

## BOARD OF SUPERVISORS

### Agenda Item

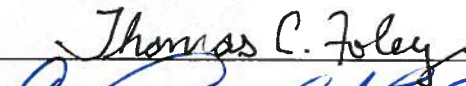

<b>Meeting Date:</b>	June 20, 2017
<b>Title:</b>	Consider a Request for Reclassification from the R-1, Suburban Residential Zoning District to the B-1, Convenience Commercial Zoning District on Tax Map Parcel Nos. 53D-1-34, 53D-1-35, 53D-1-43, and 53D-1-43A
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey A. Harvey, Director
<b>Board Committee/ Other BACC:</b>	Planning Commission
<b>Staff Recommendation:</b>	Approval
<b>Budget Impact:</b>	N/A
<b>Time Sensitivity:</b>	February 8, 2018 to comply with the one year deadline for action

### ATTACHMENTS:

1.	Background Report	6.	Generalized Development Plan dtd 4/19/17
2.	Proposed Ordinance O17-17 (Approve)	7.	Ordinance O16-24
3.	Proposed Resolution R17-86 (Deny)	8.	Impact Statement dtd 12/28/16
4.	Land Use Action Request	9.	Application and Related Materials
5.	Signed Proffers dtd 5/05/17	10.	PC Minutes dtd 3/8/17 and 4/26/17
		11.	Cheatwood Ltr. Dtd 6/6/17

<input type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input checked="" type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

### REVIEW:

X	County Administrator	
X	County Attorney (legal review only)	

**DISTRICT:** George Washington

## **BACKGROUND REPORT**

LCT and JSC, LLC (Applicant) is requesting a zoning reclassification from the R-1, Suburban Residential Zoning District to the B-1, Convenience Commercial Zoning District, to allow for the development of office and low intensity commercial use on 1.15 acres in the George Washington Election District. The Properties are located on Tax Map Parcel Nos. 53D-1-34, 53D-1-35, 53D-1-43, and 53D-1-43A (Properties), on the north side of Carter Street, and the west side of Gordon Street, within the Falmouth Historic District.

### **Zoning History**

The Properties were zoned R-1 in 1978, with the comprehensive rezoning of the County. Prior to that, Parcels 34 and 35 were zoned R-2, Urban Residential-Medium Density and Parcels 43 and 43A were zoned B-2 Urban Commercial.

The Falmouth Historic Resource (HR) Overlay District was established in 1985 on Parcels 34 and 35. The purpose of the HR District is to protect against destruction of, and encroachment upon, historic resources. HR Districts are areas containing buildings or places in which historic events have occurred, or that have special public value because of notable architectural or other features relating to the cultural or artistic heritage of the County, the Commonwealth, and the nation, and are of such significance as to warrant conservation and preservation.

The HR District requires that any modification to existing structures, additions to structures, or features such as signs would require approval by the Architectural Review Board (ARB). County Code Sec. 28-58 specifies regulations for properties within historic districts. In general, the ARB shall apply certain criteria for its evaluation of any application, including guidelines adopted by the County, and the Secretary of Interior's "Standards for Rehabilitation," in determining the appropriateness of any application for approval.

### **Existing Conditions**

The request is for four parcels, located in the southeast quadrant of the Warrenton Road/Butler Road/Cambridge Street intersection, which was recently upgraded to include turn lanes. Two of the parcels, Parcels 43 and 43A (Carter Street Parcels), are located on the north side of Carter Street and total approximately 0.86 acres. The other two parcels, Parcels 34 and 35 (Gordon Street Parcels), are located south of Carter Street, on the east side of Gordon Street, and total approximately 0.28 acres. The Carter Street Parcels have level topography, and contain existing structures. The structures include the historic Dunbar's Kitchen, a remaining dependency building dating to 1750, on Parcel 43; and a single-family residential dwelling, circa 1955, on Parcel 43A. Two garage/storage buildings are also located to the rear of Parcel 43A.





Immediately to the north and west is right-of-way owned by the Virginia Department of Transportation (VDOT), which is remnant from the intersection improvements. A portion of the right-of-way to the north is intended to be conveyed to the County in the future to advance the County's goals of open space and historic preservation, visitor access, and/or interpretation of the Falmouth Historic District.



*Historic Dunbar's Kitchen – (107 Carter St.)*



*1955 Rambler – (111 Carter St.)*

The Gordon Street Parcels are physically separated from the Carter Street Parcels. Parcel 34 contains a cinder-block single-family residential dwelling, circa 1950, and a separate structure containing three attached garages. The structures lie very close to Gordon Street, do not meet current building setbacks, and are legally non-conforming. Parcel 35 is undeveloped, but has a concrete pad used for parking. Gordon Street is steep, rising approximately 40 feet from King Street to Carter Street.



*1950 Residential Structure – (108 Gordon St.)*



*View from Gordon Street, looking northeast*

#### Generalized Development Plan (GDP)

The GDP (Attachment 6) depicts the proposed design of the parcels to include 5,805 square feet of office/commercial use, and 2,422 square-feet of future office/commercial use. New buildings to support the 2,422 square feet of future commercial/office uses could potentially be constructed at a later date.

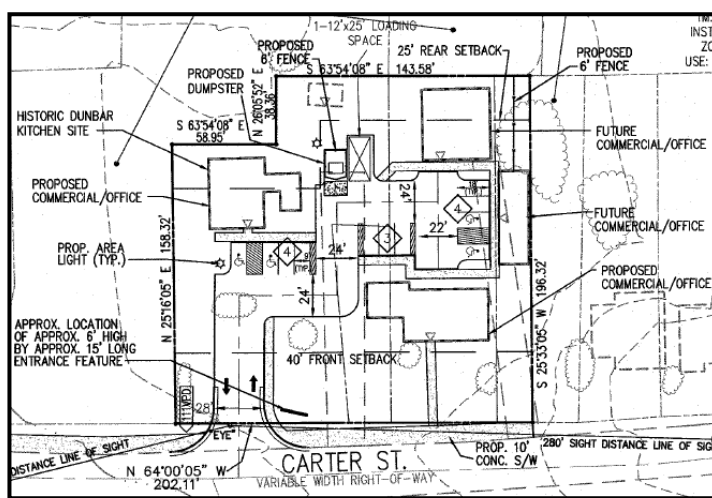
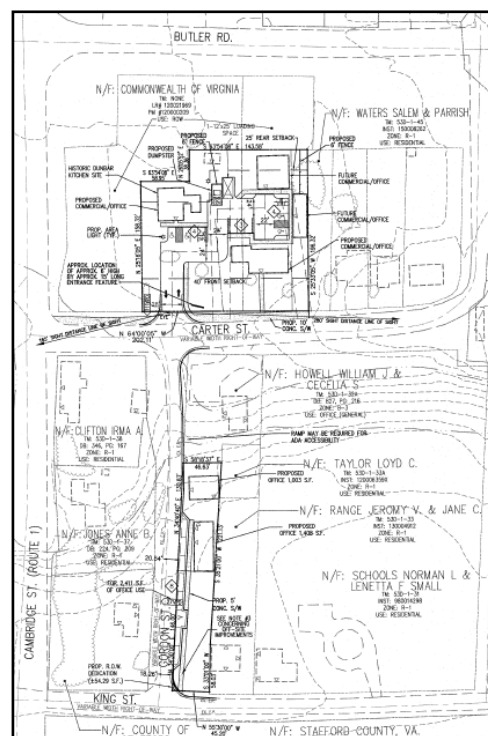
The following is proposed on the Carter Street Parcels:

- Office/commercial use in the historic Dunbar's Kitchen
- Office/commercial use in the 1955 rambler
- Future office/commercial use in the vicinity of the existing garage/storage buildings
- Associated parking areas

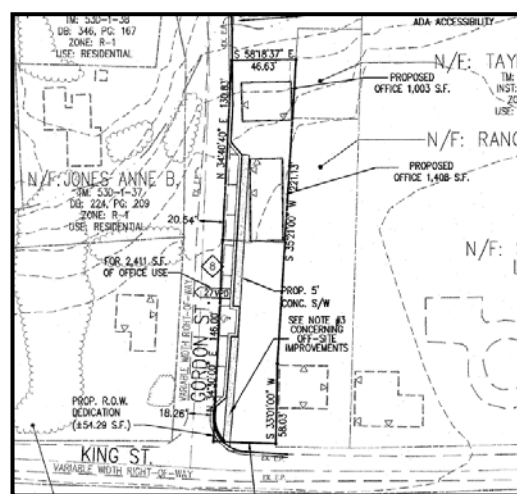
The following is proposed on the Gordon Street Parcels:

- Office use in the 1950 dwelling
- Office use in the garage
- Parallel parking along Gordon Street

The applicant had initially proposed a sidewalk from the Carter Street parcels to the Gordon Street Parcels, and continuing south to King Street. This is not a likely option due to the need for additional right-of-way or easements on off-site property at the corner of Carter Street and Gordon Street. There is a limited area for sidewalk construction along Gordon Street due to its narrow width in addition to the extreme grade. Therefore, the applicant is proposing to construct a sidewalk along the Carter Street Parcels frontage.



Carter Street Parcels



Gordon Street Parcels

Generalized Development Plan

## Environmental

There is a Zone EA floodplain that covers the Gordon Street Parcels. The base flood elevation (BFE) is 40 feet above sea level. Any work within the special flood hazard area would be subject to the provisions of County Code Sec. 28-57, and the provisions of the Federal Emergency Management Agency (FEMA) Letter of Map Change (LOMC) process. The Gordon Street Parcels fall within a 100-year flood zone, as well as the dam break inundation zone (DBIZ) associated with Lake Mooney, which is located upstream on the Rappahannock River. Comprehensive Plan Policy 4.4.2 discourages development of new buildings and structures within the DBIZ.

Conversion of the Properties to commercial use may help minimize loss of life concerns during flood events. Commercial properties are generally occupied during a few hours a day compared to residential use which may have continuous habitation.

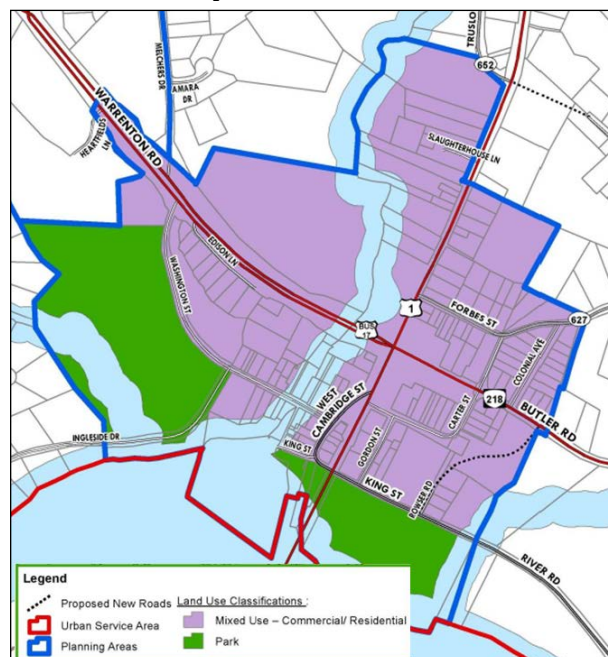
### Transportation

A transportation impact analysis (TIA) was not required with this application. Based on the Institute of Transportation Engineers (ITE), it was estimated that the uses would generate up to 258 vehicle trips per day (VPD) at its highest use on Saturday, which is under the threshold requiring a TIA. The proposed development of office and commercial would yield 139 VPD during the week. The daily AM peak hour would generate up to 14 vehicles trips per hour (VPH), and the daily PM peak hour would generate 4 VPH. On Saturday, the peak hour would generate 13 VPH. No additional road upgrades are planned for Carter Street or Gordon Street. Commercial entrance improvements would require review by VDOT during the site plan review for the new development.

### Comprehensive Plan

The Comprehensive Plan identifies this area as being within the Falmouth Village Planning Area, which includes an economic development priority focus area. The Planning Area represents the location of the Falmouth Village Redevelopment Plan, which was adopted in 2011. As indicated in the Redevelopment Plan, the heart of Falmouth Village is generally defined as the crossroads of Warrenton Road and Cambridge Street. The redevelopment area is generally bounded by Truslow Road to the north, the Rappahannock River to the south, Colonial Avenue to the east, and Melcher Drive to the west. This redevelopment area consists of roughly 200 parcels within approximately 146 acres of land area.

The Redevelopment Plan notes that historic Falmouth Village presents a unique opportunity to preserve, enhance, and develop a cultural attraction in Stafford County. This village setting, adjacent to the Rappahannock River, is recognized as a National Register Historic District and contains some of the most significant historic sites in Stafford County. As such, the Comprehensive Plan recommends the adoption of a form-base zoning district to facilitate redevelopment efforts. As an alternative, the Board endorsed the use of an overlay zone concept which would not affect the underlying zoning pattern but provide some flexibility of use and relief of development standards, while maintaining the architectural integrity of the area.



*Falmouth Village Planning Area*

The Redevelopment Area is currently developed with a mix of commercial uses inter-mixed with residential communities. Much needed access improvements were identified as vital to its potential to provide another center to foster economic opportunity that could add to Stafford County's strength. A cultural management team was encouraged to outline an implementation plan to develop the Historic Port of Falmouth into a tourist attraction. The area was designated as an economic redevelopment site, and will be treated on par with other similar areas in the proposed redevelopment plans.



The area is recommended for primarily mixed-use future land use. More detailed land use concept plans may be considered for sections of the Planning Area on a case-by-case basis. Park land use is designated on the Historic Port of Falmouth Park and the Belmont Estate.

Goal 9 of the Comprehensive Plan is to *“promote Stafford County’s heritage and maintain a sense of place by identifying, protecting, preserving, and interpreting Stafford County’s historic and cultural resources. Policy 9.1.5. states that development and redevelopment, including the construction of buildings, site improvements, or land clearing and grading, should be completed in such a way that protects and enhances, rather than harms, heritage resources and cultural landscapes.”* The proposal is consistent with these policies, and generally in compliance with the Comprehensive Plan.

Proffer Summary:

The applicant submitted the following proffers (Attachment 5):

- Require the property to be generally developed in conformance with the GDP;
- Prohibit several commercial uses on the property which would otherwise be permitted;
- Limit impervious materials within parking areas;
- Permit off-site parking if on-site parking is not feasible;
- Require signs be posted describing the historical significance of Dunbar’s Kitchen;
- Require a Phase I cultural resources analysis prior to land disturbance, with a follow-up Phase II analysis, if recommended;
- Limit the height of any new buildings to two stories;
- Require the architecture for any new construction be compatible with the architecture in the historic area;
- Require consideration of the rehabilitation of existing buildings before demolition;
- Require an historic structures report for any historical building that is demolished, including first floor measured drawings, photographs, deed search and any other archival related material; and
- Require any new construction, including additions, be subject to the Architectural Review Board’s review and standards.

Proposed FR, Falmouth Redevelopment Overlay District

The Board is currently considering a zoning reclassification to apply the FR, Falmouth Redevelopment Area Overlay Zoning District to 81 parcels in the Falmouth area, including the Properties. Application of the FR Overlay District would not change the existing underlying zoning classifications of the parcels. The proposed FR District would provide suitable and sufficient opportunities for redevelopment by allowing more flexibility in new construction and the reuse of existing buildings, while maintaining the historic nature and cultural context of the Falmouth area of the County. Pursuant to Ordinance 016-24 (Attachment 7), which established the FR District in October, 2016, the FR Overlay District regulations would:

- Allow for more by-right uses than the underlying zoning districts. Such uses include commercial apartment, bed and breakfast inn, community farmers market, home business, live/work unit, place of worship, and public art uses;
- Restrict certain underlying zoning district uses that may not be compatible with the historic village vision of the Falmouth area by requiring a conditional use permit (CUP) or by not permitting the use 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 by the Board of Zoning Appeals (BZA);
- Allow new development to be exempt from the requirements for street and transitional buffers;
- 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, and screening requirements for dumpster and waste disposal areas;
- Require that all new construction and building additions be in compliance with the Neighborhood Development Standards (NDS) and the Stafford County Master Redevelopment Plan, Volume IV, Falmouth Village Element of the Comprehensive Plan;
- Require review and approval by the ARB for new construction and building additions, and methods of screening;
- Require submittal of a landscaping and planting plan with the submission of a site plan for new development;
- Establish standards for restaurants with outdoor seating by limiting the time period of use from 7:00 A.M. to 11:00 P.M., and specify that the use of outdoor seating shall not obstruct the movement of pedestrians;
- Limit building heights to no more than three stories or 45 feet, and accessory building heights to no more than 25 feet;
- Limit the length of individual multi-family buildings to 250 feet; and
- Require minimum open space ratio shall be 0.10.

While the Properties are included in the FR reclassification application, there is no guarantee that the FR zoning will be applied. The Board held a public hearing on the FR district on March 21, 2017, and deferred action until a later date. In anticipation of the FR district, the applicant has included several proffers that would be in compliance with the FR district. This includes proffering out more intense uses, limiting the future heights of buildings, and requiring review by the ARB. In addition to the reclassification application, the Board is considering amendments to the FR District to prohibit additional uses.

#### ARB and Historical Commission Review

Staff presented the proposed rezoning application to the ARB and Historical Commission for information and comment at their respective meetings in December, 2016. The ARB commented that it was concerned with the potential for large buildings on site, and also expressed its concern with large expanses of parking surrounding the historic buildings. In addition, the ARB commented about the potential loss of the town pattern related to historic Falmouth and generally commented about the concerns with traffic impacts on the Historic District.

The Historical Commission had similar comments, and also noted that large parking expanses could impact the historic buildings, particularly Dunbar's Kitchen. In addition, the Historical Commission is also concerned with the potential for any new, large buildings that could be constructed, as well as compatibility of any new construction with the Historic District. Additional comments included the need for a Phase I archaeological investigation prior to any ground disturbance; the desire to consider reuse of buildings instead of demolition; the need for a historic structures report for any building that would be demolished, including first floor measured drawings, photographs, deed search, and any other archival related material; and the concern with new buildings being taller than two stories.

Staff notes that these concerns have been incorporated into the proffers or in the GDP. In addition, COA applications would be required to be submitted to the ARB prior to any exterior changes on existing buildings, or any new construction.

EVALUATION CRITERIA:

County Code Sec. 28-206 lists 12 criteria to be considered at each public hearing for reclassification.

