. Harvey: I don't remember.

Mrs. Baker: We can confirm that.

Mr. Rhodes: Okay. And then there was a park... park land.

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Mrs. Baker: A park... there was a proffer that a park site be dedicated to the County. That actually occurred back in 1993. The parcel is located... if you go to the very north end of Austin Ridge Section 7, if you're heading north on Mine Road, just before you cross the creek, there's a 27... excuse me, a 22-acre parcel that was dedicated to the Board of Supervisors. That has never been developed as a park. I know there was some access concerns just based on topo in that area. So, our Parks and Rec Department hasn't actually looked at developing that. It potentially could in the future but it hasn't been (inaudible).

Mr. Rhodes: But it was given and accepted by the County?

Mrs. Baker: Yes, it's currently owned by the Board of Supervisors.

Mr. Rhodes: There's probably about 300 acres of park land we've been given in different proffers that we've chosen not to develop at this point, isn't there?

Mrs. Baker: I'm not sure of the total acreage.

Mr. Rhodes: Okay. Please Mr. English.

Mr. English: So, the park that you're talking about that they donated is before you get to the bottom of the hill where the creek is on the left side?

Mrs. Baker: If you're coming from Garrisonville Road and you pass through Hampton Oaks and you're coming onto Mine Road, before you get to the 90 degree turn, that is...

Mr. English: Before you get to Anthony Burns, right?

Mrs. Baker: Yes. So, before the 90 degree turn...

Mr. Rhodes: Before you turn into Austin Ridge... proper.

Mrs. Baker: Yes.

Mr. English: And it's all just deep down hilly.

Mrs. Baker: It does go down past the creek and then you'll notice there's some riprap that's been placed. It's steep on either side of Mine Road in that vicinity. There's also a power line that runs adjacent to that.

Mr. English: Wow. Because I know when it rains heavy it floods through there. Okay, I'm sorry.

Mrs. Baker: And I'm sorry, I actually had a slide if you want to see the location. Yeah, there we go... dedicated park site. It's actually... so you're coming south down Mine Road and here's the creek and so this is the parcel here.

Mr. Rhodes: Okay.

Mrs. Baker: Just one other... this might give you an idea if you're looking from Mine Road towards the (inaudible), that's the general area.

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Mr. Rhodes: Gotcha. Thanks, because I was picturing a different area.

Mr. English: Me too.

Mr. Rhodes: Alright, other questions for staff? Okay, applicant please?

Ms. Karnes: Good evening Mr. Chairman, Planning Commissioners, and staff. My name is Debrarae Karnes and I represent the applicant. I am an attorney and land use planner with Leming and Healy. I would like to thank the Commission for its attention to this, as well as the community, because the community does have valuable input. I'd like to summarize the case for just one minute and we'll get to the recent changes. What may not have been evident to people who have just tuned in on TV or in the audience is we are talking a rezoning of approximately a little over 3 acres that is adjacent to an approved B-2 commercial site that already has plans in for a shopping center. So, we're talking an existing approximately 28 acres that will be developed commercially. The reason we're here is that the existing area is currently zoned PD-1 that does not allow commercial and apparently there was some confusion. This project dates back to in the 90's, if not earlier. There were instances where land was swapped, land was lost to road dedication, and everyone thought everything north of Section 7 would be commercial. It was definitely planned as a commercial site. Now, since the rezoning was filed to make the 3.3 acres commercial, the applicant has met with the community and has also, through my office, sent the community pretty much weekly emails updating them on the progress. And we have sent them each revision of the proffers and each change in the General Development Plan. At the meeting with the community, we heard concerns about security and agreed to build an 8-foot tall fence off the area to be rezoned to give the community increased protection from the by-right development that would be built, regardless of your action on this case. We've agreed to plant minimum 10-foot tall trees when planted along a supplemental buffer, also expressly requested by the community. We added a proffer that defined minimum hours... or maximum hours I should say, for deliveries. We excluded uses. The GDP shows we are building a maximum of 10,286 square feet which isn't a substantial institution; it's an FAR, which is a measure of the percentage of development to open space or undeveloped area, a .07 which is extremely low. Since last meeting, we've turned in additional proffers requested by the community and the Planning Commission, including agreeing to locate any building that is west of the access road at least 150 feet away from the rear property lines, the lot lines of the residential buildings. We've proffered out additional uses, including convenience stores, gas stations. We've provided originally a proffer for providing for offsite signage, providing that there'd be no outlet from Century Street. In short, the developer has worked very hard to provide additional protections as requested by the community to make his development compatible. But more importantly, I think you need to look at not the difference between no building and this proposal, but the fact that commercial building will go on on the 28 acres regardless of your action. What the community is getting are these additional benefits that would not be there with the by-right use; namely the 8-foot wall... 8-foot tall wall... and the 10-foot tall plants when planted, and the additional restrictions on uses. We really feel that the developer has attempted to work with the community. We even got an email last night... no, last Friday in fact... from one of the community members that spoke tonight saying that she really liked the changes, and the only change she wanted additionally is a change, a reduction in the operating hours. Which we did not make but we would be willing to discuss. We believe that this is a valuable project, compatible with the neighborhood, and we ask at this time for your approval.

Mr. Rhodes: Questions for the applicant? Yes, Mr. Coen.

Mr. Coen: Real quickly... I noticed in the proffer as being we won't put it in the convenience store.

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Ms. Karnes: Right.

Mr. Coen: And my memory is... and quite honestly I didn't bring my notes from last meeting... but I thought it was neither a store nor a center was talked about. But then if I look at B-2, it only talks about a convenience center in there at all, so you couldn't do a convenience store. So is it that we need to put in the word center or was that just a...

Ms. Karnes: At the last meeting we were discussing proffering out the convenience center, which is not your typical 7-Eleven. It's just a store with more than one... a building with more than one store. It became clear to us that the big problem would be the convenience store. That would be the item that would be heavier in traffic. And the developer wanted to retain the right to develop a convenience center.

Mr. Rhodes: I think it was determined that that would be... if you subdivided that 10,000 square feet at all, it just becomes a (inaudible) convenience center by our definition.

Mr. Coen: Right, but my question is, if our zoning standards for B-2 that I'm looking at doesn't say convenience store, it's sort of innocuous to say we're going to proffer out something that you can't put in in the first place.

Ms. Karnes: I believe you can put in a convenience store in B-2.

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

Mr. Rhodes: Can we just confirm if convenience store is in B-2?

