

STAFFORD COUNTY PLANNING COMMISSION MINUTES

April 27, 2016

The meeting of the Stafford County Planning Commission of Wednesday, April 27, 2016, was called to order at 6:30 p.m. by Chairman Steven Apicella in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, and Zuraf

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: I think I know the answer to this next question, since there's not a lot of business items on the agenda. Are there any declarations of disqualification on any agenda item? Seeing none. Are there any changes or additions to the agenda? Okay, seeing none. It's now the Public Presentations portion of tonight's meeting. This is an opportunity for the public to speak on any matter. Please address your comments to the Planning Commission as a whole, not to any individual member. Before your comments, please state your name and address. You have 3 minutes to speak when the green light comes on. The yellow light indicates you have 1 minute left, and the red light means you have to wrap up your comments. So if anyone would like to speak, please feel free to come forward.

PUBLIC PRESENTATIONS

Mr. Hornung: Good evening Mr. Chairman, Commission members, and staff. I'm Phil Hornung. I would like to direct your attention to page 12 of the introduction of your 2016-2036 Comprehensive Plan Draft, Section 1.7, Preparation of the Plan. At first glance, there is an innocuous sentence at the end of a paragraph, but it speaks volumes about you and your commitment to represent the citizens of this County. It reads as follows: The public input had a significant impact on the current plan. On November 16 and again on the 19, 2015, the Comprehensive Plan update committee, subcommittee, held several work sessions to gather information from Stafford citizens as to what they wanted included in their new Comprehensive Plan. I was fortunate to be present at those work sessions. At the outset of the work sessions, several citizens who apparently participated in the 2010 Comp Plan citizen input sessions expressed doubt that their input really mattered. Your staff and subcommittee members assured them otherwise. I read your work thus far and I want to attest to the fact that the public had a very significant impact on this 2016-2036 Comprehensive Plan Draft. Your subcommittee Chairman, Mr. Tom Coen, or Commissioner Tom Coen, the members of his subcommittee, and the members of the Planning Commission who attended these subcommittee work sessions, and your staff, deserve credit, a great deal of credit, for this accomplishment. Thank you very much.

Mr. Apicella: Thank you Mr. Hornung. You know, I could have given you another 3 minutes if you're going to keep giving us accolades.

Mr. Hornung: I'll bank it.

Mr. Apicella: Is there anyone else?

Mr. Payne: Mr. Chairman, and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent two property owners in this County, Augustine

Planning Commission Minutes
April 27, 2016

South Associates and Walton Virginia LLC. They're two of the larger property owners in Stafford County. And, of course, we have been before you, except for Walton, on several different occasions. I think at first and foremost, I just want to reiterate comments obviously that were in my letter that I addressed to both the Chairman and to the Committee Chairman dated April 12, 2016. I won't... I'll spare you and not go through all the details that are in the letter, but hopefully you've had a chance to review it. I want you to know that first and foremost, I think we're on the same team in regards to the direction and progress of Stafford County. I think we want to see it succeed. I think we want our citizens to prosper. I think it's extraordinarily important to understand where we are and what are place is in the Commonwealth of Virginia, what our place is along the I95 corridor, what that means to be in the location that we are, what it means to serve the Federal government, what it means to serve our community. In the long term, this County is going to grow. It's going to grow pretty much consistent the way it's grown in the past 20 or 30 years. Expect 80 to 90,000 new citizens in this County over that period of time. What's extraordinarily important in our view in that vision is that the County needs to become self-sustainable and not dependent on jobs outside its borders. I'm very excited to see Stafford County job growth occur over the past several years, but we need more employment centers. Folks are going to want to live where they work, or work where they live. The future millennial employee, which will be 50% of our workforce in 2020, is not going to be our grandparents' or our parents' commuter mentality. They're going to want to stay here and work here. We want to create an environment for that. I think the TGAs do a good job of concentrating those opportunities, both growth and commercial investment employment centers near our major road arteries, near our infrastructure. The currently draft Comp Plan that I have reviewed, and I have responded to -- I know I have less than a minute to do that -- we do have several concerns. I've addressed those in the letter. Those concerns obviously have to deal with George Washington Village. They have to deal with Sherwood out on Route 3. We'd ask you for your consideration to review those carefully in how we move forward, that we take a careful and due diligent analysis of those potential impacts, and understand that that direction we can do together. We can move forward in that direction as we want to do that. We want to make sure, though, the County has as much flexibility as possible to be successful. I just ask that we avoid narrowing those opportunities and embrace what we have done in the past, which I think with the current UDA with what this Planning Commission which has had this issue before and for some time, not at your fault because you have diligently been through this process, have passed before in the past in regards to how we look at growth and how we look at our future. So, with that, I appreciate your time Mr. Chairman. I see that my time is out, but I appreciate your due diligence and again your service to Stafford County. Thank you.

Mr. Apicella: Thank you Mr. Payne. Is there anyone else who would like to speak? Okay, seeing no one else, I'll close the public presentation portion of the meeting and move onto the next item. We have no public hearings. The first item up is Unfinished Business, Comprehensive Plan Amendment, UDA/TGA and 5-year Update. I'm going to pass the torch to our subcommittee Chairman, who I consider to be our in-house expert, Mr. Coen.

PUBLIC HEARINGS

NONE

UNFINISHED BUSINESS

1. Comprehensive Plan Amendment - UDA/TGA and 5-Year Update

Mr. Coen: Thank you Mr. Apicella. At your desk this evening you saw several documents. One was an email from Hamilton Palmer pertaining to bike trails and walking trails that I received rather late today.

Planning Commission Minutes
April 27, 2016

But I wanted to make sure you had it rather than forward the email when people would be driving on the road. I thought it's safer just to print it out. Next is an email from Holly Hazard pertaining to affordable housing, so there's a copy of that at your desk as well. Not yet... TBA. I thought that was passed along? Oh, it's right there. You were talking when it was coming around. I didn't want to interrupt you. And so, the other thing that's at your desk is sort of an agenda for this part of the meeting. Basically when we met a month ago there were a handful of items that either we had not voted upon or we had voted upon and then staff had to matriculate those into the Plan. And so the basic format for this evening is address those type of issues first, and then come to a resolution on those items. Then there are certain items that staff felt that needed to be placed into the Comp Plan. Some of them we sort of knew about some of them; our brand new state ordinances that really we didn't know about but staff will fill us in on those. And then lastly, what I'm envisioning in when we work with staff on developing the agenda for this section, then we would go through any language or issues that the Commission sees in the draft document and we can bring them up at that time. I know that Mr. Rhodes was very nice and contacted me early on with some of his issues, and also agreed with the idea of allowing staff to have them so that they could be addressed and be on target with it and have the information. And I think, and I won't put words in his mouth, but from communicating with him I think his mindset was following what our mindset has been from the start of this process. We have a June 30th date to send something to the Board of Supervisors. And so for quite a while now we been envisioning that after this evening's meeting we call for a public hearing on May 25th. That would give us the 25th to discuss anything the public brings up or that we have thought of from tonight till then. It also gives us June 8th and June 29th to deliberate and discuss if need be. I remind everyone of something that I brought up last month that at the June 8th meeting, one, possibly two members of the Commission will be absent. So that will be sort of an element into this discussion. This does not preclude people from bringing up elements and items, but just the mindset is, is if there is a long list of edits, changes, things that staff needs to do to the draft Plan, then we really cannot call for a public hearing tonight; we'd have to wait till our meeting at the beginning of May which would mean that the public hearing would not happen until at earliest June 8th. And so, as I said, that doesn't preclude people from doing things; I just want to make people aware of the timeline and remind them of sort of the constructs that we're going through. Lastly, I do want to give a shout out and give a great amount of praise to staff, particularly Mr. Zuraf who did a phenomenal job putting together the draft and getting it to us. And also we have to give praise to Mr. Harvey, Ms. McClendon and anybody else in the Planning staff that worked diligently to get this to us in such a timely manner. As many of us remember, they're down in staff up there so a lot of this fell on Mr. Zuraf and he did a phenomenal job. And I just wanted to... I'll probably say it again later on but I wanted to start the evening with giving you a lot of praise for what you did. Alright, so, we start off with the Planning Areas and targeted growth zones. And so I'll turn that over to Mr. Zuraf.

Mr. Zuraf: Okay, good evening. Mike Zuraf with the Planning and Zoning Department. Thanks for the kind words. We've provided to you tonight the draft version of the full Comprehensive Plan, 2016 - 2036, document. You received electronically both versions, a version that shows all the changes highlighted and a clean version, and then we also delivered paper copies of the document for your review. And so, that is all a result of the months of effort that we had with subcommittee meetings, public input meetings, and... and a lot of discussion in the meantime through regular Planning Commission meetings as well. So to hit on the first issue, the Targeted Growth Area amendments, on the screen, if you go to the Power Point please, is a view of the Future Land Use Plan, the proposed Future Land Use Plan. And, since the last version that you saw at the last meeting, you kind of see a view of the central part of the County from the... kind of from north Stafford down to south Stafford. The beige colored areas surrounded in blue, those are some of the planning areas. And we added in cross-hatching to better highlight the Targeted Growth Areas within those planning areas. So that kind of helps clarify where more residential growth is going to be recommended to occur, specifically 50% of future residential growth. So we added that feature to the appearance of the map to kind of better clarify

that detail. This slide identifies the differences from the current Urban Development Areas to our new proposed Targeted Growth Areas. In the changes, there is one fewer Targeted Growth Area than from our original Urban Development Areas. Under this proposal, the Eskimo Hill Urban Development Area would go away and that area converts to the Central Stafford Business Planning Area, and Business and Industry Land Use. Other than that, some of the Targeted Growth Areas changed. We kind of went over some of that at the last meeting, with the Courthouse Area covering a larger area on the east and west side of 95. And what we've provided is the proposed breakdown of the mix of dwelling units in these areas. At the last meeting, we had a projected total number of units to be planned for these Targeted Growth Areas at I believe it was 14,000 units approximately. So, at the time, we discussed a revised population projection from the one we had been using. And the Commission acted to move forward with the staff proposed population projection. That lowered the 20-year growth projection and we were required from that to modify the number of units that would fit into these Targeted Growth Areas. And a lot of the change that we ended up doing was mainly reductions in the number of multi-family units; that's where the big change was, because if you recall we were pretty heavy on multi-family units. And so this lowered that number. We still have a large number of multi-family units in comparison to the typical ratio we have today, but it's less than what we had been originally proposing. This slide here shows at the top the existing mix, dwelling unit mix that we have in the County, as it goes by dwelling unit type. You can see single-family detached housing is the predominant type of housing that we have in the County, with townhomes and multi-family types at a much lower ratio. Under this proposed Comprehensive Plan proposal, with the mix of units proposed, there would be fewer number of single-family... and this would be the new units being added in over the next 20 years. So you'd have a smaller ratio of single-family units. The townhomes actually are right on point with the same ratio. But the multi-family units increase over the previous... that's the biggest difference is the increase in multi-family units. And a lot of that is the whole point of designating 50% of future growth into these more concentrated Targeted Growth Areas. So that's the big difference there. But I wanted to make you aware of how the new plan would kind of fit into the current growth patterns that we've seen historically in the County. I was asked to, just for reference again, to point out what the difference was in this plan versus as it relates to the population projections. We previously had been utilizing the FAMPO projections. That projection would leave to and require the designation of 33,000 dwelling units. Staff, as we kind of discussed and went over at the last meeting, staff did conduct an alternative kind of growth analysis that was more specifically focused on occupancy permit trends as it relates to housing specifically, and came up with a lower estimate. And some of that lower estimate is based on first a projection of fewer homes maybe to be built than what FAMPO is projecting. But also the FAMPO projections project a higher population at this point than what we currently have estimated and what has been prepared by the Weldon Cooper Center. The Weldon Cooper Center population estimates are lower and so that's kind of tracking the overall... the population growth trends are tracking lower than the prior FAMPO projections. And staff did talk to FAMPO about what we're doing and what we've come up with, and they did note that they are going to be re-evaluating their population projections. They didn't seem to have a problem with the methodology that we were going through and they were going to, you know, take what we've developed into consideration when they re-evaluate their population projections this summer. And you can see the dwelling unit distribution difference from FAMPO to what we've projected and have applied into this plan. Some other factors that have been added into and features that have been added into our Targeted Growth Areas, we've added in land use concept plans because some of these planning areas, this is the Courthouse Area in particular, covers a very large area and felt that it would be appropriate to at least provide some generalized idea of what land uses might be recommended and where. So you can see in this, this is one of the examples of where we've identified where residential development and mixed use development and commercial development might be recommended within this planning area so people have a better idea how growth might occur other than just seeing an overall large beige area on a map. This allows us to kind of get a little bit more detail. Here's just another example of... this is the Warrenton Road planning area and the