1. Compliance of the request with the stated requirements of the district or districts involved - *The request is in compliance with the stated requirements of the B-1 Zoning District.*
2. The existing use and character of the property and the surrounding property - *The Properties lie within a historic district, and contain historic structures. The structures are currently vacant. Land surrounding the site includes residential and office uses.*
3. The suitability of the property for various uses - *The current conditions, including small parcels and non-conforming setbacks, create limited opportunity for redevelopment, except for residential use. However, the proposal to reuse the existing structures facilitates the redevelopment commercially.*
4. The trend of growth and development in the surrounding area - *Due to the location within a high volume transportation corridor, a variety of commercial, office, and residential uses exist in the vicinity. The vision for the future of the area supports a mix of business and residential uses in this area.*
5. The current and future requirements of the County for land - *No County needs are identified on the site. Adjacent, vacant right-of-way could potentially support tourism-related infrastructure, including parking for the historic Falmouth district.*
6. The transportation requirements of the project and the County, and the impact of the proposed land-use on the County's transportation network - *The site has access to two existing 2-lane roads. This project would create a slight increase in traffic impacts from what is currently permitted by-right. Recent transportation improvements have created a new traffic pattern in the Falmouth vicinity that help facilitate traffic movement.*
7. Requirements for schools, parks, recreational lands and facilities, and other public services, potentially generated by the proposed classification - *The proposal would decrease the impacts on parks, recreational lands, schools, and other public facilities.*
8. The conservation of property values in the surrounding area - *The proposed development should not have a negative effect on any property values in the surrounding area. Proffers would ensure architecturally compatible development with the historic district. Screening and buffers would minimize impacts to residential uses.*
9. The preservation of natural resources and the impact of the proposed uses on the natural environment - *A portion of the site contains sensitive natural resources including floodplain and DBIZ. Reuse of the existing structures will help mitigate some of the impacts to the resources.*



10. The most appropriate use of land - *The County's Land Use Plan recommends this area for mixed residential and commercial use. The proposed uses are consistent with this Comprehensive Plan recommendation.*
11. The timing of the development of utilities and public facilities, and the overall public costs of the development - *The area is served by existing water and sewer utilities. The Applicant would install any required transportation and utility improvements for the project at their expense.*
12. The consistency, or lack thereof, of the proposed rezoning with the County's Comprehensive Plan as in effect at that time - *The proposal is consistent with the Comprehensive Plan recommendations regarding the Falmouth Village Planning Area land-use recommendations, including Redevelopment Area Plan recommendations.*

#### SUMMARY OF POSITIVE AND NEGATIVE FEATURES:

##### POSITIVE:

1. The proposal is consistent with the established mixed use development pattern in the vicinity.
2. The proposal is in compliance with the recommendations of the Comprehensive Plan.
3. The proposed reuse of existing historic structures is compatible with recommendations regarding the historic Falmouth district.

##### NEGATIVE:

1. Potential increase in traffic impacts.

##### RECOMMENDATION:

Staff recommends approval of this application. At its meeting on April 26, 2017, the Planning Commission voted 7-0 to recommend approval of the application.

##### UPDATE:

At its June 6, 2017 meeting, the Board deferred this item to June 20, 2017 in order to resolve concerns raised by citizens at the public meeting. Three speakers raised questions and concerns about existing traffic flow problems on the nearby street network. One speaker, Mr. Cheatwood, indicated that he owned a small strip of land along the frontage of the Carter Street property. A letter from Mr. Cheatwood is included as Attachment 11. The County's tax map system does not acknowledge the strip of land. The Applicant has verbally indicated to staff that property boundary surveys and title work do not show the existence of the strip of land, and the property in question is part of the public right-of-way. The Applicant will address the issue at the Board meeting.

O17-17

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 20<sup>th</sup> day of June, 2017:

MEMBERS:

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

VOTE:

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

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT TO THE B-1, CONVENIENCE COMMERCIAL ZONING DISTRICT, ON TAX MAP PARCEL NOS. 53D-1-34, 53D-1-35, 53D-1-43, AND 53D-1-43A, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, LCT and JSC, LLC (Applicant), submitted application RC16151459, requesting a reclassification from the R-1, Suburban Residential Zoning District to the B-1, Convenience Commercial Zoning District, on Tax Map Parcel Nos. 53D-1-34, 53D-1-35, 53D-1-43, and 53D-1-43A, located within the George Washington Election District; 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 the requested zoning amendment is compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

O17-17

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of this Ordinance to reclassify the subject properties;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the R-1, Suburban Residential Zoning District to the B-1, Convenience Commercial Zoning District, on Tax Map Parcel Nos. 53D-1-34, 53D-1-35, 53D-1-43, and 53D-1-43A, in the location identified on the plat entitled, "Zoning Plat on the Lands of Loyd C. Taylor" prepared by Bowman Consulting, dated July 15, 2016, with proffers entitled "Voluntary Proffer Statement," dated April 25, 2017.

TCF:JAH:kb

R17-86

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

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 6<sup>th</sup> day of June, 2017:

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MEMBERS:

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

VOTE:

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

A RESOLUTION TO DENY THE REQUEST TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT TO THE B-1, CONVENIENCE COMMERCIAL ZONING DISTRICT, ON TAX MAP PARCEL NOS. 53D-1-34, 53D-1-35, 53D-1-43, AND 53D-1-43A, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, LCT and JSC, LLC (Applicant), submitted application RC16151459, requesting a reclassification from the R-1, Suburban Residential Zoning District to the B-1, Convenience Commercial Zoning District, on Tax Map Parcel Nos. 53D-1-34, 53D-1-35, 53D-1-43, and 53D-1-43A, located within the George Washington Election District; 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 the requested zoning amendment is incompatible with the surrounding land uses and does not meet the criteria for a rezoning in Stafford County Code Sec. 28-206;



NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of June, 2017, that application RC16151459 be and it hereby is denied.

TCF:JAH:kb

**LAND USE ACTION REQUEST**

**BOARD OF SUPERVISORS**

Date: June 20, 2017

☒ New

☐ Revised

☐ Unfinished

**REQUEST:** Reclassification from R-1, Suburban Residential, to B-1, Convenience Commercial Zoning District on Tax Map Parcel Nos. 53D-1-34, 53D-1-35, 53D-1-43 and 53D-1-43A.

Conforms with the Comprehensive Plan? ☒ Yes ☐ No ☐ N/A

**CONDITIONS:** See proposed Ordinance O17-17

**APPLICANT:**

Name: Scott Cleveland  
LCT and JSC, LLC

Address: 2614 Glenda's Way  
Fredericksburg, VA 22408

**TAX STATUS:** Paid through December 2017

**PLANNING COMMISSION RECOMMENDATION:** Approve ☒ Deny ☐

At its meeting on April 26, 2017, the Planning Commission voted 7-0 to recommend approval of Application RC16151459.

**TIMING:**

Application Date September 7, 2016 (submitted); February 9, 2017 (completed)

Advertisement Date/s May 23, 2017 and May 30, 2017

Plan. Comm. Action Date April 26, 2017 (Required) June 16, 2017

Proposed Board Action Date June 6, 2017 (Required) February 8, 2018

**VOLUNTARY PROFFER STATEMENT**

Applicant: LCT and JSC, LLC

Property: Tax Map Parcels 53D-1-34, 53D-1-35, 53D-1-43 and 53D-1-43A, known as 107 & 111 Carter Street and 108 Gordon Street, containing a total of 1.1492 acres (collectively the "Property")

Owner: Loyd C. Taylor

Project Name: "Falmouth Village Commercial"

Rezoning Request: From R-1 to B-1

Date: April 25, 2017

File No.: RC16151459

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**1. General Requirements & Use.**

(a) The following proffers are being made pursuant to Sections 15.2-2298 and 15.2-2303, et seq. of the Code of Virginia (1950), as amended, and Section 28-161, et seq. of the Stafford County Zoning Ordinance. The proffers provided herein are the only proffered conditions offered in this rezoning application, and any prior proffers in which the Property may be subject to or previously offered with the Applicant's application or otherwise previously proffered are hereby superseded by these proffers, and further said prior proffers are hereby void and of no further force and effect. In addition and notwithstanding the foregoing, the proffers provided hereunder are conditioned upon and become effective only in the event the Applicant's above referenced Application file number is approved (including through applicable appeal periods) by the Stafford County Board of Supervisors (the "County").

(b) Subject to the terms hereunder, the Property will be generally developed in accordance with that certain generalized development plan entitled "Generalized Development Plan Falmouth Village Commercial", dated July 2016, as last revised, and prepared by Bowman Consulting, which plan is attached hereto and marked as Exhibit A (the "GDP").

(c) For purposes of the final site plan (which will supersede the GDP after County approval), proposed parcel lines, parcel sizes, building envelopes and footprints, access points, building sizes, building locations, public road locations, private driveway, road and travel way locations, interparcel connectors, RPAs and wetland areas, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be relocated and/or amended from time-to-time by the Applicant to address final development, engineering, and design requirements and/or compliance with federal or state agency regulations

including, but not limited to, VDOT, DEQ, Army Corps of Engineers, etc., and compliance with the requirements of the County's development regulations and design standards manual.

(d) These proffers shall run with the Property and be binding upon all owners and future assignees, successors, grantees, or lessees thereof.

(e) The Applicant agrees that the following commercial uses shall not be permitted on the Property:

- (1) Automobile repair
- (2) Auto service
- (3) Car wash
- (4) Lumber/building/electric/plumbing supply
- (5) Machinery sales and service
- (6) Motor vehicle sales
- (7) Outdoor flea market
- (8) Plant and tree nursery/greenhouse
- (9) Recreational enterprise
- (10) Vehicle fuel sales
- (11) Warehouse, mini storage
- (12) Warehouse, storage
- (13) Convenience Center
- (14) Indoor Flea Market
- (15) Adult Business
- (16) Arcade
- (17) Child Care Center
- (18) High Intensity Commercial retail not otherwise listed for this district
- (19) Hospital
- (20) Outdoor Flea Market
- (21) Recreational Enterprise
- (22) Retail Photo Laboratory Processing
- (23) Restaurant with a drive-through facility
- (24) Vehicle fuel sale and accessory auto repair
- (25) Broadcast station

(f) The Applicant will use exposed aggregate concrete material for purposes of constructing the sidewalks along the Property, all as shown on the GDP. The Applicant will limit impervious areas within the parking areas, including the use of pea gravel or other similar materials for the said parking areas.

(g) If the Applicant cannot obtain approval from VDOT for onsite parking on the Carter Street properties (Tax Map Nos. 53D-1-35 and 53D-1-34), the Applicant, in accordance with applicable County ordinances, may utilize offsite parking at the County river park property located to the south of the Property or utilize available parking spaces provided by adjacent property owners.



(h) The Applicant agrees to post historical signage on the Property for purposes of describing the historical significance of the Dunbar Kitchen.

(i) Prior to any extensive land disturbance, the Applicant agrees to perform a Phase I Cultural Resources Analysis within the areas of the Property proposed to be disturbed, and to share such analysis with the County. If the said Phase I analysis recommends a Phase II analysis, the Applicant agrees to undertake the Phase II analysis and will report to the County the Applicant's findings.

(j) In the event the Applicant constructs any new buildings on the Property, the Applicant agrees to the following:

- (1) the height of any new buildings will not be any more than two (2) stories;
- (2) architecture for any new construction will be compatible to the architecture in the applicable historical area;
- (3) will consider the rehabilitation of existing buildings, if structurally and economically feasible, before demolition; and
- (4) all new construction, including additions, is subject to ARB review and applicable ARB standards.

(k) The Applicant agrees to provide to the County a historic structures report for any historical building (as defined under the applicable historic resource overlay district) located on the Property that is demolished, including first floor measured drawings, photographs, deed search and any other archival related material (if any), provided with such report.

(i) Hours of Operations: The Applicant agrees to restrict the hours of operations for certain uses as follows:

- (1) *Restaurant*: Monday through Saturday from 7:00 am to 11:00 pm; and Sunday 7:00 am to 6:00 pm
- (2) *Office*: Monday through Friday from 8:00 am to 8:00 pm; Saturday and Sunday from 9:00 am to 5:00 pm
- (3) *Commercial Retail*: Monday through Saturday from 10:00 am to 10:00 pm; and Sunday from 10:00 am to 5:00 pm.

[AUTHORIZED SIGNATURES TO FOLLOW]

**APPLICANT ACKNOWLEDGMENT & CONSENT**

**LCT and JSC, LLC**, a Virginia limited liability company

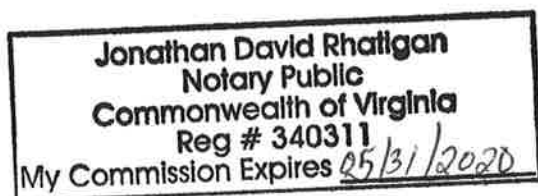
By: [Signature]  
Name: Loyd C Taylor  
Title: Owner-Pres

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF Stafford, to wit:

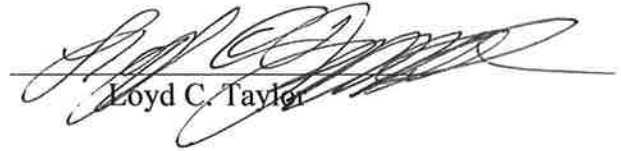
The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of May, 2017,  
by Loyd C. Taylor, owner-pres of LCT and JSC, LLC, a Virginia limited liability  
company, on behalf of the company.

[Signature]  
Notary Public

My Commission expires: May 31 2020  
Notary Registration number: 340311  
SEAL:



**OWNER ACKNOWLEDGMENT & CONSENT**

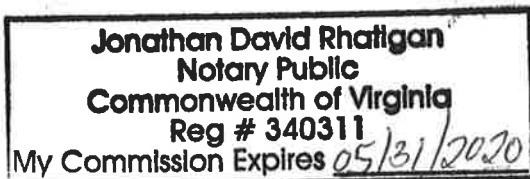
  
Loyd C. Taylor

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF Stafford, to wit:

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of May, 2017, by  
Loyd C. Taylor.

  
Notary Public

My Commission expires: May 31, 2020  
Notary Registration number: 340311  
SEAL:



## **EXHIBIT A**

### **Generalized Development Plan**

**“Generalized Development Plan Falmouth Village Commercial”, dated July 2016, as last revised and prepared by Bowman Consulting**

8746050-1 041237.00001



# GENERALIZED DEVELOPMENT PLAN FALMOUTH VILLAGE COMMERCIAL

## PARCELS 53D-1-34, 53D-1-35, 53D-1-43 & 53D-1-43A

### RC# 16151459

## GEORGE WASHINGTON MAGISTERIAL DISTRICT STAFFORD COUNTY, VIRGINIA

**PLANNER / ENGINEER**

BOWMAN CONSULTING GROUP  
650A NELMS CIRCLE  
FREDERICKSBURG, VA 22406  
P: (540) 371-0268  
F: (540) 371-5479  
CONTACT: MR. WILLIAM S. PYLE, P.E.

**ENVIRONMENTAL ENGINEER**

BOWMAN CONSULTING GROUP  
14020 THUNDERBOLT PL., SUITE 300  
CHANTILLY, VA 20151  
P: (703) 464-1000  
F: (703) 461-9720  
CONTACT: MS. JESSICA FLEMING

**LAND USE ATTORNEY**

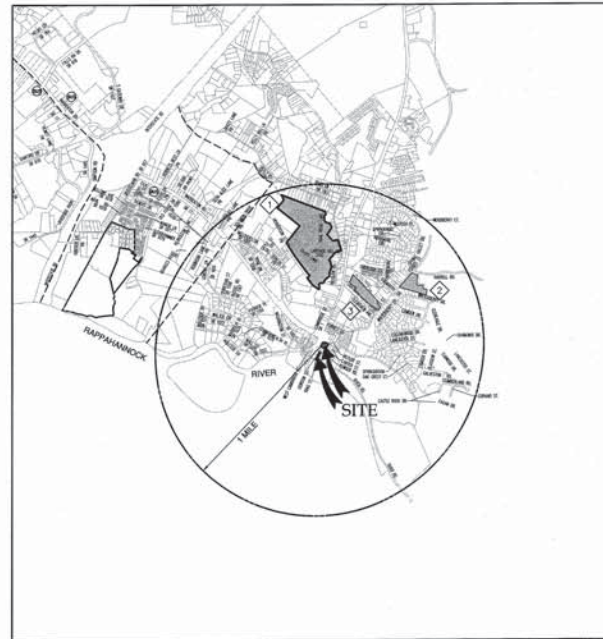
HISCOCK FLEISCHER  
725 JACKSON STREET, SUITE 200  
FREDERICKSBURG, VA 22401  
P: (540) 604-2106  
CONTACT: CHARLIE PAYNE

**OWNER**

LOYD C. TAYLOR  
PO BOX 1249  
FREDERICKSBURG, VA 22402-1249

**APPLICANT**

LCT AND JSC, LLC  
2614 GLENDA'S WAY  
FREDERICKSBURG, VA 22406



VICINITY SKETCH MAP  
1" = 2000'

**VICINITY SKETCH MAP LEGEND****ACTIVE SUBDIVISION KEY (AS OF 8/1/12)**

- 1 CARRAGE HILL AT FALLS RUN
- 2 ROY'S ESTATE
- 3 WASHINGTON GARDENS

**NOTES:**

1. SUBDIVISIONS ARE IDENTIFIED BY SHADING ON THE VICINITY SKETCH MAP THIS SHEET.
2. SUBDIVISION LIST OBTAINED FROM STAFFORD COUNTY ROAD MAP WITH SUBDIVISIONS DATED JUNE 30, 2006. SUBDIVISIONS MAY OR MAY NOT BE RECORDED.

**SYMBOLS LEGEND**

- PS PRIVATE STREET
- PLAT HAS BEEN RECORDED; THE ROADS ARE BEING BUILT TO STATE STANDARDS AND WILL BE TURNED OVER TO THE STATE AT A LATER DATE.
- SCHOOL LOCATED WITHIN ONE MILE OF THE SITE
- MAGISTERIAL DISTRICT LINE

**NOTES:**

1. NO LIBRARIES ARE LOCATED WITHIN ONE MILE OF THE SITE.
2. NO PARKS ARE LOCATED WITHIN ONE MILE OF THE SITE.
3. AQUA MAGISTERIAL DISTRICT IS LOCATED TO THE EAST OF ROUTE 1 AND ROCK HILL MAGISTERIAL DISTRICT IS LOCATED TO THE WEST OF ROUTE 1 WITH ROUTE 1 BEING THE DIVIDE BETWEEN THE TWO.

**PLANNING COMMISSION APPROVAL**

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_  
STAFFORD COUNTY PLANNING COMMISSION

**SHEET INDEX**

NO.	DESCRIPTION
1	COVER SHEET
2	LEGEND, ABBREVIATIONS AND NOTES
3A	REZONING PLAN
3B	REZONING PLAN
4	EXISTING CONDITIONS PLAN
5	ENVIRONMENTAL INVENTORY PLAN
6	SITE LAYOUT PLAN
7	GENERALIZED LANDSCAPE PLAN
8	SHEETS TOTAL

**SITE TABULATION**

PARENT PARCELS:		
53D-1-34	CURRENT ZONING: R-1	0.1387 AC.
53D-1-35	CURRENT ZONING: R-1	0.1488 AC.
53D-1-43	CURRENT ZONING: R-1	0.4282 AC.
53D-1-43A	CURRENT ZONING: R-1	0.4335 AC.
<b>TOTAL AREA OF PROJECT:</b>		<b>1.1492 AC.</b>

**Bowman**  
CONSULTING

Bowman Consulting Group, Ltd.  
Fredericksburg, Virginia 22406  
Phone: (540) 371-0268  
Fax: (540) 371-5479  
www.bowmanconsulting.com  
© Bowman Consulting Group, Ltd.

