

STAFFORD COUNTY PLANNING COMMISSION MINUTES

April 26, 2017

The meeting of the Stafford County Planning Commission of Wednesday, April 26, 2017, was called to order at 6:30 p.m. by Chairman Tom Coen in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Tom Coen, Sherry Bailey, Steven Apicella, Roy Boswell, Darrell English, Mike Rhodes, Crystal Vanuch

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Mike Zuraf, Kathy Baker, Susan Blackburn

DECLARATIONS OF DISQUALIFICATION

Mr. Coen: Are there any declarations of disqualifications for this evening? Hearing none, now I would like to sort of turn the floor over to Mrs. Vanuch for a special presentation before we go to the public presentation.

Mrs. Vanuch: So today is Administrative Professionals Day, so the Planning Commission wanted to thank Stacie for her work, her dedication, and keeping us all in line all the time. So thank you Stacie from the Planning Commission.

Mr. Coen: Thank you Mrs. Vanuch. Alright, before we go to the public presentations, I just want to call attention to everyone that thanks to comments from the public, on the back table along with the agenda staff is now very nicely putting together and preparing for the public the summary for the public hearing items so that they will have that as well as what the staff presents at the public hearing. And so thanks to members of the public bringing that forward, staff has moved forward on that. Alright, we now move to the public presentation part of our meeting. During this time period, the public can come up and talk about any topic other than the public hearing items that we are having this evening. There will be a time to talk about those topics during those public hearings. So, if you'd like to come up and talk about any other topic besides those, you're welcome to come forward. Please state your name and address. When you start your comments, please address the Commission as a whole, not individual members. Remember, we're not able to talk back and sort of answer anything; we just receive your information and, like we did on the other thing, try to act thereupon. You have 3 minutes to speak when the green light starts; the yellow light you have 1 minute left; and then when the red light blinks, we ask for you to wrap up your comments. And so is there anyone in the public that would like to talk about any topic other than our public hearings this evening? Alright, seeing none, we go to our public hearings. If you did not pick up our agenda or if you're watching at home, the item number 3 has been postponed. It will be on the May 24th meeting. So the issue about the definitions about the pet store will not be a public hearing on that this evening; it will be at another time on May 24th. So, we move to our first item which is Sycamore Grove. And I turn the floor over to Mr. Harvey.

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. RC16151347; Reclassification - Sycamore Grove - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the R-2, Urban Residential-Medium Density (88.27 acres)

Planning Commission Minutes
April 26, 2017

and B-2, Urban Commercial (10.17 acres) Zoning Districts, to allow for a mix of single-family detached residential units and commercial retail uses, on a portion of Tax Map Parcel No. 37-80. The portion of the parcel under consideration for rezoning totals 98.44 acres, is located on the east side of Centerport Parkway and north side of Mountain View Road, and within the Hartwood Election District. **(Time Limit: June 2, 2017) (History: February 22, 2017 Public Hearing Continued to April 26, 2017)**

Mr. Harvey: Thank you Mr. Chairman. For the continuation of the staff presentation, Mike Zuraf will lead the discussion.

Mr. Coen: Good evening Mr. Zuraf.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission; Mike Zuraf with the Planning and Zoning Department. If I could have the floor computer please. This item is a continuation of a public hearing for a proposed zoning reclassification of a project known as Sycamore Grove. The public hearing was conducted originally on February 22, 2017, and continued to this meeting. The entire site is highlighted in red. It covers 231 acres. It's located on the east side of Centerport Parkway and west side of Interstate 95. The hatched area represents the 98-acre portion of the site to be rezoned, and the remainder of the parcel that's not hatched covers 133 acres. The applicant is proposing to reclassify the zoning on the 98 acres from A-1, Agricultural, to B-2, Urban Commercial, and R-2, Urban Residential-Medium Density. Those areas are highlighted on the image; the B-2 area surrounded in red and the orange area reflects the R-2 residential zoning. The GDP depicts the proposed design of the site to include the 170 residential lots and approximately 150,000 square feet of commercial development. The remaining 133 acres not to be rezoned is identified in the proffers as area that would be designated as a south open space. Commissioner Coen had questioned what could be done in the open space, and the staff report highlights the permitted uses as allowed in the proffers. This includes the ability to put in the extension of utilities that typically would be sewer or water lines that might be needed; the construction of roads for access to and from Mountain View Road, that's where this open space parcel fronts on; potential wetlands mitigation, if needed; stormwater and LID measures, if needed; certain project amenities might be allowed such as trails or a community garden for residents of the project; and other temporary grading and impacts and maintenance that might be needed. Since the first public hearing, new proffers have been submitted with a few modifications that I would like to go through briefly. The first change, the applicant originally was going to contribute \$200,000 specifically for a new traffic signal at Centerport Parkway and Mountain View Road if it was warranted. And originally if it was not warranted then the money would go away. So in the revised proffer, the applicant will contribute the funds even if the signal is not warranted. If it's not for a signal, the funds would be used for other transportation improvements in the immediate area of the project. On the second point there is a new proffer that would prohibit the applicant from requesting credits from the required transportation impact fees. That's something that's permitted when a development or developer is providing offsite transportation improvements. So, the applicant would forego that method of reducing their costs. So with the third point, there are cash proffer allocations that are being shifted. Originally, there were two lump sum payments; \$25,000 for the Belmont Museum and \$50,000 for Seven Lakes Community dam repair. These funds are being deleted and the equivalent amount is being shifted over to the per unit contributions, and those funds would be allocated to schools. So, the total cash contribution amount would remain the same, it's just shifting the format and how it's received. Also, originally the proffers required residential buildings to be set back 330 feet from active eagles' nests. The proffer was modified to require a statement and identification of any bald eagle protection zones on each final site plan in accordance with state and federal laws governing the protection of any active bald eagles' nests. Staff would note that this would ensure any necessary increased setbacks that might be required. There are, under the federal and state... under federal rules those protection areas may be required up to 660

Planning Commission Minutes
April 26, 2017

feet from any active nests. So, this does open up and allow for the full potential of that regulation to take effect. That 660-foot buffer is identified with the blue hatch circle and that would, of course, require site layout modifications if that additional setback is needed in the future. Also, there was another request at the last meeting by Commissioner Coen for a better bead on the comparable commercial development similar to what is being envisioned on the GDP on this site. We haven't received any additional information on that at this point. So, in summary, these are the approval Ordinance numbers and the denial Resolution. You do have a time limit of June 2, 2017, and I'll take any... oh, and also, just to remind the Planning Commission that the proposed proffers are predicated upon approving the reclassification for both zoning districts, both the B-2 and R-2 zoning districts. If only a portion is reclassified, the proffers would not apply. And I'll take any questions at this time.

Mr. Coen: Alright, any questions for Mr. Zuraf?

Mr. English: I do.

Mr. Coen: Yes, Mr. English.

Mr. English: Mike, a couple questions. For the airport overlay, what zone is that again? It is in H-2? H-1?

Mr. Zuraf: This is in the airport overlay within the Comprehensive Plan it's designated as H-1 zone, which is a horizontal zone.

Mr. Coen: And just one second -- and could you sort of summarize? I'm sorry Mr. English.

Mr. English: That's okay.

Mr. Zuraf: The horizontal zone is just an area that's recognized where there is potential for aircraft overflight that might be circling the runway. And it would be kind of planes that would be flying in parallel to the runway but needing to circle.

Mr. English: So, maybe I guess it's in the flight plan.

Mr. Zuraf: Excuse me?

Mr. English: It's in the flight plan, what you're saying? Well, not in the landing or taking off, but it's just on the outskirts...

Mr. Zuraf: It's in the general traffic pattern of the airport.

Mr. English: Okay, and then the application, does it or does not comply with the Airport Compatibility Land Use Plan? How do you explain that?

Mr. Zuraf: Well, so in the Comprehensive Plan, the underlying... the recommended land use in this area is Business and Industry. So, the residential uses do not conform with the underlying land use. The plan identifies and recognizes uses that would be potentially compatible and if they need additional review.

Mr. English: Right.

*Planning Commission Minutes
April 26, 2017*

Mr. Zuraf: So, it doesn't really go further into any recommendations, but the plan... the framework of the plan does include some recommendations. So if the area was to support... if the plan was to support residential development in this location, this is in a location where additional review standards would apply. And in the Appendix of the Comprehensive Plan, there's a series of additional review standards that would be recommended. And this proposal does meet many of the additional review standards in that they're located 3,000 feet away from the runway; because they're in the overflight zone, they do provide usable open space with the 133 acres; they require, through the proffers, real estate disclosures; require a notification statement on all marketing literature of the location and the proximity of the airport; and then also in the proffers include noise mitigation measures as part of the construction standards for the homes to reduce internal noise. But again, those are additional review standards that would apply when residential uses are supported in that area.

Mr. English: Okay. And one more question. The dams on the property, do you have a highlight of that tonight or could you just go just go (inaudible) time?

Mr. Zuraf: Yeah. If we could go back to the computer. So, on this image, the shaded area is the site. And we kind of went over this in the original public hearing that there are three Dam Break Inundation Zones that affect this property. So, the first Dam Break Inundation Zone I'll point out is the dam associated with Abel Lake. That is... the dam is in this location and the Inundation Zone is this dark purple line that runs across this area. So, it kind of covers this entire area.

Mr. English: So, if the dam broke, that's kind of where all the water would...?

Mr. Zuraf: That's the idea there, yes.

Mr. English: Okay.

Mr. Zuraf: And the other one is the reservoir that's adjacent to Centreport Parkway in this location. I think this is identified as Potomac Creek Dam #2 is the technical terminology. And the Inundation Zone there is the lighter pink area, and that's here so that kind of covers this location. And the other third one is the Dam Break Inundation Zone related to Curtis Lake. And that is the more narrow brown shaded area along Potomac Creek in this area.

Mr. English: Okay. Thank you Mike.

Mr. Coen: Anyone else?

Mr. Apicella: Mr. Chairman?

Mr. Coen: Mr. Apicella.

Mr. Apicella: So, in our package were some updates, and one of those updates was the applicant's response to VDOT. And, so there were some I guess back and forth between the applicant and VDOT, and I'm hoping you can help me understand what the issues were with regard to Centreport Parkway and Route 1, and if and how those issues have been addressed to VDOT satisfaction.

Mr. Zuraf: So, the issue was that the... to mitigate and impacts and kind of reduce the Level of Service impacts on the Centreport Parkway/Route 1 interchange, they proposed signal modification timing modifications; so it adjusts the...

Planning Commission Minutes
April 26, 2017

Mr. Apicella: You say the applicant or VDOT?

Mr. Zuraf: Well, the applicant may do it through VDOT. I don't know exactly who does the actual adjusting of the timing, if VDOT does that for the applicant or they are permitted to go do that. But they would increase maybe the ability... it's an adjustment to improve the flow on Centreport Parkway. But comments from VDOT is that that adjustment creates more of a negative impact on the flow of Route 1 traffic which is more of a primary highway, and to my knowledge that has not been fully addressed.

Mr. Apicella: Okay. The other comment that stood out at me was the discussion about the traffic light at Mountain View and Centreport Parkway. So, the applicant is proffering \$200,000 and VDOT indicated it would cost a minimum of \$350,000, so there's a delta of 150. Who pays that different if a traffic light is necessary there?

