

BOARD OF SUPERVISORS Agenda Item

October 18, 2016		
Consider the Creation of a New Overlay Zoning District for the Falmouth Redevelopment Area		
Planning and Zoning		
Jeffrey Harvey, Director		
Planning Commission, Community and Economic Development Committee		
Approval		
N/A		
N/A		

ATTACHMENTS:

1.	Background Report	3. Map of Potential Area	
2.	Proposed Ordinance 016-24	4.	PC Minutes dated August 24, 2016

Consent Agenda	Other Business		Unfinished Business
Discussion	Presentation		Work Session
New Business	Public Hearing		Add-On

REVIEW:

X	County Administrator	C. Day's Sams				
X	County Attorney	Charles Lotherna &				
X	Economic Development	Michaelter				

DISTRICT:	Falmouth & George Washington		

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BACKGROUND REPORT

The Board is considering proposed amendments to Stafford County Code Sec. 28-33, "Districts Generally;" Sec. 28-34, "Purpose of Districts;" Sec. 28-35, "Table of Uses and Standards;" and the creation of Sec. 28-67, "Falmouth Redevelopment Area Overlay District," for the purpose of creating a Falmouth Redevelopment Area Overlay Zoning District (FR). Proposed Ordinance 016-24 would establish the rules and regulations for the FR. Once these regulations are put in place, the Zoning District's boundary can be established on specific properties after conducting separate public hearings with notice to individual property owners.

The Falmouth Master Redevelopment Area Plan (RDA Plan) is an element of the Comprehensive Plan. It is a visioning document that looks at how the Falmouth area could be redeveloped. The RDA Plan provides several recommendations to help implement this vision. One recommendation is to establish a form-based code to guide new development in a manner that would be sensitive to the size, scale, and existing uses of buildings in Falmouth. In working with Supervisor Thomas, and the Board's Community and Economic Development Committee (CEDC), it was recommended that a redevelopment overlay district be established for a portion of the Falmouth area, as a pilot project prior to pursuing a form-based zoning code for the entire Falmouth area.

The FR would not change the existing underlying zoning classifications of the properties. The purpose of the FR is to provide suitable and sufficient opportunities for redevelopment through new construction and reuse of existing buildings, while maintaining the historic nature and cultural context of the Falmouth area of the County. Many of the current zoning regulations do not allow flexibility for small lot sizes, minimal setbacks, and building separation, that you find in historic areas such as Falmouth that were developed prior to the concept of zoning. Current zoning regulations for the underlying zones in Falmouth are suburban in nature and do not comport with more dense development typically found in small towns.

As a means to remedy those concerns and to promote redevelopment and reinvestment in properties, the proposed FR regulations would:

- Allow for more by-right uses than the underlying zoning districts. Such uses would include commercial apartment, bed and breakfast inn, community farmers market, home business, live/work unit, place of worship, and public art uses;
- Allow additional uses that may be restricted through a conditional use permit (CUP), or may not be permitted at all;
- Include the same requirements as in the underlying zoning districts for maximum floor area ratio, open space ratio, minimum yards, maximum height, and minimum lot width. However, relief could be granted from those requirements upon approval of a special exception granted by the Board of Zoning Appeals (BZA);
- Include development standards that require accommodation of pedestrian circulation, outdoor storage of goods and display of merchandise, paved parking and driveways, underground utilities, orientation and screening of loading areas and service entrances, screening requirements for dumpster and waste disposal areas; require that all new construction and building additions be in compliance with the NDS and Stafford County Master Redevelopment Plan, Volume IV, Falmouth Village Element of the Comprehensive Plan; and require review and approval by the County's Architectural Review Board (ARB);

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- Require submittal of a landscaping and planting plan with the submittal of a site plan for new development, allow new development to be exempt from the requirements for street and transitional buffers, and require the ARB to approve methods of screening;
- Establish standards for restaurants with outdoor seating by limiting the time period of the use from 7:00 AM to 11:00 PM, and specify that use of outdoor seating shall not obstruct the movement of pedestrians; and
- Allow reduction of minimum yards upon approval of a special exception by the BZA, giving property owners flexibility for building expansions and new construction.

Prior to moving forward with the amendments, Supervisor Thomas requested that public input be gathered on the concept and proposed boundary of the FR. Staff met with several property owners who showed interest in the concept. Supervisors Thomas and Bohmke held a town hall meeting on February 18, 2016. Residents of the Falmouth Bottom area received written invitations to attend the meeting. Based on comments from the meeting, staff prepared a map of the proposed FR boundaries. The proposed extent of the FR is included as Attachment 3. Classification of those properties to the FR, by adopting FR district boundaries, would require public hearings with the Planning Commission and Board after notice is provided to the affected property owners.

On June 7, 2016, the Board adopted Resolution R16-169 which referred the FR to the Planning Commission for its review and recommendation. The Planning Commission held a public hearing on the FR regulations at its August 24, 2016 meeting. Based on concerns raised by the public, a number of proposed uses were adjusted and are reflected in proposed Ordinance 016-24. Several by-right uses in the B-2, Urban Commercial Zoning District were recommended to be permitted as conditional uses in order to have more scrutiny over their compatibility with the Falmouth area. There was also discussion about allowing low-intensity uses to have gravel, shells, and other dustless surfaces for parking areas and drive aisles. The Planning Commission voted 6-0 (Mr. Boswell was absent) to recommend adoption of the proposed Ordinance as modified.

The Board held its public hearing on the amendment at its September 20, 2016 meeting. There was public testimony at the hearing that additional uses should be considered for exclusion from the proposed FR. The matter was deferred to allow time for Chairman Thomas and Supervisor Bohmke to consider further limiting uses based on citizen comments. Proposed Ordinance 016-24 was amended to move some of the uses from being allowed by CUP to a list of prohibited uses. Additional uses that are currently allowed in the B-2, Urban Commercial Zoning District were also moved to the list of prohibited uses to include auto service, motor vehicle sales, vehicle fuel sales, and storage warehouse, due to the intensity of use or incompatibility with the redevelopment vision.

Staff supports adoption of the proposed FR and recommends approval of proposed Ordinance 016-24.