Planning Commission Minutes
April 27, 2016

land use concept plan that has been developed for this sub-area. And at the last meeting, staff had proposed kind of designating quadrants where we kind of divided recommended growth and allocated growth and certain amounts of growth into different quadrants. The Commission requested that the numbers remain kind of overall. And so we removed the quadrant idea and you have an overall growth projection for residential and commercial in this area, and that we don't get into much more detail than this. So, that's kind of the main concept for our Targeted Growth Areas. I'll turn it back for discussion at this point.

Mr. Coen: Alright. And I know Mr. Rhodes has some questions and comments pertaining to the projection numbers. So, I'll turn it and ask Mr. Rhodes to lead it off if you're willing.

Mr. Rhodes: Thank you very much Mr. Chairman... or Subcommittee Chairman/Vice Chairman. We voted on it 6 to 1; we accepted the new numbers. But I appreciate the opportunity just to raise one more point of caution concerning those numbers. I understand the rationale that staff put in. They were asked to do an alternative. They developed an alternative. And there's a logic to it that I can appreciate and understand the logic. What I am concerned about with the population projections is the fact that even with the FAMPO projections, they were lower than we've ever had for a 20-year projection. They were about 35% lower than any other 20-year projection we've ever had. And now we are taking our projection even 40% below that number. The number that we are projecting is as low as any 10-year period of growth we've ever had. If that's what ends up actually occurring, great and we've planned for it. However, if by any chance we've gone lower than what will be the actuality, we are now at a point where we are going to be reactive in our planning for infrastructure, for housing, for locations, for other things, versus pro-active because we will figure it out in 5 or 6 years when we see where the next point is. And then we're getting close to that point where it could be filling up. If I were to err, I would want to err on the sides of a little over-planning than somewhat under-planning. So, I just have general caution from the experience of the past 60 plus years in the County in the growth that we have taken that too far. And that concerns me a bit. I'll tie to these comments a little later when we go to some of the each's, because there's some that kind of build on each other. But that is an underpinning of caution. I would just raise one more point. I know we've already had the vote and I'm not going to make a motion to go back; if somebody wants to, I'm with you. But anyways, I'm concerned about that that we have gone overly conservative and it's harder to react when you've understated than it is if you've overplanned. Thank you.

Mr. Coen: You're welcome. Thank you. Anybody else wish to talk about the... either the projection numbers or the material that Mr. Zuraf has offered so far on the TGAs?

Mr. English: I've got a question. What is the... what does it look like so far this year as far as numbers? Do you know as far as population numbers right now?

Mr. Zuraf: It was I think tracking towards I think approximately like 700 to 800 dwelling units.

Mr. English: So is that kind of... I mean, that's where we're at right now as far as what you figured out, right?

Mr. Zuraf: Yes, yes.

Mr. English: Okay.

Mr. Coen: Thank you. Anyone? Alright. Just that, and again Mr. Rhodes, I respect you also for your consistency and I don't tend to agree with (inaudible) about consistency. I respect you for where you're

Planning Commission Minutes
April 27, 2016

coming from. I think that in regards to this, in the past couple of years when certain members on the Commission had pushed for lower numbers, Mr. Harvey and his staff has been very consistent in not wanting to just go lower for the sake of going lower. And so I sort of get the feeling that if they feel comfortable with this, and now apparently FAMPO may well be comfortable with the Zuraf methodology, that it sort of makes me feel better. We know that the Supervisors have asked us to look for, you know, another method besides FAMPO. And then lastly, and this may be a little bit scary to a certain degree, but we will be updating this plan pretty quickly. And so, if we are wrong, the 5-year update will be happening very soon. So, I think if it is true that the numbers are too low and that growth is zipping along faster, I think we can adjust this fairly quickly. But I appreciate and respect where you're coming from. I think you and I, back on the steering committee, were on the same page (inaudible). Alright, thank you Mr. Zuraf. Anybody have anything or everybody's okay with what staff says? Seeing nothing, thank you sir; we'll move along.

Mr. Zuraf: Okay. Next issue is focusing in on the Central Stafford Business Area. This is one of the new planning areas. And you can see the limits of the area on the screen. The gray shaded area identifies the airplane traffic patterns around the Stafford Regional Airport. The light gray represents the smaller planes that would utilize the airport, and the dark gray is larger turbo-prop jets that might utilize the airport. And that traffic pattern was kind of one of the key elements in designating the limits of this area. And we don't include all of the traffic pattern areas but we saw some logical breakpoints to the north and east; you have Accokeek Creek as a logical kind of breakpoint for this planning area, and then the areas to the south near Centreport Parkway. And then we incorporated areas to the west outside of the Urban Services Area that are still planned to probably remain as more likely agricultural related uses. But we've identified that area to highlight the potential impacts that could occur from the airport operations nearby. And this planning area takes the place of other prior Urban Development Areas. This is a snapshot of our current Future Land Use Plan and the limits of the Central Stafford Planning Area are highlighted in the black dashed line. It may be hard to see but you can see that the new Central Stafford Planning Area takes up portions of the George Washington Village Urban Development Area, the Eskimo Hill Urban Development Area, and Centreport Urban Development Area. And that includes, as mentioned, Agricultural Area and other Business and Industry Future Land Use in and around the airport. So, as I mentioned and showed for some of the other planning areas, we have a land use concept map for this planning area as well. And this recommends much of the area for future Business and Industry Land Use. That's the gray shaded area on the map. There are two mixed use areas in purple that do provide the potential for locations where residential might be supported. These are two areas that are kind of on the extreme ends of this planning area. The northeastern portion is right immediately adjacent to the Courthouse Area and may be able to benefit from public facilities, schools, and other amenities that are in and around the courthouse. And then the southwestern mixed use area is in closer proximity to areas near England Run, schools, and parks that are located in that location. In addition, that southeast area is already zoned for residential; they have 600 units approved by-right, so we took that into account in designating this mixed use area. And then, as mentioned before, we have the agricultural-rural area outside of the Urban Service Area. The plan does note that there is potential for some future commercial uses if done so appropriately in those locations. Overall, the areas recommended in the plan for various scales of commercial, office, retail, and industrial uses. The plan does note what public improvements would be needed to support development in this area as it relates to road improvements. And then also, what incentives may accelerate or encourage development in this area. And then also, it highlights the need for good design standards for the area to make it a successful and quality business area. And then also, we do note that the amount of commercial estimated in this area is upwards of 12 million square feet. So that's likely going to take more than the 20-year planning horizon for that all to happen, but that's what the build-out calls for.

*Planning Commission Minutes
April 27, 2016*

Mr. Apicella: And that number is more than 50% of the total amount of commercial that I thought I saw earlier, which is about 22 million?

Mr. Zuraf: Of the total... yes, yes it is.

Mr. Apicella: Okay, thanks.

Mr. Zuraf: And one of the requests we received at the last meeting... since the last meeting was to provide a comparison of the Business and Industry areas in the County as it relates to zoning and land use; the current Land Use Plan and proposed Land Use Plan. All the currently zoned commercial, B-1, B-2, B-3 zoned and M-1 and M-2 zoned properties amount to 9,464 acres. And I know this does appear odd, but the current Land Use Plan recommends only 8,586 acres of commercial area. The reason... and then the proposed Land Use Plan has 8,069 acres of commercial area. And the reasoning for that is that there are commercially zoned areas outside of the growth area that have happened years ago; the Springfield Farm in the White Oak Area. You have a lot of zoned area in our Suburban Land Use designation areas. Westlake has a significant amount of Light Industrial zoned land. So, and the plan does support commercial development beyond our commercial corridors and nodes and these Business and Industry areas. So it's a tough, I guess, measurement to capture, but this is the... I guess the best comparison is looking at the current Land Use Plan to the proposed Land Use Plan.

Mr. Rhodes: Do we know how much... did we ever get any estimation of how many square feet of commercial we have in the County?

Mr. Zuraf: The total square footage? I did not look into that, but I can do that.

Mr. Rhodes: I was just trying to look at 12 million in the context or 22 million. Thank you.

Mr. Coen: Do we want to stop and deal with...?

Mr. Zuraf: Yes.

Mr. Coen: At our last meeting, we discussed... we had some information and a bit of a discussion about the business area but we didn't actually come to any resolution of whether or not we want this, whether we think it should be there, if the size is right, and if the parameters are correct. And so I think staff would appreciate it if we would come to some type of resolution on this issue. So I'll throw it out to the floor to see if there's any feeling, motions, or etcetera.

Mr. Apicella: Mr. Chairman, as I recall, the Board of Supervisors was aware of this concept and gave a thumbs up to it. And what the charge was from them was to scale it down to some degree. I think this achieves that end and, again, one of my concerns was trying to align this area with the airport. And it does just that. To me it makes sense; if we're going to have an Airport Land Use Plan and we're going to have recommendations associated with that plan and specific areas where it makes more sense or less sense to put residential development or more sense to put commercial development underneath the flight path, that's kind of what we've done here. So the airport... what I see is the Airport Land Use Plan and this commercial zone mesh, which, to me, makes sense. Plus, I mean, if we're going to try to simulate commercial growth in a part of the County and centralize it, this seems to be a good place for it because the infrastructure is there, you've got Route 1, you've got 95, you've got the airport. It just makes a lot of sense. I applaud Mr. Hornung for bringing this idea to us and having a vision that this was something that was worthwhile to do and I think we've... it's not exactly what he wanted but I think it strikes the right balance.

Planning Commission Minutes
April 27, 2016

Mr. Coen: Thank you.

