

City of Fredericksburg, Virginia

City Council

AGENDA

Council Chambers

715 Princess Anne Street

Fredericksburg, Virginia 22401

January 12, 2016

7:30 P.M.

Mayor Mary Katherine Greenlaw, Presiding

Hon. Mary Katherine Greenlaw, Mayor
Hon. William C. Withers, Jr., Vice-Mayor, Ward Two
Hon. Kerry P. Devine, At-Large
Hon. Matthew J. Kelly, At-Large
Hon. Bradford C. Ellis, Ward One
Hon. Timothy P. Duffy, Ph.D., Ward Three
Hon. Charlie L. Frye, Jr., Ward Four

1. Call To Order

2. Invocation

Councilor Bradford C. Ellis

3. Pledge Of Allegiance

Mayor Mary Katherine Greenlaw

4. Presentations

A. General Property Reassessment - Mr. Don Thomas, Wingate Appraisal Service

B. Fredericksburg City Schools Updates - Dr. David Melton, Superintendent And Dr. John Gordon, III, Director Of Administrative Services

C. Liberty Place Archeology Report - Mr. David Dutton, Dutton & Associates, LLC

5. Public Hearing

A. Resolution 16-___, Granting A Special Use Permit To Creative Color Real Estate, LLC For Service Of Alcoholic Beverages Under An ABC On-Premises License At 1419 Princess Anne Street

Documents: [5A RED DRAGON BREWERY.PDF](#)

B. Resolution 16-___, Approving A Special Exception For The Installation Of Telecommunications Facilities At 2217 Princess Anne Street, The General Washington Executive Center

Documents: [5B GEO. WASH EXEC CTR.PDF](#)

- C. Resolution 16-___, Granting Lincoln Terminal Company An Amended Special Use Permit For An Expansion Of The Bulk Storage Facility At 1500 Beulah Salisbury Road

Documents: [5C LINCOLN TERMINAL.PDF](#)

- D. Ordinance 16-___, First Read, Amending The Zoning Regulation In The R-4 And R-8 Residential Zoning Districts And The C-T Commercial/Office-Transitional District, To Require The Front Building Façade To Be Oriented Toward The Front Yard, And, For Lots Of Record Prior To April 25, 1984, To Make The Infill Front Yard Setback Mandatory, And To Reduce The Minimum Infill Side Yard Setback; Amending The Method For Calculating Average Yard Setbacks

Documents: [5D R4 R8 CT TEXT AMEND.PDF](#)

- E. Resolution 16-___, First Read, Amending The Fiscal Year 2016 Budget By Appropriating Fiscal Year 2015 Encumbrances And Carryovers

Documents: [5E CARRYOVERS-ENCUMBRANCES.PDF](#)

6. Comments From The Public

City Council provides this opportunity each regular meeting for comments from citizens who have signed up to speak before the start of the meeting. To be fair to everyone, please observe the five-minute time limit and yield the floor when the Clerk of Council indicates that your time has expired. Decorum in the Council Chambers will be maintained. Comments that are not relevant to City business and disruptive are inappropriate and out of order.

7. Council Agenda

- A. Update On The 2nd Annual Gun Giveback - Councilor Frye

8. Consent Agenda

- A. Transmittal Of FRED Transit Progress Report – November 2015

Documents: [8A FRED PROGRESS REPORT.PDF](#)

- B. Ordinance 15-32, Second Read, Extending The Arts And Cultural District License Tax Reduction For Existing Businesses

Documents: [8B ARTS-CULTURAL DISTRICT.PDF](#)

- C. Resolution 15-98, Second Read, Amending The Fiscal Year 2016 Budget By Appropriating Asset Forfeiture Funding

Documents: [8C ASSET FORFEITURE.PDF](#)

- D. Resolution 16-___, Authorizing The City Manager To Accept A Deed Of Easement From The Economic Development Authority For 24 Hour Ingress/Egress And Nights And Weekend Parking At The Former Union Bank Building At Charles And Amelia Streets

Documents: [8D DEED OF EASEMENT.PDF](#)

E. Transmittal Of A Memorandum On The R-Board Cell Tower

Documents: [8E R-BOARD CELL TOWER.PDF](#)

F. Transmittal Of Boards And Commission Minutes

F.i. Board Of Social Services - October 8, 2015

Documents: [8F1 BSS - 10-8-15.PDF](#)

F.ii. Clean And Green Commission - November 2, 2015

Documents: [8F2 CLEAN GREEN 11-2-15.PDF](#)

F.iii. Economic Development Authority - October 19, 2015

Documents: [8F3 EDA 10-19-15.PDF](#)

F.iv. Economic Development Authority - December 3, 2015

Documents: [8F4 EDA 12-3-15.PDF](#)

F.v. Planning Commission - November 18, 2015

Documents: [8F5 PLANNING 11-18-15.PDF](#)

F.vi. Potomac & Rappahannock Transportation Commission - December 3, 2015

Documents: [8F6 PRTC 12-3-15.PDF](#)

F.vii. Public Transit Advisory Board - October 7, 2015

Documents: [8F7 PTAB 10-7-15.PDF](#)

9. Minutes

A. Work Session - November 10, 2015

Documents: [9A 11-10-15 WORK SESSION MINUTES.PDF](#)

B. Work Session - November 24, 2015

Documents: [9B WORK SESSION MINUTES.PDF](#)

C. Public Hearing - November 24, 2015

Documents: [9C 11-24-15 PUBLIC HEARING MINUTES.PDF](#)

D. Regular Session - November 24, 2015

Documents: [9D 11-24-15 REGULAR SESSION MINUTES.PDF](#)

E. Public Hearing - December 8, 2015

Documents: [9E 12-08-15 PUBLIC HEARING MINUTES.PDF](#)

F. Regular Session - December 8, 2015

Documents: [9F 12-08-15 REGULAR SESSION MINUTES.PDF](#)

10. Boards And Commission Appointments

A. Central Rappahannock Regional Library Board Of Trustees - Cheryl Miller

Documents: [10A CRRL APPT.PDF](#)

11. City Manager Agenda

A. Resolution 16-___, Amending The Fiscal Year 2016 Budget By Using \$31,720 Of General Fund Contingency For The Purchase Of New Voting Machines

Documents: [11A VOTING MACHINES.PDF](#)

B. Ordinance 16-___, First Read, Rezoning Approximately 3.049 Acres Of Land From Commercial Highway C-H And Residential R-2 To Planned Development Mixed Use PDMU For The "Mill District"

Documents: [11B MILL DISTRICT.PDF](#)

C. City Manager's Update

Documents: [11C CITY MANAGER UPDATE.PDF](#)

D. Calendar

Documents: [11D CALENDAR.PDF](#)

12. Adjournment



MEMORANDUM

TO: Beverly R. Cameron
FROM: Mike Craig, Zoning Administrator
DATE: January 2, 2016 for the January 12 meeting
RE: SUP-2015-05, Red Dragon Brewery (leasee) requests a Special Use Permits for On-Premises Alcohol Sales at 1419 Princess Anne Street (GPIN 7789-06-4898), in the Commercial/Office-Transitional District, C-T, Zoning District.

ISSUE

Should the City Council approve a Special Use Permit for On-Premises Alcohol Sales at 1419 Princess Anne Street?

RECOMMENDATION

Approve the Special Use Permit, subject to following conditions:

1. The on-premises retail sale and service of alcoholic beverages is limited to those brewed on-premises, and the use shall be conducted in conformity with the conditions of the ABC industry brewery license.
2. The hours of service to the public for this special use shall be limited to:
 - a. Monday through Thursday 4 p.m. through 9 p.m.
 - b. Friday 4 p.m. through 10 p.m.
 - c. Saturday 11 a.m. through 10 p.m.
 - d. Sunday 12 noon through 6 p.m.
3. This special use shall be conducted indoors. No outdoor service is authorized.
4. The landowner or ABC licensee shall provide on-site parking in general conformance with Figure 5-1, "Parking Spaces on Princess Anne Street for Red Dragon Brewery," included in the October 21, 2015 application for a special use permit.
5. The use shall commence within 24 months of the date of adoption of this resolution.
6. The use is permitted only so long as it continues and is not discontinued for more than 24 months.

PLANNING COMMISSION ACTION

On December 9, 2015 the Planning Commission held a public hearing on this item at which six people spoke. All speakers spoke in favor of the project. One speaker did have a concern about parking on Pitt Street and stated that she would like City Council to consider designating Pitt Street a residential parking district. After the public hearing the Planning Commission voted unanimously to recommend approval of the project with staff's recommended conditions to the City Council.

BACKGROUND

The Applicant proposes to lease a 4,000 square foot portion of an industrial building. The portion containing the proposed Red Dragon Brewery is a historic brick structure that runs along Pitt Street to its intersection with Prince Anne Street. The brick structure dates to the 1930's and contains architecturally notable elements including, "recessed, brick panels, stepped parapet roof, and banks of small fixed lights"¹. Though, the building's store front windows have been boarded up and door has been replaced with an industrial steel door.

There is a parking lot and loading dock adjacent to the building fronting on Princess Anne Street. The parking lot currently has ten spaces. There are several commercial uses along the same block face as the building. There is also a mix of residential uses in the area including apartments, duplexes, and single-family homes.

1419 Princess Anne Street is zoned Commercial / Transitional Office. Microbrewery is not a permitted use in the zoning district, however, on-premises alcohol sales are permitted by Special Use Permit. A Change of Non-Conforming Use from Light Manufacturing to Microbrewery was approved for the Red Dragon Brewery's beer production in November². The Applicant now needs a Special Use Permit to sell the beer they produce on-site at an on-premises taproom.

SPECIAL USE PERMIT ANALYSIS

Special use permits are evaluated according to the criteria contained in the UDO, Section 72-22.6, as follows:

(1) The proposed special use at a specified location shall be:

(a) In harmony with the adopted Comprehensive Plan;

The property lies within Land Use Planning Area 7: Downtown. The future land use map in the Comprehensive Plan designates this property as Commercial: Transitional/Office. The Commercial-Transitional / Office category provides for "limited retail uses and small scale offices, with appropriate landscaping and screening, to provide a transition between quiet residential areas and more intense commercial districts. The site is specifically listed as part of Sub Planning Area 7A, which does not have a specific recommendation relevant to this property

The Opportunities listed for Land Use Planning Area 7 include (pg 219-220):

- "Support redevelopment that respects historic structures, but without dictating architectural style or limiting creativity."
- "Continue revitalization of the key corridors of Princess Anne Street..."
- "Promote residential and mixed-use development."
- "Protect established residential neighborhoods from existing and proposed commercial development, through transitional uses and design standards that minimize adverse impacts."

¹ Virginia Department of Historic Resources Reconnaissance Level Survey # 111-0009-0106

² CNCU2015-01 attached to this memo.

(b) In harmony with the purpose and intent of the zoning district regulations;

The purpose of the Commercial/Office-Transitional (C-T) District is: “to provide for the location of predominantly non-residential commercial uses in a low-intensity manner such that they can be employed as transitional land uses between residential neighborhoods and higher intensity uses.”

(c) In harmony with the existing uses or planned uses of neighboring properties.

The Red Dragon Brewery is located in a commercial corridor adjacent to a residential neighborhood. The project is two part project. Beer production was approved through a Change of Non-Conforming Use. During the Change of Non-Conforming Use process the Applicant met with the residents of the adjacent neighborhood. As a result, conditions were put on the beer production at that time that: limit truck delivery hours, employee parking, total production, noise, and exterior lighting. The conditions also require that the façade of the building be renovated, so as to restore the building’s original architectural character, as shown in the attached drawings.

This Special Use Permit request is for the on-premises sale of alcohol. The proposed conditions recommended by staff were confirmed by the neighbors at a community meeting. They would ensure that the tap room is an accessory to the brewery and does not become a full bar, limit hours of service to the public to reasonable times, add parking spaces on-site, and prevent conflicts between outside events and residential uses.

In considering an application for a Special Use Permit, the Planning Commission and City Council shall consider potential adverse impacts including:

1. Traffic or parking congestion;

The site is situated on and has access to Princess Anne Street which is an arterial street.

The tap room portion of the site is roughly 2,000 square feet and the brewery operations area is 2,000 square feet. Microbrewery / Taproom requires one space for every 240 square feet of tap room area (9 spaces) and one space for every 1,000 square feet of brewery operations area (2 spaces) for a total of 11 spaces. There are ten parking spaces currently on-site and four spaces on Princess Anne Street abutting the site. As part of the improvements to the site, the Applicant has proposed restriping the lot such that they can add seven parking spaces, bringing the total amount of parking spaces available to the Red Dragon Brewery up to 21.

There are also parking spaces abutting the site adjacent to Pitt Street, however, parking on Pitt Street was brought up as a community issue during the meeting with the residents of the adjacent neighborhood. These residents will be requesting Council to designate this block for resident parking. The Applicant has proposed adding a sign to the side of their building on Pitt Street that says, “No Brewery Parking on Pitt Street.”

2. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;

The Applicant has proposed limiting their hours of service to the public to prevent noise and light from being an issue late at night. Otherwise, dust, odor, fumes, vibration and

other factors were addressed during the Change of Non-Conforming Use process regarding.

- 3. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;**
The use constitutes economic development.
- 4. Undue density of population or intensity of use in relation to the community facilities existing or available;**
There are sufficient public utilities to serve the site.
- 5. Reduction in the availability of affordable housing in the neighborhood;**
Not applicable, this Special Use application is for a use in an existing building.
- 6. Impact on school population and facilities;**
Not applicable, this Special Use application is for a use in an existing building.
- 7. Destruction of or encroachment upon conservation or historic districts;**
The Applicant has proposed renovation of the historic building in which the use is proposed.
- 8. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and**
The applicant has, to our knowledge, conformed to all federal, state, and local laws.
- 9. Massing and scale of the project.**
The building exists and, if renovated, could be part of a rejuvenation of the existing commercial corridor.

This application meets the criteria noted above.

Attachments:

1. Proposed Resolution
2. Application and Supporting Materials
3. CNCU2015-01
4. Planning Commission Minutes



January 12, 2016
Regular Meeting
Resolution No. 16-__

MOTION:

SECOND:

RE: GRANTING A SPECIAL USE PERMIT TO CREATIVE COLOR REAL ESTATE, LLC FOR SERVICE OF ALCOHOLIC BEVERAGES UNDER AN ABC ON-PREMISES LICENSE AT 1419 PRINCESS ANNE STREET

ACTION: APPROVED: Ayes: 0; Nays: 0

WHEREAS Red Dragon Brewery, LLC, as the agent for Creative Color Real Estate, LLC, has applied to the City Council for a special use permit to serve alcoholic beverages under a Commonwealth of Virginia Department of Alcohol Beverages Control industry brewery license at 1419 Princess Anne Street, GPIN 7789-06-4898. The use is proposed to be conducted in a 3800 square foot portion of an existing building, which is in the Commercial/Office-Transitional zoning district.

WHEREAS, the Council after notice and a public hearing, has considered the application in light of its conformity with the City's Comprehensive Plan, its harmony with the purposes and standards of the zoning district regulations, its compatibility with existing or planned uses of neighboring properties, and whether the proposed special use and related improvements will be designed, sited, landscaped and otherwise configured so that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair their economic, social or environmental value;

NOW, THEREFORE, BE IT RESOLVED:

Based on these considerations, Council finds: (a) this request as submitted (or modified) conforms to the City's Comprehensive Plan, or to specific elements of that plan and to official policies adopted pursuant the plan, (b) this request is in harmony with the purpose and intent of the zoning district regulations, (c) this request will not have an undue adverse impact on the surrounding neighborhood, in terms of public health, safety or general welfare; and (d) this request is appropriately designed, sited, landscaped and otherwise configured.

This Council grants to Creative Color Real Estate, LLC a special use permit for service of alcoholic beverages under an ABC industry brewery license at 1419 Princess Anne Street, in accordance with its application for a special use permit dated October 20, 2015, subject to the following conditions:

1. The on-premises retail sale and service of alcoholic beverages is limited to those brewed on-premises, and the use shall be conducted in conformity with the conditions of the ABC industry brewery license.

2. The hours of service to the public for this special use shall be limited to the following:
 - a. Monday through Thursday: 4:00 p.m. to 9:00 p.m.
 - b. Friday: 4:00 p.m. to 10:00 p.m.
 - c. Saturday: 11:00 a.m. to 10:00 p.m.
 - d. Sunday: 12:00 p.m. to 6:00 p.m.
3. This special use shall be conducted indoors. No outdoor service is authorized.
4. The landowner or ABC licensee shall provide on-site parking in general conformance with Figure 5-1, "Parking Spaces on Princess Anne Street for Red Dragon Brewery," included in the October 21, 2015 application for a special use permit.
5. The use shall commence within 24 months of the date of adoption of this resolution.
6. The use is permitted only so long as it continues and is not discontinued for more than 24 months.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16- duly adopted at a meeting of the City Council meeting held January 12, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



**CITY OF FREDERICKSBURG, VIRGINIA
COMMUNITY PLANNING & BUILDING DEPARTMENT
APPLICATION FOR SPECIAL USE**

Prior to submitting a Special Use application, please contact the Development Administrator (540)372-1179 to schedule a meeting with the Technical Review Committee.

Special Uses are uses which are allowed if they do not have an undue impact or are incompatible with other land uses within a given area. These uses may be allowed, however, under standards, controls, limitations, performance criteria, restrictions, and other conditions specified in the Special Use Permit approved by the City Council, after a recommendation from the Planning Commission.

APPLICATION REQUIREMENTS

Special Use applications are filed with the office of the Zoning Administrator (540)372-1179. The processing time for a special use application is approximately 3-6 months. *Applications must include the application fee of \$150.00 for single-family residential or \$300 for all other requests, as well as the original application with original signatures. One complete copy of the application and supporting documentation must be uploaded to the City's FTP website. This must be accomplished in order for the application to be deemed complete. Please see the attached instructions on how to upload the application to the City's FTP website (Attachment A). In addition, 12 paper copies of the application and all supporting documentation must also be submitted and contain the information listed and attached to this application.*

The complete list of application requirements is contained in the UDO Procedures Manual and attached to this application for your convenience (Attachment B).

Please be aware that you will not be contacted prior to the Planning Commission meeting unless the staff has questions concerning the application. A copy of the staff report will be e-mailed to the applicant if address is provided. Staff reports will be available the Friday prior to the Planning Commission meeting.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission will provide public notice and hold a public hearing concerning a Special Use before making a recommendation. Upon a recommendation by the Planning Commission, the City Council will render a final decision on all applications within sixty (60) days after the Planning Commission has acted upon it.

SPECIAL USE APPEAL

Appeals of City Council action on special use applications may be filed with the Clerk of the Circuit Court, within 30-days of City Council Action.

CONDITIONS

The City may impose conditions, safeguards and restrictions upon a proposed Special Use Permit as it may deem necessary in the public interest to secure compliance with the Unified Development Ordinance (UDO) and the Comprehensive Plan including, but not limited to, the following conditions:

1. Limit the hours of operation for the Special Use Permit.
2. Place a time limit on the Special Use Permit and require that it be periodically renewed or extended.

The City may also revoke a Special Use Permit, but must hold a public hearing on the revocation and shall give the holder at least ten (10) days written notice of the hearing.

EXTENSIONS/RENEWAL OF PERMITS

Applications for extension or renewal of Special Use Permits must be filed in writing to the zoning administrator ninety (90) days before the expiration of the permit. The City will monitor the Special Use Permit to determine if the use continues to satisfy the conditions of the original permit.



Application #SUP: _____
Date: _____
Fee/Check#: _____

**APPLICATION
SPECIAL USE PERMIT**

APPLICANT NAME: Red Dragon Brewery LLC c/o Thomas Evans
MAILING ADDRESS: 2412 Walthall Ct Fredericksburg VA 22408
TELEPHONE: (540) 760-0777 E-MAIL: tevans@reddragonbrewery.com

THE UNDERSIGNED HEREBY APPLIES FOR A SPECIAL USE FOR: _____
Serve alcoholic beverage - beer - in taproom/ brewery
in zone CT.

THE SUBJECT PROPERTY IS DESCRIBED AS FOLLOWS:

Property Location 1419 Princess Anne St (Part of 1410 Caroline St)
Property Owned By Creative Color Real Estate LLC
Owner's Mailing Address 1410 Caroline St

Proposed Use of Property (*be specific*) _____
Site is used for brewery with taproom & serve
beer produced on premises.

HOURS OF OPERATION See attached NUMBER OF EMPLOYEES See attached
Anticipated Number of Patrons or Clients Any 100

Description of the development's impact on neighboring and adjacent properties (please submit a complete and accurate description on a separate sheet of paper):

1. Compliance with Comprehensive Plan:
2. In harmony with the purpose and intent of the zoning district regulations:
3. In harmony with the existing uses or planned use of the neighboring properties:
4. Traffic Impact:

Special Use Permit Request
(Application Continued)

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true.

Thomas Evans, Jr 10/21/15
Signature of Applicant Date

PRINT NAME OF APPLICANT Thomas E. Evans, Jr



The above oath or affirmation was signed before me and witnessed by me this 21st day of October, 2015 in the County / City of Fredericksburg in the state of Virginia.

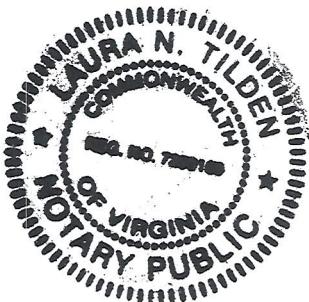
Notary Signature Laura N. Tilden
Notary Registration # 7299169 Commission Expires 12/31/2017

John Van Hoy 10/21/15
Signature of Owner Date

PRINT NAME OF OWNER John Van Hoy

The above oath or affirmation was signed before me and witnessed by me this 21st day of October, 2015 in the County / City of Fredericksburg in the state of Virginia.

Notary Signature Laura N. Tilden
Notary Registration # 7299169 Commission expires 12/31/2017



PUBLIC NOTIFICATION REQUIREMENTS

Written Notice: Written notice of an application initiated by a property owner or contract purchaser shall be provided to adjacent property owners by certified return receipt mail by the applicant at least five calendar days prior to the public hearing (not counting the date of the hearing) and not more than 15 days prior to the hearing. Applicants may use the notice form supplied with the application forms. In the event the application is deferred indefinitely, notification shall be given when the application is rescheduled.

Evidence of the receipt of such notice shall be provided to the Zoning Administrator prior to the public hearing. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

The following notice documents must be submitted to the office of the Zoning Administrator at least 5 days prior to the public hearing:

1. a copy of the notice letter sent
2. a list of the names and addresses of those persons to whom notice was sent
3. a copy of the post office receipts for the certified or return receipt mail
4. "Certification of Notice" form found at the back of this application

Posted Notice: The applicant shall post a sign provided by the Zoning Administrator on each parcel of land involved in an application for zoning map amendment (when 25 or fewer parcels are affected), Posted notice shall be erected at least five days before the Planning Commission public hearing and before the City Council public hearing.

Failure to send accurate or correct notices will result in deferral of the application to a later hearing date. Property ownership information is to be obtained from the City Real Estate Office, Room 107, City Hall, 715 Princess Anne Street or online at Fredericksburgva.gov

APPLICANT to mail this notice by certified return receipt mail to adjoining and abutting property owners between 15 and 5 days prior to the scheduled hearing.

Dear Property Owner:

You are hereby notified of the following public hearing to be held by the City of Fredericksburg Planning Commission on the issues described below.

PUBLIC MEETING DATE: _____

**AT
7:30 PM, CITY HALL
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS (LOWER LEVEL)
FREDERICKSBURG, VA 22401**

**ISSUE
DESCRIPTION:** _____

_____.

**PROPERTY
ADDRESS:** _____

GPIN NUMBER: _____

As a citizen and party of interest, you are invited to attend the meeting and express your views concerning the above issue. If you have questions regarding the request, you can reach me at _____.

Sincerely,

Applicant signature

Applicant printed name

Property Address	207 ⁰ 209 Pitt St.	<u>7789-07-3062</u> <u>7789-07-3031</u>
Owner Name	Otis and Rebecca Light	GPIN NUMBER
Mailing Address	PO Box 2812	
City, State, Zip	Fredericksburg, VA 22404	

Property Address	1501 Princess Anne St	<u>7789-06-3925</u>
Owner Name	The Disability Resource Center	GPIN NUMBER
Mailing Address	409 Progress St	
City, State, Zip	Fredericksburg VA 22401	

Property Address	1500 Princess Anne St	<u>7789-06-1889</u>
Owner Name	Otis and Rebecca Light	GPIN NUMBER
Mailing Address	PO Box 2812	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	1422 Princess Anne St	<u>7789-06-2843</u>
Owner Name	ADL Investments	GPIN NUMBER
Mailing Address	175 Mine Rd	
City, State, Zip	Stafford, VA 22554	

Property Address	1418-1420 Princess Anne St	<u>7789-06-2738</u> <u>7789-06-2755</u>
Owner Name	Sonya Cortez	GPIN NUMBER
Mailing Address	231 Kimberwick Lane	
City, State, Zip	Stafford, VA 22556	

Property Address	1414-1416 Princess Anne St	7789-06-2764
Owner Name	Steno's Investment, LP	7789-06-2771
Mailing Address	4107 Century Court	GPIN NUMBER
City, State, Zip	Alexandria, VA 22312	

Property Address	Caroline 1408 Princess Anne St	7789-06-7945
Owner Name	Silvery Laurene	GPIN NUMBER
Mailing Address	1412 Sophia St	
City, State, Zip	Fredericksburg VA 22401	

Property Address	1408 Caroline Street	7789-06-5893
Owner Name	Phyllis Field	GPIN NUMBER
Mailing Address	265 Minorea Beach Way	
City, State, Zip	New Smyrna Beach, FL 32169	

Property Address	1407 Caroline Street	7789-06-8943
Owner Name	John Janssen	GPIN NUMBER
Mailing Address	217 Lake Shore Dr	
City, State, Zip	Fredericksburg, VA 22405	

Property Address	1408 Princess Anne St	7789-06-3615
Owner Name	Pachunko LLC	GPIN NUMBER
Mailing Address	PO Box 341	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	1411 Caroline St	7789-06-7928
Owner Name	James Herold	GPIN NUMBER
Mailing Address	1411 Caroline St	
City, State, Zip	Fredericksburg VA 22401	

Property Address	1413 Caroline St	7789-07-7002
Owner Name	Charles Hoffman	GPIN NUMBER
Mailing Address	1413 Caroline St	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	1415 Caroline St	7789-07-6085
Owner Name	Austina Bonamara	GPIN NUMBER
Mailing Address	1415 Caroline St	
City, State, Zip	Fredericksburg VA 22401	

Property Address	1501 Caroline St	7789-07-6135
Owner Name	John & Barbara Lural	GPIN NUMBER
Mailing Address	1501 Caroline St	
City, State, Zip	Fredericksburg VA 22401	

Property Address	1500 Caroline St	7789-07-4076
Owner Name	Bentrice R. Paolucci	GPIN NUMBER
Mailing Address	1500 Caroline St	
City, State, Zip	Fredericksburg VA 22401	

ATTACH ADDITIONAL SHEETS IF NECESSARY

NOTE: Applicant to return all notice documents at least five days or prior to the public hearing to: Office of the Zoning Administrator, 715 Princess Anne Street, Fredericksburg, VA 22401



Rezoning # _____
Special Use/Exception # _____

CERTIFICATION OF NOTICE

**TO: Zoning Administrator
715 Princess Anne Street
Fredericksburg, VA 22401**

At least five days or prior to the public hearing, the applicant shall supply the Zoning Administrator with the following notice documents:

1. A copy of the notice sent
2. A list of the names of those persons to whom notice has been given
3. Copies of the post office receipts for certified or registered mail.
4. A certification statement that notice has been sent by certified or registered mail to those to whom notice is required to be given.

The applicant shall use the records and maps maintained in the City's office of real estate or GIS to determine the proper recipients of notice and reliance upon such records shall constitute compliance with the requirements of the UDO.

The undersigned hereby certifies that the notice to adjoining property owners (copy attached), as required, was sent to the attached list of property owners concerning the following issue on (DATE) _____.

PROPERTY ADDRESS: _____
ISSUE _____
DESCRIPTION: _____

Applicant Signature

Applicant Printed Name

Telephone Number

Date

NOTE: Applicant to return all notice documents at least five days or prior to the public hearing to: Office of the Zoning Administrator, 715 Princess Anne Street, Fredericksburg, VA 22401

SIGN POSTING PROCEDURES

Instructions

It is the applicant's responsibility to ensure that the sign(s) remain on the project site for the required time and are maintained in good/legible condition until after the public hearing date.

Site Posting Procedure

Sign(s) shall be posted at least five (5) business days before the public hearing/meeting. The applicant shall complete a notarized affidavit stating the sign(s) shall be posted in accordance with these procedures. Within three (3) days of posting the sign the applicant shall provide a photograph of the posted sign to the Community Planning and Building Department. Failure to submit a notarized affidavit and/or photograph of the posted sign may result in the removal of the application from the scheduled meeting agenda.

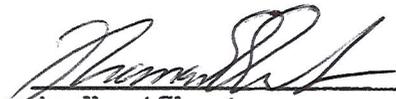
Information required on the sign(s) shall be completed by a member of the planning staff and provided to the applicant for posting. Signs shall be removed within three (3) days of the public hearing/meeting. Sign(s) should not be returned to the Community Planning & Building Department.

A minimum of one sign shall be placed along any adjacent arterial street. Signs should be posted every 600 feet when a street frontage adjacent to a project exceeds that distance. Sign(s) shall be placed parallel to the roadway.

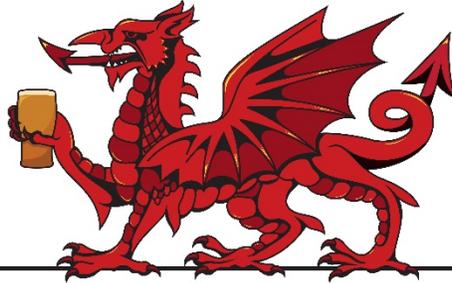
Sign(s) shall be placed on the property in the most visible location available in such a manner that landscaping or other obstructions do not impair the visibility of the sign(s) from the street. The sign(s) shall not be placed on the public street right-of-way. The sign(s) should not be placed more than 10 feet behind the property line adjacent to the street.

The Community Planning and Building Department may vary any of the above guidelines where there are special circumstances in order to ensure that the sign(s) will be visible to the general public.

The undersigned acknowledges that he/she has read this procedure and understands how and where to post the required sign(s).


Applicant Signature

10/22/15
Date



RED DRAGON BREWERY

Special Use Permit
For the
City of Fredericksburg

October 20, 2015

Thomas Evans

(540) 760-0777

tevans@reddragonbrewery.com

Dan Baker

(540) 847-3104

dan.baker@reddragonbrewery.com

General Statements

Red Dragon Brewery, LLC, a Virginia limited liability company, is owned and operated by the following members below. Their percentage of interest in the corporation is also indicated.

- Thomas Evans (55%)
- William Baker (45%)

No member of the Fredericksburg City Council or the Planning Commission or any member of their immediate family or household owns or has any financial interest in the property of interest nor do they have any financial interest in the outcome of the decision regarding the Special Use Permit.

Thomas E. Evans, Jr. Date

William Daniel Baker Date

1 Property Information - Overview

Owner: Creative Color Real Estate LLC

Mailing Address: 1410 Caroline Street, Fredericksburg, VA 22401

Location Description: 1413-1419 Princess Anne Street & 1410-1414 Caroline Street

Lot: 44,289 SQ FT (1.01 Acres)

Current Zoning: CT

Occupancy: Commercial

Total Square Footage: 18,451

Year Built: 1949

2 Total Area of the Property

The total area of the property, per City of Fredericksburg GIS system, is 44,289 square feet or 1.01 acres. The property is located at 1413-1419 Princess Anne Street and 1410-1414 Caroline Street.

3 Location and Dimension of the Existing Structure

Figure 3-1 is a graphic showing the dimensions of the existing building obtained from the City of Fredericksburg GIS website. Red Dragon Brewery, LLC will be located in the portion of the building identified as F-I01 (see area highlighted in yellow). This portion of the building is 6,466 square feet of which up to 3800square feet will be utilized for the brewery and taproom.

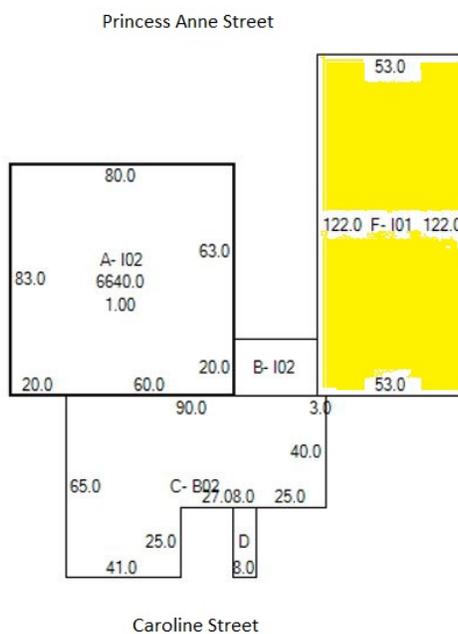


Figure 3-1: Square footage of existing buildings

Figure 3-2 shows the location of the building at 1419 Princess Anne Street in which Red Dragon Brewery, LLC's brewery and taproom will be located.



Figure 3-2: Location of building from City of Fredericksburg GIS

4 Site Improvements

This section includes information for the proposed site improvements to the facility that the Red Dragon Brewery, LLC is leasing.

4.1 Exterior Improvements

Sketches of possible design of the exterior are in Appendix III.

- Clean and repair brickwork; replace/repair wood work
- Opening up the original windows that have been boarded up (replace/repair glass)
- Install woodwork to enhance the exterior of the building to reflect the look and feel of the historic downtown area
- Create awning or cantilevered overhang over the front door or windows
- Add sign or lettering to front of the building as well as the side facing up Princess Anne Street
- Landlord will be adding lines for additional parking spaces next to the loading dock on Princess Anne Street (see figure 7-1 for parking)
- Add exterior lighting at the front and sides of the building
- Add flower pots to front entrance and clean up current grass or re-sod

4.2 Interior Improvements

Appendix I shows the area that the brewery\ taproom will utilize. Appendix II shows a preliminary design of how the property will be utilized, separating the brewery from the taproom.

- Add wall to separate the brewery from the taproom
- Add trench drainage in brewery
- Add multi-stall ADA compliant restrooms
- Add office
- Repair, clean, and insulate ceiling; repair brickwork, and glass windows
- Repair concrete floor and put down flooring in taproom and epoxy floor in brewery
- New interior lighting
- New HVAC system

5 Neighborhood Impact

The Red Dragon Brewery will improve the quality of life for local residents and businesses by giving new life to a building that has been partially boarded up and used purely as an industrial facility. We will install exterior lighting to make the area safer for residents to walk. In the first couple of months of operation, we plan to hire a City of Fredericksburg police officer (if approved by the Chief of Police) to walk on foot between 8 PM and 10 PM on Friday and Saturday around the area to help build rapport with the community.

The Red Dragon Brewery will revitalize the area by providing a community centered business in the tradition of the English public houses. This is in keeping with the historic nature of Fredericksburg as breweries and public houses were present in local communities in early America. We will provide a family-friendly atmosphere for our community as well as a destination for the ever growing craft beer industry.

Hours of Operation

We will have limited public business hours to ensure the neighbors are not disturbed late into the night. The brewery will open earlier in the summer months (11 AM) when the tourist season is at its peak. We will be operating to the public as follows:

- Monday – Thursday: 4 PM to 9 PM
- Friday: 4 PM to 10 PM
- Saturday: 11 AM to 10 PM
- Sunday: 12 PM to 6 PM

Brewery operations will not affect the area businesses or residents. The brewing process does not produce any noxious smells or odors nor does it produce noise. Brewing operations can occur at any time.

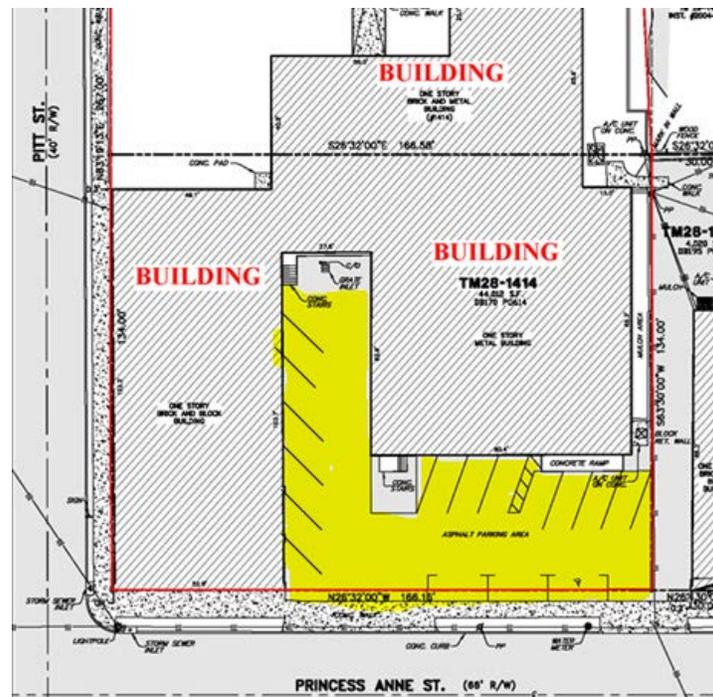
Delivery Hours

Truck deliveries should be minimal at once per week during the day only. We will be receiving deliveries the same hours as Creative Color, LLC in the loading dock on Princess Anne Street. These hours are:

- Monday – Friday: 8 AM to 6 PM
- Saturday: 8 AM to 12 PM

Parking

There will be approximately 15-17 parking spaces in the parking lot facing Princess Anne Street. Currently there are 10 parking spaces (see figure 6-1), but the landlord has agreed to add approximately 7 more on the side of the building in front of the loading dock. Should additional spaces be needed, additional parking can be utilized in the Creative Color parking lot on Caroline Street (see figure 6-1). Figure 7-1 shows the parking area on the Princess Anne Street side highlighted in yellow. Additionally, we will post a sign on the side of the building on Pitt Street stating “No Brewery Parking on Pitt Street” or something similar as permitted by the City to encourage visitors to use the parking lot. We will post that request on our Facebook page and our website as well.



5-1 Parking Spaces on Princess Anne Street for Red Dragon Brewery

6 Plat

Figure 6-1 shows the plat of the entire building structure at 1410-1414 Caroling Street and 1413-1419 Princess Anne Street. Figure 6-2 shows the certified plat by Webb and Associates.

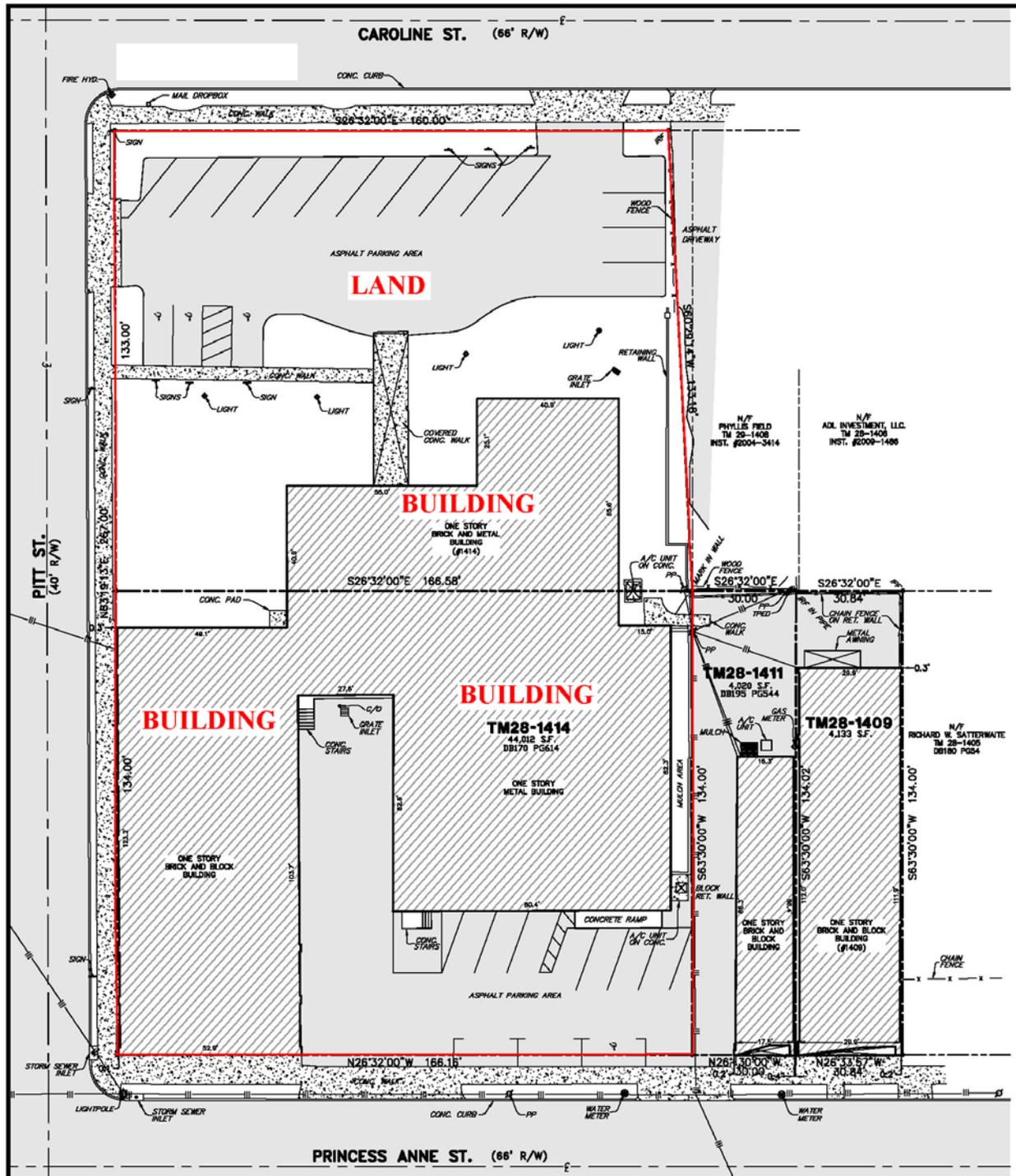


Figure 6-1: Plat of building

years and his beer has won numerous awards, including an international competition, as well as qualifying for a distinguished competition, the Masters Championship of Amateur Brewing. Mr. Evans has experience in managing a business that includes inventory control, sales projection, and employee and customer relations. Mr. Baker brings 20 years' experience developing business strategies, staff management and innovative solutions to meet aggressive, fast paced Fortune 100 business.

The brewery plans to have between 3 and 6 part time employees during the first year and adding full time employees in the second year as growth permits. The owners will also be working for the company as well. Mr. Evans will be the head brewer in charge of brewing operations and Mr. Baker will be in charge of running the taproom operations.

8 Red Dragon Brewery's conformance with the City of Fredericksburg's Comprehensive Plan

The Red Dragon Brewery, LLC helps to support various aspects of the City of Fredericksburg's Comprehensive Plan to ensure that the brewery fits within the City's long term plans. The Red Dragon Brewery is zoned C-T in Land Use Area 7A. This zone has wide mixture of businesses as well as historic and newer residences (both single family and apartments). The building in which the brewery will reside has been a commercial building from its very beginning. Early on it was a Safeway store and most recently it was a commercial laundry. The brewery will front one of the major entranceways into downtown from Route 1 (Jefferson Davis Highway). Development of this area has been a goal of the City (Land Use Planning Area 7: Downtown- Opportunities, pg. 219) through the "reuse of the historic buildings" goal in this corridor (Princess Anne Street,pg. 116).

Business Growth

Currently, the building that the Red Dragon Brewery plans to occupy is owned by Creative Color Real Estate, LLC and is used partially by that company for storage. The Red Dragon Brewery will turn approximately 3800 square feet of that facility into a viable, growing business which will generate additional tax revenue for the City of Fredericksburg. As the brewery expands its production, it will hire additional employees. Future plans also include opening a production facility in an industrial area in years to come. Having a destination that attracts both visitors and locals alike will encourage additional development in the area, hopefully much like the area of William Street where Sedona Taphouse and other new restaurants and the new townhomes are located (Business Opportunity Goals-Business Goal 3: : Business Development, pg. 15).

Community and Tourism

The Red Dragon Brewery will be a destination due the rise in popularity of craft breweries in the United States. Craft breweries have been embraced by Virginia as part of its tourism marketing (<http://www.virginia.org/CraftBeer/>). People travel to these breweries to sample craft beer and take tours of the brewery. The Red Dragon Brewery will be another destination for City tourists (Land Use Planning Area 7-Downtown Adaptive Reuse Activity,pg. 227). The building will be adapted and renovated to be a place where both tourists and neighbors alike can enjoy a place to relax and commune with one another.

In England, Ireland, Australia and other countries, the public houses which are usually owned by breweries are the focal point of the community. They are a place for "locals" to congregate and share the news of the day and wind down. In a sense, they are an extension of their living room. In pre-prohibition America, breweries were community and neighborhood based with a brewery on every corner. It is one of our goals to make the Red Dragon Brewery, the community's brewery, a place to come in and socialize with neighbors as well as to interact with visitors to our community (Business

Opportunity Goals - Business Goal 1: Downtown as a Center for Commerce, Culture, and Community, pg. 14; Goals for Residential Neighborhoods - Neighborhood Goal 2: Neighborhood Quality, pg. 16).

The Neighborhood

Another goal of the City is to promote residential and mixed use in the Princess Anne Street Corridor. The Red Dragon Brewery wants to be an asset to the community by renovating a partially boarded up building to its prior vibrant state while maintaining the current footprint. This will be done within all City standards working closely with all departments to maintain the integrity of the neighborhood and the historic guidelines set up for these reasons (Land Use Planning Area 7: Downtown- Opportunities, pg. 219).

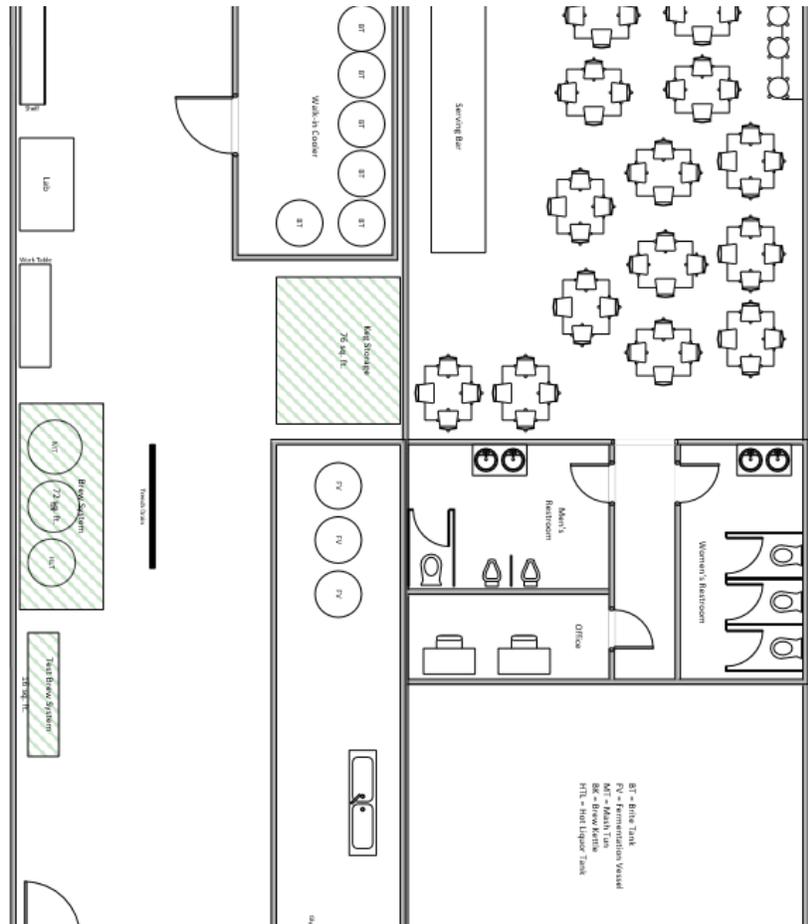
The Red Dragon Brewery has approximately 15 off street parking spaces available next to the building on Princess Anne Street. In addition, it has access to additional spaces in the Creative Color parking lot as overflow parking. If approved by the City, the brewery will put up signs on Pitt Street stating that parking along that street should be reserved for the City Residents. This will be reinforced on the website as well as on social media. This will ensure the avoidance of parking conflicts with residents in that area (Parking: Neighborhood Parking, pg. 54, Land Use Planning Area 7: Downtown- Opportunities, pg. 219).

In addition to the off-street parking, the Red Dragon Brewery will have an off-street loading dock that will be shared by Creative Color. Shipments will be limited to those already approved for Creative Color (Monday – Friday 8 AM to 6 PM). This will alleviate any need for trucks to park or block the street to unload goods. Since the building is on Princess Anne Street, trucks can easily navigate from Route 1 for freight deliveries (Freight, pg. 56).

It is the goal of the Brewery to protect the character of the historic area while providing a venue within the urban center for tourists, visitors, and residents to enjoy. Craft breweries function much like urban versions of their rural winery cousins. They serve as a venue for artisans to create fine craft products to share with connoisseurs of craft ale as well as those that just like a good beer. We want to be a part of the “vibrant and growing community” (Historic Preservation Goals, pg. 17). Not only do we hold the products we produce to high standards but our relationship to the community as well. We have already taken steps outlined in this presentation to show the community that we are aware of problems they have encountered in the past with other businesses and that we hold ourselves to a very high standard so that we can co-exist with a sense of community and love that we have for Fredericksburg.

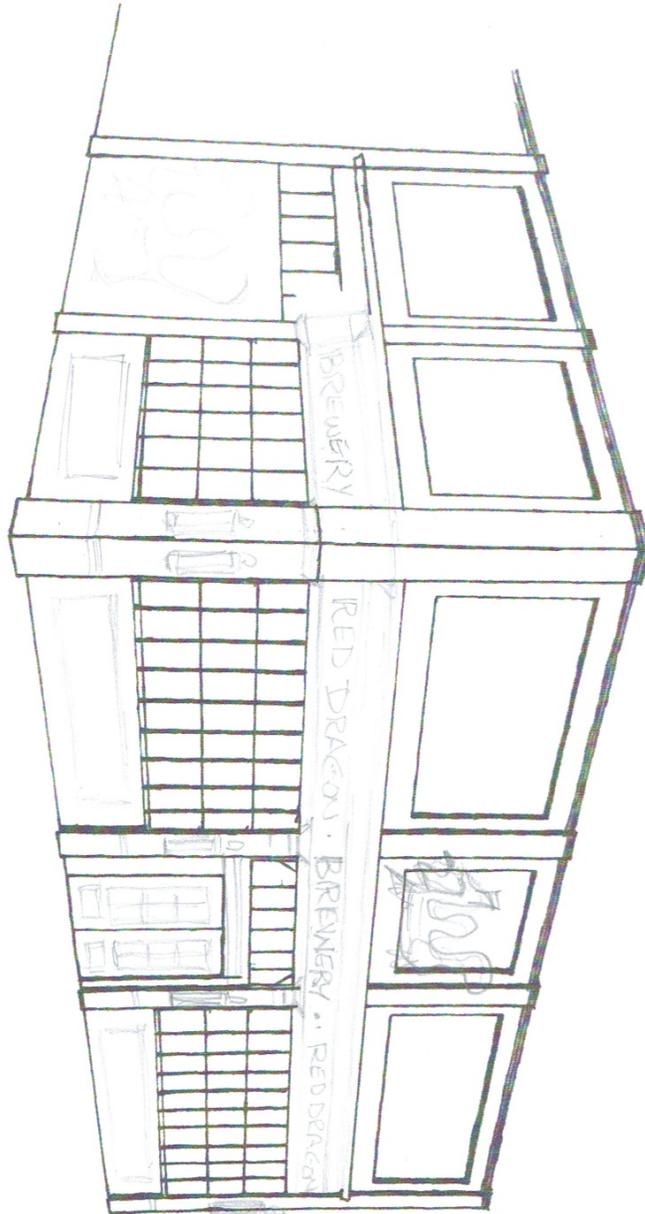
Appendix II

This figure shows the tentative layout of the brewery and taproom.