Ms. Karnes: Not to use brand names, but stores that we all go to to buy gas and groceries are allowed in B-2.

Mr. Rhodes: So it's rolling over from the B-1? Thank you. I do know we specifically asked them to proffer that out.

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes Mr. Apicella.

Mr. Apicella: I'm kind of a visual person so one of the things I focused on is the change in the building height from 40 feet to 20 feet, and limited to one story. And just for some context, you're standing at a... I would suspect this ceiling is not too far from being 20 feet high, right?

Ms. Karnes: And I'm maybe a little over 5 feet.

Mr. Apicella: Right. So just from some additional context. And most houses, you know, 2-story houses are going to be well over 20 feet in height, right?

Ms. Karnes: My 2-story house isn't, but, you know.

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Mr. Apicella: Okay. Can you help us with a visual of what a 10,000 square foot 1-story building might look like? An example in Stafford County just so the folks who are here tonight might better appreciate what we're talking about?

Ms. Karnes: Your typical convenience store is usually 6,500 square feet. So, it would be, hmm, a third more than that? Does that make sense?

Mr. Apicella: It does. Okay, thank you. And you mentioned that you'd be willing to talk about hours of operation, so can we have that conversation? What do you think is reasonable?

Ms. Karnes: Sure. I'm assuming the worst case scenario, okay, and I assume a restaurant, a seated restaurant. And I called around and asked Outback, Applebee's, some of the others, what their hours are. And a very typical closing time is 11 o'clock on Friday and Saturday night, and 10 o'clock Sunday through Thursday. And that's what we would suggest, if you would allow us to amend the proffers on the spot here.

Mr. Gibbons: But none of the Outback I know are anywhere near residential.

Mr. English: Well, if you've got a restaurant that's closing at 11, I used to work at a restaurant, you're there for another hour after that doing all kinds of stuff, making noise, dumping trash, and all that stuff. So, there's still another hour there that's going to be noisy as far as... and then you've got deliveries coming in.

Ms. Karnes: But the deliveries are limited as well.

Mr. English: Okay, but I know after you close, you're going to still be there for at least another hour cleaning up and doing stuff like that.

Ms. Karnes: I grant you.

Mr. Rhodes: But what I... just to confirm, what I heard is a willingness if we were to move forward and if the Planning Commission were to vote to accept, it would be to modify the proffers to be 6 to 10 Sunday through Thursday, and 6 to 11 Friday and Saturday?

Ms. Karnes: That's correct.

Mr. Rhodes: Okay. Other questions for the applicant?

Mr. English: Did you get the copy of the petition where 38 residents signed against this? Did you get a copy of that?

Ms. Karnes: I did... very early on I think. Immediately after the first meeting.

Mr. English: Okay.

Mr. Rhodes: There was a comment earlier, Ms. Karnes, that inferred a belief that the applicant had failed to follow through on some of the original proffers earlier and, therefore, were concerned about... I mean, it's up to the County to make sure they fulfill their requirements and it's up to them to fulfill their

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requirements. One of them indicated a requirement about an earlier element about a pool that then they believed was not satisfied or fulfilled. Are you aware of that or can you speak to that at all?

Ms. Karnes: I'm aware of the pool that's right next to the... or part of the community center. I saw it when we had the community meeting. That was built by the applicant.

Mr. Rhodes: Okay, thank you. Any other questions for the applicant at this point? It was the pool and the park was what was cited that I recall.

Mr. Gibbons: Well, it's in your district.

Mr. Rhodes: Yep, I just wanted to make sure there was nothing...

Mrs. Bailey: Mr. Chairman, I did have one question; I'm not sure if it would be for the applicant.

Mr. Rhodes: Please. I'm going to hand off in a minute.

Mrs. Bailey: Just one quick point to make. Not sure if this is for the applicant or for staff, but under PD-1, what would be allowed? As far as the residential.

Ms. Karnes: As far as the residential.

Mrs. Bailey: In the current proffer.

Ms. Karnes: The current proffer prohibits residential structures in the PD-1. I'm sorry... let me start again. The current proffer prohibits commercial in the PD-1. It only allows residential and recreation open space uses. In fact, the developer has already built the maximum units, residential units allowable. And so there would be no residential use allowed there unless we came in to change the proffers.

Mrs. Bailey: So, what would be allowed?

Ms. Karnes: Certainly the developer could build additional parks or additional open space. However, he's already met all of the requirements of the proffers for the recreational amenities, including providing a school site.

Mrs. Bailey: Okay, thank you.

Mr. Gibbons: Mr. Chairman, I thought, not to go back on what Mrs. Bailey is saying, but recreational is recreational. There's nothing preventing you from putting a sports center in there or a gym. I brought that up the last time. I never got no answer back. And every Outback that I've seen in our area is nowhere near a residential. So I went around and checked on all that. What I'm concerned about, Mr. Chairman, is just what Darrell brought up about you start moving trash and you've got garbage, you've got all that stuff right next to the property line. And I'm not against commercial, but it seems to me with all the commercial we've got there to shoehorn something in in a 3-acre thing because this is a due or die proposition, when you can put any amount of recreational in there and be commercial. And have reasonable hours. That's all I was... I mean, the ones up in our area are packed. You put a sports gym in and they're packed. Especially down there... that community walks, I'll tell you. You go down on a Saturday morning and it's wall to wall walking. Maybe you should have an automatic treadmill.

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Mr. Rhodes: Just to confirm, outside the proffer conditions that restricted the PD-1, what degree of commercial would be allowed in PD-1 normally? Unconstrained?

Mr. Harvey: Mr. Chairman, the PD-1 district allows a variety of commercial use. It tends to be low intensity commercial use; office space, low intensity commercial retail, those types of activities.

Mr. Rhodes: Very good.

Mr. Gibbons: I didn't hear all of it.

Mr. Rhodes: Low intensity commercial office, low intensity commercial retail I think is what Mr. Harvey...

Mr. Harvey: Yes.

Mr. Gibbons: So he already has that ability, right?

Mr. Rhodes: He typically would but he proffered it out previously on that PD-1 space. So they've restricted themselves on the PD-1 to only residential and recreation because all the areas were PD-1 and then this carried over from the residential development and then they built out all the residential.

Mr. Gibbons: So you consciously did that, right?

Mr. Rhodes: Yep. Because the PD-1 was to be where all the homes were and the parks. Any other questions?

Mr. Gibbons: Well, still, we got a lot of information in this week. Unless it's an emergency, we... can't we take another look at it or you want to get rid of it tonight? One way or the other.