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PROPOSED

BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 18th day of October, 2016:

MEMBERS:

VOTE:

Robert "Bob" Thomas, Jr, Chairman Laura A. Sellers, Vice Chairman Meg Bohmke Jack R. Cavalier Wendy E. Maurer Paul V. Milde, III Gary F. Snellings

On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-33, "DISTRICTS GENERALLY;" SEC. 28-34, "PURPOSE OF DISTRICTS;" AND SEC. 28-35, "TABLE OF USES AND STANDARDS;" AND TO ORDAIN SEC. 28-67, "FALMOUTH REDEVELOPMENT AREA OVERLAY DISTRICT"

WHEREAS, the Master Redevelopment Plan, Stafford County, Volume IV, Falmouth Village is an element of the Comprehensive Plan; and

WHEREAS, the Master Redevelopment Plan recommends changes to the Zoning Ordinance in order to facilitate development as envisioned in the Master Redevelopment Plan; and

WHEREAS, the Board desires to establish a Falmouth Redevelopment Area Overlay Zoning District to implement the recommendations of the Master Redevelopment Plan; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of such an ordinance;

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NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that Stafford County Code Sec. 28-33, "Districts Generally;" Sec. 28-34, "Purpose of Districts;" Sec. 28-35, "Table of Uses and Standards" be and it hereby is amended and reordained; and that Sec. 28-67, entitled "Falmouth Redevelopment Overlay District," be and it hereby is created and ordained, with all other provisions remaining unchanged.

Sec. 28-33. – Districts Generally.

With <u>the</u> exception of the Marine Corps Combat Development Command (MCCDC), the unincorporated areas of the county are hereby divided into the following zoning districts:

Land may also be classified in the following special overlay districts:

FR Falmouth Redevelopment Area Overlay

Sec. 28-34. – Purpose of Districts.

In order to carry out and implement the purposes and objectives of this chapter, the land use districts herein established shall have the following purposes, respectively:

Falmouth Redevelopment Area. *The purpose of the FR district is to provide suitable and sufficient opportunities for redevelopment through new construction and reuse of existing buildings while maintaining the historic nature and cultural context of the Falmouth area of the County.*

Sec. 28-35, - Table of uses and standards.

Table 3.1, District Uses and Standards

Falmouth Redevelopment Area Overlay (FR)

The purpose of the FR district is to provide suitable and sufficient opportunities for redevelopment through new construction and reuse of existing buildings while maintaining the historic nature and cultural context of the Falmouth area of the County.

(a) Uses permitted by right. All uses permitted in the underlying zoning district, unless otherwise specifically made a conditional use by this section. Additional by-right uses shall be:

Apartment, commercial Bed and breakfast inn Community use Farmers market (in accordance with subsection 28-39(v)) Home business Live/work unit Place of worship Public art

(b) *Conditional uses.* All conditional uses permitted in the underlying zoning district. Additional conditional uses shall be:

Any permitted or conditional uses which include drive-through facilities Adult day care Fleet Parking Hotels or motels Wholesale business

- (c) Prohibited uses: The following uses shall be prohibited in the FR district:
 - Automobile repair Auto Service Car wash Lumber/building/electric/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 Warehouse, storage
- (d) Requirements:
 - (1) Intensity: <u>Maximum floor areaAs in the underlying zoning district</u> <u>Open space ratioAs in the underlying zoning district</u>
 - (2) *Minimum yards:* Front, side, backAs in the underlying zoning district
 - (3) *Maximum height:* Three stories or as in the underlying zoning district, whichever is less
 - (4) *Minimum lot width:* As in the underlying zoning district

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The property owner may request relief from the maximum floor area, minimum open space ratio, yard, and lot width requirements pursuant to Sec. 28-351(a).

<u>Sec. 28-67. – Falmouth Redevelopment Area Overlay (FR).</u>

- (a) Purpose of the FR district. The FR district is created in furtherance of the purposes set forth in Virginia Code §§ 15.2-2280, 15.2-2283, 15.2-2284, and 15.2-2285, and in general to protect the health, safety, and general welfare of the public by establishing regulations to allow for redevelopment efforts consistent with the recommendations of the Master Redevelopment Plan element of the Comprehensive Plan. This district is also created in recognition of the need to provide suitable and sufficient opportunities for redevelopment through new construction and reuse of existing buildings while maintaining the historic nature and cultural context of the Falmouth area of the County.
- (b) Establishment of districts. The FR district shall be designated by the board by separate ordinance and will overlay all other zoning districts where it is applied so that any parcel of land lying in the FR district shall also lie within one or more other zoning districts provided for by this chapter. The regulations and requirements of both the underlying zoning district(s) and the FR district shall apply; provided, however, that when the regulations applicable to the FR district conflict with the regulations of the underlying zoning district, the more restrictive regulations shall apply with the exception of compliance with Sec. 28-57, Sec. 28-58 and Chapter 27B of this code, where those provisions shall prevail.
- (c) *District boundaries*. The FR district boundaries shall be as designated on the official zoning map.
- (d) *Development standards*. All uses shall be subject to the use limitations and development standards as set forth in the underlying zoning district(s) and shall also be subject to the following FR limitations:
 - (1) Pedestrian circulation shall be provided for and coordinated with that generated from or using adjacent properties.
 - a. The requirement for the provision of pedestrian circulation for the development of any parcels abutted on both sides along its road frontage to undeveloped parcels may, at the option of the county administrator, be satisfied by the execution and recordation of a sidewalk security agreement between the owner of the property and the county administrator to be prepared by the director of planning. The agreement shall provide for payment of 125% of the amount of an engineer's certified cost estimate of the construction of the required sidewalk(s) at the time of permits or by monthly installments during a term not to exceed 36 months, and shall contain appropriate provisions for acceleration upon the sale or transfer of the property or upon a breach of the terms of the agreement. Payments made pursuant to this section shall also include an administrative fee of \$100.00, which shall be payable at the time of the execution of the sidewalk security agreement.

- b. The requirement for the provision of pedestrian circulation for the development of any parcels abutted on both sides along its road frontage to undeveloped parcels may, at the option of the planning director (agent) or his designee, be satisfied by a payment in lieu of constructing the required pedestrian circulation. The payment shall be in the amount of an engineer's certified cost estimate of the construction of the required sidewalk(s) that is deemed to be acceptable by the agent. Such payment shall be made at the time of permits. The payment shall be deposited in an account designated for pedestrian circulation improvements along the corridor highway that serves the property.
- (2) Outdoor storage of goods shall be prohibited in any front yard, and shall be completely screened from view of the public street. Outdoor storage shall include the parking of company owned and operated vehicles, with the exception of passenger vehicles. Outdoor display areas shall be permitted in any front yard or street-facing side yard from dawn to dusk. Outdoor displays by businesses with first floor frontage are permitted during business hours. The merchandise must be stored inside when the business which displays it is closed.