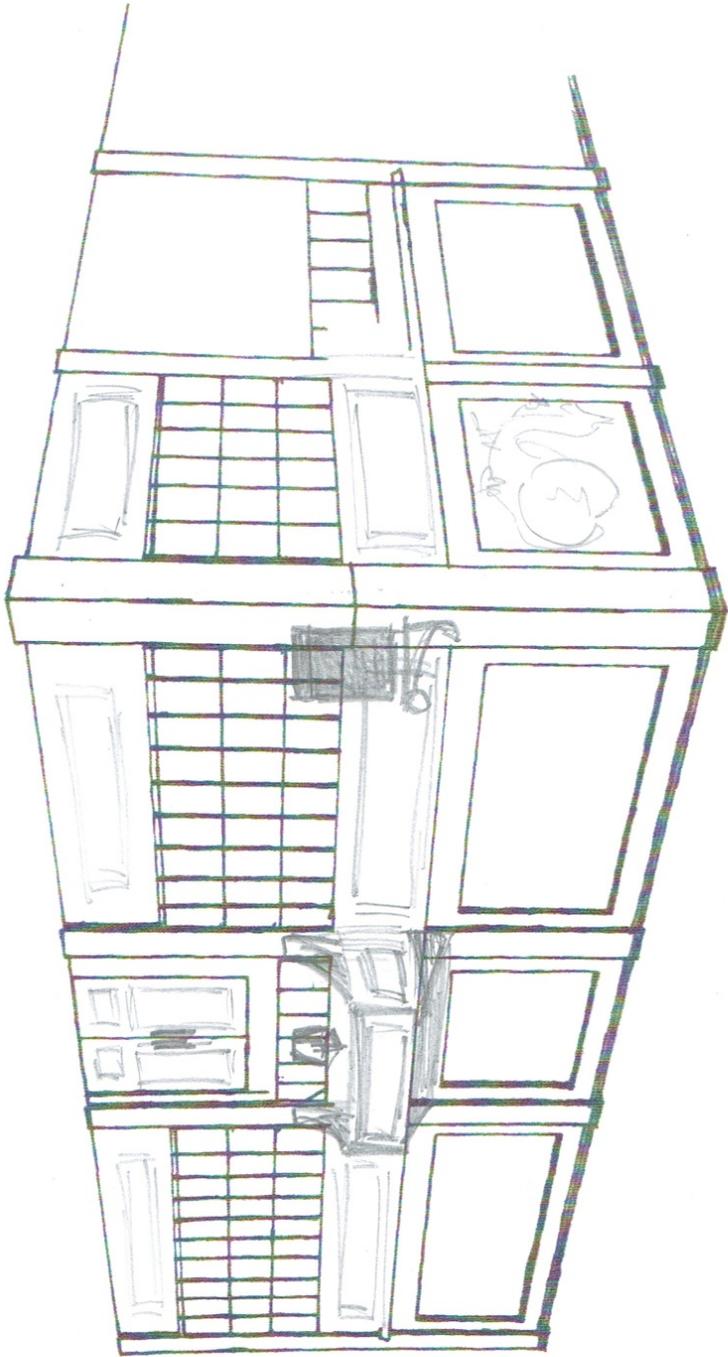


Appendix III

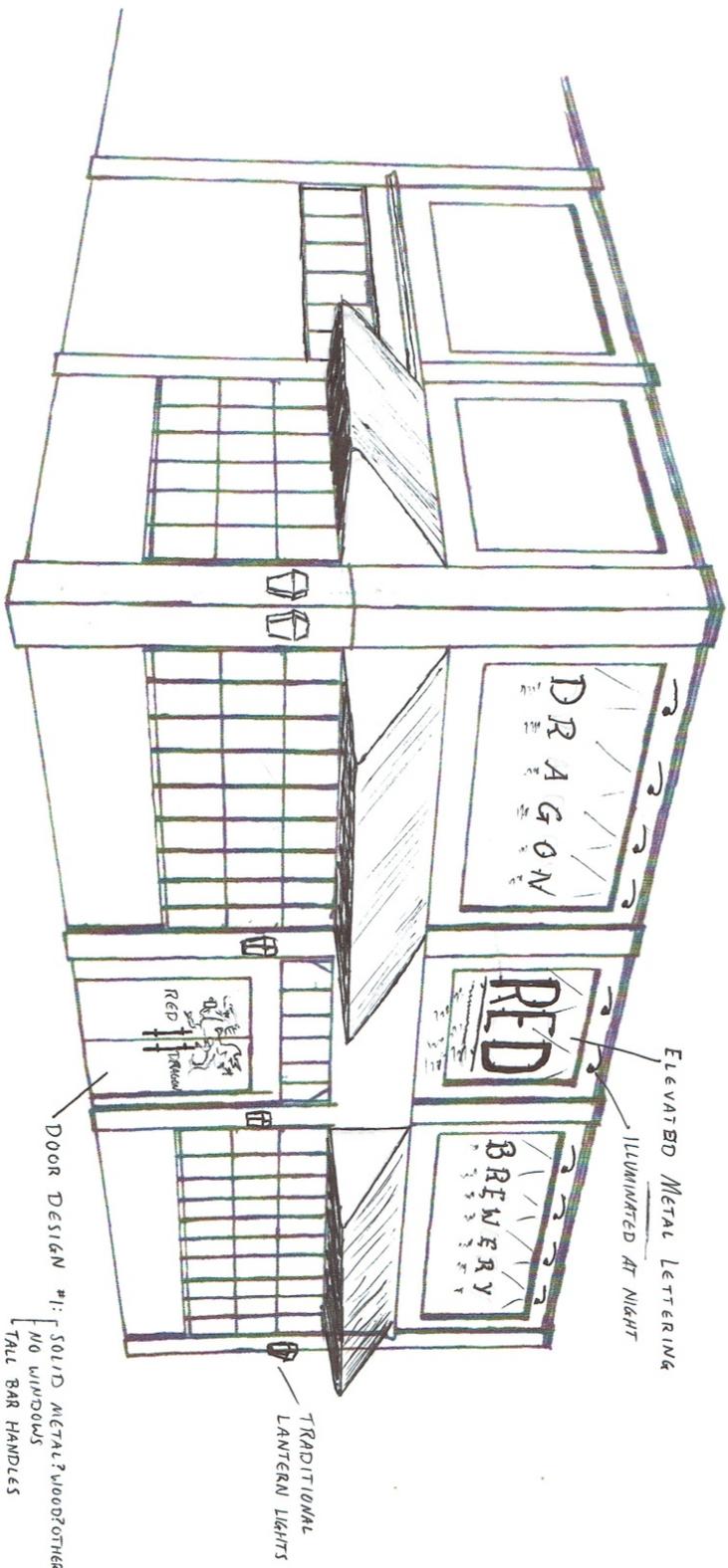
The following three image are exterior design mock ups:



RED DRAGON
BREWERY
SKETCH # 5



RED DRAGON
BREWERY
SKETCH # 5



Elevated Metal Lettering
Illuminated at Night

Traditional
Lantern Lights

Door Design #1: Solid Metal? Wood? Other?
No windows
Tall Bar Handles

Red Dragon
Brewery
Sketch #1

Appendix IV

This is a photograph of current condition on Princess Anne Street



Examples of the look/feel of exterior design



Mike Craig
Zoning Administrator
Community Planning & Building



City of Fredericksburg
P.O. Box 7447
Fredericksburg, VA 22404-7447
Telephone: 540-372-1179
Fax: 540-372-6412
mjcraig@fredericksburgva.gov

075-15D

November 17, 2015

Red Dragon Brewery
Attn: Tom Evans
2412 Walthall Court
Fredericksburg, VA 22408

Re: 1419 Princess Anne Street, GPIN# 7789-06-4898

Dear Mr. Evans,

Change of Non-Conforming Use application CNCU2015-01 Red Dragon Brewery for 1419 Princess Anne Street in the Commercial / Transitional Office Zoning District (CT) has been approved as follows:

This approval is for a microbrewery consisting of the production and packaging of beer for distribution and off-site retail sale. The use is permitted in a 4,000 square foot portion of the building at 1419 Princess Anne Street as shown in the application pages attached to this approval. An accessory tap room or other on-premises consumption area shall require City Council approval through the Special Use Permit process. This approval is subject to the following conditions:

1. The proposed use commences within 1 year of the date of adoption of the Change in Nonconforming Use action.
2. The proposed use is permitted only so long as it continues and is not discontinued for more than two years.
3. The hours of truck delivery shall be no earlier than 8 am and not later than 6 pm Monday through Friday and no earlier than 8 am and not later than 12 noon on Saturdays and shall be limited to the Princess Anne Street existing loading dock area.
4. All employee parking related to the brewing operation must be accommodated off-street.
5. Annual beer production is limited follows:
 - a. No more than 500 barrels¹ a year shall be brewed annually for the first two years of operation.
 - b. An increase in production of up to 1,000 barrels may be allowed but shall require the operator to follow the procedures listed under Unified Development Ordinance § 72-24.4 Change of Non-Conforming Use as written on the date of this determination.
 - c. In no year may production hours of operation exceed 54 total hours a week. On-premises alcohol sales and associated off-premises sales may follow any additional hours approved by the City Council.
6. Brewery operations shall not "create, continue, or cause to be created or continued any unreasonably loud or raucous noise or any noise which unreasonably disturbs, injures, or

¹ As defined by the Virginia Department of Alcoholic Beverage Control.

endangers the comfort, repose, health, peace, or safety of persons of reasonable sensitivity”² All brewing, bottling, and packaging shall take place within the building.

7. Façade improvements as generally depicted in the application sheets attached to this approval shall be completed within 6 months of opening.
8. No exterior lighting is permitted on Pitt Street.
9. The Change of Non-Conforming Use approval will be reviewed annually for compliance with these conditions and with the Red Dragon Brewery application.

The criteria used to evaluate the use are listed in the attached appendix.

Any person aggrieved by this determination may have the right to appeal to the Board of Zoning Appeals within 30 days of the receipt of the notice. Such appeal shall be in writing to the Zoning Administrator, specify the grounds for the appeal and include an appeal fee of \$400.00.

Sincerely,



Mike Craig
Zoning Administrator

- ENC: CNCU Review Sheet
Application pages showing portion of building and architectural renovations (4 pages)
- EC: Charlie L. Frye, Jr. Ward 4 Councilman
Beverly Cameron, City Manager
Kathleen Dooley, City Attorney

² This language is taken from City Code § 38-35 related to a general prohibition on noise. The factors to be considered in determining whether a sound shall be considered a violation of this determination include, but are not limited to:

- (1) The proximity of the sound to sleeping facilities, whether residential or commercial;
- (2) The land use, nature, zoning, and ambient noise level of the area from which the sound emanates and the area where it is received or perceived;
- (3) The time of day or night the sound occurs;
- (4) The duration, volume, and intensity of the sound, and
- (5) The repetitive nature of the sound, in terms of recurrence, intermittency, or consistency.

Change of Non-Conforming Use Review Summary Sheet

The following review applies to the production of beer at 1419 Princess Anne Street. The taproom portion of the site constitutes on-premises consumption of alcohol. On-premises consumption of alcohol is a special use in the CT Zoning District. Operation of a taproom at 1419 Princess Anne Street shall require a special use permit from the City Council.

Unified Development Ordinance (UDO) 72-24.4.C 'Review Criteria' establishes the following criteria that are to be used in determining whether a particular use is a lawful continuation of an established nonconforming use or a more restrictive use:

- 1. The number and size of parking spaces serving the new use;**
The previous use of 1419 Princess Anne Street was a 'commercial laundry'. The current use of 1419 Princess Anne Street is a printing and mailing business that qualifies as 'light manufacturing'³. UDO section 72-53.1.C states that the parking demand for each of these uses is 1 space per 1,000 square feet of use.
The proposed use of 1419 is a microbrewery. UDO section 72-53.1.C states that the parking demand for any "brewery operations area" is 1 space per 1,000 square feet of use.
According to the Red Dragon Brewery Application, about 1,600 square feet will be utilized for the brewery operations area. This would require 2 parking spaces.
There are 30 parking spaces existing on site. 15 of those spaces are located in a parking lot fronting Princess Anne Street that will be utilized by the proposed business.
- 2. The appearance of the buildings and site on which the new use is located;**
Currently, the building façade is boarded up. The Applicant proposes to reclaim the store front windows under the plywood boards and to make other improvements to the façade in accordance with their application.
- 3. The use, type, area, and appearance of new signs;**
Signage is proposed as part of the façade. The signage is exterior illuminated and will be required to meet the standards of the Princess Anne Corridor Overlay.
- 4. The intensity of the new nonconforming use, including the days and hours of operation, traffic, noise, and similar impacts.**
The trucking hours, and location of trucking for the proposed facility will be limited to Creative Color's hours. Trucking and deliveries are the only aspect of the proposed brewery operation that may occur outside of the building. Creative Color is limited to operating between the hours of 8 am and 6 pm Monday through Friday and 8 am and 12 noon on Saturday.
The brewery operators stated that brewing beer may be limited in terms of total hours per week, but cannot be limited to a typical nine hour work day. The brewing process takes up to fourteen hours. Also, the operators are going to be brewing in the time they have off from their regular day jobs and need to be able to brew their beer on Saturdays and Sundays. The hours of operation have been made flexible to accommodate the operator; however, a maximum cap of 54 hours has been implemented to keep the total hours of operation per week consistent with the current use. There is also a condition requiring all brewing, bottling, and packaging to take place within the building.
The applicant has stated that mechanical equipment associated with the brewing process is limited and that no noise related to the brewing process will be audible off-site. A condition has been added to the approval stating that no noise related to the brewing process will constitute a violation of the noise ordinance.
There has been concern about odors from the brewing process. In researching the issue, large breweries often have wastewater treatment facilities associated with them that produce strong

³ All defined terms are from UDO section 72-84.

odors. The Red Dragon Brewery is proposed to be a smaller micro-brewery. Their proposal is to brew less than 500 barrels of beer a year for the first two years of operation and then to expand if it is viable up to 1,000 barrels a year. A brewery of this size will not need wastewater treatment facilities.

Odors also occur via the steam created during the boiling process. The building code will require that the room in which the boil takes place be vented to the outside. The limitation on the amount of beer brewed per year should be sufficient to ensure that there is not enough steam produced that will be detectable off-site as stated in the Red Dragon Brewery application.

In reviewing odor issues at breweries it appears that the use will not generate any more odor than the existing Creative Color use. However, a condition requiring an annual review of the non-conforming use has been added to the application and, additionally, a condition has been added so that the operators will have to reengage with the neighborhood prior to an increase in production over 500 barrels a year. The review and reengagement with the neighbors provides on-going opportunities to analyze noise, odors, or other externalities. If problematic noise and odors are creating issues in the neighborhood then additional technologies are available to address those issues.

5. The lighting provisions on the site for the new use;

There is no lighting currently along the Princess Anne Street or Pitt Street frontages. Lighting is proposed along the Princess Anne Street frontage. The lighting will contribute to the revitalization of the store front and will face the Princess Anne Street corridor and not any of the residential units. After discussion with the neighborhood, proposed lighting along Pitt Street has been removed.

6. The landscaping provisions on the site for the new use;

The site is currently mostly concrete. There are minimal landscaping opportunities available to the applicant, though they have proposed to add flower pots to the front entrance of the Brewery.

7. The amount of vehicular traffic in the neighborhood; and

The site has direct access to and parking directly off of Princess Anne Street. Princess Anne Street is a Major Arterial. Currently, heavier automotive uses like truck traffic and overnight commercial vehicle parking are relegated to the Princess Anne Street side of the building. The brewing process will require limited trips to and from the site. There is a limitation on the amount of beer that may be brewed on-site annually to ensure that traffic generation is comparable to the level of the current operation. Parking and traffic generated by the tap room will be addressed during City Council review.

8. The potential effect on the fair market value of neighboring properties from the new use.

The site is currently the rear of an industrial operation whose front is oriented towards Caroline Street. The building is treated as the rear of the industrial use. The door is a secured steel access door. The store front windows have been covered over with plywood.

Establishing the use facing Princess Anne Street will add life and activity along the corridor. The applicant is proposing to restore the commercial storefront. These improvements to the property will enhance the value of adjacent properties in the neighborhood.

1 Property Information - Overview

Owner: Creative Color Real Estate LLC

Mailing Address: 1410 Caroline Street, Fredericksburg, VA 22401

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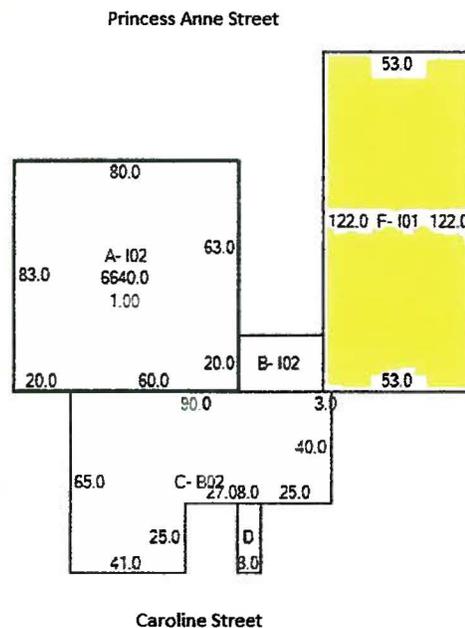
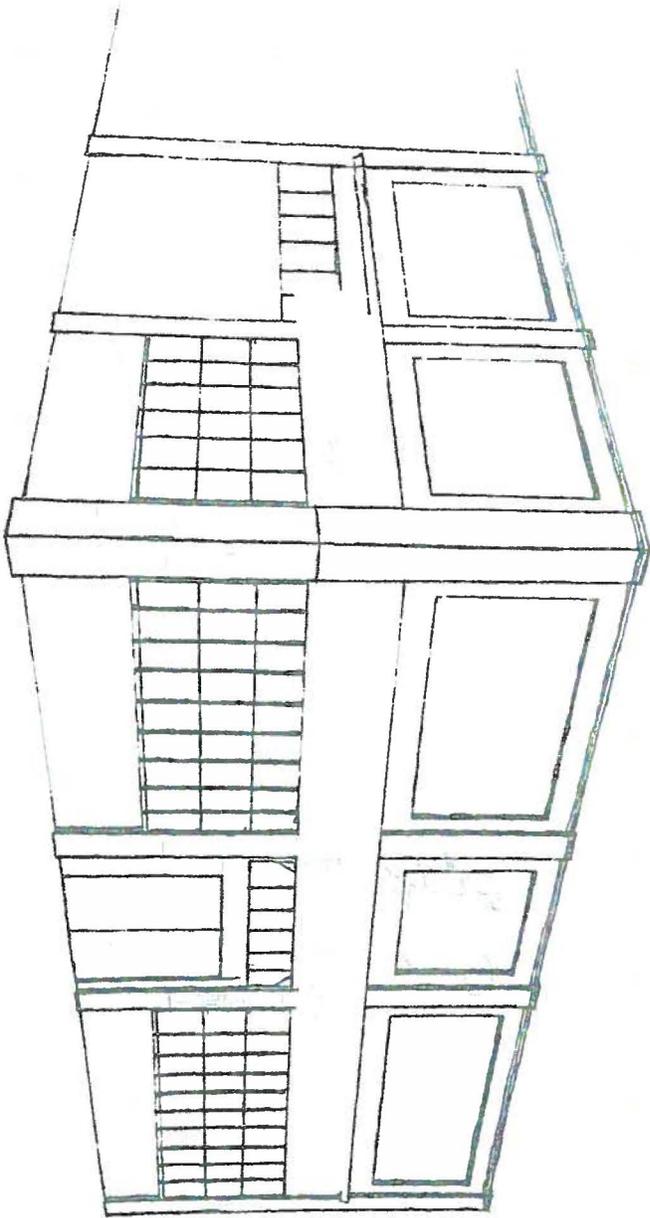


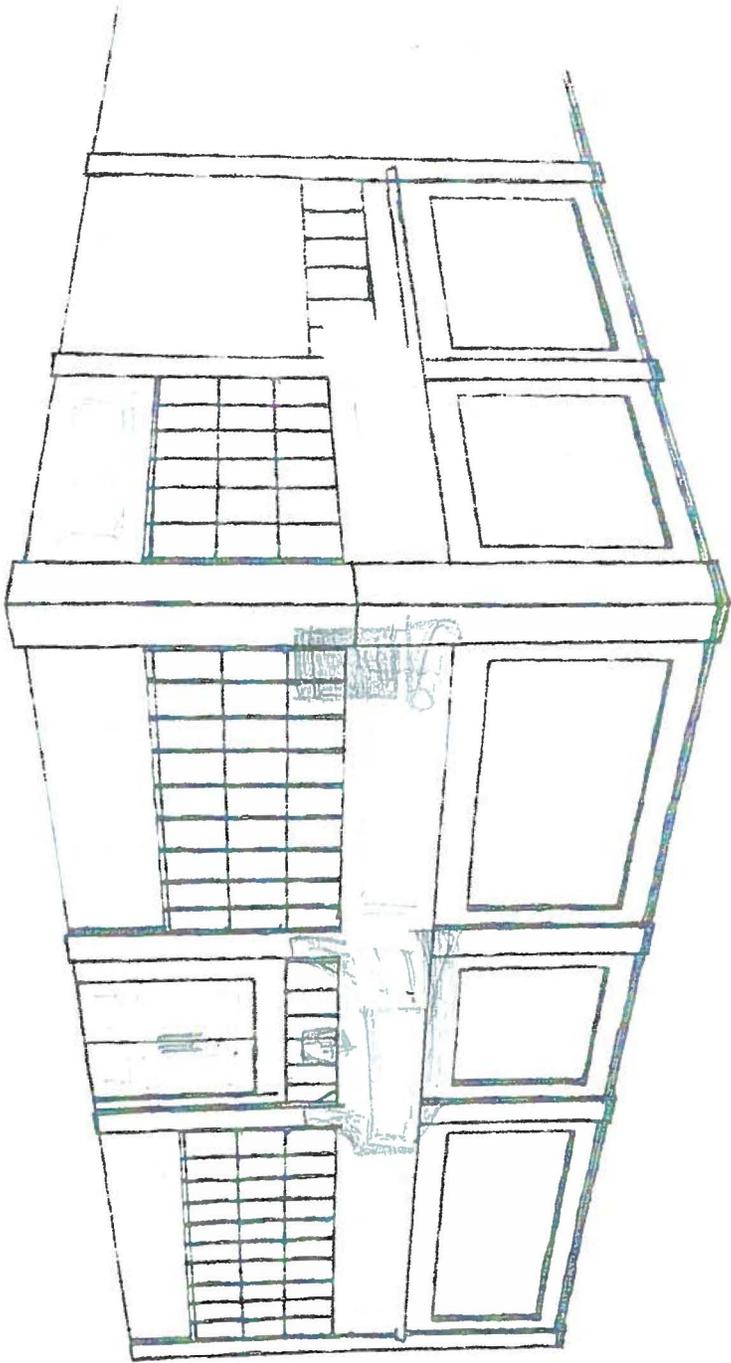
Figure 3-1: Square footage of existing buildings

Appendix III

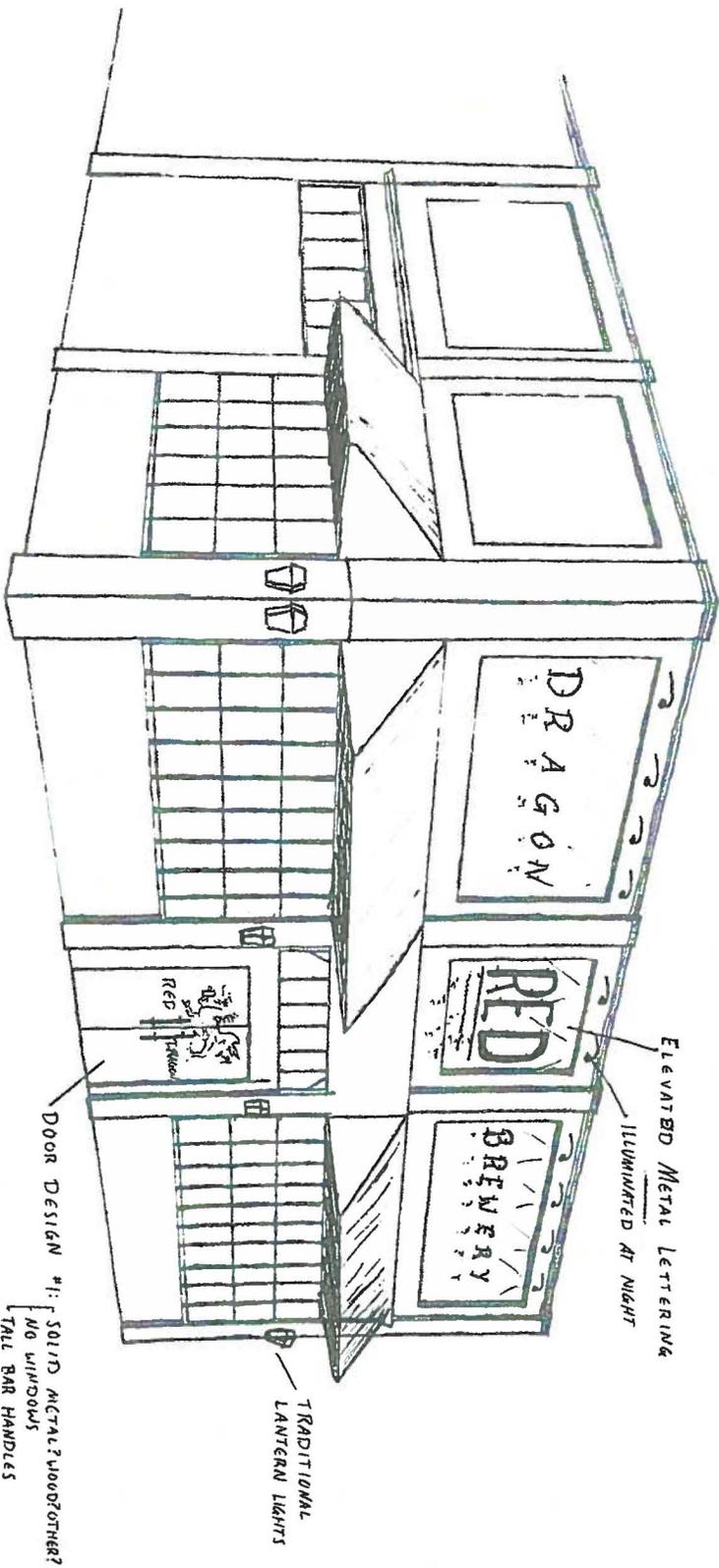
The following three image are exterior design mock ups:



RED DRAGON
BREWERY
SKETCH # 5



RED DRAGON
BREWERY
Sketch # 5



RED DRAGON
BREWERY
 SKETCH # 1

DRAFT portion of the December 9, 2015 Planning Commission Minutes that pertains to Red Dragon Brewery, LLC.

SUP2015-05: Red Dragon Brewery, LLC, requests a Special Use Permit for on-premises alcohol sales in a taproom that is an accessory use to a microbrewery at 1419 Princess Anne (GPIN 7779-06-4898) in the C-T, Commercial / Transitional – Office Zoning District. The proposed use will occupy existing commercial building, with no expansion of the building, and with no increase in the floor area ratio density. The Comprehensive Plan designates the area for Transitional Office, which has no specific recommended commercial density.

Mr. Craig presented the application. He also provided the background information related to the recently issues approval of the change in non-conforming use.

Mr. Pates said he was surprised to see the approval of the change in non-conforming use. He said it was his impression that Staff would be informing the Planning Commission when these types of applications are applied for, as well as other projects that go before the Technical Review Committee. He said this is the first he had heard of the Change in Non-Conforming use for this property.

Mr. Johnston said this did go before the Technical Review Committee and the Commission is provided the agenda of applications prior to the TRC meeting on the proposed applications.

Mr. Pates referenced the change in non-conforming use and asked what it was changing from and to what.

Mr. Craig said it was changing from light manufacturing to a micro-brewery.

Mr. Pates asked what the light manufacturing business had been.

Mr. Craig said it was Creative Color (printing).

Mr. Pates confirmed that Creative Color is still operating at this location.

Mr. Craig said this was correct.

Mr. Pates asked that the only way a change in non-conforming use can happen is if you either have a continuation of a non-conforming use, or a less intensive non-conforming use. He said then that staff is considering a micro-brewery at this location a less intensive (less non-conforming) use than Creative Colors. He asked why this is the case.

Mr. Craig said they outlined all the details in the memo regarding the non-conforming use change. However, he said, the microbrewery has less noise, less traffic, less parking demand, etc. He said there would be an annual review.

Mr. Pates asked what the annual review would consist of.

Mr. Craig said it would consist of neighborhood complaints, making sure the business is in compliance with the noise ordinance, and making sure they are in compliance with the conditions listed on the change in non-conforming use.

Mr. Pates asked where the additional parking spaces would be located.

Mr. Craig said they would be striping seven spaces by the loading dock area.

Dr. Gratz asked about the serving of food. He asked if it would strictly be a beer drinking facility with no food.

Mr. Craig said this is correct. He said they are getting a brewery industry license from the ABC, which does not come with any food requirement. He said if they had decided to serve food and it would have then been considered a restaurant and they would not have had to go through the change in non-conforming use process.

Dr. Gratz referenced the installation of a sign stating “No Brewery Parking on Pitt Street” and asked how this would be enforced.

Mr. Craig said it is a show of good faith from the owners of the brewery and the City would have no authority to enforce it. He said the owners had volunteered to install this signage.

Tom Bevins and Daniel Baker applicants. Mr. Bevins said they have been working closely with the community to address any concerns they may have. He said they narrowed the hours down after talking to neighbors. He said they do not want to have another Happy Endings type of facility.

Mr. Baker said they have also been given permission to use the Creative Color parking lot. He said their hours vary from the hours of Creative Color.

Mr. McAfee opened the floor for public comment.

PUBLIC COMMENT

Ms. Bea Paolucci – 1500 Caroline Street, 22401. She said she and her neighbors are thrilled to support Red Dragon Brewery and would hope the Commission votes in favor of their request. She noted that City Staff, representatives of Red Dragon Brewery and members of the Rising Sun Neighborhood Association met to discuss the plans and to address any concerns. She said the neighborhood walked away with no concerns

about the operation. She said the only concern she could see that may be a problem is parking on Pitt Street. She said she is aware that the Commission has no purview to determine “restricted parking”. However, she said she and her neighbors are interested in having a “residential parking only” area along the 200 block of Pitt Street. She said she would address this concern to the City Council.

Shawn Phillips (Owner of Spencer Devon Brewery) said he wholeheartedly supports the application made by Red Dragon Brewery and asked for favorable consideration by the City.

Johanna Humphrey, 1504 Caroline Street, 22401, said she too concurs with the previous comments and would ask for favorable consideration of the application.

Harold Bannister – 1901 Fall Hill Avenue, 22401, said he also supports the special use permit request and hopes this becomes a model for the area.

Mr. Mike Walsh, who said he lives in Spotsylvania but works in the downtown of Fredericksburg said he would ask for support of this application.

Mr. Bill Redding – 205 Pitt Street said he also endorses the project and his only concern would be that of which was mentioned by Ms. Paolucci, to have residential only parking on the 200 block of Pitt Street.

There was no additional public comment.

Mr. McAfee closed the public hearing.

Mr. Friesner asked if the permit from the State restricts food sales.

Mr. Craig said it does not restrict food sales but it also does not require them.

Mr. Friesner made a motion to recommend approval of the special use permit for Red Dragon Brewery with the six conditions listed on the staff report, and to add a condition #7 to read: “No cooked food sales will be permitted on site.” He said he does this with the complete expectation that he believes the City Council will restrict parking on the 200 block of Pitt Street to “residential parking only.” However, he said, the parking comment is not part of the recommendation for approval of the special use permit.

Mr. Beavers asked Mr. Friesner why he would want to restrict the applicants from serving hot food at this location if they desire to do so at a later date.

Mr. Friesner said he believes it helps to ensure that the facility stays in their use as a brewery and does not become a restaurant brewery.

Mr. Dynes said he wishes the owner of Spencer Devon had not left the meeting as he would like to ask him a couple questions. He said he has difficulty with the amendment made by Mr. Friesner.

There was so second so Mr. Friesner withdrew his motion.

Mr. Friesner made a motion to recommend approval of the special use permit to include the six conditions outlined in the staff report. He also said his comment regarding parking stands.

Mr. Dynes seconded the motion and said he would like to reiterate the parking comment to seek making the 200 block of Pitt Street "Residential Only" parking.

Mr. Johnston said he would discuss this with staff and City Council.

Mr. McAfee suggested that the City proceed very carefully before closing parking down. He suggested if it is restricted that the restriction be limited to particular hours to allow residents to be able to park next to their homes when they arrive home from work, etc.

Mr. Pates said he commends the applicants for working so much with the neighbors and addressing concerns that they may have.

Motion carried by a unanimous vote of 7 – 0.



MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Mike Craig, Zoning Administrator
DATE: January 2, 2016 for the January 12 meeting
SUBJECT: SE2015-01 KFC Hanson, a request a Special Exception to increase the height of a nonconforming structure in the Commercial Highway Zoning District on top of General Washington Executive Center (GPIN 7779-89-7284) located at 2217 Princess Anne Street in order to build a telecommunications facility

ISSUE

Should the City Council approve a Special Exception to increase in height of the nonconforming General Washington Executive Center at 2217 Princess Anne Street to accommodate telecommunications structures?

RECOMMENDATION

Approve the proposed Special Exception with the following conditions:

1. The use shall commence within 24 months of the date of this resolution.
2. The telecommunications facility structures or portions thereof, visible from the public right of way, shall be finished, colored, or painted to blend in to the background. The color of the structures attached to the penthouse shall match the existing penthouse and any portion of the equipment protruding above the penthouse shall be grey in color.
3. The owner of the telecommunications facility shall not prohibit the co-location of other telecommunications providers. The telecommunications facility shall be designed and constructed to support co-location.
4. The owner of the telecommunications facility shall permit co-location of public police band or public service communications facilities upon reasonable request.

PLANNING COMMISSION ACTION

The Planning Commission held a public hearing on this item on October 14, 2015 that was continued through the November 18, 2015 meeting. At the October meeting, two citizens spoke. One asked that the total number of antennas that are permitted on the structure be limited. The other asked that the antennas be hidden as much as possible from the line of sight. There was no additional comment at the November 18 meeting.

After consideration of public comment, the Planning Commission voted unanimously to recommend that City Council approve this Special Exception subject to staff's recommended conditions with one member abstaining and one member absent. The Commission felt that

allowing for the future collocation of more antennas was preferable to setting a limit on antenna numbers that could push those antennas out onto other buildings.

BACKGROUND

The General Washington Executive Center (GWEC) was built as a hotel in 1926 before the City of Fredericksburg adopted a zoning ordinance. Currently, GWEC is zoned Commercial Highway (CH). CH zoning has a maximum building height of forty feet measured to the roof.

GWEC consists of a central four story hexagonal element with a flat roof and a penthouse. There are two symmetrical three story wings radiating from the center. The central flat roof is 53 ft., 4 in. above grade and is surrounded by a three foot parapet. The penthouse is 12 feet taller than the flat roof. There is an 18 foot tall flagpole on top of the penthouse.

Network Building & Consulting, operating on behalf of Verizon Wireless, proposes to add 6 telecommunications antennas and 6 remote radio heads on mounts located on the north, east, and west sides of the penthouse. The antennas will extend 3 foot 8 inches above the roof of the penthouse. Also, an equipment platform would be added on top of the flat roof next to the penthouse. In total, the telecommunication structures would be 15 feet 8 inches taller than the existing flat roof. The total height will be 69 feet.

GWEC is setback from Princess Anne Street approximately 120 feet. The building is in a largely commercial area and is surrounded by a medical office building, Keystone Coffee and Carwash, Carl's Ice Cream, the 1400 Diner, the Mill Park Terrace apartments, and vacant land.

GWEC is a prominent building in the Old Route 1 Highway District within the Princess Anne Street corridor, but is neither individually designated as a historic property nor is it part of a designated historic district. The proposed rooftop telecommunications structures will not impact historic resources, either directly or indirectly.

Telecommunication facilities are subject to the Federal Telecommunications Act (FTA). The FTA contains rules about how and by what criteria telecommunication facilities are reviewed at the local level. The City Attorney's office has provided a summary memo describing these criteria.

STAFF ANALYSIS

UDO section 72-22.7 contains review criteria that the Planning Commission and City Council shall use when evaluating an application for a special exception. These criteria are:

1. Consistency with the UDO:

a. Commercial Highway Zoning

Telecommunications Structures are a permitted use in the Commercial Highway zoning district. There are no additional use standards associated with Telecommunications Structures.

b. Old Route 1 Highway District – Princess Anne Street Corridor

Section 3.4.7 of the Princess Anne Street Historic Corridor Design Guidelines states that telecommunication units should not be visible from Princess Anne Street and should be located in an unobtrusive area of the site.

GWEC is tall enough that the penthouse area is not visible from Princess Anne Street in front of the building. However, there are areas in the neighborhoods from which the antennas would be seen. The applicant has submitted photo simulations to show the effect.

At the beginning of the application process, Network Building & Consulting submitted conceptual elevations of their proposed facility that included large screening walls constructed on top of the building to hide the antennas. City staff reviewed these elements with the Main Street Program's architectural consultant, Kathy Frazier. It was concluded that the screens would draw attention and disrupt the historic character of the building. The antennas and equipment alone, with a neutral color, would be less obtrusive.

2. Consistency with the Comprehensive Plan (CP)

Chapter 4 of the 2015 CP addresses Public Facilities, including telecommunication facilities. On page 79 there is a list of sites and structures that constitute the preferred location for new or altered telecommunications towers. The list does not include the GWEC building. However, the Applicant has provided service area maps to justify the proposed location of the telecommunications facility. Service quality ranges from blue to red on the maps. The map shows that placing the antennas atop the GWEC building will help strengthen service coverage in an area that is currently deficient.

The CP's Public Facilities goals start on page 80 and include:

- Efficient and effective public services
- Safe and secure Environment

CP Initiatives for Public Facilities include encouraging internet providers to build out their fiber-optic and broadband cable infrastructure, so they can provide the fastest and most reliable service possible to all citizens and businesses (CP pg 83).

3. Whether there has been a sufficient period of time for investigation and community planning with respect to the application.

The project will have no environmental or transportation impacts and is intended to boost cell phone service.

4. Whether the special exception is consistent with the principles of good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, and the characteristics of the property involved.

The purpose of the Commercial-Highway district is:

“to provide locations on heavily traveled collector and arterial highways for those commercial and service uses which are oriented to the automobile and require good access but not dependence on adjacent uses or pedestrian trade. The district shall generally be considered inappropriate in those parts of the City where individual uses can be grouped in preplanned concentrations and in newly developing areas, such as those in areas that have been annexed to the City. Adequate

transportation and site planning of uses should have the goal of minimizing through-traffic movements. Outdoor storage and display is permitted only in those areas approved for such uses on the site plan. Uses engaged in fuel sales must store fuel underground.”

As noted above, the antennas are proposed on a tall building that is sited in a way that the visual impact from the adjacent street and surrounding properties will be minimal. The proposal will help fill a gap in internet and phone service. The CP has indicated that filling in these gaps is an important part of modernizing the City’s business districts. As such, the proposal is consistent with the purpose of the zoning district and surrounding properties.

5. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.

GWEC is the tallest building in the Princess Anne Street corridor and is already a non-conforming building in terms of its height. Other buildings that are non-conforming in terms of their height in Planning Area 6 include the adjacent Mill Terrace Apartments, the Germania Mills Grain Tower, and the old hospital along Fall Hill Avenue. The Mill Terrace Apartments and the Grain Tower are located at such low elevations that they may not be suitable as antenna sites. However, to ensure that there is not a proliferation of antennas on these buildings a condition should be added to any approval preventing a prohibition of collocation of different service providers on the GWEC building.

6. Whether the proposed exception potentially results in any adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts.

As noted, the antennas will be visible from different vantage points throughout the neighborhood. A condition requiring that the structures and antennas be colored or painted to blend into the background (either the building they are attached to or the sky if they extend above the building facade) will mitigate that potential impact.

7. Conclusion.

The special exception to increase the height of the non-conforming GWEC building is a fairly debatable proposition. On the one hand, GWEC is a prominent building. The antennas and other structures will be visible from the surrounding neighborhood. On the other, the telecommunications facilities would be located in an unobtrusive area on the site, set back from Princess Anne Street and would, with some additional coloring and material choices, blend into their surroundings.

The CP identifies certain preferred sites for telecommunication towers and this site is not on the list. However, the list is not comprehensive. The CP envisions efficient and effective public services, a safe and secure environment and desires that internet providers build out their networks as fast as possible and this site meets these criteria.

On balance, if the antennas are appropriately colored, the proposed facility will unobtrusively fill in gaps in the City’s telecommunications network.

Attachments:

1. Proposed Ordinance
2. Memorandum RE: The Federal Telecommunications Act
3. Application and supporting documents
4. Planning Commission Minutes



January 12, 2016
Regular Meeting
Resolution No. 16-__

MOTION:

SECOND:

RE: APPROVING A SPECIAL EXCEPTION FOR THE INSTALLATION OF TELECOMMUNICATIONS FACILITIES AT 2217 PRINCESS ANNE STREET, THE GENERAL WASHINGTON EXECUTIVE CENTER

ACTION: APPROVED: Ayes: 0; Nays: 0

WHEREAS, the applicant, Network Building and Consulting, has applied to this Council for a special exception to City Code §72-61.1, in order to permit the installation of telecommunications facilities on property located 2217 Princess Anne Street, commonly known as the General Washington Executive Center. The current structure is non-conforming as to height, and the addition of the telecommunications facility will increase the non-conformity.

WHEREAS, the Council after notice and public hearing thereon, has considered the special exception application in light of its conformity with the City's criteria for the review of special exception applications.

NOW, THEREFORE, BE IT RESOLVED,

1. Council makes the following findings with respect to the special exception application: (a) the proposed use is unique and unlikely of recurrence; (b) the grant of the special exception is consistent with the City's Comprehensive Plan; (c) the special exception is consistent with the goals, purposes and objectives of the City's zoning ordinance; (d) there has been a sufficient period of time for investigation and community planning with respect to the application; (e) the special exception is consistent with the principles of zoning and good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, the characteristics of the property involved, and the adverse impacts of the proposed use; (f) the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual; and (g) the applicant has demonstrated that its application meets all these criteria.
2. Council grants a special exception to City Code §72-61.1 to permit the installation of telecommunications facilities on property located at 2217 Princess Anne Street, commonly known as the General Washington Executive Center, on the condition that the facilities shall be installed in substantial accordance with the plan entitled "'KFC Hanson 2217 Princess Anne Street Fredericksburg, Virginia 22401 (City of Fredericksburg)," prepared by Morris & Ritchie Associates, Inc., dated _____.
3. This special exception is further conditioned as follows:
 - a) The use shall commence within 24 months of the date of this resolution;

- b) The telecommunications facility structures or portions thereof, visible from the public right of way, shall be finished, colored, or painted to blend in to the background. The color of the structures attached to the penthouse shall match the existing penthouse and any portion of the equipment protruding above the penthouse shall be grey in color.
- c) The owner of the telecommunications facility shall not prohibit the co-location of other telecommunications providers. The telecommunications facility shall be designed and constructed to support co-location.
- d) The owner of the telecommunications facility shall permit co-location of public police band or public service communications facilities upon reasonable request.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16- duly adopted at a meeting of the City Council meeting held January 12, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MEMORANDUM

TO: Michael Craig, Zoning Administrator

FROM: Rob Eckstrom, Assistant City Attorney

DATE: October 7, 2015

RE: Federal Telecommunications Act – summary of what can and cannot be considering when reviewing a special exception application for a telecommunications facility.

The Planning Commission has before it a special exception application for a telecommunications facility, and the federal Telecommunications Act applies to this application. The Act states the national policy that facilitating the growth of telecommunications services is good for the country. It does, however, preserve local zoning authority over the siting of facilities, subject to some limitations:

1. Localities must act on applications within 150 days.
2. If a locality decides to deny an application, its decision must be in writing and state the reasons for denial. This does not have to be a formal written rationale with factual and legal conclusions—a resolution denying the application or a rejection letter marked “denied” and mailed to the applicant would suffice. If the locality decides to adopt a more formal written decision, it does not need to be adopted at the time of the decision.
3. If a locality decides to deny an application, the reasons for denial must be supported by “substantial evidence” in the record. The U.S. Supreme Court defines substantial evidence as “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion”. Courts reviewing the decisions of the locality will consider the “reasonable mind” to be that of a reasonable legislator. In other words, the court will defer to the legislature’s judgment if it determines that a reasonable legislator would accept the evidence in the record as adequate to support the legislature’s decision.
4. The locality cannot consider radio frequency emissions and interference or base a decision on those grounds.
5. The locality may not “effectively prohibit” the provision of wireless services. Effective prohibition, however, is difficult for an applicant to establish—it must show that (i) the locality has a general policy that effectively guarantees the rejection of all wireless facility applications, or (ii) that the denial of an application for a single site is tantamount to a

general prohibition of service. If the locality has already approved numerous applications, the telecom provider already provides coverage throughout the area, and the telecom provider fails to demonstrate that no reasonable alternative exists, there is no effective provision of wireless services. Sub-optimal service is not an effective prohibition. A locality cannot deny an application merely because other providers offer service in the area.

6. A locality cannot unreasonably discriminate among providers of functionally equivalent services. This includes favoring one technology over another and favoring one service provider over another. It does not include application of generally applicable zoning regulations.

Localities *may* consider:

- a. Compliance with Comprehensive Plan.

For example, Fredericksburg's Comprehensive Plan lists preferred locations for telecom facilities. The Commission can consider whether the applicant's justification for choosing a location not on the list is adequate for this departure from the Plan.

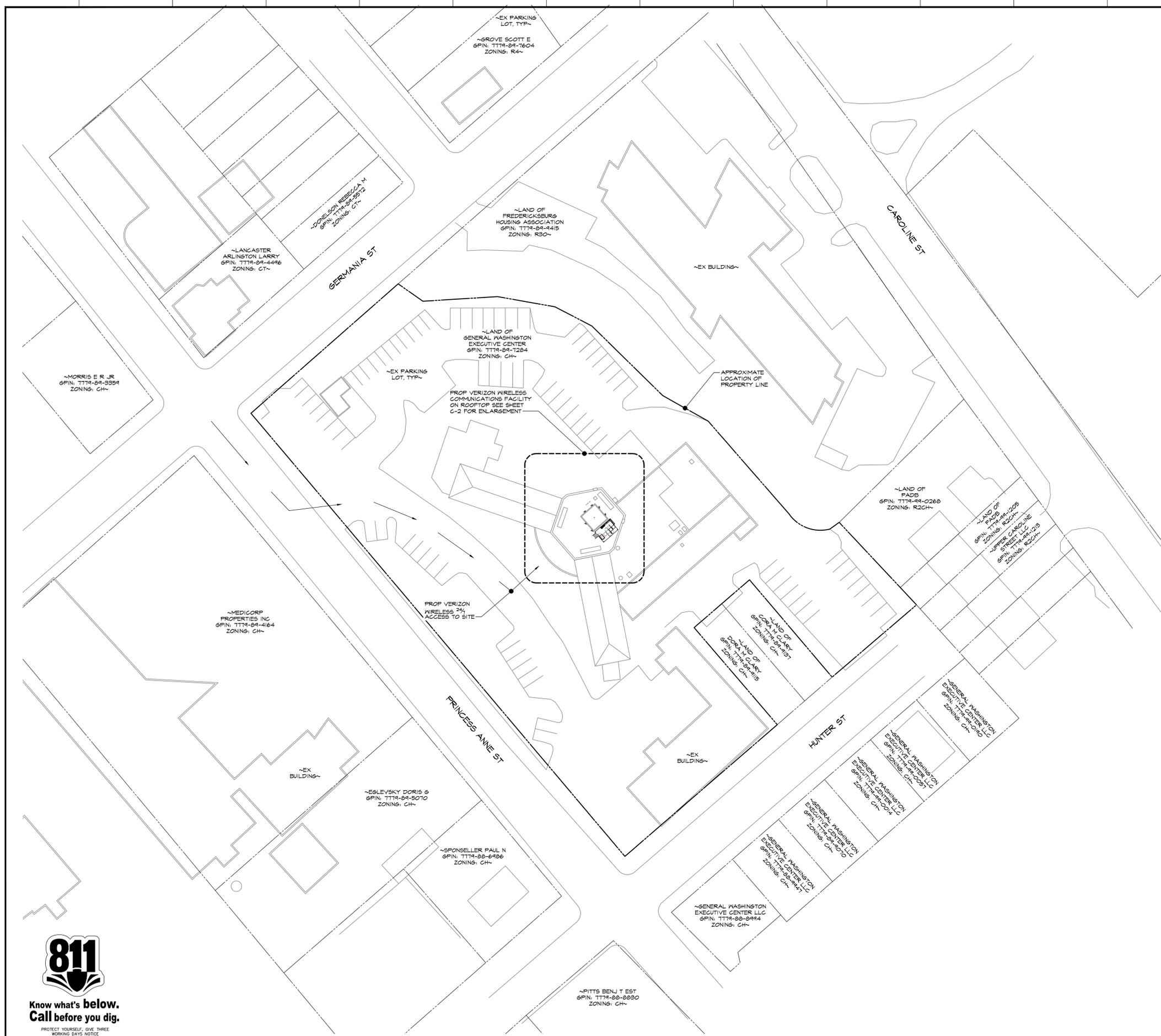
- b. Compliance with zoning regulations

- c. Height of the structure

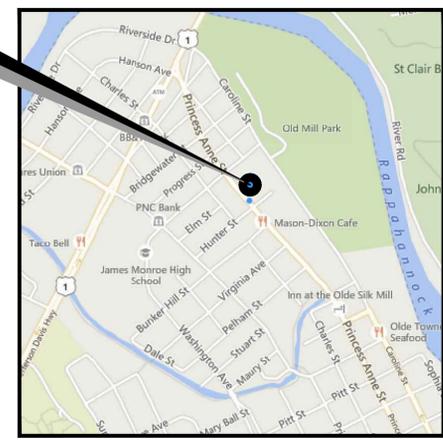
State law permits localities to consider the size, height, and bulk of structures. Courts have acknowledged this when rejecting telecom arguments that denial of an application was based solely on aesthetic considerations. In one case, the reasonable concerns of a local residential community and negative visual impacts of the proposed facility on a scenic and historic byway were held to be substantial evidence supporting denial of an application.

- d. Design of the structure, to the extent the design implicates the structure's size and bulk.
- e. Location of the facility on the lot (consideration of generally applicable setback requirements, etc).
- f. Impact on the surrounding neighborhood, including visual impacts. Concerns regarding property values, aesthetics, and fit within the surrounding community are objectively reasonable and can constitute substantial evidence support denial.
- g. Widespread public opposition. Public opposition, *if based on rational concerns*, may be a factor contributing to a finding of substantial evidence to deny an application. Not all public comments can contribute—for example, brief passing comments about a tower's aesthetics are irrelevant and concerns that workers servicing a tower could injure those nearby are too speculative.

A B C D E F G H J K L M N P Q R



SITE



VICINITY MAP
SCALE: 1" = 1000'

SITE NOTES:

1. APPLICANT: VERIZON WIRELESS
7600 MONTELEONE ROAD, FLOOR 2 SOUTH-NETWORK
LAUREL, MD 20723
TEL: (301) 912-2000
FAX: (301) 912-2184
2. APPLICANT'S ATTORNEY: FRANK A. STEARNS, ESQ.
DONOHUE & STEARNS, PLLC
2010 ASHBROOK PLACE, SUITE 160
ASHBURN, VIRGINIA 20147
(703) 126-2541
3. PROPERTY OWNER: GENERAL WASHINGTON EXECUTIVE CENTER LLC
614-B CAROLINE STREET
FREDERICKSBURG, VA 22401
4. SITE DATA: GPIN: T114-04-1284
TRACT AREA: 40,081 SF
ADDRESS: 2217 PRINCESS ANNE STREET
FREDERICKSBURG, VIRGINIA 22401
EXISTING USE: COMMERCIAL OFFICE BUILDING
5. ZONING: CH - COMMERCIAL HIGHWAY
6. HORIZONTAL AND VERTICAL CONTROL SHOWN HEREON IS BASED ON SATELLITE IMAGERY PROGRAMS AND INFORMATION PROVIDED BY VERIZON WIRELESS:
LATITUDE: N89° 15' 52.51" GROUND ELEVATION: 61.0' AMSL (AVG.)
LONGITUDE: W77° 28' 01.42"
7. TOTAL DISTURBED AREA = 0 SF
8. THE PROPOSED FACILITIES WILL CONSIST OF ONE (1) 11'-6" LONG x 11'-6" WIDE UNOCCUPIED COMMUNICATION EQUIPMENT PLATFORM ON ROOFTOP. SIX (6) ANTENNAS SHALL BE MOUNTED ON AN EXISTING 56'-8" x 2" BUILDING WITH A RAD CENTER AT AN ELEVATION OF 66'-0"± ABOVE GRADE LEVEL FOR THE RECEPTION OF VERIZON WIRELESS TELECOMMUNICATIONS.
9. THE STRUCTURE WILL NOT SUPPORT LIGHTS OR SIGNS UNLESS REQUIRED FOR AIRCRAFT MARKING OR OTHER SAFETY RECORDS.
10. THE APPLICANT WILL PROVIDE A CERTIFICATION FROM A REGISTERED ENGINEER THAT THE STRUCTURE WILL MEET THE APPLICABLE DESIGN STANDARDS FOR WIND LOADS PER THE REQUIREMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION.
11. IF THE ANTENNAS ARE NO LONGER USED FOR TELECOMMUNICATIONS PURPOSES FOR A CONTINUOUS PERIOD OF ONE (1) YEAR, THEY SHALL BE REMOVED BY THE ANTENNA OWNER AT OWNER'S EXPENSE.
12. NO WATER OR SANITARY UTILITIES ARE REQUIRED FOR THE OPERATION OF THIS FACILITY.
13. STORMWATER MANAGEMENT NOTE: NO STORMWATER MANAGEMENT IS REQUIRED FOR THIS SITE.
14. BOUNDARY SHOWN PER COUNTY RECORDS.
15. THIS PLAN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. PLAN IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
16. ALL DETAILS SHOWN ARE 'STANDARD' OR 'TYPICAL' FOR REFERENCE ONLY. FOR ACTUAL DETAILS, SEE ARCHITECTURAL, STRUCTURAL, OR CONSTRUCTION PLANS BY OTHERS.
17. STRUCTURAL ANALYSIS/DESIGN TO BE PERFORMED BY OTHERS AT CLIENT AND/OR OWNER'S DISCRETION PRIOR TO COMMENCEMENT OF ANY WORK.
18. THE COMMUNICATION EQUIPMENT SHALL BE UNMANNED, WITH INFREQUENT VISITS (FOUR OR FEWER PER YEAR) BY MAINTENANCE PERSONNEL, AND WITH ACCESS AND PARKING FOR NO MORE THAN ONE VEHICLE. THE PROPOSED FACILITY IS NOT FOR HUMAN HABITATION AND THEREFORE HANDICAP ACCESS IS NOT REQUIRED.
19. THE PROPOSED COMMUNICATIONS EQUIPMENT, ANTENNAS AND RELATED MOUNTING DEVICES DO NOT EXCEED TWELVE (12) FEET IN TOTAL HEIGHT.