Mr. Rhodes: Ms. Karnes, has there been any further thought or consideration about proffering out restaurant?

Ms. Karnes: There's not been any consideration. The applicant is trying to keep his options open.

Mr. Rhodes: Understandable from their perspective. I just didn't know if there was any side discussion on that or reaction to it.

Ms. Karnes: No discussion.

Mr. Rhodes: Okay.

Mr. Gibbons: Mr. Chairman, what about the current proffer on that? Could that be amended? I know he restricted himself but could that be an option?

Mr. Rhodes: You mean, just limiting it to low intensity office, low intensity retail? Hmm.

Mr. Apicella: It seems to me that there's another way of doing that by further restricting the uses to get to the same end.

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Mr. Rhodes: Currently, yeah, that's the same thing.

Mr. Gibbons: Good point.

Mr. Rhodes: So there's... I'm struggling here. There was consistent discussion by a number of residents who identified just general discomfort. And much of it seemed to be just any development in general, but the most sensitive seemed to be restaurant type operations. I mean, I carry that very strongly. And so other than general, then it's just restaurant. And I am... I will tell you personally just where I stand, I'm still not sure yet. I'll pass it over in just a minute but I'm not sure where I'm going. And I appreciate, I've always appreciated the fact that what it is zoned when you move in, that has a lot of influence because that's why you buy things. So I appreciate that. I do also believe that it's not inconsistent to have commercial in that area abutting all the other commercial that's going to be around there. That's all going to be developed commercial across the street, everything around there is going to be. And so, from the beginning, I do think as a separate issue, we need to look at the degree to which transition to residence will retain trees when there are trees. We've got to look at how we address that because that clear coat was kind of harsh. But I've got to admit I've been a bit excited about the opportunity to be able to leverage this rezoning to be able to get the end of Booth to have a vista that is decent versus looking straight at that entire development when that's all concrete and it's a store and that's all you've got. In my mind, listening to what I've heard tonight in public presentation, I think that that... I would prefer to have that vista blocked by two rows of trees starting at 10 feet that are going to be building up and the other landscaping that's going to go around it in order to protect my property values more so than I'd worry about personally... this is what I've been wrestling in my head... more so than I'd worry about the no more than 20-foot building that might be there 150 feet from the property line with another set of trees beyond it, especially since they've graded it down lower it makes the angles different. The 40-foot, you couldn't block that; 20-foot lower grade, 10-foot trees, I see some potential to mitigate there somewhat and especially the end of Booth Court. That vista is horrible, and is going to be more horrible when they develop it. And the ability to mitigate that is what is attractive to me. So that's where I've struggled. I appreciate all the comments that have been said tonight and that's what I've struggled with. And I'm just trying to determine, is there anything beneficial from belaboring this further or letting the Board... because all that we do is recommend one way or the other to the Board. And I don't know what else we gain.

Mr. Boswell: When does the buffer go in?

Mr. Rhodes: When they start to develop. Could you please confirm, Mrs. Baker or applicant, when the trees and the landscaping there would occur? It's before they can do any... the development or the occupancy?

Mrs. Baker: When we come in for a site plan, the site plan approval is going to show that landscaping.

Mr. Rhodes: It's going to show it all but when do they actually have to put in the trees for the proffer?

Mrs. Baker: It has to go in before the occupancy...

Mr. Rhodes: Before they can occupy anything.

Mr. Boswell: Do they have to put it in first? (Inaudible - microphone not on).

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Mr. Rhodes: Yeah, that was a good point. But until they do the final building and construction in that area, they don't know exactly where they're going with that. We had talked about that last time.

Ms. Karnes: Mr. Chairman, we did modify the proffer concerning the offsite residential buffer, and the supplemental buffer, and it says, it shall be installed on or before issuance of the first occupancy permit, which is consistent with code, or earlier if engineering and site design will permit successful planting. So the applicant has tried to be sensitive to that.

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

Mr. Rhodes: Yeah.

Mr. Apicella: Mr. Chairman, as you wrestle with your thoughts there, I just kind of remind you of the last sentence in our package that says that the deadline is November 11. So that's a good six weeks away. I'm not necessarily convinced there's an absolute urgency to make a decision tonight. I think a lot has been discussed, certainly for our consideration, the public's consideration, and the developer's consideration, and that he may want to take back and think about. Again, I don't know where this is going to go at this point in time. I see some hesitation certainly from some of my fellow board members. No rezoning is an absolute. There's no guarantee a rezoning's going to get recommended by us or approved by the Board. And, to some extent what I heard, for better or worse, the developer put himself in this situation. So, irrespective of the fact, there's a lot of business development that's going to happen in close proximity to that one particular parcel. So, just kind of some additional context for you if and when you pass this over to me.

Mr. Rhodes: I do... I'm at a point that I don't want to belabor what's left to be addressed. We could modify the hours. I think the one last thing though that sticks in my mind, and I would just ask for consideration, is if there is... if it is too much from your business plan to be able to consider proffering out the restaurant function. And I don't know if you can adjust that tonight. We've not brought that up before. That's what I hear most strongly from most residents.

Ms. Karnes: Mr. Chair, our business plan does not allow that.

Mr. Rhodes: I can understand that, okay. You all always make quick recommendations... so, what's left. That's not something they can consider... this is the only way you get the buffering. Okay, so be it. Mr. Apicella, I'd like to turn over control; you got a little hoopy whatsy over there? You're good? Yep, hoopsy whatsy.

Mr. Apicella: Mr. Rhodes, this is in your district.

Mr. Rhodes: Yes, I'd like to first ask Mr. Apicella, Mr. Vice-Chairman, if we could consider accepting new information which is... I would ask Mr. Apicella or Ms. McClendon if we need actually written modified proffers for the hours of operations that are signed by the applicant, or does the verbal work?

Ms. McClendon: Mr. Chairman, I would recommend getting them in writing... or Mr. Rhodes, I would recommend getting that in writing.

Mr. Rhodes: Okay. Mr. Apicella, Mr. Vice-Chair, my inclination would be if they were willing to put that in writing that we consider a vote on accepting the new information as presented tonight for the proffers.

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Mr. Apicella: Do we need a motion to that effect?

Mr. Rhodes: I think we will once they are actually pen and ink.

Mr. Apicella: So, I'll hold for just a couple minutes.