Merchandise shall not be placed in the public right-of-way, nor shall it obscure the architectural features of a building (columns, railings, belt courses, balconies or other decorative features) or extend past the length of the storefront. Permanent display tables or racks or other permanent display pieces are prohibited outside of buildings. All items and displays shall be safe and stable with no risk of overturning due to wind or contact. No signs may be placed upon or hung from outdoor merchandise.

- (3) Parking areas and driveways that serve more than 24 parking spaces shall be paved with concrete, bituminous concrete, brick, concrete pavers or other similar material except for pervious paving blocks and other similar materials may be allowed for stormwater management purposes and as approved by the agent. Surface treated parking areas and drives shall be prohibited. Concrete curb and gutter shall be installed around the perimeter of all driveways and parking areas, except that concrete curb without a gutter may be permitted where drainage is designed to flow away from the curb. Drainage shall be designed so as to not interfere with pedestrian traffic.
- (4) Utility lines such as electric, telephone, cable television, or similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within a project. All junction and access boxes shall be screened. All utility pad fixtures and meters shall be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.
- (5) Loading areas, service entrances, and service bays shall be oriented and/or screened so as to not be visible from the public street and adjacent residential uses.

- (6) Dumpster and other waste disposal or storage areas shall be completely screened from the public view by means of a board-on-board fence and/or landscaping, or similar opaque material approved by the zoning administrator.
- (7) Construction of any new buildings or building additions shall be in compliance with the Neighborhood Design Standards and Stafford County Master Redevelopment Plan, Volume IV, Falmouth Village Element of the Comprehensive Plan. Architectural Review Board review and approval of all building elevations for compliance with the above reference standards and for compatibility with nearby architectural styles of buildings in the district is required.
- (8) Area and bulk regulations in the FR district shall be the same as for the underlying zoning district(s), except that:
 - a. The height of buildings or structures shall not exceed three (3) stories or forty-five (45) feet, whichever is less;
 - b. The height of accessory structures shall not exceed twenty-five (25) feet;
 - c. No individual multi-family building shall exceed a length of two hundred <u>fifty (250) feet; and</u>
 - d. The minimum open space ratio on a lot shall be 0.10.
- (9) A landscaping and planting plan shall be submitted in conjunction with site plan submittal.
 - a. Such landscaping and planting plan shall be drawn to scale, including dimensions and distances, and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials and areas. Landscaping and planting plans shall be prepared by persons practicing in their area of competence.
 - b. All plant materials shall be living and in a healthy condition. Plant materials used in conformance with the provisions of these specifications shall conform to the standards of the most recent edition of the "American Standard for Nursery Stock," published by the American Association of Nurserymen.
 - c. Preservation of existing trees is encouraged to provide continuity, improved buffering ability; pleasing scale and image along the corridor. Any healthy, existing tree on-site may be included for credit towards the requirements of this section.
 - d. The owner, or his designee, shall be responsible for the maintenance, repair, and replacement of all landscaping materials as may be required or approved within the scope of these provisions.
 - e. New development that requires submittal of a site plan pursuant to Article XIV of this chapter shall be exempt from the provisions of Sec. 110.2, Street buffering along arterial and major collector streets, and Sec. 110.3, Transitional buffers of the Design and Construction

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Standards, Landscaping, Buffering, and Screening (DCSL). Screening pursuant to Sec. 130 of the DCSL shall be reviewed for compliance with the Neighborhood Design Standards and Stafford County Master Redevelopment Plan, Volume IV, Falmouth Village Element of the Comprehensive Plan. The Architectural Review Board shall review and approve all screening for compliance with the above referenced standards and for compatibility with nearby architectural styles of buildings in the district.

- (10) Restaurants with outdoor seating shall comply with the following standards:
 - a. <u>The use of outdoor seating shall be limited from 7:00 AM to 11:00 PM.</u>
 - b. <u>Outdoor seating shall not obstruct the movement of pedestrians on any</u> sidewalk or through any areas intended for public use.
- (11) All minimum yards shall be as specified in the underlying zoning district. The property owner may request relief from the minimum yard requirement pursuant to Sec.28-351(a) of this Chapter.

CDB:JAH:sjs



5. <u>Amendment to the Zoning Ordinance</u> - Proposed Ordinance O16-24 would amend the Zoning Ordinance, Stafford County Code Sec. 28-33, "Districts Generally;" Sec. 28-24, "Purpose of Districts;" Sec. 28-35, "Table of Uses and Standards;" and Sec. 28-67, "Falmouth Redevelopment Area Overlay District." The proposed Ordinance would create the Falmouth Redevelopment Area Overlay District, to provide suitable and sufficient opportunities for redevelopment through new construction and reuse of existing buildings while maintaining the historic nature and cultural context of the Falmouth Area of the County. This new overlay district may allow for additional by-right and conditional uses to the underlying zoning districts. The development requirements of the underlying zoning districts would remain unchanged. Additional development standards would be required, and all new construction and building additions would be in compliance with the Neighborhood Design Standards and Stafford County Master Redevelopment Plan, Volume IV, Falmouth Village Element of the Comprehensive Plan and shall be reviewed and approved by the County's Architectural Review Board. (Time Limit: September 6, 2016)