Mr. Rhodes: I would just share, if I might, I still think the size and scope is a bit large. I do understand the rationale logic of it being aligned with the Airport Overlay as a concept and as a logic. On the... but so much of it being locked in for that given what I still perceive is hugely larger than any demand we will have in a long timeframe, just something there is a bit of a disconnect. We have long seen that section of Route 1 and 95... I perceived from the 2010 discussions and earlier that that section up and down east and west of 95 and Route 1 along that, what would be the southeastern side of this area, has always been seen as an area we would want to be targeting and doing there. And I think a middle section under the airport might make sense. But the way it encroaches in on... closer and towards the Courthouse section and the Courthouse Road section which is the one major area of increased infrastructure capacity, I can't well articulate it but I have a discomfort associated with that aspect. I think the general premise is logical. I did make a point of raising some concerns at our last session and those certainly are reflected here. I was concerned about... I had perceived that we were adopting all of the language verbatim which caused me concern. I see that's not the case so I had misunderstood that before. So certainly that's no longer a concern. But I do think the size and scope is still a bit large for what we need on this early adoption of a concept to see if it works for us.

Mr. Coen: Thank you. Any other members want to comment? Yes Mr. English.

Mr. English: Yeah, I'm just like Chairman Apicella said, I think that the Airport Overlay that we worked on is included in this and I think it's a good concept. So I am fully supportive of this, what you've got up here.

Mr. Coen: Okay, anyone else? Alright, do we have a motion Mr. Apicella?

Mr. Apicella: Mr. Chairman, I move to accept the Central Stafford Business Area as presented by staff.

Mr. Coen: Alright, is there a second?

Mrs. Vanuch: I'll second.

Mr. Coen: Alright, Mrs. Vanuch. So we have a motion by Mr. Apicella, second by Mrs. Vanuch; any comment Mr. Apicella?

Mr. Apicella: I think I made my comments Mr. Chairman.

Mr. Coen: Alright. Mrs. Vanuch?

Mrs. Vanuch: I echo Chairman's comments and Darrell's comments.

Mr. Coen: Okay. Any other members wish to comment? Seeing none, we'll put it to a vote. All in favor of the motion to accept the Business Area District as presented by staff, all in favor say aye.

Mrs. Bailey: Aye.

Mr. Apicella: Aye.

Mr. English: Aye.

*Planning Commission Minutes
April 27, 2016*

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Coen: Aye. All opposed?

Mr. Rhodes: Abstain.

Mr. Coen: And 1 abstention. So it passes by 6 with 1 abstention, if I get that right. Alright, thank you. Thank you Mr. Apicella and Mrs. Vanuch. So now, Mr. Zuraf, continue.

Mr. Zuraf: Okay. Now, the next issue is a new feature that's being incorporated into the proposed plan, which would be Airport Compatible Land Uses, as being included in the Land Use recommendations within Chapter 3. The image in front of you shows you the, again, the Central Stafford Business Area. And the different colored areas reflect different zones. They reflect subareas that relate to the different zones around the airport that are based on aircraft maneuvers and the base land use recommendations. So, this example... in this example, Zone 1 is the beige area; that's the area immediately around the Stafford Regional Airport and the main approaches to the airport. And the land use in these areas are recommended for Business and Industry. So, within the land use plan text, the plan identifies what uses that would otherwise be allowed in Business and Industry what might not be compatible or require special consideration because of its proximity to the airport and direct approaches. The recommendations here would only apply for a rezoning or a conditional use permit situation. It doesn't affect by-right use of property. If the property already is zoned and somebody has a right to put a use that might be listed as not compatible, this does not keep them from moving forward with that. But identifying it in the plan would serve to be informative for property owners to make them aware that there could be some issues with what they're proposing to do. But, in the case of rezonings and conditional use permits, we can use this as an evaluation tool for uses that are proposed in and around the airport to see how the use complies with the airport. And these recommendations are provided for all areas in the County that are under the Airport Overlay. So we have some additional recommendations under the Courthouse Planning Area, under the West Claiborne Run Planning Area, and then also recommendations... there are a few areas that within the suburban land use district that fall under the airport plan and also the agricultural and rural land use area. And in each section of land use plan, where it applies, we provide mapping and we provide this compatibility matrix and table. And these were all based on the work that came out of the Airport Compatibility Land Use Study that was developed a year ago by a joint effort with the Planning Commission and Stafford Regional Airport Authority. And in doing this we have... you know, the idea is to kind of focus in on the main meat of the study and incorporate that in the plan. But we are proposing to provide the full original study in as Appendix H of the plan. So, if somebody wants to dig deeper into some of the details, that's available. And I'll turn it over for any more questions on that.

Mr. Coen: Yes, Mr. Rhodes.

Mr. Rhodes: I'm sorry, this is not one I had raised before. It just hit me so I would just like to ask. We all... tremendous work by staff and certainly and sub-committee that worked on the Airport Overlay. And we all strongly supported it, endorsed it forward, previous iterations and so this is not a question on that whatsoever are the greater work and greater fidelity in thinking through the (inaudible). I would just ask this as a general question, probably more so of Mr. Zuraf and Mr. Harvey. For a Comp Plan which is generally guiding versus an ordinance that's more directive, is this too much specificity in a Comp Plan? Or is this appropriate? And I just ask that as a genuine question. It just had a little reaction

Planning Commission Minutes
April 27, 2016

that I started reading more of an ordinance than I... or wondered if I was. I just don't know. Is there a thought on that?

Mr. Zuraf: I think it's... the Comp Plan can be as general or as specific as we want it to be. I guess there are some situations in our Comp Plan where we do get more specific. I know, for example, like auto sales is a use that's talked about in the Comp Plan. And it's specifically recommended in certain locations of the County and not supported in other areas. And also, in our commercial nodes and corridors, there are... it does identify uses that might need more, you know, more review or special consideration, like uses that generate more traffic or might be impactful on adjacent residential uses. So we do have that now and I guess this is just... it just happens to be a little bit more focused. But it's not uncommon and it's actually not out of character with what we have now.

Mr. Rhodes: Okay. We've got these lists, these area lists under several sections in there, and it just hit me that we're starting to specify a lot of things. I just wondered... it made me think of the exclusions that are in different zoning areas or something that would be ordinance wise. Okay, sorry, thank you.

Mr. Coen: Mr. Apicella?

Mr. Apicella: Mr. Chairman, I appreciate Mr. Rhodes' comments. I think part of what we've done here is what the Board asked us to do, which was to embed the Airport Land Use Plan into the Comp Plan rather than making a separate document. So it would be very difficult for a potential builder or developer to understand and appreciate how that plan fits into specific areas of the County. So as you look, it's not in every single place, it's in the specific areas where it would apply. So, as an example, I'm looking at page 3-68 and 3-69. So, what's provided there is specific to the set of circumstances for the Courthouse Area. And so, whatever doesn't apply I think is not embedded here. And I think that it's particularly helpful for somebody if they're planning... we had a project in front of us that was close to the airport and the folks who were involved didn't have the benefit and the wisdom of the work that we did following their proposal. Now, as a result of that work, someone who wants to put forward a plan will know from the get-go these things make sense or these things don't make sense, so they're not spending a lot of time, effort, and money trying to put forward a proposal that won't make sense. Or they know how to tweak it in such a way that it might be more compatible based on the standards and they don't have to flip to the end; they see it right there within the specific Targeted Growth Area or specific area that they're interested in. Yes, it is verbose, but I think it's particularly helpful to somebody who's thinking of doing something. Just my thoughts. And again, I applaud staff for finding a way to make this work and to be helpful to everyone involved; the development community, the real estate community, Planning Commissioners, the Board of Supervisors, all stakeholders. Again, when they're looking at a particular Targeted Growth Area that's impacted by the Airport, it's helpful to know what might get approved versus what might not get approved based on these standards.

Mr. Coen: Thank you. Any other comment? Alright. So, agreement with the language in the way that... I mean, basically we agreed to put it in so do we necessarily have to vote again? Or just everybody's in agreement, there's no changing? Or, relatively everyone. Alright, okay thank you Mr. Zuraf. Next.

Mr. Zuraf: Alright, the next issues focuses in on one of the points that was brought up that there's a desire to make sure that... or to highlight and recommend the desire to support infill development along our existing commercial corridors. Specifically, the discussion was around Garrisonville Road. And we already had... the first paragraph, we already had kind of a little comment about infill development; it's saying infill development and the reuse of vacant commercial sites is encouraged. We proposed striking that sentence and providing a new paragraph highlighting it and bringing it out to state that that infill

Planning Commission Minutes
April 27, 2016

development and reuse of vacant commercial sites is encouraged along commercial corridors, including Route 1, Garrisonville Road, and Warrenton Road, and Kings Highway. And then defining what is meant by infill development. So somebody has a good idea of what we're meaning when we say infill development. And this is an excerpt out of the Suburban Land Use district in Chapter 3 of the Plan. This is proposed language to add.

Mr. Coen: Alright. And if memory serves, Mr. Rhodes reminded us about this last meeting. Does this sort of fit what you're envisioning?

Mr. Rhodes: Yes sir. I just remember we had an acknowledgement (inaudible).

Mr. Coen: Alright, anybody else? Alright, so everyone's fine with that language. Are we going too fast for you?

Mr. Zuraf: Nope, just making notes. Okay, and the next issue was that of adequate public facilities discussion. Policy 1.7.2 was discussed at the last meeting regarding adequate public facilities in light of the new proffer legislation. The Planning Commission requested some refinement of the policy to be more strongly define the scope of what we're trying to say. So, we modified Policy 1.7.2 to link this policy to rezonings in particular, and we did take away some of the inflexibility of language that referred to rejecting proposals. And, I don't know if you want me to read it or go through it. And as part of this, as I initially was working on this I started writing out a more detailed description of adequate public facilities and felt, well, that kind of covers a lot of this section under Goal 1. And so we went ahead and added in a paragraph into the preamble to Goal 1 which proceeds Policy 1.7.2 to better describe what adequate public facilities are and what they mean and what their importance is. So, this would be an intro to that overall section and all the policies that follow.

Mr. Rhodes: And this is already in the edited draft?

Mr. Zuraf: Yes, yes.

Mr. Coen: Go ahead Mr. Apicella.

Mr. Apicella: Mike, what page is this on? I thought I...

Mr. Zuraf: This language is on 2-2 of the Track Change version of the Plan.

Mr. Apicella: Okay, this is a petty, I apologize, recommended change. Instead of saying equal to, could we say commensurate with? It's the last sentence; are provided at a pace commensurate with the level of growth. Equal to, I'm not sure how we would define that.

Mr. Zuraf: Okay.

Mr. Rhodes: I only went to a little regional college in Kentucky; I didn't get to those words.

Mr. Apicella: I also... I'm sorry. Do we want to say providing adequate facilities while promoting growth? Are we promoting growth? Is that the right word to use there?

Mr. Zuraf: Accommodating growth? Accommodating?

Planning Commission Minutes
April 27, 2016

Mr. Coen: Accommodating. Good eye; good catch. Alright, everybody...? And I guess later on we'll get into some other language that came up, but you sort of carried this through other sections, if memory serves me. The sort of language of we need to accommodate the sustainability because of the new language (inaudible).

Mr. Zuraf: It's kind of touched on in some of the Planning Areas, Targeted Growth Areas.

Mr. Coen: Cool. Alright, thank you sir. Alright, any other discussion on this section? Seeing none?

Mr. Rhodes: I think the language, particularly the 1.7.2, strikes a good balance. I will share a couple comments later that actually refers back to that. I think it's a better balance than we have in a couple other places we might want to consider.

Mr. Coen: Cool, okay. And we'll come back to that. Thank you. Alright. And now we're on to Other Amendments and Remaining Tasks.