Mr. Rhodes: Yeah, I think it's just a couple... yeah, she's writing fast. It's been a long evening, sorry. This was a short one so I thought it wouldn't take long versus going to another item. Plus the residents would throw things if we went to another item. Okay, if we could get Mrs. Baker or somebody to read it.

Ms. Karnes: So, Mr. Wolff, the applicant, has signed the following amended proffer. Number 11, hours of operation. The hours of operation for any use on the property shall be restricted to 6 a.m. to 10 p.m. Sunday through Thursday, and 6 a.m. through 11 p.m. Friday and Saturday.

Mr. Rhodes: Sir, I would make a motion to recommend acceptance of the new information as presented tonight.

Mr. Apicella: Is there a second?

Mrs. Bailey: Second.

Mr. Apicella: Okay, there's a motion to amend the proffers to change the hours of operation under number 11 to read the hours of operation for any use on the property shall be restricted to 6 to 10 p.m. Sunday through Thursday, and 6 to 11 p.m. Friday through Saturday. Is there any discussion on the motion?

Mr. Rhodes: No sir.

Mr. Apicella: Mrs. Bailey? Okay, all those in favor signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. Boswell: Aye.

Mr. Apicella: Aye. All opposed?

Mr. English: No.

Mr. Gibbons: No.

Mr. Rhodes: Two no's.

Mr. Apicella: So, 5 to 2.

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Mr. Rhodes: Very good. Sir, I'm going to make a motion to recommend approval of the reclassification with the modified proffers... recommending approval to the Board of Supervisors for the reclassification with the modified proffers as was discussed tonight.

Mrs. Bailey: Second.

Mr. Apicella: Okay, there's a motion to recommend approval of RC1400142, Reclassification, Austin Ridge Commercial, with the amended proffers. Is there any discussion? Mr. Rhodes?

Mr. Rhodes: I do have comments. I spoke to some of it... I was probably more torn tonight than I have been on past nights and there were very good points raised and I can't disagree with many of them. I think it is important to have mitigation to the viewshed and the sound and I think this provides for some of that. What we do here tonight is just a recommendation to the Board of Supervisors. There will be another public hearing process. There will be another opportunity. Maybe in your eyes there will be smarter people that will deal with it than Mike Rhodes was in the process of the consideration. But not to support that precludes the ability to have that mitigation occur on that property. And I understand exactly what you're saying, but there's a part of me... maybe it's 51/49, 52/48, I'm not sure, percent, but I feel like that mitigation will be increasingly significant over time as those things mature and as that development over there increases. And so for that reason that's why I put forward this recommendation to the Board of Supervisors. But I really appreciate all the comments and effort. If I might say one other thing... We've had some good applicant and community interactions. We've had some not so good. I've never seen an instance where an applicant or a representative has been this communicative. I just share with you because I was included on the emails in getting it there. So, for better or for worse, at least it was there and you were kept informed. It may not have been as early as you would have liked but I just really am appreciative of that as well from the applicant. So thank you for that. That's all I have sir.

Mr. Apicella: Thank you Mr. Rhodes. Mrs. Bailey? Any comments?

Mrs. Bailey: No comment.

Mr. Apicella: Any other members? Mr. Coen?

Mr. Coen: Yeah, I'm torn on this one. I like... I think we need to expand commercial to take the burden off of the taxpayers. I really appreciate that the applicant met with the homeowners and kept trying to meet with many of the things that we raised. I mean, that's commendable. I still have a problem with there being a restaurant and that being in that parcel. The reason why I asked for the map of what they thought the whole parcel, even on the other side, would look like was to see if it would have made sense to have the restaurant over there and put something less evasive to either one's nose or one's senses being over on that side of the road. And so I have a problem with that. Even though the hours have been changed, 11 o'clock on a weekend night is still going to impact the neighborhood. Again, if that were on the other side of that road, it would have been a little bit different. The fact that it was proffered out initially not to have any business on that part of the PD-1 sort of lends to the fact of it was a proffer in the first place. And then to go to what was mentioned by Mr. Hirons this evening, the fact that this will not mean that we're going to be adding more homes is another benefit, that if it does get rejected, it's either going to be recreational and I think the Bob Gibbons Weight Room/Gym would be a very good facility, or it would be parkland. And so, quite honestly, if its parkland or even a gym of some sort, that would enhance their commercial on the other side of the street. The people who work over on the other side of the street could walk over there and eat lunch there. That's being done in other

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parts... I don't want to use the term Northern Virginia... but it is being done elsewhere in the Commonwealth and it does enhance the commercial. And so I'm going to have to vote against it only because I just really think the neighbors though had many of their concerns addressed, the restaurant aspect is just the tipping point. If I was at a 48/52 percent, that's what pushes me over is that I wouldn't want to have a restaurant behind my house with the dumpster and whatever critters will be there and the smell and the grease traps and all that. So, I appreciate all the work the applicant has done, but I just really feel that that's what slides it over. And if they had proffered that out, I probably would have been okay.

Mr. Apicella: Any other members? I hear good points on both sides. I too have struggled with this. As with any rezoning application there are pros and cons. I take this in the context of what else is going to happen in the general vicinity, which goes to my question about all the other commercial that's going to happen by-right or which has already been rezoned. And I think the Chairman's point is well taken that the only way you get those mitigation measures is if this rezoning goes through. And those are significant and I think will help mitigate not just the impacts of this specific project, but the other projects in that general vicinity. It's certainly not a perfect rezoning. What I hear the applicant saying is, and I think they've made a lot of accommodations and changes and taken out a lot of uses that would otherwise be available under this zoning classification. So a restaurant, from what I'm hearing from the applicant, is a bridge too far and if we push the restaurant issue then I think they probably wouldn't even pursue this any further, again, taking away those mitigation measures. So, I'm going to support the motion and call for a vote. All those in favor of the motion signify by saying aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. Boswell: Aye.

Mr. Apicella: Aye. All opposed?

Mr. Coen: No.

Mr. English: No.

Mr. Gibbons: No.

Mr. Apicella: So the motion carries 4 to 3. Mr. Chairman, I'm going to pass the baton back to you.

Mr. Rhodes: Thank you very much. Thank you everyone who came out. This will go to the Board of Supervisors. They will agenda it. I'm sure you will know when that happens. And I appreciate the time and effort and I appreciate the interaction between the applicant and the members of the community. Thank you. We'll move onto item number 6, Legislative Agenda. Mr. Harvey?

6. Legislative Agenda - Discuss potential legislative initiatives for consideration for the 2015 Virginia General Assembly.