Mr. Harvey: Thank you Mr. Chairman. Now, onto the Falmouth Redevelopment Overlay. The Commission is to consider proposed Ordinance O16-24 which would establish a new Overlay Zoning District within the County called the Falmouth Redevelopment Overlay District. As you may recall, the County has adopted a Redevelopment Overlay Plan for the Falmouth Area, as well as Courthouse and Boswell's Corner and Southern Gateway. As part of the Falmouth Area Plan, it recognized that Falmouth has a unique historic character, and that any development in that area needs to be sensitive to the historic character of the area but acknowledges there are needs to have some of the area redeveloped. It recommended creating new zoning changes and categories for that area to help facilitate redevelopment. So this is an attempt to do so by creating an Overlay Zoning District. For general background, an Overlay Zoning District is additional standards above and beyond what you can normally do by-right on a piece of property. So, in some cases it may give additional latitude; in other cases it may be more restrictive, but it adds more regulation onto those properties. People can choose to accept some of the newer uses that may be allowed or not accept them. Specific regulations would amend four sections of the Zoning Code, Section 28-33, Section 28-34, 25, and 67. And those are the district regulations establishing this as a Zoning District and setting forth the standards. In particular, there'd be some additional by-right uses that would be allowed if this Overlay zone was approved. They would deal with such things as adult daycare, commercial apartments, bed and breakfast inns, cemeteries, community uses, farmers markets, home businesses, live-work units, places of worship, and public art. Generally, the Falmouth area has a variety of different zoning categories, ranging from Residential to Commercial to Office Space. So this would allow these types of uses in all those different zoning categories. Additionally, some uses would become more restrictive; in particular, they would require a conditional use permit. Such things as any facility that had a drive-through, auto repair, hotels or motels, outdoor flea markets, and recreational enterprises would require a conditional use permit. Generally speaking, those are types of uses that have either a higher traffic impact or it could have other impacts that could negatively affect an established community. There would also be additional standards that would apply... or I should say relief that could apply. The underlying zoning standards would still be in effect such as setbacks, building heights, things of that nature. However, the code for this Overlay zone would allow some relief of those standards through issuance of a special exception from the Board of Zoning Appeals. That gives the property owner some more flexibility and acknowledging that Falmouth, a lot of those structures were built before the modern zoning codes. So they may not already meet current setback standards or lot coverage standards or other things. So this would allow property owners to maybe expand their existing buildings through a special exception. The significance of that is a special exception is different than a variance, which is the current process. With a variance you have to prove a hardship and the hardship has to be unique to that specific property. Whereas, a special exception, the Board of Zoning Appeals would look to see if the proposed

changes are in concert with the surrounding community and the overall zoning pattern. So it's a less rigorous test and gives the property owners some flexibility. Also, there would be requirements for sidewalks and pedestrian circulation, screen standards for storing goods in properties, also requiring underground utilities for new construction, orientation and location of spacing... or excuse me, loading areas and service drives would be established, and also some additional screening requirements. Additionally, building architecture would be a consideration for new construction. All building architecture would have to meet the general guidance of our Neighborhood Design Standards element of the Comprehensive Plan, as well as the Redevelopment Plan for Falmouth and its vision in the images Any new buildings and new construction would also have to go to the that are shown in that. Architectural Review Board where they can impose conditions on the architecture of the building. So, it helps keep any new construction to be in scale and also in the general feel of the Falmouth Area, because Falmouth does have a number of historic structures and we don't want to have modern architecture clash with the historic nature of Falmouth. Also, there would be some relief from street buffers and some of the other landscaping requirements you normally wouldn't see in a town setting like Falmouth. They're more suburban-type development oriented. However, the ARB would also be involved if there's any screening issues that have to be dealt with as far as fencing and additional landscaping. There'd be some additional standards with regards to hours of operation for outdoor seating for restaurants and similar types of uses limiting those time periods of activities from 7 AM to 11 PM. Currently, there's no standard for that, but this would allow some additional regulation but also flexibility, like I said, with the uses. The Board, in referring this to the Commission, has also asked that the Commission consider whether or not... or what the appropriate boundaries should be for the Overlay zone. So the action today would be to make a recommendation as to whether (1) the Overlay zone should be established, and (2) if those regulations are correct. But then the Board asked the Commission for additional guidance on where the area might apply for the Overlay zone. And I have a map, if I could have the computer please. This is a map of the potential area that the Board's asking for some feedback on. The boundary is generally highlighted in the purple line. It follows from the south, going from the intersection of King Street up Rowser Road to Carter Street -- Carter Street on both sides of Butler Road -- to a series of lots that front on Forbes Street over to past Access Eye, across Route 1 to Falls Run, follows the creek down to basically King Street again and closes the loop. So that's the area that the Board was asking for some feedback on. And we did receive some community input during a Town Hall meeting that Supervisor Thomas and Supervisor Bohmke had, and some of the people felt that this may be somewhat of an appropriate area. But the Board was asking for some feedback from the Commission. Staff in general feels that the proposed Overlay meets the intent of what was discussed in the Redevelopment Area Plan, and would be open to any suggestions. We have heard from some members of the ARB that they had a little bit of concern with the requirement for paved parking and paved drive aisles because they feel that maybe in some instances gravel may be more in keeping with the historic context of the area. So that may be a consideration the Commission may have with regards to any changes to the Ordinance text.

Mr. Apicella: Where is that in the text, Mr. Harvey?

Mr. Harvey: It's in the development standards section and it's Subsection 3 and that's found on page a5 of the Ordinance. It says, parking areas and driveways shall be paved with concrete, bituminous concrete, brick, concrete pavers or other similar material, etcetera, etcetera.

Mr. Apicella: And if we were amenable to the ARB's suggestion, how would you change that language?

Mr. Harvey: It would probably to delete the language because our zoning code does allow for paved parking, and would not necessarily require curb and gutter. So, the curb and gutter part could be deleted

because, again, that was a concern that may not be in character with a more traditional setting. Or the Commission, if you'd like, you could put a specific requirement in here that parking and drive aisles shall be constructed of a dustless surface and can be gravel, pavement, or any suitable type of material that's durable.

Mr. Apicella: My only concern there, Mr. Harvey, is there are some uses that may be appropriate or consistent with a gravel driveway and some that may... where the use may be so intense that a gravel driveway may not be particularly the right approach, although it may be the cheaper approach. So, how do we strike that right balance, at least from my vantage point? Do we have to act on this tonight?

Mr. Harvey: Mr. Chairman... September 6, so that is correct. Unless the Commission wants to hold a special meeting to debate this issue.

Mr. Apicella: I'm looking at faces, I don't think that's probably going to happen. So, again, with that in mind, is there a way to strike that right balance in the language?

Mr. Harvey: Well, the code currently allows myself as the site plan agent to grant paving waivers in certain conditions, and those are for uses that have infrequent activity. However, we may be able to caveat to some regard to meet that concern. That would probably require additional advertising because that's a different section of the code. So that may be a recommendation that the Commission could have to the Board.

Mr. Rhodes: Could it be as simple as from shall to should? Where you've got a predominance that's clearly reinforced but it's not a shall?

Mr. Apicella: I understand where you're coming from but, again, the delta and costs between a gravel parking area or road versus an asphalt road, especially when gas prices are high, is probably three or four times more if not greater than that. So, again, if we... from my vantage point... if we completely eliminate it, an owner would probably default to a gravel surface compared to a paved just because of the cost difference. And again, it may not... I have a long gravel driveway, I've got lots of issues with it and there's only a few of us that drive on it. So I can see where it can be problematic.