Mr. Zuraf: Yes. Yeah, at this point, just kind of some of the other amendments that we have in the Plan, we've kind of gone over some of it at previous meetings. In Chapter 2 there are several adjustments to policies throughout this chapter to do away with references to Urban Development Areas; it changes it to Targeted Growth Areas. We also have some new policies that we talked about previously that reference sea level rise and awareness of sea level rise. And that's in response to State Code requirements regarding localities' Comprehensive Plans.

Mr. Coen: And can you point out what section so people can go look at that one? Thank you. Didn't mean to throw you under water.

Mr. Zuraf: It's in several spots, but I know in Objective 4.4 on page 2-21, there's two policies that were modified.

Mr. Coen: And just for informational sake, because this was the one that sort of came to us last meeting or anytime during the subcommittee (inaudible) the rationale for us putting it in there come from.

Mr. Zuraf: Mr. Harvey.

Mr. Harvey: Mr. Coen, as Mr. Zuraf indicated, state law says this is one of the mandatory provisions that you have to have in your Comprehensive Plan. So we've tried to incorporate the various wording and criteria in the State Code and the referenced document from the Virginia Institute of Marine Sciences.

Mr. Coen: Thank you.

Mr. Zuraf: And then there were other adjustments too on Policies 3.4.4 and 3.4.5 on page 2016 of the Track Change version. So, a few policies adjusted to address the issue, all under Goal 3. Some of the other changes, in Chapter 3 -- that was where most of the amendments to the Plan were located. Some of the bigger adjustments -- we have always kind of had the section on Military facility impacts, recognizing the operations in Quantico and what affect that has on the land within the County outside of the Base. And that section was modified because since the adoption of this Plan, the County and Quantico have developed a Joint Land Use Study. And so, (inaudible) a summary of that study. And the mapping also has been modified. There are now two maps to recognize the Military influence areas as it relates to aircraft operations and ammunition ranges. And then we've always had land use

Planning Commission Minutes
April 27, 2016

compatibility criteria here as well. So that's also something, getting back to Mr. Rhodes' question; we've always kind of had that over the areas influenced by Quantico. And those land use recommendations, compatibility recommendations have been further refined through the Joint Land Use Study effort. And so that table was modified. And then, after that, we've incorporated a summary dealing with airport compatibility as it relates to the Stafford Regional Airport; a touch on the Airport Compatibility Study that we have in Appendix H; include the Base kind of map of compatibility zones; define the zones; and then provide the Base Land Use compatibility matrix table. With that, we then get into more detail within the following chapters and sections. And we've kind of gone through the Future Land Use recommendation changes. I'm not going to touch on anything more there. Chapters 4 and 5, there are just adjustments and updates based on minor factual data. And we've received input from Fire and Rescue, Sheriff's Office, and schools and others, and received updated information. A lot of it was in Chapter 5. And Chapter 6, this is the existing conditions chapter so we went through and updated all the existing condition tables. Most of them, I think we've got a few, we just need to... staff needs to kind of go through and kind of do a second final look to make sure we got everything because it's a lot of existing information that needed updating. And in the Appendix, as I mentioned, we added a new Appendix for the Airport Compatibility Land Use Study. And then we kind of as a last point, the remaining tasks for us to go over, we, as mentioned, have to kind of finish updating the existing conditions. We want to revise the table... well, we need to revise the Table of Contents to reflect the latest information. We want to revise the cover of the Plan because we think it's kind of bureaucratic and we think it maybe could look a little nicer, so we're going to work on that. And some of the other changes updating the public facility needs table in Appendix B, countywide acreage needs in Appendix D, and complete the Plan and map reformatting. If you noticed, the font has been changed in some of the chapters and most of the chapters, compared to the font that we had previously. So, if the Commission has any problems with the new appearance, let us know and we can go back. But that's the... we feel it's kind of a good fresh look to the Plan and just a little detail. And other than that, I'll turn it back to the Planning Commission to talk about what's next and any other issues too.

Mr. Coen: Thank you Mr. Zuraf. And then, at this point, as I stated at the beginning, if people have particular phraseology or issues with things that are in the Plan that we haven't addressed or that they feel that we need to, we'll start looking at those and see if we need to change anything, if there's a palate by the Commission to actually address those or change those. And Mr. Rhodes had sent me some, so if it's okay we'll start with him and then just work down.

Mr. Rhodes: Thank you sir. I have four items that I wanted to raise. The first one's on page 3-31 of the current draft marked Track Changes mode of the draft Comp Plan. And it deals with the language at the bottom of that page which specifically cites, so, for example, it says the plan recommends 10,420 dwelling units be distributed across the 6 TGAs -- no problem with that. It goes on to say that once the maximum dwelling units, by unit type or maximum square footage has been reached, this plan does not recommend any additional units of that type. The Plan recommends that the maximum number of units planned for any particular TGA should not be exceeded. This one, as well as the other few, I think we may have gotten a little restrictive in our language for the tenor and intent. A TGA, we have identified most of these TGAs other than a couple little ones, Brooke and Leeland, to be places where we want to target growth. But I think there are also places that we planned over the long run that growth may expand even further over time. That's why we're kind of targeting these areas as best to be supported and that these are capping these off early. So, if I tie this to my earlier concern that maybe we have understated some of our projected growth that we're planning for and we are putting principles in place where once we hit that point we won't go over it -- and, not only that, but once we hit a unit type, say single-family homes, we won't go over that -- we know that we are using a much heavier percentage of multi-family homes than we've ever experienced, which I understand the reason behind it, but if that doesn't manifest itself or materialize, we've even constrained ourselves further in these Targeted

Planning Commission Minutes
April 27, 2016

Growth Areas which actually has the perverse effect of pushing for sprawl versus wrestling with going against the Comp Plan if I'm looking at my planning. So, I just think the language there would be that that is our target or that is to be reassessed, but something softer. We've limited... not just limited but limited even by subsets in each of these areas that we want to be focusing growth. And I'm not sure if that was just happenstance in the way it was written or if we were consciously wanting to do that. I don't know that it was latter, and if it wasn't the latter, I would just suggest that we soften some of that language on the restrictiveness and restrictiveness by unit type and those types of things. We may find that it just really doesn't manifest a development of a demand for multi-family homes, so why don't we use the space for single-family or for others, at least, if we don't want to go over the aggregate. And why are we so hard-pressed... you know, those were the thoughts.

Mr. Coen: And I'll just turn it back to Mr. Zuraf on the choosing of the wording and then we can sort of go from there.

Mr. Zuraf: Yeah, and I haven't prepared any new language for this, but..

Mr. Coen: Right, but I mean, when you drafted this was there anything in mind?

Mr. Zuraf: Well, yeah, this language did... when the plan was... UDAs were originally developed, there was concern about the number of units at the time. And so there was some... I believe there was a little bit of conscious concern that the specific numbers don't be exceeded. But, you know, maybe that concern may not be there any more since there's a lower growth (inaudible).

Mr. Rhodes: If I recall... bad memory on this one... at that time, were we looking to place like 20,000 homes in the UDAs?

Mr. Zuraf: It was 14,000.

Mr. Rhodes: Oh, it was the other number, 14,600; yeah, that's right. Okay. And so there were folks concerned with the level that we were compressing them into the areas that time so it was a new concept. I think we've adopted a little better the TGA concept so the UDA... we were made at having to do a UDA anyways.

Mr. Zuraf: Right, and there was a little...

Mr. Rhodes: And then we were portion all those growth in these areas, we're going to kill ourselves, and I think we've warmed to the concept a little bit more and now it's a lesser number. So I don't know if we need quite a... I'm just questioning whether we needed (inaudible).

Mr. Apicella: I appreciate where you're coming from, Mr. Rhodes. My initial thought is if we don't set some boundaries, again for the development community and ourselves, on the other hand are we leaving it open-ended. So let's just take multi-family as an example. So, a particular TGA has -- I'm just throwing out a number -- 500 multi-family units and somebody comes in with a proposal for 800 multi-family units. Well, that's, you know, not a hundred percent more but it's another 50% more than we said, you know, was going to be appropriate in that area. And so, in the absence of having some boundaries or some specificity, how do we inform on the front end the applicant that you really... it really may not be palatable to go to that higher number. And I'll use another example, real world example. So, we had another development proposal in front of us; it didn't pass. But that development proposal was not the entire, at the time it was called a UDA, was not the entire geography of the UDA but it ate up all of a specific type of units in that UDA. So, we had maybe 75% -- I'm just throwing out

Planning Commission Minutes
April 27, 2016

a number, don't hold me to it -- so 75% of that UDA ate up the entire amount of a specific type of allowable unit and the other 25%, you know, there was nothing for them to do. So, on the one hand I understand the necessity for having some flexibility. On the other hand, if we don't have some boundaries, how do we inform the process, both the folks who are providing an application and for those of us who are reviewing an application?

Mr. Rhodes: The reaction that I... a couple thoughts come to mind but I would just throw out for general consideration on this. One is that if it is market driven and if it is well-based and we find that one of our conceptualized TGAs just has much greater demand and has a capacity to be able to absorb it versus some of the other areas we thought would be good areas for TGAs but the markets haven't driven the demand there, is it that bad? We want the growth to be in these concentric areas because they have the greatest capacity to absorb from an infrastructure perspective. The fact that they feel another 400 single-family homes or multi-family units in one area has a greater demand and capacity to build off it and grow a little larger than another area, is that that bad? Maybe if we just set an aggregate limit in the TGAs or something.

Mr. Apicella: A developer's market (inaudible) perspective is different from the County's perspective of being able to absorb the growth within the timeframe that we can absorb that growth. So, on the one hand we're specifying a number and we're tying that number to the infrastructure associated with that number. So, if we exceed that number... again, let's just say the cap is a thousand units, varying types of units in a specific TGA and somebody comes in with 1,500 units but we've said, okay, here we need .x of a school and .y of park acreage and, you know, certain contributions for public safety and the number is well in excess of that amount, again, you've got to look at it in my view in the totality of what the County could absorb, not just the TGA. And not just within a TGA, but in the geography close to that TGA. So we have road infrastructure... again, using Courthouse Road as an example. There's thousands of units that are already planned for Courthouse Road. We now have a TGA associated with Courthouse Road. To me it's the overall amount that that area can absorb. So, yeah, from a developer's perspective, they might think, yeah, they can add another 500 over and above what the TGA says. But again, in the totality of what's already going to happen there, can we really... can we really take that additional hit?

Mr. Rhodes: Well, they don't get to do it just because it's in there as an amount either way, because we've not approved ones that were within the amounts that were allowed in there. So I think, in general, I'm not sure that they're needed. I certainly don't by unit type, the subsets, given those full numbers and given our heavy reliance on a reliance that we've never experienced before on multi-family units and that being an artificial sub-limitation within there that we might want to consider taking off that portion of the caps in the TGAs as well as in the language.

Mr. Coen: I'll just ask Mr. Harvey and Ms. McClendon, did... basically the document is a guide. So that if the language says by unit type, that doesn't preclude somebody from coming in and saying, in this area we would like to try to do something bigger -- or larger, is better English. So it doesn't preclude them, it just sort of gives, as Mr. Apicella was saying, gives them an idea of what the parameters that the County feels it can absorb. Am I correct?