Mr. Harvey: Thank you Mr. Chairman. This is a carryover from your last meeting. The Commission was interested in sending recommendations to the Board of Supervisors regarding possible changes that they could recommend to their state legislators to affect the state code and ultimately our land

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development regulations. In particular, there was an addition added onto the list at the last meeting for timeline for review of rezoning applications. The current local ordinance gives the Planning Commission 90 days; state code allows for 100 but there was a desire to have up to 120 days. The Commission, at the last meeting, expressed concerns that the shorter timeframe is not adequate when you have a complicated zoning case. At 120 days it would give the Planning Commission ample time to review such a complicated situation. We will note that if the Commission doesn't act within the specified timeframe, then their lack of action is deemed approval of the change in the zoning. And that would go forward to the Board of Supervisors. So, from past discussions, it's important that the Commission has ample time to come to a final conclusion on a recommendation.

Mr. Rhodes: And so you want to slap the table on this tonight. I really appreciate staff's effort to put this together and to take not only to recap from the last year the main points we've raised at different points, but then to take the additional input from last session and be able to develop this up. Are there further comments for staff on this or discussion? Please Mr. Gibbons.

Mr. Gibbons: Mr. Chairman, I think that item 6 of extending the time period will support your and Mr. Apicella's initiative here under public notice, public comment. It gives us a timeframe.

Mr. Rhodes: Yeah, it gives us more.

Mr. Gibbons: So I think it's compatible with what the recommendation.

Mr. Rhodes: Yep, very good. Other comments? Mr. Coen, please.

Mr. Coen: I sent this in my questioning email and I raised it last time. I thought one of our concerns pertaining to the preliminary subdivision item in number 1 was not only that the law, as passed by the state, allowed piecemeal, but it also did not allow anyone to have any recourse should anybody do piecemeal. And so, if I'm alone in stressing that, that's fine. But that was my concern is not only that they can do it, but if they do it there's nothing that can be done for them for violating the spirit of this whole idea. Thank you.

Mr. Rhodes: Further comments? Thoughts? Inputs? Mr. Apicella, please.

Mr. Apicella: Mr. Chairman, I think under number 5, just for clarification, it might help if we added something along the lines that changing it to 120 days does not impact the overall timeline for the County; it's just giving the Planning Commission additional time within the overall amount of time that the County has to deliberate.

Mr. Rhodes: Yeah, it's not the aggregate time.

Mr. Apicella: But I think that clarification would be helpful because looking at it, it looks like we're just asking the process to be extended by another 30 days and I don't think that's the intent here.

Mr. Rhodes: So, it's not the overall time to deal with an application total, but it's just the portion the Planning Commission has to act on it.

Mr. Apicella: Right.

Mr. Rhodes: Okay.

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Mr. Apicella: Another issue is under TDRs. And so, as I absorb some of the concerns that folks had raised and I look back at the ordinance and discussed it with staff, I think one of the potential unintended consequences, and of course even the state legislature might not see every unintended consequences, and this may be contradictory to what I said before, but I think there is a distinction. And my point is this -- if somebody wants to participate in the TDR program, I don't think they should be forced to sell all, or exchange every portion of their property that they own within a given sending area. So if somebody owns 5 lots, they shouldn't be required to sell all 5 lots. However, if they own a lot or a parcel and they want to include it in the program, then the entirety of that lot or parcel should be part of the program. And the reason why that distinction is important, and Mr. Harvey gave me a great example, let's just say somebody in A-1 has 21 acres and they're entitled to 7 development units and they want to sell 5 and they retain 2. Well, they can build 2 houses on that 21 acre parcel and I call that, you know, estate lots. And I don't think that's what we're trying to get to. I think, again, it's not just about moving density from one area to another, it's also about preserving land and conserving land. And so giving somebody a larger lot and in my view kind of giving them their cake and eating it too, is not what I think this program is about. I think this needs a fix. I think the legislature needs to understand the consequences. I think it's sort of contradictory to kind of allow that option to happen. Or at least, I think, a county should have the flexibility to decide whether or not they want all or part of a given parcel to be part of the program, rather than just kind of leaving it out there for a property owner to, again, in my view, get the best of both worlds. Either you want to participate in TDRs and send those development units on a given parcel to a receiving area or not. So, I don't know how to capture that in verbiage, but I've had that communication with Jeff and I think he understands my concern.

Mr. Rhodes: Is there any reservation of any other member to have staff take on adding that?

Mr. English: I think that's a good (inaudible - microphone not on).

Mr. Gibbons: Mr. Chairman, I don't have any objection, but it's very evident after 5 years that we're trying to use this to solve a problem and it's not the right tool to solve that problem. But I'm not bright enough tonight to understand how to put a tool together to take care of that problem. The governing body should be given powers to solve certain things. And if the sensitivity of that development down there could be moved to another part of the community and could be accommodated, they should be given that right. But to try to... I mean, take what is on the books now and try to keep modifying it and we get a couple of changes next year and then another couple of changes, but it doesn't solve the problem that they're earmarking it for. And I'm not bright enough to write the legislatures to pull that off. But I don't know how we could even... the Board needs tools, and the problem with trying to solve is that nobody has the money now to purchase that and do what we did 5 or 6 years ago, or a little bit more than that. So, I don't know how you solve that TDR problem. I think that TDR like Steven just said is a good tool for the community as a whole. But to go down in a sensitive area and say we're only going to move 30% or 40%...

Mr. Rhodes: But you'd like to see a couple sentences that somehow express that if you're transferring development rights, you're transferring development rights.

Mr. Apicella: On a given lot or parcel.

Mr. Rhodes: Right.

Mr. Gibbons: I don't have no problem with that.

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Mr. Rhodes: Okay. You think you'd be comfortable adding that on behalf of the Planning Commission?

Mr. Harvey: Yes. It's my understanding the main concern is that there'd be no additional residual development rights.

Mr. Rhodes: Yeah, if a parcel is being transferred, it's being transferred.

Mr. Apicella: In its entirety.

Mr. Rhodes: They'll ignore us down there. It's okay, but we can put that in there.

Mr. Apicella: Well, to be fair, I mean they did make a modification on the design standards. Again, I don't think they understood what the consequences were.

Mr. Rhodes: That's fair. I'm being too (inaudible); I accept that.

Mr. Gibbons: I'm not so sure that we couldn't go in and ask for legislation to address that problem.

Mr. Apicella: Yeah, that's what we're trying to do.

Mr. Rhodes: We were suggesting we add a few sentences to put that in our legislative proposal.