COVER SHEET  
GENERALIZED DEVELOPMENT PLAN  
FALMOUTH VILLAGE COMMERCIAL  
GEORGE WASHINGTON MAGISTERIAL DISTRICT STAFFORD COUNTY, VIRGINIA

RC16151459  
COUNTY PROJECT NUMBER



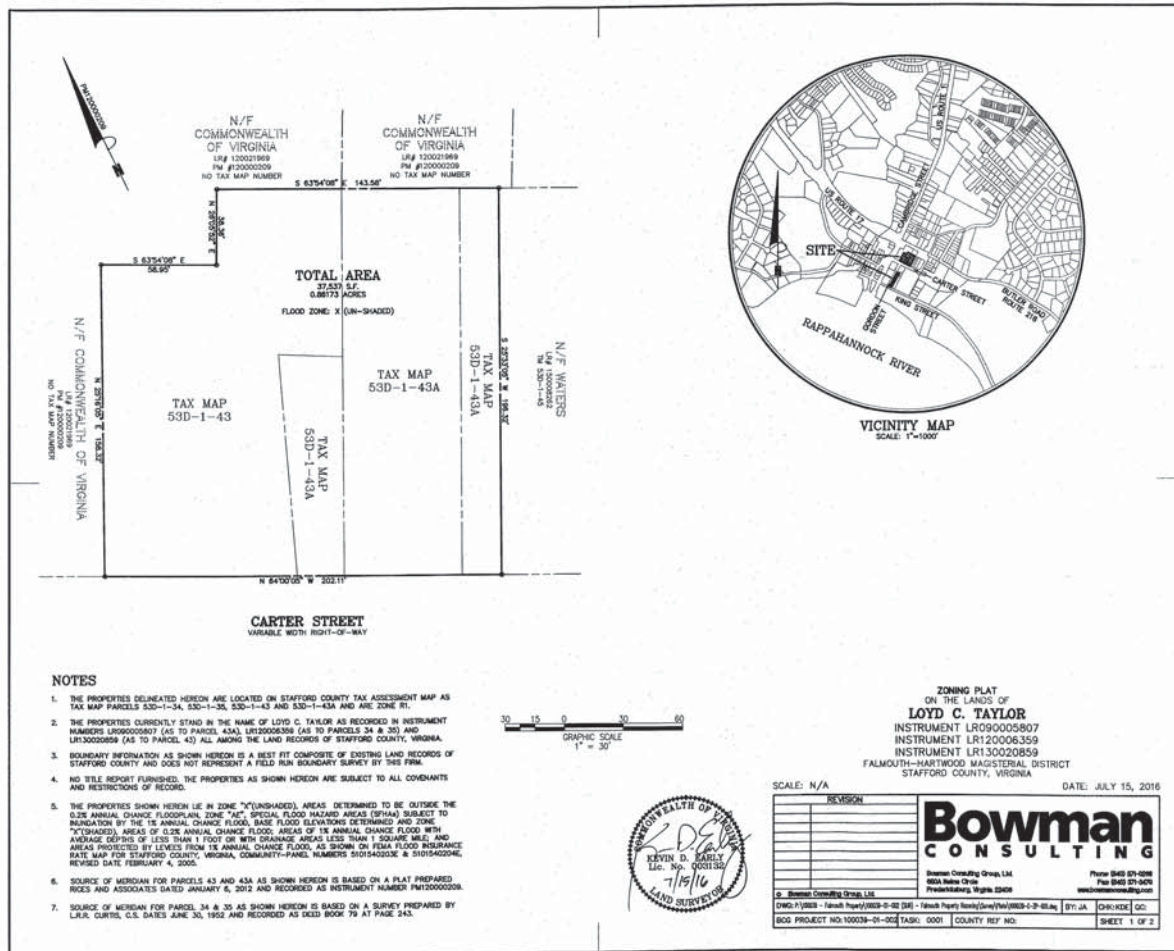
DATE	DESCRIPTION
05/07/16	1st SUBMISSION
07/24/17	2nd SUBMISSION
07/08/17	3rd SUBMISSION
04/05/17	4th SUBMISSION
04/19/17	5th SUBMISSION

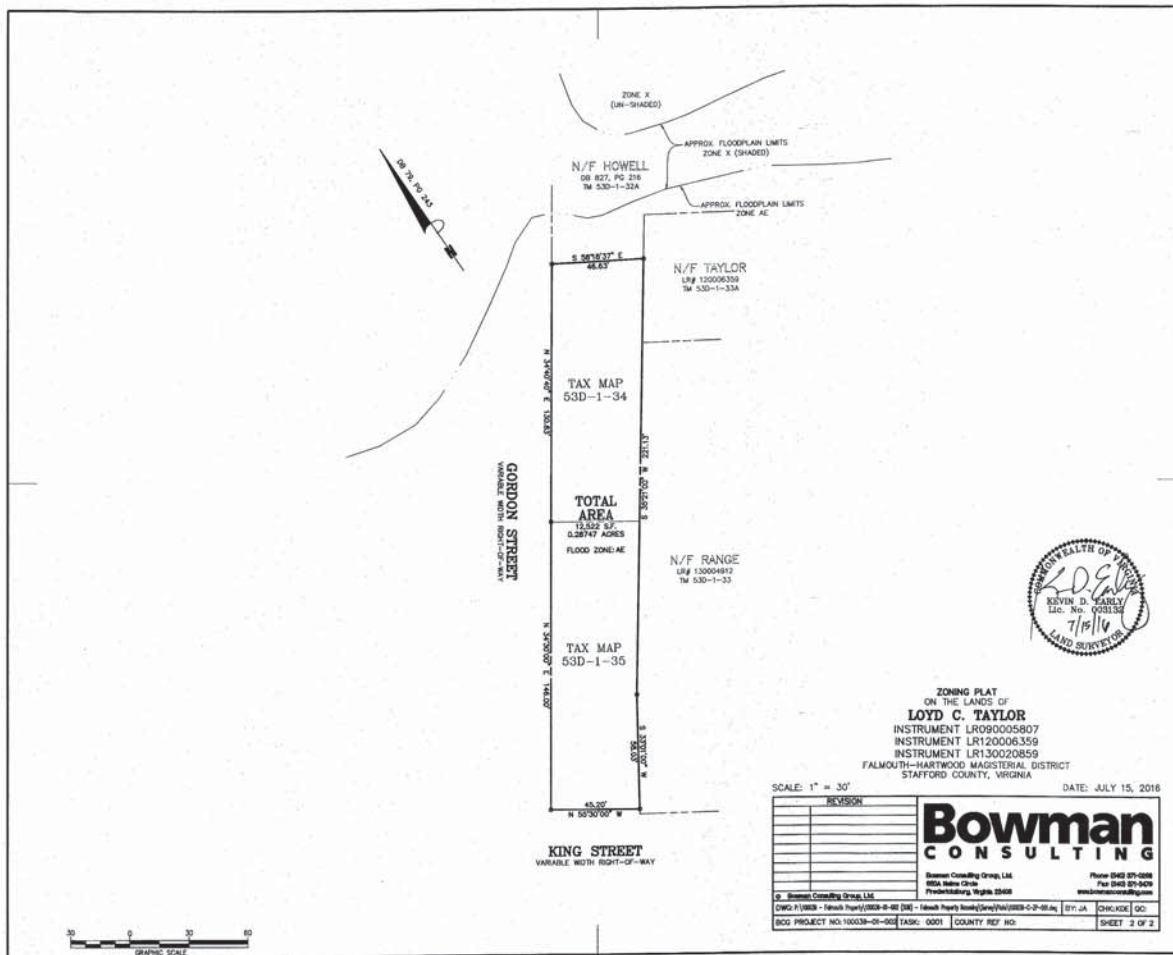
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DESIGN	DRAWN CHD
SCALE	H: AS SHOWN
	V: N/A
JOB No.	100039-01-002
DATE	JULY 2016
FILE No.	100039-D-2P-001

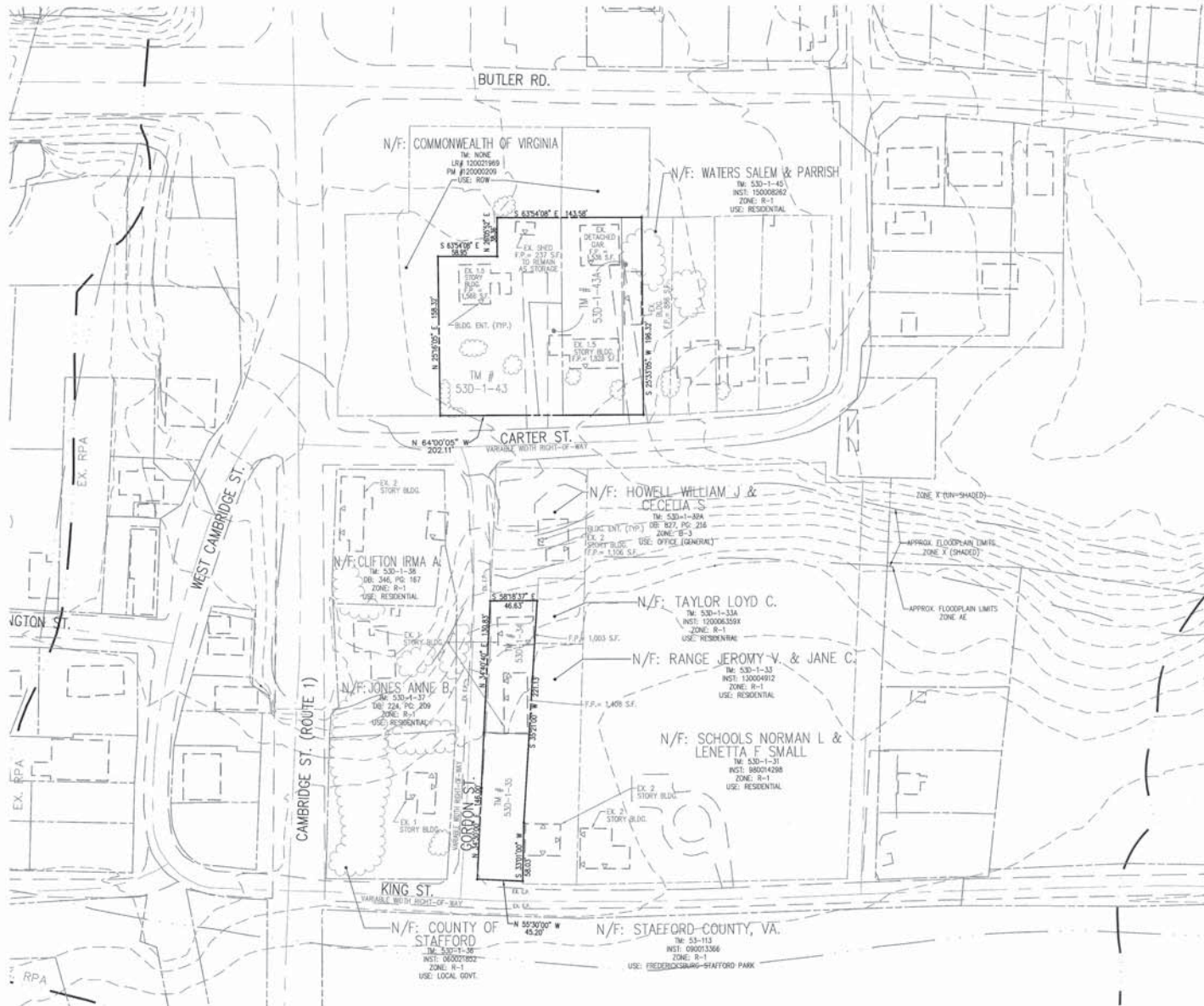
SHEET 1 OF 7





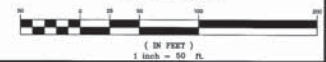






NOTE:  
DEPICTION OF EXISTING TREELINE CONTAINS ALL TREES  
WITH TRUNK DIAMETER GREATER THAN 6" DBH.

GRAPHIC SCALE



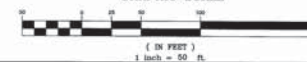




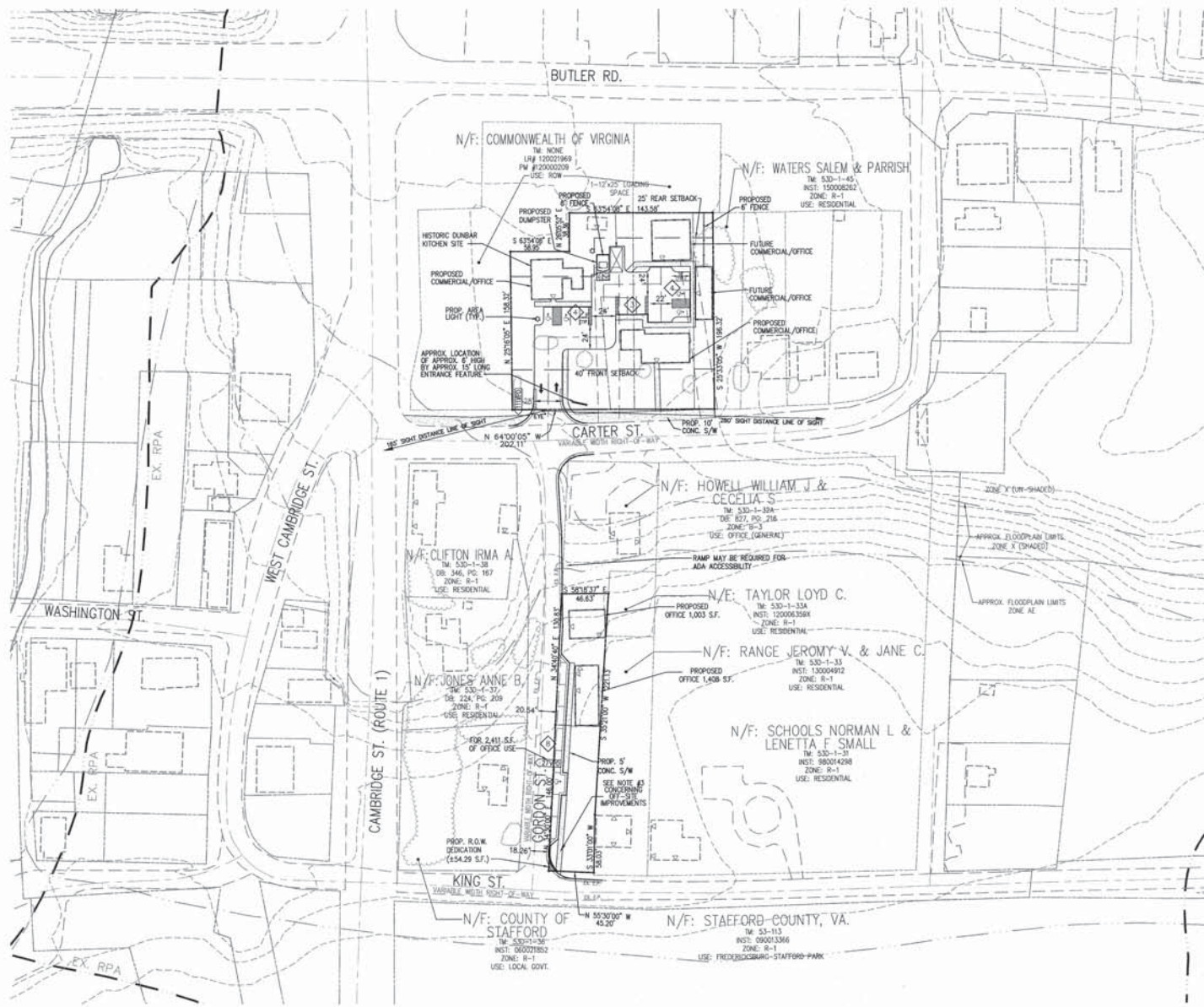
ENVIRONMENTAL INVENTORY PLAN  
GENERALIZED DEVELOPMENT PLAN  
**FALMOUTH VILLAGE COMMERCIAL**  
GEORGE WASHINGTON MAGISTERIAL DISTRICT STAFFORD COUNTY, VIRGINIA

DATE	DESCRIPTION		
SEG	EB	WSP	
DESIGN	DRAWN	CHKD	
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	V: N/A		
JOB No. 100039-01-002			
DATE : JULY 2016			
FILE No. 100039-D-2P-001			

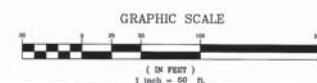
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- NOTES:**
1. THIS PLAN IS SUBJECT TO REVISION WITH FINAL SURVEY AND ENGINEERING.
  2. DEPICTION OF EXISTING TREELINE CONTAINS ALL TREES WITH TRUNK DIAMETER GREATER THAN 6" DBH.
  3. PERMISSION FROM VDOT FOR ANY PROPOSED IMPROVEMENTS IN THE RIGHT-OF-WAY, AS WELL AS POTENTIAL RIGHT-OF-WAY DEDICATION, WILL BE REQUIRED. PROPOSED SIDEWALK TO BE PRIVATE AND TO BE LOCATED IN PUBLIC ACCESS EASEMENT CONVEYED TO STAFFORD COUNTY.
  4. APPLICANT WILL USE EXPOSED AGGREGATE CONCRETE MATERIAL FOR PURPOSES OF CONSTRUCTING THE SIDEWALKS ALONG THE PROPERTY. THE APPLICANT WILL LIMIT IMPERVIOUS AREAS WITHIN THE PARKING AREAS, INCLUDING THE USE OF PEA GRAVEL OR OTHER SIMILAR MATERIALS FOR THE PARKING AREAS.
  5. INTERPRETATIVE SIGNAGE TO BE PROVIDED. SEE PROFFERS FOR ADDITIONAL DETAILS.



Bowman Consulting Group, LLC  
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 Fredericksburg, Virginia 22406  
 Phone: (540) 371-1288  
 Fax: (540) 371-3479  
 www.bowmanconsulting.com  
 © Bowman Consulting Group, LLC

**SITE LAYOUT PLAN**  
**GENERALIZED DEVELOPMENT PLAN**  
**FALMOUTH VILLAGE COMMERCIAL**  
 GEORGE WASHINGTON MAGISTERIAL DISTRICT STAFFORD COUNTY, VIRGINIA

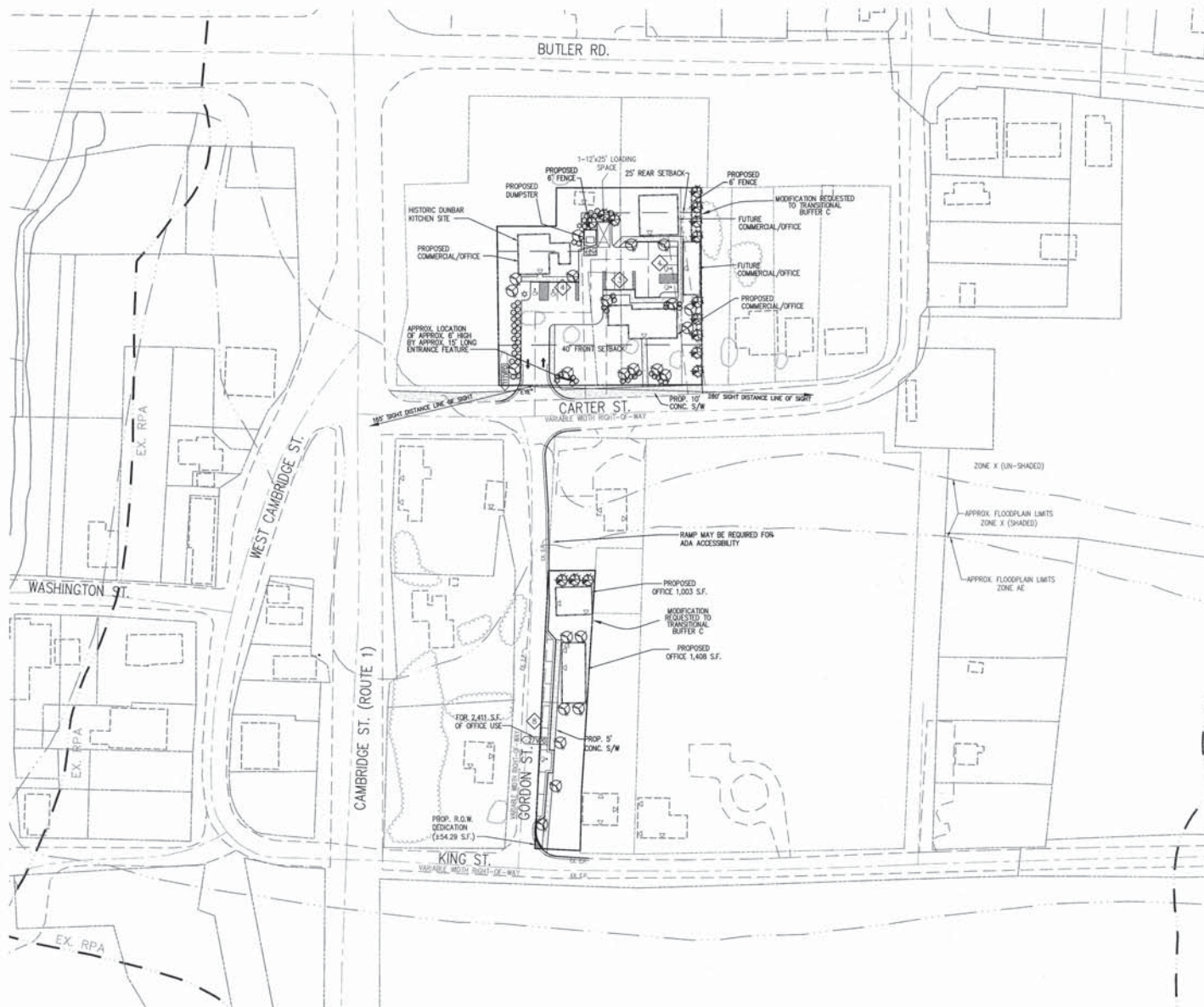
RC16151458  
 COUNTY PROJECT NUMBER



**PLAN STATUS**

09/07/16	1st SUBMISSION
02/24/17	2nd SUBMISSION
02/08/17	3rd SUBMISSION
04/05/17	4th SUBMISSION
04/19/17	5th SUBMISSION

DATE	DESCRIPTION
SEG	EB WSP
DESIGN	DRAWING CHWD
SCALE	H: 1" = 50'
	V: N/A
JOB No.	100039-01-002
DATE	JULY 2016
FILE No.	100039-0-ZP-001



# LANDSCAPE PLAN LEGEND

- DENOTES PROPOSED UNDERSTORY TREE
- DENOTES PROPOSED EVERGREEN TREE
- DENOTES PROPOSED SHRUBS

NOTE:  
DEPICTION OF EXISTING TREELINE CONTAINS ALL TREES  
WITH TRUNK DIAMETER GREATER THAN 6" DBH.  
GRAPHIC SCALE



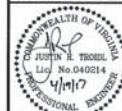
THIS SHEET FOR LANDSCAPING PURPOSES ONLY!