Mr. Rhodes: Yeah, I wouldn't think you'd eliminate it, I just thought you could either soften it or, given the time pressures, you either soften it with a shall to should or we simply address it as it is with recommendation to the Board for consideration of modification.

Mr. Harvey: Mr. Chairman, just thinking in general, we could add in a provision that the areas be paved for uses that generate over a certain vehicle trips per day, which we could set the number at something like 50 or 100. Those are generally low intensity uses.

Mr. Apicella: So again, how would you change the language if that were the case?

Mr. Harvey: We could say, parking areas and driveways for uses that have more than 100 vehicle trips per day shall be paved with concrete...

Mrs. Bailey: Or possibly if the use changed, I mean, looking at maybe if you have a residence that you're living in and you have a gravel drive, maybe you're going to put an addition onto it; would you necessarily need a gravel driveway. Whereas, if someone was buying it and they were going to convert it

to commercial, then that might be the time where paving it might be suitable. But it might be a hardship on the existing owner right now.

Mr. Harvey: So, it could specify, for non-residential uses, they have to have the pavement.

Mrs. Bailey: It's just a thought.

Mr. Apicella: So, in lieu of the 100 vehicles per day commercial... well, there is a commercial entity there that I think has a gravel driveway. So again, I'm just trying to strike the right balance here, again, assuming that folks were amenable to moving forward with this.

Mr. Coen: Could staff sort of dwell on this while we have the public hearing and then give us better language after?

Mr. Apicella: We could do that. Let me just stop before I do that and ask if, because I've kind of dominated the conversation -- I apologize. Are there any questions for Mr. Harvey? Mrs. Bailey?

Mrs. Bailey: I did Mr. Chairman, I have a question in regards to the boundary that stops on Washington Street and why the boundary didn't go up to Ingleside, because you still have several more properties along that sort of little gateway into the Falmouth Area. And you've got Belmont there on the corner of Ingleside. So, I didn't know if there was a reasoning behind that.

Mr. English: How come it wouldn't go into Truslow Road... make a difference going all the way up to Truslow Road? Because that...

Mrs. Bailey: But that might get too far out of the actual historic for the change, I don't know.

Mr. English: Okay.

Mr. Apicella: Just... I'm not sure if you said this, this is a pilot though right? So, at some point in time, assuming the pilot is deemed practical and reasonable, there might be a change to the boundaries at some point in the future.

Mr. Harvey: Yes, Mr. Apicella, and for me to clarify, in order to establish and put these regulations on specific properties, that's going to require a subsequent public hearing with notice to those owners to make them aware that the zoning regulations would now apply to their property, so that would be an additional public hearing, I know at the town hall meeting there was a discussion about this being a pilot. If it's successful, it may be expanded to other areas. But there was some concerns from some of the members of the public that they didn't want it to encroach necessarily into their residential areas. So, that will have to be something that's debated while we go through the public hearing process, if the Commission and Board feel that these are the appropriate regulations to potentially put in place.

Mr. Apicella: Thank you Mr. Harvey. Any other questions? Okay. Before I open the public hearing -- again, I know you want to listen to the public comments, assuming there may be some -- if you could think about how you might tweak the language to achieve what we've been talking about. Okay, I'll open the public hearing on this matter. If anyone is interested in coming forward to speak on it, please come forward.

Ms. Clifton: Before my time starts, I just wanted to mention that my neighbor uses, um, oyster shells to pave his office parking lot. And every couple of years he just goes down the Northern Neck and brings up a truckload and puts it on his parking lot and it drains off and also fertilizes the area. Good evening, my name is Irma Clifton. I'm here tonight to comment on yet another Falmouth Plan, one of numerous plans that I have commented on during the almost 40 years that I have owned my property in Falmouth. I don't think that I have to point out the obvious, and that is, until there is adequate parking and safe pedestrian sidewalks, any plan to promote development and reinvestment in Falmouth probably is dead in the water. For instance, the allowance for additional by-right uses such as commercial apartments and Bed and Breakfast Inns would require additional parking, as would a farmer's market unless it's held on an existing parking lot. Any community use would also require additional parking. As a side, the designation of the Counting House remains Suburban Residential, when this property, this very Board, designated it as Office and that should be corrected in any future plans. The conversion to underground utilities is a project that is discouraged in flood-prone areas and is expensive and disruptive to boot, as was pointed out to me by VDOT when they were working on Route 1/17 intersection and I asked to have the utilities along Route 1 buried. In the table of issues and standards in this plan, one of the uses permitted by-right is a cemetery. Get real. In that same section, number 5 is community use. There is already a property slightly outside of this pilot project area that has been... that should have been included, and that's the Old Falmouth Elementary School. Under conditional uses, number 1, any use which includes drive-through facilities -- obviously there's no traffic patterns in Falmouth -- are not conducive to that and it's an activity that's probably not considered. Hotels and motels, again, a lack of parking. Under development standards, parking areas will be paved with concrete; we just discussed that. That's discouraged. In putting lines underground, discouraged by both FEMA and the Corps of Engineers because there's... a lot of Falmouth is flood-prone. And also, I also said it's expensive and disruptive. Although the County does not yet own the property, there is a large lot on the corner of Route 1 and 17 that certainly should have been included in this plan. It's just a big white spot there. So, I think probably that should be at least give people some idea what the County hopes to put there. This plan needs some reworking. But at least it's another start. And finally, Stafford County and Falmouth needs and its historic structures and sites deserve a historic planner to ensure the preservation of their legacy into the next generation. Thank you very much.

Mr. Apicella: Thank you. Anyone else?

Ms. Callander: Good evening, I'm Alane Callander. Founded in 1728 by an Act of the Virginia Assembly, Falmouth was created as a Port Town on the Rappahannock. One decade later, a 6-year old George Washington moved to a farm in the vicinity with his family. That farm is now called Ferry Farm and, as you know, Stafford County has invested quite a lot in developing that location as a historic site. In fact, archaeological digs determined the location of the farmhouse and research allowed for a concept to be developed for what that home would look like. A foundation was created to raise money and public awareness of the historic significance. I say all this because I want to bring home the fact that at the Port of Falmouth Historic District, we have structures still standing that date back to the 17 and 1800's. We don't have to do archaeological digs and recreate these buildings. They've withstood war and flood. I believe we should treat these buildings and the land on which they stand with the same reference we treat Ferry Farm. I commend the County for trying with the Redevelopment Plan to protect Old Falmouth and have some semblance of control over how it's developed. But you need a plan that has a tighter control than what you have presented so far. Be extremely careful about allowing by-right development and new building. Falmouth Village should not be planned piecemeal. Rather, it should be planned as a whole with the best historic planners advising and with a fundraising mechanism in place. We have several vacant historic buildings at this time. It's a great opportunity to plan a tourism village. We have

Chatham, we have Belmont, we have Ferry Farm, all being protected and promoted for the world to see. Well, we actually also have a village, like a Williamsburg or a Harper's Ferry. With proper planning, this whole area can be a hugely important national treasure and tourism site that will bring recognition and tourism economy to Stafford County. I think whatever commercial development is allowed should be tied to the Colonial and Civil War history and the education about that history. So, I think this plan needs a whole lot more work. I don't think that you should be pressured by a deadline. You need to get it right. And you have such an opportunity before you. Thank you.