Mr. Apicella: You laugh; I'm not following you. Again, I think it's a flaw with the state code...

Mr. Gibbons: I don't think the TDR legislation, as the way it's written or could be fixed, will solve the problem that the Board is after. I think we should go in for legislation, solve this one problem that we're getting...

Mr. Rhodes: Yeah, I don't think anybody's disagreeing. You're talking about another proposal that really targets this while also agreeing that we should make a suggestion that we at least take out the residual right (inaudible).

Mr. Apicella: But the problem is, we don't know what that other solution is.

Mr. Rhodes: No.

Mr. Apicella: And I don't think we can get there between now and tomorrow, because this has got to move forward. I don't disagree that...

Mr. Rhodes: No, no... I think he's just making an additional comment. Agreed. Okay, further comments on the legislative proposals and the items Mr. Harvey and staff put together, other than the one modified couple of sentences to clarify about the residual rights being pulled? Okay. I'd entertain a motion to recommend acceptance of these legislative agenda items and for Mr. Harvey and staff to take them forward to the Board for consideration.

Mr. English: I'll make the motion.

Mr. Rhodes: Okay, Mr. English; second?

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Mr. Boswell: Second.

Mr. Rhodes: Second by Mr. Boswell. Thank you gentlemen. Any further comment Mr. English? Mr. Boswell? Any other member? Oh, okay, I thought we missed something. I just wanted to make sure; okay. 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? Thank you Mr. Harvey for that. Okay, now we have item number 7. Don't worry for the folks on Shelton Knolls, this will probably only take an hour and a half... no. So, I have been the recalcitrant one on item number 7, but I finally broke out of my fog and started doing some of the things I promised you I would do. And I'll talk about it, one of those items I just emailed to you, in the Chairman's Report in a little bit. But this is the next one I owe you. I've gotten all the stuff from staff; I actually have started work... I really have started working on it and hope to get it to you in the next day or so, so that you can start digesting it to address our feedback to the Board dealing with the Urban Development Areas. And I sincerely apologize for taking so dad-gum long to do that. But I will get that out very, very, very, very, very shortly. That's all I have to say about that. Anything else we need to say on that Mr. Harvey?

7. 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) (Discussed at June 21, 2014 Retreat) (Staff coordinating with Chairman)**

Mr. Harvey: No Mr. Chairman.

Mr. Rhodes: Other than I'm a deadbeat? Okay, got it. So, we'll move onto New Business; SUB1400232, Shelton Knolls, Preliminary Subdivision Plan. Mr. Harvey.

NEW BUSINESS

8. SUB1400232; Shelton Knolls, Preliminary Subdivision Plan - A preliminary subdivision plan with proffers and conditions for 94 residential lots with a maximum density of 2.25 dwelling units/acre on Assessor's Parcel 28-128A, zoned R-1, Suburban Residential, consisting of 47.74 acres, located on the east side of Shelton Shop Road, approximately 900 feet north of Courthouse Road, within the Rock Hill Election District. **(Time Limit: December 17, 2014)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Natalie Doolittle for the presentation.

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Mr. Rhodes: Very good. Hello ma'am. I thought all of them had to be Kathy tonight? No? Okay.

Mrs. Doolittle: Computer please? Good evening Mr. Chairman and members of the Planning Commission. Item number 8 is SUB1400232, Shelton Knolls Preliminary Subdivision Plan. The site is located on Assessor's Parcel 28-128A, on the east side of Shelton Shop Road approximately 900 feet north of Courthouse Road. The parcel is 47.74 acres, zoned R-1, Suburban Residential. The plan proposes a cluster subdivision and has a previously approved Conditional Use Permit to allow for a cluster subdivision with a maximum density of 2.25 dwelling units per acre. The plan proposes 94 single-family lots, which is the maximum allowed by CUP conditions. And the site is within the Rock Hill Election District. Here's an aerial view of the site. You can see Shelton Shop Road and Courthouse Road and the site is entirely wooded. The future Shelton Woods Subdivision will be directly to the south of the site. The parcel was rezoned from A-1, Agricultural to R-1, Suburban Residential in February of this year and is subject to proffers. A Conditional Use Permit was also granted during that time to allow a cluster subdivision with a maximum density of 2.25 dwelling units per acre. This plan is proposing 1.97 dwelling units per acre. And the preliminary plan significantly resembles the GDP. The main access to the subdivision will be from Shelton Shop Road via Zoe Way, and the plan provides for three inter-parcel connections; one to the south with the future Shelton Woods Subdivision and two to adjacent parcels along the eastern boundary of the site. There is an existing cemetery called the Armstrong Family Cemetery and it will be located within the open space. There will be a 35-foot buffer around the perimeter with pedestrian access through open space. And a proffered 5-foot asphalt walking trail is proposed within a proffered 100-foot transportation buffer setback area between the development and Shelton Shop Road.

Mr. Gibbons: I've got a question Mr. Chairman.

Mr. Rhodes: Please Mr. Gibbons.

Mr. Gibbons: Well, Ms. McClendon can help us on this. The one that we just had, adjacent to it, there was a problem, Mr. Harvey, with a setback versus a buffer?

Mr. Harvey: Yes. There's I believe some confusion as to what was intended along the road. A setback is more so a distance from the road to the nearest house, whereas a buffer is intended to provide screening. In the case of another project adjacent to this, there was commitment that there would be a setback, but within that setback there'd be areas where the existing vegetation would be reserved. And there would also be replanting if some of that area was disturbed.

Mr. Gibbons: Well, we lost a lot of trees in that are because there was confusion on the legality of what you meant by setback or buffer. But I don't want this to happen on this.

Mr. Rhodes: So what would this section along Shelton Shop be considered?

Mr. Gibbons: I don't know; that's the question I asked them the last meeting that we had, because we've got terminology problems. But you're the master in the new dictionary we're writing so I didn't have any fears.

Mr. Rhodes: You've got great fears then.

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Mr. Gibbons: But I'm concerned about this one, before we approve it, that the tree line and everything is maintained the way that we approved it at the Planning Commission. As long as we... I don't know how we can assure that.

Mr. Rhodes: At this point, what can we tell, Mr. Harvey, concerning what would be on the frontage along Shelton Shop and that pathway area as far as what's retained, what's cleared? Do we have any way to know?

Mr. Harvey: Mr. Chairman, if you give me a minute, I'm looking through the proffers for the case.

Mr. Rhodes: Thank you very much.