Mr. Harvey: Correct Mr. Coen. When the County evaluates a development proposal, we'll ask the proponent to show how they comply with the Plan. If, for instance, they're 10 units over a certain recommended number, that's what they are and the Board of Supervisors, in its legislative authority, can choose to accept it or not accept it, because the plan is a guide. But from an infrastructure planning standpoint, probably the more important thing is the total number of dwelling units, not as much as the type of dwelling unit, because typically for sewer and water, for instance, a lot of that capacity is based

Planning Commission Minutes
April 27, 2016

on the number of people because people flush toilets and take showers and things of that nature. And the number of persons per dwelling unit is a little bit different by housing type but not significantly different to where if you had, say, more multi-family than projected maybe you would have little bit less sewer and water demand than you contemplated because there tends to be a little bit fewer people. So, some of it's a matter of degree but I think overall the bigger issue is if the infrastructure capacity can serve that number of dwelling units more so than the type of dwelling units. You get into other aspects where you have to think about like the Board of Supervisors have been very sensitive in the 2010 Plan about fiscal impacts of the different types of dwelling units. And again, the direction from the Supervisors to the Commission on this draft was try to as best possible keep the current ratios of housing types consistent with what we have today. So, if we allow it to vary much more than what's recommended, then we may get away from that directive from the Board.

Mr. Apicella: Respectfully, you know, having watched what the Board is interested in, especially in terms of TGAs and the concept, we've been talking all along about mixed use. We want to strike some kind of balance. So if again, if somebody came... if there are a thousand units and it was, you know, evenly split 33% across the board and someone decided they wanted to do all multi-family, well that doesn't achieve that end. So, again, I hear what folks are saying that we ought to think about some flexibility, but I don't think it's helpful because we've already learned this over the last couple of years that if we're vague about what we're willing to accept, the people who lose the most out of this is the development community when we come down hard and say no that doesn't make sense for this area. And it seems arbitrary to me because we didn't kind of give them some guidelines, some guide-posts as to what would make more sense versus what would make less sense.

Mr. Coen: Okay. So, so far we have one Commission who's vocalized in favor of the existing language, one who's vocalized a desire to change the existing language. Is there any other feel, one way or the other, by the other members? Mr. English.

Mr. English: Is it possible that you could come back and maybe reword it a little bit and maybe we can tweak (inaudible).

Mr. Rhodes: We want to get it out tonight, right?

Mr. Coen: Yeah...

Mr. Rhodes: We want to tell them we're ready to roll.

Mr. Coen: Quite honestly, unless we give you some type of guidance of exactly, then we wouldn't be able to go to public hearing on this language, is that my assessment?

Mr. Zuraf: Yeah, I think probably it'd be good to have specific language (inaudible).

Mr. Coen: Now, to play devil's advocate for a second, if, after the public hearing individuals think of different language or phraseology, they could bring it up after the public hearing because it would be taking the existing and shifting it downwards; it wouldn't be shifting it upwards. Is that a... or is it shifting it upwards?

Mr. Apicella: How about if we get some clarification, because this is different than an actual Plan; this is a... I mean a development plan, so this is a Comp Plan and then maybe we need to better understand what our ability to make changes are.

Planning Commission Minutes
April 27, 2016

Mr. Coen: After the fact, yep.

Mr. Apicella: Can we make changes in either direction or can we only make changes that are less restrictive versus more restrictive? So I'm kind of looking to our County Attorney to help us.

Ms. McClendon: Commissioner Apicella, Commissioner Coen, the changes would be the same. The Comp Plan is a guide and if you were going to be going to restrictions that are more like what's currently on the books, you can move in that direction. But you cannot increase intensity. The same as you cannot increase intensity for Zoning Ordinances as well.

Mr. Coen: Okay, thank you. Again...

Mr. Apicella: Help me understand what you mean by intensity in regards to the Comp Plan.

Ms. McClendon: It depends on what change you're referring to.

Mr. Rhodes: It ends up... I could never figure it out because it always tends to be case by case. So it depends on the sentence you're changing and how are you changing it.

Ms. McClendon: Generally, if you're talking about wording choices, that's probably not an issue. If you're talking about increasing densities, that would be an issue.

Mr. Coen: So if, in this specific case where it says a specific number of dwellings and all it is is saying the language that would be to say that... to strikeout the plan does not recommend any additional units, you're saying to change it to something along the lines of something else that says it's not specific types of units, but it's still the grand total of 10,420; that would be acceptable? I mean, it may be moot if there's a majority that wants to keep the language that's already in there.

Mr. Harvey: Mr. Chairman, I could offer an alternative if the Commission wants to entertain it. The language could start with... I'll read the paragraph as I think it might or could be rewritten: The Plan recommends the 10,420 dwelling units be distributed across the 6 designated TGAs. Each TGA describes a desired number and type of dwelling units. The Plan recommends a maximum dwelling unit figure by unit type or maximum commercial square footage for an individual TGA. As a result, this Plan recommends that the maximum number of units or commercial square footage planned for any particular... I'm sorry. The Plan recommends the maximum number of dwelling units and commercial square footage planned for any particular TGA. It's not to be exceeded; it just says it plans for it. And then striking out, this Plan is not recommending any additional units of the type of commercial square footage for that TGA.

Mr. Coen: Okay. Again, so we have the initial language and then we have the new Mr. Harvey language. And, of course, we always could say that we want to take time, look at it for the visual learners, process it, and come back next meeting and schedule a public hearing. So any of those options are perfectly acceptable. I guess I just would like a show of hands of the number who are for the existing language that staff already developed that's on page 3-31. Okay. Two of us? Okay. So how many are in favor... can you read it again so people can see it...?

Mr. Harvey: Yeah, actually it may not make sense by having that last sentence in there, but: the Plan recommends the 10,420 dwelling units be distributed across the 6 designated TGAs. Each TGA describes a desired number of dwelling... excuse me, desired number and types of dwelling units. The

Planning Commission Minutes
April 27, 2016

Plan recommends a maximum dwelling unit figure by unit type or the maximum commercial square footage for an individual TGA. And then probably just drop the rest of it.

Mr. Coen: Hmm. Alright. Everybody understand that language? Okay. Is there a feel in favor of doing that?

Mr. English: Do you need a motion for that?

Mr. Coen: Do we necessarily need a motion for that?

Mr. Apicella: I can live with it.

Mr. Coen: Okay, alright.

Mrs. Bailey: So, just Mr. Rhodes, was that where you were headed? Does that take care of that concern?

Mr. Rhodes: Yes. And I got much further out there than I had intended to, so I apologize. I just got on a roll. My main thing was we are planning for, and I understand why, but we are planning for multi-family units three times more than we've ever had. And then when we were setting sub-limitations on an already decreased aggregate amount in a TGA, I was concerned about that restriction. That certainly addresses it, that language or, you know, several ways to get there. So I have no problem with that (inaudible).

Mr. Coen: Alright. Everybody in agreement with the new language? Alright. Mr. Zuraf, you're all right?

Mr. Zuraf: Yep.

Mr. Coen: Okay. Mr. Rhodes (inaudible).

Mr. Rhodes: I will not make this one take as long, I promise.

Mr. Coen: Don't make promises you can't keep.

Mr. Rhodes: So, my only two others, both 3-35 and on 3-69, we have references where we talk about the public infrastructure, which we all understand why we're saying that. But in those references they all talk about -- I'm going to characterize it, a little oversimplified -- but we talk about that we will not proceed unless those are done by the developer. However, if you look at 1-72, in reality some of our public infrastructure is done by other than the developer because they're for larger purposes. I would just suggest that we... my recommendation would be we ask staff to make those two paragraphs on 3-35, right at the top, the first paragraph that's not... only changed a little, and on 3-69, the second to the last on the bottom, that they make it language consistent with 1-72 that we've already accepted. Because right now they are overly restrictive and not accepting that public infrastructure comes in multiple ways.

Mr. Apicella: Can you tell me where you're talking about on 3-35?

Mr. Rhodes: Yes. On 3-35, the top full paragraph that starts with "The above infrastructure improvements" in black, or in mine it's in black. And it says in there that approval should not be given

Planning Commission Minutes
April 27, 2016

for rezonings because the impact of development would not be sufficiently mitigated by the developer. As we said in 1-72, infrastructure requirements are mitigated by multiple forms potentially, and here we're targeting only on one. And I just don't think it's consistent. It's a little... I don't know if it was purposely targeted that way but it doesn't recognize. For example, there are road improvements that we're going to do that are going to serve many more than just a single developer or development or even a portion. They're for larger needs of the County that we might do on our bond referendum and other things, and so we accommodate that with 1-72 but we don't accommodate that here or in 6-69... or 3-69.

Mr. Apicella: Well, I'm not sure if you were at the tail-end of the meeting where this came up, but this goes back to the proffer language approved by the legislature. And it, in fact... you're reading it to say that the developer has to provide all of those upgrades. And I'm reading it to say without the upgrades, whether provided by the developer and/or the County.

Mr. Rhodes: It says it would not be sufficiently mitigated by the developer. That specific element of it then caused me to be... reading it all the way to that point, I was not concerned. But then that wasn't consistent with 1-72.

Mr. Apicella: So, I hear what you're saying and I don't disagree with it. What I would say without the necessary upgrades, approval should not be given for rezoning changes.

Mr. Rhodes: I agree. And so that's what 1-72 says; this doesn't say that.

Mr. Apicella: Okay. I just want to be sure that we're on the page.

Mr. Rhodes: Yeah. No, no, I think we are.

Mr. Apicella: (Inaudible) total of all the necessary infrastructure being in place...

Mr. Rhodes: Roger.

Mr. Apicella: ... regardless of who provides it...

Mr. Rhodes: Roger.

Mr. Apicella: ... if it doesn't happen, the rezoning... again, it's not (inaudible - microphone not on).

Mr. Rhodes: Should not be (inaudible). This here then suddenly adds three words, by the developer, which made a different tenor that I don't think was our intent. And it's not the intent of 1-72 and so I don't even know we need to get into the wording here. My recommendation would be we just ask staff to make sure that paragraph and the 3-69 are consistent with the policy at 1-72 that we've already adopted.

Mr. Coen: Well, and I guess because it's in black it was in the initial plan.

Mr. Zuraf: Yes.

Mr. Coen: So this actually dates back to the initial creation.

Mr. Rhodes: Yep.

Planning Commission Minutes
April 27, 2016

Mr. Coen: Would just merely striking out by the developer satisfy the whole point? Because it says without the upgrades, approval should not be given for rezoning changes because of the impact, the development would not be sufficiently mitigated, period.

Mr. English: Period.

Mr. Coen: And it doesn't really put the (inaudible) on anybody in particular but it does give us, especially with the vagueness in the new proffer business, it does still make it clear that it needs to be mitigated somehow.

Mrs. Bailey: Right.

Mr. Coen: And otherwise... and it gives us, as you've been saying, the authority to say, yeah, it's not appropriate. Okay.

Mrs. Bailey: Agree.

Mr. Coen: So, is there agreement to striking out by the developer?

Mr. Rhodes: Mm-hmm.

Mr. English: Yep.

Mr. Coen: Everybody all right with that?

Mr. Apicella: Is that the same change on the other page (inaudible - microphone not on)?

Mr. Rhodes: 3-69?

Mr. Coen: Which paragraph was it on 3-69?

Mr. Rhodes: It is next to the bottom. Talking about public infrastructure and services, therefore it would be the responsibility of the developer or developers of the Courthouse Area properties. But we also talk about Mine Road improvement and other things and, again, when we get into some of those, it could be from a combination.

Mr. Coen: Mr. Zuraf, do you know where we are?

Mr. Zuraf: Yes.

Mr. Coen: Okay. And I just turn to you because it's your language and then we can come back and dwell on it up here.