Mr. Zuraf: The difference would be covered by... well, so they would submit the \$200,000 and the difference would be covered by whoever is installing the traffic signal; if it's VDOT... it may be actually being a County project and so either the County taxpayers or VDOT would pick up the remainder of the tab.

Mr. Apicella: Alright, thank you.

Mr. Coen: Anyone else? Alright, thank you Mr. Zuraf. The applicant, Mr. Payne.

Mr. Payne: One second Mr. Chairman. Sorry Mr. Chairman. Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer. We appreciate your time this evening and we represent the applicant. Thanks to staff for its presentation and comments and response to Planning Commission questions. We want to just real quickly reiterate a couple of points and address some of the questions that came up during this session. Just a quick reminder, as many of you know, this is a project that derives from a larger project that was presented a couple years ago that had over 650 mix of units. At that time, it was in a UDA and proposed for a mixed use as well, including well over 250,000 square feet of commercial. There's also a pending cluster plan, subdivision plan for this project of 105 units. It's obviously pending at this juncture as well. So, this project obviously was a derivative of that original application and we went back to the drawing board if you will and came up with what we thought was a very lower modest dense plan with a mixed use of commercial of up to 150,000 square feet. Of course, now only 170 single-family detached units and also preserving over 133 acres of open space. So, there's significant differences between what you had seen before and obviously what's here today. In addition to that, this project, as we had stated before, just some key highlights, will generate at full build-out, annual tax revenues are approximately \$739,000. We have addressed, in our opinion, and mitigated many of the airport additional review standards in this application, certainly lowering the density from our prior application, lowering the square-footage of the commercial footprint, and preserving the open space, providing the significant transportation infrastructure, and in addition to that, providing additional... under the additional review standards, proffers for the airport, we believe that we have satisfied those requirements in regards to compatibility. Yes, this particular area under the Stafford Central Business District does not encourage residential uses, but the Business District does allow residential uses; in fact, quite a bit, both single-family attached and other uses. So, we take the position that the Comprehensive Plan does not encourage any residential uses is not accurate. The fact that we have mitigated I believe those potential impacts and certainly for purposes of the airport including our distance from the center runway, our noise requirements, our noise abatement for the construction purposes, and also in addition to that to ensure that successor buyers of the property are aware of the airport's location, I think address many of those additional review standard issues. In addition to that, from a density in a population concentration perspective just utilizing the

Planning Commission Minutes
April 26, 2017

appendix in the Comprehensive Plan for purposes of airport compatibility, we're very low on the scale of dense population. In fact, we're on the lower end of the scale if you will, which is again another analysis to be taken into account regarding density. So I just wanted to address those airport compatibility questions. And again, when looking at a project I believe in this district, it's a totality of the project in my opinion. And not only is one factor to be evaluated, but all the factors. So the factors, including the commercial use, which I know the airport supports, and the open space which I believe the airport supports, and the infrastructure that we're providing, transportation infrastructure that not only benefits us but it benefits all our neighbors in that particular area. And one of the key ingredients if you will for the success of that Stafford Central Business District is going to be infrastructure. And to my knowledge the County is doing its best to encourage investment and infrastructure in that area, but if you have a commercial business, you don't have to proffer infrastructure, you don't have to proffer cash to address that, you don't have to proffer impact fees. So, what we have done in our revised proffer statement is to clarify a couple of things. One, that the \$200,000 will be paid whether the light intersection warrants or not, so we have proffered that. And then the County can utilize those funds for the new intersection or they can use them for some other transportation purpose. We've also made it clear that we're not going to ask for tax... I'm sorry, transportation impact fee credits. So, I'm sure you know how it works, if we provide in-kind offsite transportation proffers and cash, we can offset that against the transportation impact fees for 170 units. Well, 170 units times \$2,999 is about \$509,000. So we could easily take a credit; but we have proffered that we would not take a credit. So we're actually going to pay the impact fee. So that's an additional \$509,000 that will be on the table in cash in addition to the \$215,000 that we have proffered. So, the VDOT comments regarding the desire for \$350,000 versus \$200,000 at that intersection, remembering that there's other property owners that benefit from that and we're paying for two-thirds of it, plus there's cash there from the impact fees which is paid as you know at the submission and approval of the subdivision plan, that money is going to be there. So I just wanted to make that clear. In regards to the other comment that Mr. Apicella had raves about, the issues with Route 1 and VDOT questions, I'm going to have our transportation consultant real quickly come up and address that because I think that issue's been resolved. But Vern, if you could address that real quick. State your name for the record.

Mr. Torney: Yes, hi, good evening. For the record, Vern Torney, Vettra Company, traffic consultant for the applicant. With regards to Route 1 and Centreport Parkway, yes, there was a comment made back in February by VDOT about the shifting of the timings of that. What we did in the TIA is that we shifted a small amount of green time from Route 1 to the side street, which is Centreport Parkway, and which gave us better Levels of Service conditions than it would without. VDOT made a comment that they didn't want Route 1 to suffer any Levels of Service with regards to any shift. We responded back to them last month verifying that yes, there was a very small shift. Of the 80 seconds of green time on Route 1, all we did was shift one and a half seconds, which is about 1% of the total cycle length of that signal. And we shifted that from Route 1 to Centreport which gave us the best Levels of Service overall for the entire intersection. With our without that shift of one and half seconds, you still have the same Levels of Service on Route 1, so it really doesn't make any difference on Route 1. VDOT did not comment when we received our comments yesterday; on the last round of comments, they didn't comment on that. So I assume since they have not made any further comments, that they satisfied with that. So, if there's any further questions, I'd be glad to answer.

Mr. Coen: Anyone have a question for Mr. Torney? Mr. Apicella.

Mr. Apicella: I'm not sure if it's a question for the speaker, but there are additional comments? I haven't seen those. Can we get a copy of those?

Mr. Payne: We just received them yesterday.

Planning Commission Minutes
April 26, 2017

Mr. Torney: Yeah, I think the date was April 17th on this.

Mr. Payne: April 21st.

Mr. Torney: The 21st, I'm sorry. But anyway, they did make a few comments but that was not one of them.

Mr. Coen: Okay, if we could get that, that would be helpful.

Mr. Torney: Okay.

Mr. Payne: And as part of my presentation, I addressed the first comment in that response. When you get a chance to look at it, you'll see that. And Mr. Chairman, just to continue real quick, and just a reminder of the project, again, the preservation of 133 acres I think is a real asset to this project and also to the surrounding properties and community. That preservation area will be maintained by us but open to the public. There will be trails, etcetera, and other within that area. We intend to either dedicate it to the County if it does deem to accept it or encumber it by restrictive covenants so that it cannot be developed and, of course, it's not part of this rezoning so it's going to stay A-1. But, again, there are covenants and the proffers will run with that land so it cannot be developed except for the intended purposes that we have, which is basically to be able to extend utility lines. And then in addition to that, that area being near the airport I think is a real asset as well. Certainly, if a safety concern of our project is being raised, that open space area is a benefit for that purpose. Let's not forget there's some cash in this deal as well. Just for purposes of cash, there's \$3,146,425. With in-kind we've got over \$3.5 million invested obviously in this project. And preserving that open space does come with a cost. I mean, that is a cost of acquisition, there's a cost to maintain it, there's a cost for preservation purposes, and you know, that's around \$4 million. So, there's some real investment here from my client from that perspective and I think we hear a lot of developers talk about making transportation improvements. But there's a real need in this particular area for transportation improvements and these offsite improvements will benefit immediately the surrounding properties, which I think is an asset. And Mr. English also had asked a question about the DBIZ zones, and I just want to just reiterate a couple things. There are three zones in a particular area. The DBIZ Potomac Creek 2 area doesn't affect this project at all. The DBIZ Lake Curtis affects a few lots, not many; just the lots on the southern end, maybe four or five. And then the Potomac Creek #1 does affect most of the project. But, as a reminder, Potomac 1 and Potomac 2 are maintained and owned by the County, and the third is maintained by the Virginia Department of Game and Inland Fisheries. These particular... this project, for purposes of DBIZ, has no impact on the spillway whatsoever for the spillway design flood standards on any of the three dams. In addition to that, DCR has reviewed this plan and has had no issues with us developing on that site. So, that process has been reviewed and my opinion vetted both by the County and by DCR, although there's a final process that has to occur through the site plan process which will finalize that component. So, with that I am happy to answer any questions you may have. I think I've addressed the issues that were raised during Mr. Zuraf's presentation that you had. But with that, I'm happy to answer any questions.

Mr. Coen: Alright, any questions for Mr. Payne? Seeing none, thank you sir.

Mr. Payne: Thank you sir.

Mr. Coen: When this first had come before us, Mr. English had asked to continue the public hearing so that you, the members of the public, would have an opportunity to comment at this stage as well. The public hearing process is similar to that at the beginning of the meeting. You come down, state your name and your address. Then, when you start talking, remember you're addressing the Commission as a

Planning Commission Minutes
April 26, 2017

whole. When you start talking the green light comes on in front of you. You have 3 minutes to talk. When it hits the yellow light then you're at 1 minute left. And then when you see the red light blinking we ask that you... yes, Ms. Clifton, I agree with that... we ask that you wrap up your comments. Alright, and so if anyone would like to come forward, you can come up to the podium now and, if you want, just line up behind people. And so we open up the public hearing part. Ms. Clifton.

Ms. Clifton: Good evening Mr. Chairman and members of the Commission, my name is Irma Clifton. Having been before the Planning Commission and the Board of Supervisors many times in the past on items such as the Counting House, the Falmouth Commercial Overlay District, and now this rezoning, it has finally dawned on me that traffic and parking in Falmouth are not issues of overriding concern to the County. That's not a complaint, that's just a fact. Now, having said that, in other concerns that I have had about this rezoning such as the restaurant, the sidewalk...

Mr. Coen: Oh, Ms. Clifton, this is on the Sycamore Grove. This is Sycamore Grove, not the Falmouth Commercial.

Ms. Clifton: Right. I'm getting to that.

Mr. Coen: We'll have the commercial in a minute.

Ms. Clifton: I'm getting to that now, okay. I'm getting to the rezoning right now, okay.

Mr. Coen: Alright.

Ms. Clifton: Now, having said that, the other concerns that I have had about this rezoning, such as the restaurant, the sidewalk, the archeological study, parking in front of the Dunbar Kitchen, all of that seems to have been addressed. Other concerns that I have with this project such as scale, proportion, architectural design, and landscaping and any other changes in the properties can most likely be addressed at the time of the submission of the plan. Therefore, although I cannot wholeheartedly support this reclassification, I do not oppose it. But I think the County should monitor the progress of this project as it should anything in Falmouth. And to ensure that the cultural and historical integrity remain intact and it is protected for the future. Thank you very much.

Mr. Coen: Okay, thank you. Alright, and we're on the Sycamore Grove. Does anyone have any comments on the Sycamore Grove public hearing item? Thank you. Thank you sir.