Mr. Apicella: Thank you. Anyone else?

Mrs. Carlone: Ruth Carlone. This is a treasure, our Port. I mean, this is really significant to... shipping in the early days and our tax area and (inaudible) office. But anyway, number one, the buildings within the village portion should not go beyond 2 stories. You take away from the concept. This was a little village; this wasn't a skyscraper -- well 35 feet isn't a skyscraper but, you know, it shouldn't go beyond 2 stories. Now, as far as up Route 1, you can certainly have your hotels and motels. And also, the Grizzle Center at the top of the hill could be used as parking for the tourism. And there is a lot of jitney's over at the Rappahannock Area on Aging, if you've noticed the parking lot is full with little vehicles that perhaps those could be used as transport rather than purchased additional vehicles. Oh, as far as the -- I'm sorry, I laughed too about the cemetery. There's certain things that just aren't appropriate. Home business, tattoo parlor -- somebody's got to, you know, say hey. You know, you says by-right for a home business but within your home you could have a tattoo parlor. Okay. The place of worship... I don't know where that would fit in. We're very limited by the infrastructure, by the road system. And you've got to... I just don't think you're ready right now to accept this as it is and send it forward. A lot of these, conditional use permit... come on; auto repair... you know, hey, that's not historic; machinery sales and service... these are not appropriate even under conditional use permit. Outdoor flea market... is that a permanent flea market or is it just for special occasions when you have some kind of festival? That's fine. And just to keep in mind, this is it guys, you know, as far as our historic district. Let's do it right. The architecture, anything that's constructed within the historic district should follow historic guidelines as far as the façade anyway. I have a lot more comments but... Public art, hey. Anyway, there's so many things. We did go to the Shelton House today with Irma and tremendous potential for a little historic venue to have visitors and artwork and such. There's more comments here but, just, this is it guys, to repeat. Don't approve it now. Don't be worried... oh, sorry, my time's up, never mind. Thanks.

Mr. Apicella: Thank you. Anyone else? Okay, seeing no one else I'm going to close the public hearing and bring it back to the Commission. But, I'd like to ask Mr. Harvey a couple of questions with the Commission's indulgence. What is or are the underlying districts in the pilot area?

Mr. Harvey: If I could have the computer please? The boundary was overlaid on a zoning map. The yellow color on the zoning map is R-1, Suburban Residential; the pink color on the zoning map is B-2, Urban Commercial; and the red color is B-3, Office.

Mr. Apicella: So, based on the language on additional uses, they would apply even in an R-1 area?

Mr. Harvey: Yes sir.

Mr. Apicella: How were these specific additional uses derived?

Mr. Harvey: In discussion over time, staff was asked to look at places like Occoquan and other types of areas that may have limited... have sort of a historic nature to them, but look at the types of uses you might be able to have in a house that part of it can be converted or all of it can be converted. So that was the types of thought process we had as we looked through these uses. In particular, the by-right uses. The other uses that were a conditional use permit were either focused on some existing uses we have out there today or requests that we've gotten and the concerns that they may raise if they're potentially continued to be allowed as by-right uses in their current commercial zoning in that area.

Mr. Apicella: Some of the commentary I heard was, as you know I've raised some of the similar concerns today in my questions to you, is about parking and ingress/egress. So, how would that be addressed and married up with the specific by-right use if someone came in with a change with what currently exists on a particular parcel?

Mr. Harvey: If someone came in to modify the use of their building or build a new building or build an addition, they'd have to meet the requirements of the Zoning Ordinance as far as number of available parking spaces. In the Falmouth area, since it's a Redevelopment Area, those parking spaces can either be onsite and/or on-street parking. So, if there's on-street parking available, those spaces could potentially count. There are very few on-street parking spaces available in Falmouth, and that is one of the significant issues for parking in Falmouth. And the County's been investigating ways to accommodate more parking in the area by maybe building additional parking lots and have had plans approved but haven't moved forward with it yet as a means to try to help that situation, but someone would have to probably provide parking onsite from a practical standpoint in order to change your use or create a new business down there.

Mr. Apicella: So, the bottom line is, they'd have to meet the parking requirements for that specific use.

Mr. Harvey: Yes.

Mr. Apicella: One of the thoughts that I heard mentioned was about the number of stories, 2-stories versus I think it says 3-stories in here. What were your thoughts about that?

Mr. Harvey: Three stories was based on looking at the images from the Redevelopment Area Plan. It was trying to keep the buildings within a certain lower scale. The current B-2 zone allows someone to build a building as tall as 65 feet, which is potentially a 5-story or maybe 6-story building depending on the type of construction. So that was a means to reflect the recommendations of the Falmouth Redevelopment Plan. Some of the images, if you may recall, showed 2-story buildings with a third floor with dormers; so essentially like 2 and a half stories.

Mr. Apicella: Okay. Did you have any other thoughts or comments based on the public comments, Mr. Harvey?