Mr. Zuraf: I'm just thinking about how to...

Mr. Coen: Oh, I was just wondering when you came up with it what was in your mind. I didn't want to say what were you thinking, that sounds completely negative.

Mr. Rhodes: Well, since it was 3 in the morning and he'd been working 36 hours straight on it.

Planning Commission Minutes
April 27, 2016

Mr. Coen: And the Red Bull was kicking out.

Mr. Zuraf: That was actually...

Mr. Apicella: I think this one is a little bit different though.

Mr. Zuraf: That was... if I can... that was actually in the original Plan. It was a piece that we... this deletes the Courthouse UDA and that language is actually from the original...

Mr. Coen: UDA language.

Mr. Zuraf: ... yeah, the original UDA language. It's not something I thought up at 3 a.m.

Mr. Coen: Go ahead Mr. Apicella.

Mr. Apicella: Where was the first one again?

Mr. Rhodes: 3-35.

Mr. Coen: 3-65.

Mr. Rhodes: 3-35 was the first one.

Mr. Coen: Oh, yeah.

Mr. Apicella: So... so 3-35 I think is more generalized, okay. When you start getting into the TGAs, this is a philosophical issue. So, right now we have x amount of growth that's going to happen in the Courthouse Area. The TGA anticipates additional growth above and beyond that. So, the CIP is based on, I think, what we currently have in place -- the total number of units that could be built. The TGAs are a plus-up to that amount. So these, the 205 acres of Parks and Rec, the additional, you know, sub-portions of schools, that's associated with the TGA-related growth specifically. Right? So, I think the notion was always, and I remember several Board members saying, the only way that they're going to allow these UDAs to happen, whether we agree or not, that was the concept from the Board members at the time, is that the development community pays for the additional plus-up of growth associated with those TGAs. So, again, the notion was that the general population isn't going to have their taxes increased before the plus-up of growth associated with the .94 elementary school, the .40 schools for middle schools, and the .34 for high schools. That was going to be, I think, bourn by the development community, because they're the ones who are driving the increased need for those additional seats and capacity.

Mr. Rhodes: It seems to me that as long as the requirement has been satisfied, whether it's through combinations of functions and approaches, then it's satisfied. I just think we're being overly prescriptive.

Mr. Apicella: And here I think it's purposely prescriptive. If you don't pay your way, then the rezonings not, in this particular instance, it's not going to be approved.

Mr. Rhodes: I would question whether we've ever had a development in this County that's ever had the cash up front to pay for that much infrastructure and those other items. They're usually satisfied in multiple fashions and functions, and if the County has found that they are doing redistricting and other

Planning Commission Minutes
April 27, 2016

things and there's a little bit of excess capacity in another school that may satisfy requirement, etcetera, there are other ways that these things get satisfied and we suddenly have funneled in which is not what 1-72 did. So, that was my raised concern; I'll just leave it at that.

Mr. Coen: And to sort of... I'll ask before I speak. Anybody else wish to weigh in? I'm in agreement with Mr. Apicella. I think that this is a different kettle of fish than the generalized one. And I'll also go back what Ms. McClendon said and Mr. Harvey said -- it's a guide. And that's what we have seen repeatedly. So that the individuals coming in a rezoning would see the list, see the idea that it is their responsibility somehow if they come in, as Mr. Rhodes is pointing out, with other things, other ways, then they're still meeting the concept of what we're talking about. If this was the ordinance, then being prescriptive might be problematic. But this being a guide, I'll go with Mr. Apicella on this. Alright, so is there any other feeling one way or the other of changing it on 3-69? We have one who's vocalized change it and two who have vocalized keep it. Seeing none...

Mr. Rhodes: Two to one wins.

Mr. Coen: Two to one wins, okay.

Mr. Rhodes: The last item I have, much to everybody's relief, and this is another one going back to what we did last time, so I would just raise it for consideration. We voted to take a little segment out Route 3 in the southeast corner of the County out of the USA, and I was agnostic at the time but as I was reading through and as I was thinking through it further in preparation for tonight, I'm starting to wonder why we did that. It's already there. There's already water and sewer. It's right along a 4-lane road... we don't have many 4-lane roads... it's right along a 4-lane road improved area. It's near the railroads. It's flat. It's developable. I'm not sure that we... I wasn't sure of the rationale why we took it out and maybe we might consider just leaving it as is versus just cutting it back, giving it fits all those other parameters. And that was that little... I don't even know what it's called, but it's that little segment down Route 3 near Caroline County.

Mr. Coen: Yeah, that's the Sherwood property and the Renaissance property.

Mr. Apicella: What page are we on?

Mr. Rhodes: Oh, I'm sorry. It's on 3-29 of the Comprehensive, the Draft Future Land Use Comprehensive Plan. So we moved the red Urban Services Area line back from that little tan and brown section I think it was, that was along Route 3. The earlier map is...

Mr. Zuraf: 3-27.

Mr. Rhodes: ... oh, there it is. The earlier map is just on 3-27 and then we changed it to 3-29. And I just, upon reflection, I was wondering if that really made sense.

Mr. Coen: And just to sort of go to the background, that was, you're right -- the Supervisors had sent us four areas on the map to sort of look at. Two are north of 95 up in the northern end of the County; one was down along Warrenton Road or 17; and then the other one was down here. This was also mentioned in both of the public input sessions to move the USA up to Forest Lane. And so we voted on all four as a group I believe. So that was... the rationale behind that was between the Supervisors and the public giving us input on that aspect. We have heard from the legal people, legal representatives from the two land owners for that. So I'll just see if... are you making a motion or are you just throwing it out there?

Planning Commission Minutes
April 27, 2016

Mr. Rhodes: I would throw it out there. If there's anybody else inclined, I would certainly make a motion. But I wondered thoughts. That was the reaction I had on this.

Mr. Coen: Any other thoughts?

Mr. Boswell: I agree with Mr. Rhodes. (Inaudible - microphone not on).

Mr. Coen: Okay. Mr. Apicella?

Mr. Apicella: You know, I guess I wonder... if the Board asks us to take a look at something and they imply or directly say they want us to make a change, at the end of the day they're going to make that change whether we give it to them or not. So, if we pull it back to where it was or where it is now, I think we're just going to be overruled.

Mr. Boswell: That's happened before.

Mr. Apicella: It happens all the time.

Mr. Coen: Never.

Mr. Rhodes: I just wasn't able to rationalize it. As I thought about it, since it's already been in there, been in there such a long time and all that stuff's already there, I started questioning myself.

Mr. Apicella: I hear what you're saying, and in some extent I don't disagree. But I'm also thinking, you know, the Board's going to do it anyhow. And we got public input that said move it. I really don't have a good reason for keeping it. I mean, I hear...

Mr. Rhodes: What was the public input... what was the rationale? I'm sorry, I didn't mean to interrupt.

Mr. Coen: Well, and there's some, and this is sort of my area so, there are a couple things with it. Quite honestly, there's a feeling for, and I was talking with somebody at the beginning of the evening that said that's just so far out there. I remember when we were discussing, and it even was said by one of the legal people, the lawyers for the property owner tonight, that the format of the Comp Plan is to put growth along 95 and Route 1. And this is far, far away from where we're trying to target our growth. And so, one of the parcels, the Renaissance parcel, is zoned I believe M-2, which is Heavy Industrial. The other part, the Sherwood part, is zoned A-1. And I'm sure Mr. Harvey or Mr. Zuraf will correct me if I misspeak on this part -- the Renaissance parcel, the M-2 parcel, has actual waterline into it. It also has a sewer facility on it that all that's going through the Sherwood property is the piping from the sewage that could be used on the Renaissance property. So, it's sort of apples and oranges. One's M-2, has water going in, has sewer coming out; the other one just has a pipe going through it. And so it's sort of two different things. Mr. Apicella is right. I mean, the public did, at both sessions, either draw lines on the map or vocalize that they just felt that the growth should be more centralized to 95 and Route 1. And then, so it just seems as though... I've read the responses; I can understand keeping a bubble for the Renaissance because it already has a pipe of water going into it, but I can't really see the logic in the Sherwood parcel since, as A-1, it could do whatever it wants, basically, you know, as a septic tank and well water. Or come in and ask for an amendment to the Comp Plan to be able to do it. So, my personal preference is to listen to the public and our Supervisors, but I understand many people feel that the Renaissance, there is a compelling case to be made for that. The idea for bubbles, and I always use bubbles, but if you look at 3-29, there's a bubble out west of 95 that's sitting up there that's circles as

Planning Commission Minutes
April 27, 2016

USA. Theoretically, the Brooke Station is a bubble. So it's not an abnormality for us to have bubbles. It's just a question of, you know, is it the feeling of this body to do a bubble or not.

Mr. Rhodes: I think we've gotten rid of some of the pockets, which was a good move in our Comp Plan, in this effort in the USA. We got rid of some of those weird quirky pockets out of it. And I don't know that I'd be inclined...

Mr. Apicella: I'm sorry, is it a pocket or a bubble? I'm just trying to...

Mr. Rhodes: I'm into pockets; he's into bubbles. But, you know, we had that little kind of horseshoe pocket up there down Courthouse Road to the west, and we've gotten rid of those which I think make a little more sense. If you're going to have it, have it be concentric. So, if we're adding something, I'd add it and keep it concentric. I mean, I do understand, our Targeted Growth Areas area all up and down 95. We have kept them. That's where they're at. Our USA on 17 and 3 goes out that way. It's a reality. So I just don't know why we've just kind of carved that one little piece that we could nick a whole bunch of it back in either way.

Mr. Boswell: You said the people over there were saying keep everything around Route 1. Well, Route 3 to me is just... I mean, it's a 4-lane highway and so is Route 1. I don't see a lot of difference (inaudible - microphone not on).

Mr. Coen: Alright.

Mrs. Bailey: Mr. Coen, you know, since we've had concerns raised over... and the concerns were raised by the people that are being affected by it... I mean, for me personally I'd like to understand a little bit more why it was asked to have that pulled out, and get a little bit more information on that. Or go back and put it back in and then let the Board of Supervisors either give us more instruction on that or they handle it when it goes back to them.

Mr. Coen: Okay. So, my sort of take on that is if we keep it as we voted unanimously last month where we take it out and it goes to the public hearing, individuals, the public can come out and explain why they support that. The individuals that want it put back in can come in as they did tonight and say why they want to put it back in. And Ms. McClendon, I'm correct that if after the public hearing there's a mood to put it back in, we could certainly make that decision then?

Ms. McClendon: That's correct Mr. Coen. You could reject the part of the proposed amendment, so you would be rejecting the change to remove it to add it back.

Mr. Coen: Right, and I think that would sort of address your need. As a concept, and Mr. Hornung mentioned this earlier this evening, we had public input. I feel a little awkward to say that the public came out last November, gave us our input, we get a couple communications from the applicant's lawyers and the public doesn't have a chance to give any input again. That, to me, feels a little awkward. So, I would, you know, I would suggest that we keep it the way we said last month. And then if it's the will of the body after the public hearing to move it back to the status quo, that certainly can be done and then the Supervisors could in theory put it back.

Mr. Rhodes: Did we drop out any other areas of the USA? We added, circled in.

Mr. Coen: Nope.

Planning Commission Minutes
April 27, 2016

Mr. Rhodes: This is the only one of the long-standing USA that's been here for 20/30 years that we are cutting out. I just can't explain why.