Mr. Harvey: Proffer 4(b) states "The Applicant agrees to provide a 100-foot transportation buffer set-back area in between the development and Shelton Shop Road ("Set-Back Area") and to provide pedestrian walking paths within said buffer, only in the areas generally shown on the GDP. The set-back area is for the following purposes: (i) buffer transportation uses along Shelton Shop Road from the development, (ii) additional protection for environmental sensitive areas and (iii) reduce noise impacts from Shelton Shop Road. Notwithstanding the foregoing, the Applicant may clear some of the Set-Back Area due to development/engineering requirements and/or constraints for the project, provided the Applicant will undertake reasonable efforts to preserve the existing vegetation and provide additional plantings (at least 50% evergreens and deciduous trees)" -- that's the additional plantings -- "if required, to maintain the screening buffer. The Set-Back Area is an in-kind proffer" -- and it talks about the value of that as a credit against the proffer guidelines -- "The Set-Back Area will be restricted from development via covenants that will run with the Property, and eventually conveyed to the HOA to maintain." So basically what that proffer is saying is when they come in with their detailed engineering plans, i.e., their construction plans, they're going to share limits of clearing and grading and they'll attempt to avoid impacts to the existing trees that are in that area. However, if they have to disturb them, they'll be replanted back with evergreen or deciduous trees.

Mr. Rhodes: There's nothing in there that would infer clear-cutting of that area.

Mr. Harvey: No. They're going to, again, undertake reasonable attempts to preserve the existing vegetation.

Mr. Gibbons: Thank you sir.

Mr. Rhodes: Because that was a surprise on the other side.

Mr. Gibbons: What's that?

Mr. Rhodes: That was a surprise on the other side.

Mr. Apicella: Mr. Chairman, this may not be the appropriate time to bring this up, but I believe the Board may refer cluster subdivisions back to us. And one of the things I think they're going to ask us to take a look at is potential performance standards. I think this issue of trees and clear-cutting is something we want to kind of put on the parking lot if and when it comes back to us.

Mr. Rhodes: Agreed. If I could just ask one question -- on the walking trail there, what I see on the GDP then, where those branch off towards Shelton Shop, are those going to head to the actual sidewalk

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up and down Shelton Shop? Is that what that's intending to do? Those little stubs that come off? I couldn't tell exactly from what I was looking at.

Mr. Harvey: Mr. Chairman, there is no existing sidewalk on Shelton Shop Road at this point in time.

Mr. Rhodes: But would any... is that where they... I guess those little stubs that are going off, is that where we would anticipate it would be if and when they widen Shelton Shop? Is that from the center of right-of-way and from the center of the roadway?

Mr. Harvey: Mr. Chairman, the trail is located outside of the right-of-way.

Mr. Rhodes: Oh, okay.

Mr. Harvey: Normally, with construction of road projects, the sidewalk is considered a feature of the roadway and is typically within the road right-of-way.

Mr. Rhodes: Okay.

Mr. Harvey: If we had a situation where the road is improved, likely VDOT would try to tie in the sidewalk with the trail system.

Mr. Rhodes: Okay. I was just trying to figure out what those were going to. But I can ask the applicant more too about that. Okay... please.

Mrs. Doolittle: The Resource Protection Area is located outside of the proposed lots in the very far southeast corner of the site. All lots will be served by public water and sewer and stormwater management will be achieved by utilizing two stormwater management ponds and two bio-retention facilities, all to be maintained by the Homeowner's Association. Staff believes this plan is in compliance with all requirements of the Stafford County Code and recommends approval of the Shelton Knolls Preliminary Subdivision Plan. And I'd be happy to answer any other questions.

Mr. Rhodes: Further questions for staff? Okay, applicant please?

Mr. Duvall: Good evening, I'm Eric Duvall from Land Design Consultants.

Mr. Rhodes: Great. Any questions for the applicant? Mr. English.

Mr. English: I have one question in reference to the proffers that you proffered in for Mountain View High School for the turf fields. I'm under the understanding they're getting ready to redistrict that area, I think, and that may fall into North Stafford area. Is there any way that they could just automatically just say that the \$1.2 million would just go to the schools and let them designate what school it goes to? Is that possible?

Mr. Duvall: I think those are... I don't know but my reaction would be those are just pretty set on that. I think those are pretty locked.

Mr. English: They're locked in?

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Mr. Duvall: It think so. Right, Mr. Harvey and Ms. McClendon? There's not really anything here to adjust on the proffer.

Ms. McClendon: Mr. Chairman and Mr. English, what's before you is the preliminary plan approval. It's not a proffer amendment and that would be a different mechanism that would require advertising and public hearing.

Mr. English: Okay.

Mr. Rhodes: Thank you, okay. Any other questions for the applicant? So, just curious... the walkway on the front, it just kind of goes left to right. I was just wondering, what was the thought envisioned by the little stubs that come off it?

Mr. Duvall: It was to connect to the right-of-way, exactly what Mr. Harvey (inaudible).

Mr. Rhodes: Okay. You kind of assumed that whenever it's expanded and they do build sidewalks, they'll probably hopefully tie in or something?

Mr. Duvall: Yeah.

Mr. Rhodes: Okay.

Mr. Gibbons: In fact they proffered a lot of land to do the widening (inaudible).

Mr. Rhodes: Yeah, I remember that, I just couldn't tell where they went to. Any other questions for the applicant? Anything else to present? Very cool.

Mr. Gibbons: I'll move, Mr. Chairman.

Mr. Rhodes: Okay. There's a motion to approve the preliminary subdivision plan for SUB1400232 by Mr. Gibbons. Is there a second?

Mrs. Bailey: Second.

Mr. Rhodes: Second by Mrs. Bailey. Further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Mrs. Bailey? Any other member? Yes Mr. Coen, please.

Mr. Coen: Just real quickly. When this first came before us I was rather strong in my opinion and strong of my attitudes about this proposal. Nothing's really changed since it's come before us. But as our legal counsel has astutely pointed out, what's before us is just about this preliminary plan. And knowing the due diligence that Mr. Gibbons does in his part as serving on the TRCs and knowing the meticulous nature that our staff is and how well they go through all this, my vote tonight is in favor of this is because of respect for Mr. Gibbons and for the work that our staff does.