GENERAL NOTES:

1. CONTRACTOR SHALL NOTIFY 'MISS UTILITY' (BU) 48 HOURS PRIOR TO DOING ANY EXCAVATION IN THIS AREA. CONTRACTOR SHALL CONTACT A SUBSURFACE UTILITY LOCATOR FOR LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL VERIFY EXISTING UTILITY LOCATIONS BY TEST PIT AS NECESSARY. LOCATION OF UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATE AND FOR PLANNING PURPOSES ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. DAMAGE TO UTILITIES OR PROPERTY OF OTHER BY THE CONTRACTOR DURING CONSTRUCTION SHALL BE REPAIRED TO PRECONSTRUCTION CONDITIONS BY THE CONTRACTOR.
2. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH ALL STATE AND LOCAL CODES AND ORDINANCES, THE LATEST EDITION THEREOF.
3. ANY PERMITS WHICH MUST BE OBTAINED SHALL BE THE CONTRACTOR'S RESPONSIBILITY. CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR THIS PROJECT FROM ALL APPLICABLE GOVERNMENTAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ABIDING BY ALL CONDITIONS AND REQUIREMENTS OF THE PERMITS.
4. CONTRACTOR SHALL COORDINATE ALL UTILITY CONNECTIONS WITH APPROPRIATE UTILITY OWNERS.
5. THESE PLANS ARE NOT FOR RECORDATION OR CONVEYANCE.
6. EXISTING PAVEMENT AND OTHER SURFACES DISTURBED BY CONTRACTOR (WHICH ARE NOT TO BE REMOVED) SHALL BE REPAIRED TO PRECONSTRUCTION CONDITIONS BY THE CONTRACTOR.

MRA
MORRIS & RITCHIE ASSOCIATES, INC.
Civil / Structural Engineers
1320-C East Joppa Road, Suite 505
Towson, Maryland 21286
410-821-1600
410-821-1748 Fax

verizon
KFC HANSON
2217 PRINCESS ANNE STREET
FREDERICKSBURG, VIRGINIA 22401
(CITY OF FREDERICKSBURG)

REVISIONS:

NO.	DESCRIPTION	DATE
1	ZONING DWGS	06/12/15

DESIGNED BY: JMP
DRAWN BY: DNT
PROJECT NO: 10427.1863
DATE: 06/18/2015
SCALE: AS NOTED

TITLE:
Site Plan

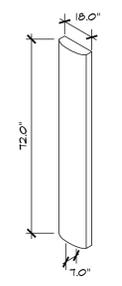
SHEET:
C-1

811
Know what's below.
Call before you dig.
PROTECT YOURSELF. GIVE THREE WORKING DAYS NOTICE.
THIS DRAWING DOES NOT INCLUDE NECESSARY COMMENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPURTENANT.

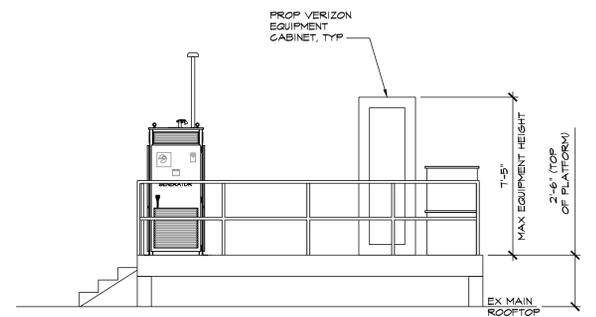
SITE PLAN
SCALE: 1" = 40'-0"

A B C D E F G H J K L M N P Q R

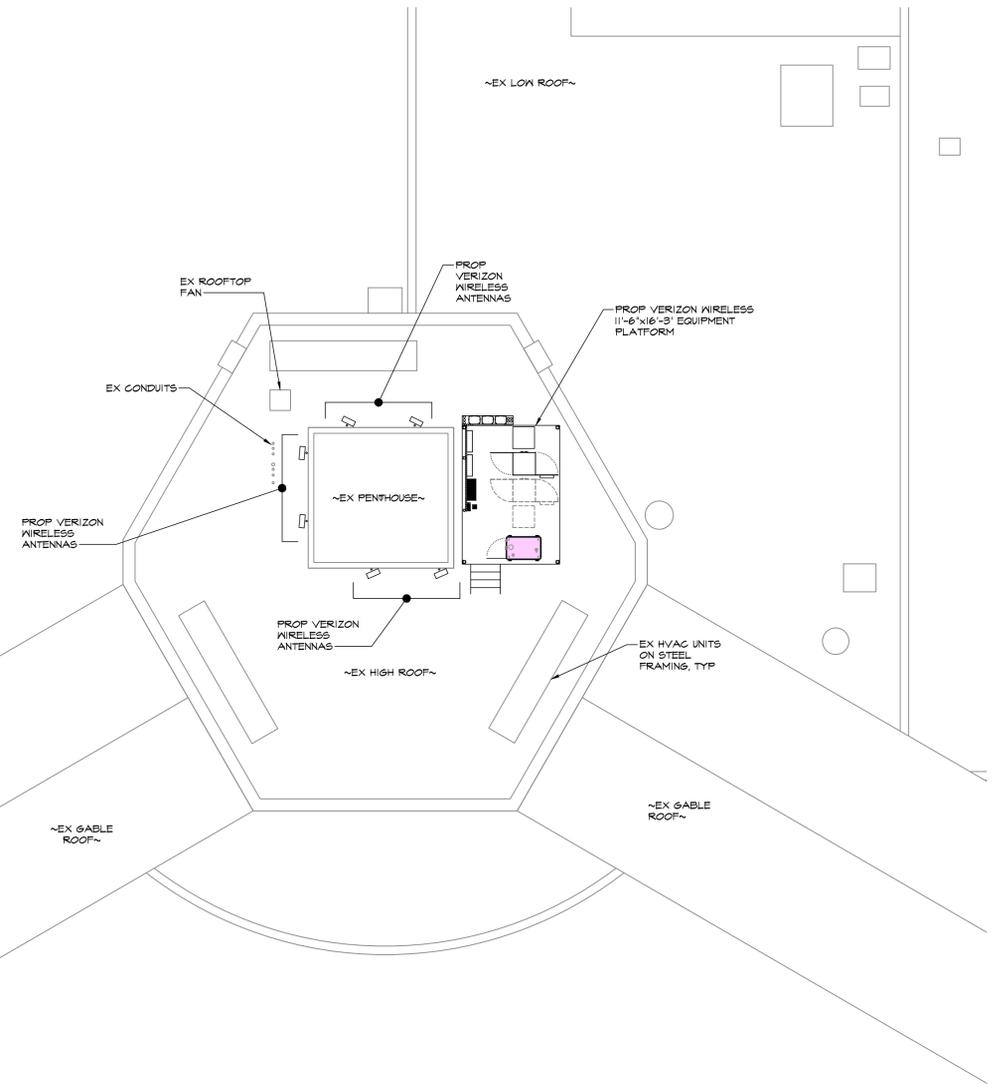
MRA
MORRIS & RITCHIE ASSOCIATES, INC.
 Civil / Structural Engineers
 1320-C East Joppa Road, Suite 505
 Towson, Maryland 21286
 410-821-1690
 410-821-1748 Fax



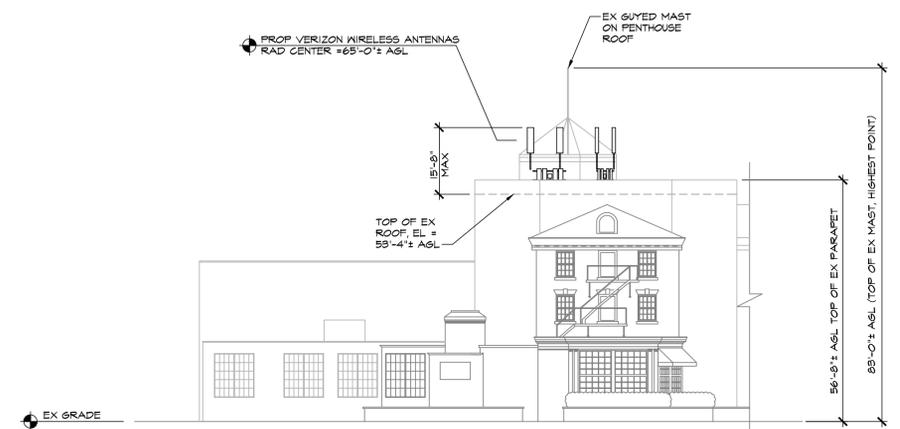
COMMSCOPE 5BNHH-ID45B
VERIZON WIRELESS ANTENNA DETAILS
 NOT TO SCALE



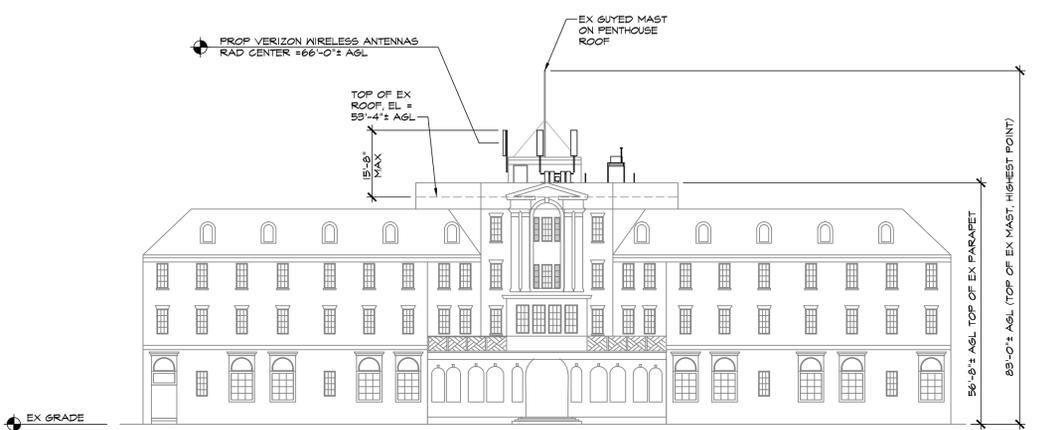
PLATFORM ELEVATION
 SCALE: 1/4" = 1'-0"



ENLARGED PARTIAL ROOF PLAN
 SCALE: 1" = 10'-0"



PARTIAL NORTHWEST BUILDING ELEVATION
 SCALE: 1" = 20'-0"



SOUTHWEST BUILDING ELEVATION
 SCALE: 1" = 20'-0"

verizon
 KFC HANSON
 2217 PRINCESS ANNE STREET
 FREDERICKSBURG, VIRGINIA 22401
 (CITY OF FREDERICKSBURG)

REVISIONS:

NO.	DESCRIPTION	DATE
1	ZONING DWGS	06/12/15

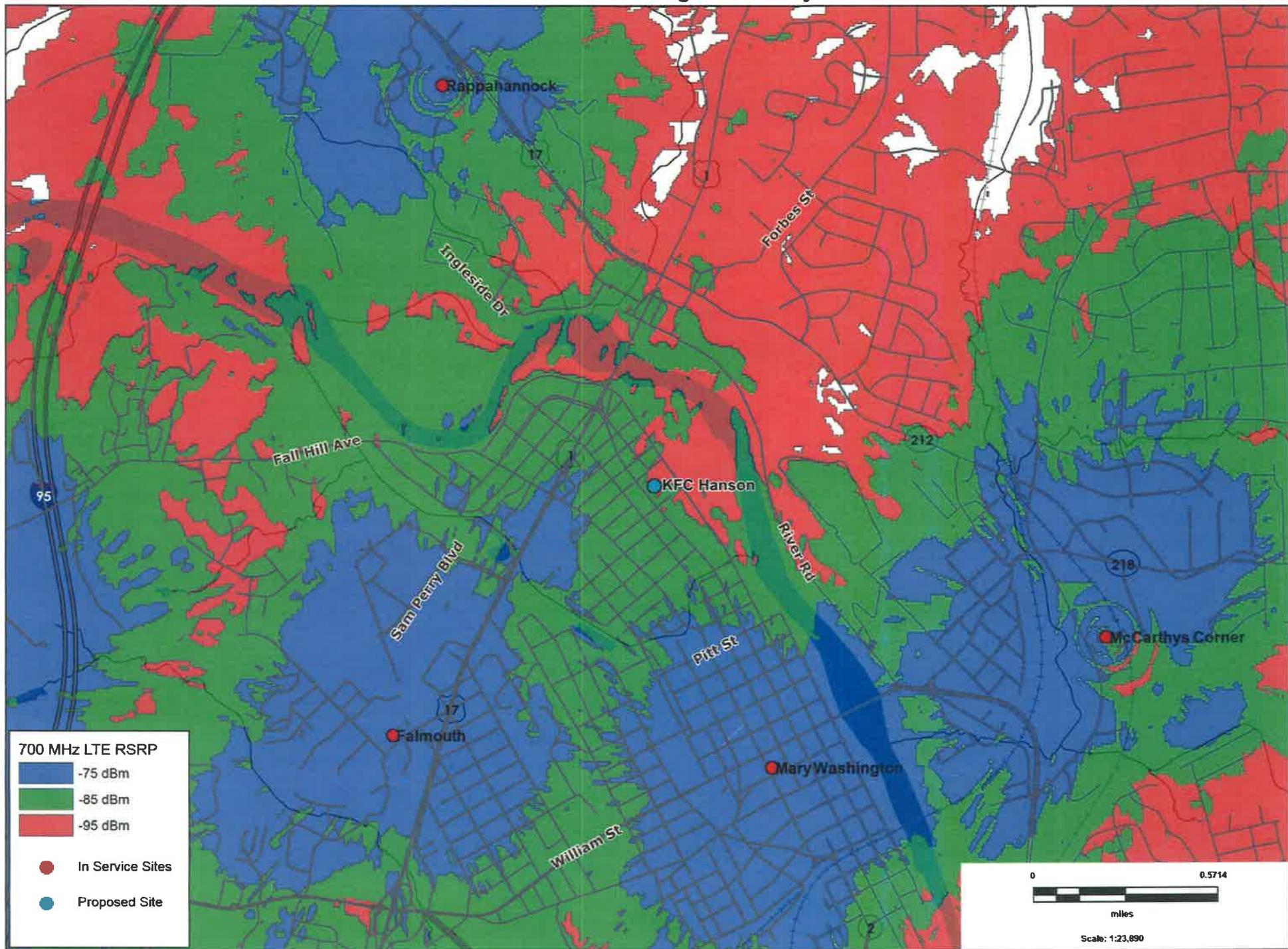
DESIGNED BY: JMP
 DRAWN BY: DNT
 PROJECT NO: 10427.1869
 DATE: 06/18/2015
 SCALE: AS NOTED

TITLE:
Site Details

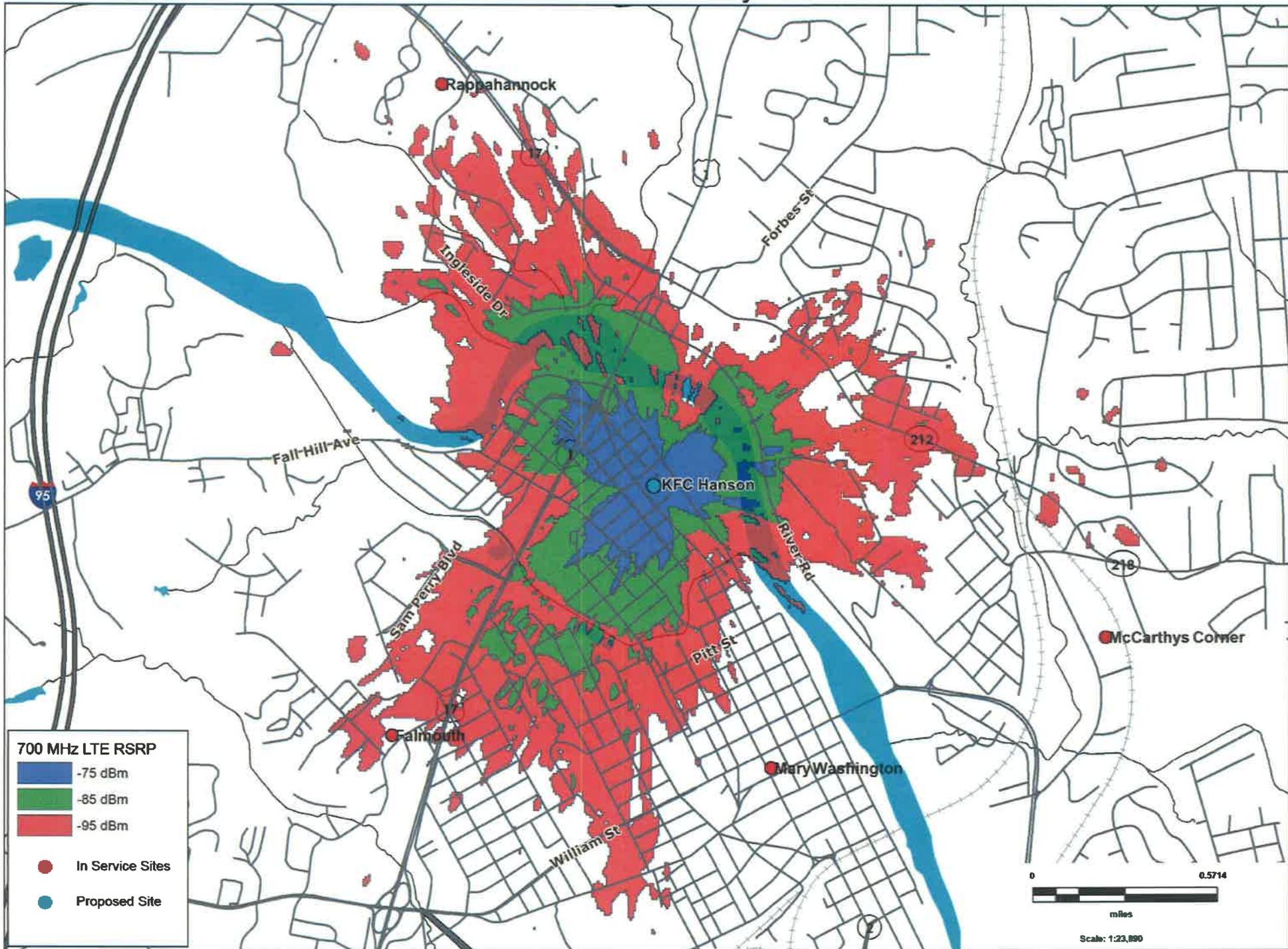
SHEET:
C-2

811
 Know what's below.
 Call before you dig.
 PROTECT YOURSELF. GIVE THREE WORKING DAYS NOTICE.
 THIS DRAWING DOES NOT INCLUDE NECESSARY COMMENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPURTENANT.

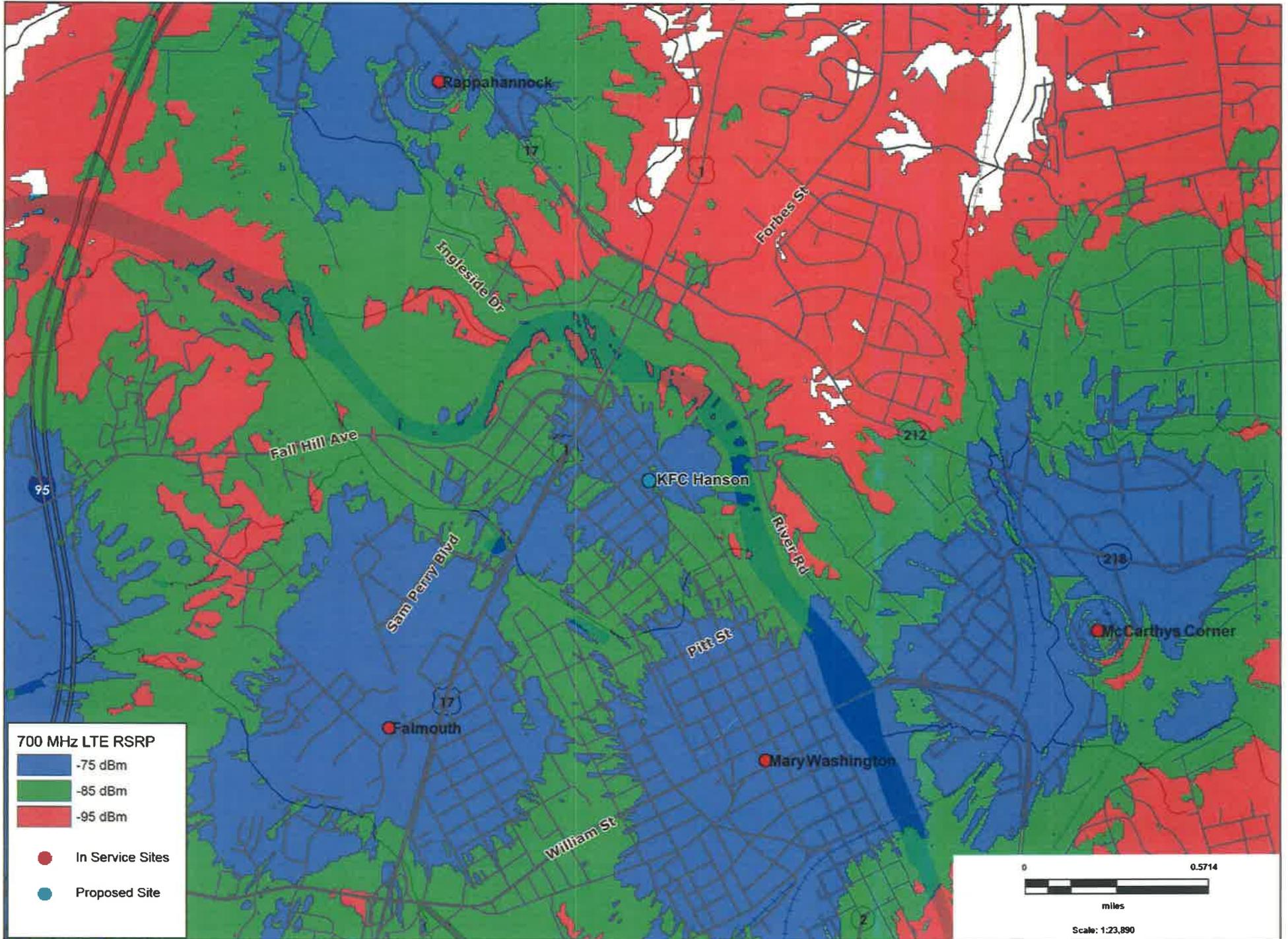
KFC Hanson Neighbors Only

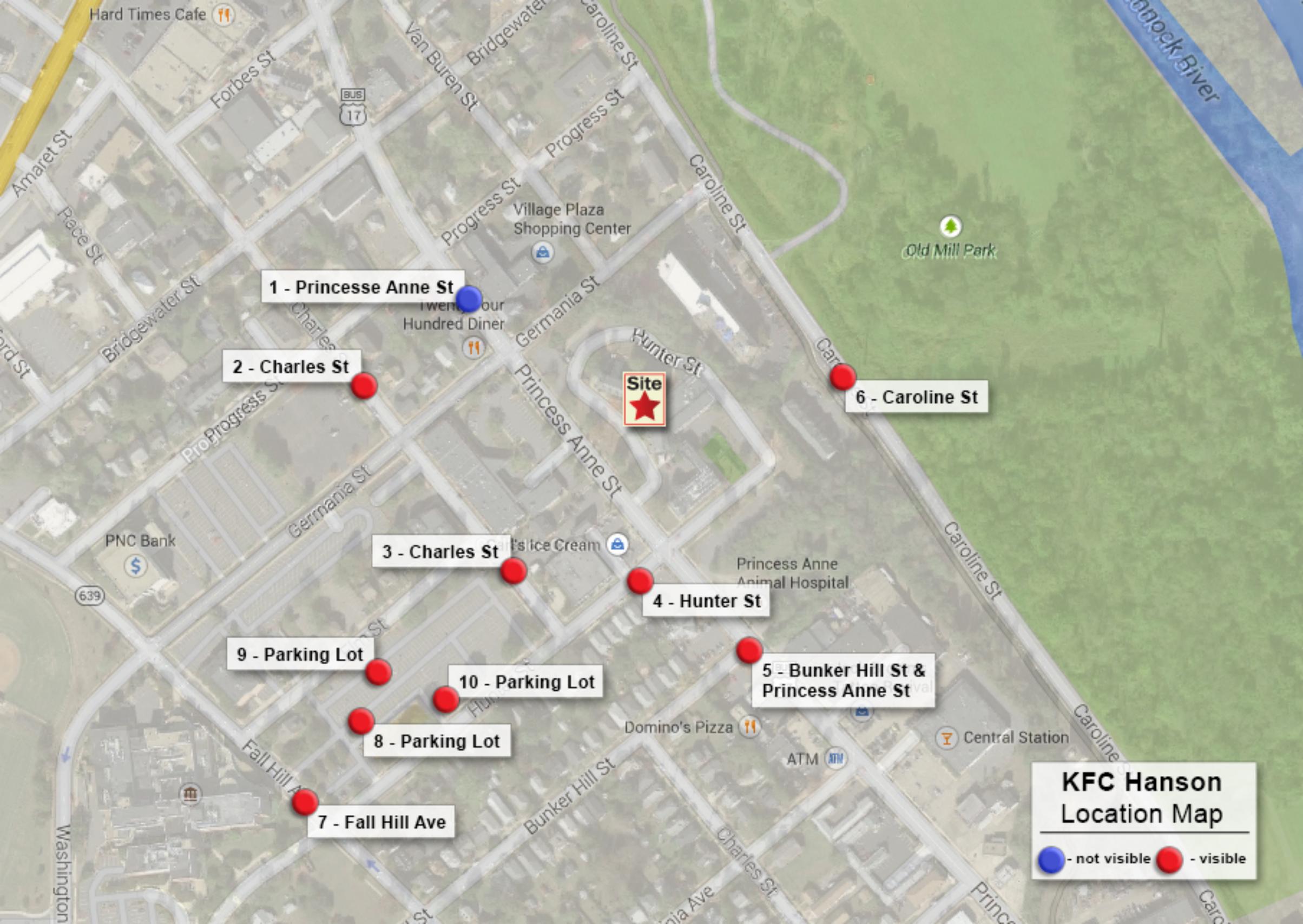


KFC Hanson Only



KFC Hanson with Neighbors





1 - Princesse Anne St

2 - Charles St

3 - Charles St

4 - Hunter St

6 - Caroline St

9 - Parking Lot

10 - Parking Lot

5 - Bunker Hill St & Princess Anne St

8 - Parking Lot

7 - Fall Hill Ave

Site

**KFC Hanson
Location Map**
● - not visible ● - visible



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Princess Anne Street
View from the West
SITE NOT VISIBLE

NBICTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Charles Street
View from the West
Showing the Existing Site

NBICTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Charles Street
View from the West
Showing the Proposed Site

NBICTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Charles Street
View from the Southwest
Showing the Existing Site

NBICTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Charles Street
View from the Southwest
Showing the Proposed Site

NBICTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Hunter Street
View from the South
Showing the Existing Site

NBICTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Hunter Street
View from the South
Showing the Proposed Site

NBICTM
TOTALLY COMMITTED.



Mason Dixon
Cafe

VIRGINIA * BE
VC-2742

Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Princess Anne St & Bunker Hill St
View from the South
Showing the Existing Site

NBICTM
TOTALLY COMMITTED.



Mason Dixon
Cafe
RESTAURANT • BAKERY • CATERING



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Princess Anne St & Bunker Hill St
View from the South
Showing the Proposed Site





Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Caroline Street
View from the East
Showing the Existing Site

NB+CTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Caroline Street
View from the East
Showing the Proposed Site

NB+CTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Fall Hill Avenue
View from the Southwest
Showing the Existing Site

NB-CTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Fall Hill Avenue
View from the Southwest
Showing the Proposed Site

NB-CTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Parking Lot
View from the Southwest
Showing the Existing Site

NBICTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Parking Lot
View from the Southwest
Showing the Proposed Site

NBICTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Parking Lot
View from the Southwest
Showing the Existing Site

NBICTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Parking Lot
View from the Southwest
Showing the Proposed Site

NBICTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Parking Lot
View from the Southwest
Showing the Existing Site

NB-CTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Parking Lot
View from the Southwest
Showing the Proposed Site

NB-CTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
Parking Lot
View from the Southwest
Showing the Proposed Site

NB-CTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
General Washington Executive Center
View from the Southeast
Showing the Existing Site

NBCTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
General Washington Executive Center
View from the Southeast
Showing the Proposed Site

NBCTM
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
George Washington Executive Center
View from the Southwest
[Showing the Existing Site](#)

NBIC
TOTALLY COMMITTED.



Site Name: KFC Hanson
Wireless Communication Facility
2217 Princess Anne Street
Fredericksburg, VA 22401

Photograph Information:
George Washington Executive Center
View from the Southwest
[Showing the Proposed Site](#)

NBIC
TOTALLY COMMITTED.



August 4, 2015

Verizon Wireless
7600 Montpelier Rd
Laurel, MD 20723
Shawn.Boykins@VerizonWireless.com

RE: Verizon Wireless
KFC Hanson – Princess Anne
2217 Princess Anne Street
Fredericksburg, VA 22401

Latitude: 38°-18'-52.51" N, Longitude: 77°-28'-7.92" W, Datum Reference: NAD83
Ground Elevation: 61 feet, Rad Center: 66 feet, Azimuths: 75°, 205°, 320°
Transmit Frequencies: 880-894 MHz, 1970-1975 MHz, 746-757 MHz, 2120-2140 MHz
Maximum Effective Radiated Power: 500 watt ERP (850 MHz band carrier), 1640 watt EIRP (PCS band carrier), 1000 watt ERP/MHz (700 MHz LTE), 1640 watt EIRP/MHz (2100MHz AWS)

To whom it may concern,

Verizon Wireless operates a Personal Communication Service authorized by the Federal Communications Commission (FCC) to provide state of the art digital wireless communications in many parts of the nation, including Fredericksburg, VA. Verizon Wireless' operations and network are licensed and regulated by the FCC.

The antennas, as proposed and designed for the above noted site, are in compliance with all applicable FCC requirements. The proposed communications facility will not cause any disruptive interference with any transmitter or receiver that will co-exist at, on or near the same communications structure. It will not interfere with emergency services. In the unlikely event of any suspected interference related problems, Verizon Wireless will investigate performance related problems and take measures to see that their systems are operating in full compliance with FCC regulations. In addition, the proposed site meets all applicable ANSI/IEEE C95.1-1992 exposure levels, as adopted by the FCC requirements.

Verizon Wireless is committed to compliance with all government regulations and standards. Please contact Verizon Wireless if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Boykins", with a large, sweeping flourish extending to the right.

Shawn Boykins
RF Design Engineer, Verizon Wireless



VERIZON WIRELESS
MD/DC/VA REGIONAL NETWORK GROUP
7600 MONTPELIER ROAD
LAUREL, MD 20723
(301) 512-2000

DAVID REINAUER
REAL ESTATE SPECIALIST
443.386.0025 CELL

August 4, 2015

**City of Fredericksburg
Attn: Mr. Mike Craig, Zoning Administrator
715 Princess Anne Street
Fredericksburg, VA 22401**

**RE: Special Exception Application Requesting Height Variance to Operate a
Telecommunications Facility at 2217 Princess Anne Street**

Dear Mr. Craig:

The purpose of this letter is to confirm Celco Partnership, d/b/a Verizon Wireless ("Verizon Wireless") desire to construct a telecommunication facilities at the George Washington Executive Center located at 2217 Princes Anne Street. Verizon Wireless hereby confirms that Network Building & Consulting ("NB&C") is acting on behalf of Verizon Wireless as its agent to file the above-mentioned special exception application. Further, Verizon Wireless hereby confirms that Hirschler Fleischer, P.C., is providing legal representation to Verizon Wireless on this matter.

Regards,

A handwritten signature in cursive script, appearing to read "DWR", positioned above a horizontal line.

David W. Reinauer
Verizon Wireless – Real Estate Specialist - Network
Baltimore/Washington Region – South Team
9000 Junction Drive
Annapolis Junction, Maryland 20701

ORIGINAL



**CITY OF FREDERICKSBURG, VIRGINIA
COMMUNITY PLANNING & BUILDING DEPARTMENT
APPLICATION FOR SPECIAL EXCEPTION**

Prior to submitting a Special Exception application, please contact the Development Administrator (540)372-1179 to schedule a meeting with the Technical Review Committee (TRC).

A Special Exception provides needed elasticity and usefulness of the zoning regulations, in extraordinary or special circumstances. The grant of a special exception for a use not otherwise permitted by zoning regulations may be appropriate for circumstances which are unique and unlikely of recurrence. The grant of a special exception from bulk regulations should only be considered in the context of a special use, special exception (use) or conditional rezoning application.

The City Council, after a recommendation from the Planning Commission, may decide upon conditions for approval but may also deny such uses as being incompatible with existing uses or the surrounding areas.

APPLICATION REQUIREMENTS

Special exception applications are filed with the office of the Zoning Administrator (540)372-1179. *Applications must include the application fee of \$300.00 as well as the original application with original signatures. One complete copy of the application and supporting documentation must be uploaded to the City's FTP website. This must be accomplished in order for the application to be deemed complete. Please see the attached instructions on how to upload the application to the City's FTP website (Attachment A). In addition, 12 paper copies of the application and all supporting documentation must also be submitted and contain the information listed for Special Exception requests, and is attached to this application (Attachment B).*

The complete list of application requirements is contained in the UDO Procedures Manual and attached to this application for your convenience (Attachment B).

Please be aware that you will not be contacted prior to the Planning Commission meeting unless the staff has questions concerning the application. A copy of the staff report will be e-mailed to the applicant if address is provided. Staff reports will be available the Friday prior to the Planning Commission meeting.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission will provide public notice and hold a public hearing concerning a Special Use before making a recommendation. Upon a recommendation by the Planning Commission, the City Council will render a final decision on all applications within sixty (60) days after the Planning

Commission has acted upon it.

SPECIAL EXCEPTION APPEAL

Appeals of City Council action on special use applications may be filed with the Clerk of the Circuit Court, within 30-days of City Council Action.

CONDITIONS

The City Council may grant the special exception conditioned upon suitable regulations and safeguards, reasonably related to the special exception application.



Application #SE: _____
Date: _____
Fee/Check#: _____

APPLICATION SPECIAL EXCEPTION

APPLICANT NAME: Network Building and Consulting (agent of Cellco Partnership d/b/a Verizon Wireless)

MAILING ADDRESS: 6095 Marshalee Drive, Suite 300, Elkridge, MD 21075

TELEPHONE: 410.712.7092 x 1029 E-MAIL: abull@nbcllc.com

THE UNDERSIGNED HEREBY APPLIES FOR AN EXCEPTION FOR: _____

To exceed the CH-District height maximum for the purpose of operating a telecommunications facility on the penthouse of the existing building located on the property.

THE SUBJECT PROPERTY IS DESCRIBED AS FOLLOWS:

Property Location 2217 Princess Anne Street

Property Owned By General Washington Executive Center LLC c/o The Galleria

Owner's Mailing Address 614-B Caroline Street, Fredericksburg, VA 22401

Proposed Use of Property (*be specific*) Allow for a rooftop telecommunications facility.

HOURS OF OPERATION 24/7 NUMBER OF EMPLOYEES N/A

Anticipated Number of Patrons or Clients N/A

Description of the development's impact on neighboring and adjacent properties, please be specific (attach additional sheet if necessary):

Criteria for a Special Exception: Use Separate Sheets for Explanations and be Specific and Thorough.

Special Exception Request
(Application Continued)

1. Whether the grant of the special exception is consistent with the City's Comprehensive Plan;
2. Whether the special exception is consistent with the goals, purposes and objectives of the City's zoning ordinance;
3. Whether there has been a sufficient period of time for investigation and community planning with respect to the application;
4. Whether the special exception is consistent with the principles of zoning and good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, the characteristics of the property involved, and the adverse impacts of the proposed use;
5. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual;
6. Whether the applicant has demonstrated that its application meets all these criteria;

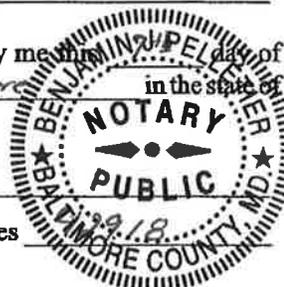
I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true.

Alexandra Bull _____ Date 8/7/15 _____
 Signature of Applicant _____

PRINT NAME OF APPLICANT Alexandra Bull _____

The above oath or affirmation was signed before me and witnessed by me this August day of 2015 in the County / City of Baltimore in the state of Maryland
~~Virginia~~

Notary Signature *[Signature]* _____
 Notary Registration # 255292 _____ Commission Expires 9/18 _____



 Signature of Owner _____ Date _____

PRINT NAME OF OWNER _____

The above oath or affirmation was signed before me and witnessed by me this _____ day of _____, _____ in the County / City of _____ in the state of Virginia.

Notary Signature _____
 Notary Registration # _____ Commission expires _____

CITY OF FREDERICKSBURG
SPECIAL EXCEPTION ZONING NARRATIVE

Applicant: Network Building + Consulting, on behalf of Cellco Partnership, d/b/a Verizon Wireless (“Applicant”)

Owner: General Washington Executive Center, LLC (“Owner”)

Representative: Charles W. Payne, Jr., Hirschler Fleischer,
725 Jackson Street; STE 200
Fredericksburg, VA 22401
(540) 604-2108 Fax (540) 604-2101
cpayne@hf-law.com

Engineer: Morris & Ritchie Associates, Inc.
1220-C East Joppa Road, Suite 505
Towson, Maryland 21286

Property: GPIN # 7779-89-7284; commonly known as 2217 Princess Anne Street
(the “Property”)

Request: Special Exception in accordance with §72.22.7, et al. of the City’s
Uniform Development Code (“UDO”)

Zoning: Commercial Highway District (“CH-District”)

Date: July 15, 2015

OVERVIEW

The Applicant is requesting a Special Exception (“Special Exception”) for a height waiver to allow for the development of a rooftop telecommunications facility (the “Site”) on the George Washington Executive Center (the “Building”) located on the Property. Telecommunications facilities and structures are permitted by right in the CH-District. A Special Exception is necessary because the Building and the Site’s equipment exceed the CH-District’s maximum building height of forty (40) feet. The Applicant will utilize the Site to address service coverage and capacity needs in the vicinity of the Property along the Princess Anne and Highway 1 corridor. The Site will allow the Applicant to provide high-quality-seamless coverage to its subscribers without the construction of a new tower.

The Property is located in Ward 2 and the CH-District, consists of approximately 2.797 acres, and borders three different city streets, namely Princess Anne Street (to the west), Germania Street (to the north), and Hunter Street (to the south). The Property and the Building are currently owned by the General Washington Executive Center, LLC. The Applicant will lease space from the Owner on the Building's rooftop to operate the a telecommunications facility.

The Site will be located on and beside the Building's existing penthouse. The Applicant will install a total of twelve (12) antennas and twelve (12) remote radio heads ("RRH") on mounts located on the north, east and west sides of the penthouse. The Applicant will construct an equipment platform with equipment cabinets immediately adjacent to the eastern penthouse wall, all as shown on the site plan titled "KFC Hanson" dated June 18, 2015, by Morris & Ritchie Associates, Inc., attached hereto and incorporated herein as **Exhibit E** (the "Site Plan"). The antennas will be visible from the locations shown on the location map attached hereto and incorporated herein as **Exhibit I** (the "Location Map"). Photo simulations of the antenna's visibility from the various locations shown on the Location Map are attached hereto and incorporated herein as **Exhibit H** (the "Photo Simulations").

Adjacent parcels to the north of the Property are zoned Commercial Transitional. An adjacent parcel to the east is zoned Residential-30 and features an apartment complex. Three adjacent parcels to the southeast are zoned Residential 2/CH-District and feature townhomes. All adjacent parcels to the south are zoned CH-District and are owned by the Owner. The adjacent parcels to the southwest and west are zoned CH-District and include commercial sites such as Mason Dixon Café, Carl's Ice Cream, Keystone Coffee and Auto Spa, and The Mary Washington Medical Center. An adjacent parcel to the northwest is zoned Commercial Transitional and features the Twenty Four Hundred Diner.

For purposes of the Site, please note, in addition to the above, the following key characteristics:

- Telecommunications facilities are permitted by right in the CH-District.
- Installation of this rooftop telecommunications facility would eliminate the construction of an additional telecommunications tower to meet the Applicant's coverage needs while meeting network service demands.
- The Site will improve the quality of service for local emergency service calls, businesses and residents located along the Princess Anne corridor.
- The Applicant anticipates construction of the Site to commence in 2016 have the site on air by the third quarter of 2016.

DISCLAIMER STATEMENT

No members of the City Council, or Members of the Planning Commission, or any member of their immediate household or family owns or has a financial interest in the Property, Owner or Applicant.

PHASING PLAN

It is anticipated that Site construction will commence in 2016 with the site being on air by the third quarter of 2016.

MAINTENANCE & OPERATIONS

The Site will be unmanned with a technician visiting the Site once a month and during service outages. The Applicant will install an emergency generator for power outages. As a licensee of the Federal Communication Commission (“FCC”), the Site will be constructed, maintained and operated within the guidelines established FCC in regards to public health and safety and will meet all federal, state, and local building code requirements. An RF Emissions Compliance Report prepared by Shawn Boykins, of Verizon Wireless, is enclosed as **Exhibit J**. The proposed Site will enhance wireless coverage for both voice and data and will provide a service that is an integral part of the City of Fredericksburg’s citizens and business community quality of life and quality of operations.

NEED

Demand for wireless service in the area is growing as residents and businesses increase their reliance on wireless communications to meet their personal and business needs. In addition to traditional cell phone services, new services, such as wireless internet access, make wireless facilities an integral part of our daily lives. The breadth of today’s wireless services can facilitate new ways of conducting business, and access to the wireless network is critical. The Site will serve the capacity and coverage needs of the area without requiring a tower be constructed.

NETWORK OBJECTIVE

There is a demonstrable need for coverage in this area. As shown of the Radio Frequency Propagation Maps (the “Propagation Maps”) attached hereto and incorporated herein as **Exhibit G**, the Verizon Wireless has network coverage to the southwest and southeast of the site, but there is a gap in coverage for the residents and businesses in this portion of the City of Fredericksburg due to topographical changes and landscape characteristics in the area. The Applicant’s network objective is to improve wireless coverage for the residents and businesses along the Princess Anne Street corridor. The addition of this Site will provide enhanced coverage and capacity in the immediate vicinity of the Property, as well as improved capacity and coverage to the northwest, northeast and southwest. The Applicant maintains a goal of providing high-quality-seamless coverage to its subscribers with as few new communications towers as possible.

When the Applicant determined that coverage needed to be improved in this area, it looked for existing towers upon which it could co-locate. In this area, however, there are no existing towers on which the Applicant can co-locate its equipment and meet the coverage. The Applicant also looked at verticality in the area (roof tops, structures, power transmission towers etc.) upon which it could collocate its equipment to meet those coverage demands. The Applicant prefers to co-locate on existing structures whenever possible to limit the number of towers in a community and to save time and money. In this area, however, there are few existing structures

with sufficient height upon which the Applicant can co-locate its equipment and still meet coverage needs. The only other structure located within the search ring to meet coverage needs with the adequate height is the apartment building located at 2216 Caroline Street. However, during the radio frequency engineers review of the site candidate, signal propagation models show the General Washington Executive Center obstructing coverage to the Princess Anne Street corridor and Jefferson Davis Highway One. This Site was selected because it provides the best solution for achieving network coverage while minimize the impact on the surrounding community.

COMPREHENSIVE PLAN

The City's Comprehensive Plan adopted September 25, 2007, does not address wireless telecommunications facilities in detail. The City's Draft Comprehensive Plan notes that the City accommodates and promotes the growth of wireless telecommunications (see page 75). The Draft Comprehensive Plan also notes the City's desire to limit the potentially adverse visual impacts of necessary towers. While the Draft Comprehensive Plan notes sites and existing structures as preferred locations for new or altered locations, the usage of the Old Mill Park property or adjacent City-owned property off Caroline Street would necessitate the construction of a new tower. The Applicant proposed Site does not require the construction of a new tower and utilizes an existing structure.

CONSISTENCY WITH CITY UDO GOALS

As noted herein, the Property is located in the Commercial Highway district and is currently zoned CH-District. The UDO permits telecommunications facilities by right in the district. The Site will be developed in accordance with §72-32.4, §72-34.6., and §72-5 of the UDO, all as the aforesaid may be applicable and/or otherwise modified or waived by the City's Zoning Administrator.

IMPACTS TO SURROUNDING PROPERTIES

The Site is planned to ensure minimum adverse impact to surrounding properties. We do not anticipate that the Site will have any adverse effects to adjoining properties and believe the enhanced service coverage will provide a positive quality of life improvement in the surrounding area.

TRANSPORTATION IMPACT

The site will not have a substantive impact on transportation in its vicinity and will result in minimal trip generation for periodic maintenance.

PUBLIC FACILITIES IMPACT

The site will utilize existing utilities on site and will not impact public water or sewer facilities.

APPLICANT CERTIFICATIONS

The Applicant hereby certifies that the use and development of the Site, and all improvements thereon, are subject to the final approval by the City of this Special Exception, and thereafter final site and construction plans for the Site.

The Applicant further certifies that the Site will conform to all applicable City ordinances, regulations and performance standards, unless and except any waiver, modification, exception or variance is granted for this Site by the City, including without limitation as requested and provided in this application.

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK.
SIGNATURE PAGE TO FOLLOW.]**

APPLICANT'S ACKNOWLEDGMENT & CONSENT

NETWORK BUILDING AND CONSULTING

By: *Alexandra N. Bull*
Alexandra N. Bull, Zoning Manager

STATE OF MARYLAND,
COUNTY OF BALTIMORE, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Alexandra N. Bull, in her capacity as a Zoning Manager for Network Building and Consulting, the agent of Cellco Partnership, d/b/a Verizon Wireless, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 7th day of August 2015.

[Signature]
Notary Public

Print Name: Benjamin Pelletier
My Commission Expires: 4.29.18
Registration No.: 255292
[SEAL]



KFC-HANSON

SPECIAL USE PERMIT

KEY POINTS	SUMMARY OF PROJECT
<p>Overview</p>	<ul style="list-style-type: none"> • Subject parcel is the current General Washington Executive Building (“GWEC”), which includes a 53’- 4” base structure, plus 12’ pen house and 18’ flagpole on top of the pen house • This is the tallest structure along the corridor and within the proposed coverage area. • This property is not deemed an historic structure • The subject parcel is zoned CH, which allows by right telecommunications facilities and structures • Request is for SUP to provide telecommunications structure at a height in excess of 14 feet above the flat roof of GWEC • The Applicant did look first for existing towers or facilities in which to co-locate in this area, but there were so such qualified facilities. • As noted above because GWEC is the tallest building in the proposed coverage area, there will be no interference or physical obstructions from other structures, including trees or other buildings. • Our coverage area maps show an extensive gap in this location and the proposal will improve coverage to the NW, NE and SW of the site. We provided RF propagation maps with our application package. • Request addresses coverage gaps in this area, which will benefit local citizens and businesses in this corridor • Will improve 911 coverage • Will eliminate the need for more tower structures or a ground –up tower facility in this area • Proposal is consistent with the city’s adopted Comp plan which accommodates and encourages growth of telecommunications while at the same time discouraging “aesthetically displeasing” cell towers • Again, this will not be a tower, but placing antennas and facilities on a current structure far from public view • Applicant will able to utilize stealth techniques so that the facilities blend in with the building and sky. • Application is in accordance with Section 72-22.7 of UDO • Will have minimal if any negative impact to surrounding properties as the facilities will blend with the surrounding facilities and sky, and located in an unobtrusive area of the GWEC, and will have a positive impact for citizens, visitors and businesses in this area

Michael Taggart, 425 Bunker Hill Street, said his business is located in the industrial park and he commended the owners for this project and said they have been good neighbors. He said the only drawback he can see from the impact of this whole project, although M&M have been great neighbors, is that other businesses exist or may come in and not operate such a clean business. He hopes that others will follow M&M's lead in having a good quality facility.

Mr. Harold Bannister – 1901 Fall Hill Avenue – said he is not for or against the special use permit request. He suggested that the City and applicants look at or consider other means to mitigate any sort of runoff.

There were not additional public comments.

Mr. Friesner closed the public hearing on this item.

The applicant had no rebuttal.

Mr. Pates made a motion to recommend approval of the special use permit, to include the conditions outlined in the staff report.

Dr. Gratz seconded the motion.

Mr. Pates said he had driven by the property earlier in the day and that he was impressed with how it looks and how large it is. He said it appears to be well maintained and that he is happy to see that additional landscaping is proposed.

Mr. Friesner called for the question.

Motion to recommend approval carried by a unanimous vote of 7 – 0.

- 7. SE2015-01: General Washington Executive Center (GWEC) Telecommunications Structures**, requests a special exception to increase the height of a nonconforming structure in the Commercial Highway zoning district on top of GWEC (GPIN 7779-89-7284) located at 2217 Princess Anne Street in order to build a telecommunications facility. The telecommunication facility would be located in part on the main roof and in part on the penthouse roof of the General Washington Executive Center. The main roof level of the building is 53 foot 4 inches and the telecommunications structures would be 14 feet higher than the roofline or a total of 68 feet off the ground. The proposal will not add any additional floor area to the site and will not affect the overall floor area ratio. The Comprehensive Plan designates the area for Planned Development – Mixed Use.

Mr. Craig said that because this item had been advertised, he would present the staff report and request that the public hearing be held open until the November Commission meeting. He said the request would be re-advertised with the new height request. He noted that the applicants have changed the application and are now requesting an additional 21 inches in height for the telecommunication structures.

Mr. Craig noted that Mr. Rob Eckstrom, Assistant City Attorney, is available to answer

questions as well.

Mr. Pates asked how tall the subject telecommunications poles will be in relation to the flagpole that is currently located on the roof of the subject property.

Mr. Craig said the telecommunications structures will be approximately 14 feet shorter than the top of the flagpole that currently exists.

Mr. Charlie Payne, Attorney representing the applicant said his clients are proposing six antennas (instead of 12). He also said that the poles are consistent with the comprehensive plan.

PUBLIC COMMENT

Mr. Harold Bannister – 1901 Fall Hill Avenue – said he is a shareholder in Verizon. He asked that the City place a limit on the number of antennas or sub-antennas that are permitted to be placed on this structure. He asked that the Commission obtain that number in writing. He said he hopes this structure provides some revenue to the City. He also asked that the color scheme and/or camouflage that is going to be used be part of the conditions of approval.

Michael Taggart - 425 Bunker Hill Street - President of Fall Hill Neighborhood Association. He said he agrees with Mr. Bannister to limit the number of antennas allowed to be placed at this location. He also asked that the antennas be hidden as much as possible from the line of sight.

Mr. Friesner informed everyone that the public hearing would be held open until the November 18, 2015 Planning Commission meeting.

Charlie Payne said Telecommunication Towers is where you typically see co-locations of additional antennas, and not usually on these types of structures because it becomes more challenging. He suggested caution in limiting antennas too strictly because those limitations could cause the need for building additional "towers." He also noted that they had loaded up [a drawing] to the City's [File Transfer Protocol (FTP)] site [to show] how the antennas will look.

Mr. Dynes said he heard Mr. Craig say that this is not an exclusive right to the site.

Mr. Craig said that they wanted a condition that this could not be an exclusive site, so that other users could come in, but ultimately it will be up to the property owner to sign leases to that affect.

Mr. Pates said the City needs to look at this in terms of the Comprehensive Plan under "Telecommunications Towers." He said this section does not refer to only free-standing structures. He said it identifies existing and preferred structures. He read the list of those structures from the newly adopted Comp Plan. He said he does not believe the City has approved antenna locations on private property, other than Central Park. He said it is something to think about as this application moves forward. He is concerned that it could set a precedent of other telecommunications facilities wanting to locate on private property.

There were no additional comments.

Mr. Friesner reminded everyone that this public hearing would remain open until the November 18, 2015 meeting.

8. UDOTA 2015-004 : R-4, R-8, C-T Text Amendment. The City Council initiated an amendment to the zoning regulations in the R-4 and R-8 Residential Zoning Districts and for residential uses in the C-T Commercial/Office-Transitional Zoning District, to require the front building façade to be oriented toward the front yard; for lots of record prior to April 25, 1984: to make the infill front yard setback mandatory and to allow the minimum infill side yard setback to be reduced; and to amend the method for calculating average yard setbacks.

Mr. Johnston said the subject UDO text amendment is not ready to move forward and asked that the Public Hearing be carried over until the November 18, 2015 meeting.

There were no comments from the Commission at this time.

Mr. Friesner said the public hearing on this item would remain open until the November meeting.

9. Comprehensive Plan amendment – incorporation of an Action Plan.

Mr. Nelson presented the Action Plan to the Commission and thanked everyone for their input through the process. He said it has been put in the specified order, as requested.

Mr. Friesner opened the public hearing.

There was no public comment.

Mr. Friesner closed the public hearing on this item.

Ms. Kaiman made a motion to recommend incorporation of the Action Plan into the Comprehensive Plan.

Mr. Pates seconded the motion.

Motion carried by a unanimous vote of 7 – 0.

NEW BUSINESS

10. Comprehensive Plan Compliance Review – To determine whether the proposed Liberty Place Parking facility is substantially in accord with the 2015 Comprehensive Plan.

Mr. Johnston said that Mr. Freehling had been instrumental in putting this together and asked that he present the item.

Mr. Bill Freehling, Assistant Director of Economic Development, provided background leading up to this process and presented his September 15, 2015 letter to Mr. Johnston,

Mr. Johnston said that those houses were in Charleston and may be typical for that area but that they are not typical for Fredericksburg.

Mr. Pates opened the floor for public comment.

PUBLIC COMMENT

There was no public comment.

Mr. Pates closed the public hearing on this item.

Mr. McAfee made a motion to recommend approval of the text amendments to the R4 and R8 Residential Zoning District and for residential uses in the C-T Commercial/Office-Transitional District, for lots of record prior to April 25, 1984, to:

- Make the infill front yard setback mandatory,
- Amend the method for calculating yard setbacks,
- Specify that the front building façade to be oriented toward the front yard; and

To omit:

- Reduce the minimum infill side yard setback.

Motion died due to lack of a second.