Mrs. Vanuch: So, I was at one of the public hearings prior to being on the Planning Commission and I sat in a group of very, very involved public individuals. And just to kind of address your point, Sherry, because I can't speak to what they thought prior to my being here, they felt very strongly to move it in, to remove the segment that we removed unanimously at the last meeting, to move a lot of the TGAs and a lot of the growth closer in on Route 17 and on Route 95 and Route 1. And it was very unanimous in the group in the work table that I was at that they didn't want the growth to spread all the way out Route 3 into those rural areas and deplete the farm.

Mr. Coen: And I think, if I sort of overheard conversations, the attitude was if, and Mr. Rhodes, you've talked about this, you don't want sprawl, the logical thing would be that would cause more sprawl and more things going to other areas down on Route 3 when it's our goal. And I think this is what they were saying at the thing. The goal is to put it in the tighter area, then it doesn't make sense to push it way out to the other area.

Mr. Rhodes: I just don't know why we picked one place and taken it out of the entire USA, and we've just taken this one segment out along the 4-lane road.

Mr. Coen: Right, and not to belabor, but we had input from two sources, pretty good sources, the public and the Supervisors.

Mr. Rhodes: Okay.

Mr. Coen: Any other... so we sort of have a feel -- it's sort of divided -- do we leave it as we recommended last month, go to the public hearing, get the public's input and then decide what we want to do? Or...?

Mr. English: Leave it for the public hearing.

Mr. Coen: Well, leave it as... the line goes... is at Forest Lane. We take it out, that way the public can give input which is what...

Mr. Rhodes: What's good about Forest Lane? Did we figure that out?

Mr. Coen: Yeah, basically, if you look at the little curve, it goes up Forest Lane after that point. So it's an actual barrier, as opposed to, you know, going...

Mr. Rhodes: I mean, it's all the way out Route 3.

Mr. Coen: Right. Okay. So, so far there's 3... 4... 4 people for keeping the line at Forest Lane, going to public hearing, and then if after that if there's a feeling to adjust it, then certainly there can be adjustment at that point. Okay? So that takes care of Mr. Rhodes' four, I think. But I thought you had a fifth one about the number of single-family units versus the rest and that it seemed lower and that the multi-family (inaudible).

Mr. Rhodes: That was the multi-family issue. Again, we are relying on an unprecedented amount of multi-family units in our profile, and so that was my concern about the segmenting of the smaller units. And just that's my concern about the limitations around that. I just don't want to indirectly and

Planning Commission Minutes
April 27, 2016

unconsciously kind of promote sprawl in a weird way because we're banking so much on that that may not manifest.

Mr. Coen: Cool. Okay. And one question to you, Mr. Zuraf, on that, because we had talked about as trying to put into this plan the concept of smaller units. Is that reflected in the number of single-family?

Mr. Zuraf: It's reflected in text form.

Mr. Coen: Okay. But not in the numbers?

Mr. Zuraf: No, no. I mean, the numbers are what they are and it's just that to get this many single-family units in the smaller areas, the smaller units are supported.

Mr. Coen: Okay.

Mr. Zuraf: The smaller lot sizes are supported.

Mr. Coen: Okay. Mrs. Bailey, do you have any items you wish to bring up?

Mrs. Bailey: Not at this time.

Mr. Coen: Okay. Mr. Apicella?

Mr. Apicella: Yes, I have some petty wordsmithing. On page 1-10, 1.7, Preparation of the Plan; I would just add after the word "the", the initial basis for the Plan update. So just that one word. On 3-9 and everywhere thereafter, I'm trying to understand, so we say Economic Development Priority Focus Area throughout. But we only call it PFAs. And I'm wondering why we just don't use the full acronym EDPFAs. I mean, if the purpose is Economic Development and that's why we have these Priority Focus Areas, I would just add the full acronym, EDPFA, wherever it comes up. I don't think it's a substance (inaudible).

Mr. Zuraf: Sorry, where...

Mr. Apicella: So, on 3-9 it shows up for the first time, in the first sentence I think...

Mr. Zuraf: Are you on the Track Change version?

Mr. Apicella: Yeah, I'm only working with the Track Change version at the moment. It says and/or Economic Development Priority Focus Areas -- I would just add the full acronym, so I would add EDPFA.

Mr. Zuraf: Sorry.

Mr. Apicella: Still not following me?

Mr. Zuraf: No.

Mr. Apicella: Okay. 3-9, under Section 3.3.2, I'm not sure what the title is, but in the third line... are you following me?

Planning Commission Minutes
April 27, 2016

Mr. Zuraf: Yes, yes, yes.

Mr. Apicella: Okay, and it says and/or Economic Development Priority Focus Area. All I'm suggesting is adding ED to the acronym. Unless we have other kind of Priority Focus Areas that aren't Economic Development driven.

Mr. Zuraf: The Priority Focus Area is a terminology that's referred to in the Economic Development Strategic Plan. So, it'd probably be more appropriate to keep it as PFA and I think... I just utilize the term Economic Development just because that was linked with that overall effort. I think everywhere else, in mapping, everything else refers to Priority Focus Areas -- unless I'm wrong.

Mr. Apicella: Yeah, I was suggesting... it's not a big deal so don't worry about it.

Mr. Zuraf: Okay.

Mr. Apicella: On page 3-11, so we're talking about redevelopment areas and there's a map on redevelopment areas but we've struck out the map. Is there a replacement map somewhere?

Mr. Zuraf: No, because this map had some generalized boundaries, and the whole idea... those boundaries on that map tied in with the... they were designated on our old Land Use Map with blue lines. And now the whole idea is that it's more generalized and it's referenced as part of the overall planning area. So, the intent is to go away from these specific boundaries. The Redevelopment Areas are referenced within the appropriate planning areas, Boswell's Corner, the Courthouse Area...

Mr. Apicella: Okay.

Mr. Zuraf: ... yeah.

Mr. Apicella: On 6-24 you've added 2010, so I think you need to change the table name to say 1950-2010. There was a separate document that was provided; it's page 3 of the material that was sent as part of our agenda. It's a red-line version, it says C is mixed use development not within or adjacent to designated commercial corridors in the Suburban Land Use district. Does that strike a bell with you? So again, just some wordsmithing here. Under 5, I would add, just to be clear, so I would change it to read, a phasing plan is proffered for the development that demonstrates that, and I would add the word an offsetting portion of non-residential uses will be built to mitigate the impact and assure a fiscal balance before all residential development dwellings are constructed. And the reason why I'm using that language is because we use that elsewhere, but just to say a portion -- 1%, 5%, 10% -- I don't know what a portion means. So I'm trying to kind of, again, give it some boundaries.

Mr. Rhodes: Could you re-read that?

Mr. Apicella: Absolutely.

Mr. Rhodes: Thank you.

Mr. Apicella: A phasing plan is proffered for the development that demonstrates that an offsetting portion of the non-residential uses will be built to mitigate the impact and ensure a fiscal balance before all residential dwellings are constructed. So this is kind of like the overall phasing that we've talked about, but kind of given it some... I don't want to say teeth, but some understanding that you just can't give us 1% of the commercial and you've met the portion requirement that we're talking about here. So,

Planning Commission Minutes
April 27, 2016

we're trying to get to a number that makes sense and is driven by the need to kind of mitigate the impact.

Mr. Zuraf: And this language, by the way, is proposed language for the Old Dominion Village project. So, this was provided for reference because, you know, that's going to be a proposed change to the language that we're, you know, kind of on a parallel track with what we're working on.

Mr. Apicella: All the more reason.

Mr. Zuraf: Yeah. So we'll pass that along to the applicant.

Mr. Apicella: So this is not part of the plan? This is just...

Mr. Zuraf: No. This is a separate proposal for the Commission to... just FYI. But I'll pass those comments on to the applicant.

Mr. Apicella: I was trying to look for it... where is it in the document.

Mr. Coen: Yep, ditto.

Mr. Apicella: I would also suggest, Mr. Chairman, that we give staff our blessing or direction to make any necessary administrative changes that they need to make as they go through the document and they find something got missed or something needs to be fixed or tweaked or...

Mr. Coen: And I think that's excellent because when Mr. Zuraf was giving his sort of list of things, it sort of covered some of that. But I think that's an excellent idea to give him that much leeway. Is that fair Ms. McClendon? Okay.

Mr. Harvey: Mr. Chairman? Clarification for staff. On the language that was just discussed regarding the Old Dominion Village request, is that something that the Commission wants to have incorporated into this draft to go to hearing? Or is it something that you're going to want to consider as a standalone issue.

Mr. Apicella: You know, if you could provide some feedback, I thought it was a portion of the Plan and I was trying to tweak the language of the Plan. So, it may be just a completely moot point. I'm sorry I even raised it.

Mr. Coen: And I said (inaudible) remember the email that you said you weren't quite sure; I did the exact same thing. I was trying to find where it was in here to fit.

Mrs. Bailey: (Inaudible) under our directive (inaudible).

Mr. Coen: That's right. So that's why I was confused as well with it. So, I don't think we're trying to get it put into here. We thought it was already being put into here.

Mr. Apicella: Exactly.

Mr. Coen: Okay. So we're not telling you to put it in.

Mr. Harvey: Okay, thank you.

Planning Commission Minutes
April 27, 2016

Mr. Coen: We may at some point, but tonight no. Alright, anything else Mr. Apicella?

Mr. Rhodes: Motion for public hearing.

Mr. English: See, you don't want me to talk, do you? Give me a bubble.

Mr. Rhodes: Pocket.

Mr. Coen: Enclave. We could use the term enclave. Mr. English.

Mr. English: Yeah, my question is, in reference to some stuff that was given to us tonight and then from Ms. Hazard, are we going to be looking at that as far as... especially from the gentleman that was asking about the trails, the biking trails and stuff like that, something that we can look at, and then Ms. Hazard's issue?

Mr. Zuraf: Those would... in looking at those requests, those would likely be maybe added in to existing or new policies. So I think there would probably be some need for some direction from the Commission on that if we were going to be adding in that as additional language.

Mr. Coen: And correct me if I'm wrong, but I remember Mr. Di Pepe was really big on the steering committee, pushing in you know affordable housing and whatnot. Wasn't there a section...?

Mr. Zuraf: There is an affordable housing section.

Mr. Coen: Right, so that's what I thought. It sort of encompassed that.

Mr. English: So that's already in there then.

Mr. Apicella: I think, so what she was saying, I'm trying to remember where the housing piece is, I think it's early in the document...

Mr. Zuraf: Chapter 2.

Mr. Apicella: ... I think she was recommending maybe some...

Mr. English: Wording?

Mr. Apicella: Well, she didn't have some specific wording, but I think the notion is that there are some other localities in I think Northern Virginia who work with the developers to try to provide a set aside number of units for County employees at a reduced rate. And I don't know what that language looks like, but I've seen it proffered.

Mr. English: Is it something you could just look at, Mike, and just get back with us? You don't have to do it tonight.

Mr. Coen: And Ms. McClendon, would something along that line...?

Ms. McClendon: That is something our office would look into. I know there are some very specific provisions in the State Code with (inaudible) affordable housing. I just want to make sure we wouldn't run afoul with that.

Planning Commission Minutes
April 27, 2016

Mr. Coen: Okay. But could we go forward with the public hearing with the understanding that Mr. Zuraf and you will check into that?

Mr. Apicella: And maybe confer with Ms. Hazard to see if she has any further thoughts and recommendations.