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Mr. Rhodes: Very good. Any other comments by anyone? Don't clear-cut those trees in front, man, don't do it. Okay, all those in favor of the motion to approve the SUB1400232, Shelton Knolls Preliminary Subdivision Plan 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; passes 7-0. Thank you very much. Do not clear-cut those trees. Planning Director's Report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. I note and remind everyone that the Joint Planning Commission/Airport Authority has their next meeting scheduled for Monday night.

Mr. Rhodes: Wow, very good.

Mr. Apicella: You stole my thunder Mr. Harvey!

Mr. Harvey: I apologize. That concludes my report.

Mr. Rhodes: The Board passed the... it passed something, didn't they?

Mr. Harvey: Yes, there was an amendment to the preliminary subdivision plan requirements that were pursuant to state code that passed the Board. They also denied the Oakenwold rezoning application.

Mr. Rhodes: Very good. Okay, County Attorney's Report please.

COUNTY ATTORNEY'S REPORT

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

COMMITTEE REPORTS

Mr. Rhodes: Committee Reports. Mr. Apicella? Even though your thunder is...

Mr. Apicella: I now have none!

Mr. Rhodes: Anyone else? Mrs. Bailey?

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Mrs. Bailey: No reports.

Mr. Rhodes: Thank you very much.

Mr. Gibbons: I've got one for you.

Mr. Rhodes: Mr. Gibbons, please.

Mr. Gibbons: I want to bring up... what is the deadline on the legislation report? When does the Board meet with the delegation?

Mr. Harvey: Mr. Gibbons, I don't know the specific date for that. At the last Board of Supervisors meeting they had a briefing from our consulting company that assists us with the legislative initiatives and they had asked the Board to consider having its list of initiatives together during the month of October.

Mr. Gibbons: Because my concern is, and I'm not trying to bring it up twice in the same evening, but I don't see the Board of Supervisors having the correct tools to solve that problem we've got down in the sending area. I mean, there's just too many... and 30 or 40 owners to sit down, like Steven is saying, and agree on a game plan.

Mr. Apicella: What I will say is there was an attempt by the property owners to work out an agreement with NVTC and some folks derailed that effort. So, that would have been a way to solve the problem and unfortunately some folks couldn't see the forest for the trees.

Mr. Rhodes: So, what you're raising, Mr. Gibbons, though is, I sense, is an open question, are there any other brainstorming ideas of a separate independent authority that might assist.

Mr. Gibbons: In other words, this state is a property rights state. So, if the property owner has the same ability but it's in a different part of the County because the County wants to preserve something to protect the environment, and they're not taking anything away from them, then I think the community should have that right. Maybe I'm making it too simple, but as long as you're not taking nothing away from a person, or a landowner, and giving them the other opportunity.

Mr. Rhodes: But your thought is, is there another legislative proposal that, separate and independent of all the other authorities, that might address that.

Mr. Gibbons: Yes sir.

Mr. Apicella: I think the bottom line is, if and when the legislature will give us more growth management tools -- there are very few that allow us to think out of the box.

Mr. Gibbons: No, but if we had the preservation group like the Northern Virginia and a few others in the Commonwealth, it would help us. But this, it might have some likes and you can see them, they're here tonight. We just don't have the money. Nobody has the money to do it, so what other avenues...?

Mr. Rhodes: Would you consider just reaching out to them? They're always creative in their thought. I mean, we might not be able to do it, but they're always creative in their thought.

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Mr. Gibbons: Okay.

Mr. Rhodes: Between you and staff possibly just see if there's a brainstorming thought that's out there that we ought to suggest that we might consider suggesting forward? Is that bad? I don't know. Okay, thank you. Chairman's Report -- one is, I apologize. I just kind of let myself get overwhelmed with some other things at work and I fell way behind. But I will get the last thing I owe everybody which is a thought process on how we respond back to the Chair and the Vice, how we might consider that for our UDA inputs. Which is get a little more guidance from them so we can target our efforts, and I've wasted five weeks of staff giving me great inputs four or five weeks ago and I just have not done it. But I will get that this week, by God! And the other thing, I just would like to emphasize, on item number 3, when we talked about the Comprehensive Plan, where we left off and we're deferring that, is one of the things we talked about is refining our recommendations to the Board. I think we might do that most effectively if... we had some good ideas tonight. There were a couple of interesting suggestions I think that we saw presented to us that we got handouts and other things on. I would just ask all... any and all... to capture our thoughts and share them with staff so that they can compile them all together and then we can kind of go down them so we're not verbalizing but actually have something we look at. So, from either things that were presented to night or other ideas we have, if you could get those to staff so they can compile them and put them together for next session, and then we'll be able to I think work more deliberately on those.

CHAIRMAN'S REPORT

Mr. Apicella: I think it would help though in staff's reaction to it again, to determine whether what's being proposed is permissible or not. Because we could spend a lot of time debating it but, at the end of the day, if we can't do it, it's not worth spending a lot of time and effort on it.

Mr. Rhodes: Yep. Yep, yep, yep. So, but if in the... because they've got to get it out by, you know, a week from Friday, a week from Thursday, which means they've got to work on it. So, if we could get something to them probably sometime through this weekend or Monday I think would be most beneficial for them not to wait much longer than that. But if we could give them that, I think we could work more deliberately through that and close that out probably. Oh, the last one was I did send out to you today, late today so I apologize, but a draft memo that Mr. Apicella and I would sign to the Chair and Vice-Chair of the Board to talk about the community meetings, requirement for community meetings in advance of rezoning amendment. So any inputs or thoughts you have to that, if you could just throw those back quickly and then we'll incorporate them and then we'll get that out and get that rolling forward. Again, it's not specifically saying how that would be applied, but it's getting their endorsement to work with us to refine it and finalize it in a way that seems generally acceptable. Okay. That's all I had. Other Business - TRC? Folks get stuff? I got mine. Do we have times on these? Oh, you want me to read the emails, okay. Okay, I'll look at my email, never mind. We did have one refinement on the minutes. We've got to redo the July 9th minutes. It was just correcting a little of the voting.

OTHER BUSINESS

9. TRC Information - October 8, 2014

APPROVAL OF MINUTES

July 9, 2014 (for re-approval)

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Mr. Gibbons: Motion to accept the corrected minutes.

Mr. Rhodes: Thank you. So a motion to accept the corrected minutes for July 9, 2014 by Mr. Gibbons.

Mr. English: Second.

Mr. Rhodes: Second by Mr. English. Further comment Mr. Gibbons? Mr. English? 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? Okay, great; we're cool. Anything else Mr. Harvey? We good? Kathy? Ma'am? Anybody else? Thank you all very much.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:25 p.m.