Mr. Johnston noted that there was a typo in the staff report. He said "residential" should be stricken from the first sentence in the staff report recommendation.

Mr. Friesner made a motion to recommend approval of the text amendments to include all four bullets listed on the staff report but to strike the word "residential" from the first sentence in the staff report recommendation: The recommendation will now read:

Recommend to City Council approval of the amendments to the R4 and R8 Residential Zoning Districts and for uses in the C-T, Commercial/Office-Transitional District, for lots of record prior to April 25, 1984, to:

- *make the infill front yard setback mandatory,*
- *amend the method for calculating yard setbacks,*
- *specify that the front building façade to be oriented toward the front yard, and*
- *reduce the minimum infill side yard setback.*

Mr. McAfee seconded the motion.

Motion carried by a vote of 4 – 1, with Mr. McAfee voting against the motion.

10. **SE2015-01 - General Washington Executive Center (GWEC) Telecommunications Structures**, requests a Special Exception to the increase the height of a nonconforming structure in the CH, Commercial Highway Zoning District, so as to install a telecommunications facility on top of General Washington Executive Center (GPIN 7779-89-7284) located at 2217 Princess Anne Street. The telecommunication facility would be located partially on the

main roof and partially on the penthouse roof of the GWEC. The main roof level of the building is 53 foot 4 inches above grade. The telecommunications structures would be 15 foot 8 inches higher than the roofline or a total of 69 feet above grade. The proposal will not add any additional floor area to the site and will not affect the overall floor area ratio. The Comprehensive Plan designates the area for General Commercial, which has no specific density. The Comprehensive Plan also specifically recommends this parcel be part of a Planned Development – Mixed Use.

Mr. Craig presented the staff report on the application. The public hearing on this item had been left open at the October 14, 2015 meeting to allow the applicant time to submit additional information.

Mr. Pates noted that this property is located within the area that is referenced in the City Code as being governed by the "Princess Anne Street Corridor Overlay," which has specific guidelines. Specifically, he asked whether, since the Overlay district ordinance states that utilities such as telecommunications facilities should not be visible from Princess Anne Street, this application would also need an exception from these guidelines.

Mr. Johnston said the whole concept for the special exception is from an Ordinance requirement. He said the "Guidelines" to which Mr. Pates refers are administered by the Development Administrator and not part of the Ordinance itself. So he said he does not believe it is the appropriate mechanism to go through the special exception process for the "guidelines" but something to be considered by the Development Administrator if warranted. He also said he believes the guidelines are more for the front façade of the buildings.

Mr. Pates said he had doubts about such an interpretation of the Code. He asked how many antennas were proposed.

Mr. Craig said the GDP proposes 6 antennas.

Mr. Pates asked if the applicants will be able to increase the number of antennas, the height of antennas, etc., if the special exception is granted, as staff has recommended.

Mr. Craig said the special exception is to increase the nonconformity, and the nonconformity is the height of the building, so it is going to set a cap. As proposed, he said, it would allow for more antennas to be put up there but with the conditions proposed by staff.

Mr. Friesner said he believes it makes sense to co-locate and to encourage it rather than having these types of structures scattered about within the City.

Mr. Charlie Payne, Attorney, representing the applicant provided a brief review of the application and said he would be happy to answer any questions of the Commission. He noted that this is the second time the application has been before the Commission.

Mr. Beavers said he had visited the subject site earlier in the day and asked why the flag pole is not being taken down since it is not used. He said he believes that someone's

eyes would be drawn to the antennas if it were taken down and, therefore, become less obtrusive.

Mr. Tommy Mitchell, owner of the building, said the flag pole was there when he bought the property. He said he will consider taking it down but would not make a decision this evening.

Mr. Pates opened the floor for public comment

Public Comment

There was no public comment.

Mr. Pates closed the public hearing on this item.

Mr. McAfee made a motion to recommend approval of the special exception to include the five conditions listed in the staff report.

Dr. Gratz seconded the motion.

Mr. Pates said that although the antennas are visible, he believes the visibility is limited and tasteful and unobtrusive in design.

Motion carried by a vote of 5 – 0.

NEW BUSINESS

11. Comprehensive Plan Compliance Review: City of Fredericksburg - to acquire the former bank building at the corner of Amelia and Charles Streets (1016 Charles Street), in order to remove the structure and establish a 55-space surface parking lot.

Mr. Nelson presented the staff report on the application and noted that Mr. Bill Freehling, Assistant Director for Economic Development was also in attendance to answer any questions of the Planning Commission.

Mr. Pates referred to a letter dated October 22, 2015, from Mr. Cameron and Mr. Freehling to Mr. Johnston, specifically where it states *"As part of the purchase agreement with Union bank & Trust, twelve of the spaces will be reserved for the building at 1001 Princess Anne St., which will help that property."* He asked Mr. Freehling to explain this statement.

Mr. Freehling said part of the purchase agreement would give the new buyer of 1001 Princess Anne Street an option of leasing 12 parking spaces from the City in that lot. The thought is it would help facilitate the sale and ultimate re-use of that building.

Mr. Pates confirmed that the spaces would be leased from the City.

Mr. Freehling said that was correct.

Mr. Friesner asked if that is where the \$82,500 revenue would come from.



MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Mike Craig, Zoning Administrator
DATE: January 2, 2016 for the January 12 meeting
RE: SUP-2015-02, Lincoln Terminal Company, Inc (owner) requests to amend Special Use Permit 2013-12 to increase the bulk storage by 1.06 million gallons at its facility at 1500 Beulah Salisbury (GPIN 7788-48-4693), in the General Industrial, I-2, Zoning District.

ISSUE

Should the City Council approve an amended Special Use Permit to increase bulk storage at 1500 Beulah Salisbury Road?

RECOMMENDATION

Approve an amendment to a Special Use Permit to increase the bulk storage of petroleum products by 1.06 million gallons at 1500 Beulah Salisbury (GPIN 7788-48-4693), subject to the following conditions:

1. Prior to site plan approval, the operator shall pay the City of Fredericksburg \$32,000 to contribute to the Commonwealth Department of Transportation for improvements to the intersection of Beulah Salisbury Road and Route 2, to mitigate the use's impact on the intersection.
2. The operator shall make the property available to regional fire and emergency responders for annual training or as needed.
3. The property shall be developed and operated in substantial conformance with the General Development Plan entitled, "Lincoln Terminal Company, Inc; Fredericksburg Tank Expansion," by Freeland Engineering, dated September 30, 2015.
4. The operator shall secure all required local, state and federal permits for the use within 12 months of the date of this resolution, and submit copies of those permits to the zoning administrator. The use of the property shall comply with all local, state, and federal permits affecting the property at all times.
5. The use shall commence within 24 months of the date of this resolution.
6. The use is permitted only so long as it is not discontinued for more than 24 months.

PLANNING COMMISSION PUBLIC HEARING

The Planning Commission opened a public hearing on this item on November 18, 2015 that was continued through December 9. One member of the public spoke at the December 9 meeting asking that training for fire departments and emergency personnel from both the City and surrounding counties be permitted at the facility. After the close of the public hearing, the

Planning Commission revised conditions 2 and 4 to ensure that regional responders had training on the fire safety systems in place on site and that the locality had enforceable authority to ensure the Lincoln Terminal operation remained in conformance with all required local, state, and federal permits at all time. The Planning Commission then unanimously (7-0) recommended that the City Council approve the Special Use Permit in conformance with the conditions as written in the Recommendation and the attached Resolution.

BACKGROUND

1500 Beulah Salisbury Road has been used as a storage and distribution center for fossil fuels since the mid-twentieth century. Most recently, the City Council approved Special Use Permit 2013-12 on January 14, 2014 to convert a propane storage and distribution facility to operate a gasoline, bio-diesel, and ethanol storage and distribution facility; to construct additional above-ground storage tanks, a loading rack for transport vehicles; and to modernize operation control and monitoring equipment at 1500 Beulah Salisbury Road.

Since that time, Lincoln Terminal Company, Inc. has retrofitted the facility and is currently constructing 2.94 million gallon above ground gasoline tank. Including the tank under construction, the on-site storage capacity is 9,240,000 million gallons of bulk petroleum products. In addition, the site has the capacity to store 99,500 gallons of bio-diesel and 40,000 gallons of additives¹. The petroleum products generally enter the site by pipeline, are mixed on-site with additives, and are pumped into trucks for regional distribution at an on-site fueling station. The Special Use Permit for an additional 1,060,000 gallons would bring the petroleum product capacity up to 10,300,000 gallons.

The bulk storage and distribution facilities at 1500 Beulah Salisbury cover generally the western most two thirds of the lot. The easternmost third is a Resource Protection Area and 100 year floodplain adjacent to the Rappahannock River.

The site is bordered by a City Parks and Recreation office and the Plantation Pipeline facility to the north, the Rappahannock River to the east, a propane storage and distribution facility to the south in Spotsylvania County, and Dixon Park to the west. The Mayfield neighborhood is within a quarter of a mile of the site.

SPECIAL USE PERMIT ANALYSIS

Special use permits are evaluated according to the criteria contained in the UDO, Section 72-22.6, as follows:

(1) The proposed special use at a specified location shall be:

(a) In harmony with the adopted Comprehensive Plan;

The property lies within Land Use Planning Area 8: Dixon Street / Mayfield. The future land use map in the Comprehensive Plan designates this property as General Industrial. The General Industry category provides for “manufacturing, wholesale and limited ancillary retail uses, warehousing, offices, and distribution facilities. These districts are

¹ NRO-040-14 Stationary Source Permit to Construct and Operate. Virginia Department of Environmental Quality.

located where they can be served by adequate transportation access.” The site is in general conformance with the future land use map.

The site is located on top of a major petroleum pipeline traversing the City. It is a major petroleum distribution facility for the region. Comprehensive Plan’s Transportation Goal 1 is to develop the City’s surface transportation system to be safe, functional, and attractive, serving multiple modes of travel and making the community accessible to all citizens. Having a strategically located petroleum distribution facility will help further that goal.

The site is also located adjacent to the Rappahannock River. The Comprehensive Plan’s Environmental Protection Goals include Resource Protection, Watersheds, and Sustainability. Lincoln Terminal Company, Inc. has built the amount of secondary containment required by the state and federal government in case there is a spill at their facility. The containment for the proposed 1.06 million tank is designed to hold up to a 3,675,000 gallon spill. The containment also serves a 2.94 million gallon tank bringing the total amount of petroleum products stored in the containment area up to 4 million gallons.

(b) In harmony with the purpose and intent of the zoning district regulations;

The purpose of the General Industrial (I-2) District is: “to provide for medium to heavy industrial land uses in areas of the City appropriate to adequately serve the physical, transportation access, and environmental impacts of such industrial development.” The project is part of an existing petroleum distribution facility. The site is situated on an existing major petroleum pipeline. Though, due to its proximity to the Rappahannock River there are regional environmental risks.

(c) In harmony with the existing uses or planned uses of neighboring properties.

Technical review of the proposed bulk storage expansion has highlighted some potential transportation and fire safety issues at the Lincoln Terminal Facility. These issues can be mitigated by requiring the site to operate under the conditions outlined in the recommendation. The transportation and fire safety issues will be discussed in more technical depth below.

In considering an application for a Special Use Permit, the Planning Commission and City Council shall consider potential adverse impacts including:

1. Traffic or parking congestion;

The Lincoln Terminal Company facility currently generates 63 trucks per day. These trucks exit the site on Beulah Salisbury Road. Beulah Salisbury Road’s northern right-of-way is the Spotsylvania County line. At its intersection with Route 2, Beulah Salisbury is a two lane road, one in and one out. At the intersection, Route 2 has two lanes heading south, a left turn lane into Beulah Salisbury from the north, a dual turn lane from the south, one lane heading north, and a large shoulder. VDOT has indicated that there are two issues at the intersection:

- Heavy volumes on Route 2 require long wait times for vehicles exiting the site, especially when they are traveling south. Large trucks exacerbate the problem. A third lane exiting Beulah Salisbury is necessary to alleviate congestion.
- Physical constraints require that if a large truck is waiting to exit Beulah Salisbury and another truck with a wheel base of 50 foot or greater (like a tanker truck) is turning into Beulah Salisbury from the south, the turning truck must wait in the Route 2 northbound travel lane until the exiting truck has made its movement. The radius at the intersection needs to be increased at the intersection to alleviate congestion.

According to VDOT, trucks backing up on Route 2 is the most pressing problem at the intersection. Fixing the radii at the intersection is an immediate priority. VDOT has begun engineering and right-of-way acquisition to complete the improvements. No funding for the actual construction of the project has been committed or planned by the state or any localities at this time. Lincoln Terminal Company has stated that they are willing to provide the funding for the physical improvements. A condition has been added to this staff report detailing the transfer of funds to VDOT to complete the intersection improvements.

Concern has been expressed about ensuring that the Mayfield neighborhood has clear paths out of the neighborhood by car in case of an emergency either involving the chemical tanker cars being stored on the railroad right-of-way to the west or the Lincoln Terminal, Quarles Petroleum, and the Plantation Pipeline facility to the east. Ensuring that Route 2 operates cleanly in the event of an emergency is paramount to the safety of the neighborhood. By working with the City, VDOT, and other property owners to fix the turning radii at the intersection of Route 2 and Beulah Salisbury the Applicant is helping to ensure that the road network will perform even in the event of an emergency.

2. Noise, light, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;

During permitting of the 2.94 million gallon tank, Lincoln Terminal Company worked with the Department of Environmental Quality on creating a timeline for permitting both the 2.94 million gallon tank and the 1.06 million gallon tank. Lincoln Terminal is obligated to:

- File for an updated VPDES permit by September 2015. The Applicant filed for an updated VPDES permit on October 9, 2015.
- File for an updated Oil Discharge Contingency Plan (ODCP) by November 1, 2015. DEQ granted an extension to the Applicant for their revised ODCP on November 10.

The site is subject to state air quality permitting requirements. Lincoln Terminal is working with the Virginia Department of Environmental Quality to upgrade their existing air quality permits for the 2.94 million gallon tank and will be required to update their permit for the new 1.06 million gallon tank. Under their current permit, the facility was required to build a Vapor Combustion Unit that collects and burns off volatile organic compounds that leak out during the transfer of fuel into tanker trucks.

The site is adjacent to Dixon Park and is close to the Mayfield neighborhood. The site will be required to operate within state air quality limits, however, approving more petroleum storage on-site will result in an increase in volatile organic compounds in the air from the facility.

3. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;

The use constitutes economic development.

4. Undue density of population or intensity of use in relation to the community facilities existing or available;

Lincoln Terminal's Fire Safety Analysis has been attached to this report. The system consists of several water and foam dispensing fire fighting systems that target different areas of the site. The different areas are the six existing gasoline tanks (6,270,000 gallons of gasoline), the tank under construction and the tank proposed under this Special Use Permit (4,030,000 gallons), and the Truck Loading Rack.

The report lays out basic information about how much water and foam will be required to fight a fire at each site including the systems in place protecting each area, the water pressure available and municipal equipment needed to run each system, the gallons per minute in water and foam that are needed to be discharged from each system.

According to the Fire Department, foam based suppression systems require a fire to boost municipal water pressure in order for the systems to operate correctly. The Lincoln Terminal facility has two systems. There is a fixed system that includes a stationary pump to boost pressure to the Truck Loading Rack. However, the report states that the Fire Department's pump truck will have to be on-site and hooked into a mobile foam trailer (that is housed on-site) in order to operate the suppression system covering the existing six tanks and the two proposed tanks.

Having a fixed pump system that automatically suppressed fires for the existing and proposed tanks at the Lincoln Terminal facility would not require the Fire Department to be on-site to start suppressing the fire. However, the advantage of the system designed and permitted with the mobile foam trailer is that the system may be moved off-site to fight other emergencies. The Fire Department has stated that one of their major concerns about the Lincoln Terminal (another petroleum and gas distributing sites) was the amount of fossil fuels contained in the tractor trailers circulating through the sites and then through the rest of the City. If one of the tractor trailers has an accident or spill in the City the foam trailer will be available to fight that emergency.

The report states that a total of 2,243 gallons of foam will be required to pump through the system. 467 gallons of foam is required to combat a fire at the six currently operable gas tanks. The Applicant currently has 1,100 gallons of foam on-site at this time and has stated that they have ordered an additional 1,375 gallons that should be delivered within 6-8 weeks.

The different fire prevention systems have several different pieces of equipment that are needed to operate, including the City's pump truck and a mobile foam trailer. In order to ensure that regional first responders are aware of and practice on this equipment a condition has been added requiring the operator to permit on-site training.

5. Reduction in the availability of affordable housing in the neighborhood;

This project is proposed in an industrial area of the City.

6. Impact on school population and facilities;

This project is an industrial use in an industrial area of the City.

7. Destruction of or encroachment upon conservation or historic districts;

The project is located on an existing bulk storage site. The use will not expand into the sensitive environmental areas to the east. There are no historic districts or resources located on the site.

8. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and

The Applicant is operating in conformance with local, state, and federal permits. A condition has been added to this report to ensure that the City has the authority to ensure that the operator continue to operate in conformance with those permits.

9. Massing and scale of the project.

The proposed tank is located in an industrial area and is a comparable height and mass to the existing tanks on-site.

In conclusion, the use of the site, while in some respects well located, is pushing against current infrastructure and the surrounding environment. The site is located adjacent to the Rappahannock River and is in the proximity of a neighborhood. Tanker trucks cannot safely make all turns off of Route 2. The fire and emergency prevention equipment on-site requires the interaction of several pieces of equipment including the City's pump truck. The Applicant has requested a 10% increase in the currently approved capacity at the site. In order to accommodate this increase and mitigate the impacts this development will have on the surrounding area, the recommend conditions need be adopted.

Attachments:

1. Proposed Resolution
2. Application and supporting materials
3. Vanguard Fire Safety Analysis Report
4. Special Use Permit 2013-12
5. Planning Commission Minutes



January 12, 2016
Regular Meeting
Resolution No. 16-

MOTION:

SECOND:

RE: GRANTING LINCOLN TERMINAL COMPANY AN AMENDED SPECIAL USE PERMIT FOR AN EXPANSION OF THE BULK STORAGE FACILITY AT 1500 BEULAH SALISBURY ROAD

ACTION: APPROVED: Ayes: 0; Nays: 0

WHEREAS, by Resolution 14-01, adopted January 14, 2014, the Council granted Quarles Petroleum, Inc. a special use permit to operate a bulk storage use that includes the storage, blending and distribution of flammable materials at 1500 Beulah Salisbury Road. Lincoln Terminal Company, Inc., was the contract purchaser of the property at that time. The special use permit allowed six tanks for gasoline, biodiesel, and ethanol.

WHEREAS, the applicant and current landowner, Lincoln Terminal Company, seeks to amend the terms of the 2014 special use permit in order to add an additional 1.06 million gallon above-ground storage tank for petroleum products and associated infrastructure to the site.

WHEREAS, the Council after notice and public hearing thereon, has considered the application in light of its conformity with the City's Comprehensive Plan, its harmony with the purposes and standards of the zoning district regulations, its compatibility with existing or planned uses of neighboring properties, and whether the proposed special use and related improvements will be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

NOW, THEREFORE, BE IT RESOLVED:

1. Based on the above considerations, Council finds: (a) the request as submitted or modified does conform to the City's Comprehensive Plan, or to specific elements of such plan and to official policies adopted pursuant thereto (b) the request is in harmony with the purpose and intent of the zoning district regulations, (c) this request will not have an undue adverse impact on the surrounding neighborhood, in terms of public health, safety or general welfare; and (d) this request is appropriately designed, sited, landscaped and otherwise configured.
2. This Council grants an amendment to the special use permit granted in Resolution 14-01 to permit the addition of a 1.06 million gallon above-ground storage tank for petroleum products to the property at 1500 Beulah Salisbury Road (GPIN 7788-48-4693), subject to the following conditions:

- a. The property shall be developed and operated in substantial conformance with the General Development Plan entitled, "Lincoln Terminal Company, Inc.; Fredericksburg Tank Expansion," by Freeland Engineering, dated September 30, 2015. This general development plan shall replace the general development plan approved in Resolution 14-01.
- b. The operator shall secure all required local, state and federal permits for the use within 12 months of the date of this resolution, and submit copies of those permits to the zoning administrator. The use of the property shall comply with all local, state, and federal permits affecting the property at all times.
- c. The operator shall make the property available to regional fire and emergency responders for annual training or as needed.
- d. Prior to site plan approval, the operator shall pay the City of Fredericksburg the sum of \$32,000 to contribute to the Commonwealth Department of Transportation for improvements to the intersection of Beulah Salisbury Road and Route 2, to mitigate the use's impact on the intersection.
- e. The use shall commence within twenty-four months of the date of this resolution.
- f. The use is permitted only so long as it is not discontinued for more than 24 months.

Votes:

Ayes:

Nays:

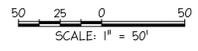
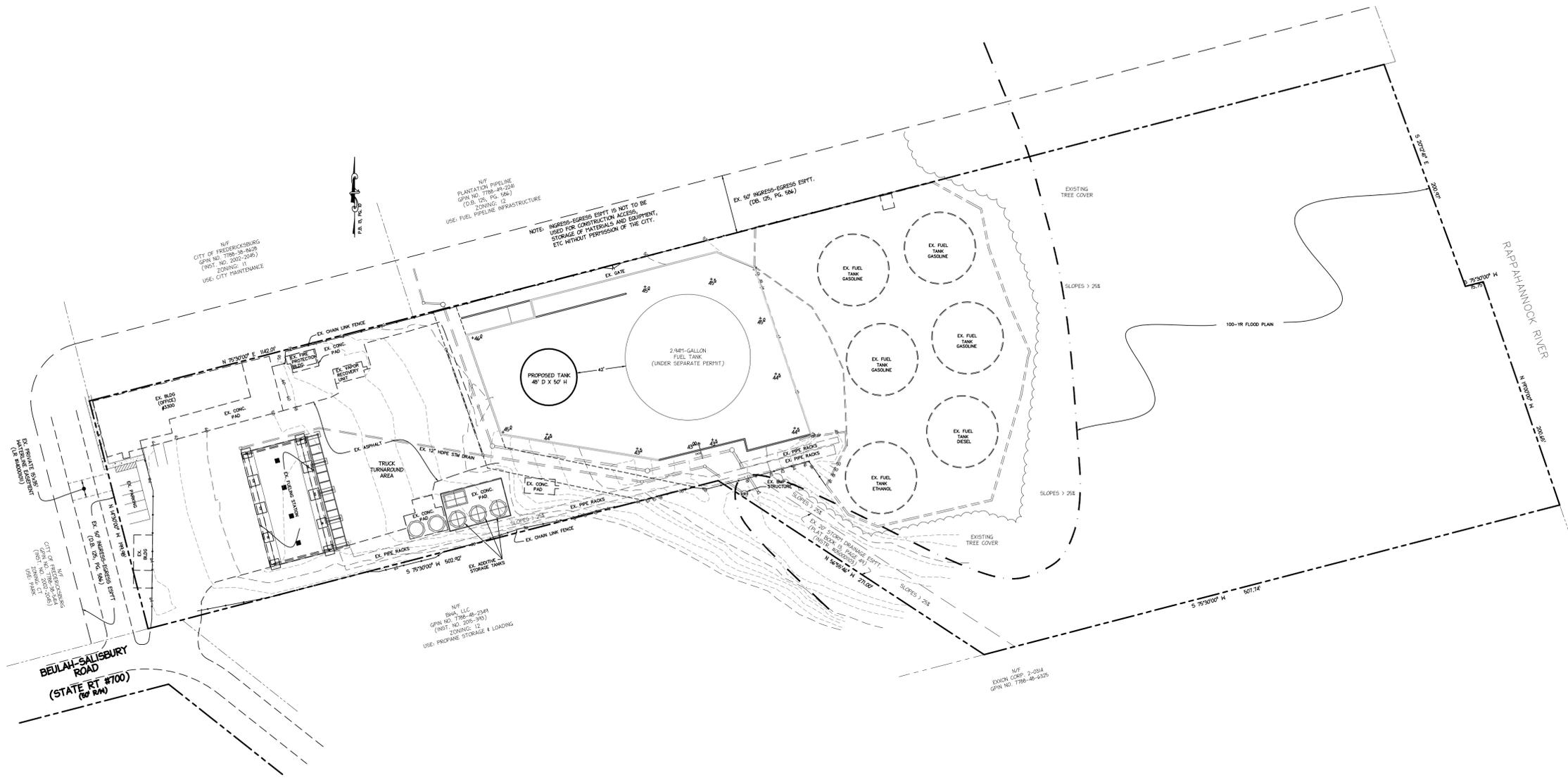
Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16- duly adopted at a meeting of the City Council meeting held January 12, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



NOTES:

1. THE USE AND DEVELOPMENT OF THE PROPERTY, AND ALL IMPROVEMENTS THEREON, ARE SUBJECT TO THE FINAL GENERAL DEVELOPMENT PLAN, AS WELL AS TO THE GENERALLY APPLICABLE REGULATIONS SET FORTH IN UDO SECTION 72-33.
2. NO CHANGES ARE PROPOSED TO THE PREVIOUSLY APPROVED EXISTING FLOOR AREA RATIOS, LOT COVERAGE, OPEN SPACE, LANDSCAPING OR BUFFER AREAS
3. ENVIRONMENTAL ANALYSIS: NO IMPACTS ARE PROPOSED TO THE AREAS OF EXISTING FLOODPLAIN, TREE COVER OR STEEP SLOPES TO THE SOUTH AND EAST OF THE EXISTING STORAGE FACILITY. NO ADDITIONAL IMPACT TO THE RAPPAHANNOCK RIVER (TO THE EAST) IS ANTICIPATED DUE TO THIS PROJECT.
4. THERE ARE NO KNOWN UNBUILDABLE SOILS IN THE VICINITY OF THE PROPOSED CONSTRUCTION.
5. THERE ARE NO KNOWN HISTORIC SITES OR RESOURCES IN THE VICINITY OF THE PROPOSED CONSTRUCTION.

SITE DATA

OWNER: LINCOLN TERMINAL COMPANY, INC.
 APPLICANT: LINCOLN TERMINAL CO., INC.
 ADDRESS: 22 S. MAIN STREET GREENVILLE, SC 29601
 PHONE: 864-918-9215

PLAN PREPARER: FREELAND ENGINEERING, PC
 ADDRESS: 10814 COURTHOUSE ROAD FREDERICKSBURG, VA 22408
 PHONE: 540-898-3092

GPIN: 7788-48-4693
 PARCEL AREA: 8.0038 AC = 348,646 SF
 ZONING DISTRICT: I-2 (GENERAL INDUSTRIAL) - CONDITIONAL
 SETBACKS: FRONT: 50' SIDE: 0' REAR: 0'
 MAXIMUM HEIGHT: 50 FEET
 OVERLAY DISTRICT: FLOODPLAIN OVERLAY
 CURRENT USE: PETROLEUM TERMINAL
 PROPOSED USE: PETROLEUM TERMINAL
 SPECIAL USE PERMIT: EXISTING SUP2013-12

FLOODPLAIN ON SITE: Y FIRM #: 510065 0037C ZONE: 'X'
 WETLANDS ON SITE: N SOURCE: NWI PERMIT REQUIRED: N
 RPA ON SITE: Y

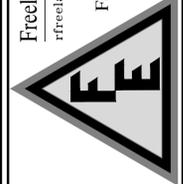
WATER SERVICE: PUBLIC
 SEWER SERVICE: PUBLIC

ESTIMATED VEHICLE TRIPS: 100 TRIPS PER DAY

LOT COVERAGE (IMPERVIOUS) = 3.76 AC./8.00 AC. = 47%
 FAR (FLOOR AREA RATIO) = 0.905 AC./8.009 AC. = 11.31%

REVISION	DATE

Freeland Engineering, PC
 rfreeland@freelandengineeringpc.com
 10814 Courthouse Road
 Fredericksburg, Virginia 22408
 Phone: 540.898.3092
 Fax: 877.658.7735
 www.freelandengineeringpc.com

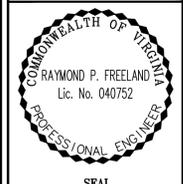


GENERAL DEVELOPMENT PLAN

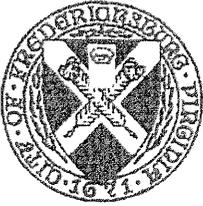
LINCOLN TERMINAL COMPANY, INC

FREDERICKSBURG TANK EXPANSION

CITY OF FREDERICKSBURG, VIRGINIA



County Plan Number:	
Drawn By:	DHBSR
Designed By:	TWP
Checked By:	RPF
Date:	09/30/15
Scale:	AS SHOWN
Sheet:	1 of 1
PROJECT #	2922



Application #SUP: _____

Date: _____

Fee/Check#: _____

APPLICATION SPECIAL USE PERMIT

APPLICANT NAME: LINCOLN TERMINAL COMPANY

MAILING ADDRESS: 1500 Rowland Salisbury Road Fredericksburg VA 22408

TELEPHONE: 571-441-1949 E-MAIL: lfox@lincolnterminalsolutions.com

THE UNDERSIGNED HEREBY APPLIES FOR A SPECIAL USE FOR: _____

15,000 GALLON STORAGE TANK

THE SUBJECT PROPERTY IS DESCRIBED AS FOLLOWS:

Property Location

Property Owned By LINCOLN TERMINAL COMPANY

Owner's Mailing Address 22 South Main Street GREENVILLE SC 29601

Proposed Use of Property (be specific)

FUEL STORAGE AND LOADING FACILITY

HOURS OF OPERATION 24/7 NUMBER OF EMPLOYEES 3

Anticipated Number of Patrons or Clients 100 Daily Transactions

Description of the development's impact
(complete and accurate description on a separate sheet of paper):

1. Compliance with Comprehensive Plan:
2. In harmony with the purpose and intent of the zoning district regulations:
3. In harmony with the existing uses or planned use of the neighboring properties:
4. Traffic Impact:

Special Use Permit Request
(Application Continued)

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true.

Timothy M Fox 6/9/15
Signature of Applicant Date

PRINT NAME OF APPLICANT Timothy Fox

The above oath or affirmation was signed before me and witnessed by me this 9 day of June 2015 in the County / City of Fredericksburg in the state of Virginia.

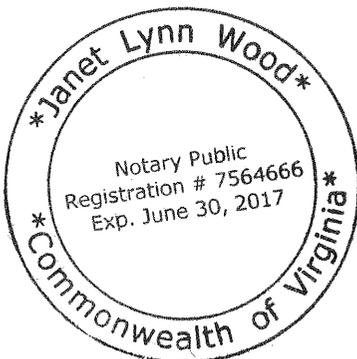
Janet Wood
Notary Signature
Notary Registration # 7564666 Commission Expires June 30 2017

Jim Larish 6/9/15
Signature of Owner Date

PRINT NAME OF OWNER Jim Larish

The above oath or affirmation was signed before me and witnessed by me this 9 day of June 2015 in the County / City of Fredericksburg in the state of Virginia.

Janet Wood
Notary Signature
Notary Registration # 7564666 Commission expires June 30 2017



SPECIAL USE PERMIT INTEREST DISCLOSURE AFFIDAVIT

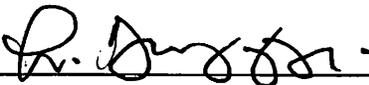
COMMONWEALTH OF VIRGINIA
CITY OF FREDERICKSBURG

I, Larry Burgamy, do hereby state that I am the applicant of the Special Use Permit and that, to the best of my knowledge and belief, the following is true:

a. The following constitutes a listing of the names and addresses of all applicants, title owners, contract purchasers, and lessees of the land described in the applications:

Lincoln Terminal Company, Inc. – Applicant
Larry Burgamy – President
James E. Farish, Jr. – CEO
Jeffrey L. Mahon - Secretary

b. I hereby make oath that no member of the City Council of the City of Fredericksburg, Virginia, nor the Planning Commission of the City of Fredericksburg, Virginia or any member of their immediate household or family owns or has any financial interest in such property or has any financial interest in the outcome of the decision.



President

COMMONWEALTH OF VIRGINIA:
City of Fredericksburg

I, Deborah S. Northcutt, a Notary Public in and for the State and City aforesaid, do hereby certify that Larry G. Burgamy, Jr. appeared before me and acknowledged the same.

Subscribed and sworn before me this 16th day of October, 2015

Notary Signature Deborah S. Northcutt
My Commission Expires: _____



October 16, 2015

City of Fredericksburg
Planning Department

Re: Ownership Interest in Lincoln Terminal Company, Inc.

To whom it may concern,

The list of shareholders who own ten percent or more of any class of stock issued by Lincoln Terminal Company, Inc. would consist of myself, Larry G. Burgamy, Jr. and James E. Farish, Jr. There is no other ownership interest in Lincoln Terminal Company, Inc.

Regards,



Larry G. Burgamy, Jr.

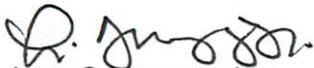


October 16, 2015

City of Fredericksburg
Planning Department

To whom it may concern,

This letter is to inform you that Tim Fox and Jim Farish are authorized agents for Lincoln Terminal Company. Please allow them to sign on my behalf.


Larry G. Burgamy, Jr.

Lincoln Terminal Tank Expansion – Special Use Permit

3300 Beulah Salisbury Road

Revised 9.29.15

Project Narrative

Existing Site Conditions

The property is currently operated as a fuel storage and loading facility in an I-2 Industrial zoning district. The surrounding properties contain a pipeline terminal, propane distribution facility, a City maintenance yard and a City park.

All fuel storage tanks, both existing and proposed, are supplied via the adjacent pipeline facility. Fuel leaves the site via the existing truck loading facility.

The containment structure and other safety improvements currently under construction are designed to meet the spill and fire protection requirements of NFPA 30 for the tank under construction, as well as the proposed tank.

Proposed Use

The use of the site will remain the same. The terminal facility serves as an enhanced point of distribution for the loading of petroleum products. The current terminal facility provides a similar service today, however, the proposed improvements will provide efficiency and economic benefit for the local community.

The Special Use Permit application is for the purpose of constructing an additional fuel storage tank within a previously approved containment area. The tank will be approximately forty-eight feet in diameter and fifty feet tall.

Neither the number of employees on site, nor the traffic to the site, is not expected to increase with this storage expansion.

The existing pipe racks will generally be used for the routing of piping to fill/empty the proposed tank

Site Improvements

This proposal is to add one 1.06-million gallon, above-ground storage tank and associated infrastructure. The tank is intended to provide additional product choice. Trucks with compartmentalized tank trailers will be able to load an additional product during their trip to the site. It is not envisioned that the added product will generate additional, separate trips to the facility. Truck traffic to the facility is currently less than the 100 per day estimated in the previous SUP and is not expected to exceed that number with the installation of the proposed tank.

Compatibility

As the proposal is for an expansion of an existing use, and that most surrounding uses are of a similar nature, the project is in harmony with the existing zoning and the uses of neighboring properties.

- *Comprehensive Plan*: The existing site and proposed expansion are consistent with the City's Comprehensive Plan as follows:
 - Chapter 10 – Environmental Protection:
 - The property provides a significant wooded buffer between the use and the Rappahannock River
 - A spill containment system in excess of 3 million gallons is under construction and will be in place prior to construction of the proposed tank
 - Stormwater management for water quality is provided onsite by the Baysaver filter
 - Chapter 11 – Community Appearance:
 - “new and existing areas are visually compatible”
 - Chapter 16 – Land Use
 - The property is zoned Industrial-General which conforms to the Comp Plan's land use map. This designation includes “distribution facilities” as a planned use.
 - Chapter 17 – Planning Areas:
 - The subject planning area, Mayfield/Fairgrounds, is stated to be well served by existing roads with no improvements needed.
- *Zoning*: The existing site and proposed expansion are consistent with good zoning practice:
 - The property is zoned I-2, General Industrial, and the use is consistent with this designation.
 - Consolidation of uses and similar aesthetic elements is achieved by this application.

Ownership

Lincoln Terminal Company, Inc., an associated company of Lincoln Oil Company, a recognized leader in petroleum and biofuels distribution. The terminal facility's owners and staff manage multiple facilities today and have over 50 years of service with the petroleum industry.

Hours of Operation

The terminal facility will be staffed from 7:00 a.m. to 5:00 p.m. (3 to 4 employees to manage the facility) and provide loading access 24/7 to trained and authorized representatives

Maintenance Plan

The terminal industry is managed and regulated by specific requirements as established by API, EPA, VDEQ and other sources. Our intent is to maintain the facility to meet these requirements and provide an attractive and efficient property in harmony with the surrounding area.

Safety and Environmental Protection

The entire Facility is inspected daily and documented. If any items that require corrective action are discovered during the inspection, repairs are made and documented on the equipment that the repair was made.

As part of the facility's compliance with State of Virginia stormwater regulations, a BaySaver filtration device was installed with the previous application. This device removes pollutants from uncontaminated (by petroleum products) stormwater runoff prior to the water leaving the site.

The following are some of the safety and environmental protection measures incorporated at the site:

1. The facility has prepared emergency response plans and required daily inspections. These plans are reviewed and updated with changes to the facility or every 5 years.
2. The facility is required to perform annual response drills.
3. All employees are trained to follow the facilities Emergency Response Plan.
4. The loading rack is protected with a dedicated fire pump and foam building.
5. An oil and water separator is in place to collect any spilled product and contain it in a separate drain system.
6. Tanks are equipped with dedicated water lines and foam chambers.
7. All tanks are constructed with secondary bottoms and the entire tank farm is lined preventing any product discharge from contaminating soil or water table.
8. The tank farm is equipped with two fire monitors that discharge water and foam throughout the tank farm.
9. Each tank is equipped with high level alarms that are connected to the delivery pipeline and are visual and audibly activated locally.
10. All pipeline receipts of petroleum products are manned and observed by terminal operators

Market Area to be Served

The range of distribution will likely include a 30 to 40 mile radius with primary service to retail petroleum locations

Architectural Features of Proposed Structures

Proposed structures will be consistent with existing structures on the property and compliment neighboring properties.

Regulatory Compliance

The facility is regulated by the State of VA Department of Environmental Quality and the Federal EPA. The facility is permitted and regulated by the agencies for both air emissions and water discharge. Both are monitored by electronic recording or third party testing. All third party tests are submitted to the state by the third party. All electronic recordings are to be available for inspection by an Authorized VADEQ or Federal inspector.

Other compliance information:

- Air Permit Registration #: 40558
- Approved plan conforms to ANSI and NFPA 30
- Tank construction is in accordance with API 653 and API 650
- VPDES Permit #: VA0029785
- Facility has a current ODCP in compliance with Virginia State Water Control Board VR 680-14-07
- Compliance with 9VAC-25-91-130 included with submittal.
- Facility response plan on file with City.



Lincoln Energy
Fredericksburg, VA Terminal
Fire Protection Systems

Hazard Summary

Protected Areas:

- Tank 31 – 25,000 bbl Ethanol
- Tank 32 – 25,000 bbl ULSD
- Tank 33 – 25,000 bbl 87 CBOB
- Tank 34 – 25,000 bbl ULSD
- Tank 35 – 25,000 bbl Conventional Premium
- Tank 36 – 25,000 bbl 87 CBOB
- Tank 37 – 70,000 bbl Gasoline
- Tank 38 – 15,000 bbl Gasoline
- Truck Loading Rack

Fire Fighting Summary:

- Semi-fixed foam/water system protecting the existing (6) product storage tanks #31-36. Each tank system consists of one foam chamber tied to the distribution pipe network and terminating at the FDC manifold. System design per NFPA 11.
- Semi-fixed foam/water system protecting two new product storage tanks #37 and 38. The system for tank 37 consists of two foam chambers tied to the distribution pipe network and terminating at the FDC manifold. The system for tank 38 consists of one foam chamber tied to the distribution pipe network and terminating at the FDC manifold. System design per NFPA 11.
- Fixed foam/water system protecting the existing loading rack. The system consists of an open head deluge system tied to a fixed foam bladder tank and water supply. A fire pump is present to supply the pressure requirements for the rack system. The system is automatically and manually operated. System design per NFPA 11, 13 and 72.
- Fixed fire water monitors are provided for cooling water for surrounding tanks and infrastructure

Fire Fighting Equipment:

- Diesel driven fire pump
 - 1250 GPM @ 100 PSI
- Bladder Tank (Load Rack System)
 - 400 Gallon Capacity
 - Ansulite 3X3 Low Viscosity AR-AFFF Foam Concentrate
- Foam Trailer (Product Storage Tank Protection)
 - Total Foam Capacity – 1650 gallons
- Fire water monitors
 - (2) 500 GPM Water Monitors

Municipal Equipment/Requirements:

- The water supply for the semi-fixed tank protection systems is supplied by the municipal fire hydrant located at the entrance to the facility
 - Hydrant Flow Test Information
 - Static: 52 PSI
 - Residual: 38 PSI
 - Flowing 785 GPM
- The system pressure will be boosted via the Fire Dept. pumper truck to meet the requirements of the semi-fixed fire system protecting the product storage tanks
- Fire hose required for the connections to the fire hydrant and foam/water system manifold supplied by the Fire Dept.

Calculations:

Water demand calculations:

Tank #37 –

107' Diameter tank with internal floating rood calculated for full surface protection per NFPA 11

Application rate - .10 gpm/sq./ft

Discharge time – 55 minutes

107' Tank gpm required –895 gpm/sq./ft

Total water demand over discharge duration – 49,225 gallons

Total foam concentrate over discharge duration – 1477 gallons

Tanks #31-36 -

60' Diameter tank with internal floating rood calculated for full surface protection per NFPA 11

Application rate - .10 gpm/sq./ft

Discharge time – 55 minutes for tanks 31,33,35,36,38

Discharge time – 30 minutes for tanks 32,34

60' Tank gpm required –283 gpm/sq./ft

Total water demand over discharge duration –

30 minutes – 8,490 gallons

55 minutes – 15,565 gallons

Total foam concentrate over discharge duration –

30 minutes – 255 gallons

55 minutes – 467 gallons

Tank #38 –

48' Diameter tank with internal floating rood calculated for full surface protection per NFPA 11

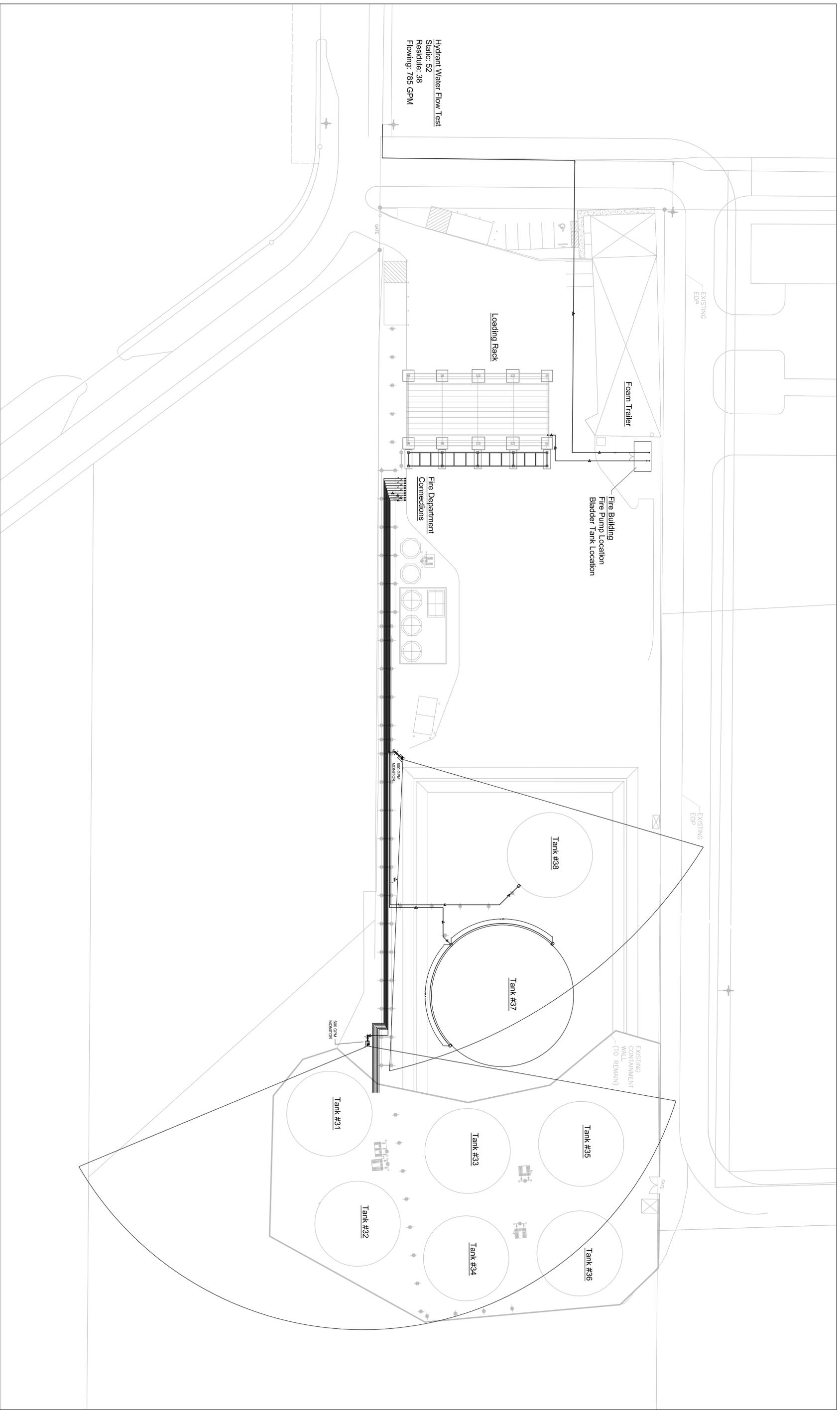
Application rate - .10 gpm/sq./ft

Discharge time – 55 minutes

48' Tank gpm required –895 gpm/sq./ft

Total water demand over discharge duration – 9,948 gallons

Total foam concentrate over discharge duration – 299 gallons





**CITY OF FREDERICKSBURG, VIRGINIA
NOTIFICATION OF CITY ACTION**

TO: Mark A. Stephens
P.O. Box 23030
Charlotte, NC 28227

FROM: Charles Johnston, Director, Community Planning and Building Department

DATE: January 16, 2014

RE: **SUP2013-12: 1500 Beulah Salisbury Road**

Your request for:		
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Special Exception	
<input type="checkbox"/> Change of Non-Conforming Use	<input checked="" type="checkbox"/> Special Use Permit	
has been:		
<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Approved with conditions	<input type="checkbox"/> Denied
<input type="checkbox"/> Other _____		
At the January 14, 2014, meeting of the:		
<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> City Council	
Your next step should be:		
<input type="checkbox"/> File additional/revised plans as required		
<input checked="" type="checkbox"/> Obtain other required permits		
<input type="checkbox"/> No further information is required		

SPECIFICS/CONDITIONS (Continued on reverse, if necessary)

Your request for an amendment to a Special Use Permit to convert a propane storage and distribution facility so as to operate a gasoline, bio-diesel and ethanol storage and distribution facility; and to construct additional above-ground storage tanks, a loading rack for transport vehicles, and modernize operation control and monitoring equipment on property located at 1500 Beulah Salisbury Road has been approved with the conditions listed on Resolution No. 14-01 (attached).

c: Building & Development Services
Department of Public Works
IT Department

Commissioner of the Revenue
School Board
Abutting Property Owners

Fire Department
Economic Dev



MOTION: PAOLUCCI

**January 14, 2014
Regular Meeting
Resolution No. 14-01**

SECOND: SOLLEY

RE: AMENDING THE SPECIAL USE PERMIT GRANTED TO QUARLES PETROLEUM, INCORPORATED TO REPLACE SIX PROPANE TANKS WITH SIX TANKS FOR GASOLINE, BIODIESEL, AND ETHANOL FOR BULK STORAGE USE THAT INCLUDES THE STORAGE, BLENDING, AND DISTRIBUTION OF FLAMMABLE MATERIALS ONSITE ON PROPERTY LOCATED AT 1500 BEULAH SALISBURY DRIVE

ACTION: APPROVED; Ayes: 7; Nays: 0

WHEREAS, on March 23, 2004, the Council granted to Quarles Petroleum, Incorporated a special use permit for six propane storage tanks at 1500 Beulah Salisbury Road, GPIN 7788-48-5693.

WHEREAS, Lincoln Terminal Company, Inc., as contract purchaser of the land at GPIN 7788-48-5693 from Quarles Petroleum, Incorporated, seeks to amend the terms of the special use permit to replace the six propane storage tanks with six tanks for gasoline, biodiesel, and ethanol for a bulk storage use that includes the storage, blending, and distribution of flammable materials onsite.

WHEREAS, the Council after notice and public hearing thereon, has considered the application in light of its conformity with the City's Comprehensive Plan, its harmony with the purposes and standards of the zoning district regulations, its compatibility with existing or planned uses of neighboring properties, and whether the proposed special use and related improvements will be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

NOW, THEREFORE, BE IT RESOLVED:

1. Based on the above considerations, Council finds: (a) the request as submitted or modified does conform to the City's Comprehensive Plan, or to specific elements of such plan and to official policies adopted pursuant thereto (b) the request is in harmony with the purpose and intent of the zoning district regulations, (c) this request will not have an undue adverse impact on the surrounding neighborhood, in terms of public health, safety or general welfare; and (d) this request is appropriately designed, sited, landscaped and otherwise configured.
2. This Council grants to Quarles Petroleum, Incorporated an amendment to the special use permit granted on March 23, 2004 to replace the six propane storage tanks with six tanks for gasoline, biodiesel, and ethanol for a bulk storage use that includes the storage, blending, and

distribution of flammable materials onsite, in substantial accordance with its application dated September 9, 2013, subject to the following condition:

- a. The operator must secure all required state and federal permits for the property within 12 months of the date of this Resolution and submit copies of those permits to the Zoning Administrator.

Votes:

Ayes: Greenlaw, Ellis, Devine, Howe, Kelly, Paolucci, Solley

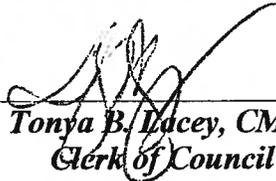
Nays: None

Absent from Vote: None

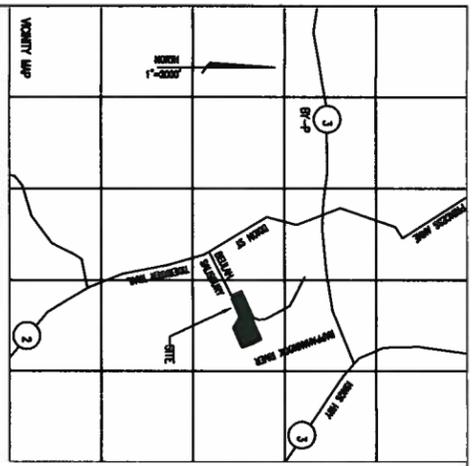
Absent from Meeting: None

Clerk's Certificate

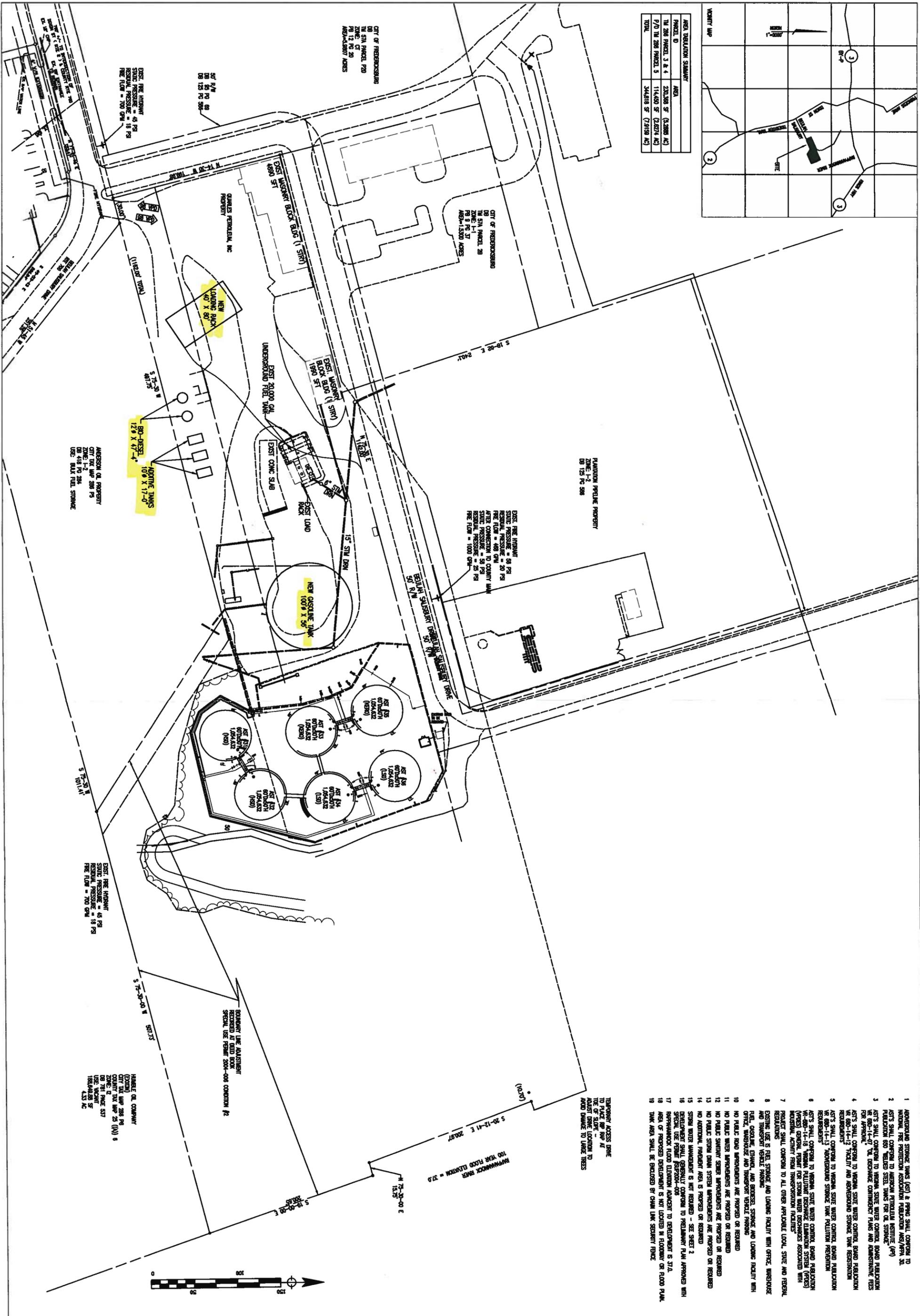
I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 14-01 duly adopted at a meeting of the City Council meeting held January 14, 2014 at which a quorum was present and voted.