**Bowman**  
CONSULTING

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GENERALIZED LANDSCAPE PLAN  
GENERALIZED DEVELOPMENT PLAN  
FALMOUTH VILLAGE COMMERCIAL  
GEORGE WASHINGTON MAGISTERIAL DISTRICT STAFFORD COUNTY, VIRGINIA

RC16151458  
COUNTY PROJECT NUMBER



PLAN STATUS  
09/07/16 1st SUBMISSION  
01/24/17 2nd SUBMISSION  
02/09/17 3rd SUBMISSION  
04/05/17 4th SUBMISSION  
04/19/17 5th SUBMISSION

DATE	DESCRIPTION
SEG	EB WSP
DESIGN	DRAWN CHK'D
SCALE	H: 1" = 50'
	V: N/A
JOB No.	100039-01-002
DATE	JULY 2016
FILE No.	100039-0-ZP-001

SHEET 7 OF 7



O16-24

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 18<sup>th</sup> day of October, 2016:

<u>MEMBERS:</u>	<u>VOTE:</u>
Robert "Bob" Thomas, Jr, Chairman	Yes
Laura A. Sellers, Vice Chairman	Yes
Meg Bohmke	Yes
Jack R. Cavalier	Yes
Wendy E. Maurer	Yes
Paul V. Milde, III	Yes
Gary F. Snellings	Yes

On motion of Ms. Bohmke, seconded by Mrs. Maurer, which carried by a vote of 7 to 0, 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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Page 2

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 the 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

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Page 3

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:

Maximum floor area .....As in the underlying zoning district

Open space ratio .....As in the underlying zoning district

- (2) Minimum yards:

Front, side, back .....As 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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Page 4

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).

**Sec. 28-67. – Falmouth Redevelopment Area Overlay (FR).**

- (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.

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Page 5

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.



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Page 6


- (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 fifty (250) feet; and
  - 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

O16-24  
Page 7

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. The use of outdoor seating shall be limited from 7:00 AM to 11:00 PM.
  - b. Outdoor seating shall not obstruct the movement of pedestrians on any 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.

A Copy, teste:

  
C. Douglas Barnes  
Interim County Administrator

CDB:JAH:sjs

**STAFFORD COUNTY, VIRGINIA**  
**ZONING RECLASSIFICATION APPLICATION**  
**IMPACT STATEMENT**

Applicant: LCT and JSC, LLC

Property: Tax Map Parcels 53D-1-34, 53D-1-35, 53D-1-43 and 53D-1-43A, known as 107 & 111 Carter Street and 108 Gordon Street, containing a total of 1.1492 acres (collectively all of the foregoing parcels known as the “Property”)

Owner: Loyd C. Taylor

Project Name: “Falmouth Village Commercial”

Rezoning Request: From R-1 to B-1

Date: September 7, 2016, as revised December 28, 2016

File No.: RC16151459

---

**Rezoning Application Request**

The Applicant hereby requests a rezoning of the following property from Suburban Residential (R-1) to Convenience Commercial (B-1) in accordance with the Stafford County, Virginia (the “County”) zoning ordinance, including without limitation Article III, Section 28-35, Article X, Section 28-161, et seq., and Article XII Section 28-201, et seq.:

Tax Parcels 53D-1-34, 53D-1-35 (collectively of record by Instrument No. 120006359), 53D-1-43 (of record by Instrument No. 130020859) and 53D-1-43A (of record by Instrument No. 090005807) (collectively, the “Property”), consisting in the aggregate of approximately 1.1492 acres total, and generally located Southeast of the Intersection of Routes 1 and 17, on Carter Street and Gordon Street, within the George Washington Magisterial District, all as more particularly described on the generalized development plan entitled “Generalized Development Plan Falmouth Village Commercial”, dated July 2016, as last revised, and attached hereto as Exhibit A (the “GDP”), which plan is incorporated as a material part of this application by this reference.<sup>1</sup>

<sup>1</sup>The GDP is a general overview of the proposed development and improvements to the Property in accordance with Article XIII, Section 28-221, et seq., of the County zoning ordinance. The Applicant reserves the right to make modifications or amendments to the GDP in order to address final site engineering, architectural, and design issues internal road placements and entry areas, RPA requirements, and to ensure compliance with applicable federal, state and county regulations, laws and ordinances. A final site plan for the Property will supersede the GDP.

## **Overview**

As noted above, the Property is currently zoned R-1. The Applicant proposes a change to the zoning of the Property from R-1 to B-1 to allow for office and other commercial uses authorized under the B-1 zoning district not otherwise proffered-out under the attached proffer statement. Section 28-34 of the County's Zoning Ordinance states the following concerning the B-1 district:

“The purpose of the B-1 district is to provide areas for selected retail shopping and personal services to serve only the needs of the adjacent urban residential areas. Such areas are intended to be located only at strategic sites in relation to population centers and transportation networks.”

Portions of the Property are located at the southeastern corner of Jefferson Davis Highway (a/k/a US Rt. 1) and Butler Road, and the other portions of the Property are located at or near the intersection of River Road and Gordon Street (a/k/a Falmouth Bottom). The Applicant plans to utilize current structures on the Butler Road parcels, and has attracted a real estate office user for said parcels (at the intersection of Jefferson Davis Highway and Butler Road).<sup>2</sup> The Applicant is aggressively seeking other office and commercial users for the remainder of the Property.

As described below, the Applicant's proposal conforms to the policies established by the County's Comprehensive Plan amended as of August 16, 2016 (the “Comp Plan”). Adjacent properties will experience minimal impacts. Furthermore, the proposal will result in minimal impacts on public facilities and services as more particularly described herein.

## **Comprehensive Plan**

### **Future Land Use Map**

The revised Future Land Use Map no longer designates the Property as a portion of the Suburban area, however, the Comp Plan suggests that Redevelopment Areas may coincide with Suburban areas, but does not provide further detail. The Comp Plan suggests a Mixed Use Future Land Use for the Property due to its location with the Historic Falmouth Village Planning Area. Though no specific restrictions are noted under the Historic Falmouth Village Planning Area as applied to the Mixed Use designation, the Central Stafford Business Planning Area provides for a Mixed Use designation for which development should be modeled using the principles of new urbanism with buildings three to four stories in height, or one or more commercial centers serving nearby residential uses; and stand-alone commercial areas with a mix of retail, office and industrial uses with town centers consisting of a mix of commercial and residential uses.

### **Urban Service Area**

The Comp Plan includes the Property in the “Urban Service Area”. This designation attempts to funnel new development in the County to the land around I-95 and other major transportation corridors in order to take advantage of existing public utilities in the area. The Urban Service

<sup>2</sup> Please note that the applicant may require certain setback and buffer waivers/exceptions since the existing buildings may be located on or over applicable property lines.

Area supports any new development which is compatible with the Property's Future Land Use Map designation.

The Property's location in the Urban Service Area supports the project's utilization of existing public utilities. The Applicants will extend water and sewer lines from nearby rights of way as necessary in order to serve the office buildings.

#### Planning Area

The Comp Plan includes the Property in the "Planning Area" of Historic Falmouth Village.

#### Economic Development Priority Focus Area

The Comp Plan designates the Property, as a part of the Planning Area of Historic Falmouth Village, as a "Economic Development Priority Focus Area". Economic Development Priority Focus Areas, as well as Redevelopment Areas, emphasize where business development is encouraged, as identified in the Economic Development Strategic Plan.

#### Redevelopment Area

The Comp Plan designates the Property, as a part of the Planning Area of Historic Falmouth Village, as a "Redevelopment Area". Redevelopment Areas, as well as Economic Development Priority Focus Areas, emphasize where business development is encouraged, as identified in the Economic Development Strategic Plan. Redevelopment Areas are selected areas within the Urban Service Area where the County desires to concentrate its efforts to change the existing development pattern. These areas are typically underutilized or underdeveloped. The primary focus is for economic revitalization through the development of mixed use developments. Commercial activities will be given special attention while limited residential uses are encouraged to keep the areas vibrant during non-working hours. Redevelopment Areas may be both suburban and/or urban in scale. The special area plans associated with Redevelopment Areas include specific recommendations regarding the form of development. In locations where the special area plans include more specific recommendations, those recommendations shall take precedence over the underlying land use designations, with the exception of Targeted Growth Areas. The area was recently designated as an economic redevelopment site, and will be treated on par with other similar areas in the proposed redevelopment plans. The Property is recommended primarily for Mixed Use Future Land Use. More detailed land use concept plans may be considered for sections of the Planning Area on a case by case basis.

#### Transportation

A portion of the Property is located north of the King Street and Gordon Street intersection and south of Carter Street. Another portion of the Property is located between Carter Street and Butler Street, and Cambridge Street and Carter Street. Cambridge Street is a minor arterial road, King Street and Butler Road are urban collector roads, and Gordon Street is a local road. The Comp Plan's Anticipated Transportation Needs Map designates this segment of Cambridge Street for future six lane upgrades and a section of Butler Road for future four lane upgrades.

whereby certain improvements to this intersection have been completed and adequate right of way dedicated; thus these improvements and future expansion should not impact the proposed project. The Comp Plan's Road Improvement Projects in Approved Programs table lists the Cambridge Street two lane reconstruction improvements and the Falmouth intersection of Cambridge Street and Butler Road for intersection improvements, but does not specify the type of improvements, and provides for a replacement of the Jefferson Davis Highway bridge over the Rappahannock River.

### **Impact Analysis**

1. **Current capacity of and anticipated demands on highways, utilities, storm drainage, schools and recreational facilities.**

- A. Highways. Primary access to the site will be from Cambridge Street (Route 1) and Butler and Carter Streets. The project does not exceed any thresholds under §15.2-2222.1 of the Code of Virginia and the Virginia Traffic Impact Analysis Regulations (24 VAC 30-155), which are commonly referred to as "Chapter 527" requirements. We are not aware of any specific traffic volume capacity issues based on the classification by either the County or VDOT. VDOT has recently completed the project constructing improvements to the Route 1 and Butler Road intersection.

B.

Traffic Volumes are as follows:

B-1: daily vehicle trips per day of (i) 139 VPD during the week and Saturday 258 VPD, (ii) A.M peak hour of 51 VPH and PM Peak hour of 20 VPH and (iii) Saturday peak of 50 vehicle trips.

By Right Impacts: The Property is currently zoned R-1, which generally permits 2 single family detached units to the acre. The subject site would allow an ITE 210 Code for residential uses with daily vehicle trips per day of (i) 28 VPD during the week and Saturday 27 VPD, (ii) A.M peak hour of 14 VPH and PM Peak hour of 4 VPH and (iii) Saturday peak of 13 vehicle trips.

- B. Utilities. As noted above, the proposed rezoning is located within the County's Urban Service Area and has access to public water and sewer. The proposed project will have minimal impact on utility demands. There is existing sewer in Carter and Gordon Streets which flows down towards King Street. There is existing water in Butler, Carter, Cambridge, and Gordon Streets. These appear to have available capacity, or the reasonable ability to be upgraded by the developer to provide adequate capacity. The Applicant will extend utility lines to serve the development.

Public Water: This project is located in the Falmouth Pressure Zone. There are existing water lines in the Butler, Carter, Cambridge, and Gordon Street rights-of-way. Onsite water lines will generally be

constructed along the proposed roads within the development creating loops and networks throughout the Property. The anticipated daily demand for water is as follows: 0.2 gpd per SF x 8227 SF = 1,645 GPD.

Sewer: This project is located in the Claiborne Run sewer service area. Existing sewer lines are located in the Carter and Gordon Street rights-of-way. Onsite sewer lines will generally be constructed along the proposed roads within the development creating loops and networks throughout the Property. The anticipated daily demand for sewer is as follows: 0.25 GPD per SF x 8227 SF = 2,057 GPD.

By-Right Impact: As previously noted, the current zoning of the Property is R-1. The public utility impacts for the Property as currently zoned are: 2 lots, 240 gpd/lot water = 480 gpd, 2 lots 300 gpd sewer = 600 gpd.

- C. Storm Drainage. It is anticipated that either underground storage/treatment methods will be utilized for SWM as necessary, or bioretention will be utilized if soil conditions are amenable.

By Right Impact: By-right development of single-family lots would require some minor treatment measures along the lines of disconnected impervious rooftops or similar.

- D. Schools. The proposed rezoning will not impact schools, as B-1 zoning does not permit residential uses.

By Right Impact: A by-right development with 2 detached single family homes is estimated to generate approximately 1.32 school aged children upon build-out.

- E. Recreational Facilities. The proposed rezoning will have no impact on public park and recreational facilities.

By-Right Impact: By right use of the Property would have a minimal impact on public park and recreational facilities

## 2. **Environmental Impact.**

Based on a review of available County GIS information and aerial photography, the Property is developed, and there are no streams or wetlands located onsite or within 100 feet of the Property. The closest stream resources are located approximately 500 feet to the south of the Property (Rappahannock River) and 300-400 feet to the west (Falls Run). Likewise, a Critical Resource Protection Area (CRPA) is not mapped on the Property, and the County-mapped CRPA boundaries along the Rappahannock River and Falls Run are at least 300 feet away from the Property. Therefore, wetland delineation, Perennial Flow

Evaluation and CRPA Determination studies are not warranted for this Property, and Section 404/401 permits will not be required from the U.S. Army Corps of Engineers and Virginia Department of Environmental Quality for the proposed development of the Property.

According to FEMA Flood Insurance Rate Map (FIRM) Nos. 5101540203E and 5101540204E (Revised February 4, 2005), the southern portion of the Property (Parcels 53D-1-34 and 53D-1-35) is located within Zone AE, and the northern portion (Parcels 53D-1-43 and 53-1-43A) is located within Zone X (unshaded). The proposed development of the Property includes the construction of parking and sidewalks within the FEMA floodplain only; no modifications to the existing buildings or additional building structures are proposed.

Based on a review of available information obtained from the U.S. Fish and Wildlife Service and the Virginia Department of Game and Inland Fisheries related to potential threatened and endangered species on the Property, and existing site conditions and surrounding land uses, no adverse impacts to Federal or State-listed threatened and endangered species or critical habitat are anticipated to result from the proposed development of the Property.

By-Right Impact: By-right use of the Property would have the same minimal impact on environmental resources.

3. **Impact on Adjacent Properties.**

The permitted uses in the R-1 district generally relate to relatively low density residential development. The Falmouth Village Redevelopment Area is intended to promote further growth in the form of mixed use developments. Other Planning Areas proposing mixed uses contemplate buildings three to four stories in height, or one or more commercial centers serving nearby residential uses; and stand-alone commercial areas with a mix of retail, office and industrial uses with town centers consisting of a mix of commercial and residential uses. A commercial, retail and office development aligns with these visions for the development of the Property and the surrounding area, allowing for such mixed uses within proximity of each other. Surrounding developments consist of comparable density and uses, including a mixture of R-1 and B-2 classifications. The property to the west is developed for real estate brokerage offices, most of the property to the north is vacant, and a portion of the eastern property line is adjacent to a multifamily residential development.

4. **Historical Sites.**

The Property is located within the Falmouth Historic District (DHR ID 089-0067), which is listed on the National Register of Historic Places (NRHP) and the Virginia Landmarks Register (VRL). The Property includes the “Dunbar Kitchen” or House located at 107 Carter Street (DHR ID 089-0067-009) and the



House located at 111 Carter Street (DHR ID 089-0067-0055), both of which are considered contributing resources to the Falmouth Historic District. The Property also included the House at 104 Gordon Street (DHR ID 089-5083), which has been demolished and is no longer a contributing resource to the Falmouth Historic District. The Property is also just located within the designated boundaries of the Chancellorsville Battlefield (DHR ID 088-5180) and the Battle of Fredericksburg I (DHR ID 111-5295). Accordingly, the two historic buildings on the Property shall remain, and no adverse impacts to historic resources are anticipated to result from the proposed development of the Property.

**EXHIBIT A**

GDP

See attached “Generalized Development Plan Falmouth Village Commercial”, prepared by Bowman Consulting, dated July 2016, as last revised.