Mr. Kirkland: Thank you Mr. Chairman. My name is Lindy Kirkland and currently serving as the Vice Chairman of the Stafford Regional Airport Authority, and I very much appreciate the time to address the Sycamore Grove issue. First of all, just to clarify the earlier question from Mr. English, the H-1 zone is essentially the traffic pattern for the smaller piston airplanes, and this project sits directly beneath that particular traffic pattern. So, essentially most aircraft approaching the airport, small piston engine airplanes approaching the airport, would overfly this particular area on the downwind leg of the traffic pattern. So that's where this resides. I would like to say, first of all, just to acknowledge that Mr. Payne and the applicant have done a great job moving towards something that is much more compatible with the airport and its operations there in the area. As he said, they have addressed many of the issues. But one issue still remains and that is the actual density of homes in this particular project. As you know, we spent considerable time and effort developing the densities and the land use standards, and those were incorporated by the Board of Supervisors in the Comprehensive Plan. And I'd just like to reiterate that this project exceeds that by a fair amount, and that is in fact our main concern from the airport perspective. So, with that, thank you very much.

Planning Commission Minutes
April 26, 2017

Mr. Coen: Thank you Mr. Kirkland. Is there anyone else who would like to speak on this proposal? Alright, seeing none, we'll close the public hearing. The applicant has a chance to, so if Mr. Payne, the representative for the applicant would like to come up and speak, he certainly may.

Mr. Payne: Thank you Mr. Chairman and other members of the Planning Commission. Again, Charlie Payne with the law firm Hirschler Fleischer and I represent the applicant. Appreciate the airport's position on this. Obviously, density, residential density near the airport is a concern of theirs. Again, this project was a fairly large project at one time at 650 units and quite a bit of commercial space in that area; 250,000 square feet and basically no preservation of open space. Again, a totality of the project is what we're asking the Planning Commission to look at, not just one element of that. Just remember, in the H-1 zone, it does not per se prohibit residential development. It just advises that the Planning Commission take a look at additional review, which we have addressed in my opinion. The density although exceeding the recommendations in the Comprehensive Plan, if you took what we believe our by-right allowance would be of 105 units, we're at 157, using that one and a half times if you will component that's in the Comprehensive Plan. If you use the County's position of 77 units, we're at 115. So, this is not a super dense project. You know, with our numbers we're 13 more and with the other, just a little less than 50... about 55. So, again, we took a very conscious review of the density issue and again of the airport's concerns in that regard, but that's one element again of this project. It's not the totality of the project. The totality of this project, in my opinion, is very positive, both from a commercial perspective, an infrastructure perspective, and a low density perspective for that matter, and a preservation perspective. All of those factors and the mitigating components that we're proffering for purposes of consciously thinking about the airport, I think all in all are more positive on the balance than negative. So, again with that I'm happy to answer any questions you may have. But I wanted you to know the applicant consciously looked at and designed this project taking all those factors into account, especially what your position has been for that Central Business District and also the airport's. Thank you.

Mr. Coen: Thank you. Any questions for Mr. Payne? Alright, seeing none, thank you sir.

Mr. Payne: Thank you.

Mr. Coen: Alright, Mr. English, this is in your district...

Mr. Apicella: Mr. Chairman, I'm sorry. Before Mr. English goes, can we... I've gotten kind of mixed signals on this from the applicant versus staff about the airport. So, the applicant believes that residential is permissible. I thought I heard staff say that the plan, the airport plan recommends against residential and the additional review elements would not necessarily apply here. So, I'm just trying to find out what the right answer is.

Mr. Zuraf: The Comp Plan Land Use recommendations on the Land Use Map, that discourages and does not support residential. The Airport Plan does recognize... the Airport Plan reflects and addresses every potential use and it does recognize that if residential is supported in the H-1 zone, the additional review standards would apply.

Mr. Apicella: I thought the plan said for H-1 that residential is not...

Mr. Zuraf: There's a statement about it being discouraged but then it does say if additional review standards are met, it could be considered.

Mr. Apicella: Do you have that in front on you? Can you show that to us?

*Planning Commission Minutes
April 26, 2017*

Mr. Zuraf: No, I don't.

Mr. Apicella: No. Because I thought it said otherwise.

Mr. Coen: Right, well actually the other member of the subcommittee that worked on it is saying that was his impression as well.

Mr. Zuraf: Okay.

Mr. Coen: Okay. Alright, thank you sir. Alright, now Mr. English.

Mr. English: Okay. Mr. Chairman, I recommend denial of this project because several negatives that I feel is part of...

Mr. Coen: Okay, one second. Is there a second for denial?

Mrs. Vanuch: I'll second.

Mr. Coen: Alright, we have a motion for denial by Mr. English, second by Mrs. Vanuch. Go ahead now Mr. English.

Mr. English: Okay. The reason I'm denying it is because it's inconsistent with the Stafford Business Planning Area and also inconsistent with the Airport Land Use Compatibility that we worked on. So that was my reason for denial.

Mr. Coen: Okay, Mrs. Vanuch?

Mrs. Vanuch: No further comment.

Mr. Coen: Alright, anyone else any further comments? Mr. Rhodes.

Mr. Rhodes: I just have to admit, we've had several in this area and I'm just... there is a part of me that's a little bit torn on it. It is an opportunity to bring in several million dollars. It is not significantly more than it would be by-right. I wonder if we will really be able to develop that entire area with absolutely no residential, which seems to be a perspective for this. Certainly it is discouraged; one of the reasons is concerns for encroachment and complaints. But we had one other, the Oakenwold previously that set a very high standard for the mitigation of sound thing which this one does as well. I'm just not sure that we'll be able to go forward continually and forever and just have absolutely no residential in that area. I just... but as we go forward with newer opportunities, they will come without any resource of mitigation of funding at all, so it'll all be on the state or the local jurisdiction to be funding that. So, it just seems like we're just a little off and sustainable way ahead in the long run, and that's just a feeling I have. Thank you Mr. Chairman.

Mr. Coen: Thank you Mr. Rhodes. Anyone else? Mr. Apicella.

Mr. Apicella: Mr. Chairman, I think both Mr. English and Mr. Rhodes make good points. If it does happen to get denied, what I thought I heard the applicant's agent say is that they also have a cluster plan in place. I don't know what number of residential they're proposing there but I don't think that would... I think that would be approved administratively by staff if it meets other requirements. I'm also torn on this one. I think there is something to like about this project; it's certainly must better in

Planning Commission Minutes
April 26, 2017

terms of density compared to the original Oakenwold application that was in front of us. I do like that it includes some commercial uses. Having served on the Airport Land Use subcommittee, I think there's probably a disconnect, at least in my mind, about what it says should happen in an H-1 zone. What I know with certainty is that small aircraft will be flying over these houses, and whatever number of houses are there, they're probably going to get complaints because it's going to happen every day. And to the extent that any project that goes there minimizes the number or is laid out in a way that moves houses around so it's lessened, I think that would be better or the best case scenario. And it is what it is. I mean, not every piece of property in Stafford County is going to merit the amount of zoning or amount of density that an applicant wants. So I think there is a conflict with the Airport Land Use Plan and so, primarily for that reason and the issues that the residential houses would have with respect to the airport, I don't want to exacerbate a problem by approving this amount of density. So, for that reason, I'm going to support the motion.

Mr. Coen: Okay, thank you Mr. Apicella. Anyone else? Alright. I'm going to support this motion for numerous reasons; one, clearly the airport, Mr. English and Mr. Apicella addressed that very well. I'm just going to add that when we had that earlier one that Mr. Rhodes eluded to, I had grave concerns that that would become the new measure. That if we went for the idea that if they do noise abatement and they do notice and they do x, y, and z, that will now come back to future applicants saying that's the new measure. And unfortunately I was right. On the retail, while there has been some analysis, I asked a very straightforward question last time which was I was trying to wrap my head around which type of commercial size and shape and scope were we looking at. And for those of you in my end of the County, in my mindset I was trying to decide is this the Giant side of Town and Country where almost everything's rented out or right across the street which is smaller but of the entire strip mall there's only one thing left. And so I'm trying to wrap my head over what it was they were envisioning and never really got that. I have grave concerns about the scholarship. I appreciate that they pulled some of those items that were not supposed to be in here as a proffer out, and I appreciate that. But the scholarship aspect remains and, again, staff was pretty clear about that type of activity being in there. I'm concerned about the impact on the County. I know I have been stressing and dealing with the idea of the preservation and the eagles, and we keep hearing that we're preserving 133 acres. But then we're also hearing that there's going to be trails and community gardens and etcetera and it will be open to the community. So, logic would say, you open it up to community, you need parking. And so therefore no longer are you preserving 133 acres, you are now doing something that is going to impact those 133 acres. So, I'm leery on that part. I thought, and I believe it's in my notes somewhere, there was the word easement being thrown out there, but it's not now. It's just we promise not to do anything on it, but put gardens and trails and whatnot. I like the idea of moving to the 660-foot area, but then I wonder if you've already built some of the homes and then you get that, what do you do with the homes that you've already built? So, and on the map of the GDP that we were provided, down on the bottom near the Potomac Creek it says potential swim and then there's a slash and it's a little hard to read and the last two letters are amp area. I'm not quite sure what that was, but my mindset would be if you're going to have a swim area in that part of the Potomac Creek which is where the eagles are, that's going to disturb the area and the fishing which sort of destroys the whole idea of what you're saying in the first part. So, and I thought, and I'm not going to ask Mr. Rhodes about this again, but I could have sworn when they first came we asked Mr. Rhodes if we had received definitive word from the school system as to their view of the project. And at that point I thought he said we hadn't received anything official yet. And I didn't see anything in here either that we've received anything official as to whether the school system approved it. So, for all those various reasons, I'm going to support Mr. English and his motion. Alright, so now we'll vote on the motion for denial. Alright, and so the motion for denial has passed unanimously. Thank you. We now move to the second public hearing of the evening which is the Falmouth Village Commercial.

Planning Commission Minutes
April 26, 2017

2. RC16151459; Reclassification - Falmouth Village Commercial - A proposed zoning reclassification from the R-1, Residential Zoning District to the B-1, Convenience Commercial Zoning District, to allow for office and other commercial uses on Tax Map Parcel Nos. 53D-1-34, 53D-1-35, 53D-1-43, and 53D-1-43A. The property consists of 1.15 acres, located on the north side of Carter Street at the intersection of Gordon Street, and the east side of Gordon Street just north of King Street, within the George Washington Election District. **(Time Limit: June 16, 2017) (History: March 8, 2017 Public Hearing Continued to April 26, 2017)**

Mr. Harvey: Mr. Chairman, Kathy Baker will be making this presentation.

Mr. Coen: Good evening Ms. Baker.