Tonya B. Ducey, CMC
Clerk of Council

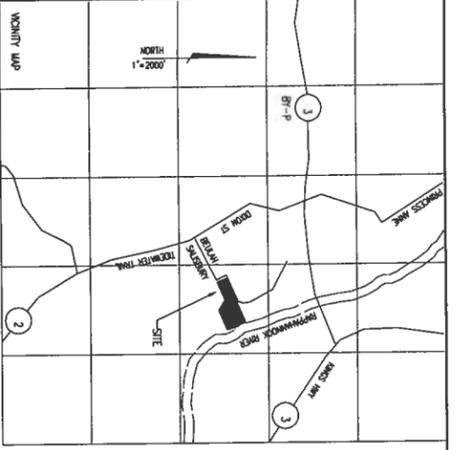


AREA	DESCRIPTION	AREA
PARCEL D	230,288 SF (5.2886 AC)	
P/O TM 286 PARCELS 3 & 4	114,420 SF (2.6274 AC)	
P/O TM 286 PARCELS 5	34,418 SF (0.7819 AC)	
TOTAL		379,126 SF (8.7079 AC)



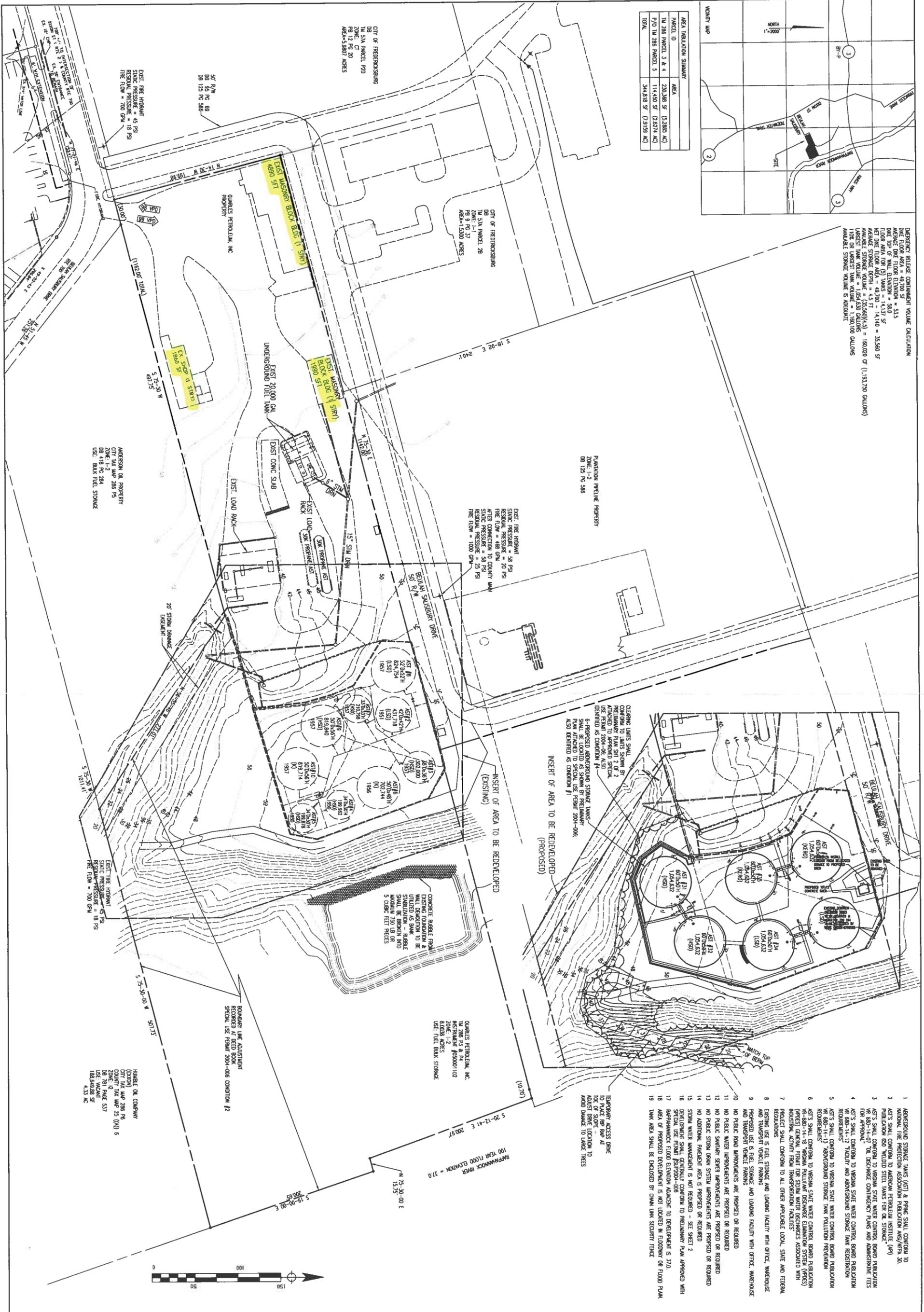
- 1 ABOVEGROUND STORAGE TANKS (AST) & PIPING SHALL CONFORM TO NATIONAL FIRE PROTECTION ASSOCIATION PUBLICATION ANSI/API 650.
- 2 AST'S SHALL CONFORM TO AMERICAN PETROLEUM INSTITUTE (API) PUBLICATION 600 WELDED STEEL TANKS FOR OIL STORAGE.
- 3 AST'S SHALL CONFORM TO VIRGINIA STATE WATER CONTROL BOARD PUBLICATION VR-605-1-4-07 OIL DISCHARGE CONTINGENCY PLANS AND ADMINISTRATIVE FEES FOR APPROVAL.
- 4 AST'S SHALL CONFORM TO VIRGINIA STATE WATER CONTROL BOARD PUBLICATION VR-605-1-4-12 FACILITY AND ABOVEGROUND STORAGE TANK RESTRICTION REQUIREMENTS.
- 5 AST'S SHALL CONFORM TO VIRGINIA STATE WATER CONTROL BOARD PUBLICATION VR-605-1-4-13 ABOVEGROUND STORAGE TANK FILLING PREHENSION REQUIREMENTS.
- 6 AST'S SHALL CONFORM TO VIRGINIA STATE WATER CONTROL BOARD PUBLICATION VR-605-1-4-16 VIRGINIA PULLING DISCHARGE EXEMPTION SYSTEM (VPEES) (VPEES) EXEMPTION FROM TRANSPORTATION FACILITIES.
- 7 PROJECT SHALL CONFORM TO ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.
- 8 EXISTING USE IS FUEL STORAGE AND LOADING FACILITY WITH OFFICE, WAREHOUSE AND INVENTORY VEHICLE PARKING.
- 9 FUEL, GASOLINE, ETHANOL, AND DIESEL STORAGE AND LOADING FACILITY WITH OFFICE, WAREHOUSE AND INVENTORY VEHICLE PARKING.
- 10 NO PUBLIC ROAD IMPROVEMENTS ARE PROPOSED OR REQUIRED.
- 11 NO PUBLIC WATER IMPROVEMENTS ARE PROPOSED OR REQUIRED.
- 12 NO PUBLIC STREET LIGHT IMPROVEMENTS ARE PROPOSED OR REQUIRED.
- 13 NO PUBLIC STREET SIGN IMPROVEMENTS ARE PROPOSED OR REQUIRED.
- 14 NO ADDITIONAL PRESENT AREA IS NOT REQUIRED - SEE SHEET 2.
- 15 STORM WATER MANAGEMENT IS NOT REQUIRED - SEE SHEET 2.
- 16 DEVELOPMENT SHALL GENERALLY CONFORM TO PRELIMINARY PLAN APPROVED WITH SPECIAL USE PERMIT 05/20/08-008.
- 17 RAPPANAWICK FLOOD ELEVATION ADJACENT TO DEVELOPMENT IS 37.0.
- 18 AREA OF PROPOSED DEVELOPMENT IS NOT LOCATED IN FLOODING OR FLOOD PLAIN.
- 19 TANK AREA SHALL BE DIVULGED BY CHAIN LINK SECURITY FENCE.

SITE PLAN MODIFICATION TO QUARLES PETROLEUM, INC. ABOVEGROUND STORAGE TANKS GEOMETRY & GRADING PLAN		DATE: 07-10-01 DWG BY: CAM PROJECT AREA SUMMARY TM 286 PARCEL P3 & P4: 5.2886 P/O TM 286 PARCELS P5: 2.6075 TOTAL AREA: 7.8961 WARD 4 CITY OF FREDERICKSBURG, VIRGINIA	QUARLES PETROLEUM, INC. 1701 FALL HILL AVENUE SUITE 200 FREDERICKSBURG, VA 22401 540-371-3919 FAX 540-371-9813	DWG: Fredericksburg-Termin2-2 SHEET 1 OF 4 SCALE: 1"=50' U.L.
REVISIONS: REV 4 08/30/13 ADD GASOLINE/DIESEL/ADDITIVE TANKS AND LOADING RACK REV 3 08/19/08 REVERSE RETAINING WALL DETAILS PER CITY COMMENT REV 2 07/07/05 REVERSE TANK LOCATIONS, SUPPLY PIPE ROUTE & CONSTRUCTION SEQUENCE REV 1 05/04/05 ADDRESS REVIEW COMMENTS & ADD TEMPORARY CONSTRUCTION DRIVE FOR PLACING CONCRETE STABILIZATION AT BASE OF SLOPE				



AREA	PARCEL ID	AREA
TU 286 PARCEL 3 & 4	230,286 SF (5.2865 AC)	
P/O TU 286 PARCEL 5	114,450 SF (2.6274 AC)	
TOTAL	344,736 SF (7.9139 AC)	

EMERGENCY RELEASE CONTINGENCY VOLUME CALCULATION
 MAXIMUM FLOOR ELEVATION = 53.5
 ONE TOP OF WALL ELEVATION = 56.0
 FLOOR AREA FOR (5) TANKS = 14,137 SF
 NET DOME FLOOR AREA = 49,700 - 14,140 = 35,560 SF
 AVERAGE STORAGE HEIGHT = 4.55 (56.0/12.3)
 LARGEST TANK VOLUME = 1,054,530 GALLONS
 11% OF UNDERST TANK VOLUME = 1,159,100 GALLONS
 AVAILABLE STORAGE VOLUME IS ADEQUATE



1. ABOVEGROUND STORAGE TANKS (AST) & PILING SHALL CONFORM TO NATIONAL FIRE PROTECTION ASSOCIATION PUBLICATION NFPA 30.
2. AST'S SHALL CONFORM TO AMERICAN PETROLEUM INSTITUTE (API) PUBLICATION 650 WELDED STEEL TANKS FOR OIL STORAGE.
3. AST'S SHALL CONFORM TO VIRGINIA STATE WATER CONTROL BOARD PUBLICATION VS-880-14-07 TOL DISCHARGE CONNECTIVITY PLANS AND ADMINISTRATIVE FEES FOR APPROVAL.
4. AST'S SHALL CONFORM TO VIRGINIA STATE WATER CONTROL BOARD PUBLICATION VS-880-11-17 FACILITY AND ABOVEGROUND STORAGE TANK RESTORATION REQUIREMENTS.
5. AST'S SHALL CONFORM TO VIRGINIA STATE WATER CONTROL BOARD PUBLICATION VS-880-11-18 VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (V-PDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY FROM TRANSPORTATION FACILITIES.
6. PROJECT SHALL CONFORM TO ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.
7. EXISTING USE IS FUEL STORAGE AND LOADING FACILITY WITH OFFICE, WAREHOUSE AND TRANSPORT VEHICLE PARKING.
8. PROPOSED USE IS FUEL STORAGE AND LOADING FACILITY WITH OFFICE, WAREHOUSE AND TRANSPORT VEHICLE PARKING.
9. NO PUBLIC ROAD IMPROVEMENTS ARE PROPOSED OR REQUIRED.
10. NO PUBLIC WATER SUPPLY IMPROVEMENTS ARE PROPOSED OR REQUIRED.
11. NO PUBLIC STORM DRAIN SYSTEM IMPROVEMENTS ARE PROPOSED OR REQUIRED.
12. NO ADDITIONAL PAVEMENT AREA IS PROPOSED OR REQUIRED.
13. STORM WATER MANAGEMENT IS NOT REQUIRED - SEE SHEET 2.
14. DEVELOPMENT SHALL GENERALLY CONFORM TO PRELIMINARY PLAN APPROVED WITH SPECIAL USE PERMIT #192004-006.
15. APPROPRIATE FLOOD ELEVATION ADJUSTMENT TO DEVELOPMENT IS 37.0.
16. AREA OF PROPOSED DEVELOPMENT IS NOT LOCATED IN FLOODPLAIN OR FLOOD PLAIN TANK AREA SHALL BE ENCLOSED BY CHAIN LINK SECURITY FENCE.

SITE PLAN
 for
MODIFICATION TO QUARLES PETROLEUM, INC.
ABOVEGROUND STORAGE TANKS
GEOMETRY & GRADING PLAN

REV	DATE	DESCRIPTION
REV 3	09/19/05	REVISE RETAINING WALL DETAILS PER CITY COMMENT
REV 2	07/07/05	REVISE TANK LOCATIONS, SUPPLY PIPE ROUTE & CONSTRUCTION SEQUENCE
REV 1	05/04/05	ADDRESS REVIEW COMMENTS & ADD TEMPORARY CONSTRUCTION DRIVE FOR PLACING CONCRETE STABILIZATION AT BASE OF SLOPE

DATE:	DWG BY:
07-10-01	CAM
PROJECT AREA SUMMARY	AREA (ACRES)
TU 286 PARCEL P3 & P4	5.2866
P/O TU 286 PARCEL P5	2.6975
TOTAL AREA	7.9841
WARD 4	
CITY OF FREDERICKSBURG, VIRGINIA	

QUARLES PETROLEUM, INC.
 1701 FALL HILL AVENUE
 SUITE 200
 FREDERICKSBURG, VA 22401
 540-371-3919 FAX 540-371-9613

DWG: Fredericksburg-Termino-2
 SHT 1 OF 4
 SCALE: 1"=50' U.M.

NOVEMBER 18, 2015 ADOPTED Planning Commission Minutes pertaining to Lincoln Terminal application . This public hearing was left open until December 9, 2015

1. **SUP2015-02 - Lincoln Terminal Company, INC.**, proposes to amend Special Use Permit 2013-12 to expand its gasoline, bio-diesel and ethanol bulk storage and distribution facility at 1500 Beulah Salisbury Road (GPIN 7788-48-4693) to add an additional 1.06 million gallon above-ground storage tank. The proposal will expand the overall floor area ratio to 0.113. The property is zoned I-2 General Industrial District and the Comprehensive Plan designates the area for General Industrial uses but does not recommend a specific density.

Mr. Craig presented the staff report on the application. He said that staff recommends the public hearing be held open until the December 9, 2015 meeting of the Planning Commission in order to provide the applicant and staff time to fully address the traffic and public safety impacts of the project, as described in the staff report.

Mr. McAfee suggested that if Commissioners do not have a problem with the application, then the Commission could act tonight and the other reports could be presented later when the application moves forward to City Council.

Mr. Craig said that is an assumption. He said he just received the fire safety analysis report and he does not know what the details are. He said he could not answer that question at this time, and he would hate to put the Fire Marshal in a position where there might be something [that] he needs to go back [to the Commission] with. He said, specifically, one issue he can think of is the amount of water available at the site (public utilities). He said if the City has data showing that everything is “up to snuff” – that they have adequate pressure, etc. - and the Fire Marshal is looking at all the foam suppression and all the systems they have put in place and that this new tank operates in conformance with all those other systems, then it should not take any [additional] time.

Mr. Friesner said that staff noted the Oil Discharge Contingency Plan (ODCP) application was extended on November 10th but asked staff if they knew when it is due.

Mr. Craig said that in talking with DEQ, they have said that they prefer to lag construction with this permit. They don't know all the details they are trying to capture until construction is complete. The containment for the new tank is under construction now. He said he does know that DEQ is satisfied with what Lincoln Terminal is doing and they are working together to get these permits taken care of.

Dr. Gratz asked if Lincoln Terminal has had any discussion about providing funds for any work that needs to be done on the roadway in the subject area, such as widening of the roadway, or adding turn lanes.

Mr. Craig said they have not. He said they met to discuss it preliminarily. He said the applicants have provided some traffic information and what staff is trying to figure out with VDOT is what is a reasonable amount to expect out of Lincoln Terminal because they have currently not made any offer to mitigate that impact.

Mr. Pates asked what would be the percentage increase of storage capacity at the facility with the addition of this one tank.

Mr. Craig said it would be about 10%.

Mr. Pates asked staff if they anticipate getting a report (in writing) from the Fire Department prior to the application coming back before the Commission.

Mr. Craig said staff could certainly provide a summary for the Commission.

Mr. Pates asked the compliance history of the current facility with the DEQ and EPA.

Mr. Craig said Lincoln Terminal could probably answer that question more accurately, but that he knows there have not been any hazardous incidents or spills since it has been a storage facility.

Mr. Pates asked staff if they know when the last inspection had been conducted by DEQ.

Mr. Craig said they inspect the facility quarterly, he believes.

Mr. Pates noted that the containment area is being expanded and asked what exactly is being done there now.

Mr. Craig said they are building the 2.97 million gallon tank, which had been approved by the City in 2014, and around that tank is a big concrete enclosure (containment area), which had actually been planned with the first approval of a special use permit. He said he does not believe there is much of a change. He said the containment they are currently constructing is all the containment they will need for the additional tank.

Mr. Larry Burgamy, Applicant, Lincoln Terminal Company. To clarify, he said, the company is building a premium gasoline tank and the tank does not contribute to any additional traffic. He said as a truck is loading, it has the capability of loading several different octane grades at one time on the same truck. The truck will then take the load to a gasoline station and unload the product(s). He said what they are building is a tank that will serve on a complementary basis with an additional product that is important to the marketplace. He said their facility has created a "supply point" for Fredericksburg that did not previously exist. He said they are working closely with the Fire Marshal and the Fire Department and have done everything the City has expected and requested of them. He addressed Mr. McAfee and said that they are confident that the additional information that is needed by staff would allow for a productive meeting on December 9th.

Mr. Ray Freeland, Freeland Engineering, 10814 Courthouse Road, Fredericksburg, 22408, said the containment area is basically a big tall retaining wall with a rubber membrane lining to prevent fluids from passing through it. He said it was designed per the requirements of 125% of the largest tank and the largest tank is 2.9 million gallons and the new tank being proposed tonight is within that containment area. He said what they designed is an expansion of what currently exists for containment for the six existing tanks that are located on the back side of the property. He said that as far as spill containment goes, the containment system that has been put into place will address the existing tank as well as the new tank.

Mr. Pates confirmed that there is not any additional capacity being added for this particular tank.

Mr. Freeland said Mr. Pates is correct.

Mr. Pates asked for confirmation that these tanks are not considered breakout tanks.

Mr. Freeland said Mr. Pates is correct. They are not breakout tanks.

Mr. Pates opened the floor for public comment

Public Comment

There was no public comment on this item.

Mr. Pates said the public hearing on this item would be left open and continued until the December 9, 2015 Planning Commission meeting.

DRAFT portion of the December 9, 2015 Planning Commission Minutes that pertain to Lincoln Terminal Company.

PUBLIC HEARINGS

- 1. SUP2015-02 - Lincoln Terminal Company, INC** proposes to amend Special Use Permit 2013-12 to expand their gasoline, bio-diesel and ethanol bulk storage and distribution facility at 1500 Beulah Salisbury Road (GPIN 7788-48-4693) to add an additional 1.06 million gallon above ground storage tank. The proposal will expand the overall floor area ratio to 0.113. The property is zoned I-2 General Industrial District and the Comprehensive Plan designates the area for General Industrial uses but does not recommend a specific density. ***A public hearing for this item was held on November 18th and left open until December 9th to allow additional information to be obtained.***

Mr. Craig presented background and the application updates since the public hearing opened on November 18, 2015. He said that staff is recommending #2 under the conditions listed in the staff report be stricken. He said Lincoln Terminal has agreed to a pay \$32,000 for improvements to the intersection of Beulah Salisbury Road and Route 2/Dixon Street.

Mr. Dynes confirmed that staff had suggested that Lincoln Terminal currently does not have sufficient foam on site.

Mr. Craig said they do not but that have ordered it. He said they have been working with the Fire Marshal on this issue.

Mr. Dynes asked when staff would expect the improvements to the intersection work to be completed.

Mr. Craig said it would be done within a year. He said VDOT is ready to move on it.

Mr. Dynes asked if there is an estimate of increased trips per day on tankers.

Mr. Craig said they do not have an estimate. However, he said, there will be an increase and that is why Lincoln Terminal asked to contribute the \$32,000 for improvements to the intersection.

Mr. Friesner confirmed that this is the only gasoline facility of this magnitude located in the City.

Mr. Craig said this is correct. He said he believes Quarles and Anderson are propane facilities.

Mr. Friesner said he would be interested in manipulating condition #2 so that the facility would be open for the Fredericksburg Fire Department to train. He said he would like to

hear from Lincoln Terminal if they would agree to this or what the standard practice is for the industry.

Mr. Dynes said he would like to hear from Lincoln Terminal as to whether they capture vapor.

Mr. Pates referenced that the Condition #1, where the applicants offered to provide \$32,000 for improvements to the intersection and asked what the total cost of these improvements would be.

Mr. Craig said the estimated total cost is \$32,000 for the physical improvements. The right-of-way and engineering has been excluded from the \$32,000.

Mr. Pates asked for confirmation that Condition #2 is being removed as a condition because it is not sufficiently tied to the Special Use Permit.

Mr. Craig said Mr. Pates was correct.

Mr. Pates asked if the fire suppression apparatus on site is sufficient to fight a max fire.

Mr. Craig said it would be dependent of the Fire Department pump truck to be on site. He confirmed that any time the system runs, the Fire Department pump truck would need to be there to boost the water pressure. This procedure is the same as that which is used by other localities, according to the fire department.

Mr. McAfee said one of the problems is that this facility is at the end of the line for the water supply, causing the pressure to be lower. He said it makes sense to him to have a pump truck there.

Mr. Pates said this is a large facility that has several risks associated with it and he would like to hear from the applicants as to whether they would agree to a condition that in order for this special use permit to continue that they would need to be in compliance with all DEQ and EPA regulations.

Mr. McAfee said that of course the Commission could list an additional condition but that the Terminal could not exist without being in compliance in the first place. Therefore, he said he does not see the value in adding this as a condition.

Mr. Pates said because it would give the City some legal authority to make sure those things were corrected. Or, if the City did not agree with the remedy, it would have some say.

Mr. McAfee asked staff that, as written, if they were out of compliance with State and Federal regulations, who the authority would be to shut them down, the City or the State?

Mr. Johnston said technically, it would be both, if you add the condition noted by Mr. Pates.

Mr. Tim Fox, Director of Terminal Operations, Lincoln Terminal Company. He addressed previous concerns of the Commission.

Mr. Fox said they would agree to provide training for the Fire Department and that the invitation would remain on the table. He said they do not recover vapor, but instead destroy them. He said they do plan to install vapor recovery in the future. He said that they operate under EPA and DEQ and all federal/state regulations already and would not be permitted to operate without being in compliance. Therefore, he said he has no objection to the condition noted by Mr. Pates being added to the approval.

Mr. McAfee opened the floor for public comment.

PUBLIC COMMENT

Mr. Harold Bannister, 1901 Fall Hill Avenue, 22401. He said he hopes that the training for the fire departments and emergency personnel would also include the two adjoining counties (Spotsy and Stafford).

There was no additional public comment.

Mr. McAfee closed the public hearing on this item.

Mr. Pates made a motion to recommend approval of the special use permit with the revised conditions outlined by Mr. Craig, and to add a sentence to condition #4 to say: The applicant must comply with all federal and state permits affecting the property at all times. And, to remove condition #2 as suggested by staff.

Mr. Friesner seconded the motion and made a friendly amendment to the motion. He said he would like to amend that the Commission not completely strike condition #2 but rather say "*The Lincoln Terminal Company shall make the facility available for regional fire and emergency responders to conduct annual training as appropriate.*"

Mr. Dynes seconded the friendly amendment.

Mr. Pates accepted the amendment.

Motion carried by a unanimous vote of 7 – 0.



MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Chuck Johnston, Director, Community Planning and Building Department
DATE: December 31, 2015 (for January 12, 2016 meeting)
RE: Amendment to the Unified Development Ordinance in the R4 and R8 Residential Zoning Districts and in the C-T, Commercial/Office-Transitional District, for lots of record prior to April 25, 1984, to make the infill front yard setback mandatory, require the front building façade to be oriented toward the front yard, allow the minimum infill side yard setback to be reduced, and amend the method for calculating average yard setbacks.

ISSUE

Should the R-4, R-8, and C-T Zoning District regulations in the City Code be amended to ensure that new construction on pre-1984 lots is placed in a manner consistent with the existing pattern of development? The changes would provide that the front yard setback for new construction be consistent with the front yard setbacks of nearby dwellings, that building fronts are oriented toward the street, that side yard setbacks may be reduced if consistent with the side yard setbacks of nearby dwellings, and that the method of calculating consistent front and side yard setbacks be modified.

RECOMMENDATION

Approval of the text amendments to the R4 and R8 Residential Zoning Districts and for uses in the C-T, Commercial/Office-Transitional District, for lots of record prior to April 25, 1984, to:

- make the infill front yard setback mandatory,
- require the front building façade to be oriented toward the front yard,
- allow the minimum infill side yard setback to be reduced, and
- amend the method for calculating average yard setbacks.

PLANNING COMMISSION ACTION

The Planning Commission held a public hearing on these amendments on November 18. No member of the public spoke. The Commission voted to recommend approval of the amendments (4- yes, 1- no, 1 absent, 1 not voting).

PREVIOUS ACTIONS

The Planning Commission first considered this amendment at a public hearing in December 2013 and unanimously recommended an earlier version to City Council. In January 2014, Council remanded it back to the Commission for further review. The amendment was revised per the general direction of the Council and advertised for the June 2014 Commission meeting.

In August 2014, the Commission held a second public hearing and voted unanimously (1-absent) to recommend approval of a revised amendment. On October 8, 2014, the Council unanimously approved on first read the revised amendment. On October 14, 2014, the second read of the amendment was removed from the Council's consent agenda due to the absence of a council member. This member had previously expressed concern about the impact on modifications to the side yard requirements would affect narrow lots. On September 8, 2015 the City Council voted to reinstate this new amendment.

BACKGROUND

This amendment was originally proposed because older single family neighborhoods in the City have patterns of front and side setbacks that may be less than or greater than zoning regulations. The amendments are intended to ensure that new infill development follows traditional neighborhood patterns.

The previous text amendment was reviewed in response to the concerns about the impact of minimum side yard standards on narrow lots. In the course of this review, several additional issues became apparent that warranted additional changes to the text. The extent of these changes merited taking the amendment through a new public hearing process with a new Planning Commission recommendation.

The new amendment continues to propose that the front setback on lots platted before April 25, 1984 be based on the pattern of existing dwellings on the street, so as to facilitate a harmonious community¹. The revised text identifies the common front setback by using the median setback of existing dwellings on the same block face. Currently, the setback calculated as a mean. Use of a median value is considered more statistically accurate than a mean (commonly referred to as an average). In addition, when determining the setback, the revised text gives priority to dwellings on the same side of the street as the proposed new dwellings, with dwellings on the opposite side of the street used only if there is insufficient information to determine a pattern. Currently, a setback pattern is established using both sides of the street without priority. The pattern across the street from a house site should be considered only if no setback pattern can be determined on the same block face. Attached is a map of misaligned structures, with attached pictures, showing 15 houses in the older neighborhoods of the City, east of Route 1 and generally north of Route 3, that were built with setbacks inconsistent with neighborhood patterns.

The new amendment adds text to stipulate that the front of a dwelling shall face the front yard. Up to the mid-20th century, urban lots were commonly platted with a narrow street frontage and a greater dimension for the depth. This resulted in houses with narrow fronts. Since the mid-20th century, houses with broad fronts and narrow sides were designed to fit the newly common suburban lots that are typically broader than they are deep. In approximately a dozen instances in the older neighborhoods of the City, builders have used off-the-shelf construction plans for broad suburban houses as infill on narrow urban lots. In order to fit these broad houses on

¹ Code of Virginia, 15.2-2283. Purpose of zoning ordinances.

"Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public To these ends, such ordinances shall be designed to give reasonable consideration to each of the following purposes, where applicable: ...(iii) to facilitate the creation of a convenient, attractive and harmonious community;"

narrow lots, the houses are turned so that the front door faces the side of a lot and the side of the house faces the street, a pattern inconsistent with the neighborhood. This text is proposed in order to maintain the traditional pattern of development. The attached misaligned structures map also shows the instances where houses were placed side-ways on lots.

The new amendment continues to allow a reduction in the required side yard setback for lots platted before April 25, 1984. As with the front yard, the amendment would use the median of the existing setbacks (as opposed to mean or average) and prioritizes structures on the same side of the street in making this determination. In addition, the new text limits the applicability of this provision to lots that are smaller than the minimum lot size (7,500 sq ft in R4, 3,250 sq ft in R8, and in C-T: 3,250 sq ft for residential uses and 20,000 sq ft for commercial uses).

As before, the amendment proposes an absolute minimum side setback of three feet in the R4 and two feet in the R8 district. Council members considered such a minimum to be prudent for safety and maintenance. However, this minimum in the R4 district created a concern by a Council member, mentioned above, that this would be a challenge for new construction on very narrow lots. So, the new amendment reduces the minimum side yard to two feet in the R4 zoning district for lots that are less than 30 feet wide.

In addition, a concern was expressed that the provision for a minimum side setback could result in new construction that would be at variance from the existing pattern of development in the City's local Historic District. The City's Architectural Review Board was briefed on this setback issue on March 9, 2015. While one member of the board thought a minimum setback requirement was appropriate, the majority of the Board considered flexibility in calculating infill setback was appropriate and that no minimum should be specified in the Historic District. In reinitiating the proposal, the Council agreed to revise the amendment in accord with the ARB's recommendation.

The Planning Commissioner who voted against recommending the amendment did not believe that side yard setbacks should be allowed to be further reduced from what is now required (6 ft in R4 and 5 ft in R8).

Finally, the original amendment applied these changes, only to the R4 and R8 Residential Zoning Districts. Amendments to the Commercial-Office/Transitional Zoning District text are now proposed as the C-T zone allows R8 residential development in addition to commercial uses. The C-T zone currently includes provisions for setback consistency for residential and commercial uses and the amendments to R4 and R8 should also be made in this district.

Attachments:

Proposed Ordinance

Misaligned Structures Map



January 12, 2016
Regular Meeting
Ordinance No. 16-__

MOTION:

SECOND:

RE: AMENDING THE ZONING REGULATIONS IN THE R-4 AND R-8 RESIDENTIAL ZONING DISTRICTS AND THE C-T COMMERCIAL/OFFICE-TRANSITIONAL DISTRICT, TO REQUIRE THE FRONT BUILDING FAÇADE TO BE ORIENTED TOWARD THE FRONT YARD, AND, FOR LOTS OF RECORD PRIOR TO APRIL 25, 1984, TO MAKE THE INFILL FRONT YARD SETBACK MANDATORY, AND TO REDUCE THE MINIMUM INFILL SIDE YARD SETBACK; AMENDING THE METHOD FOR CALCULATING AVERAGE YARD SETBACKS

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ SECOND READ: _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that City Code §§72-31.3, 72-31.4, and 72-82.4 are amended as follows:

SEC. I. Introduction.

The City Council initiated an amendment to the text of the Unified Development Ordinance by resolution adopted at its meeting on September 8, 2015, and referred the amendment to the Planning Commission. After conducting a public hearing on the proposed text amendment on November 18, 2015, the Planning Commission voted to recommend the amendment. The City Council conducted its public hearing on the proposed text amendment on January 12, 2016.

The zoning regulations in the R-4, R-8, and C-T Districts include certain “infill regulations” that apply to lots of record before April 25, 1984, when minimum lot sizes in the R-4 and R-8 districts were smaller. The C-T district regulations incorporate the R-8 dimensional standards for residential development, and also apply infill regulations to development generally within the district.

The existing infill regulations permit the use of the average front yards of similar size lots, along the same block face and opposing block face, in calculating a minimum front setback for the infill lot. The proposal would require the use of the infill calculations to establish a minimum and maximum front yard setback in the R4 and R8 zoning districts, and residential and commercial uses in the C-T district, for pre-April 25, 1984 lots.

The existing infill regulations permit the use of the average side yards on similar size lots, along the block face and opposing block face, in calculating a minimum side yard setback for the infill lot; but a minimum 6 foot side setback is required. The proposal is to continue to permit (not

require) the calculation of an infill side yard setback, but to use the same block face only, and to require at least 3 feet of setback, or 2 feet for lots narrower than 30 feet in the R-4 district; and no less than 2 feet in the R-8 district and for residential and commercial uses in the C-T district.

In either case, for the front or side yard infill calculation, this proposed amendment would limit the use of the opposing block face measurements to instances where no clear pattern of development is provided by the same block face.

The UDO does not currently require the front of a principal structure in the R-4, R-8, or C-T zoning districts to face the front yard. From time to time, a lot owner will build the structure to face the side yard, placing the side of the structure to face the front yard. This practice interrupts the streetscape of the neighborhood. The proposal is for the principal building to face the front yard.

In making these amendments to the zoning regulations, the City Council has considered the factors in Code of Virginia 15.2-2284.

SEC. II. City Code Amendment.

1. City Code §72-31.3, "R-4 Residential District," shall be amended as follows:

[Subsections A, "Purpose," and B, "Dimensional standards," are not amended. A new subsection C is inserted, and current subsection C is re-lettered as subsection D, as follows.]

C. Additional regulations.

- (1) *The front of the principal building shall face the front yard. On a corner lot, the front of the principal building may face either front yard.*

D. Additional regulations for lots of record before April 25, 1984:

- (1) ~~Front setbacks shall be established on lots of record before April 25, 1984 as the average front setback calculated using the rules in Article 8. The average front setback shall be the maximum and minimum front setback for the lot. Such reduced setbacks shall be consistent with the average front or side yard setbacks of existing buildings on site and along the same and opposing block faces; but in cases where a residential building is on a lot that equals or exceeds the minimum site area and the building coverage exceeds 20% or more of the lot;~~
- (2) ~~the~~ *Side yard setbacks on lots that are less than 7500 square feet may be reduced using the rules in Article 8; but each side yard shall be no less than six three feet, or no less than two feet for lots 30 feet or less in width. Side yard setbacks for lots within the Old and Historic Fredericksburg overlay district shall be determined through the certificate of appropriateness process.*

- (3) Maximum height for single family ~~development~~ *dwelling*s on lots of record in areas where established building heights are less than 35 feet shall be reduced by a percentage corresponding to the ratio of actual lot area to 7,500 square feet. In no case shall the new maximum height be set lower than 27 feet.

2. Section 72-31.4, "R-8 Residential District," shall be amended as follows:

[Subsections A, "Purpose," and B, "Dimensional standards," are not amended. Subsection C is revised to provide additional regulations that apply generally throughout the district. A new subsection D is added to contain additional regulations that apply only to smaller lots.]

C. Additional regulations.

- (1) Each unit shall have an on-site privacy yard of at least 200 square feet.
- (2) *The front of the principal building shall face the front yard. On a corner lot, the front of the principal building may face either front yard.*
- (3) *For attached units, side lot lines shall coincide with party wall center lines.*

D. Additional regulations for smaller lots.

- (1) Front setbacks ~~may be reduced~~ *shall be established* on lots of record before April 25, 1984 ~~as the average front setback calculated using the rules in Article 8. The average front setback shall be the maximum and minimum front setback for the lot. Such reduced setbacks shall be consistent with the average front or side yard setbacks of existing buildings on site and along the same and opposing block faces; but in cases where a residential building is on a lot that equals or exceeds the minimum site area and the building coverage exceeds 20% or more of the lot,~~
- (2) ~~the~~ *Side yard setbacks on lots that are less than 3750 square feet may be reduced using the rules in Article 8; but each side yard shall be no less than five two feet. Side yard setbacks for lots within the Old and Historic Fredericksburg overlay district shall be determined through the certificate of appropriateness process.*
- (3) Maximum height for single-family ~~development~~ *dwelling*s on lots of record where established building heights are less than 35 feet shall be reduced by a percentage corresponding to the ration of the actual lot area to 3,750 square feet. In no case shall the new maximum height be set lower than 27 feet.

3. Section 72-32.1, "Commercial/Office-Transitional District," shall be amended as follows:

[Subsections A, “Purpose,” and B, “Dimensional standards,” are not amended.]

C. Additional regulations.

- (1) *The front of the principal building shall face the front yard. On a corner lot, the front of the principal building may face either front yard.*
 - (2) Residential development shall conform to the dimensional standards of the R-8 Zoning District.
 - (3) Residential development in a mixed-use project shall conform to the dimensional standards of the R-12 Zoning District.
 - (4) At least 30% of the ground floor of a mixed-use development shall be used for retail, eating or personal services establishments.
 - (5) The gross floor area of the ground floors of all buildings on a mixed-use general development plan that are used for retail sales, eating, or personal services establishments shall not be included in the determination of maximum FAR.
 - (6) ~~Front and side setbacks may be reduced on lots of record before April 25, 1984. Such reduced setbacks shall be consistent with the average front or side yard setbacks of existing buildings on site and along the same and opposing block faces. For lots of record established before April 25, 1984, front yard setbacks shall be established using the infill calculations in Section 72-84.4(B)(2).~~
 - (7) *For lots of record established before April 25, 1984, side yard setbacks may be reduced using the rules in Article 8; but each side yard shall be no less than two feet. Side yard setbacks for lots within the Old and Historic Fredericksburg overlay district shall be determined through the certificate of appropriateness process.*
 - (8) A twenty-foot-wide landscaped perimeter buffer shall be provided around the front, side, or rear perimeter of a development when the Zoning Administrator determines it is necessary to protect existing adjacent development from adverse visual impacts or to present an appearance compatible with an established pattern of adjacent development.
4. Section 72-82.4, “Required Yards,” subsection B, “General Setback Requirements,” subsection 2, “Averaging Setbacks,” shall be amended as follows:

2. Averaging Setbacks

~~Development and redevelopment of lots of record established prior to April 25, 1984 in the R-4, R-8 and C-T Districts may use average front or average side yard setbacks as are found on adjacent lots on the same block face.~~

When zoning district standards permit or require determination of a front or side setback through averaging, the average yard shall be calculated by using the methods set forth here. The dimensions of existing yards shall be determined through the best information reasonably available, including, in order, surveys of record, on-site measurements, or the 2010 tax maps. The median is the type of average that shall be applied. The median front yard shall be calculated by using existing principal buildings along the same block face. The median side yard shall be determined by using lots or parcels of similar width located on the same block face. Each side yard median (left and right) shall be calculated and applied separately. If the foregoing measurements do not establish a clear pattern of development, then the administrator may use the opposite block face to establish the average front or side yard.

SEC. III. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

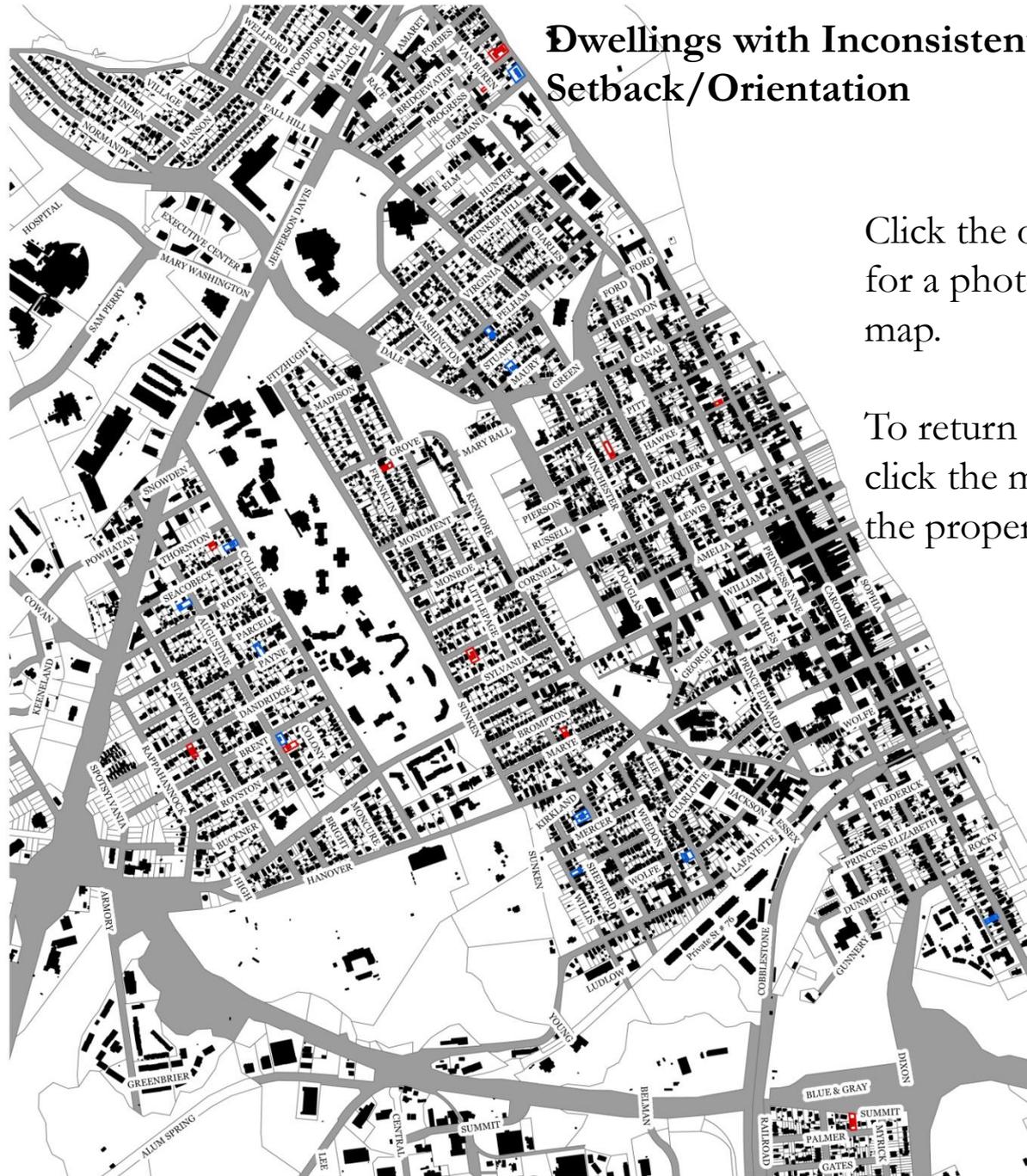
Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

Dwellings with Inconsistent Neighborhood Setback/Orientation

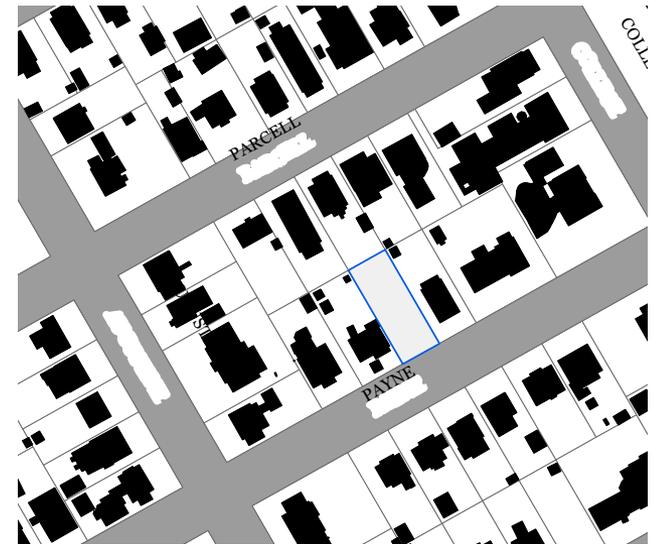


Click the outlined property for a photograph and detail map.

To return to this main screen, click the main photograph of the property page.

- Legend**
-  Setback
 -  Orientation

1219 Payne



1708 Augustine



1806 College



633 Maury



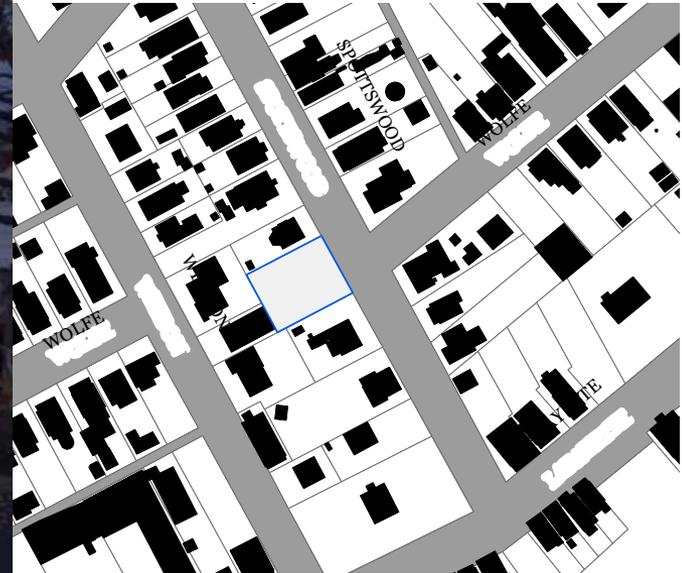
630-632 Pelham



2400 Caroline



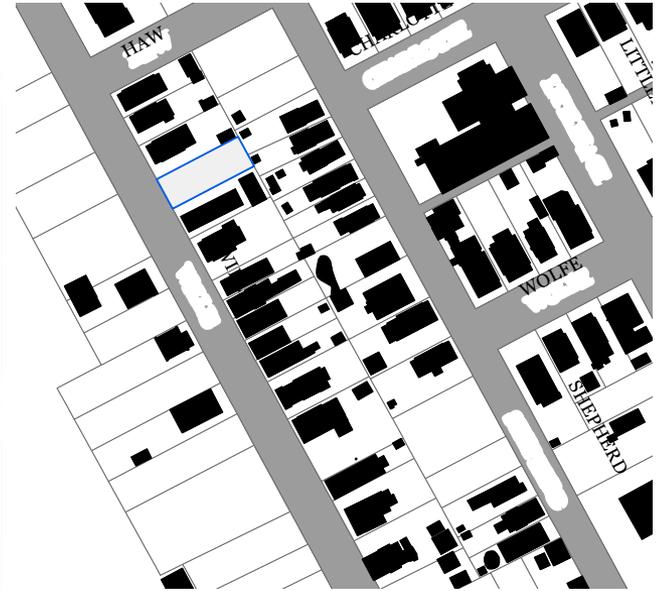
600 Spotswood



702 704 Littlepage



529 Willis



1212 Thornton



1238 Brent



1209 Augustine



1408/1410 Dandridge



1412/1414 Dandridge



823 Marye



1429 Franklin



910 Mortimer



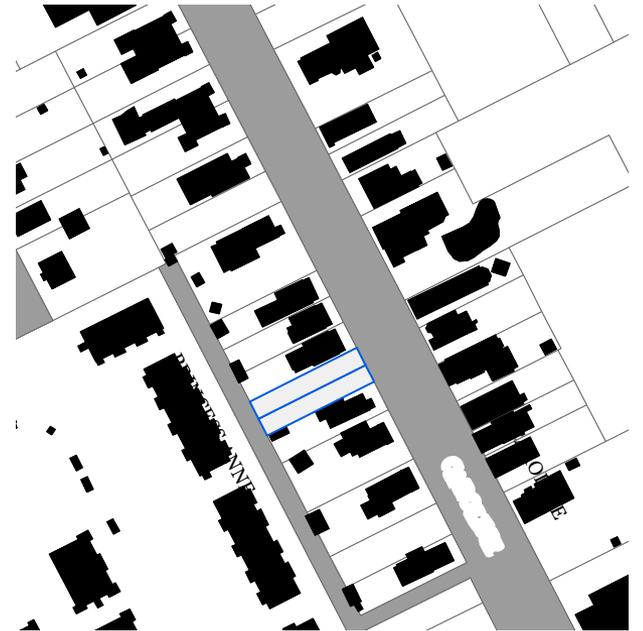
505 Hawke



205 Hawke



118 Caroline



319 Palmer



201 Progress



2411 Van Buren





PLANNING COMMISSION MINUTES

November 18, 2015

7:30 p.m.

**City of Fredericksburg
715 Princess Anne Street
Council Chambers**

You may view and listen to the meeting in its entirety by going to the Planning Commission page on the City's website: fredericksburgva.gov

MEMBERS

Jim Pates, Secretary (Chair, Pro-Tem)
Jim Beavers
Roy McAfee
Roy Gratz
Richard Friesner
Tom O'Toole
Richard Dynes – Vice Chair (ABSENT)

CITY STAFF

Chuck Johnston, Director of CP&B Dept.
Kathleen Dooley, City Attorney
Erik Nelson, Asst. Director of CP&B Dept.
Mike Craig, Zoning Administrator

1. CALL TO ORDER

The November 18, 2015 Planning Commission meeting was called to order by Secretary, Jim Pates.

2. PLEDGE of ALLEGIANCE

3. ELECTION OF A CHAIR, Pro-Tem

Mr. McAfee nominated Mr. Pates as Chair, Pro Tem. Dr. Gratz seconded the motion. Motion carried unanimously.

4. INTRODUCTION OF NEW COMMISSIONER – Mr. Pates welcomed new Commissioner Thomas (Tom) O'Toole.

5. ADOPTION OF MINUTES

- September 30, 2015 – Work Session Minutes were adopted.
- October 14, 2014 – Regular Meeting Minutes were adopted.

PUBLIC HEARINGS

Mr. Pates noted that Mr. Charlie Payne, Attorney for the applicants for Item # 7 on tonight's agenda (SE2015-01 General Washington Executive Center (Telecommunication Structures)) had requested that this Item be moved to the end of the Public Hearing agenda to allow him additional time to attend the meeting (Mr. Payne was representing another client at a meeting in Stafford County).

6. **SUP2015-02 - Lincoln Terminal Company, INC.**, proposes to amend Special Use Permit 2013-12 to expand its gasoline, bio-diesel and ethanol bulk storage and distribution facility at 1500 Beulah Salisbury Road (GPIN 7788-48-4693) to add an additional 1.06 million gallon above-ground storage tank. The proposal will expand the overall floor area ratio to 0.113. The property is zoned I-2 General Industrial District and the Comprehensive Plan designates the area for General Industrial uses but does not recommend a specific density.

Mr. Craig presented the staff report on the application. He said that staff recommends the public hearing be held open until the December 9, 2015 meeting of the Planning Commission in order to provide the applicant and staff time to fully address the traffic and public safety impacts of the project, as described in the staff report.

Mr. McAfee suggested that if Commissioners do not have a problem with the application, then the Commission could act tonight and the other reports could be presented later when the application moves forward to City Council.

Mr. Craig said that is an assumption. He said he just received the fire safety analysis report and he does not know what the details are. He said he could not answer that question at this time, and he would hate to put the Fire Marshal in a position where there might be something [that] he needs to go back [to the Commission] with. He said, specifically, one issue he can think of is the amount of water available at the site (public utilities). He said if the City has data showing that everything is "up to snuff" – that they have adequate pressure, etc. - and the Fire Marshal is looking at all the foam suppression and all the systems they have put in place and that this new tank operates in conformance with all those other systems, then it should not take any [additional] time.

Mr. Friesner said that staff noted the Oil Discharge Contingency Plan (ODCP) application was extended on November 10th but asked staff if they knew when it is due.

Mr. Craig said that in talking with DEQ, they have said that they prefer to lag construction with this permit. They don't know all the details they are trying to capture until construction is complete. The containment for the new tank is under construction now. He said he does know that DEQ is satisfied with what Lincoln Terminal is doing and they are working together to get these permits taken care of.

Dr. Gratz asked if Lincoln Terminal has had any discussion about providing funds for any work that needs to be done on the roadway in the subject area, such as widening of the roadway, or adding turn lanes.

Mr. Craig said they have not. He said they met to discuss it preliminarily. He said the applicants have provided some traffic information and what staff is trying to figure out

with VDOT is what is a reasonable amount to expect out of Lincoln Terminal because they have currently not made any offer to mitigate that impact.

Mr. Pates asked what would be the percentage increase of storage capacity at the facility with the addition of this one tank.

Mr. Craig said it would be about 10%.

Mr. Pates asked staff if they anticipate getting a report (in writing) from the Fire Department prior to the application coming back before the Commission.

Mr. Craig said staff could certainly provide a summary for the Commission.

Mr. Pates asked the compliance history of the current facility with the DEQ and EPA.

Mr. Craig said Lincoln Terminal could probably answer that question more accurately, but that he knows there have not been any hazardous incidents or spills since it has been a storage facility.

Mr. Pates asked staff if they know when the last inspection had been conducted by DEQ.

Mr. Craig said they inspect the facility quarterly, he believes.

Mr. Pates noted that the containment area is being expanded and asked what exactly is being done there now.

Mr. Craig said they are building the 2.97 million gallon tank, which had been approved by the City in 2014, and around that tank is a big concrete enclosure (containment area), which had actually been planned with the first approval of a special use permit. He said he does not believe there is much of a change. He said the containment they are currently constructing is all the containment they will need for the additional tank.