8405385-1 041237.00001

## Project Information & Primary Contacts

<b><u>PROJECT INFORMATION</u></b>		<b><u>PROJECT #</u></b> <u>10151459</u>
<u>Falmouth Village Commercial</u>		
<small>PROJECT NAME</small>		<small>SECTION</small>
<u>107 &amp; 111 Carter Street and 108 Gordon Street</u>		<u>1.1492</u>
<small>ADDRESS (IF AVAILABLE)</small>		<small>TOTAL SITE ACREAGE</small>
<u>53D-1-34, 53D-1-35, 53D-1-43 &amp; 53D-1-43A</u>		<u>R-1</u>
<small>TAX MAP /PARCEL(S)</small>		<small>ZONING DISTRICT</small>
<u>Southeast of Intersection of Rte 1 &amp; Rte 17, on Carter Street and Gordon Street</u>		
<small>LOCATION OF PROJECT</small>		

<b><u>APPLICANT/AGENT</u></b> (Provide attachment if Applicant and Agent differ)		Primary Contact Person <input type="checkbox"/>	
<u>Scott Cleveland (Applicant)</u>		<u>LCT and JSC, LLC</u>	
<small>NAME</small>		<small>COMPANY</small>	
<u>2614 Glenda's Way</u>	<u>Fredericksburg</u>	<u>VA</u>	<u>22408</u>
<small>ADDRESS</small>	<small>CITY</small>	<small>STATE</small>	<small>ZIP</small>
<u>540-834-3200</u>	<u>540-266-3900</u>	<u>scottvare@gmail.com</u>	
<small>PHONE NUMBER</small>	<small>FAX NUMBER</small>	<small>EMAIL ADDRESS</small>	

<b><u>OWNER</u></b> (Provide attachments if multiple owners)		Primary Contact Person <input type="checkbox"/>	
<u>Loyd C. Taylor</u>			
<small>NAME</small>		<small>COMPANY</small>	
<u>2614 Glenda's Way</u>	<u>Fredericksburg</u>	<u>VA</u>	<u>22408</u>
<small>ADDRESS</small>	<small>CITY</small>	<small>STATE</small>	<small>ZIP</small>
<u>540-266-3900</u>	<u>540-368-5156</u>	<u>LCT57chevy@yahoo.com</u>	
<small>PHONE NUMBER</small>	<small>FAX NUMBER</small>	<small>EMAIL ADDRESS</small>	

<b><u>PROFESSIONAL</u></b> (Engineer, Surveyor, etc.)		Primary Contact Person <input type="checkbox"/>	
<u>Bill Pyle</u>		<u>Bowman Consulting</u>	
<small>NAME</small>		<small>COMPANY</small>	
<u>650A Nelms Circle</u>	<u>Fredericksburg</u>	<u>VA</u>	<u>22406</u>
<small>ADDRESS</small>	<small>CITY</small>	<small>STATE</small>	<small>ZIP</small>
<u>540-371-0268</u>	<u>540-371-3479</u>	<u>bpyle@bowmanconsulting.com</u>	
<small>PHONE NUMBER</small>	<small>FAX NUMBER</small>	<small>EMAIL ADDRESS</small>	

## Project Information & Primary Contacts

<b><u>PROJECT INFORMATION</u></b>	<b><u>PROJECT #</u></b> _____
<u>Falmouth Village Commercial</u>	_____
PROJECT NAME	SECTION
<u>107 &amp; 111 Carter Street and 108 Gordon Street</u>	<u>1.1492</u>
ADDRESS (IF AVAILABLE)	TOTAL SITE ACREAGE
<u>53D-1-34, 53D-1-35, 53D-1-43 &amp; 53D-1-43A</u>	<u>R-1</u>
TAX MAP /PARCEL(S)	ZONING DISTRICT
<u>Southeast of Intersection of Rte 1 &amp; Rte 17, on Carter Street and Gordon Street</u>	
LOCATION OF PROJECT	

<b><u>APPLICANT/AGENT</u></b> (Provide attachment if Applicant and Agent differ)		<b>Primary Contact Person</b> <input checked="" type="checkbox"/>	
<u>Charles W. Payne, Jr. (agent)</u>		<u>Hirschler Fleischer</u>	
NAME		COMPANY	
<u>725 Jackson Street, Suite 200</u>	<u>Fredericksburg</u>	<u>VA</u>	<u>22401</u>
ADDRESS	CITY	STATE	ZIP
<u>540-604-2108</u>	<u>540-604-2101</u>	<u>cpayne@hf-law.com</u>	
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	


<b><u>OWNER</u></b> (Provide attachments if multiple owners)		<b>Primary Contact Person</b> <input type="checkbox"/>	
<u>Loyd C. Taylor</u>		_____	
NAME		COMPANY	
<u>2614 Glenda's Way</u>	<u>Fredericksburg</u>	<u>VA</u>	<u>22408</u>
ADDRESS	CITY	STATE	ZIP
<u>540-266-3900</u>	<u>540-368-5156</u>	<u>LCT57chevy@yahoo.com</u>	
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	

<b><u>PROFESSIONAL</u></b> (Engineer, Surveyor, etc.)		<b>Primary Contact Person</b> <input type="checkbox"/>	
<u>Bill Pyle</u>		<u>Bowman Consulting</u>	
NAME		COMPANY	
_____	_____	_____	_____
ADDRESS	CITY	STATE	ZIP
_____	_____	_____	_____
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	

STAFFORD COUNTY  
Department of Planning and Zoning

### Statements of Understanding

I, as owner/co-owner of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a reclassification as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.



Signature of Owner/Co Owner

Loyd C. Taylor

Printed Name

9-6-2016

Date

Signature of Owner/Co Owner

Printed Name

Date

Signature of Owner/Co Owner

Printed Name

Date

I, as applicant or agent for the owner(s) of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a reclassification as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

Signature of Applicant/Agent

Printed Name

Date

\* Additional sheets may be used, if necessary.

### Statements of Understanding

I, as owner/co-owner of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a reclassification as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

\_\_\_\_\_  
Signature of Owner/Co Owner

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner/Co Owner

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner/Co Owner

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

I, as applicant or agent for the owner(s) of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a reclassification as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

  
\_\_\_\_\_  
Signature of Applicant/Agent

S. Scott Cleveland  
Printed Name

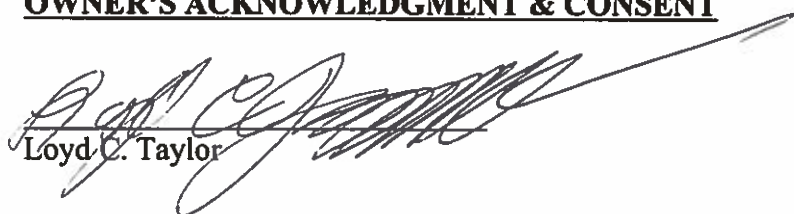
8-25-16  
Date

\* Additional sheets may be used, if necessary.

**STAFFORD COUNTY REZONING APPLICATION**  
**OWNER'S NOTARIZED CONSENT**

I hereby authorize the applicant, LCT and JSC, LLC, or its successors and assigns (the "Applicant"), to file on my behalf all rezoning, special use permit or other land use or permitting applications necessary to rezone and develop Tax Map Parcels 53D-1-34, 53D-1-35, 53D-1-43 and 53D-1-43A, from Residential-1 to B-2 or other zoning designation as the Applicant may reasonably determine, and further authorize the Applicant, at its sole cost and expense, to procure, file and provide all necessary studies, application content regarding said properties, any proffer statements, plans and other application materials, and to undertake all other actions necessary to obtain approval for all of the same.

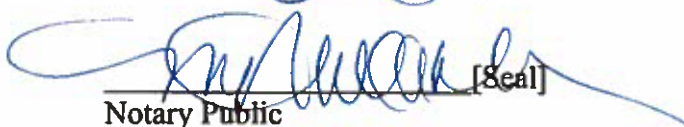
**OWNER'S ACKNOWLEDGMENT & CONSENT**

  
Loyd C. Taylor

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF Stafford County, to wit:

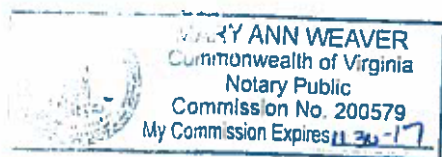
I, the undersigned, a Notary Public in and for the City/County and State aforesaid, does hereby certify that Loyd C. Taylor, as owner, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 25<sup>th</sup> day of August, 2016.

  
Notary Public [Seal]

Print Name: Mary Ann Weaver  
My Commission Expires: 11.30.2017  
Registration No.: 200579

7726803-1 041237.00001



STAFFORD COUNTY  
Department of Planning and Zoning

### General Information

Clearly indicate all information that applies to this project:

#### DETAILED DESCRIPTION OF PROJECT

Rezoning of the Property from R-1 to B-1 to allow for office and other commercial uses .  
\_\_\_\_\_  
\_\_\_\_\_

#### INFORMATION FOR FEE CALCULATIONS

1.1492 # of Acres

Type of Rezoning:

- ☒ Standard Rezoning  
☐ Planned Development  
☐ Proffer Amendment  
☐ Minor Proffer Amendment  
☐ Minor Proffer Amendment (when submitted simultaneously with Minor Conditional Use Permit Application)

#### INFORMATIONAL

Previous Ordinance # \_\_\_\_\_

Previous Resolution # \_\_\_\_\_

# of Lots (if rezoning to residential) \_\_\_\_\_

Original Zoning R-1 \_\_\_\_\_

Proposed Zoning B-1 \_\_\_\_\_

Proposed Use(s) office and other commercial uses  
\_\_\_\_\_  
\_\_\_\_\_



**Review Fee Calculations****STAFFORD COUNTY FEES:**

The County review fee calculations are divided into four sections. Each section is based on a different type of reclassification. Determine the application fee by filling out the one section that applies.

**Section I. Standard Rezoning:**

A. Base Fee: (Required - Enter the dollar amount that applies)	
If less than 5.0 acres .....	\$4,375.00
If 5.0 acres or greater .....	\$12,500.00
	\$ <u>4,375.00</u> ✓
B. General Fee: (If greater than 5 acres)	
( _____ Acres – 5) X \$125 .....	\$ _____
C. Fire & Rescue Review Fee (required).....	\$ <u>125.00</u> ✓
D. Utilities Department Review Fee (required).....	\$ <u>215.00</u> ✓
E. Public Works Review Fee (required).....	\$ <u>200.00</u> ✓
F. Traffic Impact Analysis Review Fee: (If TIA required)	
Volume <1,000 VPD .....	\$200.00
Volume >1,000 VPD .....	\$400.00
	\$ <u>400.00</u> ✓
G. Adjacent Property Notification (required):	
( <u>11</u> Adjacent properties) X \$6.48 .....	\$ <u>71.28</u> ✓
Sub-total (Add appropriate amounts from lines A thru G above).....	\$ <u>5,386.28</u>
H. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ <u>148.12</u>
TOTAL (Sub-total + H. Technology Fee).....	\$ <u>5,534.40</u>

### List of Adjoining Property Owners

The applicant is required to provide a list of the owners as shown on the current real estate tax assessment books of all abutting properties and properties immediately across the street or road from the property to be rezoned or issued a Conditional Use Permit. If the application requests a rezoning of only a portion of the parcel or a Conditional Use Permit on only a portion of the parcel, the entire parcel must be the basis for the below listing.

Provide additional pages if needed.

<u>53D-1-45</u>	<u>Salem &amp; Parrish Waters</u>	
TAX MAP / PARCEL	NAME	
<u>115 Carter Street</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22405</u>
CITY	STATE	ZIP

<u>53D-1-32A</u>	<u>William J. &amp; Cecelia S. Howell</u>	
TAX MAP / PARCEL	NAME	
<u>PO Box 8296</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22404</u>
CITY	STATE	ZIP

<u>53D-1-31</u>	<u>Norman L. Schools &amp; Lenetta F. Small</u>	
TAX MAP / PARCEL	NAME	
<u>305 King Street</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22405</u>
CITY	STATE	ZIP

<u>53D-1-33</u>	<u>Jeromy V. &amp; Jane C. Range</u>	
TAX MAP / PARCEL	NAME	
<u>303 King Street</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22405</u>
CITY	STATE	ZIP

<u>53D-1-38</u>	<u>Irma A. Clifton</u>	
TAX MAP / PARCEL	NAME	
<u>100 Carter Street</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22405</u>
CITY	STATE	ZIP

<u>53D-1-37</u>	<u>Anne B. Jones</u>	
TAX MAP / PARCEL	NAME	
<u>2203 Cowan Blvd, Apt 44B</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22401</u>
CITY	STATE	ZIP

<u>53D-1-36 &amp; 53-113</u>	<u>County of Stafford</u>	
TAX MAP / PARCEL	NAME	
<u>PO Box 339</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22555</u>
CITY	STATE	ZIP

<u>53D-1-73 &amp; 53D-1-76</u>	<u>Bertram Development Corporation</u>	
TAX MAP / PARCEL	NAME	
<u>77 Cambridge Street</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22405</u>
CITY	STATE	ZIP

<u>53D-1-18</u>	<u>Cristo L. Iglesia De Dios Pentecostal</u>	
TAX MAP / PARCEL	NAME	
<u>15 Butler Road</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22405</u>
CITY	STATE	ZIP

<u>53D-2-5</u>	<u>Mary Limerick Berry</u>	
TAX MAP / PARCEL	NAME	
<u>106 Forbes Street</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22405</u>
CITY	STATE	ZIP

<u>53D-2-2</u>	<u>Cristian E. Duran and Henry O. Amaya</u>	
TAX MAP / PARCEL	NAME	
<u>104 Forbes Street</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22405</u>
CITY	STATE	ZIP

STAFFORD COUNTY  
Department of Planning and Zoning

## Application Affidavit

**This form to be filed with:**

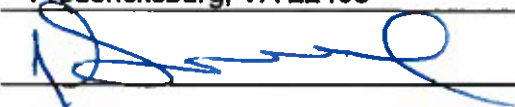
**STAFFORD COUNTY  
BOARD OF SUPERVISORS**  
  
**1300 COURTHOUSE ROAD  
STAFFORD, VIRGINIA 22555**

Project Name: <u>Falmouth Village Commercial</u> A/P #: <u>10151459</u> Date: <u>09/28/10</u>	Internal Use Only
---	-------------------

All applicants for a special exception, a special use permit, conditional use permit, amendment to the zoning ordinance or variance shall make complete disclosure of the equitable ownership of the real estate involved in the application, including in the case of corporate ownership, limited liability company ownership or similar business ownership, the name of stockholders, officers, managing partners, general partners, owners and members, and in any case the names and addresses of all of the real parties in interest. The requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the event the ownership of the involved real estate changes in any respect during the time the application is pending, the applicant shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein. If the applicant is a contract purchaser, the ownership information required herein shall be provided for the contract purchaser in addition to the owner of the real estate involved in the application. This section applies to applications before the board of supervisors, planning commission and board of zoning appeals.

See Section 15.2-2289 for State Enabling Authority

### 1. Applicant information

<b>Name of Applicant</b>	<u>Scott Cleveland</u>
<b>Name of Company</b>	<u>LCT and JSC, LLC</u>
<b>Applicant Address</b>	<u>2614 Glenda's Way</u> <u>Fredericksburg, VA 22408</u>
<b>Applicant's Signature</b>	
<b>Name of Agent</b>	<u>Charles W. Payne, Jr.</u>
<b>Address of Agent</b>	<u>725 Jackson Street, Suite 200, Fredericksburg, VA 22401</u>

### 2. Type of Application

- |   |  |
|---|--|
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Variance          |
| <input checked="" type="checkbox"/> Rezoning    | <input type="checkbox"/> Special Exception |

**Application Affidavit**

**Page 2**

**Applicant:** LCT and JSC, LLC

**Project Name:** \_\_\_\_\_  
**A/P #:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

**3. Property Information**

**Assessor's Parcel(s)** 53D-1-34, 53D-1-35, 53D-1-43 & 53D-1-43A

**Address** 107 & 111 Carter Street and  
108 Gordon Street

**4. Unless the equitable ownership is a corporation, limited liability company or similar business ownership, list all equitable owners of the property.**

<u>Name of owners</u>	<u>Address</u>
<u>Loyd C. Taylor</u>	<u>2614 Glenda's Way, Fredericksburg, VA 22408</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

**5. If the equitable ownership of the property is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders.**

<u>Name of Members</u>	<u>Address</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

**6. Unless the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all individuals involved with the purchase of the property.**

<u>Name of Members</u>	<u>Address</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>



**Application Affidavit**

**Page 3**

**Applicant:** LCT and JSC, LLC

Project Name: \_\_\_\_\_  
A/P #: \_\_\_\_\_  
Date: \_\_\_\_\_

**7. If the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders**

**Name of Members**

<u>Scott Cleveland</u>	<u>6020 Potomac Landing Drive, King George, VA 22485</u>
<u>Loyd C. Taylor</u>	<u>2614 Glenda's Way, Fredericksburg, VA 22408</u>
_____	_____
_____	_____
_____	_____

**8. Have all individuals listed on this affidavit been notified of the purpose of the application?**

☒ Yes ☐ No

**9. If #8 is No, list all individuals who have not been notified about this application plus submit the cost required for the Department of Planning and Zoning or Code Administration to send certified letters notifying those listed below of this application prior to the public hearing.**

<b><u>Name</u></b>	<b><u>Address, including zip code, no P.O. Box please</u></b>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**Number of owners to be notified:** \_\_\_\_\_ **X**

**Cost for certified letters** \$ \_\_\_\_\_ (cost as of the day of submittal)

**Total due:** \$ \_\_\_\_\_ (Make checks payable to County of Stafford)

**Please submit a check in the amount due with this application to cover the cost of serving the individuals listed in this section.**

STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

**Page 4**

**Applicant:** LCT and JSC, LLC

Project Name: \_\_\_\_\_  
A/P #: \_\_\_\_\_  
Date: \_\_\_\_\_

**10. Affirmation & Witness**

**I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief. In the event the ownership of the involved real estate changes during the time the application is pending, I shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein.**

**Printed name of Signer** J. Scott Cleveland

**Corporate Office of Signer** Member of LLC

**Signature** \_\_\_\_\_

**Date** 8-25-16

COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD, to wit:

The forgoing affidavit was acknowledged before me this 25<sup>th</sup> day of August, 2016 by

J. Scott Cleveland owner/applicant.

My commission expires: 12-31-2019



Notary Public

\_\_\_\_\_

STAFFORD COUNTY  
Department of Planning and Zoning

## Checklist for Generalized Development Plans (GDP)

In accordance with Section 28-224 of the Stafford County Code, when a GDP involves engineering, architecture, urban land use planning or design, landscape architecture, or surveying, such work shall be performed by persons qualified and authorized to perform such professional work, in accordance with applicable provisions of the Code of Virginia.

The following items must be shown on a GDP:

**N/A      COMPLETE**

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <b>Sec 28-225(1)</b>   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Date of drawing,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | true north arrow,  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | scale,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | legend for all symbols used,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | name of the applicant,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | name of the owner,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | name of the development,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | person preparing the drawing,  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | match lines if applicable;   |
|                                     |                                     | <b>Sec 28-225(2)</b>   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Boundaries of the area covered by the application,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | vicinity map showing the general location of the proposed development,                               |
|                                     |                                     | major roads and existing subdivisions at a scale of one inch equals two thousand (2,000) feet;       |
|                                     |                                     | <b>Sec 28-225(3)</b>   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Approximate locations and identification of any easements and rights-of-way on or abutting the site; |
|                                     |                                     | <b>Sec 28-225(4)</b>   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Approximate location of each existing and proposed structure on the site                             |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | the number of stories,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | height,  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | roof line,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | gross floor areas and  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | location of building entrances and exits;  |
|                                     |                                     | <b>Sec 28-225(5)</b>   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Identification and location of uses and structures on all abutting properties;                       |
|                                     |                                     | <b>Sec 28-225(6)</b>   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Approximate location of all existing and proposed parking and loading areas,                         |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | outdoor trash storage,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | lighting facilities, and   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | pedestrian walkways;   |

STAFFORD COUNTY  
Department of Planning and Zoning

**Checklist for Generalized Development Plans (continued)**

N/A COMPLETE

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Sec 28-225(7)<br>Approximate location, height and type of each existing and proposed wall, fence, and other types of screening;  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Sec 28-225(8)<br>Approximate location and description of all proposed landscaping;   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Sec 28-225(9)<br>Approximate location, height and dimensions of all proposed signage on site;  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Sec 28-225(10)<br>Approximate location of all existing drainage ways, floodplains and wetlands on site;  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Sec 28-225(11)<br>Approximate location of all common open space, recreational areas and bufferyards;   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Sec 28-225(12)<br>Where the site abuts any tidal water body or impoundments, the approximate high water line, low water line, top of bank and toe of slope;  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Sec 28-225(13)<br>Approximate location and identification of all significant natural or noteworthy features including, but not limited to, historic and archeological sites, cemeteries, existing trees with a trunk diameter greater than six (6) inches DBH. |

**Waiver of GDP Requirements**

In accordance with Section 28-223 of the Stafford County Code, the Director of Planning and Zoning may waive the requirement for the submission of a GDP or one of the above required components if the application meets one of the following standards:

- (1) There will be less than two thousand five hundred (2,500) square feet of total land disturbance on lots or parcels of less than ten thousand (10,000) square feet.
- (2) For single-family dwellings intended for the occupancy of the applicant and where there will be less than five thousand (5,000) square feet of land disturbance.
- (3) For specific items of information when, in the opinion of the director of planning, their application to the subject property does not serve the purpose and intent of this article.