Mr. Coen: And that'll be okay? Great, okay.

Mr. English: And then the thing with the trails and stuff, that's already addressed, correct?

Mr. Zuraf: Well...

Mr. Coen: I thought we have bike trails and things in the Plan?

Mr. Zuraf: Well, I'll mention on the housing issue -- right now Objective 5.3 on page 2-26. Promote housing opportunities for all income ranges and ages, including housing for elderly, disabled, and low income residents, and workforce housing and executive housing. So, it's kind of in there as an objective. But then how that gets implemented is as a project comes in, maybe it's done through proffers or something like that, or there's other ways through special programs. But that would require something beyond just something written into the Plan.

Mr. English: Okay, that's all I had. Thank you Mike.

Mr. Coen: Okay.

Mr. Zuraf: On the trails, there is some existing policies under Transportation.

Mrs. Bailey: 6.3.

Mr. Zuraf: Yes...

Mr. Coen: Yep. Excellent job Mrs. Bailey.

Mr. Zuraf: It doesn't get into the specifics of what was suggested, but maybe it would require some modification to those policies.

Mr. Coen: Right. And almost 6.3.2. I mean, what was being suggested would naturally fall under that, wouldn't it? So, I think it's in there. We can just sort of encourage the idea of coming with a policy for that specificity of his email.

Mr. English: Thank you. That's it Mr. Coen.

Mr. Coen: Mr. Boswell?

Mr. Boswell: I cannot think of anything (inaudible - microphone not on).

Mr. Coen: Thank you. Mrs. Vanuch? Alright, so now, since we've done our part, I give the gavel back to you Mr. Apicella to go forward. And again, thank you to staff, thank you to the subcommittee...

Mr. Rhodes: Here, here.

Planning Commission Minutes
April 27, 2016

Mr. Coen: ... and thank you Mr. Zuraf for a superb job. Thank you.

Mr. Zuraf: Thank you.

Mr. Coen: Thank you Mr. Apicella.

Mr. Apicella: Thank you Mr. Coen. Okay, there's no New Business. Planning Director's Report.

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

Mr. Apicella: I think we probably do. Is there a motion to move forward with a package for public hearing?

Mr. English: So moved.

Mr. Apicella: Okay; is there a second?

Mr. Coen: Second.

Mr. Apicella: Okay, there's been a motion and it's been seconded. Any further comments Mr. English?

Mr. English: No sir.

Mr. Apicella: Mr. Coen?

Mr. Coen: I've talked enough, thank you.

Mr. Apicella: Anyone else?

Mr. Rhodes: Just to reaffirm the statement that's been said many times, tremendous work of the staff in being responsive, developing thoughtful approaches, we give them general concepts, the way the bring them out and form them into such coherent and effective narrative is just tremendous and impressive.

Mr. Apicella: Thank you Mr. Rhodes. Anyone else? All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0.

Planning Commission Minutes
April 27, 2016

Mr. Zuraf: Thank you.

NEW BUSINESS

NONE

Mr. Apicella: Right? Again, no New Business; Planning Director's Report.

PLANNING DIRECTOR'S REPORT

☆ Ex Officio Member Discussion

Mr. Harvey: Thank you Mr. Chairman. I have two items on the Planning Director's Report. The first is entitled Ex Officio Member Discussion. Staff's been made aware of a desire from a couple Board of Supervisors members, as well as the Chairman of the Economic Development Authority to have better communication and corroboration on things coming up for the various bodies. At one point in time there was discussion about possibly could a member of the EDA sit on the Planning Commission and vice versa as a non-voting member. In consultation with counsel, it's been determined that that's not practical and will not be effective. So, I'll throw it out there for the Commission. If that's something the Commission wants to entertain, having somewhat regular meetings with the EDA or have a Chairman to Chairman discussion periodically or a subcommittee that works with the EDA on communications and/or various things that may come up in the future.

Mr. Apicella: What about a Planning Commissioner serving as an Ex Officio member of the EDA? Is that permissible? No. Okay. Any thoughts? Recommendations? Ideas?

Mr. Rhodes: I just think, in general, any approaches we can have to have a better understanding of the logic behind actions where we're headed on different things. Discussion that has generated approaches and recommendations can only benefit us, so whether that is some side work with the EDA, Chairman to Chairman opportunities with the Board, however those manifest I think it just improves the process of what we're trying to do here.

Mr. Apicella: Any other thoughts?

Mr. English: Is it possible that they can come do like VDOT does and just give a report about the situation? Is that doable, like every quarter? Is that something... would that work?

Mr. Harvey: Mr. Chairman, Mr. English, certainly the staff representatives for the EDA, as well as the Planning Commission staff representatives can go to each body and appear and discuss things. I've been invited to come to the next EDA meeting to give them a progress report on where we are with the Comprehensive Plan. So that's certainly something that can be done. But that doesn't necessarily give you the direct one-on-one discussion between the members and maybe drill into issues a little bit more.

Mr. Apicella: I guess one issue, in part because of our attorneys/counsel, is that a lot of what happens behind the scenes on the EDA is somewhat sensitive. And I'm not quite sure, even if there were a Chairman to Chairman discussion, how that really manifests itself into being able to provide additional information. So, even if we had the EDA present something to us, I'm not sure what they could say because, again, a lot of those discussions are close-hold until a public announcement is ready to go. I think we found that out with Aquia Towne Center, for example. So, not quite sure what the best way ahead is on this.

Planning Commission Minutes
April 27, 2016

Mr. Coen: Mr. Chairman, if there was like a subcommittee of a couple people from us and a couple people from them, how much in depth of this knowledge could be shared at that point too? The first option of just Chair to Chair is going to be problematic; would a subcommittee be equally problematic?

Mr. Harvey: Mr. Coen, I guess it depends on the... what type of material is being discussed. If it's Economic Development prospects, as well as negotiations over land deals and those types of things, those would be things that typically are considered to be protected from FOIA and/or something subject to closed meeting, which would not be open to the public. But if there's regular committee... a committee meeting you'd have to notice it and everything else. So, you'd probably have to set an agenda and have some ideas of what to talk about.

Mr. Apicella: Maybe the best way to go at this point is at a staff level; for you all to talk with the ED staff and see if there's some kind of workaround where we can actually share information that doesn't violate any rules. Because, quite frankly, I'm not really sure where we can go from here in a way that provides a useful exchange between our two bodies. Is that okay? This may not be our fruit ultimately, but it's worth having a more in depth conversation, I think at least at a staff level.

Mr. Harvey: Certainly Mr. Chairman; I'll speak to the Economic Development staff and we'll come up with some ideas. The second item under Planning Director's Report came from a request from Mr. Coen. He was curious as to how many subdivisions the County has processed that would have gone through a preliminary subdivision plan review by the Planning Commission. However, in 2014, as you recall, state code changed and now exempts projects that are 50 dwelling units or fewer from having to go through the preliminary subdivision plan review process. They can elect to but they are not required to. And at your desk there's a handout which provides the list of projects. There's 12 in total over the last year and a half, and they comprise a total of 315 lots.

☆ Projects By-passing Preliminary Plan

Mr. Apicella: Mr. Coen, you have some thoughts about this?

Mr. Coen: Yes sir. And it's just that somebody had raised it to me and I thought it was a really good observation that we had a great deal of consternation about this. And the other element that we had consternation about was the concern of people trying to do a little bit then a little bit then a little bit on the same parcel, rather than coming in with a big proposal. And I asked Mr. Harvey that and I'll throw it back to you in a second. So, I just impose it as an inquiry; I didn't really think that... I wasn't trying to throw it on the agenda or supersede anybody. But I might ask that if, not for this June, but every 6 months we can an update so that we're aware of it? Because it's not an awful lot, 319, but that's really more than... that is a lot, that we have no -- and this is what I believe, Mr. Apicella, you were the strongest advocate about the concern about this -- that we don't know about and the Supervisors don't get to know about. And it just moves along and so it ties into your concern and at least gives us an idea of what's going on that's sort of under the radar screen. But to the concern that several of us raised when we first were hearing about this about people trying to do little chunks to actually build a humongous one but under the radar, Mr. Harvey, you gave some nice information on that.

Mr. Harvey: Yes, Mr. Coen. As I recall, the Commission had that concern and asked that it be put on the Board's legislative agenda. And they reflected that on their talking points but it didn't officially make to any legislation. Part of the discussion from the legislators were we didn't see any... bring us some examples of egregious violations. And so far we haven't had any. It was sort of ironic that after Mr. Coen asked me to get staff to put this together, I had discussions with 3 different developers who were proposing to incrementalize development on their overall tract of land. They haven't filed

Planning Commission Minutes
April 27, 2016

anything yet. The staff's comment to them was in order to not circumvent the code, they would have to record a subdivision plat for a portion of their project as one subdivision, and then they would have to come in and file another subdivision application with a different name, different project, for the second part of the project or third, depending on how many pieces they broke it up into. But, so far there's been inquiries but no action in that direction.

Mr. Apicella: Mr. Coen, I appreciate your asking for this information. I think it's helpful. I agree that we should periodically take a look. And even between those periods, in the interim, I would ask Mr. Harvey, if you see some particular projects that are basically I don't want to say running afoul, but sort of breaking the spirit of the requirement, to let us know because I think it would be helpful to catalog, you know, where there might be some instances that they're circumventing the process in a way that, again, doesn't give us a chance to look at the entirety of their project and the impacts of that project. And then we can work with the Board of Supervisors on pushing forward on any legislation to make any fixes to address it.

Mr. Coen: And could I make one more suggestion? If any of the parcels that come through in theory could do more than... and number 1 says 40 lots... if it's theoretically possible on that parcel they could do another piecemeal piecemeal, to let us know. So it may well be that, you know, number 8 on the list, that's a maximum. They can't fit any more than that, so it's not relevant. But in theory, number 1 could have been. And then I'm not sure -- do we want to have this relayed up to the Supervisors or just do it in our annual report? Or that way, sort of to reinforce what we were thinking.

Mr. Apicella: Yeah, I think the annual report's one way to go unless and until we see some specific instances, then we may want to do it prior to that point in time.

Mr. Coen: Thank you.

Mr. Apicella: Any other thoughts or comments? Okay, seeing none. Mr. Harvey, anything else?

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

COUNTY ATTORNEY'S REPORT

Mr. Apicella: Thank you. County Attorney's Report.

Ms. McClendon: No report at this time Mr. Chairman.

COMMITTEE REPORTS

Mr. Apicella: Thank you. I don't think there are any Committee Reports; we just had a long one. I have nothing under Chairman's Report. Other Business, TRC information. Mr. English, you have yours, and Mrs. Bailey, you have your information? Okay. Approval of minutes; so we have the March 23rd minutes. Is there a motion?

CHAIRMAN'S REPORT

OTHER BUSINESS

2. TRC Information - May 11, 2016
 - ☆ Stafford Auto Park - Hartwood Election District

Planning Commission Minutes
April 27, 2016

☆ Spartan Oaks - Aquia Election District

APPROVAL OF MINUTES

March 23, 2016

Mr. Rhodes: Motion for approval.

Mr. Apicella: Okay, is there a second?

Mrs. Vanuch: Second.

Mr. Apicella: Okay, motion and second. All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0. Motion to adjourn?

ADJOURNMENT

Mr. Coen: So moved.

Mrs. Bailey: Second.

Mr. Apicella: Okay, adjourned.

With no further business to discuss, the meeting was adjourned at 8:44 p.m.