Mr. Larry Burgamy, Applicant, Lincoln Terminal Company. To clarify, he said, the company is building a premium gasoline tank and the tank does not contribute to any additional traffic. He said as a truck is loading, it has the capability of loading several different octane grades at one time on the same truck. The truck will then take the load to a gasoline station and unload the product(s). He said what they are building is a tank that will serve on a complementary basis with an additional product that is important to the marketplace. He said their facility has created a "supply point" for Fredericksburg that did not previously exist. He said they are working closely with the Fire Marshal and the Fire Department and have done everything the City has expected and requested of them. He addressed Mr. McAfee and said that they are confident that the additional information that is needed by staff would allow for a productive meeting on December 9th.

Mr. Ray Freeland, Freeland Engineering, 10814 Courthouse Road, Fredericksburg, 22408, said the containment area is basically a big tall retaining wall with a rubber membrane lining to prevent fluids from passing through it. He said it was designed per the requirements of 125% of the largest tank and the largest tank is 2.9 million gallons and the new tank being proposed tonight is within that containment area. He said what

they designed is an expansion of what currently exists for containment for the six existing tanks that are located on the back side of the property. He said that as far as spill containment goes, the containment system that has been put into place will address the existing tank as well as the new tank.

Mr. Pates confirmed that there is not any additional capacity being added for this particular tank.

Mr. Freeland said Mr. Pates is correct.

Mr. Pates asked for confirmation that these tanks are not considered breakout tanks.

Mr. Freeland said Mr. Pates is correct. They are not breakout tanks.

Mr. Pates opened the floor for public comment

Public Comment

There was no public comment on this item.

Mr. Pates said the public hearing on this item would be left open and continued until the December 9, 2015 Planning Commission meeting.

7. **SUP2015-03 - Cowan MT Retail, LLC**, requests a Special Use Permit for an additional fast food use for the multi-tenant commercial building at 1609 Jefferson Davis Highway (GPIN 7779-43-6602) in the Cowan Crossings commercial development. The proposed use will occupy existing commercial space, not result in an expansion of the building, and will not increase the floor area ratio density. The property is in the C-T, Commercial / Transitional - Office Zoning District. The Comprehensive Plan designates the area for Transitional Office, which does not have a specific recommended density. The Comprehensive Plan also specifically recommends this parcel be part of a cohesive commercial corridor.

Mr. Craig presented the staff report on the application.

Mr. Friesner asked for explanation of the two (2) Trip Generation Tables that were included with the application.

Mr. Craig said Table 1 indicates the Trip Generation with the new application and Table 2 is the older Trip Generation Table, which was provided for comparison.

Mr. Friesner noted that Table 1 indicated that traffic would be decreasing.

Mr. Craig said Mr. Friesner is correct and that the reason for this is because they have changed the amount of office space.

Mr. Chris Hornung, Silver Companies (Applicant), 1201 Central Park Boulevard, said he was there to answer any questions of the Planning Commission. He said the traffic study indicates a reduction because when they did the original traffic study, they did not know exactly what types of businesses would be going in at the location.

Mr. McAfee asked if the applicant has any concerns or issues with the 10:00 p.m. closing time requirement, offered as a condition on the Special Use Permit.

Mr. Hornung said they do not have a problem with the condition, and noted that the other businesses they have in the region close at 9:00 p.m.

Dr. Gratz noted that back when the Burger King was proposed in that area, there were citizens who voiced concerns regarding odors emitting from the restaurant. He asked if there any concerns regarding odors with the proposed business.

Mr. Hornung said there are no concerns and that there is no frying associated with Jersey Mikes.

Dr. Gratz said the other issue is that there are six additional parking spaces proposed. He asked where they would be located on the property.

Mr. Hornung said it is an extension to the existing parking lot to the South.

Mr. Pates opened the floor for public comment.

PUBLIC COMMENT

There was no public comment.

Mr. Pates closed the public hearing on this item.

Mr. McAfee made a motion to recommend approval of the special use permit for a fast food restaurant located at 1607 Jefferson Davis Highway, to include the five (5) conditions outlined in the staff report.

Mr. Friesner seconded the motion.

Motion carried unanimously by a vote of 5 – 0.

8. **SE2015-02 - Medicorp Properties, Inc.**, requests a revision to Special Exception 2011-01 to change the signage for Mary Washington Hospital to remove existing signage and install two free-standing signs with accessory emergency room directional signage. The existing sign in the median of Mary Washington Boulevard at the US Route 1 intersection will be removed. The first free-standing sign will be built on the Snowden Office Park property (611 Jefferson Davis Highway) in the northwest corner of the intersection of US Route 1 – Jefferson Davis Highway with Mary Washington Boulevard. The property is zoned Commercial / Transitional - Office. The sign will consist of an identification panel, a variable message board, and an emergency room directional sign. The sign will require special exceptions from the CT signage regulations in section 72-59.6 so that the signs may:
 1. exceed the maximum sign area and maximum sign height: The sign will be 36 feet 3 inches tall (5 feet allowed by-right), will contain a total of 262 square feet of sign area (40 feet allowed by-right), and include a 58 square-foot variable message board (16 square feet allowed by-right);

2. allow more than one sign per parcel;
3. be set back from US Route 1 and Mary Washington Boulevard a distance less than the height of the sign: 17 foot 6 inches from the US Route 1 right-of-way and 24 foot 8 inches from the Mary Washington Boulevard right-of-way line;
4. be set back from private property lines a distance less than the height of the sign: half a foot and six and a half feet from the western and southern private property lines, respectively, from a new proposed parcel and the Snowden Office Park; and
5. be located off the hospital's premises.

The Special Exception request also would allow a new parcel to be created at the corner of US Route 1 – Jefferson Davis Highway and Mary Washington Boulevard subdivided from 611 Jefferson Davis Highway that would have frontages of 35 feet and 37 feet seven inches and would be a total of 1,316 square feet. Creating the parcel requires exceptions from the Commercial Office Transitional zoning district's minimum lot area and width standards. Both the first free standing sign and the parcel are located in an area designated by the Comprehensive Plan to be Transitional Office.

The second free-standing sign will be built at the intersection of Mary Washington Hospital Boulevard and Hospital Drive within the right-of-way in the Planned Development – Medical Campus zoning district. The sign will require a Special Exception to be 29 feet tall (15 feet allowed by-right). The sign will have 169 square feet of sign area. The sign will consist of an identification panel, a video display board, and an emergency room directional sign. The second free-standing sign is located in an area designated by the Comprehensive Plan to be Institutional Use.

Mr. Craig presented the staff report on the application.

Mr. Beavers asked why there is no time limit or expiration date on the conditions recommended by staff, as other special exceptions or special use permits have had.

Mr. Craig said that is a good point and suggested that the Planning Commission has the authority to place a condition on these types of applications as they deem appropriate. He suggested language could be added that the Special Exception is only good if the signs are built within two years.

Dr. Michael McDermott, President and Chief Executive Officer of Mary Washington Healthcare (Applicant) provided a power point presentation (**Attachment A**). He said their plan was to proceed quickly with the signs.

Mr. Bob Augusta (Mitchell Associates/Wilmington, DE) said his company does a lot of wayfinding signs in the area. He described the proposed signage and the reason for the proposed sizes. He said the speed and complexity of the new road are associated with the proposed sizes and provided different formulas as to speed of roadway, sight distance, etc.

Dr. Gratz asked if there is any evidence that the current signage is too small. He said he believes a 25% increase in the size is quite a large increase.

Dr. McDermott said they based it on anecdotal comments from patients and visitors to the hospital about the entrance and signage to the hospital. He said the increase in scale and size of the sign is related to the increase in the size, scale and complexity of the intersection that is about to occur, to the increase in traffic to their campus, and to the fact that this is being imposed on them by the VDOT expansion of Mary Washington Boulevard to Fall Hill Avenue.

Dr. Gratz asked why VDOT will not allow the current signage to remain in the median.

Dr. McDermott said it is because there is no longer a median. He said he believes there will be a tiny divided median, such as a concrete barrier separating the lanes but that there is no space to accommodate a sign.

Dr. Gratz asked if VDOT is putting in turn lanes.

Dr. McDermott said, yes, they are installing two turn lanes that will turn left, similar to Cowan Boulevard when you turn left onto Jefferson Davis Highway.

Dr. Gratz asked if there would be any signage over on the other end (Fall Hill Avenue) around the traffic circle.

Dr. McDermott said the one sign for the Hospital would be once they pass the traffic circle, at the entry point to their campus. He said VDOT may put some of their "blue" standard "H" signs, like they do along the interstate.

Mr. Pates opened the floor for public comment.

PUBLIC COMMENT

There was no public comment.

Mr. Pates closed the public hearing on this item.

Mr. Friesner said he is going to vote in favor of the application because the hospital is a great partner with the community and this is a true special exception because of the change VDOT is making to the roadway.

Mr. Pates addressed staff and said that one of the peculiarities of this application was that this sign [on Jefferson Davis Boulevard] would be located in the C-T zoning district but the hospital is obviously not a C-T use. The sign would be located in front of the offices on Route 1 (Snowden Office Park) next to residences (the apartments). That is probably the logic behind having this large sign here and because there is a commercial use across the street at the CVS store. So, he said, you have this one little piece of C-T zoning. He asked whether, if this sign were going up at the Fredericksburg Shopping Center, directly next door, would this special exception still be required?

Mr. Craig said it would still require a special exception and in the MediCorp Analysis they actually analyzed this against a commercial shopping center sign, so their comparison shows the difference between a commercial shopping center (i.e., 15foot tall sign) and what they are asking for today (i.e., 36 foot 3 inches tall sign). He reminded

Commissioners that MediCorp sought a special exception for their current signage as well, which was approved by the City.

Mr. McAfee said that years ago, when he first became a member of the Planning Commission, the City was in the process of attempting to do away with billboard signage and was limiting the height of signage throughout the City. He said what happened is the City restricted the height so much that it has limited certain businesses. He said we have an applicant before us tonight that is in great need of this particular type of signage and he believes the application should move forward.

Mr. McAfee made a motion to recommend approval of a special exception for sign #1 to MediCorp Properties, Inc., with the conditions outlined by staff.

Mr. Friesner seconded the motion.

Motion carried by a vote of 3 – 2, with Dr. Gratz and Mr. Pates voting against the motion.

Mr. Friesner made a motion to recommend approval of a special exception for sign #2 to Medicorp Properties, Inc.

Mr. McAfee seconded the motion.

Motion carried by a vote of 5 – 0.

9. **UDOTA 2015-04 - R-4, R-8, C-T Text Amendment.** The City Council initiated an amendment to the zoning regulations in the R-4 and R-8 Residential Zoning Districts and the C-T Commercial/Office-Transitional Zoning District on lots of record prior to April 25, 1984, to require the front building façade to be oriented toward the front yard, to make the infill front yard setback mandatory, to allow the minimum infill side yard setback to be reduced, and to amend the method for calculating average yard setbacks.

Mr. Johnston presented the application.

Mr. Beavers asked if there had been particular instances that have brought this issue to the forefront.

Mr. Johnson said yes, that there has been a pattern of instances where people have come into the office and wanted to develop on a narrow piece of property and that staff has tried to convince them that they should attempt to orient their front door toward the street. When it comes to the pattern of setbacks, staff encourages them to try to be consistent with the pattern. Most people go along with staff suggestions but, currently, they do not have to. However, he said, there are some examples, the most recent of which is a property along College Avenue where the unit is much closer to the street than the other houses.

Mr. McAfee said under some of the old rules, there was a chart to assist staff and the Commission with making decisions regarding setbacks but that it was convoluted and made it hard to figure out exactly what was needed. So, since then, the City has been

through several gyrations of trying to fix this but the problem is that the City is so diverse in its patterns, etc., that it is hard to find "one" code that fits everything. He said this is his addition as to how the City has arrived at the current text amendment request.

He said he agrees with the front setback allowing for better conformity and unity on City Streets but that the one problem he has with it is the side setbacks because there are other issues that come into play such as "light rights" issues, and quality of life issues that go along with this and when side yards are decreased, there now is a wall there - it does affect light coming onto an adjoining property. He said he would like to see the minimum side-yard requirement taken out of the ordinance and kept the way they currently exist. He said he believes people could still go to the BZA if there is a true need to adjust that.

Mr. Johnston said they could go to the BZA but applications are not supposed to go to the BZA if it is a common pattern or a common characteristic in a neighborhood.

Mr. McAfee said those lots are odd, and few and far between and we only stumble upon them every now and then.

Mr. Johnston said the City does have many of these particularly narrow lots and that is a common pattern, and so allowing this reduced setback is intended to reflect that common pattern.

Mr. McAfee said he believes the important thing is that when you drive into a neighborhood or walk down the street, is the "street wall." He said to accomplish this, the front yard is important but the side-yard setback is not. He said we need the current setbacks kept as they are.

Mr. Pates asked what the current side-yard setbacks are.

Mr. Johnston said currently that R-8 is 5 ft and R-4 is 6 ft. He said it makes sense to give people an opportunity for that waiver without having to go to the BZA. He said the waiver is an option.

Mr. Beavers read a portion of the draft ordinance that states: "...that no minimum shall be specified in the Historic District." He asked if that is the Historic District as today or would it apply to other properties that the City would place in a historic district later in time.

Mr. Johnston said that in any point in time when any property, now or in the future, goes into the Historic District.

Mr. Friesner said he sat on the BZA previously, and he does not believe that there are many applicants that would come through and say that they would like the side-yard setback reduced and that it would be very difficult to do.

Dr. Gratz said he would like more justification as to why a front door could not face the side yard. He said where they had lived in Charleston, there were many houses that were oriented this way, and that they were rather charming.

Mr. Johnston said that those houses were in Charleston and may be typical for that area but that they are not typical for Fredericksburg.

Mr. Pates opened the floor for public comment.

PUBLIC COMMENT

There was no public comment.

Mr. Pates closed the public hearing on this item.

Mr. McAfee made a motion to recommend approval of the text amendments to the R4 and R8 Residential Zoning District and for residential uses in the C-T Commercial/Office-Transitional District, for lots of record prior to April 25, 1984, to:

- Make the infill front yard setback mandatory,
- Amend the method for calculating yard setbacks,
- Specify that the front building façade to be oriented toward the front yard; and

To omit:

- Reduce the minimum infill side yard setback.

Motion died due to lack of a second.

Mr. Johnston noted that there was a typo in the staff report. He said “residential” should be stricken from the first sentence in the staff report recommendation.

Mr. Friesner made a motion to recommend approval of the text amendments to include all four bullets listed on the staff report but to strike the word “residential” from the first sentence in the staff report recommendation: The recommendation will now read:

Recommend to City Council approval of the amendments to the R4 and R8 Residential Zoning Districts and for uses in the C-T, Commercial/Office-Transitional District, for lots of record prior to April 25, 1984, to:

- *make the infill front yard setback mandatory,*
- *amend the method for calculating yard setbacks,*
- *specify that the front building façade to be oriented toward the front yard, and*
- *reduce the minimum infill side yard setback.*

Mr. McAfee seconded the motion.

Motion carried by a vote of 4 – 1, with Mr. McAfee voting against the motion.

10. **SE2015-01 - General Washington Executive Center (GWEC) Telecommunications Structures**, requests a Special Exception to the increase the height of a nonconforming structure in the CH, Commercial Highway Zoning District, so as to install a telecommunications facility on top of General Washington Executive Center (GPIN 7779-89-7284) located at 2217 Princess Anne Street. The telecommunication facility would be located partially on the

main roof and partially on the penthouse roof of the GWEC. The main roof level of the building is 53 foot 4 inches above grade. The telecommunications structures would be 15 foot 8 inches higher than the roofline or a total of 69 feet above grade. The proposal will not add any additional floor area to the site and will not affect the overall floor area ratio. The Comprehensive Plan designates the area for General Commercial, which has no specific density. The Comprehensive Plan also specifically recommends this parcel be part of a Planned Development – Mixed Use.

Mr. Craig presented the staff report on the application. The public hearing on this item had been left open at the October 14, 2015 meeting to allow the applicant time to submit additional information.

Mr. Pates noted that this property is located within the area that is referenced in the City Code as being governed by the “Princess Anne Street Corridor Overlay,” which has specific guidelines. Specifically, he asked whether, since the Overlay district ordinance states that utilities such as telecommunications facilities should not be visible from Princess Anne Street, this application would also need an exception from these guidelines.

Mr. Johnston said the whole concept for the special exception is from an Ordinance requirement. He said the “Guidelines” to which Mr. Pates refers are administered by the Development Administrator and not part of the Ordinance itself. So he said he does not believe it is the appropriate mechanism to go through the special exception process for the “guidelines” but something to be considered by the Development Administrator if warranted. He also said he believes the guidelines are more for the front façade of the buildings.

Mr. Pates said he had doubts about such an interpretation of the Code. He asked how many antennas were proposed.

Mr. Craig said the GDP proposes 6 antennas.

Mr. Pates asked if the applicants will be able to increase the number of antennas, the height of antennas, etc., if the special exception is granted, as staff has recommended.

Mr. Craig said the special exception is to increase the nonconformity, and the nonconformity is the height of the building, so it is going to set a cap. As proposed, he said, it would allow for more antennas to be put up there but with the conditions proposed by staff.

Mr. Friesner said he believes it makes sense to co-locate and to encourage it rather than having these types of structures scattered about within the City.

Mr. Charlie Payne, Attorney, representing the applicant provided a brief review of the application and said he would be happy to answer any questions of the Commission. He noted that this is the second time the application has been before the Commission.

Mr. Beavers said he had visited the subject site earlier in the day and asked why the flag pole is not being taken down since it is not used. He said he believes that someone’s

eyes would be drawn to the antennas if it were taken down and, therefore, become less obtrusive.

Mr. Tommy Mitchell, owner of the building, said the flag pole was there when he bought the property. He said he will consider taking it down but would not make a decision this evening.

Mr. Pates opened the floor for public comment

Public Comment

There was no public comment.

Mr. Pates closed the public hearing on this item.

Mr. McAfee made a motion to recommend approval of the special exception to include the five conditions listed in the staff report.

Dr. Gratz seconded the motion.

Mr. Pates said that although the antennas are visible, he believes the visibility is limited and tasteful and unobtrusive in design.

Motion carried by a vote of 5 – 0.

NEW BUSINESS

- 11. Comprehensive Plan Compliance Review:** City of Fredericksburg - to acquire the former bank building at the corner of Amelia and Charles Streets (1016 Charles Street), in order to remove the structure and establish a 55-space surface parking lot.

Mr. Nelson presented the staff report on the application and noted that Mr. Bill Freehling, Assistant Director for Economic Development was also in attendance to answer any questions of the Planning Commission.

Mr. Pates referred to a letter dated October 22, 2015, from Mr. Cameron and Mr. Freehling to Mr. Johnston, specifically where it states *“As part of the purchase agreement with Union bank & Trust, twelve of the spaces will be reserved for the building at 1001 Princess Anne St., which will help that property.”* He asked Mr. Freehling to explain this statement.

Mr. Freehling said part of the purchase agreement would give the new buyer of 1001 Princess Anne Street an option of leasing 12 parking spaces from the City in that lot. The thought is it would help facilitate the sale and ultimate re-use of that building.

Mr. Pates confirmed that the spaces would be leased from the City.

Mr. Freehling said that was correct.

Mr. Friesner asked if that is where the \$82,500 revenue would come from.

Mr. Freehling said this was correct.

Mr. McAfee made a motion to approve Resolution 15-03, which states that approval of the proposed parking facility at the corner of Charles and Amelia Streets as substantially in accord with the 2015 Comprehensive Plan.

Mr. Beavers seconded the motion.

Motion carried unanimously by a vote of 5 – 0.

GENERAL PUBLIC COMMENT

*12. A general public comment period is provided at each regular meeting for comments by citizens regarding any matter **related to Commission business that is not listed on the Agenda for Public Hearing**. The Chair will request that speakers observe the **three-minute time limit** and yield the floor when the Clerk indicates that their time has expired. No dialogue between speakers will be permitted.*

There were no comments.

Mr. Pates closed the general public comment portion of the meeting.

OTHER BUSINESS

13. Planning Commissioner Comment

Mr. McAfee welcomed Mr. O'Toole, the newest member of the Planning Commission.

14. Planning Director Comments

Mr. Johnston provided updates on recent City Council action.

- Mill District Rezoning ("Dreamland")
- M&M Auto Parts (Battlefield Industrial Park)
- Comprehensive Plan Action Plan

Mr. Johnston said there is a meeting scheduled for November 24th to provide updates on the work-in-progress Proffer Guidelines.

Mr. Johnston noted upcoming Planning Commission items that will be discussed at the December 9, 2015 meeting.

ADJOURNMENT

Meeting adjourned at 9:40 p.m.



James Pates, Chair, Pro-Tem

MediCorp Properties, Inc.
Special Exception Request
Mary Washington Hospital Campus
Entrance Signs

Presented by

Dr. Michael P. McDermott

MWHC President and Chief Executive Officer

November 18, 2015



Mary Washington
Healthcare

Mary Washington Healthcare

- Providing healthcare to the members of this community for over 100 years
- Not-for-profit regional system of two hospitals and 28 healthcare facilities and wellness services
- Employ more than 4,000 people, with a medical staff of over 718 physicians
- In 2014, cared for 36,940 patients in our hospitals, delivered 3,874 babies, provided care to 326,052 outpatients, and saw 118,367 emergency patients



Mary Washington Healthcare

Mary Washington Hospital Campus

- Location of the region's only Tertiary care hospital and Level II Trauma Center
- Home to more than 7 medical facilities (including Regional Cancer Center, Fredericksburg Ambulatory Surgery Center, Snowden at Fredericksburg) and many physician office practices
- Over 6,000 patients, visitors, and vendors visit the campus daily



Entrance Jefferson Davis Highway and Mary Washington Boulevard

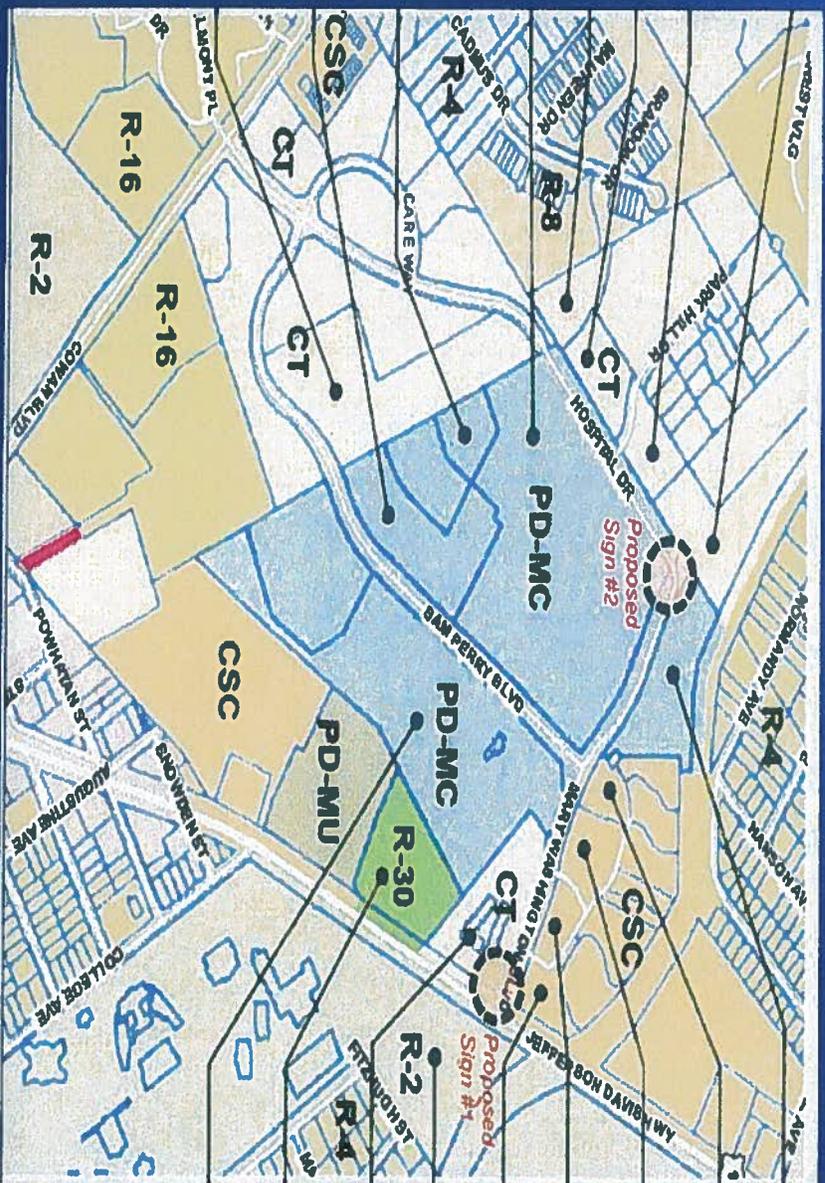


Mary Washington Healthcare

Proposed Sign 1 Entrance Jefferson Davis Highway and Mary Washington Boulevard

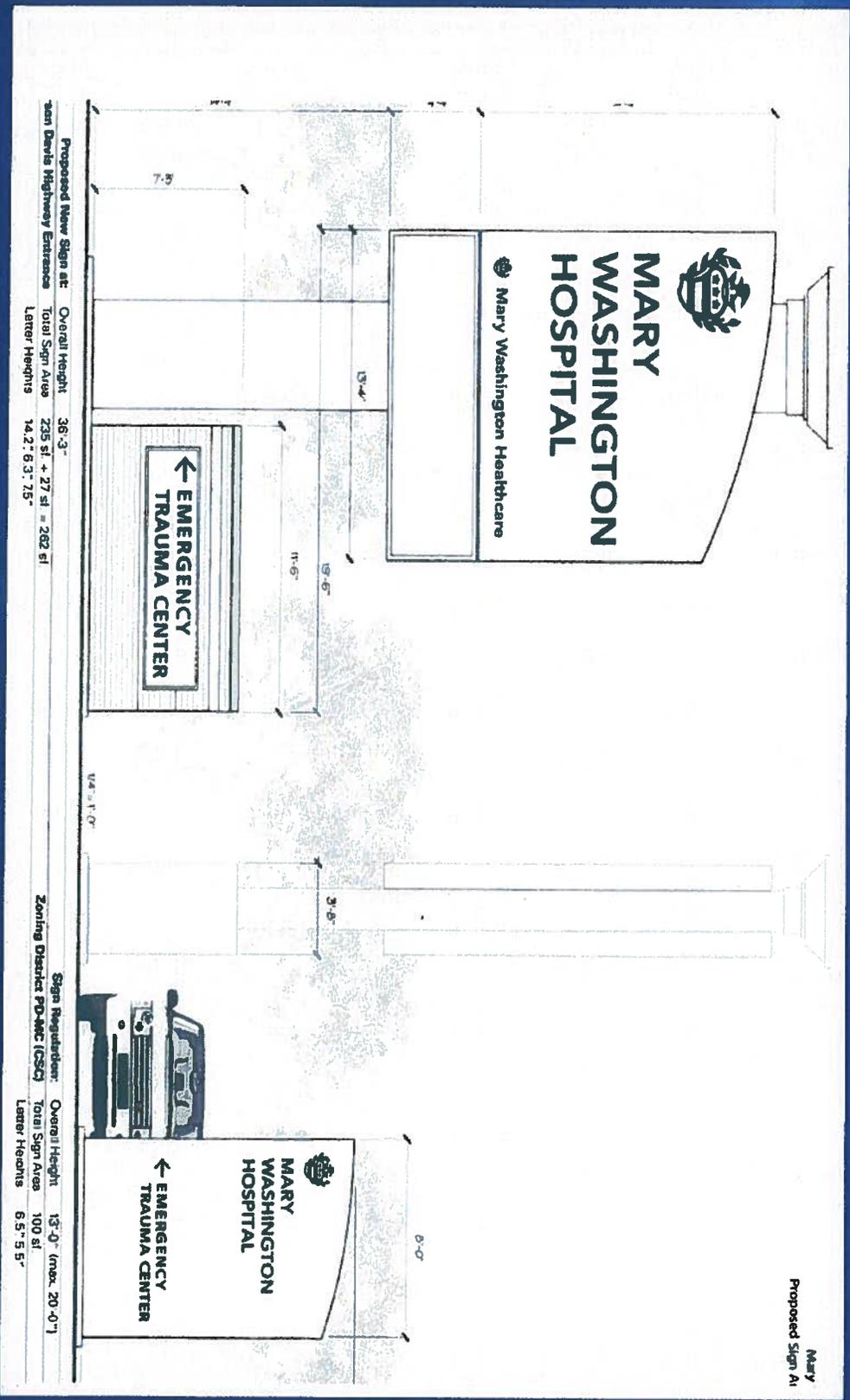


Proposed Sign 2 Mary Washington Boulevard and Hospital Drive

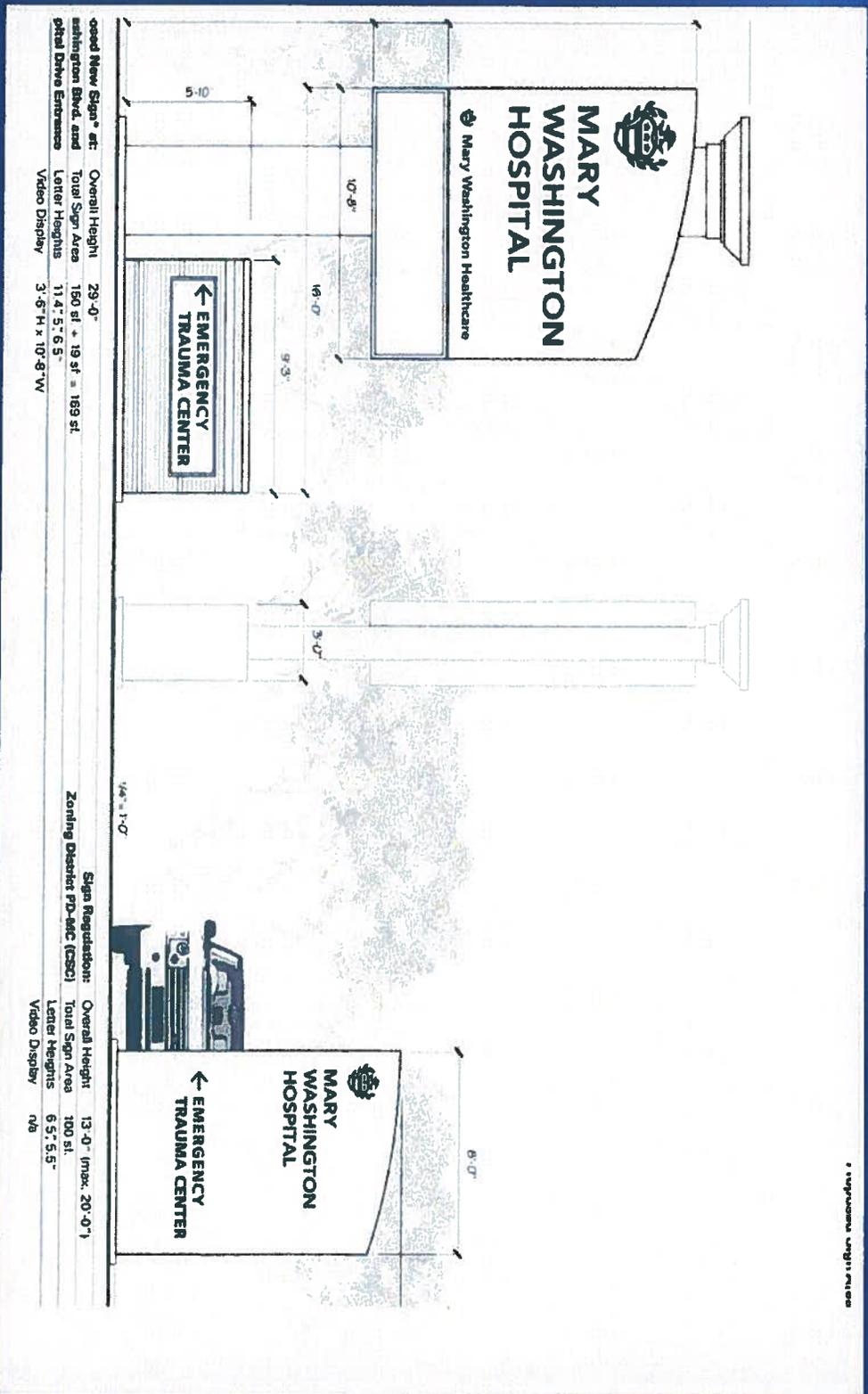


Mary Washington Healthcare

Sign 1 Architectural Design



Sign 2 Architectural Design



Summary

- MWHC is committed to promoting the vision, goals, and objectives of the Frederickburg Comprehensive Plan, 2007
- MWHC is committed to preserving the architectural integrity and historical landscape of Frederickburg
- MWHC provides a critical public health, safety and welfare function to this community
- MWHC requests special exception for proposed new Campus Entrance Pylon Signs



QUESTIONS?



Mary Washington Healthcare



MOTION: McAfee

SECOND: Beavers

**November 18, 2015
Planning Commission
Resolution No. 15-03**

RE: APPROVAL OF THE PROPOSED PUBLIC PARKING FACILITY AT THE CORNER OF CHARLES AND AMELIA STREETS AS SUBSTANTIALLY IN ACCORD WITH THE 2015 COMPREHENSIVE PLAN

ACTION: APPROVED; Ayes: 5; Nays: 0

The City of Fredericksburg plans to purchase approximately ½ acre of land at the corner of Charles and Amelia Streets, which extends to Prince Edward Street, for the development of a public surface parking lot. The property is downtown, the former site of the Union Bank. It is located in Planning Area 7.

Under Code of Virginia §15.2-2232 and City Code §72-22.2, no new public facility may be constructed unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof.

The 2015 Comprehensive Plan Vision Statement notes the importance of a vibrant downtown and economic vitality.

Planning Area 7 (Downtown) provides guiding principles for Downtown Adaptive Reuse Activity, including “enhance the downtown area as the region’s urban hub, with center-city amenities that serve the greater regional community,” and “attract investors, residents, and visitors to the downtown area through attention to mixed-uses and flexible parking requirements.”

Among the stated goals for Planning Area 7 is to evaluate parking needs and develop appropriate strategies (shared parking, structures, etc.) that provide for the continued viability of downtown Fredericksburg as well as its further growth and development.

The Fredericksburg Planning Commission therefore resolves the proposed public parking lot at the corner of Charles and Amelia Streets, extending to Prince Edward Street, is substantially in accord with the 2015 Comprehensive Plan.

Votes:

Ayes: McAfee, Beavers, Friesner, Gratz, Pates

Nays: None

Absent from Vote: Dynes, O’Toole

Absent from Meeting: Dynes



MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Deidre Jett, Budget Manager
DATE: January 5, 2016
SUBJECT: Resolution Re-appropriating FY 2015 Encumbrances and Carryovers in the FY 2016 Budget

ISSUE

Shall the City Council amend the FY 2016 budget by appropriating encumbered funds from FY 2015 purchase orders as well as re-appropriating project fund balances?

RECOMMENDATION

This resolution requires two readings and a Public Hearing. The first reading and Public Hearing will be held on January 12, 2016. After the Public Hearing and considering any public comment this budget amendment will need second reading approval which will be scheduled on January 26, 2016. Staff recommends approval of this resolution.

BACKGROUND

Encumbrances

Every year, as part of our annual process to close out activities relating to the budget, City staff requests that the current budget (in this case, FY 2016) be amended to grant appropriation authority for ongoing purchase orders from the prior year.

The encumbrance resolution involves purchase orders for active purchases at the close of FY 2015 where the products or services had not yet been delivered as of the close of the fiscal year.

Major encumbered purchases in the General Fund include professional services associated Economic Development and with Information Technology's strategic plan, various vehicles and equipment for Public Works and Public Facilities, and equipment related to traffic engineering. There are also large encumbrances associated with the storm water management plan, public facilities improvements, and the new Courthouse project. The following chart shows the fiscal impact and the breakdown of encumbrances by fund.

Encumbrances		
Source of Funds		
Fund Balance - Encumbrance		
(Various Funds)	1,475,445	
TOTAL	1,475,445	
Use of Funds		
General Fund	619,826	
Public Works	129,556	
Public Facilities	170,697	
Public Safety	83,990	
New Courthouse Construction	342,425	
Water Utility	40,285	
Wastewater Utility	63,492	
Transit	12,624	
Parking	12,550	
TOTAL	1,475,445	

Project and Capital Carryovers

Every year, as part of our annual process to close out activities relating to the budget, City staff requests that the current budget be amended to grant appropriation authority for ongoing projects from the prior year. The carryover resolution includes balances on projects in various funds that need to be re-appropriated in FY 2016 so that work can continue on the projects. All of these projects or programs were previously approved.

In the General Fund a significant portion of the carryover is for the real estate assessment and refuse collection vehicles. In other funds, other significant carryovers relate to the Traffic Operations Center (which receives federal funding), Twin Lake sidewalk improvements, various water system improvements, the new Courthouse, and FRED buses. The following chart shows the fiscal impact and the breakdown of carryovers by fund.

Program and Capital Project Carryovers	
Source of Funds	
Fund Balance - Surplus (Various Funds)	7,652,506
Federal Revenue	482,970
TOTAL	8,135,476
Use of Funds	
General Fund	467,955
Blight Abatement	95,000
Public Works	1,106,272
Water System	3,621,123
Wastewater System	228,839
Public Facilities	181,455
New Courthouse Construction	2,077,843
Transit	356,989
TOTAL	8,135,476

This encumbrance and carryover resolution is done on an annual basis. A separate resolution will be required for the City School Fund and should come before Council in February.

Attachment: Resolution



January 12, 2016
Regular Session
Resolution No. 16-__

MOTION:

SECOND:

RE: AMENDING THE FISCAL YEAR 2016 BUDGET BY APPROPRIATING FISCAL YEAR 2015 ENCUMBRANCES AND CARRYOVERS

ACTION: APPROVED: Ayes: 0; Nays: 0

WHEREAS, the City of Fredericksburg fiscal year runs from July 1 to June 30;
and

WHEREAS, the City of Fredericksburg appropriates encumbrances remaining from one budget year into the next; and

WHEREAS, the City wishes to amend the FY 2015 budget to appropriate encumbrances recorded at the close of FY 2015;

WHEREAS, the City has other ongoing projects or programs which are not completed as of June 30; and

WHEREAS, the City has fund balance amounts as of June 30 or expected revenues to continue this work; and

NOW, THEREFORE, BE IT RESOLVED, that the following appropriations are recorded amending the FY 2016 budget in the following funds;

Section 1: Encumbrances

GENERAL FUND

SOURCE

FUND BALANCE

3-100-061010-0011	Fund Balance (Encumbrances)	619,826
	Department Total:	619,826

TOTAL SOURCE

619,826

USE

INFORMATION SYSTEMS

4-100-12510-3160	Professional Services - Other	29,472
4-100-12510-3320	Maintenance Service Contract	1,440
	Department Total:	30,912

STREET MAINTENANCE

4-100-41200-6007	Repair & Maintenance Supplies	3,139
4-100-41200-8105	Motor Vehicles & Equip.-Replacement	<u>206,727</u>
Department Total:		209,866

TRAFFIC ENGINEERING

4-100-41400-3310	Repairs & Maintenance	6,506
4-100-41400-6014	Other Operating Supplies	15,560
4-100-41400-8101	Machinery & Equipment - Replacement	<u>34,760</u>
Department Total:		56,826

STREET SANITATION

4-100-42200-8101	Machinery & Equipment - Replacement	4,550
4-100-42200-8105	Motor Vehicles & Equip.-Replacement	<u>209,994</u>
Department Total:		214,544

REFUSE DISPOSAL

4-100-42400-3170	Construction Contracts	<u>17,815</u>
Department Total:		17,815

PUBLIC FACILITIES

4-100-43200-3160	Professional Services - Other	4,641
4-100-43200-3200	Temp. Help Service Fees	20,744
4-100-43200-5540	Convention & Education	3,000
4-100-43200-8105	Motor Vehicles & Equip.-Replacement	<u>38,200</u>
Department Total:		66,585

PLANNING

4-100-81100-3160	Professional Services - Other	<u>755</u>
Department Total:		755

ECONOMIC DEVELOPMENT & TOURISM

4-100-81603-3160	Professional Services - Other	<u>22,523</u>
Department Total:		22,523

TOTAL GENERAL FUND USE**619,826**

PUBLIC WORKS FUND**SOURCE****FUND BALANCE**

3-302-061010-0011	Fund Balance (Encumbrances)	129,556
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Department Total:		129,556
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TOTAL SOURCE		129,556
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USE**STORMWATER MANAGEMENT PLAN**

4-302-94214-3140	Professional Services - Engineering	129,556
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Department Total:		129,556
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TOTAL PUBLIC WORKS FUND USE		129,556
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PUBLIC FACILITIES FUND**SOURCE****FUND BALANCE**

3-305-061010-0011	Fund Balance (Encumbrances)	170,697
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Department Total:		170,697
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TOTAL SOURCE		170,697
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USE**PUBLIC FACILITIES GENERAL IMPROVEMENTS**

4-305-94534-3310	Repairs & Maintenance	65,080
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Department Total:		65,080
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EXECUTIVE PLAZA

4-305-94538-3170	Construction Contracts	33,975
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Department Total:		33,975
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ROOF REPLACEMENT

4-305-94556-3170	Construction Contracts	30,000
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Department Total:		30,000
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COMPUTER EQUIPMENT REPLACEMENT

4-305-94563-8107	ADP Equipment - Replacement	24,171
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Department Total:		24,171
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FACILITIES IMPROVEMENTS

4-305-94583-3170	Construction Contracts	17,471
Department Total:		<u>17,471</u>

TOTAL PUBLIC FACILITIES FUND USE **170,697**

PUBLIC SAFETY FUND

SOURCE

FUND BALANCE

3-306-061010-0011	Fund Balance (Encumbrances)	83,990
Department Total:		<u>83,990</u>

TOTAL SOURCE **83,990**

USE

POLICE CAMERA SYSTEM

4-306-94632-8201	Machinery & Equipment - Additions	1,900
Department Total:		<u>1,900</u>

VA COMM ATTORNEY'S INFO SYSTEM

4-306-94634-8207	ADP Equipment - Additions	13,100
4-306-94634-8212	ADP Software - Additions	35,650
Department Total:		<u>48,750</u>

PUBLIC SAFETY RADIO SYSTEM UPGRADE

4-306-94635-3160	Professional Services - Other	33,340
Department Total:		<u>33,340</u>

TOTAL PUBLIC SAFETY FUND USE **83,990**

NEW COURT CONSTRUCTION FUND

SOURCE

FUND BALANCE

3-315-061010-0011	Fund Balance (Encumbrances)	342,425
Department Total:		<u>342,425</u>

TOTAL SOURCE	<u>342,425</u>
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USE**NEW COURT CONSTRUCTION EXPENDITURES**

4-315-95501-8202 Furniture & Fixtures - Additions	<u>342,425</u>
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Department Total:	342,425
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TOTAL NEW COURTHOUSE CONSTRUCTION FUND USE	<u>342,425</u>
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WATER UTILITY FUND**SOURCE****FUND BALANCE**

3-501-061010-0011 Fund Balance (Encumbrances)	<u>40,285</u>
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Department Total:	40,285
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TOTAL SOURCE	<u>40,285</u>
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USE**WATER & SEWER CREW**

4-501-98102-8105 Motor Vehicles & Equip.-Replacement	<u>40,285</u>
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Department Total:	40,285
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TOTAL WATER UTILITY FUND USE	<u>40,285</u>
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WASTEWATER UTILITY FUND**SOURCE****FUND BALANCE**

3-502-061010-0011 Fund Balance (Encumbrances)	<u>63,492</u>
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Department Total:	63,492
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TOTAL SOURCE	<u>63,492</u>
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USE**ADMINISTRATION & TREATMENT**

4-502-98201-3310 Repairs & Maintenance	29,546
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4-502-98201-8101 Machinery & Equipment - Replacement	<u>29,200</u>
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Department Total:	58,746
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PUMPING & TRANSMISSION

4-502-98204-6009	Vehicle/Power Equip. Supplies	1,096
4-502-98204-8101	Machinery & Equipment - Replacement	<u>3,650</u>
Department Total:		4,746

TOTAL WATER UTILITY FUND USE **63,492**

PUBLIC TRANSPORTATION FUND

SOURCE

FUND BALANCE

3-503-061010-0010	Fund Balance (Surplus)	<u>12,624</u>
Department Total:		12,624

TOTAL SOURCE **12,624**

USE

TRANSIT - CITY

4-503-81800-3160	Professional Services - Other	<u>4,696</u>
Department Total:		4,696

TRANSIT - SPOTSYLVANIA

4-503-81801-3160	Professional Services - Other	<u>3,219</u>
Department Total:		3,219

TRANSIT - UMW EXPRESS SERVICE

4-503-81808-3160	Professional Services - Other	<u>404</u>
Department Total:		404

TRANSIT - CAROLINE

4-503-81810-3160	Professional Services - Other	<u>922</u>
Department Total:		922

TRANSIT - STAFFORD

4-503-81818-3160	Professional Services - Other	<u>3,383</u>
Department Total:		<u>3,383</u>

TOTAL PUBLIC TRANSPORTATION FUND USE **12,624**

PARKING FUND

SOURCE

FUND BALANCE

3-504-061010-0010	Fund Balance (Surplus)	12,550
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Department Total:		12,550
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TOTAL SOURCE		12,550
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PARKING GARAGE

4-504-98401-3320	Maintenance Service Contract	12,550
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Department Total:		12,550
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TOTAL PARKING FUND USE		12,550
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Section 2: Capital and Program Carryovers

GENERAL FUND

SOURCE

FUND BALANCE

3-100-061010-0010	Fund Balance- Surplus	467,955
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Department Total:		467,955
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TOTAL SOURCE		467,955
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USE

BOARD OF REAL ESTATE ASSESSORS

4-100-12320-3160	Professional Services - Other	207,000
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Department Total:		207,000
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JDR SERVICES

4-100-21910-7003	Other Joint Payments	35,000
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Department Total:		35,000
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INFORMATION SYSTEMS

4-100-12510-8207	ADP Equipment - Additions	26,045
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Department Total:		26,045
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REFUSE COLLECTION

4-100-42300-8105	Motor Vehicles & Equip.-Replacement	199,910
Department Total:		<u>199,910</u>

TOTAL GENERAL FUND USE		<u><u>467,955</u></u>
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BLIGHT ABATEMENT FUND**SOURCE**FUND BALANCE

3-228-061010-0010	Fund Balance- Surplus	95,000
Department Total:		<u>95,000</u>

TOTAL SOURCE		<u><u>95,000</u></u>
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USEBLIGHT ABATEMENT

4-228-34105-3165	Contractual Services	20,000
4-228-34105-3170	Construction Contracts	<u>75,000</u>
Department Total:		95,000

TOTAL BLIGHT ABATEMENT FUND USE		<u><u>95,000</u></u>
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PUBLIC WORKS FUND**SOURCE**FUND BALANCE

3-302-061010-0010	Fund Balance- Surplus	687,302
Department Total:		<u>687,302</u>

FEDERAL REVENUE

3-302-033010-0098	CMAQ Funds - Traffic Operations Center	418,970
Department Total:		<u>418,970</u>

TOTAL SOURCE		<u><u>1,106,272</u></u>
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USEANNUAL PAVEMENT REHABILITATION

4-302-94121-3170	Construction Contracts	150,587
Department Total:		<u>150,587</u>

RAPPAHANNOCK CANAL REPAIRS

4-302-94213-3170	Construction Contracts	56,056
Department Total:		<u>56,056</u>

TWIN LAKES SIDEWALKS

4-302-94215-3170	Construction Contracts	480,659
Department Total:		<u>480,659</u>

TRAFFIC OPERATIONS CENTER

4-302-94218-3160	Professional Services - Other	13,970
4-302-94218-8207	ADP Equipment - Additions	180,000
4-302-94218-8212	ADP Software - Additions	225,000
Department Total:		<u>418,970</u>

TOTAL PUBLIC WORKS FUND USE**1,106,272*****WATER SYSTEM FUND*****SOURCE**FUND BALANCE

3-303-061010-0010	Fund Balance- Surplus	3,621,123
Department Total:		<u>3,621,123</u>

TOTAL SOURCE**3,621,123****USE**MOTTS RUN WATER TREATMENT PLANT

4-303-98128-3170	Construction Contracts	2,000,000
Department Total:		<u>2,000,000</u>

COLLEGE HGTS WATER SYSTEM UPGRADE

4-303-98146-3170	Construction Contracts	1,421,123
Department Total:		<u>1,421,123</u>

WATER SYSTEMASSESSMENT

4-303-98147-3140	Professional Services - Engin.	200,000
Department Total:		<u>200,000</u>

TOTAL WATER SYSTEM FUND USE 3,621,123

WASTEWATER SYSTEM FUND

SOURCE

FUND BALANCE

3-304-061010-0010 Fund Balance- Surplus 228,839

Department Total: 228,839

TOTAL SOURCE 228,839

USE

SEWER SYSTEM

ASSESSMENT

4-304-98246-3140 Professional Services - Engin. 150,000

Department Total: 150,000

WILLIAM STREET SEWER PPEA PR

4-304-98249-3170 Construction Contracts 78,839

Department Total: 78,839

TOTAL WASTEWATER SYSTEM FUND USE 228,839

PUBLIC FACILITIES FUND

SOURCE

FUND BALANCE

3-305-061010-0010 Fund Balance- Surplus 117,455

Department Total: 117,455

OTHER CATEGORICAL AID (FEDERAL REVENUE)

3-305-033060-0061 VCR Trail Phase III UPC #105210 64,000

Department Total: 64,000

TOTAL SOURCE 181,455

USE

VCR TRAIL PHASE III #105

4-305-94558-3170 Construction Contracts 80,000

Department Total:	80,000
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COMPUTER EQUIPMENT Replacement

4-305-94563-8107	ADP Equipment - Replacement	30,021
4-305-94563-8112	ADP Software - Replacement	17,401
Department Total:		47,422

HVAC Replacements

4-305-94572-3170	Construction Contracts	54,033
Department Total:		54,033

TOTAL PUBLIC FACILITIES FUND USE	181,455
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***NEW COURT CAPITAL FUND
SOURCE***

3-315-61010-0012	Fund Balance - Committed to Capital	2,077,843
Department Total:		2,077,843

TOTAL SOURCE	2,077,843
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USE**NEW COURT CONSTRUCTION EXPENDITURES**

4-315-95501-3170	Construction Contracts	2,077,843
Department Total:		2,077,843

TOTAL NEW COURT CAPITAL FUND USE	2,077,843
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***PUBLIC TRANSPORTATION FUND
SOURCE*****FUND BALANCE**

3-503-61010-0010	Fund Balance - Surplus	356,989
Department Total:		356,989

TOTAL SOURCE	356,989
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USE**TRANSIT - CITY**

4-503-81800-8105	Motor Vehicles & Equip.-Replacement	132,777
		132,777

Department Total:		132,777
TRANSIT - SPOTSYLVANIA		
4-503-81801-8105	Motor Vehicles & Equip.-Replacement	91,119
Department Total:		<u>91,119</u>
TRANSIT - UMW EXPRESS SERVICE		
4-503-81808-8105	Motor Vehicles & Equip.-Replacement	11,253
Department Total:		<u>11,253</u>
TRANSIT - CAROLINE		
4-503-81810-8105	Motor Vehicles & Equip.-Replacement	26,082
Department Total:		<u>26,082</u>
TRANSIT - STAFFORD		
4-503-81818-8105	Motor Vehicles & Equip.-Replacement	95,758
Department Total:		<u>95,758</u>
TOTAL PUBLIC TRANSPORTATION FUND USE		<u><u>356,989</u></u>

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16- duly adopted at a meeting of the City Council meeting held January 12, 2016 at which a quorum was present and voted.

***Tonya B. Lacey, CMC
Clerk of Council***



FREDERICKSBURG REGIONAL TRANSIT
History in Motion

MEMORANDUM

TO : Beverly R. Cameron, Fredericksburg City Manager

FROM: Wendy L. Kimball, Director of Public Transit

DATE : January 4, 2016

RE : November 2015 Progress Report on FRED

Below for your consideration are the November 2015 ridership totals for the City of Fredericksburg. As highlighted in the chart below, both the monthly and annual regular and VRE ridership show a decrease during this period. This decrease could be directly linked to lower fuel cost which makes it more affordable for motorists to use other forms of transportation. FRED operations were also closed for Thanksgiving holiday. In addition, the new Spotsylvania VRE station opened mid-November 2015 which provides another commuting option for Fredericksburg riders.

If you have any questions concerning the routes in your jurisdiction or the ridership totals below, please let me know.