A request for a waiver shall be made in writing to the Director of Planning and Zoning identifying the sections in which you are requesting a waiver and the reason for the request.

STAFFORD COUNTY  
Department of Planning and Zoning

**RECLASSIFICATION  
TRANSPORTATION IMPACT  
ANALYSIS DETERMINATION**

Name of development Falmouth Village Commercial  
Type of development B-1  
Parcel # 53D-1-34, 53D-1-35, 53D-1-43 & 53D-1-43A

RECEIVED BUT NOT OFFICIALLY SUBMITTED:	
DATE: _____	INITIALS _____
OFFICIALLY SUBMITTED:	
DATE: _____	INITIALS _____

**Traffic Volume Calculations**

This site generates:

51 VPH (highest VPH)  
33,000 VPD on state controlled highways (highest) - RT. 1 AND RT. 17 INTERSECTION  
51 VPH Peak AM  
20 VPH Peak PM  
50 VPH Peak Saturday  
258 VPD highest intensity\* (ALL DAY SATURDAY)

\*\*\* Attach a page showing the calculations and the ITE trip generation codes to this form.\*\*\*

**Minimum Thresholds to submit a TIA**

County: Any proposals generating 1,000 or more VPD.

VDOT: See "VDOT Traffic Impact Analysis Requirements" table on next page.

**Trip Generation Calculation Guidelines**

- Traffic volumes shall be based on the rates or equations published in the latest edition of the Institute of Transportation Engineers Trip Generation.
- If a site has multiple entrances to highways, volumes on all entrances shall be combined for the purposes of this determination.
- If the site does not have direct access to a state maintained road, the site's connection is where the site connects to the state highway system.
- Traffic volumes shall NOT be reduced through internal capture rates, pass by rates, or any other reduction methods.
- For redevelopment sites only: when the existing use is to be redeveloped as a higher intensity use, trips currently generated by the existing development that will be removed may be deducted from the total trips that will be generated by the proposed land use.
- When rezoning, use the highest possible traffic generating use unless development is limited by proffer to less than the possible highest traffic generation.

For development proposals that generate 1,000 or more vehicle trips per peak hour the applicant shall request a scope of work meeting with VDOT and Stafford County Office of Transportation to discuss the required elements of a traffic impact analysis.

\*The highest intensity use is the highest possible use allowable under the zoning requirements for the entire property should it be developed to its fullest extent possible under the current building guidelines. The trip generation for the highest intensity use shall be analyzed in the study. The only exception is if proffers limit the area and type of uses.

## 710 General Office

1,566 SF AND 1,828 SF  
 1.55 VPH AM Peak  
 1.49 VPH PM Peak  
 .41 VPH SATURDAY Peak  
 VPD (RT. 1) - 33,000 VPD  
 AADT  
 36,000 VPD  
 AAWDT  
 (M-Thurs for  
 ONE YEAR &  
 AVERAGE  
 TRAFFIC

## 932 High Turn-over (Sit-down)

### ~~Restaurant~~ RESTAURANT

1,536 SF AND 886 SF

~~12.53~~

13.53 AM Peak

18.88 PM Peak

20.00 SATURDAY Peak

158.37 SATURDAY All day



## FALMOUTH Property: COURT YARD AREA

TRAFFIC VOLUME CALCULATIONS: ITE TRIP GENERATION - <sup>7th EDITION</sup> ~~10th EDITION~~

### 710 - General Office

- 1,566 SF X 1.55 (AM Peak) = 2.46 Trips ~~/Day/Week~~
- " " X 1.49 (PM Peak) = 2.33 Trips ~~/Day/Week~~
- " " X 0.41 (Saturday Peak) = 0.64 Trips ~~/Day/Week~~
- 5.43 Trips ~~/Day/Week~~

### 710 - General Office

- 1,828 SF X 1.55 (AM Peak) = 2.83 Trips
- " " X 1.49 (PM Peak) = 2.72 Trips
- " " X 0.41 (Saturday Peak) = 0.75 Trips
- 6.30 Trips

TOTAL OFFICE TRIPS: 11.73 TRIPS (Peak Hours)  
Say: 12 TRIPS

### 932 - High Volume (Sit-down) RESTAURANT

- 1,536 SF X 13.53 (AM Peak) = 20.78 Trips
- " " X 18.88 (PM Peak) = 29.00 Trips
- " " X 20.00 (Saturday Peak) = 30.72 Trips
- " " X 158.37 (Saturday All Day) = 243.30 Trips

- 886 SF X 13.53 (AM Peak) = 12.00 Trips
- " " X 18.88 (PM Peak) = 16.73 Trips
- " " X 20.00 (Saturday Peak) = 17.72 Trips
- " " X 158.37 (Saturday All Day) = 140.31 Trips

TOTAL Peak Trips: <sup>138.68</sup> ~~118.68~~, Say <sup>139</sup> ~~119~~

All Day Saturday: 257.61, Say 258 Trips



FALMOUTH Property: GORDON STREET

TRAFFIC Volume CALCULATIONS: ITE 7<sup>th</sup> Edition

710 - General: OFFICE

$$\begin{aligned} & \bullet 1003\text{sf} \times 1.55 \text{ (AM Peak)} = 1.55 \text{ TRIPS} \\ & \quad \times 1.49 \text{ (PM Peak)} = 1.49 \text{ TRIPS} \\ & \quad \times 0.41 \text{ (SATURDAY Peak)} = 0.41 \text{ TRIPS} \\ & \qquad \qquad \qquad \underline{3.45 \text{ TRIPS}} \end{aligned}$$

$$\begin{aligned} & \bullet 1,408\text{sf} \times 1.55 \text{ (AM Peak)} = 2.18 \text{ TRIPS} \\ & \quad \times 1.49 \text{ (PM Peak)} = 2.10 \text{ TRIPS} \\ & \quad \times 0.41 \text{ (SATURDAY Peak)} = 0.58 \text{ TRIPS} \\ & \qquad \qquad \qquad \underline{4.86 \text{ TRIPS (Peak)}} \end{aligned}$$

TOTAL TRIPS: 8.31 TRIPS



METES AND BOUNDS DESCRIPTION  
ON  
THE LANDS OF  
LOYD C. TAYLOR  
(TM 53D-1-34 & TM 53D-1-35)  
INSTRUMENT LR120006359  
FALMOUTH-HARTWOOD MAGISTERIAL DISTRICT  
STAFFORD COUNTY, VIRGINIA

BEGINNING AT A POINT BEING THE CORNER OF THE EASTERN RIGHT-OF-WAY OF GORDON STREET (VARIABLE WIDTH RIGHT-OF-WAY) AND THE NORTHERN RIGHT-OF-WAY OF KING STREET (VARIABLE WIDTH RIGHT-OF-WAY); THENCE DEPARTING SAID KING STREET AND RUNNING WITH SAID GORDON STREET THE FOLLOWING TWO (2) COURSES AND DISTANCES;

N 34°30'00" E 146.00 FEET TO A POINT; THENCE

N 34°40'40" E 130.83 FEET TO A POINT BEING IN THE LINE OF SAID GORDON STREET RIGHT-OF-WAY AND BEING THE SOUTHWESTERN CORNER TO TM 53D-1-32A, LANDS NOW OR FORMERLY STANDING IN THE NAME OF HOWELL AS RECORDED IN DEED BOOK 827, PAGE 216 AMONG THE LAND RECORDS OF STAFFORD COUNTY, VIRGINIA; THENCE DEPARTING SAID GORDON STREET AND RUNNING WITH SAID HOWELL THE FOLLOWING;

S 58°18'37" E 46.63 FEET TO A POINT BEING A SOUTHEASTERN CORNER TO SAID HOWELL AND BEING IN THE LINE OF TM 53D-1-32D, LANDS NOW OR FORMERLY STANDING IN THE NAME OF TAYLOR AS RECORDED IN LR 120006359 AMONG SAID LAND RECORDS; THENCE DEPARTING SAID HOWELL AND RUNNING WITH SAID TAYLOR, IN PART, THENCE WITH TM 53D-1-33, LANDS NOW OR FORMERLY STANDING IN THE NAME OF RANGE AS RECORDED IN LR 130004912 AMONG SAID LAND RECORDS, IN PART, THE FOLLOWING TWO (2) COURSES AND DISTANCES;

S 35°21'00" W 221.13 FEET TO A POINT; THENCE

S 33°01'00" W 58.03 FEET TO A POINT BEING IN THE LINE OF SAID RANGE AND IN THE AFOREMENTIONED NORTHERN RIGHT-OF-WAY LINE OF KING STREET; THENCE DEPARTING SAID RANGE AND RUNNING WITH SAID KING STREET THE FOLLOWING;

N 55°30'00" W 45.20 FEET TO THE POINT OF BEGINNING, CONTAINING 12,522 SQUARE FEET OR 0.28747 ACRES OF LAND MORE OR LESS, BEING THE SAME LAND AS SHOWN ON A PLAT PREPARED BY BOWMAN CONSULTING, ENTITLED "ZONING PLAT ON THE LANDS OF LOYD C. TAYLOR", DATED JULY 15, 2016.

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METES AND BOUNDS DESCRIPTION  
ON  
THE LANDS OF  
LOYD C. TAYLOR  
(TM 53D-1-43 & TM 53D-1-43A)  
INSTRUMENT LR090005807  
INSTRUMENT LR130020859  
FALMOUTH-HARTWOOD MAGISTERIAL DISTRICT  
STAFFORD COUNTY, VIRGINIA

BEGINNING AT A POINT BEING IN THE NORTHERN RIGHT-OF-WAY LINE OF CARTER STREET (VARIABLE WIDTH RIGHT-OF-WAY) AND A SOUTHEASTERN CORNER OF LANDS NOW OR FORMERLY STANDING IN THE NAME OF COMMONWEALTH OF VIRGINIA AS RECORDED IN LR 120021969 AMONG THE LAND RECORDS OF STAFFORD COUNTY, VIRGINIA; THENCE DEPARTING SAID CARTER STREET AND RUNNING WITH SAID COMMONWEALTH OF VIRGINIA THE FOLLOWING FOUR (4) COURSES AND DISTANCES;

N 25°16'05" E 158.32 FEET TO A POINT; THENCE

S 63°54'08" E 58.95 FEET TO A POINT; THENCE

N 26°05'52" E 38.36 FEET TO A POINT; THENCE

S 63°54'08" E 143.58 FEET TO A POINT BEING IN THE LINE OF SAID COMMONWEALTH OF VIRGINIA AND BEING THE NORTHWESTERN CORNER TO TM 53D-1-45, LANDS NOW OR FORMERLY STANDING IN THE NAME OF WATERS AS RECORDED IN LR 150008262 AMONG SAID LAND RECORDS; THENCE DEPARTING SAID COMMONWEALTH OF VIRGINIA AND RUNNING WITH SAID WATERS THE FOLLOWING;

S 25°33'05" W 196.32 FEET TO A POINT BEING THE SOUTHWESTERN CORNER TO SAID WATERS AND BEING IN THE AFOREMENTIONED NORTHERN RIGHT-OF-WAY LINE OF CARTER STREET; THENCE DEPARTING SAID WATERS AND RUNNING WITH SAID CARTER STREET THE FOLLOWING;

N 64°00'05" W 202.11 FEET TO THE POINT OF BEGINNING, CONTAINING 37,537 SQUARE FEET OR 0.86173 ACRES OF LAND MORE OR LESS, BEING THE SAME LAND AS SHOWN ON A PLAT PREPARED BY BOWMAN CONSULTING, ENTITLED "ZONING PLAT ON THE LANDS OF LOYD C. TAYLOR", DATED JULY 15, 2016.

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*Planning Commission Minutes*  
*March 8, 2017*

1. 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)**

Mr. Harvey: Yes, than, you Mr. Chairman. If you could, please recognize Brian Geouge for the presentation.

Mr. Coen: Good evening.

Mr. Geouge: Good evening Mr. Chairman, members of the Commission, I'm Brian Geouge with Planning and Zoning. Tonight I'll be going over a request to reclassify for Falmouth Village. The request is to reclassify from R-1, Suburban Residential to B-1, Convenience Commercial for four Tax Map Parcel Numbers, 53D-1-34, 35, 43, and 43A, with a total area of 1.5 acres. The applicant is LCT and JSC, LLC. Here's a location map where you can see the four parcels. This is at the southeast intersection of 17 and Route 1. The first two parcels are on the north side of Carter Street. And actually, a point to clarify here is that they're actually shown on the map as three distinct parcels but they're actually under the same parcel number. So that would be these. And the other two parcels are on the east side of Gordon Street between Carter Street and King Street. Adjacent properties are mainly zoned R-1; the exception is a parcel zoned B-2 here with a vacant structure and a parcel zoned B-3 on the north end of Gordon Street which is currently in use as an office. Here's an aerial view showing existing conditions at the site. Up on the Carter Street parcels, we have the historic Dunbar's Kitchen shown here. We also have a rambler that was built in 1955 here. And there's also two garages with that parcel shown here and here. On Gordon Street, there is a cinderblock residence that was built in 1950 shown here. And there's also a detached 3-car garage shown here on Parcel 34. On Parcel 35, it's undeveloped other than a concrete pad that's used for parking. Also, I want to point out here, up on Carter Street, surrounding Parcels 43 and 43A, there's quite a bit of open space. You can see here in between the roadway and the parcels this was remnant property. This is owned by VDOT; it's their right-of-way and it was a remnant of the intersection improvements. Here are some photos of the structures on the site. The top two are on Parcels 43 and 43A and include the historic Dunbar's Kitchen. It's one of the oldest structures in Falmouth, and the 1955 rambler. The bottom two photos are the properties on Gordon Street. You can see the cinderblock house on the left, bottom left and one of the garage structures adjacent to that on the lower right. Also, I want to point out that the period of significance for Falmouth is from 19... I'm sorry, 1750 through 1956. So, these modern structures built in the 1950s are considered contributing elements to the significance of Falmouth. This slide shows the GDP, a Generalized Development Plan which indicates the proposed uses on the properties. So, the applicant is proposing a total of around 5,800 square feet of office use, and that would be split between four existing structures, the first one being Dunbar's Kitchen; the second one being the 1955 rambler; and then third, down on Gordon Street the cinderblock residence and the 3-car detached garage. The applicant is also proposing about 2,400 square feet of restaurant use, and that would be in the two garages adjacent to the rambler on Parcel 43A. I also note that there's a sidewalk shown on the GDP, which is proposed to connect the parcels on Gordon Street up to the parcels on Carter Street, and that's shown here. Here's a closer view of the GDP. The picture on the left shows the Carter Street parcel and proposed developments. There is one proposed access point on Carter Street here. And you can see the building layouts and a large portion of the remainder of the property is going to be constructed as parking that would support the proposed uses. Over on the right are the Gordon Street parcels. There's proposed parallel parking along Gordon Street that would serve those proposed uses. This application did not trigger the threshold that would require

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them to provide a transportation impact analysis, so that was not provided for this. The uses proposed would generate 258 vehicle per day at the highest use, and that would be on a Saturday. The peak hour trip generation is 13 vehicles per hour. No additional road upgrades are identified or proposed. And again, there's a single access point that would serve the parcels on Carter Street. The applicant is proposing several proffers that require conformance with the GDP and that prohibit several commercial uses on the property which would otherwise be permitted; that require the construction of a sidewalk from Carter Street to King Street contingent upon their ability to acquire the necessary easements from offsite properties to construct it. Proffers that limit impervious materials used with parking areas that permit offsite parking if onsite parking is not feasible; that require signs to be posted describing historical significance of the properties. Also, proffers that require a Phase 1 cultural resource analysis prior to any land disturbance with a follow-up Phase 2 if recommended. Proffers that limit heights of new buildings to two stories; that require architecture for new construction to be compatible with the architecture in historic area; that require consideration for the rehabilitation of existing buildings before they're demolished; and that require any new construction, including additions, to be subject to the Architectural Review Board's review and standards. The Comprehensive Plan identifies this area as the Falmouth Village Planning Area. That planning area has a conceptual land use plan which recommends this area where these parcels are for mixed use commercial and residential future land use. There's also the Falmouth Village Redevelopment Area Plan which is a separate element of the Comprehensive Plan that goes into more detail and envisions this area as using a form based zoning, or an overlay zoning district, to facilitate redevelopment. And that would include a mix of residential and commercial uses. Another related effort going on currently is the Falmouth Redevelopment District Overlay. This was a Board-initiated overlay zoning of 81 parcels in the Falmouth Village. It aims to provide suitable and sufficient opportunities for redevelopment, allow flexibility in new construction and reuse of buildings, and to maintain the historic nature of the Falmouth area. The Board hearing for the overlay zoning of these 81 parcels is scheduled for March 21<sup>st</sup>, and I should note that the applicant has included several proffers that would be compatible with the requirements of this redevelopment area... this district. And examples of that would be limitation on uses, restricting building height, and requiring ARB review for any exterior modifications or new construction. Staff finds that the positives for this application is that the proposal is consistent with the established development pattern; it encourages future development that would be compatible with Historic Falmouth; the proposal incentivizes rehabilitation and reuse of vacant historic structures; it is compatible with the Falmouth Village Planning Area and Falmouth Village Redevelopment Plan; and that negative aspects are potential increase in traffic impacts. Staff is recommending approval of this application. And we'll open it up for any questions you have.

Mr. Coen: Alright, and Mr. English, I see you're ready.

Mr. English: Yeah. Brian, in reference to the Dunbar Kitchen, are they planning on tearing that down or do you know...?

Mr. Geouge: They're planning on using all of the existing structures, including Dunbar's Kitchen. That one would be converted for an office use.

Mr. English: So, they're not going to tear any of these down.

Mr. Geouge: No, they're not proposing to tear any of these structures down.

Mr. Coen: Mrs. Vanuch?

Mrs. Vanuch: What are the proposed hours of operation?

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Mr. Geouge: I'm not sure if they... I don't recall them...

Mrs. Vanuch: So, no proffer to limit (inaudible).

Mr. Geouge: ... proffering any hours of operation.

Mrs. Vanuch: My other follow-up question to that is, is there going to be alcohol served? So, I'm just trying to make the differentiation of seeing a restaurant that's going to serve alcohol that might be open late and a little noisier if there's karaoke and that kind of thing.

Mr. Geouge: Again, I don't recall any limitations on whether they could serve alcohol at the establishments.

Mrs. Vanuch: Okay.

Mr. Coen: I have a quick question... alright, just one quick question. I notice that our time limit is June 16<sup>th</sup>; however, you mentioned that the Board has scheduled a public hearing for 3/21.

Mr. Geouge: Yes, the public hearing is for the Falmouth Redevelopment Area (inaudible).

Mr. Coen: Okay, that area, not this project.

Mr. Geouge: Yes, not this particular.

Mr. Coen: Alright, thank you. Go ahead Mr. Apicella, and then I'll come back.

Mr. Apicella: Mr. Chairman, a couple of questions. The two buildings that are proposed as restaurants -- is it going to be one restaurant or two restaurants?

Mr. Geouge: It's not clear. The applicant doesn't specify whether they're to be used together to serve as one restaurant use or not.

Mr. Apicella: Mr. Chairman, I don't know if this is going to move tonight or not but, if it doesn't, it'd be interesting to get the square-footage of the buildings.

Mr. Geouge: We a... just real quick, we did a quick look at that. I believe the larger garage is somewhere around 1,600 square feet, 1,700 maybe, and the smaller one is around 600 I believe.