Ms. Baker: Good evening Mr. Chairman and members of the Commission. As was noted on the agenda, this is a continued public hearing from our March 8th meeting. This is the Falmouth Village Commercial Reclassification, the reclassification from R-1, Suburban Residential to B-1, Convenience Commercial, on approximately 1.5 acres in the Falmouth district. The Planning Commission held the public hearing on March 8th and continued to this date. In response to concerns raised by the Planning Commission, the applicant has submitted a revised Generalized Development Plan and proffer statement. A revised version of the proffers were actually handed out to you all tonight. There were some additional items, so those are dated April 25th; that's the latest and greatest version. And I'll be going through the changes to the proffers through the presentation. I'm going to give some highlights of the background on the application itself. As you can see, the hatched areas are the subject parcels; they are physically separated. You have four parcels up on Carter Street and then two parcels along Gordon Street. The property in-between zoned B-3 and then to the west of the parcels zoned B-2, Urban Commercial. These are the existing conditions; as you can see, the Carter Street and Gordon Street. On the Carter Street property is the historic Dunbar Kitchen and I'll show visuals of those in a minute. You also have a 1955 rambler and then two accessory buildings on the back. On Gordon Street, the parcel, you have a 1950's era dwelling and then an accessory structure which is a three car garage. Gordon Street is fairly narrow; it's about 20 feet of pavement width. There are limited shoulder... there's no shoulder along the edge, so that width is pretty confining. It does have a right-of-way that varies between 30 feet and 50 feet. And these are the historic structures that you see; the Dunbar's Kitchen, which dates back to 1750, to the right of that is the 1955 rambler, and then along Gordon Street at the bottom you see the 1950's cinderblock residence and the associated garage along that property. On the same parcel with that 1955 rambler on Carter Street, these are the accessory buildings to the back of the property. There is a larger metal building you see to the left, which was constructed in 2010, it has no historic significance, and then the smaller building you see to the right, the front portion of it, this location was likely built with the rambler back in 1955, and then the additions would have been later. And the... showing a comparison here of the former Generalized Development Plan on the left and a new one on the right, and I'll highlight some of the changes there. Initially there was concern about the level of parking, the amount of parking blocking the view of the Dunbar Kitchen. So, as you see, these gray areas are parking that have been removed so you'll see in these locations on the right, on the new GDP, there's no longer parking in those three shaded areas. The Dunbar Kitchen is the yellow building and then this teal shade is your 1955 rambler. And then your two accessory structures, the 2010 metal building and then the 1955 garage. And I'll note on the garage, the 1955 garage, is located just along the property line. You do have a residential property to the right of that. The Planning Commission did question the setbacks and potential for use of that building. The... as it stands now, it is actually a nonconforming building and it would continue to be a nonconforming building with the zoning change. If the applicant were ever to do anything with this building, which I'm not sure there is anything feasible that could happen within the existing building, as far as a bona fide office or retail use, then any new changes to the building they would have to meet current setbacks, which is 15 feet from that property

Planning Commission Minutes
April 26, 2017

line. The buildings themselves, they've designated on the new Generalized Development Plan as office or commercial for any of these four buildings. The... previously, the purple and the blue building were designated as potential restaurant use, so that has been changed. These are the Gordon Street parcels, the old GDP on the left and the new GDP on the right. And the only change here primarily is the removal of the sidewalk in this location. The constraints for construction of the sidewalk with the limited right-of-way and having to obtain either easements or property on the offsite property to the north made it not viable. So, there would not be sidewalk now along Gordon Street, with the exception of the areas down here fronting along the proposed perpendicular parking. So, I am going to just go through all the proffers and then talk about the changes. So, the proffers require conformance with the Generalized Development Plan to prohibit several commercial uses on the property which would otherwise be permitted, and I'll review those in a minute. Limit impervious materials within parking areas. Permit offsite parking if onsite parking is not feasible. Require signs be posted describing the historical significance of the property. Require a Phase 1 Cultural Resource analysis prior to any land disturbance and with a follow-up Phase 2 analysis if recommended during the Phase 1. The proffers limit the height of any new buildings to two stories. Require architecture for new construction to be compatible with the architecture in the historic area. Require consideration of the rehabilitation of existing buildings before demolition. And require that any new construction, including additions, be subject to the Architectural Review Board's review and standards. I'll note that the Dunbar Kitchen property and the properties on Gordon Street currently are subject; the property with the 1950's rambler is not within the Historic District so that is not currently, but that would then be subject to ARB review. The amended proffers add to the list of prohibited uses, and I'll show a chart just on the next slide. Also added a proffer to provide a historic structures report for any historic building to be demolished. That was a recommendation from the Historical Commission that's now been addressed. As I stated, deleted the proffer to construct the sidewalk from Carter Street to King Street, and then added proposed hours of operation. And those proposed hours were one of the changes in the proffers that you received tonight, and they are different for the different type of uses that may be permitted on the property. To the left you see the original uses that were proffered out, and your additional uses that they've now added to be proffered out as well; the convenience center, indoor flea market, adult business, arcade, child care center, high intensity commercial, hospital, outdoor flea market, recreational enterprise, retail photo lab processing, restaurant with drive-through, vehicle sales, accessory auto repair, and broadcast station. There was an error in the staff report. There were two other uses listed there; however, those are actually uses permitted in B-2 and not B-1. So, that's why those aren't mentioned on this slide. The Planning Commission at the public hearing also asked for other examples of small restaurants, similar in size. The front of this... at the bottom of the slide, this is Limericks Eats and Treats over on Ferry Road with its associated parking; that's about I want to say 1,400 square feet. The metal building that was shown which was shown originally on the GDP, the former GDP, as a restaurant is about 1,200 square feet, so this would be similar in size. And then this is another one up in... along Route 1 at Boswell's Corner, Coffee and More, about the same size, I think 1,200 to 1,400 square feet with more parking than is necessary for this site. There was also a question from the Planning Commission about the remnant lands from VDOT and what the proposal is for these remnant lands. And, as you see, the red rectangle is the area that was previously identified with... in the programmatic agreement when the Falmouth intersection project came through. That's the area that has already been deemed to be dedicated to the County upon completion of the project. And we know that the construction has actually been completed, but VDOT is actually still finalizing some plats, particularly with the utility locations, and once those are finalized then they'll begin the process of transferring the parking area. There are additional areas that are remnant, as you see highlighted in the blue. These areas weren't designated during that original agreement, but the County has requested that we be able to receive those properties as well. They do have to go through a formal process so they can't automatically just give it to the County. So, if you all need a better explanation on that, I'll have to get the whole process from VDOT. But they have a process they have to follow for residual property. There was also some lands over on

Planning Commission Minutes
April 26, 2017

the west side of Cambridge Street/Route 1, and those properties are basically too steep to do anything on. The additional Planning Commission concerns raised at the public hearing were the potential for the restaurant use, and particularly outdoor seating and alcohol sales and hours of operation. The applicant has not addressed that because since there is no proposed use as a restaurant at this time, they would like to be flexible when it comes to future potential uses, whether there would be outdoor seating. And they also felt it would be a disadvantage to limit alcohol sales for a potential restaurant use. The hours of operation... give me just a second... they've limited for a restaurant Monday through Saturday from 7:00 a.m. to 11:00 p.m., Sunday 7:00 a.m. to 6:00 p.m. For any office use, just while we're on the hours of operation, would be Monday through Friday, 8:00 a.m. to 8:00 p.m., Saturday and Sunday 9:00 a.m. to 5:00 p.m. And then, for any just standard commercial retail, Monday through Saturday 10:00 a.m. to 10:00 p.m. and Sunday 10:00 a.m. to 5:00 p.m. The Planning Commission did ask whether all the ARB and Historical Commission comments had been addressed. And with the changes that have been presented on the GDP and the additional proffers, we do feel that those concerns have been addressed. We've already talked about the building setbacks and the last comment, I believe, was on signage and potential limitations. Any signage on property would be subject to ARB review as well. I have included just a few examples of some existing signage that's been approved by the ARB in Falmouth. You see Amy's to the left, which they actually have a small sign on the face of the building; they also have it on either end of the building, and then they have small signs at the entrance way. The Wine and Design, you can't see that one very well, but they do have a small sign and they approve the materials as well as lettering styles and such. This one's a little hard to see, that's in front of the Manor there on Butler Road, with just a wooden sign. And then the Simpson Realtor/Berkshire Hathaway, they have a small monument sign in the front which actually looks a lot bigger in comparison to the building, just because of the angle of the photo. But they also have some signage on the building front that's fairly compatible. So with that, staff is recommending approval of the application with the proffers as modified. And I'll be happy to answer any questions or if I haven't covered anything.

Mr. Coen: Alright, any questions for staff? Mr. Apicella.

Mr. Apicella: Mr. Chairman, I greatly appreciate the extensive list of uses that the applicant has proffered out. And I am in no way suggesting this one gets proffered out, but I want to get a better understanding of what it is. Medium intensity commercial retail. What is that and can you give me some examples?

Ms. Baker: There are three distinctions of commercial and it's low intensity, medium, and high intensity, and basically traffic generation is the driver. And Jeff, can you assist me with the numbers on what the low versus medium versus high is? If not I'll look it up.

Mr. Harvey: I know as Ms. Baker said that it's based on traffic generation. I don't remember the specific numbers. But for parking we look at low intensity retail as having three parking spaces per thousand square feet, medium is four, and high is seven. So, it's somewhat of a situation where you are probably going to have more building square footage compared to customers rather than some other sites which are more intensive. In the past, some discussions about grocery stores as being medium intensity retail, because a grocery store has a lot of aisles and storage space compared to the number of customers that they have. So it's partly a measure of traffic as well as the size of the building.

Mr. Apicella: Hence my concern. And one of the driving forces on excluding some of these uses was traffic generation because it's a fairly tight area. So, have we had any medium intensity commercial that's been done by-right recently that you can think of? The Dollar General, what was that?

Mr. Harvey: I believe that was low intensity retail.

Planning Commission Minutes
April 26, 2017

Mr. Apicella: Really?

Mrs. Vanuch: Wow.

Mr. Apicella: Okay, well that gives some perspective. And maybe some cause for concern. Alright, thank you.

Mr. Coen: Alright, any other questions for Ms. Baker? Alright, seeing none, thank you Ms. Baker; that was very thorough. And so now the applicant's representative, Mr. Payne.

Mr. Payne: Thank you Mr. Chairman and other members of the Planning Commission. My name is Charlie Payne with the law firm Hirschler Fleischer, we represent the applicant. Thank you again for your time this evening. Since our last meeting we obviously heard from the community and their concerns. We obviously heard from staff and from this Planning Commission. And we addressed, I think, all of those issues and we were happy to do it. Again, let's not forget that this is an economic redevelopment area under our Comprehensive Plan. This is also an area that does need reinvestment in it. As Ms. Clifton has said, Falmouth is historical and beautiful, and I completely agree with her, being an alumni of Falmouth. But what he had discussed before is I've got a user who's looking to relocate a professional office building from King George County to this location. And they'd be here tomorrow if this was approved and ready to go. So, the intended use, and again when we heard from the neighbors, I know there's concern about the restaurant in this location, so we took that off the table and that's now designated as a storage area. We reconfigured some of the parking to address the concerns of view of the Dunbar Kitchen and to also get the view directly off of Carter Street from the neighbors across the street. We listened to the Historic Commission and we listened to the ARB and we listened to staff, we listened to Mr. Apicella about his concerns about intense uses. Let's not forget this is a really small site, I mean, barely eight-tenths of an acre on the Carter Street property and then about barely three-tenths of an acre on the Forbes Street property. So, very little you could probably do with it from a more intense perspective. But again, we're hoping that investment will continue in the Falmouth area. The County, this Planning Commission and the Board of Supervisors, approved professional office, engineering office, at the old Counting House, which just got closed a couple of weeks ago. It's in the process now of coming to reality. Amy's has been the anchor in the Falmouth bottom for several years. She has done a wonderful job in revitalizing parts of Falmouth and encouraging folks, especially business people, to invest in the area. I've got clients who've acquired buildings there, hoping to eventually reinvest in a very similar manner in regards to an office... great, thanks... in regards to a professional office and perhaps some other restaurants. You know, one day my dream would be that Washington Avenue and King Street are blocked off and cobblestoned and it would be an area for us to go shopping and enjoy and eating and to spend some time near the river. But again, I think this is a very positive project, again something that we have obviously listened to the community and appreciate their input and also obviously staff and the Historic Commission. And we have also most recently proffered some business hours of operation, although some of those uses we could be well into the future. What we want to do with those hours is, one, be consistent with other uses that are close by or nearby including the professional real estate office and also Amy's Restaurant and what its business operation hours are. I'm very familiar with the struggles that Amy had with limited hours in that location. So, the more flexibility, including breakfast and in the evening, you know we're not talking about staying up all night long or 2 o'clock in the morning or midnight for that matter, but give these restaurants an opportunity to be successful. Anyways, with that I'm happy to answer any questions you may have.