	FRED Total	Fredericksburg		Spotsylvania		Stafford	Caroline
November	Ridership	Ridership	VRE	Ridership	VRE	Ridership	Ridership
November 2015	34,839	16,444	542	5,808	2,168	7,736	817
October 2015	39,963	18,924	772	6,495	2,519	8,568	1,030
Monthly Percent Difference	-12.82%	-13.11%	-29.79%	-10.58%	-13.93%	-9.71%	-20.68%
November 2014	37,041	17,207	734	6,052	2,833	7,618	1,104
Annual Percent Difference	-5.94%	-4.43%	-26.16%	-4.03%	-23.47%	-1.55%	-26%

November 2015 RIDERSHIP

Date:	City VRE	Spotsy VRE	Spotsy VRE	City	City	City	City	City	City	City	Spotsylvania	Spotsylvania	Spotsylvania	Spotsylvania	Spotsylvania	Caroline	Caroline	Caroline	Stafford	Stafford	Stafford	Stafford	Stafford	Stafford	Stafford	EAGLE	EAGLE	DAILY				
	VF 1	VS 1	VS 2	F1	F2	F3	F4A	F4B	F5	Extras	S1A	S1B	S4	S5	Extras	C1	C2	Extras	D1	D2	D3	D4	D5	D6	Extras	Express	Extras	TOTAL				
1-Nov																											78		78			
2-Nov	26	60	57	145	118	195	137	116	96	0	63	60	59	85	0	19	22	0	28	154	97	43	130	13	0			1,723				
3-Nov	28	82	48	173	115	204	177	129	166	0	103	64	81	82	0	28	19	0	38	172	109	34	107	22	0			1,981				
4-Nov	34	77	61	188	142	182	149	110	159	0	104	82	73	120	0	23	21	0	46	134	108	47	74	37	0			1,971				
5-Nov	31	93	58	178	154	204	159	101	126	0	136	66	72	97	0	25	21	0	33	134	105	32	81	22	0	6		1,934				
6-Nov	38	35	55	183	129	180	158	123	136	0	85	65	60	81	0	38	24	0	37	115	108	55	114	4	0	41		1,864				
7-Nov																											236		236			
8-Nov																												107		107		
9-Nov	31	69	61	190	120	192	161	113	114	0	89	65	54	107	0	24	15	0	28	126	66	47	107	20	0			1,799				
10-Nov	29	76	56	177	91	191	154	125	112	0	85	65	70	106	0	26	20	0	26	105	74	38	101	20	0			1,747				
11-Nov	0	0	0	146	122	144	132	71	114	0	92	56	51	70	0	16	14	0	32	121	59	33	64	0	0			1,337				
12-Nov	26	81	52	157	98	181	161	80	108	0	94	58	55	76	0	21	14	0	27	111	103	40	111	18	0	3		1,675				
13-Nov	26	46	46	184	112	145	169	101	124	0	94	78	53	81	0	21	13	0	33	126	78	34	69	6	0	15		1,654				
14-Nov																												240		240		
15-Nov																												98		98		
16-Nov	35	56	48	151	139	171	158	111	102	0	80	66	55	83	0	19	15	0	23	146	93	40	123	25	0			1,739				
17-Nov	32	80	44	165	132	205	181	103	132	0	93	47	62	96	0	23	19	0	30	124	119	45	112	31	0			1,875				
18-Nov	28	82	54	200	131	174	139	107	121	0	96	73	69	109	0	30	21	0	39	153	94	46	122	30	0			1,918				
19-Nov	38	83	53	141	90	149	119	89	100	0	63	37	43	67	0	15	15	0	13	104	69	33	64	12	0	13		1,410				
20-Nov	21	63	35	191	92	153	147	108	121	0	89	65	49	61	0	27	27	0	31	105	117	44	89	4	0	45		1,684				
21-Nov																												256		256		
22-Nov																												75		75		
23-Nov	34	72	43	180	130	197	153	115	124	0	99	56	54	89	0	19	19	0	23	104	90	47	110	12	0			1,770				
24-Nov	34	68	44	183	138	166	139	111	118	0	94	42	74	92	0	26	16	0	33	120	90	35	95	9	0			1,727				
25-Nov	24	88	24	153	99	119	143	95	104	0	81	62	38	51	0	28	18	0	37	117	57	15	67	0	0			1,420				
26-Nov																														0		
27-Nov	6	16	1	158	51	85	84	80	72	0	52	36	29	38	0	17	8	0	23	80	40	16	58	0	0	0			950			
28-Nov																													111		111	
29-Nov																													0		0	
30-Nov	21	64	37	111	103	151	136	105	98	0	89	48	47	97	0	22	9	0	26	117	78	31	56	14	0			1,460				
																															0	
		VS Total:	2,168	City Total:	16,444	W/VRE	16,986					Spotsy Total:	5,808	W/VRE	7,976				Caroline Total:	817				Stafford Total:	2,808	N	4,928	S	7,736	T	Total for Month	34,839
TOTAL # of Riders	542	1,291	877	3,354	2,306	3,388	2,956	2,093	2,347	0	1,781	1,191	1,148	1,688	0	467	350	0	606	2,468	1,754	755	1,854	299	0	1,324	0			#N/A		
Average Ridership Per Day	27	65	44	168	115	169	148	105	117		89	60	57	84		23	18		30	123	88	38	93	15		83				34,022		
Average Ridership Per Hour	6	23	18	15	9	13	10	13	10		7	7	5	7		2	4		3	10	8	5	8	3		6						

MONTHLY RIDERSHIP BY LOCATION NOVEMBER 2015

DATE	FRED VRE	FREDERICKSBURG	SPOTSY VRE	SPOTSYLVANIA	STAFFORD	CAROLINE	UMW	DAILY TOTAL
1-Nov							78	78
2-Nov	26	807	117	267	465	41		1,723
3-Nov	28	964	130	330	482	47		1,981
4-Nov	34	930	138	379	446	44		1,971
5-Nov	31	922	151	371	407	46	6	1,934
6-Nov	38	909	90	291	433	62	41	1,864
7-Nov							236	236
8-Nov							107	107
9-Nov	31	890	130	315	394	39		1,799
10-Nov	29	850	132	326	364	46		1,747
11-Nov	0	729	0	269	309	30		1,337
12-Nov	26	785	133	283	410	35	3	1,675
13-Nov	26	835	92	306	346	34	15	1,654
14-Nov							240	240
15-Nov							98	98
16-Nov	35	832	104	284	450	34		1,739
17-Nov	32	918	124	298	461	42		1,875
18-Nov	28	872	136	347	484	51		1,918
19-Nov	38	688	136	210	295	30	13	1,410
20-Nov	21	812	98	264	390	54	45	1,684
21-Nov							256	256
22-Nov							75	75
23-Nov	34	899	115	298	386	38		1,770
24-Nov	34	855	112	302	382	42		1,727
25-Nov	24	713	112	232	293	46		1,420
26-Nov								0
27-Nov	6	530	17	155	217	25	0	
28-Nov							111	111
29-Nov							0	0
30-Nov	21	704	101	281	322	31		1,460
TOTAL	542	16,444	2,168	5,808	7,736	817	1,324	34,839

#N/A

#N/A

#N/A

#N/A

#N/A

#N/A

#N/A

Grand Total

#N/A



MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Karen Hedelt, Director of Economic Development and Tourism
DATE: January 6, 2016
SUBJECT: Establishment of the Arts and Cultural District Ordinance

ISSUE

Shall the City Council renew the ordinance which established an Arts and Cultural District in the downtown area with business license tax and permit fee reduction incentives for qualifying arts and cultural businesses to remain, expand and locate downtown?

RECOMMENDATION

The City Arts Commission recommends that City Council adopt the attached ordinance which continues a 50-block, downtown-area Arts and Cultural District with the following key provisions:

1. Defines the geographic limits to include the locations of the existing arts and cultural community.
2. Provides business license tax (BPOL) reductions for a term of five (5) years to qualifying businesses, as follows:
 - * New – 100% reduction
 - * Expansion (30% or more) – 100% reduction on any additional amount
 - * Existing – up to \$250 per year
 - * Art exhibit host businesses – up to \$250 per year
3. For new and expanding businesses – 100% reduction of planning, zoning, building permit and special event fees.

BACKGROUND

The General Assembly in 2009 passed HB 1735 authorizing any Virginia locality to create arts and cultural districts for the purpose of increasing awareness and support for their arts and cultural communities. The legislation provides for incentives consisting of gross receipts tax and permit fee reductions as well as regulatory flexibility within such districts. Fredericksburg was an early adopter of an Arts and Cultural District in 2010.

The city's Comprehensive Plan and the Jump Start! Final Report support the establishment of an arts and cultural district. The Arts Commission voted at its October 4, 2015 meeting to endorse the proposed ordinance.

Existing, expanding and new businesses including art, dance, media arts and music studios and places of instruction, art and sculpture galleries, museums, performing arts venues, including live music, theatre, dance and opera and arts offices desiring to qualify for the incentives would submit an application to the Department of Economic Development and Tourism. The City Manager will confirm eligibility. Once qualified, the Commissioner of the Revenue will be notified and will handle the incentive renewal requests. All qualifying businesses must still submit their annual business license renewal applications.

The 2010 ordinance established the district for a five-year term. Consistent with the Arts Commission's recommendation, this ordinance will not have a conclusion date, allowing the district to remain in place unless a future Council reconsiders the district.

FISCAL IMPACT

The BPOL tax revenue from qualifying arts and cultural businesses in the district is approximately \$8,500 per year.

Attachments: Ordinance
Arts and Cultural District Map



January 12, 2016
Regular Meeting
Ordinance No. 15-32

MOTION:

SECOND:

RE: EXTENDING THE ARTS AND CULTURAL DISTRICT LICENSE TAX REDUCTION FOR EXISTING BUSINESSES

ACTION: APPROVED: Ayes: 0; Nays: 0

IT IS HEREBY ORDAINED by the Fredericksburg City Council that Chapter 70 of the City Code is amended as follows:

SEC. I. Introduction.

The City Council established the Fredericksburg Arts and Cultural District by the adoption of Ordinance 10-35 on December 14, 2010. The purpose of the district is to attract new arts and cultural venues, support existing arts and cultural venues, and to encourage the expansion of existing venues in the downtown area. The ordinance, codified at City Code Chapter 22, "Businesses," Article VII, "Arts and Cultural District," afforded a reduction in the business and occupational license tax to new, expanded, and existing arts and cultural businesses. In addition, any business located within the district, which is not an arts and cultural business, but which hosts year-round, rotating art exhibits open to the public in the public spaces of the business is afforded a license tax reduction.

Each of the tax reductions was limited to a five-year period. Upon review of the success of the district, the City Council wishes to continue to offer the 100% business license tax reduction for five years for new and expanded businesses, and to remove the five year limitation for the license tax reduction of \$250 per year for existing arts and cultural businesses and art exhibit venues.

SEC. I. City Code Amendment.

1. Sec. 22-701. Definitions.

The definition of an "existing business" is amended as follows. The remaining definitions are not amended.

EXISTING BUSINESS

An arts and cultural business which is physically located within the district as of December 31, 2010, or a "new business" or "expanded business" which is no longer eligible for the license tax afforded to that category of business.

2. Sec. 22-702. License tax reduction.

- A. A new arts and cultural business is afforded a license tax reduction of 100% for five calendar years for the gross receipts attributable to the new district location, so long as it continues to operate at its new location as an arts and cultural business and remains current in its tax and other financial obligations to the City.
- B. An expanded arts and cultural business located within the district is afforded a license tax reduction of 100% of liability attributable to new gross receipts for five years, so long as it continues to operate in its expanded location as an arts and cultural business, and remains current in its tax and other financial obligations to the City.
- C. An existing arts and cultural business located in the district is afforded a license tax reduction in the amount of up to \$250 per year ~~for five years beginning January 1, 2011 through December 31, 2015~~ so long as it continues to operate as an arts and cultural business within the district and remains current in its tax and other financial obligations to the City.
- D. Any business located within the district, which is not an arts and cultural business, but which hosts year-round, rotating art exhibits open to the public in the public spaces of the business is afforded a license tax reduction of up to \$250 per year ~~beginning on January 1, 2011 and through December 31, 2015~~ for each year in which the business qualifies. The display space shall be a minimum of 120 square feet of wall or floor space in order to qualify for incentives in the arts and cultural district.
- E. Any business claiming a license tax reduction as an arts and cultural business shall nonetheless file a complete license tax application with the commissioner of revenue as required by City Code § 70-305.
- F. No business shall be eligible for a license tax reduction if there is an outstanding building or zoning code violation against such business which is not remedied or resolved by the date specified in the notice of violation. No business shall be eligible for a license tax reduction unless it is current in its local tax obligations on December 31, 2010 and continuously thereafter.
- G. A tattoo parlor is not an eligible business. Historical tours, such as walking tours, trolley tours, carriage tours, boat tours and Segway tours are not eligible businesses. Performance by a disc jockey is not an eligible arts performance. A business with a performance agreement for economic incentives shall not be eligible for a tax reduction pursuant to this article.

SEC. III. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

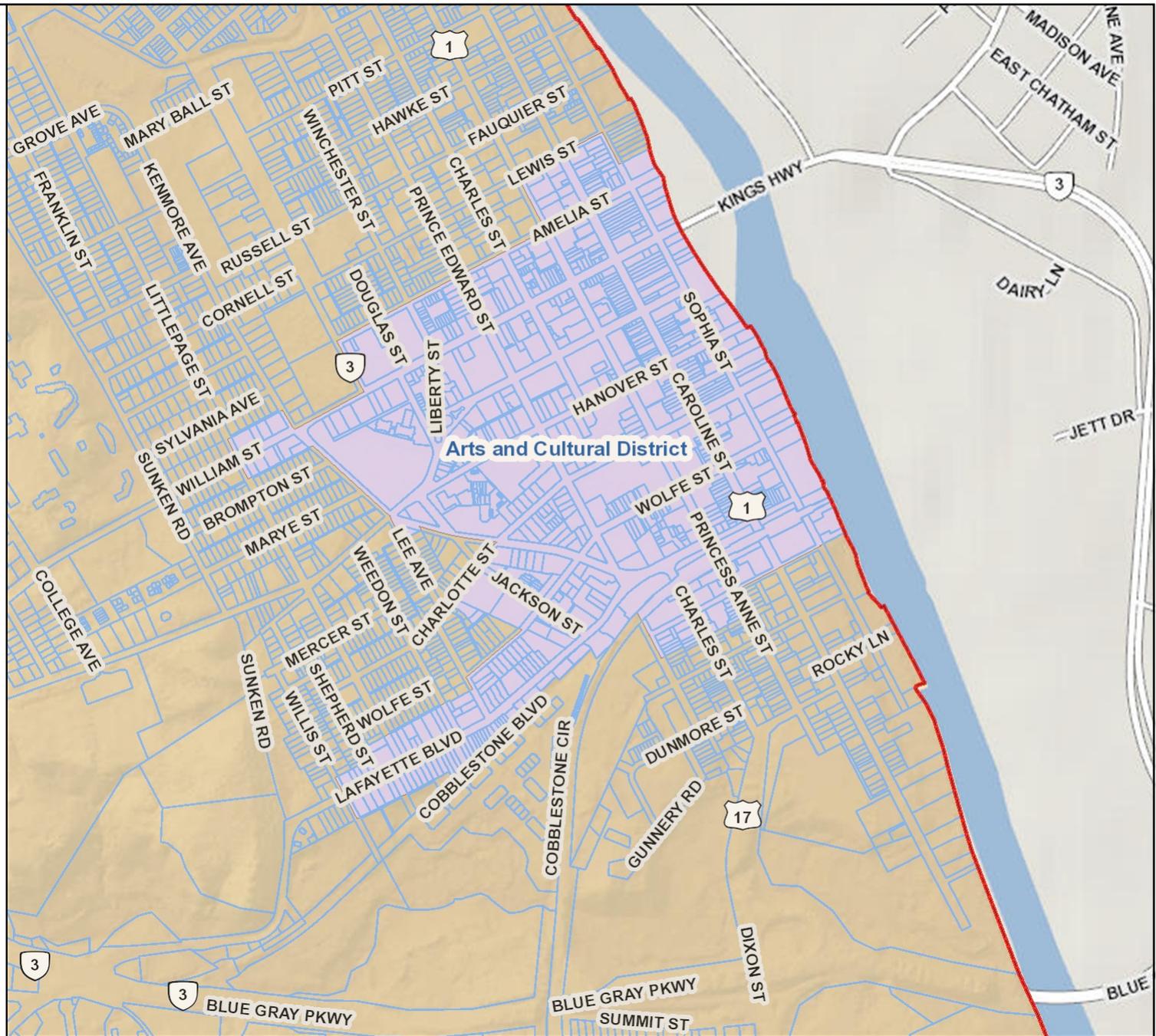
Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 15-32 duly adopted at a meeting of the City Council meeting held January 12, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

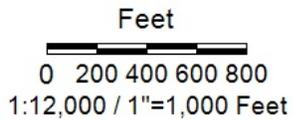
Legend

-  City Boundary
-  Parcels
-  Arts and Cultural Zone



Title: Arts and Cultural District map

Date: 11/30/2015



DISCLAIMER: All information depicted on this map shall be treated as confidential information and shall only be used for the sole purpose for which it was provided. Any other use of this map, or the information included thereon, is strictly prohibited. The data shown on this map is for information purposes only and shall not be relied upon for the specific location of map features. The City of Fredericksburg makes no representation or warranty as to the accuracy of the map, or the information shown thereon. This map may not be copied or otherwise made available to any other party in paper or electronic format without written consent from the City of Fredericksburg.



MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Deidre G. Jett, Budget Manager
DATE: December 1, 2015 - Updated January 5, 2016
RE: Amending the FY 2016 Budget for DCJS Asset Forfeiture Proceeds

ISSUE

The City Council is asked to consider an appropriation of asset forfeiture proceeds received from the Department of Criminal Justice Services (DCJS) for use by the Fredericksburg Police Department and the Office of the Commonwealth's Attorney.

RECOMMENDATION

Staff recommends approval on second reading of the attached resolution appropriating funds in the amount of \$113,767 to be used for training, equipment and to support approved initiatives. This appropriation requires two readings for approval. A first reading was held on December 8, 2015.

BACKGROUND

The Police Department and the Office of the Commonwealth's Attorney have an agreement to split asset forfeiture proceeds ("seized assets") under the statutes of Virginia. The agreement is for a 60% - 40% split between the Police Department and Commonwealth's Attorney Office respectively. All of these funds must be spent in accordance with DCJS regulations. This resolution appropriates \$42,015 in DCJS asset forfeiture proceeds for use by the Office of the Commonwealth's Attorney and \$71,752 for the Police Department.

FISCAL IMPACT

The attached resolution appropriates a total of \$113,767. Since no matching funds are required, no additional local funds are needed for this appropriation. The funds will be used for training, supplies and equipment purchases, and to support approved initiatives as estimated in the following charts:

Office of the Commonwealth's Attorney	
Subsistence & Lodging	20,000
Convention and Education	10,000
Office Supplies	5,000
Other Operating Supplies	5,000
Software Replacements	2,015
Use of Funds	\$ 42,015

Police Department	
Convention and Education	18,000
Police Supplies	47,102
Software replacement	850
Hardware Addition	5,500
ADP Software Addition	300
Use of Funds	\$ 71,752

Attachment: Appropriation Resolution

Local PD Forfeited Asset Sharing

4-223-031210-5540	Convention and Education	\$18,000
4-233-031200-6010	Police Supplies	47,102
4-223-031200-8112	ADP Software replacement	850
4-223-031200-8207	ADP Hardware Addition	5,500
4-223-031200-8212	ADP Software Addition	300
Department Total		<u>\$ 71,752</u>
Total Use:		<u>\$ 113,767</u>

Votes:

Ayes:

Nays:

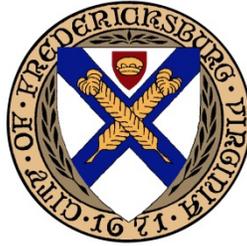
Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 15-98 duly adopted at a meeting of the City Council meeting held January 12, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Bill Freehling, Assistant Director for Economic Development
RE: EDA Deed of Easement at 1016 Charles Street
DATE: January 7, 2016

ISSUE

The Fredericksburg Economic Development Authority (EDA) wishes to convey a deed of easement to the City of Fredericksburg for public ingress and egress, and nights and weekend parking, at 1016 Charles Street.

RECOMMENDATION

Authorize the City Manager to accept the deed of easement, which will allow the public 24-7 ingress and egress through the parking lot of the EDA property at 1016 Charles Street. The easement will also allow the public to park in the EDA lot on weeknights, weekends and holidays.

BACKGROUND

On December 3 and 8, respectively, the Fredericksburg EDA and Fredericksburg City Council approved an agreement that led to the City of Fredericksburg assigning its real estate purchase agreement for the property at the corner of Charles and Amelia streets to the EDA. The EDA purchased the property, which includes 0.53 acres and a former StellarOne bank branch, on December 29.

About a third of an acre will be conveyed to the City of Fredericksburg for 24-7 public parking. The EDA will sell privately the building and the remainder of the land.

The agreement requires the EDA to convey a 24-foot-wide easement to the City of Fredericksburg that will allow public ingress and egress through the portion of the property that will be privately sold, in perpetuity.

The easement will also allow the public to park on the 13 spaces that will be part of the private lot on weeknights, weekends and holidays. Specifically, the public will be able to park there between 6 p.m. and 2 a.m. on weeknights, and 8 a.m. and 2 a.m. on weekends and federal holidays. Cutting it off at 2 a.m. should discourage people from leaving their cars on the lot overnight, and hence avoid the potential need for towing the next morning. The owner of the property will have the right to issue up to six parking permits to his or her tenants, employees

and associates that will allow those vehicles to park in the lot during the hours covered by the easement without charge.

The City of Fredericksburg will not be responsible for maintaining the private lot, but it will have the right to clear snow, debris and anything else that interferes with the purpose of the easement. The City of Fredericksburg will also have the right to install public information signs within the ingress/egress easement area.

FISCAL IMPACT

City Council has approved a \$650,000 budget for this overall project – \$525,000 toward the purchase of the property and \$125,000 toward the development of the entire parking lot. That budget will cover any expenses associated with readying the lots, including the easement area, for public parking, ingress and egress. Ongoing expenses – such as removing snow and replacing damaged signs – will be minimal.

Attachments:

Resolution

Easement

Easement exhibit



January 12, 2016
Regular Meeting
Resolution No. 16-__

MOTION:

SECOND:

RE: AUTHORIZING THE CITY MANAGER TO ACCEPT A DEED OF EASEMENT FROM THE ECONOMIC DEVELOPMENT AUTHORITY FOR 24 HOUR INGRESS/EGRESS AND NIGHTS AND WEEKEND PARKING AT THE FORMER UNION BANK BUILDING AT CHARLES AND AMELIA STREETS

ACTION: APPROVED: Ayes: 0; Nays: 0

WHEREAS, the City Council assigned the City's Real Estate Purchase Agreement for land at the corner of Charles and Amelia Streets to the Economic Development Authority, by virtue of an Assignment of Real Estate Purchase Agreement and Real Estate Purchase Agreement dated December __, 2015;

WHEREAS, paragraph 3(a)(i) of the Assignment Agreement required the EDA to convey a portion of the property to the City for public parking use;

WHEREAS, paragraph 3(a)(ii) of the Assignment Agreement required the EDA to convey an easement to the City over the parking area of a portion of the property, for public parking on nights and weekends, and for public ingress and egress rights, in perpetuity;

WHEREAS, the EDA closed on the property, taking title by deed dated December 29, 2015, recorded as Instrument #150003137 in the land records of the Clerk of the Circuit Court of the City of Fredericksburg;

WHEREAS, the City Manager, City Attorney, and the EDA have prepared a proposed Deed of Easement by which the EDA grants and conveys to the City a non-exclusive 24' ingress/egress easement for the use of the general public for motor vehicle and pedestrian ingress to and egress from the adjoining parcel which will be conveyed to the City;

WHEREAS, the City Council wishes to authorize the City Manager to accept the Deed of Easement on behalf of the City of Fredericksburg.

NOW, THEREFORE, BE IT RESOLVED that the City of Fredericksburg Council authorizes the City Manager to accept the Deed of Easement on behalf of the City of Fredericksburg, in substantially the form submitted for approval.

This Resolution is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16-__ duly adopted at a meeting of the City Council meeting held January 12, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

GPIN: 7789-05-6246

GPIN: 7789-05-5139

Prepared by: Kathleen Dooley, City Attorney

Return to: Kathleen Dooley City Attorney

Exempt from recording taxes under Virginia Code §§58.1-811(A)(3), 42.1-70 and 17.1-279(E)

DEED OF EASEMENT

This Deed of Easement, dated _____, 2016, is between the Economic Development Authority of the City of Fredericksburg, a political subdivision of the Commonwealth of Virginia (Grantor), and the City of Fredericksburg, a Virginia municipal corporation (Grantee).

RECITALS:

A. Grantor is the owner of a tract of land in the City of Fredericksburg, Virginia consisting of _____ acres, more or less, designated as City of Fredericksburg GPIN 7789-05-6246 (EDA Property), being a portion of the property transferred to Grantor by deed dated December 29, 2015 recorded as Instrument #150003137 in the land records of the Clerk of the Circuit Court of the City of Fredericksburg (Clerk's Office), and as more particularly shown on that certain plat titled " _____ " prepared by Webb & Associates, dated _____ and recorded in Plat Book _____ Page _____ in the Clerk's Office (Plat).

B. Grantor conveyed to Grantee certain real property consisting of _____ acres, more or less, designated as City of Fredericksburg GPIN 7789-05-5139 located immediately adjacent to the EDA Property by deed dated _____ 2016, recorded as Instrument # _____ in the Clerk's Office and as more particularly shown on the Plat (City Property) .

C. The EDA Property is improved with a one story brick building with a street address of 1016 Charles Street, with existing surface motor vehicle parking in the rear of the EDA Property. Grantor is obligated to convey to Grantee an easement over the parking area of the EDA Property, which shall permit public parking on nights and weekends, and public ingress and egress rights for the City Property to and from Amelia Street, in perpetuity, by virtue of an Assignment of Real Estate Purchase Agreement

GPIN: 7789-05-6246

GPIN: 7789-05-5139

and Real Estate Purchase Agreement between Grantor and Grantee dated December___, 2015 (Assignment).

AGREEMENT

NOW THEREFORE, in consideration of the Assignment, the mutual covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, it is hereby agreed as follows:

1. RECITALS. The recitals above are incorporated herein by this reference, as matters of contract and not mere recital.

2. INGRESS/EGRESS EASEMENT. Grantor hereby grants and conveys to Grantee a non-exclusive permanent 24' wide ingress/egress easement, over an area described as "Area of Ingress/egress easement" on the attached exhibit titled "Exhibit of Ingress/Egress and Public Parking Easements" prepared by Ramey Kemp & Associates, Inc., dated December 22, 2015 and attached hereto as **Exhibit A** (Ingress/Egress Easement). The Ingress/Egress Easement is for the use of the general public for motor vehicle and pedestrian ingress to and egress from the City Property to and from Amelia Street. Grantee may install public information signs within the Ingress/Egress Easement, subject to Grantor's reasonable review and approval. Grantee may assign all or any parts of its rights under the Ingress/Egress Easement.

Grantor reserves the right to exercise reasonable control and to make reasonable changes from time to time with respect to the Ingress/Egress Easement and providing for safe and proper vehicular access to the parking spaces within the Parking Easement as defined herein, including without limitation, the reconfiguration, realignment or relocation of the Ingress/Egress Easement; provided that such changes shall not impair or interfere with reasonable access from the EDA Property and the Parking Easement to and from Amelia Street.

GPIN: 7789-05-6246

GPIN: 7789-05-5139

3. PARKING EASEMENT. Grantor further grants and conveys to Grantee a permanent easement over the 13 parking spaces encompassed within the two areas each as designated as “area of parking easement,” as shown on Exhibit A, for the use of the general public for motor vehicle parking and all necessary rights of ingress and egress from 6:00 p.m. to 2:00 a.m. Monday through Friday, and from 8:00 a.m. to 2:00 a.m. the next morning, on Saturdays, Sundays and federal holidays (Parking Easement). The Grantee may install signs within the Parking Easement designating the parking spaces as available for public parking, subject to the Grantor’s reasonable review and approval. Grantor reserves the right to issue up to six (6) parking permits to its tenants, employees, and associates, the display of which shall permit a motor vehicle to park in the Parking Easement without charge at any time during the time periods set forth in this paragraph for the City’s use. In the exercise and implementation of this reserved right, Grantor will cooperate and communicate with Grantee.

4. RIGHT TO REMOVE OBSTRUCTIONS. Grantee may trim, cut, and remove snow, trees, shrubbery, fences, structures, facilities, and other obstructions in the Ingress/Egress Easement and Parking Easement if they interfere with the purpose of the easements. Grantee is not responsible for maintaining the condition of the Ingress/Egress Easement and Parking Easement.

5. INSURANCE. As a condition to these easements, Grantee shall keep in full force and effect, at its own expense, Local Government General Liability insurance and Garage Keepers Coverage in reasonable amounts for local government operations, providing coverage for its use of these easements. Grantee shall produce a certificate or certificates of insurance to Grantor upon Grantor’s request.

6. NO OBSTRUCTIONS/RIGHT TO TOW. Grantor shall not obstruct the Ingress/Egress Easement or Parking Easement, but reserves the right to use them in any way that does not interfere

GPIN: 7789-05-6246

GPIN: 7789-05-5139

with the rights granted in this Deed of Easement. Grantor reserves the right to tow trespassing vehicles from the parking spaces during periods of its exclusive use.

7. GOVERNING LAW. This Deed of Easement shall be governed by and interpreted in accordance with the laws of the Commonwealth of Virginia.

8. COUNTERPARTS. This Deed of Easement may be executed in counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument.

9. SEVERABILITY. If any provision of this Deed of Easement shall be unenforceable in whole or in part, such provision shall be limited to the extent necessary to render the same valid or it shall be excised from this deed of easement and the remainder of this deed of easement shall not be affected thereby.

This conveyance is with the free consent and in accordance with the desires of the Grantor, and is binding upon and inures to the benefit of the parties hereto and their respective heirs, assigns and successors-in-interest.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

GPIN: 7789-05-6246

GPIN: 7789-05-5139

This Deed of Easement is hereby granted to the City of Fredericksburg, Virginia.

FREDERICKSBURG ECONOMIC DEVELOPMENT
AUTHORITY

By: _____
Chris Hornung, Chair

Commonwealth of Virginia
City/County of _____:

I certify that _____ acknowledged this deed in my presence on
_____, 2016.

Notary Public

notary seal:

My registration number: _____
My commission expires: _____

GPIN: 7789-05-6246

GPIN: 7789-05-5139

This easement is hereby accepted by the City of
Fredericksburg.

CITY OF FREDERICKSBURG, VIRGINIA

Beverly R. Cameron, City Manager

Approved as to form:

Rob Eckstrom, Assistant City Attorney

Commonwealth of Virginia
City of Fredericksburg:

I certify that Beverly R. Cameron, City Manager, signed this deed in my presence on
_____, 2016.

Notary Public

notary seal:

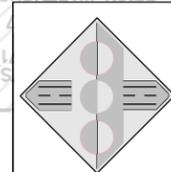
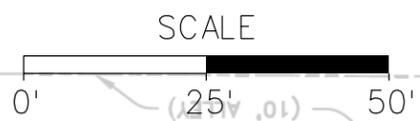
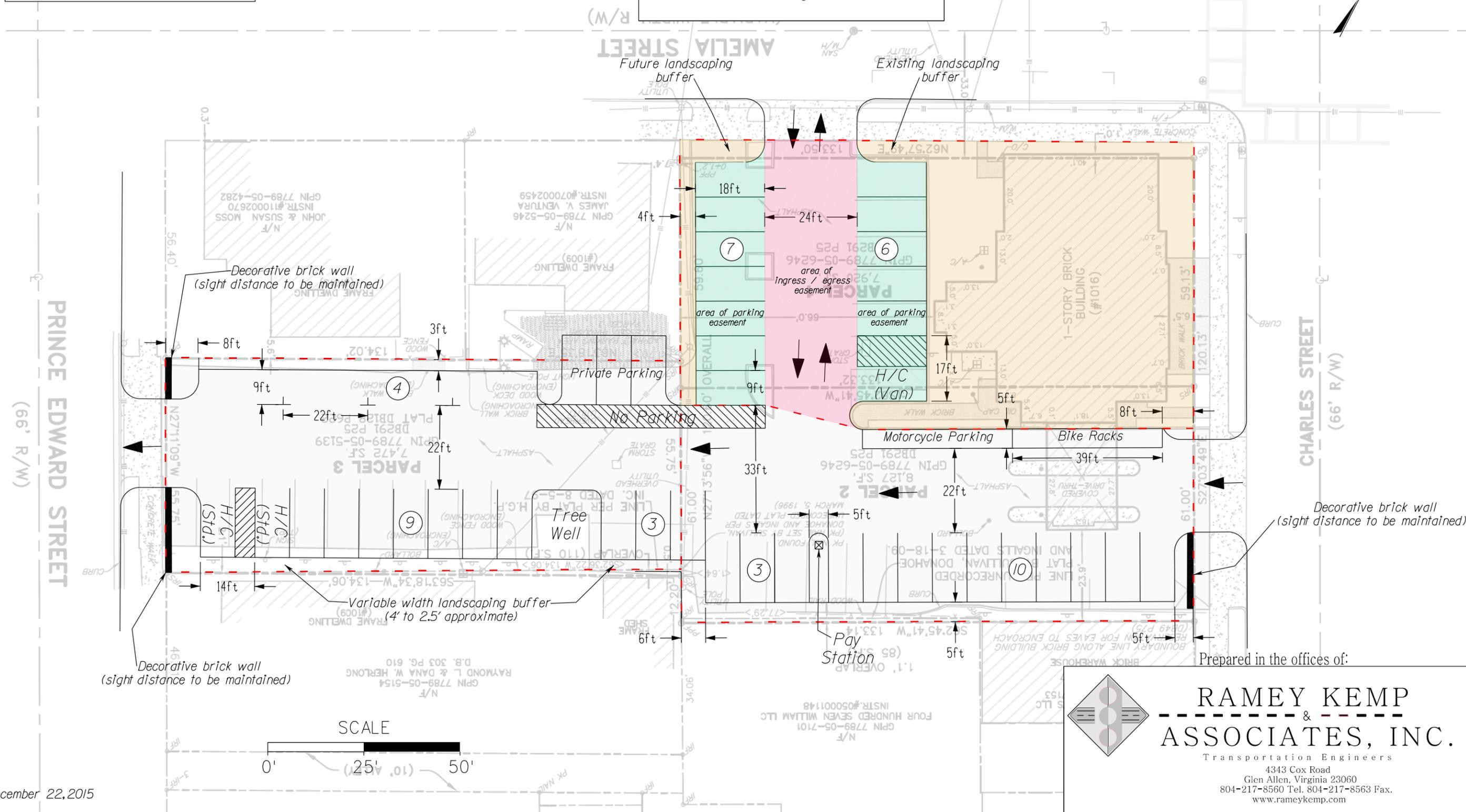
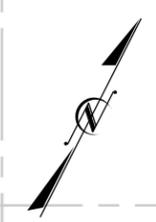
My registration number: _____

My commission expires: _____

Exhibit A – “Exhibit of Ingress/Egress and Public Parking Easements” prepared by Ramey Kemp &
Associates, Inc., dated December 22, 2015

Parking Lot Summary	
Parking Spaces (90° and parallel)	39
Handicap Parking Spaces	3
Total Parking Spaces	42

Exhibit of Ingress / Egress and Public Parking Easements



RAMEY KEMP & ASSOCIATES, INC.
Transportation Engineers

4343 Cox Road
Glen Allen, Virginia 23060
804-217-8560 Tel. 804-217-8563 Fax.
www.rameykemp.com

Prepared in the offices of:



MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Mark Whitley, Assistant City Manager
RE: Telecommunications Cell Tower Lease – R-Board
DATE: January 4, 2016

ISSUE

Shall the City Council approve a lease between the City and Stafford County, as co-owners of the Rappahannock Regional Solid Waste Management Board landfill, and Milestone Communications for a communications tower?

RECOMMENDATION

This item is on for transmittal and information only for January 12, 2016. Barring additional information or developments, staff will recommend approval of the attached ordinance on first reading on January 26th, 2016.

BACKGROUND

Milestone Communications, Inc., wishes to build a communications tower on the site of the R-Board landfill at 489 Eskimo Hill Road. The City and Stafford County jointly own the land, and have been approached with a lease document.

The Stafford Board of Supervisors is scheduled to act on this request after a public hearing on January 19th, 2016. The City is scheduling the required public hearing on January 26th, 2016, and the attached ordinance will be available for first reading at that time.

The tower has been sited such that there is no impact to either landfill operations or the Civil War Park. The R-Board Resolution approving the request subject to the approval of the City Council and the Stafford County Board of Supervisors is attached, as are the Exhibits showing the location of the proposed tower.

FISCAL IMPACT

The R-Board would receive a cash contribution of \$25,000 and then 40% of sublease rent. The sublease rent is comparable to the City's ground lease terms at the Powhatan Tank. This revenue would be available to meet the various liabilities and expenses of the R-Board landfill.

Attachments: Draft Ordinance
R-Board Resolution 15-11
Draft Lease Exhibit A & B



MOTION:

SECOND:

Date
Regular Meeting
Ordinance No. 16-__

RE: AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF LEASE AGREEMENT WITH STAFFORD COUNTY AND MILESTONE COMMUNICATIONS MANAGEMENT III, INC. FOR CONSTRUCTION AND OPERATION OF A TELECOMMUNICATIONS TOWER AT THE REGIONAL LANDFILL, 489 ESKIMO HILL ROAD, STAFFORD VA 22554.

ACTION: APPROVED; Ayes: 0; Nays: 0

First read: _____ **Second read:** _____

SEC. I. Introduction.

The City and Stafford County jointly own the land at 489 Eskimo Hill Road in Stafford County, on which the regional landfill is located. The Rappahannock Regional Solid Waste Management Board (R-Board) manages the landfill. The R-Board has been approached by Milestone Communications Management III, Inc., which would like to construct and operate a telecommunications tower on the property. As landowners, the City and the County would be named as lessors on any lease of the land.

The R-Board has approved the attached lease, subject to the approval of the County and the City. The Stafford County Board of Supervisors is scheduled to act on the lease request after a public hearing on January 19. The City is holding a public hearing on the lease request on January 26.

SEC. II. Grant of Lease.

The City Manager is authorized to execute the attached Deed of Lease Agreement between Stafford County, the City of Fredericksburg, and Milestone Communications Management III, Inc., in substantially the form submitted for approval.

SEC. III. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

RB15-11

RAPPAHANNOCK REGIONAL SOLID WASTE MANAGEMENT BOARD

RESOLUTION

At the regular meeting of the Rappahannock Regional Solid Waste Management Board (R-Board) held in the Board of Supervisors Chamber, Stafford County Administration Center, Stafford, Virginia on the 19th day of August, 2015;

<u>Members:</u>	<u>Vote:</u>
Paul V. Milde, III, Chairman	Yes
Mathew J. Kelly, Vice-chairman	Yes
Beverly R. Cameron	Yes
Keith C. Dayton	Yes
Gary Snellings	Yes
William C. Withers, Jr.	Yes

On motion of Mr. Milde, seconded by Mr. Withers, which carried by a vote of 6 to 0, the following was adopted:

A RESOLUTION TO APPROVE THE INSTALLATION OF A CELLULAR TOWER AT THE REGIONAL LANDFILL

WHEREAS, the Milestone Communications Management III, Inc. (Milestone), has requested approval to construct a cellular service communications tower on landfill property; and

WHEREAS, R-Board staff have coordinated the proposed location for this tower so that there would be no impacts to operation of the Civil War Park or landfill operations; and

WHEREAS, residents of the county and commuters using Virginia Railway Express will have enhanced cellular service as a result of this tower; and

WHEREAS, there are monetary benefits to the R-Board should the lease ultimately be approved; and

WHEREAS, both the Fredericksburg City Council and Stafford County Board of Supervisors must hold public hearings to solicit public input before the site is approved;

NOW, THEREFORE, BE IT RESOLVED by the Rappahannock Regional Solid Waste Management Board on this the 19th day of August, 2015, that the site identified for a cellular communications tower is approved, subject to consideration and approval by the Fredericksburg City Council and the Stafford County Board of Supervisors.



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

BE IT FURTHER RESOLVED that a copy of this resolution be provided to the City of Fredericksburg and Stafford County.

A Copy, teste:

RAPPAHANNOCK REGIONAL SOLID WASTE
MANAGEMENT BOARD

Keith C. Dayton, Director

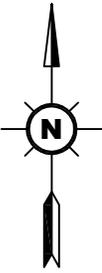
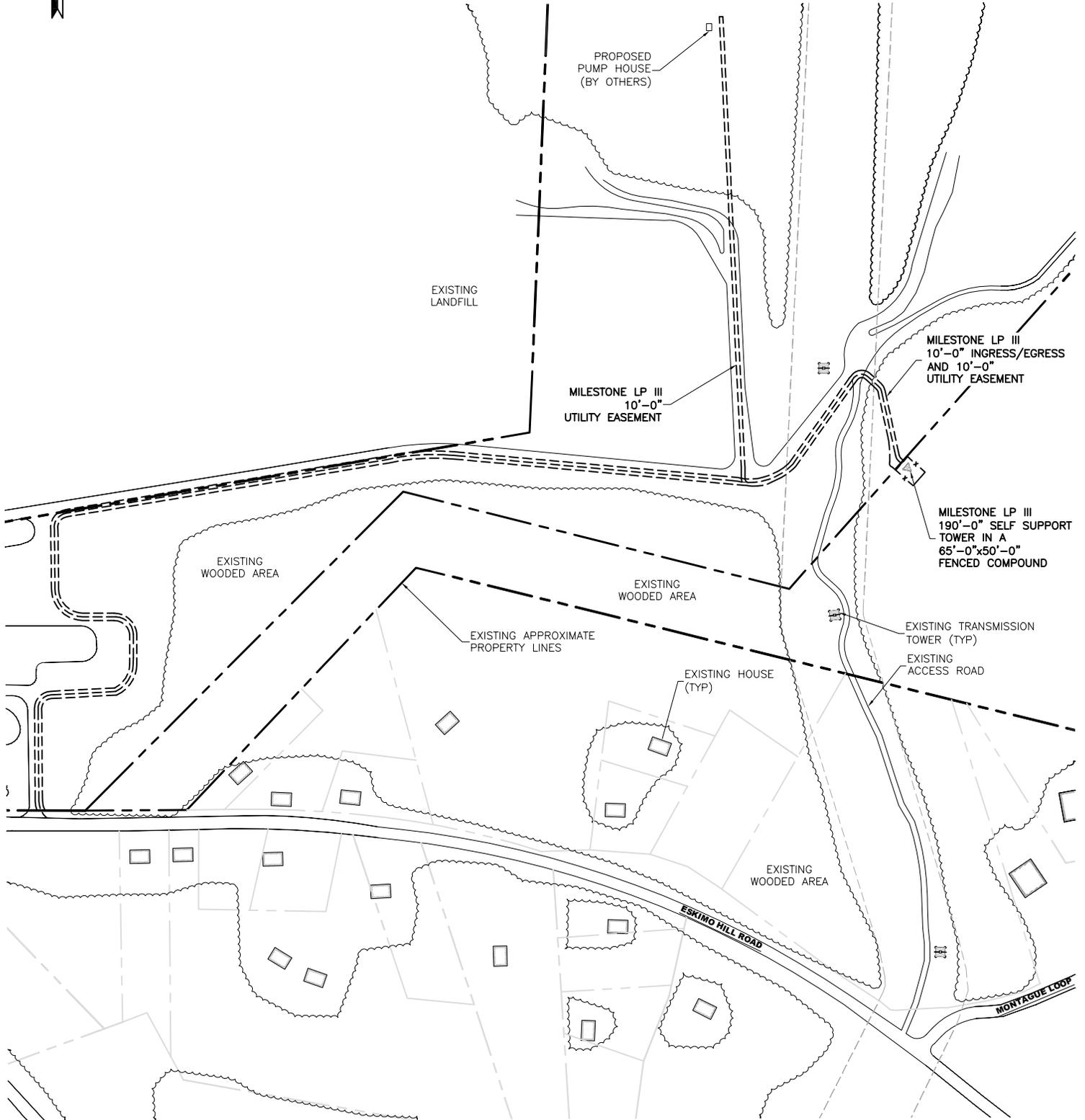
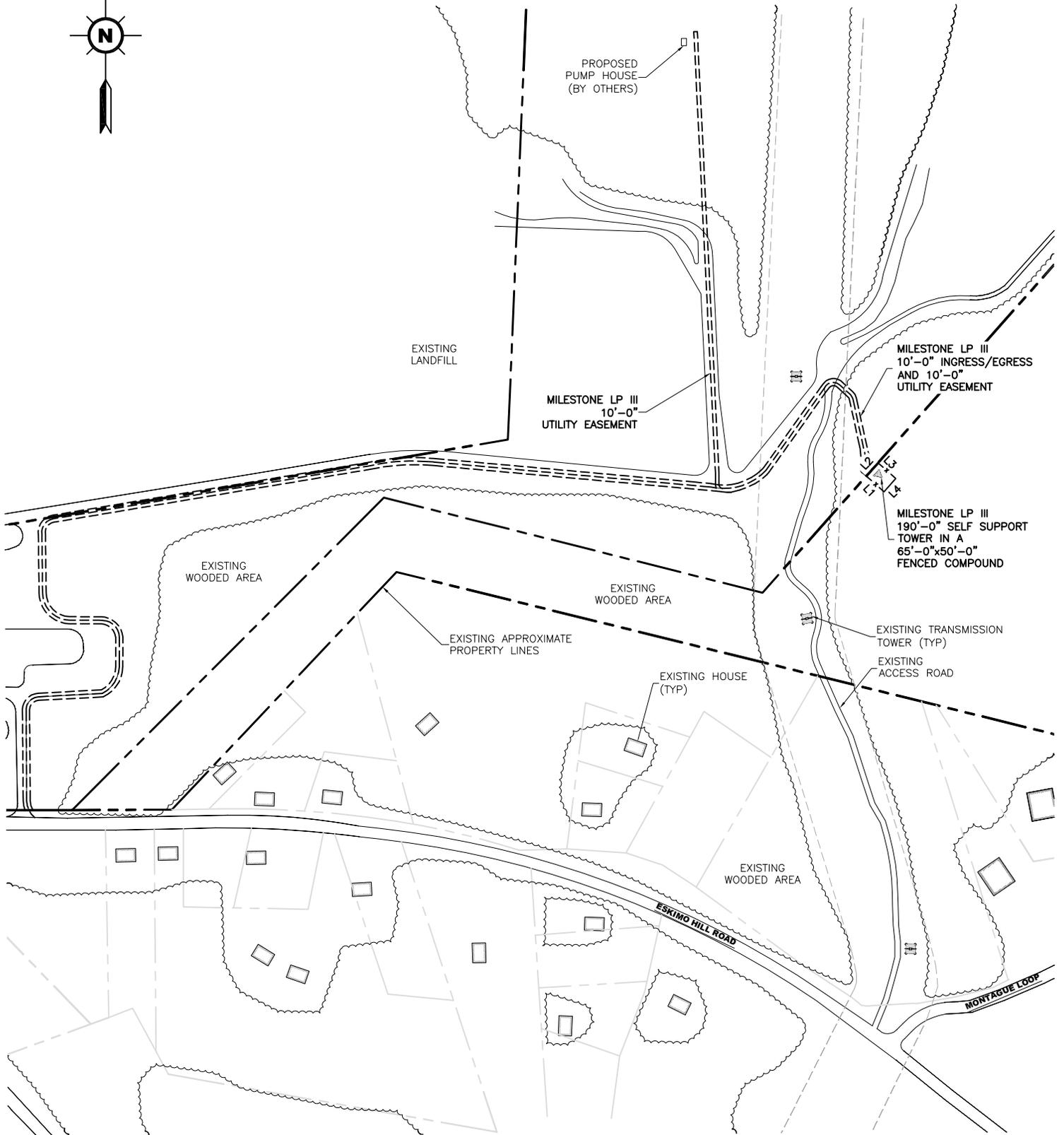
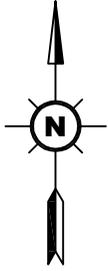


EXHIBIT A
MILESTONE LP III - STAFFORD COUNTY LANDFILL
ELECTION DISTRICT: AQUIA LRSN: 24069
PAGE: 39 LOT: 26 SUB LOT: B
489 ESKIMO HILL ROAD
STAFFORD, VIRGINIA 22554



**EXHIBIT A-1
MILESTONE LP III - STAFFORD COUNTY LANDFILL
LEASED PREMISES**

PAGE 1 OF 3



LINE TABLE		
LINE	LENGTH	BEARING
L1	65'-0"	N48°23'37"W
L2	50'-0"	N41°36'23"E
L3	65'-0"	S48°23'37"E
L4	50'-0"	S41°36'23"W

EXHIBIT A-1
MILESTONE LP III - STAFFORD COUNTY LANDFILL
LEASED PREMISES

PAGE 2 OF 3

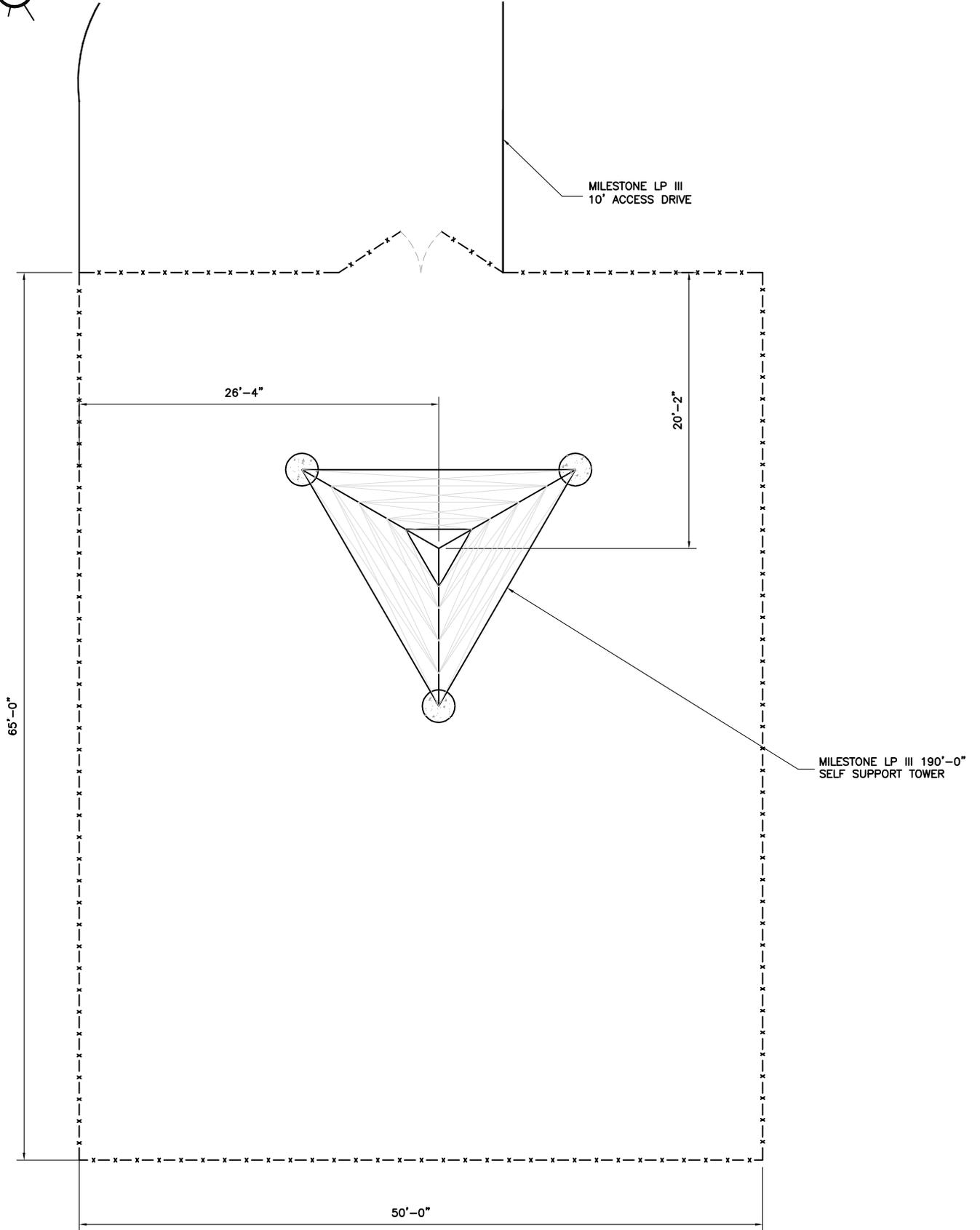
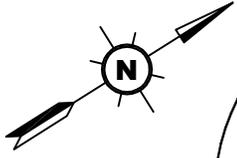


EXHIBIT A-1
MILESTONE LP III - STAFFORD COUNTY LANDFILL
LEASED PREMISES

PAGE 3 OF 3

LEGAL DESCRIPTION FOR LEASED AREA

DESCRIPTION OF A TELECOMMUNICATION LEASED AREA

BEING A LEASE AREA FOR A TELECOMMUNICATIONS TOWER IN, THROUGH, OVER AND ACROSS A PARCEL OF LAND OWNED BY THE COUNTY OF STAFFORD VIRGINIA, A POLITICAL SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA, AS SHOWN ON A PLAT ENTITLED 'PLAT SURVEY OF 71.339 ACRES' DATED JULY 17, 2003 AND RECORDED AMONG THE LAND RECORDS OF STAFFORD COUNTY, COMMONWEALTH OF VIRGINIA IN PLAT BOOK 41, PAGE 169, CONTAINING 71.34 ACRES, MORE OR LESS, SAID LEASE AREA BEING FURTHER DESCRIBED AS;

COMMENCING AT AN IRON PIPE FOUND AT THE EASTERLY END OF THE S71°00'13"E, 1113.41' LINE AS SHOWN ON SAID PLAT, HAVING THE COORDINATES OF NORTH 6,824,248.35', EAST 11,797,209.86' IN THE VIRGINIA STATE COORDINATE SYSTEM NORTH ZONE; THENCE, WITH BEARINGS BASED ON SAID SYSTEM, N41°36'23"E, A DISTANCE OF 441.57'; THENCE, S48°23'37"E, A DISTANCE OF 2.00' TO THE POINT OF BEGINNING; THENCE,

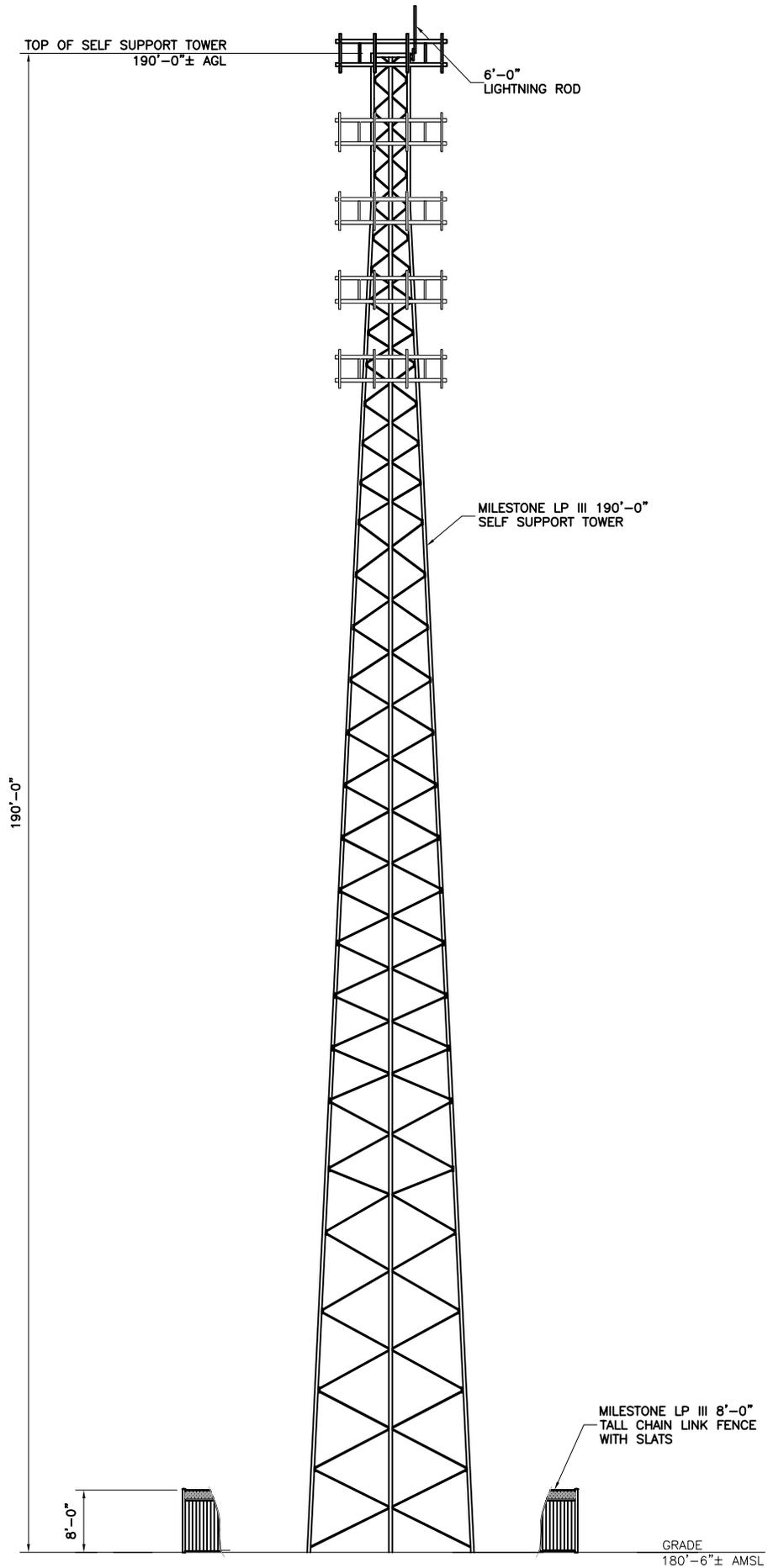
1. N41°36'23"E, A DISTANCE OF 50.00'; THENCE,
2. S48°23'37"E, A DISTANCE OF 65.00'; THENCE,
3. S41°36'23"W, A DISTANCE OF 50.00'; THENCE,
4. N48°23'37"W, A DISTANCE OF 65.00' TO THE POINT OF BEGINNING, HAVING AN AREA OF 3,250 SQUARE FEET, OR 0.075 ACRES, MORE OR LESS.