Mr. Harvey: With regards to the parking issue we were discussing earlier, the thought I had was that the stipulation could be that the requirement for paved parking would apply to parking lots that serve more than 24 parking spaces. And my thought with that is, is that's when parking lots are required to provide landscaping and you're going to have more than 50 vehicle trips per day, so it could be more intense uses. With regard to the comments on cemeteries, it's a good point. After this amendment was first drafted I was requested to take a look at the Cemeteries Ordinance and the Zoning Ordinance, as well as elsewhere in the County Code. And other places in the County Code require any new cemeteries to be on parcels of

land 25 acres or greater. So, realistically, that's not going to happen in Falmouth, so we could probably eliminate that as a use. With regard to underground utilities, that was put in there because that had been some of the comments we heard from other citizens in Falmouth over the years as they didn't like the looks of the overhead wires and preferred underground utilities. And that would be mainly for new development; they'd have to put it underground on their property rather than having an overhead line from the main pole to the building as a lot of conditions exist today. So that could be something if the Commission felt was appropriate to change. And as far as other uses, we don't specifically in our Ordinance define a tattoo parlor. That's considered to be a commercial retail use, so we would have to create a new definition for that if we were going to get that level of specificity. And there were some comments about following historic guidelines. That's another option for the Commission to consider, but it'd have to take separation action as to expand the Historic District to not just individual properties but a whole entire area. Because right now in Falmouth, and the way the County's operated up to this point, is that properties that are in a Historic District, the owners opted into it or agreed to it rather than the County imposing it on them. So that would... if we were wanting to impose historic requirements on all the properties down there, we would have to rezone to the Historic Overlay with notice and may require a change in philosophy on how we apply the Historic Districts.

Mr. Apicella: I thought I heard you earlier say though for any new development, it would have to be reviewed and approved by the ARB.

Mr. Harvey: Correct. That's the way we've set this up. So, if people want to change things on their property, specifically, add to the building or build a new building, they'd have to go to the ARB. And the guidelines for this type of development wouldn't necessarily be as restrictive as a Historic Overlay, but it would give something for the ARB to look at as far as the Redevelopment Area Plan and its guidance, as well as the Neighborhood Design Standards.

Mr. Apicella: Okay. Could we just again go to page 5 of 7, under 3, based on what you said and help me understand how that language would change.

Mr. Harvey: My suggestion would be, parking and driveways that serve more than 24 parking spaces shall be paved with concrete, bituminous concrete, etcetera, etcetera.

Mr. Apicella: Okay. Mr. Coen, you look like you had something you wanted to say.

Mr. Coen: Yes, thank you Mr. Chairman. On that map, Mr. Harvey, just so that people understand it, there's an awful lot of white and most of that is areas right around roads and the Falmouth intersection. But, you know, just so that people understand, the wide swath going up Route 1 or Cambridge, that's... so they understand what will happen with that?

Mr. Harvey: Mr. Coen, the white area is identified as public right-of-way, so that was land acquired by VDOT to improve the intersection. The County has had discussions with VDOT because VDOT's indicated that they don't need all of that land for a public right-of-way for maintenance purposes. There some residual pieces of property, especially along Butler Road. At some point in time, if so inclined, the state may convey some of that property back to the County. It's not clear as to what the ultimate uses would be. Some things have been discussed about building public parking there possibly. Other things may include a pocket park and those kind of things. But that would require a future decision by the Board of Supervisors if the land is ever conveyed to the County.

Mr. Coen: Okay. And I'm not sure how others feel, but it might be helpful that on the map there be an icon that designates what the white is for so that people, when they look at it, would understand that it's not just we don't know. I mean, and to a degree we don't know, but you know, you understand what I'm getting at.

Mr. Harvey: Yes.

Mr. Coen: Is it... I'm not sure about everybody else, but I sort of agree with the idea about auto repair and machine sales in being in a CUP is... is there a possibility we can remove those?

Mr. Apicella: So you're suggesting, and I would recommend that we kind of work through the language and see where folks might have some changes and/or to the map. So, you're recommending to strike auto repair...

Mr. Coen: And machinery sales and... I forget what the other word... and with cemetery, right -- cemetery, auto sales, and machine.

Mr. Harvey: Mr. Chairman and Mr. Coen, just as a reminder, the boundary that's being discussed would be a recommendation to the Board, but again, it would require separate public hearings and also it's not imposing it on that specific area, these new regulations.

Mr. Apicella: Can I clarify, are we not allowed to make changes to the language, is that what you're saying?

Mr. Harvey: No, no, I was referring to the map.

Mr. Coen: To the boundary map.

Mr. Harvey: Because there was some... I guess I'm getting the feeling there's some concern that these regulations are going to be specifically on those parcels, and that isn't going to happen just yet. Going to Mr. Coen's comment about machinery sales and service, currently that's a by-right use in B-2. So, if it's not listed here as a conditional use, it'll remain as a by-right use in B-2. So, some of those B-2 uses in that... in any area could have machinery sales and service in the future. So that's part of the reason why staff had recommended that be a conditional use. I see the concern about auto repair. Auto repair does require a conditional use permit in B-2 currently, so it's probably a bit redundant to stipulate auto repair. So that could be something that could be potentially eliminated. Hotels and motels are by-right uses in B-2 now, so again, similar to the machinery sales and service, if somebody wanted to potentially tear down some buildings and build a hotel they could, under the current zoning scheme. And this would require a conditional use permit if they were proposing to do that.

Mr. Coen: Okay, and so everybody knows that as of right now they can do a bunch of other things. This would limit some of that. So, I guess... I'm looking at my handy dandy B-2, Urban Commercial thing... and for example, it has plant and tree nursery and greenhouse as a by-right. So, if we wanted to say really that's not feasible in that area because of the amount of traffic and etcetera, we'd have to say we want to add it to the CUP, correct?

Mr. Harvey: That would have to be something added to the Ordinance, yes.

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Mr. Coen: Right.

Mr. Harvey: I'd have to check with Ms. McClendon if that's something that could be done in the context of how this has been advertised.

Mr. Apicella: So, is that a question for our staff?

Mr. Coen: Right. As well as, school and vocational school, I guess. Anything on the by-right, if we wanted to add it, we can't because it hasn't been advertised as such, correct?

Mr. Harvey: Mr. Coen, if you give us a few minutes on that while we're working through other issues.

Mr. Apicella: Any other thoughts about how this might be tweaked? So, Mr. Coen, are you withdrawing your suggested change on machinery sales?

Mr. Coen: Yeah, I mean, I'll take back the comment about auto repair and machinery sales, but definitely keep the cemetery, because Mr. Harvey said it's not feasible.

Mr. Apicella: Remove the cemetery.

Mr. Coen: Right, remove the cemetery. But the other ones, technically they could do automatically and by putting it here, staff is saying that they can't do it automatically; it would have to get approved.

Mr. Apicella: I'm certainly a supporter of farmer's markets; I think they're a great thing. We could probably use more of them, but I do have a concern about parking associated with farmer's markets and I wonder if it should be a conditional use permit instead of a by-right use.

Mrs. Bailey: Well, wouldn't that still have to meet the regulations (inaudible) regardless of the use?

Mr. Apicella: It seems to me though that sometimes farmer's markets are sort of ad hoc kind of things. You can get a permit for a farmer's market, right; it doesn't have to be a permanent farmer's market?