Mr. Coen: Alright, any questions for Mr. Payne? Mr. Apicella.

***Planning Commission Minutes
April 26, 2017***

Mr. Apicella: Mr. Payne, you just heard me ask a question about medium intensity commercial. I'm still not sure I completely grasp what it is, but you've indicated and acknowledged that it's a small site, that it can only accommodate certain types of uses, given again, the size of the parcels. Would you have any significant issues if we removed medium intensity commercial as well?

Mr. Payne: Well the... I don't know if I have any issues per se, but I think you should take into consideration that area may very well, especially with the VDOT area, may very well be additional parking. So parking is the constraint on the ability to have a larger building in that location. And again, remember you can't go any higher than two stories anyways. But parking is the real constraint in that area.

Mr. Apicella: Well parking and traffic. So I'm concerned about uses that bring a lot of traffic along those very small roads.

Mr. Payne: I appreciate that and I think we've proffered out a lot of those intense uses, but this is also an economic redevelopment area. I mean, are we going to say if you increase traffic, then don't bring your business here? I mean, there's a balance here I think and, if there's going to be perhaps new parking in that immediate area, I would encourage us not to exclude uses that may be very valuable and very important to that particular area.

Mr. Apicella: I appreciate where you're coming from. I hope you appreciate where I'm coming from, so.

Mr. Payne: I think we've addressed 99.9% of your concerns, so I appreciate your comments. I just don't want to foreclose an opportunity in the future if additional parking does come in that area.

Mr. Coen: Alright, anyone else for questions for Mr. Payne? Thank you sir.

Mr. Payne: Thank you.

Mr. Coen: Alright, we had continued the public hearing as we did with the last item on the public hearing. I apologize I did not use my teacher voice, so that I confused one of the members of the public. So it's... she had made her comments on this proposal during the last public hearing, which we can transfer forward and she is okay with that. So I apologize that I wasn't clear for you ma'am. Alright, so if this wonderful person who received her orchids will just make that reflective, we'd appreciate that. Alright, so now we open up the public hearing for the Falmouth Village Commercial. Again, 3 minutes when you come up. State your name, your address, the green light will start, then when you hit 1 minute the yellow light will go on, and then when you hit red we ask that you wrap it up. So, if anyone wants to come forward, please come forward at this time.

Ms. Clifton: Good evening Mr. Chairman and members of the Commission, my name is Irma Clifton. Having been before the Planning Commission and the Board of Supervisors many times in the past on items such as the Counting House, the Falmouth Commercial Overlay District, and now this rezoning, it has finally dawned on me that traffic and parking in Falmouth are not issues of overriding concern to the County. That's not a complaint, that's just a fact. Now, having said that, the other concerns that I have had about this rezoning, such as the restaurant, the sidewalk, the archeological study, parking in front of the Dunbar Kitchen, all of that seems to have been addressed. Other concerns that I have with this project such as scale, proportion, architectural design, and landscaping and any other changes in the properties can most likely be addressed at the time of the submission of the plan. Therefore, although I cannot wholeheartedly support this reclassification, I do not oppose it. But I think the

***Planning Commission Minutes
April 26, 2017***

County should monitor the progress of this project as it should anything in Falmouth. And to ensure that the cultural and historical integrity remain intact and it is protected for the future. Thank you very much.

Mr. Waters: Hello again.

Mr. Coen: Hello again.

Mr. Waters: Parrish Waters, I live in the house directly adjacent to these properties on the, what is that, north side of Carter Street. I am happy to see the proffers in here. A couple of things I wanted to address, the signage. It's really... the proffers in there are... there is no proffer for signage... pretty vague, I appreciate the signs that staff showed. But it would be great if there was a statement in there about size. As well I was looking in the setbacks and I lost this unfortunately. In here there is a statement on setbacks here on page 12 of 14 in the little handout. Front if 40 feet, side is zero, back is 25. One concern I may have is, what is side, what is back and what is front? If it ends up that you can say the side of the garage that is facing my property is the side, then the setback is zero feet. I understand staff says that it is 15 feet, but here it says zero. One thing you get into is legalese, you go through with this, you approve it assuming that it is a 15-foot setback but then five years down the road, you can point to a book that says zero and there it is. One issue that I would like you to consider is, I live right next door. The house next to me is uninhabited, but speaking to the owner when she comes to mow the grass from time to time. They are looking to get it ready to sell and then there is a residence on the other side if that. So this is a mixed use, it's not... it would be kind of sad to see as Mr. Apicella was saying, a medium... you didn't say it was set, I don't want to imply that. But as his concern was a family dollar right next to three residential sites, might be a bit disturbing. Also, just something so close, so take into consideration kids, families play directly adjacent. I am really happy to see the economic development and I would love to have some offices next to me so that the properties aren't vacant. I just would like you to be careful in considering what it allowed. Thank you.

Mr. Coen: Thank you Mr. Waters. And then when we're done with the public comment, I'll ask Ms. Baker to sort of address the setback issue to make it a little bit more clearer for you.

Mr. Waters: Thank you.

Mr. Coen: Alright, anyone else for the public hearing part? Alright, seeing none we'll close the public hearing. Ms. Baker, if you'll come up and address that part, and then we'll have Mr. Payne come up and address issues. And I'm doing it this way because Ms. Baker sort of explained it, but I think she can probably bring forward some more information that will balance the issue.

Ms. Baker: It may be a little misleading in the staff report, because it does say the side setback is zero. But if you notice in parenthesis right beside that, and this is how it's written in the Zoning Ordinance, "*where adjoining property is other than commercial or industrial, the side yard shall be 15 feet or greater.*" So, as it stands with residential adjacent it would be 15 feet. If, for any reason, down the road that property were rezoned to a commercial use, then that's when the setback would be zero on the side.

Mr. Coen: Ms. Baker, if I can sort of ask a question and you alluded to this. If they were to actually try to do something different -- right now it's basically a shed building -- if they were to try to do something different with that, to make it larger, that you could actually do something, and I think it says proposed office/retail or something. Then, definitely the 15-foot and everything applies, so that... I'm just letting the future residents know, the applicant, when they were looking at this, took that into consideration.

*Planning Commission Minutes
April 26, 2017*

Ms. Baker: That is correct except there is, as in many cases, a variance process going through public hearings through the Board of Zoning Appeals for the setbacks. The BZA would have to take anything into consideration, testimony, etcetera, from adjacent property owners to make that decision. But any enlargement, as it stands, any enlargement or any expansion, any increase, anything that would require a building permit is going to basically have to comply with current zoning standards.

Mr. Coen: Which is the...

Ms. Baker: Which is the 15-foot...

Mr. Coen: Okay.

Ms. Baker: ... side setback.

Mr. Coen: I sort of... the reason why I'm harping on this was because when I met with them they were under the mindset that that 15-foot was there, that they had to comply. So, that's why I think that they were okay with them, it's not really a zero issue. Because even the applicant's mindset was, we have to comply with 15 feet. Thank you Ms. Baker.

Ms. Baker: And I don't know if you... I did find the definition for the medium intensity, if you would like me to read that so...

Mr. Coen: Thank you Ms. Baker.

Ms. Baker: The low intensity is less than 50 average daily vehicles per thousand square feet of area in the building. Medium would be 50 to 100 vehicles per thousand square feet. And then high is 100 or more or greater than 100 per one thousand square feet. So, that's the official distinction and in those uses the... that consult the Institute of Traffic Engineer Manual for specific uses and how they might fall under that.

Mr. Coen: Thank you Ms. Baker. Alright, Mr. Payne?

Mr. Payne: Thank you Mr. Chairman and other members of the Planning Commission. Again, Charlie Payne with the law firm of Hirschler Fleischer; we representing the applicant. Just real quick on the signage, we don't have a proposed sign at this stage. We are subject to ARB approval. The signage will likely be very similar to what's across the street at the Berkshire Hathaway Real Estate location. Of course, that's all subject to ARB approval. Very unlikely that a Dollar Store will come into this Historic Falmouth Overlay; it certainly would require ARB approval. Any new structure, any new construction, any rehabilitation to façades, any signage, any new structures that can be viewed from the public are subject to ARB approval. So, there's another process that would have to occur if any of that was to happen. So I just want to remind everyone about that.

Mr. Coen: Thank you Mr. Payne.

Mr. Payne: Thank you.

Mr. Coen: Alright, since this is in my district I'm going to... if no one has any more questions for staff or the applicant, I will pass the gavel to the Honorable Mrs. Vanuch.

*Planning Commission Minutes
April 26, 2017*

Mrs. Vanuch: Thank you Mr. Coen. So, it's my understanding that we need to take up two different votes for two different motions. The first would be on the proffers, so Mr. Coen.

Mr. Coen: Yes, I make a motion to accept the proffers that were brought forward to us this evening.

Mrs. Bailey: Second.

Mrs. Vanuch: Okay, so I have a first... a motion by Mr. Coen and a second by Mrs. Bailey. Mr. Coen, further comment?

Mr. Coen: In particular, on the items that came before us today, a large part of that was the hours, which, to be honest, after two weeks ago we had a long discussion about hours of operation and all. And so when I saw it on our package this weekend I contacted Mr. Harvey and said, given that we had such a lengthy discussion about hours before and it really wasn't being addressed, would the applicant be willing to address that. And they exceed... I think it was within an hour or so, was willing to come up with hours that I think help the businesses but also help the homeowners. And so I thought that was excellent that they were that flexible and so that's why I'm moving for approval.

Mrs. Vanuch: Mrs. Bailey?

Mrs. Bailey: No comment.

Mrs. Vanuch: Anybody else? No, okay. So with that...

Mr. Apicella: Madam Chairman?

Mrs. Vanuch: Yep.

Mr. Apicella: I just want to say I greatly appreciate the applicant excluding the 99.5% of the uses that we talked about. I'm going to support the proffers. I would just ask that when this goes to the Board of Supervisors that there be some more discussion and consideration about the medium commercial use, because I'm still not clear on what that is and what the impacts would be. Thank you.

Mrs. Vanuch: Thank you Mr. Apicella. Anyone else? Okay, with that let's go ahead and take a vote on a motion to approve the proffers discussed in the new... in tonight's meeting. Okay, so the motion passes 7-0. Now, moving on to the next motion.