Mr. Apicella: So, that'd be part of my question or concern is, is it even feasible to have a restaurant in a 600 square-foot building?

Mr. Geouge: Right, and I can't answer that. Perhaps the applicant could answer that question.

Mr. Apicella: In the staff report on page 10 of 11, the second paragraph, and it refers back to comments and concerns made by the Historical Commission and the ARB. It says, staff notes that many of the... I'll say the concerns have been incorporated into the proffers. So, when we say many of the concerns, what concerns were not addressed?

Mr. Geouge: I actually was not involved in the meetings with ARB so I can't speak to which ones were or were not addressed. I'm not sure if Mr. Harvey, perhaps you have some insight on that one.



Mr. Harvey: Mr. Chairman and Mr. Apicella, I'd have to go back and review the minutes for those meetings to drill down the specifics, but we can certainly do that.

Mr. Apicella: Okay, I think that would be helpful Mr. Chairman. What is the result, if this doesn't go now and the Falmouth Redevelopment... I can't remember the exact title of it, but if that moves forward, how would that impact this project?

Mr. Geouge: The impacts would be that there would be certain uses that would be permitted in these districts that would not otherwise be permitted if the parcels were to remain as R-1. But those uses do not include restaurant or general office use. So, to use these properties for the intended use as office and restaurant, they'd still have to do a rezoning to be one even if the Falmouth Redevelopment Area Overlay goes through.

Mr. Apicella: Okay. In the proffer statement, which is Attachment 3, page 2 of 6, it lists 12 different commercial uses that shall not be permitted. This is a B-1 rezoning, right?

Mr. Geouge: Correct.

Mr. Apicella: Can you help me understand why number 1 automobile repair, number 2 auto service, number 5 machinery sales and service, number 11 warehouse/mini storage, and number 12 warehouse storage are listed since they're not allowable B-1 uses?

Mr. Geouge: My speculation is that the applicant just took the uses that were prohibited in the proposed Falmouth Redevelopment Overlay Zoning District and listed those out in the proffer regardless of whether they would be normally acceptable in a B-1 district or not.

Mr. Apicella: Right, but it wouldn't be necessary to include them because they're not allowable.

Mr. Geouge: That's correct.

Mr. Apicella: Again, it would be helpful from a staff perspective, Mr. Chairman, depending on where this goes, to get staff's input on other uses permitted by-right and/or conditional use permit uses that they would think would not be appropriate in this area. For example, I don't see adult business being excluded. It seems to me that that would probably not be appropriate for that area, but I suspect there may be some other ones again given the size of the parcels and the size of the buildings that ought to be given some more considerations to be excluded from this proposal. That's it Mr. Chairman.

Mr. Coen: Thank you. And the adult business one is one that we couldn't put into the overlay, but it's still out there. Several questions if I could. I noticed, and you very nicely said the significant time period is 1750 to 1956; do we know when those two garages that they want to make into restaurants were built?

Mr. Geouge: I'm not aware of when those were built. One appears to be fairly recent, certainly past 1956 but I'm not sure about the other one.

Mr. Coen: Okay. And that would be a good question to have. I asked Mr. Harvey earlier in the week and he gave some information, but I noticed that the parallel parking along Gordon would be coming out of their property. But do we know how wide Gordon Street is?

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Mr. Geouge: I don't have exact numbers, but it is very narrow. There's limited space there and there's also some topography challenges to deal with. So, acquiring that offsite property for the sidewalk may be a challenge.

Mr. Coen: Right. And regarding that, you said the sidewalks were contingent upon approval. So, if they don't get approval for one element, then all the sidewalks would be eliminated? Or do you have any...?

Mr. Geouge: I believe the proffer is worded that the applicant will use their best efforts to acquire the necessary right-of-way to construct the sidewalk. So it is contingent upon...

Mr. Coen: But it's not even technically a contingent upon them getting, it's just a contingent on their best efforts to try to get it.

Mr. Geouge: That's correct.

Mr. Coen: I mean, because there's a gulf between the trying to and actually...

Mr. Geouge: Right.

Mr. Coen: Alright. With the... do we have... you already addressed this slightly, but we have absolutely zero ideas of what the restaurants would be like.

Mr. Geouge: I have not been given any details on the specifics on the restaurants.

Mr. Coen: Okay. On our overlay, is there a specific theme or concept that we're looking at for the Falmouth Area? Is it that we've looked at Harper's Ferry or downtown Fredericksburg or something that we're envisioning it to sort of look like? Or is it we've just created an area and we're just going to call it that?

Mr. Geouge: I'm not aware of any particular area this is being modeled after. Perhaps Mr. Harvey, you can chime in if you know of any. But I think in general it's just there to guide development and keep it sort of aesthetically appropriate.

Mr. Coen: Okay.

Mr. Harvey: Mr. Coen, when the Falmouth Redevelopment Overlay District was being looked at and developed, one of the places we looked at was Occoquan, as far as the regulations and what they allow. Some of the stipulations about outdoor seating and displays along the sidewalk, that was language taken from Occoquan. We also looked at the City of Fredericksburg regulations to get some ideas of how they may apply. We also know that Stafford and Falmouth is unique and different than both of those places, so a lot of it was Staffordized I guess you could say... or Falmouthized.

Mr. Coen: Alright, thank you very much. I noticed on 53D-1-35 there's a cut-through. So, is that anticipated to be a future business on that site? The one that's... that's the parcel that has a concrete parcel right now but doesn't have a structure on it. It's at the very bottom of Gordon and King.

Mr. Geouge: A cut-through?

Mr. Coen: Yeah, there's a little dent. I mean, so we see the parallel parking and then there's sort of an odd shaped, more... it's the third one up from King Street.

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Mr. Harvey: Mr. Chairman?

Mr. Geouge: Are you talking about here?

Mr. Coen: Yes sir.

Mr. Geouge: I think that's to accommodate a handicap parking parallel space.

Mr. Coen: Okay, alright. So, there's nothing envisioned at all on the third parcel? Or is it...?

Mr. Geouge: Other than the parallel parking spaces and the sidewalk, no there's not.

Mr. Coen: Okay. And I had asked Mr. Harvey, but we have down in that area Amy's Café and that's a (inaudible) amount of space of a restaurant. And if memory serves me, the parcel up here, the two buildings up here, I think neither of them are about the same size as hers.

Mr. Harvey: Mr. Coen, that's correct. When you asked that question, I looked on the Commissioner of Revenue's records and from what I could tell from the records, the square-footage of that floor that Amy's Café occupies is approximately 2,400 square feet. I may have gotten it wrong because there's a number of building additions and the image is a little hard for me to read because I'm not a building appraiser. But looking at those two individual garage buildings, they're a little bit under that amount but close.

Mr. Coen: Okay. And then I didn't see anything specific about signage.

Mr. Geouge: There is a proffered condition that the applicant will install signage that conveys the historic significance of the properties.

Mr. Coen: Right, but what about... clearly I'm referring to the businesses and the restaurants and the whatnot. I mean, I saw the ones that said they'll designate that about Dunbar's Kitchen, but there's nothing really definitive about, you know, if there's a restaurant, what type of signage there's going to be for the restaurant or the offices or whatnot.

Mr. Geouge: That's correct.

Mr. Coen: Okay. Alright. Any other questions? Seeing none, we'll ask the applicant to come forward.

Mr. Payne: Thank you Mr. Chairman, other members of the Planning Commission. My name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. Thank you for staff for its diligent presentation. I think it covered a lot of the areas of our application. There were a few questions that came up I'd like to address. And I'll quickly reiterate a few points regarding the application. One, I guess, just from a general perspective and from a Comprehensive Plan perspective and investment perspective, this is an area, obviously the Falmouth Village Area, that is encouraged for new investment. And it's also in a redevelopment and economic development area of the County that encourages reinvestment into this particular area. As you all know, you've got some office space that's been there most recently and is doing well, mostly real estate. You've also got Amy's which is in the... below the Falmouth Bottom area, which has been doing well and thriving, and in fact has had investment from the Economic Development Authority to assist them in their development process. This is yet again another step in that positive direction to encourage investment into the Falmouth Area which, in all fairness, is necessary to sustain Falmouth into the long term future. Not to misplace or displace people that are there, but to add to the value that's already in Falmouth. I am proudly born and raised in Falmouth, in Falmouth

Bottom; that's where my family has been since the 1700s. It's a beautiful place, it's very precious, and there's a lot of people here this evening who have a lot of investment, a lot of love for that area and I respect what they have to say obviously about this project. But, just from the perspective of what we're doing and just so everyone understands what this is, this is a slow-moving process in regards to what we're doing. We are asking for a rezoning under B-1, which is a low intense commercial rezoning. If you look at some of the permitted uses under B-1, they are fairly low intense and fairly benign and serve residential uses mainly; that's the whole purpose of the zoning designation. We're going to utilize the current space at Dunbar Kitchen for purposes of office use. I've got a user who's ready to relocate from another county to move their office there, it's a real estate firm. They're going to bring with them 5 or 6 employees which will be an asset to that community. Again, very consistent with the development pattern that's already there today. The other buildings, we don't have a user for them yet. There's no desire on our part at this stage to demolish any of the buildings which will be part of the... already in the Historic Overlay or soon to be in the Historic Overlay. Of course, any demolition would require the approval of ARB and the County. Any reconstruction would require or any improvements to the façades of any of those buildings would require ARB approval. So, to some of the questions regarding signage and what the aesthetics would look like, I hope that you understand that we understand that we will be subject to those requirements. In regards to the uses, what we did was we envisioned for the other uses what would be there. Mostly office to be honest with you just because of the small footprint, low traffic activity, not a whole lot of parking opportunities. I mean, just on the Gordon Street properties alone there's only seven parking spaces because the max you can get is about 2,200/2,300 square feet in office space. So, and again, that parking and how it accesses Gordon Street has been vetted by VDOT and the County, and we've got what we think is a good plan and admittedly in a very tight space. We were asked and encouraged to extend sidewalks from what we found what Bottom people like to say the property above the floodplain area off Carter Street to the Bottom so you create some synergy, some activity of people going to the park or who might want to go to Amy's or might want to get on the historic sidewalk and go up to Melcher's Museum. So, we said if we could get approvals, because we control a lot of that property along that roadway, that we would do so. Of course, that's all conditioned upon getting those approvals, which the property owners are not required to provide but we would have to work with them in doing so and of course we would pay for all the necessary construction and design, etcetera. But again, that was asked of us to look at to create that activity. In regards to the restaurant, I know there was a question about that. It's just a proposed box in the area where the current buildings sit. To my knowledge, we're not looking to rehabilitate even one of the those buildings for a restaurant, including a 600 square-foot restaurant which would not be a very successful one unless you were the crab place down in the bottom, you know, selling crabs or something of that nature out of it. That's not what our intent is. The likelihood of what would happen is we'd have to either rehabilitate and/or demolish that building and put something else there for purposes of a restaurant. In regards to time of operations, you know, we'll comply with what the Falmouth Village Overlay requires which I think is you can't be open any later than 11 o'clock on weekends or something of that nature. So I don't think that would be an issue to proffer, if and when we ever have a restaurant there. It just seems to be an appropriate place to put a restaurant. If you've got some office synergy there, folks would like to get something to eat at lunchtime or after work, etcetera. You know, there seems to be some good synergy there for that purpose. In regards to the proffers, we did proffer out, just based on... basically on staff comments which we thought were good comments, the uses that would be prohibited in the Falmouth Overlay... Village Overlay. At one time we were kind of ahead of the Overlay in regards to our application process and then the Overlay kind of got ahead of us, so I think that was one of the main purposes was to make sure that we would proffer out those uses. To Mr. Apicella's question, we'll be more than happy to, if you have some suggestions of things you think are too intense that we should take out, we're happy to take a look at that again. Just a small footprint of this area, I mean, in total you're looking at about 1.15 acres, including the Carter Street properties and the Gordon Street properties, so this is not a big footprint. In addition to that, we're not looking to impact the traffic in that area. As you know, the Falmouth interchange has had significant

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improvements to it which benefit that area from a traffic flow perspective. But again, you've got limited parking in that area already, so we're not trying to create any problems for that particular area. We're just trying to create I think an investment incentive for that area, which again I think's extraordinarily important to not only preserving the history and the culture of that area, but also sustaining it economically. And again, for purposes of the proffers, staff has gone through all of them. I've repeated some of them. And again, we understand; any new construction we would be subject to ARB approval for Certificate of Appropriateness. I mean, that's obvious. On the signage issue, just to your point Mr. Coen or your question, you know, we would have to be in compliance with the County's most amended ordinance in regards to signage. If you thought that there was some sort of other things we should look at in regards to signage, we'd be happy to consult with this Board and the ARB as well in that regard, if you thought there'd be something else that we should add. We did... thought it was a great idea to have a historical marker regarding the Dunbar Kitchen, so we have proffered that. We have also proffered as much pervious area as we can, including our parking area, utilizing pea gravel, etcetera. So you won't have any runoff impacts. We've got significant buffers, 6-foot fence, landscaping, etcetera, from our neighbors to the east. So, we thought about this; we didn't reach out to the community early on, get their comments. In fact, we this at one time identified for B-2. To my mind, I can't figure out how we started there. And the community asked us to back that down to B-1 which we were happy to do and undertake some other measures including buffering and landscaping and fencing and moving loading dock areas and those kind of things. So, with that I'm happy to answer any questions you may have. As staff noted, this is consistent with the Comp Plan, this is consistent with the Economic Development Plan. I think this is also consistent with keeping and protecting the integrity of the historic assets in that area.

Mr. Coen: Any questions for the applicant? Seeing none, thank you Mr. Payne.

Mr. Payne: Thank you Mr. Chairman.

Mr. Coen: Alright, now we move to the public hearing portion. I'll open up the public hearing on this matter. This is an opportunity for you to come forward to talk about this. As you come forward, please make sure to let us know your name and your address. You have 3 minutes to speak. After you've spoken, giving us your name, a green light will turn on. And then when you have 1 minute left, the yellow light turns on. And then when the red light comes on, we ask that you wrap them up. And first we see Ms. Clifton. Good evening Ms. Clifton.

Ms. Clifton: Good evening Mr. Chairman and members of the Commission. My name is Irma Clifton. Let me wish you all, first of all, a Happy International Women's Day in this month, March, which is Women's History Month, and offer a shout out to all the women from Colonial times through today who have helped make this country strong. Concerning the reclassification of the three properties in the Village of Falmouth, I have had several concerns. But out of respect for time, I will only cover a few of them tonight. First, as you have heard me lament on many, many occasions, the Village of Falmouth is traffic and parking challenged. I see nothing in this proposal to help the situation and it will only add to an already bad environment. Planned parking in front of the Dunbar Kitchen will detract from the historical fiber of the structure by taking it out of context, and actually screening it from the streetscape when cars and trucks are parked in front of it. Second, unless the applicant is planning to construct an air bridge, I see no way a sidewalk can be safely installed along Gordon Street. Anyone who traverses that area knows that it is simply not enough room, unless the Odham House is demolished and an easement is granted by Mr. Howell, the offsite land owner. Further, I believe that are certain conditions that must be met to construct a sidewalk, and I don't think this area meets those requirements. The building that is proposed for the possible restaurant is a pre-fab metal garage/storage conversion and is not of the character and quality that I would hope for Falmouth to have. Access and parking would also be a problem as well. Unless the excess VDOT property left from Route 1 and 17 intersection improvement is

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conveyed to the County, I feel any classification actions in Falmouth should be slow tracked. I'm not an obstructionist and I want to see Falmouth thrive, but I also want to retain its charming small village feel and a destination where you don't have to search for a parking space and dodge traffic as well. Lastly, B-1 zoning is to provide areas for selected retail shopping and personal services to serve on the needs of the adjacent urban residential areas. Such areas are intended to be located only in strategic sites in relation to population centers and transportation networks. This is quoted right from the document itself. My comment on this is, it needs to be a transportation network that works. Please give this proposal your closest scrutiny and make a decision that will protect and preserve the historic nature of our little village. Thank you.

Mr. Coen: Thank you Ms. Clifton. Good evening sir.

Mr. Simpson: Good evening. How are you?

Mr. Coen: Very well; and you?

Mr. Simpson: I'm fine. Mr. Chairman and members of the Board...

Mr. Coen: Just state your name.

Mr. Simpson: My name is John Simpson. I own Bertram Development Corporation which is the property across the street. I'm approaching a million dollar investment in Falmouth, so I have some interest in how this is taken. My concern is more with the traffic than it is the proposed uses. The traffic there is already a nightmare. I invite any members of the Board there to come down and spend a little time, and I'll show you how difficult it is to make a left turn from Carter Street onto Butler Road, or how difficult it is to make a right turn on Butler Road to Carter Street when the traffic is coming from down 17 and the number of cars that are held in queue are between 25 and 30 at almost any time of the day. The new construction that was done to improve Falmouth Bottom gave us a 2-lane road coming down Butler Road, which opens to 4 lanes. Most of the cars that are coming, it's difficult to find only cars in the right-hand lane. So you see a car in the left-hand lane, you can't pull out. I'm afraid that it is a concern for safety for the citizens of Stafford County, as well as people who come and visit and are tourists. I believe that something has to be done. We may have to talk to VDOT and see if there's an improvement that they can make to make this a safer transition from Carter Street to Butler Road. I look at the Gordon Road and the properties along Gordon Road are 50 feet wide. If you proffered enough land to put in a sidewalk and get Gordon Road to be the size that it could handle two cars side by side, you wouldn't have enough to build on. Maybe they need to proffer the entire strip in order to put the road in place. I'm not against what they're doing, but I would like to see the Board table it and see if they can answer some of the concerns. Thank you very much.

Mr. Coen: Thank you Mr. Simpson. Anyone else? Good evening Ms. Dodd.

Ms. Dodd: Hi, how are you? Anita Dodd. Good evening Chairman and Commission members. I would... obviously addressing this rezoning proposal in Falmouth, and the Historical Commission has already submitted some concerns, and so I'm not going to reiterate those. In fact, I want to say how appreciative I am of the fact that the... most of those recommendations have been included as proffers in this project. However, I just felt like I needed to make a little bit more comment on it and hopefully be helpful. The revitalization of Falmouth is something that has been talked about for years. And I believe in this revitalization is long overdue. However, the decisions that would affect the character and historical significance of Falmouth should be thought through carefully. And I think the thing that strikes me most about the proposed plan that I saw here tonight was the parking surrounding basically Dunbar Kitchen. And it basically, you know, really kind of hides the building and takes away its cultural significance if



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you will. The suggestion I have is that the two garages that have been under discussion here could be taken down and the parking shifted there rather than in front of the building. That would leave hopefully, you know, a nice viewshed to view Dunbar Kitchen as it is today. And I think it would be... I think it would add more to the character of this development. It is imperative that the buildings in Falmouth be reused because if not, they are just going to sit there and decay. So, we need to find ways to adaptably reuse these buildings. And so I think this is a step in the right direction. Adaptive reuse is a valuable tool in the preservation of historic buildings. But we do need to look at issues that would affect them, such as parking and the more modern signage that would be required to identify the building's use. So, those are kind of my concerns and hopefully my suggestion about the parking can be looked at to see if that's a possibility. I do think we should try to find ways to get the parking out of the front of Dunbar Kitchen. And also, the sidewalk seems to be problematic as well, so we'll probably have to look at that a little better. Thank you. I appreciate the time.

Mr. Coen: Thank you Ms. Dodd. And thank you for the work you do on the Commission. Yes sir, your turn.