Mr. Harvey: Yes, Mr. Chairman. The farmer's markets are required to get a zoning permit and also receive a recommendation of approval from the Agricultural/PDR Committee. In those case, they're required to show that they have adequate parking for the area that they're intending on having the market. So that would be one of the things that we'd look at in the zoning permit.

Mr. Apicella: So, again, even though it would be by-right, they'd still have to meet the requirements for parking?

Mr. Harvey: Yes sir.

Mr. Apicella: So someone couldn't just decide, hey, I'm going to open up a fruit stand on Saturday and have a bunch of cars show up and become customers for that particular farmer's market?

Mr. Harvey: Correct.

Mr. Apicella: Okay. Any other thoughts about the language? So do we need to maybe take a 5 minute break of something so you guys can work through some issues?

Mr. English: We have to vote on this tonight though, right?

Mr. Apicella: Right, one way or another.

Ms. McClendon: Mr. Chairman, actually I believe that adding in the additional CUP uses would be permissible. It would be taking them from current by-right uses and changing them to CUP uses thereby making it more restrictive... oh, sorry, less expansive, more restrictive.

Mr. Apicella: So that would be permissive?

Ms. McClendon: Yes.

Mr. Apicella: Okay. So, with that in mind, are there any other suggested changes to add to the list of conditional use items? Mr. Coen?

Mr. Coen: I guess I'm just going to go down the list so people can throw things at me. Adult Day Care Center. Car Wash. Club/Lodge/Fraternal Organization.

Mr. Apicella: I'm going to need you to go slower, Mr. Coen.

Mr. Coen: Okay.

Mr. Apicella: So, can you start again at Adult Day Care?

Mr. Coen: Yes sir. Adult Day Care. I think I went Car Wash. Club/Lodge/Fraternal Organization.

Mr. Apicella: Really?

Mr. Coen: Really. There wouldn't be parking logically for something that large.

Mr. Apicella: Well, we're going back to the notion that they have to obtain parking requirements.

Mr. Coen: Yeah, I know. Well, we can pull it out. Let's see -- I'm not quite sure how people feel about hotels. Lumber. We already took out that one. Plant and Tree Nursery. I'll defer to staff what they... I can't remember because my screen went blank and I don't want to hunt for it. About Recreational Enterprise... I can't remember if I saw it on there. And then School and School, Vocational. And I guess Warehouse. Well Restaurant could be a tiny little, you know, tiny little thing which would be, you know, if you wanted to have a colonial restaurant like they used to have in that other city that we don't mention, across the river, that was a really nice restaurant to go to. You could do that in Downtown Falmouth and that would be pretty cool. But also, the Warehousing, Mini-Storage and maybe Wholesale Business.

Mr. Apicella: What is a wholesale business?

Mr. Harvey: Mr. Chairman, a wholesale business is a business activity that does not sell retail directly to customers. It usually sells to other businesses.

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Mr. Apicella: Okay, Mr. Coen, what I heard you say, with the exception of Lodges and Clubs, is Adult Day Care, Car Wash, Lumber, Plant Tree Nursery, School, School Vocational, Warehousing Mini-Storage, Wholesale Business. Was there anything else?

Mr. Coen: Well, I wasn't sure how everybody felt about hotels...

Mr. Apicella: Well, it's already in the conditional uses.

Mr. Coen: Okay, thank you. Cool.

Mr. Apicella: As is Recreational Enterprise.

Mr. Coen: Cool beans.

Mr. Apicella: Does anyone have any objections to that list?

Mr. Harvey: So, Mr. Chairman, with regard to Adult Day Care, we currently in the proposal have it listed as a by-right. So is that suggesting we move it from by-right to...?

Mr. Apicella: That's what I'm interpreting. Okay, any other changes to the language? Okay, any motion?

Mr. Harvey: Mr. Chairman, is the issue with the paved parking and curb and gutter, has that been resolved to the Commission's satisfaction?

Mr. Apicella: I took it as a friendly suggestion that we all kind of nodded our head and said yeah, that would be great.

Mr. Harvey: Thank you.

Mr. Apicella: Well, it's in my district but it's also in Tom's district.

Mr. Coen: And just for clarification, if they wanted to use oyster shells, that's still considered acceptable?

Mr. Apicella: But not clam shells.

Mr. Coen: A mollusk by any other name still smells.

Mr. Harvey: Mr. Coen, in that case that's something that... that's a dustless surface so that would qualify.

Mr. Coen: It would qualify the way you worded it? Cool. That's what I thought you were doing when you worded it that way. Alright, then I'll move for approval.

Mr. Apicella: With the changes...

Mr. Coen: With the changes that we have discussed.

Mr. Apicella: Is there a second?

Mr. English: I'll second it.

Mr. Apicella: Okay. Any comment Mr. Coen?

Mr. Coen: Yeah, I mean, I understand the concerns. My concern is that it's either we reject it, and I'm not sure if anything moves forward and, as you have said, we keep going forward but we haven't done much. And I think that as a pilot, then we can turn around and tweak it and change it, add areas, subtract areas, get public input, and we could actually move on this as opposed to just saying no. And then I'm not quite sure what would happen. In the by-right already, I just went through the list of things that somebody could just shove there and we couldn't do anything about. So the least this would say to our beautiful Downtown Falmouth, these things can't happen automatically. So, to that degree, I think that's a pretty good idea and, as Mr. Harvey already said, this is just the first step. We would then have to go and have a public hearing and say this is, you know. So I think this is a step in the right direction. I think we definitely need more public input, but I think the Supervisors from our two areas have reached out to people and I think we need to continue to reach out to the people.

Mr. Apicella: Thank you. Mr. English?

Mr. English: Yeah, and what Tom said (inaudible - microphone went off). Like I said, it's just a pilot program. I know we're pushed to get this done, so at least we rather have something than nothing.

Mr. Apicella: Any other comments? Okay, just for clarification purposes, what we've done is we've changed some of the proposed by-right uses, striking out Cemetery and Adult Day Care, added some additional conditional uses to include Adult Day Care, Car Wash, Lumber, Plant Tree Nursery, School, School Vocational, Warehousing-Mini Storage, Wholesale Businesses. And we've also modified the language under 3 regarding parking and driveway requirements. Okay, all those in favor... cast your vote. Okay, the motion carries 6-0 (*Mr. Boswell absent*). Thank you. Thanks for bearing with us on that one.