Mr. Coen: Yes Mrs. Vanuch I move for approval of O17-17.

Mr. Rhodes: Second.

Mrs. Vanuch: Alright, so I have a motion to approve the reclassification for the Falmouth Village Commercial and I have a second by Mr. Rhodes. Mr. Coen, any comment?

Mr. Coen: Just first, I'm very appreciative of how flexible and agreeable and amenable the applicant was to the various issues that were raised from the residents, from the Historical Commission, from so many members of this body bringing them forward. They were just really respectful and that was terrific. The element on the signs, part of I believe the language in there is that they will follow the sign requirements of the overlay district as well. And I actually brought that up because there is no overlay district yet, so I raise that. And the applicant was at the get go even without something right in writing

*Planning Commission Minutes
April 26, 2017*

was looking at the same type of things that Ms. Baker showed. So they're very cognoscente of not having neon and all that. So, I think you'll be pleased that they had, from our conversations, it seemed from the get go they understand Ms. Clifton's concept of beautiful downtown Falmouth and they are trying to go in the same direction and be wonderful neighbors. They proffered out so many uses, for example, the drive-through and things of that that people raised which was really just so wonderful that they were that flexible and amenable. And so I wish them well and I hope it gets approved.

Mrs. Vanuch: Mr. Rhodes?

Mr. Rhodes: No ma'am.

Mrs. Vanuch: Anyone else any further comments? No? Okay, let's vote. We're voting to approve the reclassification for the Falmouth Village Commercial. Okay, the motion passes 7-0.

Mr. Coen: Alright, so we thank you and we wish you good luck with that. Alright, so now item number 3, that public hearing as I said earlier has been deferred until the 24th of May. So, we move to item number 4, which is Outdoor Lighting Standards.

3. Amendment to the Zoning Ordinance - Proposed Ordinance O17-12 would amend Stafford County Code Sec. 28-25, "Definitions of pet stores," to clarify the definition of a pet store to include limited veterinary services for dogs and cats and to create a definition for a veterinary vaccination clinic. **(Time Limit: June 1, 2017)**
4. Amendment to the Zoning Ordinance - Proposed Ordinance O17-13 would amend Stafford County Code Sec. 28-87, "Outdoor lighting standard," to clarify the current lighting standards for residential property by establishing a maximum light level at the property line and reducing the duration of a security light activated by a motion sensor light. **(Time Limit: June 1, 2017)**

Mr. Harvey: Thank you Mr. Chairman. Susan Blackburn will lead the staff discussion on this item.

Mr. Coen: Good evening Mrs. Blackburn.

Mrs. Blackburn: Good evening Chairman, Planning Commissioners. This evening this is the public hearing for proposed Ordinance O17-13 and it's a zoning text amendment to clarify the lighting standards for residential property. And the background of this text amendment was that staff had received complaints concerning the regulations for lighting on residential property. And the residents had experienced light shining onto their property from adjacent residents. And without a defined light level permitted at the property line, enforcement has been difficult. And the County Zoning Ordinance regulates by levels of foot-candles permitted throughout the site and the height of light fixtures. The regulations for residential development only addresses light trespass and the exemption of motion detection fixtures that operate for more than 15 minutes. It does not address a level of foot-candles permitted on the site or at the property line. The proposed amendment would establish a maximum level of 0.5 foot-candles at the property line of a residential use in the Residential or Agricultural zoning districts, and it still exempts motion detection lights that stay on but for no more than 7 minutes instead of 15. This would provide the level of light permitted at the property line that can be measured and thus creating a standard for enforcement. And the security light with a motion detection feature would still provide the level of surprise for crime prevention, but is exempt from this 0.5 foot-candle requirement. Also, in reviewing this changes and through the lighting ordinance, it was discovered that pedestrian lighting for sidewalks along the streets was found to be in conflict with this proposed amendment. And we suggested... staff suggested that the pedestrian lighting for sidewalks along the right-of-way be

Planning Commission Minutes
April 26, 2017

exempt from this provision. And this was discussed at the last meeting and the Commission voted to include that provision into this proposed ordinance. And one of the... since the last meeting, I also received a question how other counties deal with these provisions. And I had emailed you several; Spotsylvania County, their security lighting controlled by sensors is exempt. And Prince William County, they have some general outdoor lighting standards and the average maintained lighting level as it states shall be determined by multiplying the initial raw lamp output specified by the manufacturer by a light loss factor not less than 0.72. Okay. I'm sure they have ways to be able to do that. And then when it came to exemptions, they also exempted security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less. Then Prince George, their lighting intensity was not to exceed 1 foot-candle at the property line and they had some regulations concerning the Department of Defense. And Fairfax, which was one you did not get, I had to kind of go through some internet things to get to this one, and they deal with exemptions from motion activated light fixtures but they measure theirs in lumens. And it's kind of complicated to transfer lumens to foot-candles because they measure very different things. So, I was not able to get a full breakdown of that. And also, since we last met, we have... I had received information from one of our citizens and Mr. Gavan is here this evening, and he had read through the staff report and had some concerns concerning the exemption of the security lighting from the portion of this proposed ordinance. And we discussed some of it yesterday... was it yesterday that we talked? Yeah. And of course, I welcomed him to the public meeting so that he would be able to present his information to you. I must say I did try to contact our CPTED officer who must not have been in the office today. I was not able to get in touch with him to discuss any of this with him. And this ordinance was first brought before the Community and Economic Development Committee on February 7th and that committee voted 3 to 0 to send the matter to the Board of Supervisors. And at the February 21st meeting, the Board of Supervisors adopted Resolution R17-64 which refers this proposed ordinance to the Planning Commission and allows for any modifications as deems necessary. And at the March 8th meeting, you, the Planning Commission, voted to conduct a public hearing on April 26, which is today.

Mr. Coen: Thank you Mrs. Blackburn. Any questions for Mrs. Blackburn?

Mr. English: Mrs. Blackburn, I know, I spoke with Jim and I think he does want to talk to you more about this.

Mrs. Blackburn: Okay.

Mr. English: Maybe after the public hearing I'll make a motion.

Mr. Coen: Okay. Alright. No other questions for staff, so now we will open up the public hearing. And you've heard it all the time. This is the time that you can come forward and speak. We'll start with Mr. Gavan. When he comes up, he'll state his name and address and he gets 3 minutes with the green light. When it hits yellow, it's 1 minute. And that red we'll ask him to wrap it up. And so we'll start the public hearing and go ahead Mr. Gavan.

Mr. Gavan: I'm sorry, I'm handicap; I'm just going to have a hard time getting there.

Mr. Coen: No rush, no problem.

Mr. Gavan: Thank you for taking the time to allow me to speak in front of you. I've never done this before. In simple terms, what I'm here to speak about is a simple night's rest. Hope you can all understand that. I would be asleep in bed right now. I commend you all for staying up this late. This is after my bedtime; I'd like to go home right now. But anyways, a simple night's rest is kind of

Planning Commission Minutes
April 26, 2017

something we all just take for granted. Unfortunately, on my street I had a little problem. I had new neighbors that kind of moved in (inaudible) in Hartwood. It's very dark out there; I live at Lake Curtis, it's very pleasant. Generally, older people but we're in transition. It's part of the reason I'm in front of you. You may see me again because my... Hartwood is in transition. The new people are bringing in different values perhaps then I share and perhaps you share. I share just general values of community, good spirit towards your neighbor, quietness, don't point guns at people, if you do something wrong way you're sorry. I kind of felt that there's this flow coming into Hartwood now that doesn't share that. Maybe they're just younger, maybe they were raised differently. But basically I'm here to speak about just getting a good night's sleep which I was unable to do because of the way these laws are written. I did address a letter to Mr. Harvey. I know you said we should address it to all of you all; I attempted to switch that over. But originally I just wrote this up to Mr. Harvey. Your proposal to change Stafford County Code 28-87, Outdoor lighting ordinance, is in stark contrast to our meeting a few years ago in which you personally apologized, you personally apologized to me regarding the County's poor understanding and poor response to outdoor lighting violations on my property at 242 Stony Hill Road. I would like to point out more than just a few flaws, perhaps I'll take a moment to explain what I felt were counterproductive words to a lot of progress we have made over the last couple of years. This was just a common complaint about somebody pointing lights at somebody in the middle of the night. It could have easily been resolved by somebody just going up to the light fixture and just pointing it down. Instead, it bled out over three years. It went all the way up to Mr. Dayton and the other gentleman, Romanello, or whatever his name is, Anthony, he's probably a good guy, he's off in Henrico. All the way where I'm knocking on his door and just ask for a good night's sleep. And the guy's shining lights on me, on purpose. The gentleman told me he was doing it just to antagonize me, that his wife was vengeful and she asked him to do it. She was rewarding him with kindness for being crumbly to me. He told me that. He also told me that there was nothing I could do about it. If I could frame this us, this was all told to me at 4 in the morning, 3 in the morning, 5 in the morning, repeatedly over a month. Let me just carry on because I can see I've only got 30 seconds left. In his letter in 2005, Deputy Administrator Keith Dayton defined light trespass as any level above .5 lumens. Yet you've proposed and increased the acceptable level to a .5 foot-candles. Mrs. Blackburn pointed out that it's hard to differentiate the difference; it's not. One foot-candle equals 10.8 lumens. It's roughly 10 times the difference; it's 10.76. I'm running out of time here. I believe that in her writing she's trying to be well-intended, but there might be a typo. She wrote .05... .5 foot-candles. I think it should be .05. It might be just a typo that I'm here staying up all night or past my bedtime complaining about. I think it's a typo. (Inaudible) if we can kind of correct that unless this is your intentions. Also, I'd like to talk about the exemptions. The exemption the words aimed at or pointed at were vented... vetted in previous meetings in which Mrs. Blackburn was not present. It wasn't her fault. The words were and still are decidedly problematic as they are subjective. This is aimed at and pointed at. The words are subjective and argumentative. If I can...

Mr. Coen: Okay. You've gone past the time but I know Mr. English has been in communication with you, so I think he probably will continue to do so as we move forward on this. Thank you Mr. Gavan. Is there anyone else here to speak on this topic? Alright, so seeing none, we'll close the public hearing and we'll bring it back to the... Mrs. Blackburn, did you want...? Mr. Gavan, just wait a moment or so.

Mr. Gavan: Forgive me, I don't need to be rude, I really...

Mr. Coen: Oh no, that's fine, I know you're in pain. Don't worry. I'm sure we can get back in touch with you.

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

*Planning Commission Minutes
April 26, 2017*

Mr. Coen: In my occupation I'm used to it, so don't worry. Mrs. Blackburn, is there anything that you want to address before we go back and address it?

Mrs. Blackburn: As I said, the resolution was allowing you to make any necessary changes. And in the fact that we have not been able to get in touch with Officer Hamilton, I don't have a whole lot I can help you with as far as the recommendations from Mr. Gavan. So, I apologize.

Mr. Apicella: Mr. Chairman, before she steps down, can you just speak to what the gentleman talked about in terms of foot-candles? I didn't have a chance to print out the information that was circulated about the other jurisdictions. Do they use foot-candles or do they lumens?