Mr. Waters: Good evening. Parris Waters. Like our previous commentators, on Ms. Dodd, I share her concern or her appreciation of creative and constructive reuse of the buildings to prevent decay. And like Ms. Clifton, I do share... and Mr. Simpson, I share some concern with the sidewalk. Going down Gordon Street, I walk my dogs on the trail next to the river. I usually go down about 7:30; it's dark this time of year and I look like a Christmas tree. I've got a couple lights on me, a couple lights on the dog, and it really is impossible for two cars to pass each other. The road's not wide enough to accommodate two-way traffic and a sidewalk, so there would be some work to be done there. But my most personal concern is with the restaurant -- garages. I welcome all of you to come out and check out my back yard. And where these buildings sit is my property line. So, a restaurant seems really impossible based on the square footage and the look of the buildings, but also the ventilation associated with a restaurant would... if I understand it correctly, it requires some setback, maybe 15 feet or so. And... which is completely impossible unless a large chunk of my yard were to be taken -- it goes right into my yard. The idea that they would be taken down welcome also, but it seems as though... one thing that we're doing when in discussions early on, which I appreciated, we started at B-2 which has admittedly been a little erroneous. But we've gone to B-1 and it looked like from B-2 there were proffers in the limitations set to make the B-2 essentially a B-1. And now we may be putting in limitations to make the B-1 essentially a B-3. So, it seems like the simple idea to start at B-3 and not start at B-1 and say well we won't do this and we won't do this and we won't do this. So it's essentially going to some other designation where why not just start at what you intend to do. Thanks.

Mr. Coen: Thank you Mr. Waters. Anyone else? Good evening Ms. Callander.

Ms. Callander: Good evening. Alane Callander. First off, I'm sorry there weren't any handouts on the back table tonight about this project, and I didn't have time to look it up or print it out before I left the house. I had followed the project a little bit a few months ago and I didn't realize you were up for hearing this evening. Someone had said she thought this may be a step in the right direction. I'm not sure that it is. First off, I think we need to get a total vision for what Old Falmouth is going to be. And as you've heard me say before, I think it should be a little tourism village and educational place where people come to visit and see properties as they were in history. I had mentioned before growing up in Illinois and going to New Salem, which was a village like Abe Lincoln lived in and George Washington grew up in this area. Let's have a little village in honor of George Washington and our history here in Old Falmouth. There are many concerns regarding this proposal. And there should, whatever you do, there should be very careful controls in place. The traffic concern is real. The idea of parallel parking on Gordon Street seems ludicrous. The words investment incentive that Mr. Payne just used sort of set off some alarms for me. This, you know, commercial investment is not my concern for Old Falmouth. We have lots of

places... areas of the County where we have commercial investment. I'm not sure this needs to be one of them. Amy's café has done well but they've overflowed their parking lot. So, you know, we're talking about putting in more restaurants -- it might be charming to have a little ice cream shop or something, but we need to be really careful. And rather than doing this piecemeal, get a whole picture for what Old Falmouth is going to be. So, I hope that you will definitely defer this. If not, just turn it down. But there's a lot more work to do on this project. Thank you.

Mr. Coen: Thank you Ms. Callander. Anyone else wishing to speak on this item? Yes sir.

Mr. Weimer: Good evening, my name is Michael Weimer. I'm a third generation Stafford resident, and I recall a time at that same intersection when there was a car company there and you couldn't even see any of that stuff that was there. So thankfully VDOT came through and actually took that and allowed you to be able to see some of the historic buildings there now. Sounds like these folks want to keep that Dunbar house up to the same standards as the Historic Society would like it kept up to, it sounds like a pretty good idea. As far as parking goes, sounds like they're going to provide ample parking for the structure. And as far as cars blocking the structure, like I said, when I was growing up you couldn't see it at all, so having a few cars for five employees doesn't sound like it's going to block it any worse than what it ever was. So, I think it's probably a pretty good idea.

Mr. Coen: Thank you Mr. Weimer. Anyone else? Yes sir.

Mr. Cleveland: Good evening, my name is Scott Cleveland. I actually own a number of residential properties in the Falmouth area and have long term interest in this project. I just want to say, we talk about people that come from different directions and preserving the area, and take a look at where Falmouth's been and where it's going. I mean, I can remember small mouth fish underneath that bridge from a bicycle when I was, you know, 9 years old. So I've been around here a long time. We've taken a huge interest in preserving that corner and do have a long term investment there. I see it as a huge benefit to preserving these buildings where a lot of folks unfortunately are just looking at them continue to decay. I can remember back going 30 years and some of those buildings are still vacant that were vacant 30 years ago. So, we're here for the long haul and I look forward to getting this done. So, thank you.

Mr. Coen: Thank you Mr. Cleveland. Anyone else? Seeing none, I'll just ask Mr. Payne if he wants to respond.

Mr. Payne: Thank you Mr. Chairman, other members of the Planning Commission. Again, Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. And, of course, as I stated earlier, I have great respect for the neighbors and the people who spoke about their concerns for... about this application and about preserving Falmouth. You know, Falmouth was founded before the City of Fredericksburg. It was a vibrant city port before silt filled up the channel. Many of the historic buildings were built in the 1700s that are in the Bottom. There's been some investment in those buildings but there's been a lot of neglect as well. Amy's is a great example of what can happen with new investment in Falmouth. We're all well aware of the fact that the County has invested a significant amount of money in connecting the historic link between Melchers and Ferry Farm. There's a sidewalk that's being built, eventually built, to Ferry Farm from Melchers Museum. So there is an encouragement for activity and new investment and new interest in Falmouth, which is very positive for that area. In addition to that, VDOT I understand eventually may very well convey some property along Route 1 to help with the parking issue. We were asked to help create the connection, if you will, with the Carter Street area to the Bottom in Falmouth into the park and to the sidewalk connectivity. We don't have to do that. I mean, if the Planning Commission or the Board of Supervisors feel that that's not appropriate, we'd be more than happy to address that proffer. It was done actually to help the community, not necessarily to help our

projects. In addition to that, the speaker who stated that it would not meet VDOT specs if absolutely right; it would not. It's not wide enough. For it to be a private sidewalk, there'd be... that we would provide a public easement for, that we would maintain it, but we'd provide public access to. So, they're absolutely right; it would not work. In regards to just the activity that's going and the traffic, let's not forget I believe this Planning Commission and the Board of Supervisors approved a commercial use and office use of the Counting House, which is right across the street from these Gordon Street properties. And it's a small office, professional office space. Those type of small uses, investments help allow the rehabilitation of those historic properties. Now, in all honesty, three of the four properties that we currently have in place have improvements on and they were built in the 50s. You know, you do look back and I think it was a 50-year period looking back to determine whether it's a historic property or not. But the Dunbar Kitchen is unique. It was built in the 1700s. The other properties, the rambler and the two properties on Gordon Street, I think do need some rehabilitation and will need some improvements, which the ARB will play a role in that. So, we're more than happy to have that discussion with them. In regards to the comment Ms. Dodd had made about moving the garages and readjusting the parking, we're going to take a look at that. That may be a very well good idea in that regard. We'll try to figure out where we could put a potential... another potential commercial use. Again, the restaurant... again, a small footprint restaurant seems to work very compatible with what the uses are there today. Mr. Simpson had come up and talked about his concerns on traffic. He's made a great investment, a professional real estate firm right there across the street from where this location would be. So, again, there's professional offices in this location, there's small restaurant footprints in this location; we're not talking about putting drive-through banks or drive-through McDonald's or any sort of carwashes or any sort of large commercial use that would have an adverse impact on traffic. What we're proposing is very compatible and again will sustain the historical integrity and culture of that area. So with that, Mr. Chairman, I believe I covered all the comments that were made by the public. And again, I'm happy after this meeting to continue to converse with them on their ideas and concepts. But to take a position that we should not be investing in Falmouth I think is the wrong one. To take the position that the County is not undertaking smart initiatives to reinvest and to sustain Falmouth is the wrong one. You have to have some momentum to make this work. And I believe that we're taking the right step, a step that is a low dense step, is going to have a low impact, and will create some positives opportunities for Falmouth. So with that, I'm happy to answer any questions you may have.

Mr. Coen: Alright, thank you sir. Any questions? Alright, I'm going to pass the gavel over to Mrs. Vanuch since this is in my district.

Mrs. Vanuch: Thank you Mr. Coen. Mr. Coen, since this is in your district, how would you like to proceed this evening?

Mr. Coen: Yes, first I would like to keep the public hearing open until April 26<sup>th</sup>. And secondly, and I believe I can do this both at the same time, am I correct? And say I would like to defer it until that meeting.

Mr. English: You're making a motion?

Mr. Coen: Yes, I make a motion to keep the public hearing open, as well as to defer it until 4/26.

Mr. English: Second.

Mrs. Vanuch: Okay, so we have a motion on the floor to defer this until the April 26<sup>th</sup> meeting, and a second by Mr. English. Mr. Coen, do you have any additional comments?

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Mr. Coen: Yes, if I could, and we normally when we do this give a long list of things to staff to sort of look into. So, I'll do my due diligence on this. First, it's the concept of the parallel parking as far as the width of the street. I believe, Mr. Harvey, you were talking to me about Fredericksburg. So, I'd be curious to see how it compares to like areas that you're going to have parallel parking. Since the applicant's attorney mentioned the third commercial use and restaurant, I'm curious to get other types of restaurants and sizes and how much traffic and whatnot they cause on their own to understand how that will impact this area. I understand and appreciate the proffer about the signage for the Dunbar Kitchen, but it would be nice if there was some type of proffers or delineation or some type of specificity for the signage for businesses. I know he said that we'll be willing to go with, but that's not the same as a proffer. I definitely would like staff's input, as Mr. Apicella pointed out and I'm sorry if I steal your thunder, of looking at the by-right and CUP uses. I was just running down the things that would logically be problematic, and I think Mr. Apicella was definitely apropos when he talked about the adult business. But banking, clinics, lodges, convenience stores, drug stores, cleaners, farmers market, florists, dentist office, places of worship, schools all by nature have high traffic. And so, I think that's, in theory, higher traffic than what they're really envisioning. So if they're envisioning that this is only going to be offices, logic would say they would certainly be pleased to proffer that they will not do any of these. Veterinary clinic, for example, we go down to downtown Fredericksburg near Carl's, but that road is massively wide so when we're parking along the side of the street, it's not as problematic but it is still scary when everybody's rushing to Carl's to try to get in line faster. So to have a veterinary clinic along here would be problematic. So I'd like staff's input on that. I'm curious about in all this it mentions 2-stories; we haven't really touched on that tonight but that is a theoretical possibility that they could knock down said buildings or on empty spots put in a 2-story. And so I'm curious for clarification on that. The sidewalk issue that I mentioned before, getting specificity as to what's contingent and what will happen, because of the mentality of this is that this is for people who are on the trail to walk up to that business, that restaurant to eat but then there is no sidewalk, then we have the problem that you face in the early morning all day long. And so that would be questionable. Mrs. Vanuch mentioned alcohol; that wasn't really addressed. We talked about I'd like a comparison about restaurants so we understand what we're getting. Mr. Apicella brought up the ARB question so we need that. I think somebody brought up outdoor seating and that hasn't really been addressed. And I think the neighborhood would be curious about that. We asked this before about getting some details from VDOT about that land coming over to the County and whatnot. That, again, if memory serves me when we're doing the Overlay, the idea was that VDOT will give it to the County to use which we could use for parking, and it would just be nice to get an update on that. I probably would like, personally, I don't know about anybody else, but would like to meet with the applicant and some of the neighbors some more, other than the communications that I did try to do. I too had a serious question about the placement of those restaurants right next to your property line and I was really curious about that aspect. And then certainly anyone in the public can email me or communicate to me any of their concerns since they had many concerns but didn't have enough time in 3 minutes to raise them. So, those are... that's just my list and I'm not sure if anyone wants to add to it. Thank you Mrs. Vanuch.

Mrs. Vanuch: Are you sure that's all?

Mr. Coen: I think so, yes ma'am.

Mrs. Vanuch: Okay. Mr. English, do you have any comments?

Mr. English: No.

Mrs. Vanuch: Okay, and I'll keep this brief. Does anybody else have any comments?

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Mr. Rhodes: Yes.

Mrs. Vanuch: Mr. Rhodes?

Mr. Rhodes: Just you had mentioned... you had made reference to Commissioner Apicella about the ARB but, I'm sorry, I'm just not recalling it. So, what was the topic on the ARB?

Mr. Apicella: The topic was both from the ARB and from the Historical Commission. The staff report said that many of their comments had been addressed; many, meaning that not all comments had been addressed. So, I'm curious what was not addressed.

Mr. Rhodes: Oh, okay. Thank you.

Mrs. Vanuch: Is that all Mr. Rhodes?

Mr. Rhodes: I'll just make the general comment I made on a motion last time. I just... I think when we push these out so far, there's opportunities for interim discussion and dialogue versus losing a couple of the meetings in the interim period. So, I just always have a negative proclivity towards pushing out so far, but that's just a personal preference. Thank you.

Mrs. Vanuch: Mr. Coen?

Mr. Coen: Yeah, and I respect your viewpoint Mr. Rhodes. My concern is that the idea that we schedule it for a meeting and then people show up and they say, oh, by the way, we'll kick it down the road for another meeting, and then it's another. The public really doesn't have that much free time to be coming to meetings. So, I think if, quite honestly, there's a lot of detail that I would like to have and I think it'd be good to the public to know that it's a certain date. And that's why I lean towards a specific date rather than moving it along. But I respect where you're coming from sir.

Mrs. Vanuch: Mr. Apicella?

Mr. Apicella: As I heard the comments tonight about parking, sidewalks, and traffic issues, it kind of reinforced my concern about what are still allowable uses under this proposed B-1 rezoning. I think office use makes a lot of sense. Low intensity uses in that area make a lot of sense, just like the Counting House situation but, again, I look at many of these by-right uses and some CUP uses that do not seem to be compatible. So, my suggestion to the applicant is really take a hard look at any proposed uses that either generate a lot of parking needs and/or throughput, that those might not be appropriate in that area. So, I'm not going to list every single one of them. I think the Chairman mentioned a few of them, but I think there's some here that just do not seem compatible with that area. And so it's going to make it hard for me to support something that does, again, generate a lot of parking needs and/or traffic. So, please take a hard look at that as this thing moves forward.

Mrs. Vanuch: Thank you Mr. Apicella. Any other comments? Okay, I just want to make just a couple of comments. First, I commend the property owner on any effort really to preserve the historical factor of the Falmouth Overlay Area... or the potential Falmouth Overlay Area. I do, like my fellow Commissioners, have a couple different concerns, many of which Mr. Coen has mentioned this evening. But I would just like to reiterate, I would really like to look at the possibility for creating onsite parking. I think that could ease a lot of the concern for a lot of the residents in the area. In addition to signage heights, I know that is a very hot topic in the historical areas about how signs will block specific units and different historical features in the downtown area. And then, as Mr. Apicella and Mr. Coen both

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mentioned, looking at additional exclusions for usage. I do think that the list is quite broad; not going to list all of them, but would really recommend that the applicant take a strong look to determine all of the uses that they're providing. And lastly, the setback to the neighbors. If staff could provide a document on what the setbacks are for a restaurant currently from the property line, it might be helpful for us to kind of dictate where, you know, that would be built if it were being built versus where it's being proposed currently. So that's all of my comments. So I think we can take a vote on deferral until the April 26 meeting. Okay, so the motion passes 6-0 (*Mrs. Bailey absent*). Here you go Mr. Coen.

Mr. Coen: Okay, thank you very much. Thank you everyone for coming out this evening for that, and we look forward to hearing more information in the future.

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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 8<sup>th</sup> 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 8<sup>th</sup> 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 25<sup>th</sup>; 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 line. The buildings themselves, they've designated



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

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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.

Mr. Apicella: Really?

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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.

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

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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 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.*

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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.

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

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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.

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.

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350 Mrs. Bailey: Second.

351

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

354

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

362

363 Mrs. Vanuch: Mrs. Bailey?

364

365 Mrs. Bailey: No comment.

366

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

368

369 Mr. Apicella: Madam Chairman?

370

371 Mrs. Vanuch: Yep.

372

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

377

378 Mrs. Vanuch: Thank you Mr. Apicella. Anyone else? Okay, with that let's go ahead and take a vote on a  
379 motion to approve the proffers discussed in the new... in tonight's meeting. Okay, so the motion passes  
380 7-0. Now, moving on to the next motion.

381

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

383

384 Mr. Rhodes: Second.

385

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

388

389 Mr. Coen: Just first, I'm very appreciative of how flexible and agreeable and amenable the applicant was  
390 to the various issues that were raised from the residents, from the Historical Commission, from so many  
391 members of this body bringing them forward. They were just really respectful and that was terrific. The  
392 element on the signs, part of I believe the language in there is that they will follow the sign requirements  
393 of the overlay district as well. And I actually brought that up because there is no overlay district yet, so I  
394 raise that. And the applicant was at the get go even without something right in writing was looking at the  
395 same type of things that Ms. Baker showed. So they're very cognoscente of not having neon and all that.  
396 So, I think you'll be pleased that they had, from our conversations, it seemed from the get go they  
397 understand Ms. Clifton's concept of beautiful downtown Falmouth and they are trying to go in the same  
398 direction and be wonderful neighbors. They proffered out so many uses, for example, the drive-through



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399 and things of that that people raised which was really just so wonderful that they were that flexible and  
400 amenable. And so I wish them well and I hope it gets approved.

401  
402 Mrs. Vanuch: Mr. Rhodes?

403  
404 Mr. Rhodes: No ma'am.

405  
406 Mrs. Vanuch: Anyone else any further comments? No? Okay, let's vote. We're voting to approve the  
407 reclassification for the Falmouth Village Commercial. Okay, the motion passes 7-0.

408  
409 Mr. Coen: Alright, so we thank you and we wish you good luck with that.

410

DRAFT

34 35 43 43A

June 6, 2017 at 7pm

Good evening to you the Stafford County Board Members and all other ladies and gentlemen present.

My name is John Marshall Cheatwood. I live at 86 Culpeper Street Warrenton, VA 20186. We are here to discuss the rezoning request for 107 Carter Street in Falmouth, VA.

I do not know if the fact that I own the access to the land lying between the subject property and Carter Street as Built makes any difference (your photographs show the area), but I wanted to inform the owners of the subject property and the County that the subject property does not have legal access to Carter Street.

I bought the Dunbar Kitchen property (the deed is recorded in Stafford County Clerk's Office) from two elderly sisters whose family had owned the property for over 102 years. One of the sisters came to me one day and said, "you do not own to the road". Being surprised I made inquiries and found that she was in fact correct. So I immediately set about resolving the matter.

Several months later the two sisters conveyed the access strip of land in front of the Dunbar Kitchen, known as Stafford County Tax Map Parcel 53D-1-43 and the adjoining property known as Stafford County Tax Map 53D-1-43A, all of which are now owned by Lloyd Taylor. I have never hidden the fact that I own this strip of land

between the subject property and the road as built. In fact I informed Lloyd when the deed was recorded that I owned the strip in front of the Dunbar Kitchen and his house. I have demonstrated my ownership on many occasions. I do own the strip of land and have placed nicely carved wooden markers and run caution tape around the property. The mail box is mine and I used it until the post office denied the address since there was no one occupying the property.

I feel that this matter of access should be resolved before the application is approved. And I am surprised that the applicants took the process so far with out securing legal access.

I was driving by on Sunday morning when I saw the rezoning sign out front and that was the first notice I had of this proceeding. I photographed the zoning request sign and called the county for the location and time of this meeting.

I do enjoy the fact that I own the strip as it provides me a place to park when I canoe the Rappahannock River. Both the applicant, Mr. Cleveland and the Owner, Mr. Lloyd know this and we have discussed this on several occasions. If in fact access is an important part of the application I would be happy to discus a limited use of my strip of land between the subject property and the road called Carter Street as built.

John Marshall Cheatwood

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