Mrs. Blackburn: The only one I found was that Fairfax use lumens and the rest of them used foot-candles. And I think it was discussed, when we were working on the lighting ordinance long... well, not that long ago, but in the industry, it's in a transition and there is a discussion of going towards lumens. And it may be that we end up changing some of our measurements in the future with that just to keep up. At this point in time or at least when we did the original ordinance, the majority of everything was still measured in foot-candles.

Mr. Apicella: See, I'm trying to wrap my head around it because I obviously, as mentioned at the last opportunity to talk about this, I have security lights at my house. It doesn't go by foot-candles or lumens; it goes by wattage. So, I'm not even sure how you would translate that into lumens or foot-candles. But for people who want security, they're going to want to have at least something bright enough that's going to deter, you know, a potential security situation.

Mrs. Blackburn: Yes.

Mr. English: Mr. Apicella, Mr. Coen, they have a device over there that you send out and you can set that. You'll know what the foot-candles and (inaudible).

Mr. Harvey: Luxometer.

Mr. Apicella: Right, but there's 40,000 families that live in Stafford County. And I suspect that several thousand have security lights, so.

Mr. Coen: Right, we gotcha. I agree.

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

Mr. Coen: Yep, nope.

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

Mr. Coen: Yep. Thank you Mr. Gavan. Mrs. Blackburn, anything else?

Mrs. Blackburn: Not at this time.

Mr. Harvey: Mr. Chairman?

Mr. Coen: Go ahead.

Planning Commission Minutes
April 26, 2017

Mr. Harvey: Mr. Gavan and I had a discussion before the meeting today and he did show me an example of his luxometer in relation to lamplight and what that level was. And that's how he's expressing his concern as to why it probably should be .05 foot-candles versus .5. Also, too, we had a discussion about permanent security lighting, that doesn't go on and off, versus the motion detector security lighting. And right now, the way the ordinance is written, a security light that's on all the time would be subject to the .5 foot-candles. But a security light that comes on intermittently based on motion would not. And why should there be a higher lighting level allowed for a motion detector light versus a permanent on all the time security light. So that was some of the prior discussion we had. I think that he would have gotten to if there was additional time allowed for his testimony.

Mr. Coen: Okay. Alright, thank you Mr. Harvey. With that in mind, Mr. English, you had been... and I'm not trying to be rude or rush but I want to get you home.

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

Mr. Coen: Right, we gotcha. Go ahead Mr. English.

Mr. English: I would just like to make a motion that we defer this to our next meeting to give Mrs. Blackburn time to meet with Deputy Hamilton, and I'll meet with your also and we can maybe figure this out. And I would like to leave the public hearing open until the next meeting.

Mrs. Blackburn: Excuse me.

Mr. Coen: Yes ma'am.

Mrs. Blackburn: If, and we can touch base with Ms. McClendon... I was under the understanding, yes, you can defer this of course. But, if it is decided that we are going to add additional language to the ordinance to send it forward to the Board, there's a possibility we'll have to re-advertise.

Mr. Coen: Right.

Mr. English: Okay.

Mrs. Blackburn: And our deadline is June 1st.

Mr. Coen: Okay.

Mrs. Blackburn: Okay. I just wanted to... that you'd understand that.

Mr. Coen: Okay. So we have a motion to defer. Do we have a second?

Mr. Apicella: I'll second Mr. Chairman.

Mr. Coen: Alright, so a motion to defer this so that staff can get more research, also discuss with Mr. Gavan and with the police, and to get more information. I'm not certain, and I'm sure Mr. Harvey will tell me, did I say we closed the public hearing?

Mr. Harvey: Well, Mr. Chairman, the motion from Mr. English was to keep the public hearing continued...

Planning Commission Minutes
April 26, 2017

Mr. Coen: Right, but I just didn't know if I had said it earlier.

Mr. Harvey: Oh.

Mr. Coen: We'll go on your memory and you think I didn't.

Mr. Harvey: We don't think so.

Mr. Coen: Okay. So, we will keep the public hearing open. So the motion made by Mr. English, second by Mr. Apicella, to keep to public hearing open, defer this to our next meeting so that staff and others can get more information so that we can come forward with this.

Mr. Harvey: Mr. Chairman?

Mr. Coen: Yeah, not really, not at this point. But that's why we're deferring it.

Mr. Harvey: A couple of points. Mrs. Stinnette was double checking her notes and according to her notes, the public hearing was closed.

Mr. Coen: Okay, I had I thought I had said that.

Mr. Harvey: And then, also, if for some reason the public hearing was going to be extended, the next meeting is May 10th.

Mr. Coen: Right. Okay, so I'm going to open it back again since people are yelling at me. So, the motion on the floor is to keep the public hearing open, defer this to our next meeting, which is May 10th, to allow staff to get more information, to meet with Mr. Gavan, talk to other things and go forward from that.

Mr. Apicella: Can we define what we mean by more information? I greatly appreciate your concerns and I'm wondering if, in trying to strike...

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

Mr. Coen: Yeah, but not at this point, we really can't. So that's why we're deferring it so you can.

Mr. Apicella: ... to strike the right balance, I hear what he's saying and I'm not quite sure that his resolution is the best one. It may be the best one, I don't know. I think we ought to, in that research, find out if there's an alternative way or an additional way to deal with his concern about a light shining directly into his property versus taking away, you know, security. I don't know what the right solution is. But as somebody who lives in a rural area, I'm kind of sensitive to the fact that you want to have a decent level of lighting and it to be on for a decent enough amount of time to scare away anybody who...

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

Mr. Coen: But, Mr. Gavan, we can't... at this point we're not allowed to do that. That's why you have your 3 minutes and that's... okay... yep. Alright, so the motion is to defer this to gather more information and considering alternate ways to deal with it, to get information from Mr. Hamilton. Okay. Any other discussion on the motion by Mr. English and Mr. Apicella? Okay, seeing none, we will vote.

Planning Commission Minutes
April 26, 2017

And the motion passes 7-0. Alright. Alright, so now we move to item 5 which is Ms. Baker presenting, table and use of standards for the Falmouth Redevelopment Area.

UNFINISHED BUSINESS

5. Amendment to the Zoning Ordinance - Proposed Ordinance O17-20 would amend Stafford County Code Sec. 28-35, "Table of Uses and Standards," to expand the list of prohibited uses in the FR, Falmouth Redevelopment Area Overlay District. The prohibited uses would specifically include adult businesses and nightclubs. **(Time Limit: June 30, 2017) (History: Deferred on April 12, 2017 to April 26, 2017)**
(Authorize for Public Hearing By: May 24, 2017)
(Potential Public Hearing Date: June 28, 2017)

Ms. Baker: Can I have the computer please? Thank you Mr. Chairman. This item is Falmouth Redevelopment Overlay District amendment to the Zoning Ordinance. This amendment would be to revise the Falmouth Redevelopment Overlay Ordinance to prohibit additional uses. The FR District regulations were created on October 18 of 2016 and that Ordinance is actually included in your package. It does specify certain uses are prohibited in the district and the Planning Commission has recommended adding other prohibited uses to the Ordinance. Just as a reminder, the purple area is the area of the Falmouth Redevelopment Overlay. The purpose of the district is to provide suitable and sufficient opportunities for redevelopment within the historic district. It would allow flexibility in new construction and reuse of existing buildings. It would maintain the historic nature and cultural context of Falmouth Historic Area. It would allow more by-right uses than in the underlying district. And restrict certain underlying uses that are not compatible with the historic area. And this is a big chart; hopefully you can see it. To the left you see the additional uses under the district that are permitted by-right; the commercial apartment, bed and breakfast, community use, farmers market, home business, live/work unit, place of worship, and public art. In the middle column are additional uses permitted by conditional use in that district. And then to the right you see uses that are currently prohibited under the district by the Ordinance; automobile repair, auto service, car wash, lumber/building/electrical/plumbing supply, machinery sales and service, motor vehicle sales, outdoor flea market, plant and tree nursery, greenhouse, recreational enterprise, vehicle fuel sales, warehouse, mini storage, and a regular storage warehouse. So the proposed Ordinance in front of you tonight, 17-20, was referred to the Planning Commission by the Board. It does specifically add adult business and nightclub as prohibited uses. These were uses requested by the Planning Commission in your prior review. It does give the... the referral gives the Planning Commission authority to add other uses or make changes to the Ordinance. The Planning Commission has since requested staff input on additional uses to prohibit. First of all, I just wanted to include the definition from the Ordinance of what adult business is; that has been a question. So, just reading it, in addition to all other requirements of this chapter, which is the Zoning Ordinance, any adult business shall conform to the following: the business shall be located at least 500 feet from any residential or agricultural zoning district or any property designated to be a residential use by an approve generalized development plan. And at least 500 feet from the property line of any land use for the following: and that would be residence, child care center, school, a public park, a public library, museum or cultural center, a historic district, church or other place of worship, adult business, and a building used by federal, state or county agency. So, throughout the County there are already limitations on where adult businesses are permitted. The definition of a nightclub: an establishment excluding theaters and recreational enterprises which provides entertainment, including but not limited to, live bands, floor shows, comedians, solo artists, and/or a dancefloor for patrons, more than two times per month stays open after 11 p.m., and has a capacity exceeding 100 patrons. So, staff had gone through the Ordinances and looked at the different potential additional considerations to prohibit -- and these were based on impacts such as traffic -- convenience center, broadcast station, high intensity

Planning Commission Minutes
April 26, 2017

commercial retail, hospital, boat sales, fleet parking, marina, motor vehicle rental, and theater with more than 3,500 seats. And you see in the right column that most of those already require a conditional use permit you see in the various zoning districts. Convenience center is permitted by-right in B-2. So, the Planning Commission action necessary is to provide the recommendation on adult business and nightclub, also provide recommendation on any additional uses you wish to add to the list, and then conduct a public hearing by June 30th; so, in order to do that, to authorize by May 24th meeting. I'm happy to answer any questions.

Mr. Coen: Alright, thank you Ms. Baker. Any questions for Ms. Baker? Seeing none. Alright. So, is there any discussions or items that people would like to bring forward before we try to say whether we want to go to a public hearing on this?

Mr. Apicella: Mr. Chairman, I appreciate the great staff work here. I would agree with the additional uses staff recommended to prohibit and I have a couple more that we might want to consider as well. And I go back to what Ms. Clifton said about, you know, what's the nature of the Falmouth area, what do we want that to look like, and to the extent it changes, how much should it change, and what if any other uses may or may not be appropriate to fit into the character of that area. So, under prohibitions, in addition again to the ones that staff recommended in their report, we might want to consider building materials and sales, and I really don't know what this means but lab research and testing. And also perhaps under a CUP, and you know, I don't know why we have this mark of demarcation, a theater with more than 3,500 seats currently requires a CUP and it's been proposed for removal. But a theater between whatever number and 3,500 seems like a lot. And I'm wondering if that might be under a CUP given the wide range that's offered there. Because, again, I think a 3,000 seat theater just may not be compatible with that area. And I'm still struggling with this medium intensity commercial. I don't know what it means. I don't want... I appreciate what Mr. Payne said about promoting economic development. Again, we're talking about a small confined area and given that a low intensity commercial development or use is a Dollar General, a medium intensity commercial, again, just doesn't seem like it's... may always fit into the area, so maybe that might be something we'd want to consider under a CUP. Not prohibited, but put it under a CUP.

Mr. Coen: Okay. First, any qualms with the additions that Mr. Apicella said? Knowing that if we put it in the public hearing, we include those items in, during the public hearing we could take it out. Right Ms. McClendon? Alright. Okay, seeing no... I would like to add fleet parking as a prohibited use and the motor vehicle rental as well. That doesn't seem compatible to have an Avis Rental Car with a bunch of sitting in there as a motor vehicle rental area.

Mr. Apicella: So, I'm just going to kind of rephrase what I said. That entire list that the staff recommended, I would suggest that those all be prohibited.

Mr. Coen: Yes.

Mr. Apicella: So, you're just agreeing on all them or just re-emphasizing?

Mr. Coen: All those and adding these ones.

Mr. Apicella: Right, but they recommended eliminating fleet parking and...

Mr. Coen: Okay. Thank you. Because when we went back and forth today, I didn't think it was in there, but great. So adding additional the fleet... the motor vehicle rentals. Okay, cool. Alright, so

*Planning Commission Minutes
April 26, 2017*

what we have is the list that staff made for us including as a prohibited use building materials and sales and lab research and testing. Right Mr. Apicella? And then adding to the CUP, theater under 3,000...?

Mr. Apicella: Thirty-five hundred.

Mr. Coen: Under 3,500 and medium intensity commercial he wants to add in there as well. Any discussion? Mr. Apicella, are you making a motion for that to go to public hearing? Mr. Harvey, when would be an apropos time for a public hearing on this?

Mr. Harvey: Mr. Chairman, based on the current situation, the earliest we could get to the Commission would be the second meeting in May.

Mr. Coen: Okay. The second meeting in May which is the 24th?

Mr. Harvey: Yes sir.

Mr. Coen: The 24th. Okay, which is the date that was mentioned in the staff report.

Mr. Harvey: Yes.

Mr. Coen: Alright. So, Mr. Apicella, am I correct that you're making a motion?

Mr. Apicella: Yes, and just to also re-emphasize, we're also talking about excluding adult businesses and nightclubs as well.

Mr. Coen: Yep. Is there a second?

Mr. English: Second.

Mr. Coen: And Mr. English seconds. Anything you wish to add Mr. Apicella?

Mr. Apicella: No Mr. Chairman.

Mr. Coen: Mr. English?

Mr. English: No sir.

Mr. Coen: Alright, anyone else?

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes, Mr. Rhodes.

Mr. Rhodes: Not about the motion per se, but as we come up with this presentation if we can some way try and get some more discussion included on the medium intensity commercial. I just... I don't know and I don't have a position at this time, but I don't know that we won't want to strike that later if we can get our heads wrapped around it better because it is something we apply many locations, so there may be some uses that would be very logical and appropriate but that falls in that category. So I just think I'd like to better understand it further as well. Thank you.

Planning Commission Minutes
April 26, 2017

Mr. Coen: Okay, and perhaps some examples and other similar locations as well. Alright, any other comments? Seeing none, we will put a vote to going to public hearing with these items excluded. And it passes unanimously. So, we will see those individuals interested in beautiful downtown Falmouth coming to our meeting on May 24th. Alright, so now we move to item number 6 which is on our agenda just so that we know it's going to be coming forward to us again in May. So we move to New Business which is Amendments for Parking and Drive Aisle Standards.

6. RC16151470; Reclassification - Stafford Nursing Home & Retirement Community Minor Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, zoned LC, Life Care/Retirement Community, consisting of 21.77 acres, located on the east side of Berea Church Road and along both sides of Brimley Drive, within the George Washington Election District. **(Time Limit: July 21, 2017) (History: Deferred on April 12, 2017 to May 10, 2017)**

NEW BUSINESS

7. Amendments for Parking and Drive Aisle Standards - Study and consider preparing amendments to Article 7, Parking, Loading, Road and Access Requirements and Sec. 28-256, Required Standards and Improvements of the Zoning Ordinance pertaining to required numbers of parking and loading spaces for a variety of residential and non-residential uses and standards for private streets and drive aisles within parking lots.

Mr. Harvey: Mr. Chairman, as you may recall, this was a general topic that was referred to the Commission by the Board, and the Board had requested the Commission to consider amendments to the standards for parking. There had been noted by the development community some concerns about our current parking ratios in relation to restaurants and also apartment buildings. But the Board asked the Commission to take a look at the broader view of all of our parking standards, as well as our drive aisle and private street standards as they may affect non-residential development. And staff had recommended the Commission consider forming a committee to dive into this since it can be quite extensive review and get into a lot of detail which we may not be able to handle during a regular Commission meeting.

Mr. Coen: Thank you Mr. Harvey. And when this came before us the last meeting, two of our members were away and while there was an urge to give them all the subcommittee assignments, we thought that that would not be a good precedent.

Mr. Rhodes: I thought it was.

Mr. Coen: So, Mrs. Vanuch and Mr. Rhodes had very nicely agreed to serve on the Parking Committee, which we appreciate that. Since we already have Mrs. Bailey and Mr. Boswell on the Signs Committee, we're trying to even out the workload. So we thank you.

Mrs. Bailey: Thank you.

Mr. Coen: Oh, we already picked the Landscaping. Alright, so is there any other discussion or comments? Alright, thank the two of you and I'm sure Mr. Harvey will be very forthcoming with all your information.

Planning Commission Minutes
April 26, 2017

Mr. Harvey: Yes, Mr. Chairman, we'll be reaching out to the committee members to try to schedule meeting dates. As a reminder, since it is a committee, we'll have to do the normal public notification requirements.

Mrs. Vanuch: And what's the timeline on submission with our comments to the Board? Did they give us a...?

Mr. Harvey: There is no timeline specified, so it gives the Planning Commission flexibility and creativity to come up with a good product.

Mrs. Vanuch: Okay.

Mr. Coen: Alright, so the next item is Landscaping Standards and we'll go to Mr. Harvey again.

8. Amendments to Landscaping Standards - Study and consider preparing amendments to the Design and Construction Standards for Landscaping, Screening and Buffering dated December 2005 pertaining to street buffers, transitional buffers, parking lot landscaping, screening and plant unit requirements.

Mr. Harvey: Similar, Mr. Chairman, the Board wants the Commission to take a look at our Landscaping Standards to see if they need to be revised, dusted off, etcetera. They've been in effect now for a number of years and there have been some concerns about some of the Landscaping Standards, especially in the context of where there's conflicts with utilities often times utilities, if they have underground utilities or even sometimes overhead utilities, will not allow plants or certain types of plants in those areas. And often times we see in collector roads or higher category roads, arterial roads, that our current standard stipulates that there be a buffer which is a certain space of ground between the developed part of the property and the street. Plus, there's also a requirement for trees and shrubs and similar type of landscaping which, with overhead lines for electric and cable TV, they typically do not allow trees that are considered canopy trees, they get very tall because they conflict with the lines. Similarly, with underground lines like telephone lines, water and sewer lines, cable lines, they don't want bushes and shrubs and trees that have deep tap roots that can conflict with those types of utilities too. So we have some, in some cases, issues where the ordinance requires one thing and practicality requires something different. So that's one major aspect that needs to be reviewed. Again, staff would recommend the Commission consider establishing a committee because it can get quite involved.

Mr. Coen: Okay. And there's no specific timeline on this as well.

Mr. Harvey: Correct.

Mr. Coen: Alright. And Mr. English has agreed to serve with me on that subcommittee. So, we look forward to hearing from you and Mrs. Hornung as we go out and go into the bushes and the great wild during pollen season.

Mr. Rhodes: This kind of ruins all the fun of people missing a meeting.

Mr. Coen: Yep. Alright, so now we move to the Planning Director's Report. Mr. Harvey.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Mr. Chairman, my earlier discussion concludes my report.

Planning Commission Minutes
April 26, 2017

COUNTY ATTORNEY'S REPORT

Mr. Coen: Alright. County Attorney?

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

COMMITTEE REPORTS

➤ Sign Ordinance Committee

Mr. Coen: Sign Ordinance Committee?

Mr. Boswell: Thank you Mr. Chairman. Our April meeting was cancelled, so we're going to try to meet again on May the 18th at 1 o'clock.

CHAIRMAN'S REPORT

Mr. Coen: Alright, thank you. I hope that's not a sign. And so we move to Chairman's Report. I remind the members that next Tuesday we have been asked to attend dinner with the Board of Supervisors, ABC room I believe.

Mr. Harvey: That is correct Mr. Chairman.

Mr. Coen: At?

Mr. Harvey: At 5:30 p.m.

Mr. Coen: At 5:30 we should be getting the agenda forthwith. I haven't been told what the meal is. And so, of course, you're more than welcome to attend. I have told Mr. Harvey the responses that I've received to the question about whether we have verbatim minutes or summary. The people who responded said a summary was perfectly wonderful, so I informed Mr. Harvey that that was the will of the people who communicated it to me. The only thing that I would like to do is thank staff for some excellent presentations and excellent research; particularly in the way that when we have raised issues and questions, how clear and concise it is. You raised x, here's the information. So that is very much appreciative and helps in the process, and I know that takes a lot of work. So thank you. And then to thank Mr. Harvey. There was an issue up in the northern end of the County where some residents have had some issues, and thanks to the professionalism and intelligence and in-depth way that Mr. Harvey has dealt with it. It is helping the residents deal with something and many of them have communicated how much they appreciate it. And I just want to let him know that we appreciate his work as well. Alright, so we move to Other Business. There's a TRC in my end of the world with an animal hospital. And so now, and Mr. Rhodes is going to go very quickly.

OTHER BUSINESS

9. TRC Information - May 10, 2017
 - White Oak Animal Hospital Add - George Washington Election District

APPROVAL OF MINUTES

March 8, 2017

***Planning Commission Minutes
April 26, 2017***

Mr. Rhodes: I make a motion for approval of the March 8th minutes.

Mr. Boswell: Second.

Mr. Coen: We have the approval of minutes. Mr. Rhodes has made a motion to approve March 8th, seconded by Mr. Boswell. Any discussion? Seeing none, please vote. And Mrs. Bailey wasn't here so she appropriately (*the motion passed 6-0-1; Mrs. Bailey abstained*). So now we move to March 22nd; Mr. Rhodes.

March 22, 2017

Mr. Rhodes: Mr. Chairman, I make a motion for approval of the March 22nd minutes.

Mr. Coen: And seconded by...?

Mrs. Bailey: Second.

Mr. Coen: Mrs. Bailey. Alright, Mr. Rhodes and Mrs. Bailey. Any comment?

Mr. Rhodes: No sir.

Mr. Coen: We'll put it to a vote. All those in favor, vote. Okay (*the motion passed 7-0*).

April 12, 2017

Mr. Rhodes: Mr. Chairman, I make a motion for approval of the April 12th minutes.

Mr. Coen: And so we have a motion by Mr. Eng... yeah, English... Mr. Rhodes, seconded by Mrs. Bailey for April 12th. Any discussion? Seeing none, we will go to a vote. And the two members who were not here abstained (*the motion passed 5-0-2; Mrs. Bailey and Mr. Apicella abstained*). So now we will move, unless there's new business, we will move to adjournment.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:29 p.m.