TOGETHER WITH A 20-FT WIDE EASEMENT FOR ACCESS AND UTILITIES HAVING A CENTERLINE DESCRIBED AS:
COMMENCING AT THE SAME IRON PIPE AS SHOWN ON SAID PLAT; THENCE, N41°36'23"E, A DISTANCE OF 466.57' TO THE POINT OF BEGINNING; THENCE,

1. S48°23'37"E, A DISTANCE OF 2.00' TO THE END OF SAID CENTERLINE HAVING AN AREA OF 40 SQUARE FEET, OR 0.0009 ACRES, MORE OR LESS.

AS SHOWN ON A SURVEY PREPARED FOR ADVANTAGE ENGINEERS BY GEOMATX DATED SEPTEMBER 26, 2015.

EXHIBIT A-2
MILESTONE LP III - STAFFORD COUNTY LANDFILL
SELF SUPPORT TOWER PROFILE



SELF SUPPORT TOWER ELEVATION
SCALE 3/64"=1"

EXHIBIT B
MILESTONE LP III - STAFFORD COUNTY LANDFILL
APPURTENANT EASEMENT
ACCESS EASEMENTS

PAGE 1 OF 3

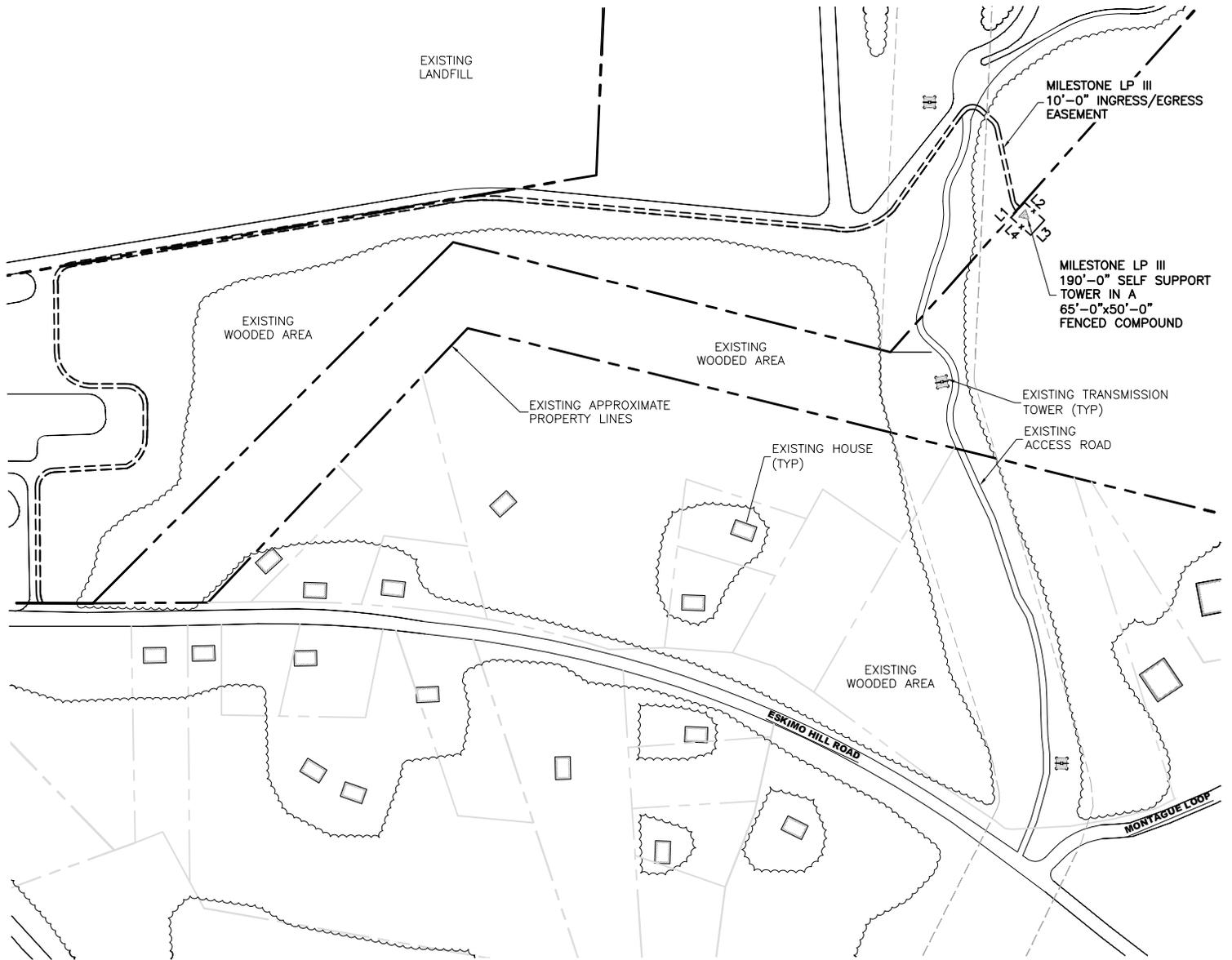
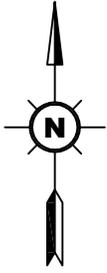


EXHIBIT B
MILESTONE LP III - STAFFORD COUNTY LANDFILL
APPURTENANT EASEMENT
UTILITY EASEMENTS

PAGE 2 OF 3

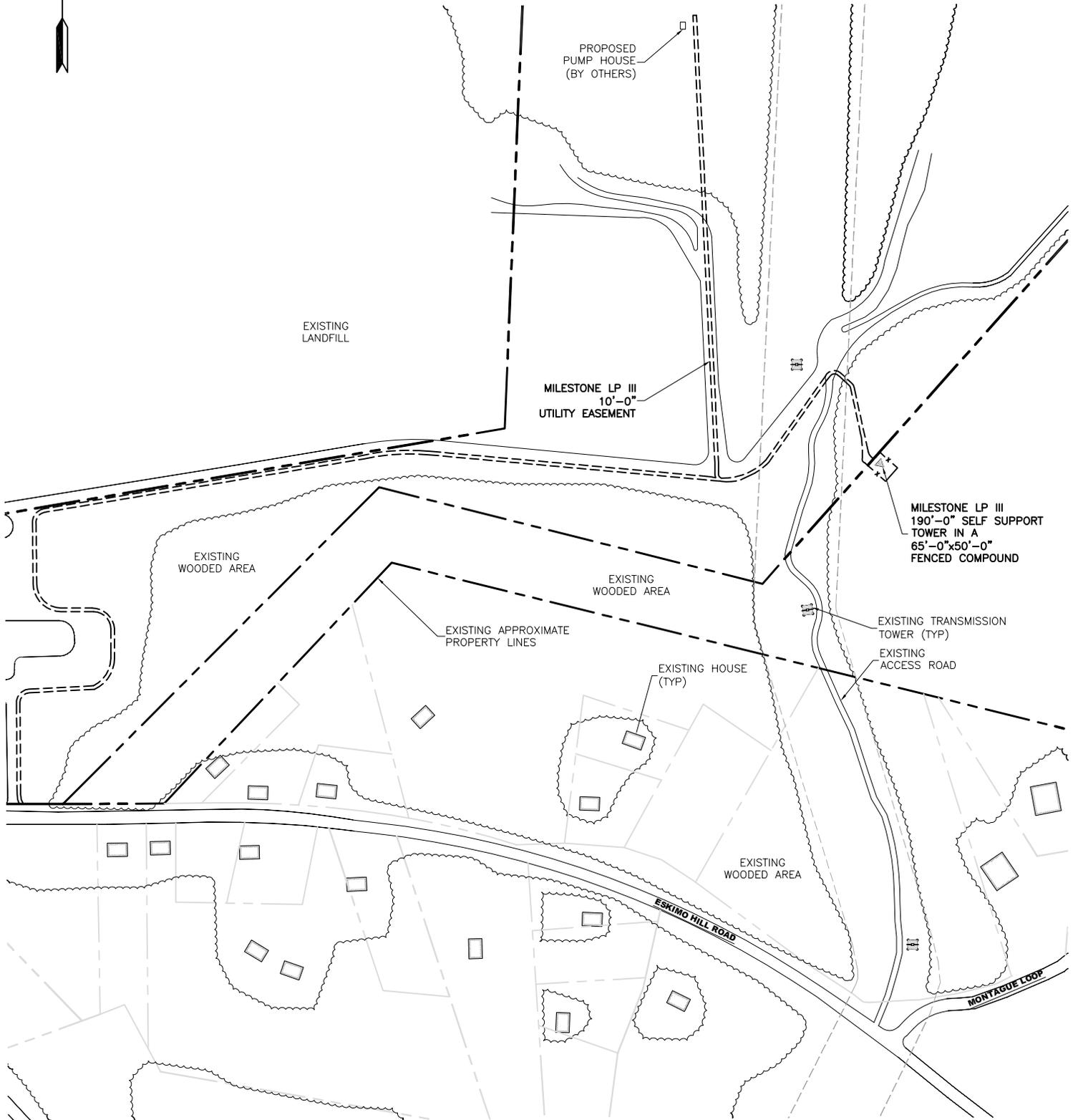
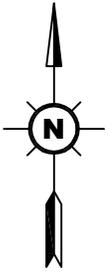
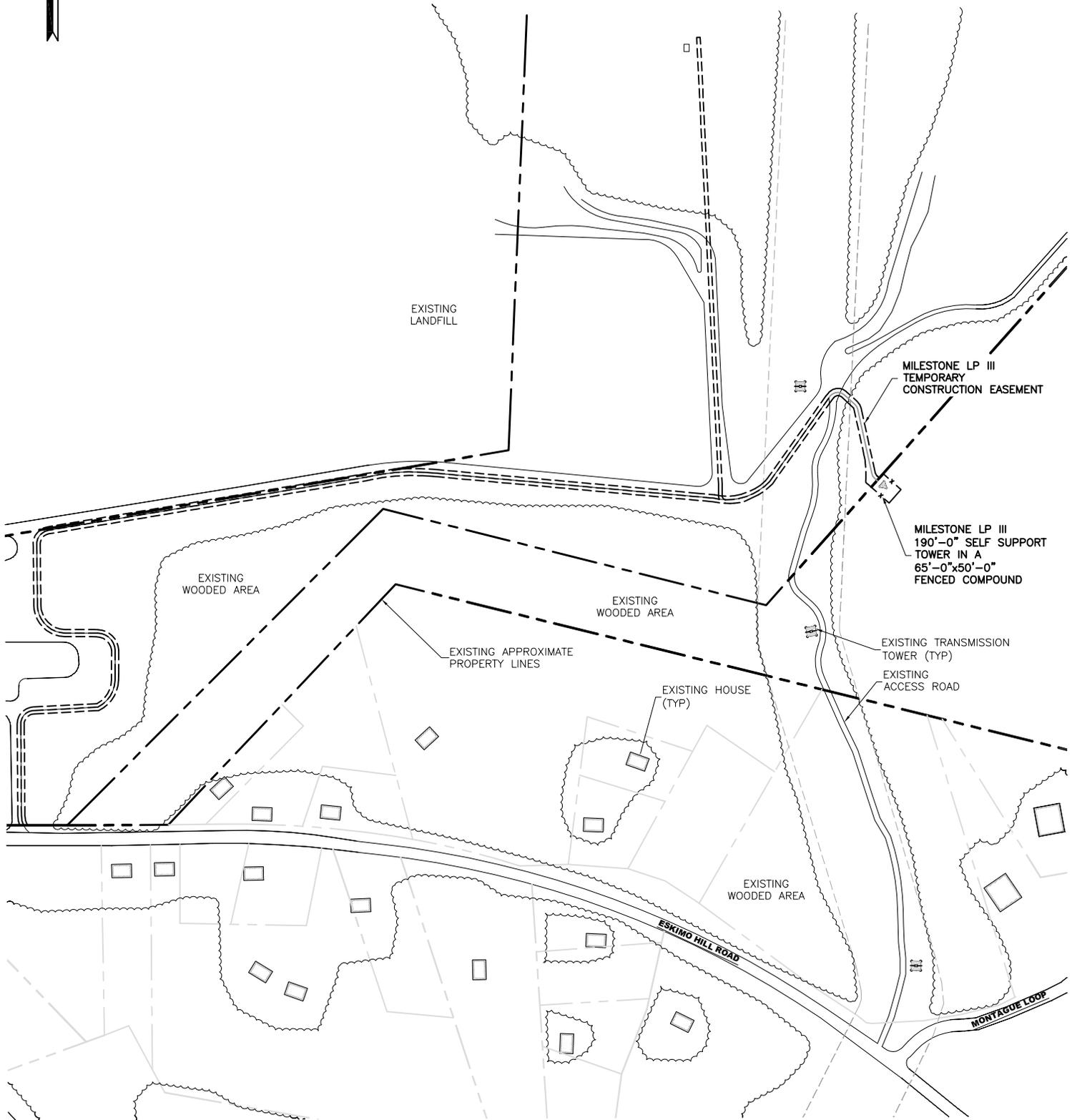
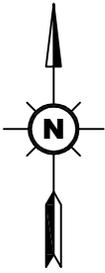


EXHIBIT B
MILESTONE LP III - STAFFORD COUNTY LANDFILL
APPURTENANT EASEMENT
TEMPORARY CONSTRUCTION EASEMENT

PAGE 3 OF 3



Christen Gallik
Director of Social Services



City of Fredericksburg
Department of Social Services
Bass-Ellison Building
608 Jackson Street, Suite 100
Fredericksburg, VA 22401
Office: (540) 372-1032
Fax: (540) 372-1157

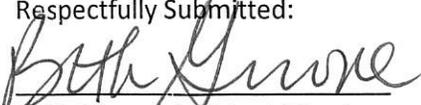
**City of Fredericksburg Department of Social Services
Board of Directors
Meeting Minutes – October 8, 2015**

Present for the meeting: Kathy Anderson, Tim Duffy, Christen Gallik, Beth Girone, Bea Paolucci, and Mark Poth.

- I. **Call to Order:** Meeting called to order at 8:34 a.m.
- II. **Approval of Minutes:** Bea Paolucci made a motion to approve the minutes of August 13, 2015. Mark Poth seconded. All were in favor with one abstention from Tim Duffy.
- III. **Director's Report:**
 - a. **Budget** – The finance report was presented and discussed. Ms. Gallik stated that the agency is in need of a new server as the current one is over 7 years old. Kathy Anderson asked if we have ever thought about using a “cloud-based” service. Ms. Gallik stated that we are in the beginning phase of looking into options, and that we would certainly ask if that is something compatible with our needs.
 - b. **Performance Metrics** – Performance measures for July and August 2015 were presented and discussed. Ms. Girone reported that she is working with Protective Services Supervisor Shannon Hartung to address the measure that tracks the “percent of CPS referrals with prior Fredericksburg history”. Ms. Girone explained that some of the ideas discussed are to concentrate more on individualized service plans for those families that need more supports in place and for longer periods of time.
 - c. **Management Report** - Ms. Gallik's Director's report was distributed and discussed. The City approved a Panic Alarm system to be installed in the building. Congressman Rob Wittman will be at the agency for an adoption forum on October 29, 2015. This year's cooling program assisted 402 applicants with \$51,542 in benefits.
- IV. **Old Business:** There was no old business to discuss.
- V. **New Business:** There was no new business to discuss.
- VI. **Executive Session:** There was no need to go into Executive Session.
- VII. **Items for Consent/Approval:** New Hires – KT Lee and Carley Hudson were hired as Family Services Specialists. KT Lee started in September. Carley is an intern from James Madison University who, upon her graduation in December, will join the Protective Services Team full-time. Carol Campo and Michelle Nunez joined the agency in September. Carol is the new part-time Eligibility Worker and Michelle is the new part-time Office Associate.

VIII. **Adjournment:** The meeting adjourned at 9:07. The next meeting is scheduled for December 10, 2015 at 8:30 a.m.

Respectfully Submitted:


Beth Girone, Assistant Director

Date 12/10/15


Zachary Hatcher, Chair

Date 12/10/15

APPROVED

CITY OF FREDERICKSBURG CLEAN & GREEN COMMISSION

Minutes

Monday, November 2, 2015– 6:00 p.m.

Present: Paula Chow, Damian Cobey, Robert Courtnage, Michelle Crow-Dolby, Kerry Devine, Carolyn Helfrich, Diane Jones, Anne Little, Erik Nelson, Nancy Segarra, Mike Ward.

The meeting was called to order at 6 P.M.

The minutes from 10-5-15 were approved without corrections.

Updates were given on the following:

- Downtown trash cans and ashtrays – City shop has been installing ashtrays. They will be done in the next 2- weeks. Public Works to work out procedure for ash disposal.
- Tree planting status - 485 trees were planted this fall. Artificial mulch has begun to be placed in downtown tree wells. This Friday we will begin planting x-mas trees in the planters for the holidays.
- Cigarette Butt Campaign – The campaign has begun. This is the 6th year and involvement is up. Yard signs were up, 80-90% of downtown businesses are supporting. All current cigarette pails have been adopted. This year UMW is putting out banners. There will be a cleanup at City Dock this Saturday.
- Sustainability Campaign - Working on a green waste initiative in the form of composting yard waste. A phase in approach. Noted that Good Turn Earth is selling compost at the Farmer's market. Parks and Recreation noted that their leaves grass etc. is mulched during lawn manicuring.

Discussion:

- Regional Greenhouse Gas Initiative (RGGI) – Commission was given a draft letter for review that would go to City Council. The letter encourages a resolution by the City in support of (RGGI.) The letter will be forwarded to Mr. Courtnage. The members did suggest researching why N.J. dropped out and also list the cities/counties in VA already sending in support.
- Recycling Public Communication – The new toters being phased in have recycle information on the lids. There are still many of the old style bins being used. Suggest a message being left in these? Other forms of education outreach to be explored.
- Electing a Chair of Clean and Green - On a motion by Carolyn Helfrich, seconded by Paula Chow, Robert Courtnage was elected as the new chair for the Clean and Green Commission.

The meeting was adjourned at 7 P.M.

The next meeting is scheduled for Monday December 7th @ 6:30 P.M.

FREDERICKSBURG
ECONOMIC
DEVELOPMENT
AUTHORITY

706 Caroline Street
Fredericksburg, VA 22401

(540) 372-1216
(540) 372-6587 Fax

ECONOMIC DEVELOPMENT AUTHORITY MINUTES (EDA)

October 19, 2015

8:30 a.m. • EDA Regular Meeting

City Hall, The Suite

715 Princess Anne St.

Fredericksburg, VA

The Economic Development Authority of the City of Fredericksburg, Virginia met in regular session on Monday, October 19, 2015 beginning at 8:30 a.m. in the Suite at City Hall.

EDA MEMBERS PRESENT. Chris Hornung, Chair, presiding. Joe Wilson, Amy LaMarca, Bob Carter, and Tom Crimmins.

ABSENT. Michael Colangelo and Steve D'Lugos.

ALSO PRESENT. **Citizen:** Walter Sheffield; **Department of Economic Development and Tourism:** Karen Hedelt, Director; Bill Freehling, Assistant Director for Economic Development; Amy Peregoy, Economic Development Specialist.

DETERMINATION OF QUORUM. Chris Hornung.

AGENDA. Upon a motion by Bob Carter, seconded by Amy LaMarca, the agenda was approved as presented: Ayes (5); Nays (0).

PUBLIC COMMENTS. Mr. Walter Sheffield expressed his appreciation to the EDA for the opportunity to apply for a grant to assist with the façade improvements at 904 Princess Anne St. He gave a brief overview of his application.

APPROVAL OF MINUTES. Upon a motion by Amy LaMarca, seconded by Tom Crimmins the minutes from the September 14, 2015 meeting were approved: Ayes (4); Nays (0); Abstain (1).

TREASURER'S REPORT. The financial statement and budget reports for September were accepted and filed with the minutes.

OLD BUSINESS.

- a. **EDA Strategic Plan** – Ms. LaMarca stated she and Chairman Hornung have met and had the opportunity to speak during the Chamber of Commerce's Fredericksburg Roundtable breakfast. This presented the opportunity to capture four initiatives: Utilize Reuse and Redevelopment of Downtown Assets, Tourism, Quality of Life and Entrepreneurship. The EDA will work with partners to develop the framework of what the EDA desires to achieve. Chairman Hornung stated during his meeting with Ms. LaMarca the areas of focus were narrowed down and they have put in each of those areas concepts and ideas for the EDA to follow and fulfill. A draft will be prepared for review and comment. Mr. Wilson recommended an advisory board be created for input before the plan is finalized.

- b. ***FredXchange Additional Funding Request*** – Ms. LaMarca presented an additional funding request of \$5,000 for the expansion of square footage into the adjacent space for FredXchange. Upon a motion by Amy LaMarca, seconded by Joe Wilson, an additional \$5,000 was approved for FredXchange to lease the adjacent space: Ayes (5); Nays (0).

NEW BUSINESS. EDA Insurance Policy through Virginia Municipal League – Mr. Freehling presented a recommendation for the EDA to purchase a liability insurance policy through the Virginia Municipal League to protect assets and board members against legal action. The standard policy annual premium is \$1,513 for protection up to \$1,000,000 for liability and a suit filed against a board member with the option to add a \$1,000,000 umbrella policy which would increase the annual premium by \$123. The account representative recommended the standard policy. Mr. Freehling will check the automobile coverage within the policy. Upon a motion by Amy LaMarca, seconded by Tom Crimmins, the board approved up to \$1,636 to purchase a standard policy through the Virginia Municipal League after automobile coverage is determined by Mr. Freehling and Mr. Massey approves the policy with notice to the EDA: Ayes (5); Nays (0).

COMMITTEE REPORTS.

- a. ***Fredericksburg VA Main Street (FVMS) Committee*** – Mr. Crimmins did not present an update. Ms. Hedelt noted FVMS is working hard with their brand launch. The IRS status is in process. Ms. LaMarca requested an update on the gift card program. Ms. Hedelt stated FVMS is reviewing a \$30,000 purchase of gift cards.
- b. ***Grants Committee*** – Mr. Carter presented the Grants Committee recommendations to the board for three grants:

Kathryn Wafle, \$2,000 for façade improvements at 415 William St.

The Princess Anne Street Building, \$7,236.38 for Phase 1 façade improvements (\$1,500); Phase 2 of installation of brick pavers (5,736.38) at 904 Princess Anne St. in partnership with the City of Fredericksburg.

Economic Development and Tourism on behalf of the Battlefield Industrial Park Business Owners, \$4,908 for directional signage.

Mr. Wilson noted possible future assistance with a monument sign for Alum Springs Road businesses.

After a brief discussion, the grants were voted on in a block. Upon a motion by Joe Wilson, seconded by Amy LaMarca the EDA approved the grants as recommended by the Grants Committee totaling \$14,144.38: Ayes (5); Nays (0).

STAFF REPORT.

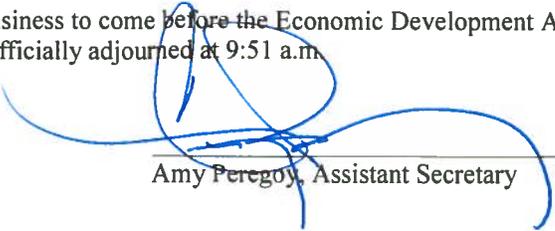
- a. ***Germanna Community College Center for Apprenticeship and Credentialing*** – Mr. Freehling updated the board on recent meetings with Germanna Community College (GCC) regarding a possible Center for Apprenticeship and Credentialing to be located in the City of Fredericksburg. GCC will possibly present a request to the board for funding assistance.
- b. ***Fredericksburg Tax Revenue Analysis*** – Mr. Freehling presented an analysis of sales, meals lodging and BPOL tax revenue from 2005 to 2014. The analysis also included comparisons to other localities. After a brief discussion, Chairman Hornung thanked Mr. Freehling for the research and work to complete the analysis.

CHAIRMAN'S REPORT. Chairman Hornung noted a discussion with Anne Little regarding a project with Tree Fredericksburg regarding the planting of additional trees along the Lafayette Blvd. Corridor this Fall.

BOARD MEMBERS COMMENTS. Mr. Wilson commended Ann Glave for the scarecrow competition which brought new life into Downtown Fredericksburg.

Mr. Carter requested an update on the Economic Development Master Plan. Ms. Hedelt noted 469 online survey responses were received and will share more information as it becomes available.

ADJOURNMENT. There being no further business to come before the Economic Development Authority at this time, Chairman Hornung declared the meeting officially adjourned at 9:51 a.m.



Amy Perego, Assistant Secretary

FREDERICKSBURG
ECONOMIC
DEVELOPMENT
AUTHORITY

706 Caroline Street
Fredericksburg, VA 22401

(540) 372-1216
(540) 372-6587 Fax

ECONOMIC DEVELOPMENT AUTHORITY MINUTES (EDA)

December 3, 2015

8:30 a.m. • EDA Special Meeting

City Hall, The Suite

715 Princess Anne St.

Fredericksburg, VA

The Economic Development Authority of the City of Fredericksburg, Virginia met in special session on Thursday, December 3, 2015 beginning at 8:30 a.m. in the Suite at City Hall.

EDA MEMBERS PRESENT. Chris Hornung, Chair, presiding. Michael Colangelo, Steve D'Lugos, Joe Wilson, Amy LaMarca, Bob Carter, and Tom Crimmins.

ABSENT. None.

ALSO PRESENT. **Free Lance-Star:** Cathy Jett; **City of Fredericksburg:** Beverly Cameron, City Manager; Kathleen Dooley, City Attorney; **EDA Council:** Blanton Massey; **Department of Economic Development and Tourism:** Karen Hedelt, Director; Bill Freehling, Assistant Director for Economic Development; Amy Peregoy, Economic Development Specialist.

DETERMINATION OF QUORUM. Chris Hornung.

AGENDA. Upon a motion by Bob Carter, seconded by Steve D'Lugos, the agenda was approved as presented: Ayes (6); Nays (0).

PUBLIC COMMENTS. None.

NEW BUSINESS. *Consider partnership with the City of Fredericksburg to acquire real property at 1016 Charles St. and 1011 Prince Edward St.* – Mr. Freehling presented a recommendation for the EDA to partner with the City of Fredericksburg on the acquisition of the properties at 1016 Charles St. and 1011 Prince Edward St. from Union Bank & Trust to facilitate economic development, preservation and public parking in downtown Fredericksburg. Mr. Freehling gave a brief history of recent actions by the Fredericksburg Architectural Review Board and City Council regarding the properties and project plans. He proposed the City of Fredericksburg assign the sales contract on the two properties to the Fredericksburg Economic Development Authority. The City of Fredericksburg would contribute \$525,000 to the EDA (half of the purchase price). This payment would allow the EDA to close on the property by December 31. The EDA would plan to solicit bids from local contracting firms to remove the drive-through structure from the property at 1016 Charles St. (the ARB did approve a COA to demolish that portion of the structure). The EDA would also work with an engineering firm to adjust the boundary lines at 1016 Charles St./1011 Prince Edward St. to facilitate the resale of the property. The City of Fredericksburg would be responsible for designing the parking lot and handling the improvements (resurfacing, curb and gutter, striping, lighting, landscaping, etc.). After the property is subdivided and the drive-through is removed, one parcel (Parcel A in the included site layout) would contain the former bank building and the 12 parking spaces behind the building along Amelia Street. The remaining two parcels (Parcels B and C), which would contain approximately 31 public parking spaces, would be deeded to the City of Fredericksburg. The EDA would grant the city an easement that would allow public parking in Parcel A outside the operating hours of the business occupying the space, and that

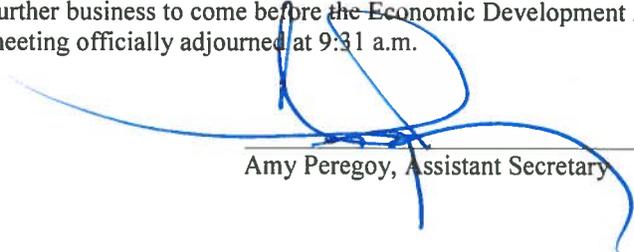
would also allow traffic to enter and exit the public lot at all times. The City of Fredericksburg has agreed (subject to City Council approval) to contribute up to another \$125,000 for the improvements to the project. That would bring the city's total project costs to a maximum of \$650,000.

Mr. Colangelo excused himself from the meeting due to a potential conflict with the purchase of real property.

After discussion, upon a motion by Joe Wilson, seconded by Amy LaMarca, the board approved Resolution 15-01 for its Chairman, Chris Hornung to execute on behalf of the EDA, the Assignment of Real Estate Purchase Agreement with the City of Fredericksburg, subject to City Counsel adopting a resolution authorizing its City Manager to execute the foresaid Agreement: Ayes (6); Nays (0).

BOARD MEMBERS COMMENTS. None.

ADJOURNMENT. There being no further business to come before the Economic Development Authority at this time, Chairman Hornung declared the meeting officially adjourned at 9:31 a.m.



Amy Peregoy, Assistant Secretary

Resolution 15-01
Economic Development Authority of the City of Fredericksburg

MOTION: Wilson

December 3, 2015
EDA Special Meeting

SECOND: LaMarca

**RE: APPROVING AN AGREEMENT WITH THE CITY OF
FREDERICKSBURG FOR THE ACQUISITION AND DEVELOPMENT
OF PROPERTY AT 1016 CHARLES STREET**

ACTION: APPROVED: Ayes: 6; Nays: 0

WHEREAS, the City of Fredericksburg is under contract to purchase property at 1016 and 1018 Charles Street and 1011 Prince Edward Street and;

WHEREAS, the Fredericksburg City Council has expressed an interest in partnering with the Economic Development Authority (“EDA”) on an agreement for the EDA to acquire and develop the property, conveying a portion of the property to the City for public parking use and marketing the existing bank building for continued private use and;

WHEREAS, the EDA is authorized by law to purchase property to promote industry and develop trade for the benefit of the inhabitants of the Commonwealth of Virginia and;

WHEREAS, the building at 1016 Charles Street is attractive and would be marketable to a private user that would add vibrancy and tax revenue to downtown Fredericksburg and;

WHEREAS, the terms in the agreement would provide significant public parking;

NOW THEREFORE, BE IT RESOLVED that the Fredericksburg Economic Development Authority hereby approves the Assignment of Real Estate Purchase Agreement with the City of Fredericksburg. The agreement is hereby directed to be filed with the minutes. The EDA Chair is authorized to execute, deliver, and carry out the agreement on behalf of the EDA, in substantially the form submitted for approval.

Votes:

Ayes: 6

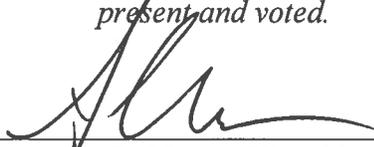
Nays: 0

Absent from Vote: 1

Absent from Meeting: 0

Vice Chair's Certificate

I, the undersigned, certify that I am Vice Chair of the Fredericksburg Economic Development Authority, and that the foregoing is a true copy of a resolution duly adopted at a December 3, 2015, meeting of the Fredericksburg Economic Development Authority at which a quorum was present and voted.



Amy LaMarca, Vice-Chair



PLANNING COMMISSION MINUTES

November 18, 2015

7:30 p.m.

**City of Fredericksburg
715 Princess Anne Street
Council Chambers**

You may view and listen to the meeting in its entirety by going to the Planning Commission page on the City's website: fredericksburgva.gov

MEMBERS

Jim Pates, Secretary (Chair, Pro-Tem)
Jim Beavers
Roy McAfee
Roy Gratz
Richard Friesner
Tom O'Toole
Richard Dynes – Vice Chair (ABSENT)

CITY STAFF

Chuck Johnston, Director of CP&B Dept.
Kathleen Dooley, City Attorney
Erik Nelson, Asst. Director of CP&B Dept.
Mike Craig, Zoning Administrator

1. CALL TO ORDER

The November 18, 2015 Planning Commission meeting was called to order by Secretary, Jim Pates.

2. PLEDGE of ALLEGIANCE

3. ELECTION OF A CHAIR, Pro-Tem

Mr. McAfee nominated Mr. Pates as Chair, Pro Tem. Dr. Gratz seconded the motion. Motion carried unanimously.

4. INTRODUCTION OF NEW COMMISSIONER – Mr. Pates welcomed new Commissioner Thomas (Tom) O'Toole.

5. ADOPTION OF MINUTES

- September 30, 2015 – Work Session Minutes were adopted.
- October 14, 2014 – Regular Meeting Minutes were adopted.

PUBLIC HEARINGS

Mr. Pates noted that Mr. Charlie Payne, Attorney for the applicants for Item # 7 on tonight's agenda (SE2015-01 General Washington Executive Center (Telecommunication Structures)) had requested that this Item be moved to the end of the Public Hearing agenda to allow him additional time to attend the meeting (Mr. Payne was representing another client at a meeting in Stafford County).

6. **SUP2015-02 - Lincoln Terminal Company, INC.**, proposes to amend Special Use Permit 2013-12 to expand its gasoline, bio-diesel and ethanol bulk storage and distribution facility at 1500 Beulah Salisbury Road (GPIN 7788-48-4693) to add an additional 1.06 million gallon above-ground storage tank. The proposal will expand the overall floor area ratio to 0.113. The property is zoned I-2 General Industrial District and the Comprehensive Plan designates the area for General Industrial uses but does not recommend a specific density.

Mr. Craig presented the staff report on the application. He said that staff recommends the public hearing be held open until the December 9, 2015 meeting of the Planning Commission in order to provide the applicant and staff time to fully address the traffic and public safety impacts of the project, as described in the staff report.

Mr. McAfee suggested that if Commissioners do not have a problem with the application, then the Commission could act tonight and the other reports could be presented later when the application moves forward to City Council.

Mr. Craig said that is an assumption. He said he just received the fire safety analysis report and he does not know what the details are. He said he could not answer that question at this time, and he would hate to put the Fire Marshal in a position where there might be something [that] he needs to go back [to the Commission] with. He said, specifically, one issue he can think of is the amount of water available at the site (public utilities). He said if the City has data showing that everything is "up to snuff" – that they have adequate pressure, etc. - and the Fire Marshal is looking at all the foam suppression and all the systems they have put in place and that this new tank operates in conformance with all those other systems, then it should not take any [additional] time.

Mr. Friesner said that staff noted the Oil Discharge Contingency Plan (ODCP) application was extended on November 10th but asked staff if they knew when it is due.

Mr. Craig said that in talking with DEQ, they have said that they prefer to lag construction with this permit. They don't know all the details they are trying to capture until construction is complete. The containment for the new tank is under construction now. He said he does know that DEQ is satisfied with what Lincoln Terminal is doing and they are working together to get these permits taken care of.

Dr. Gratz asked if Lincoln Terminal has had any discussion about providing funds for any work that needs to be done on the roadway in the subject area, such as widening of the roadway, or adding turn lanes.

Mr. Craig said they have not. He said they met to discuss it preliminarily. He said the applicants have provided some traffic information and what staff is trying to figure out

with VDOT is what is a reasonable amount to expect out of Lincoln Terminal because they have currently not made any offer to mitigate that impact.

Mr. Pates asked what would be the percentage increase of storage capacity at the facility with the addition of this one tank.

Mr. Craig said it would be about 10%.

Mr. Pates asked staff if they anticipate getting a report (in writing) from the Fire Department prior to the application coming back before the Commission.

Mr. Craig said staff could certainly provide a summary for the Commission.

Mr. Pates asked the compliance history of the current facility with the DEQ and EPA.

Mr. Craig said Lincoln Terminal could probably answer that question more accurately, but that he knows there have not been any hazardous incidents or spills since it has been a storage facility.

Mr. Pates asked staff if they know when the last inspection had been conducted by DEQ.

Mr. Craig said they inspect the facility quarterly, he believes.

Mr. Pates noted that the containment area is being expanded and asked what exactly is being done there now.

Mr. Craig said they are building the 2.97 million gallon tank, which had been approved by the City in 2014, and around that tank is a big concrete enclosure (containment area), which had actually been planned with the first approval of a special use permit. He said he does not believe there is much of a change. He said the containment they are currently constructing is all the containment they will need for the additional tank.

Mr. Larry Burgamy, Applicant, Lincoln Terminal Company. To clarify, he said, the company is building a premium gasoline tank and the tank does not contribute to any additional traffic. He said as a truck is loading, it has the capability of loading several different octane grades at one time on the same truck. The truck will then take the load to a gasoline station and unload the product(s). He said what they are building is a tank that will serve on a complementary basis with an additional product that is important to the marketplace. He said their facility has created a "supply point" for Fredericksburg that did not previously exist. He said they are working closely with the Fire Marshal and the Fire Department and have done everything the City has expected and requested of them. He addressed Mr. McAfee and said that they are confident that the additional information that is needed by staff would allow for a productive meeting on December 9th.

Mr. Ray Freeland, Freeland Engineering, 10814 Courthouse Road, Fredericksburg, 22408, said the containment area is basically a big tall retaining wall with a rubber membrane lining to prevent fluids from passing through it. He said it was designed per the requirements of 125% of the largest tank and the largest tank is 2.9 million gallons and the new tank being proposed tonight is within that containment area. He said what

they designed is an expansion of what currently exists for containment for the six existing tanks that are located on the back side of the property. He said that as far as spill containment goes, the containment system that has been put into place will address the existing tank as well as the new tank.

Mr. Pates confirmed that there is not any additional capacity being added for this particular tank.

Mr. Freeland said Mr. Pates is correct.

Mr. Pates asked for confirmation that these tanks are not considered breakout tanks.

Mr. Freeland said Mr. Pates is correct. They are not breakout tanks.

Mr. Pates opened the floor for public comment

Public Comment

There was no public comment on this item.

Mr. Pates said the public hearing on this item would be left open and continued until the December 9, 2015 Planning Commission meeting.

7. **SUP2015-03 - Cowan MT Retail, LLC**, requests a Special Use Permit for an additional fast food use for the multi-tenant commercial building at 1609 Jefferson Davis Highway (GPIN 7779-43-6602) in the Cowan Crossings commercial development. The proposed use will occupy existing commercial space, not result in an expansion of the building, and will not increase the floor area ratio density. The property is in the C-T, Commercial / Transitional - Office Zoning District. The Comprehensive Plan designates the area for Transitional Office, which does not have a specific recommended density. The Comprehensive Plan also specifically recommends this parcel be part of a cohesive commercial corridor.

Mr. Craig presented the staff report on the application.

Mr. Friesner asked for explanation of the two (2) Trip Generation Tables that were included with the application.

Mr. Craig said Table 1 indicates the Trip Generation with the new application and Table 2 is the older Trip Generation Table, which was provided for comparison.

Mr. Friesner noted that Table 1 indicated that traffic would be decreasing.

Mr. Craig said Mr. Friesner is correct and that the reason for this is because they have changed the amount of office space.

Mr. Chris Hornung, Silver Companies (Applicant), 1201 Central Park Boulevard, said he was there to answer any questions of the Planning Commission. He said the traffic study indicates a reduction because when they did the original traffic study, they did not know exactly what types of businesses would be going in at the location.

Mr. McAfee asked if the applicant has any concerns or issues with the 10:00 p.m. closing time requirement, offered as a condition on the Special Use Permit.

Mr. Hornung said they do not have a problem with the condition, and noted that the other businesses they have in the region close at 9:00 p.m.

Dr. Gratz noted that back when the Burger King was proposed in that area, there were citizens who voiced concerns regarding odors emitting from the restaurant. He asked if there any concerns regarding odors with the proposed business.

Mr. Hornung said there are no concerns and that there is no frying associated with Jersey Mikes.

Dr. Gratz said the other issue is that there are six additional parking spaces proposed. He asked where they would be located on the property.

Mr. Hornung said it is an extension to the existing parking lot to the South.

Mr. Pates opened the floor for public comment.

PUBLIC COMMENT

There was no public comment.

Mr. Pates closed the public hearing on this item.

Mr. McAfee made a motion to recommend approval of the special use permit for a fast food restaurant located at 1607 Jefferson Davis Highway, to include the five (5) conditions outlined in the staff report.

Mr. Friesner seconded the motion.

Motion carried unanimously by a vote of 5 – 0.

8. **SE2015-02 - Medicorp Properties, Inc.**, requests a revision to Special Exception 2011-01 to change the signage for Mary Washington Hospital to remove existing signage and install two free-standing signs with accessory emergency room directional signage. The existing sign in the median of Mary Washington Boulevard at the US Route 1 intersection will be removed. The first free-standing sign will be built on the Snowden Office Park property (611 Jefferson Davis Highway) in the northwest corner of the intersection of US Route 1 – Jefferson Davis Highway with Mary Washington Boulevard. The property is zoned Commercial / Transitional - Office. The sign will consist of an identification panel, a variable message board, and an emergency room directional sign. The sign will require special exceptions from the CT signage regulations in section 72-59.6 so that the signs may:
 1. exceed the maximum sign area and maximum sign height: The sign will be 36 feet 3 inches tall (5 feet allowed by-right), will contain a total of 262 square feet of sign area (40 feet allowed by-right), and include a 58 square-foot variable message board (16 square feet allowed by-right);

2. allow more than one sign per parcel;
3. be set back from US Route 1 and Mary Washington Boulevard a distance less than the height of the sign: 17 foot 6 inches from the US Route 1 right-of-way and 24 foot 8 inches from the Mary Washington Boulevard right-of-way line;
4. be set back from private property lines a distance less than the height of the sign: half a foot and six and a half feet from the western and southern private property lines, respectively, from a new proposed parcel and the Snowden Office Park; and
5. be located off the hospital's premises.

The Special Exception request also would allow a new parcel to be created at the corner of US Route 1 – Jefferson Davis Highway and Mary Washington Boulevard subdivided from 611 Jefferson Davis Highway that would have frontages of 35 feet and 37 feet seven inches and would be a total of 1,316 square feet. Creating the parcel requires exceptions from the Commercial Office Transitional zoning district's minimum lot area and width standards. Both the first free standing sign and the parcel are located in an area designated by the Comprehensive Plan to be Transitional Office.

The second free-standing sign will be built at the intersection of Mary Washington Hospital Boulevard and Hospital Drive within the right-of-way in the Planned Development – Medical Campus zoning district. The sign will require a Special Exception to be 29 feet tall (15 feet allowed by-right). The sign will have 169 square feet of sign area. The sign will consist of an identification panel, a video display board, and an emergency room directional sign. The second free-standing sign is located in an area designated by the Comprehensive Plan to be Institutional Use.

Mr. Craig presented the staff report on the application.

Mr. Beavers asked why there is no time limit or expiration date on the conditions recommended by staff, as other special exceptions or special use permits have had.

Mr. Craig said that is a good point and suggested that the Planning Commission has the authority to place a condition on these types of applications as they deem appropriate. He suggested language could be added that the Special Exception is only good if the signs are built within two years.

Dr. Michael McDermott, President and Chief Executive Officer of Mary Washington Healthcare (Applicant) provided a power point presentation (**Attachment A**). He said their plan was to proceed quickly with the signs.

Mr. Bob Augusta (Mitchell Associates/Wilmington, DE) said his company does a lot of wayfinding signs in the area. He described the proposed signage and the reason for the proposed sizes. He said the speed and complexity of the new road are associated with the proposed sizes and provided different formulas as to speed of roadway, sight distance, etc.

Dr. Gratz asked if there is any evidence that the current signage is too small. He said he believes a 25% increase in the size is quite a large increase.

Dr. McDermott said they based it on anecdotal comments from patients and visitors to the hospital about the entrance and signage to the hospital. He said the increase in scale and size of the sign is related to the increase in the size, scale and complexity of the intersection that is about to occur, to the increase in traffic to their campus, and to the fact that this is being imposed on them by the VDOT expansion of Mary Washington Boulevard to Fall Hill Avenue.

Dr. Gratz asked why VDOT will not allow the current signage to remain in the median.

Dr. McDermott said it is because there is no longer a median. He said he believes there will be a tiny divided median, such as a concrete barrier separating the lanes but that there is no space to accommodate a sign.

Dr. Gratz asked if VDOT is putting in turn lanes.

Dr. McDermott said, yes, they are installing two turn lanes that will turn left, similar to Cowan Boulevard when you turn left onto Jefferson Davis Highway.

Dr. Gratz asked if there would be any signage over on the other end (Fall Hill Avenue) around the traffic circle.

Dr. McDermott said the one sign for the Hospital would be once they pass the traffic circle, at the entry point to their campus. He said VDOT may put some of their "blue" standard "H" signs, like they do along the interstate.

Mr. Pates opened the floor for public comment.

PUBLIC COMMENT

There was no public comment.

Mr. Pates closed the public hearing on this item.

Mr. Friesner said he is going to vote in favor of the application because the hospital is a great partner with the community and this is a true special exception because of the change VDOT is making to the roadway.

Mr. Pates addressed staff and said that one of the peculiarities of this application was that this sign [on Jefferson Davis Boulevard] would be located in the C-T zoning district but the hospital is obviously not a C-T use. The sign would be located in front of the offices on Route 1 (Snowden Office Park) next to residences (the apartments). That is probably the logic behind having this large sign here and because there is a commercial use across the street at the CVS store. So, he said, you have this one little piece of C-T zoning. He asked whether, if this sign were going up at the Fredericksburg Shopping Center, directly next door, would this special exception still be required?

Mr. Craig said it would still require a special exception and in the MediCorp Analysis they actually analyzed this against a commercial shopping center sign, so their comparison shows the difference between a commercial shopping center (i.e., 15foot tall sign) and what they are asking for today (i.e., 36 foot 3 inches tall sign). He reminded

Commissioners that MediCorp sought a special exception for their current signage as well, which was approved by the City.

Mr. McAfee said that years ago, when he first became a member of the Planning Commission, the City was in the process of attempting to do away with billboard signage and was limiting the height of signage throughout the City. He said what happened is the City restricted the height so much that it has limited certain businesses. He said we have an applicant before us tonight that is in great need of this particular type of signage and he believes the application should move forward.

Mr. McAfee made a motion to recommend approval of a special exception for sign #1 to MediCorp Properties, Inc., with the conditions outlined by staff.

Mr. Friesner seconded the motion.

Motion carried by a vote of 3 – 2, with Dr. Gratz and Mr. Pates voting against the motion.

Mr. Friesner made a motion to recommend approval of a special exception for sign #2 to Medicorp Properties, Inc.

Mr. McAfee seconded the motion.

Motion carried by a vote of 5 – 0.

9. **UDOTA 2015-04 - R-4, R-8, C-T Text Amendment.** The City Council initiated an amendment to the zoning regulations in the R-4 and R-8 Residential Zoning Districts and the C-T Commercial/Office-Transitional Zoning District on lots of record prior to April 25, 1984, to require the front building façade to be oriented toward the front yard, to make the infill front yard setback mandatory, to allow the minimum infill side yard setback to be reduced, and to amend the method for calculating average yard setbacks.

Mr. Johnston presented the application.

Mr. Beavers asked if there had been particular instances that have brought this issue to the forefront.

Mr. Johnson said yes, that there has been a pattern of instances where people have come into the office and wanted to develop on a narrow piece of property and that staff has tried to convince them that they should attempt to orient their front door toward the street. When it comes to the pattern of setbacks, staff encourages them to try to be consistent with the pattern. Most people go along with staff suggestions but, currently, they do not have to. However, he said, there are some examples, the most recent of which is a property along College Avenue where the unit is much closer to the street than the other houses.

Mr. McAfee said under some of the old rules, there was a chart to assist staff and the Commission with making decisions regarding setbacks but that it was convoluted and made it hard to figure out exactly what was needed. So, since then, the City has been

through several gyrations of trying to fix this but the problem is that the City is so diverse in its patterns, etc., that it is hard to find "one" code that fits everything. He said this is his addition as to how the City has arrived at the current text amendment request.

He said he agrees with the front setback allowing for better conformity and unity on City Streets but that the one problem he has with it is the side setbacks because there are other issues that come into play such as "light rights" issues, and quality of life issues that go along with this and when side yards are decreased, there now is a wall there - it does affect light coming onto an adjoining property. He said he would like to see the minimum side-yard requirement taken out of the ordinance and kept the way they currently exist. He said he believes people could still go to the BZA if there is a true need to adjust that.

Mr. Johnston said they could go to the BZA but applications are not supposed to go to the BZA if it is a common pattern or a common characteristic in a neighborhood.

Mr. McAfee said those lots are odd, and few and far between and we only stumble upon them every now and then.

Mr. Johnston said the City does have many of these particularly narrow lots and that is a common pattern, and so allowing this reduced setback is intended to reflect that common pattern.

Mr. McAfee said he believes the important thing is that when you drive into a neighborhood or walk down the street, is the "street wall." He said to accomplish this, the front yard is important but the side-yard setback is not. He said we need the current setbacks kept as they are.

Mr. Pates asked what the current side-yard setbacks are.

Mr. Johnston said currently that R-8 is 5 ft and R-4 is 6 ft. He said it makes sense to give people an opportunity for that waiver without having to go to the BZA. He said the waiver is an option.

Mr. Beavers read a portion of the draft ordinance that states: "...that no minimum shall be specified in the Historic District." He asked if that is the Historic District as today or would it apply to other properties that the City would place in a historic district later in time.

Mr. Johnston said that in any point in time when any property, now or in the future, goes into the Historic District.

Mr. Friesner said he sat on the BZA previously, and he does not believe that there are many applicants that would come through and say that they would like the side-yard setback reduced and that it would be very difficult to do.

Dr. Gratz said he would like more justification as to why a front door could not face the side yard. He said where they had lived in Charleston, there were many houses that were oriented this way, and that they were rather charming.

Mr. Johnston said that those houses were in Charleston and may be typical for that area but that they are not typical for Fredericksburg.

Mr. Pates opened the floor for public comment.

PUBLIC COMMENT

There was no public comment.

Mr. Pates closed the public hearing on this item.

Mr. McAfee made a motion to recommend approval of the text amendments to the R4 and R8 Residential Zoning District and for residential uses in the C-T Commercial/Office-Transitional District, for lots of record prior to April 25, 1984, to:

- Make the infill front yard setback mandatory,
- Amend the method for calculating yard setbacks,
- Specify that the front building façade to be oriented toward the front yard; and

To omit:

- Reduce the minimum infill side yard setback.

Motion died due to lack of a second.

Mr. Johnston noted that there was a typo in the staff report. He said “residential” should be stricken from the first sentence in the staff report recommendation.

Mr. Friesner made a motion to recommend approval of the text amendments to include all four bullets listed on the staff report but to strike the word “residential” from the first sentence in the staff report recommendation: The recommendation will now read:

Recommend to City Council approval of the amendments to the R4 and R8 Residential Zoning Districts and for uses in the C-T, Commercial/Office-Transitional District, for lots of record prior to April 25, 1984, to:

- *make the infill front yard setback mandatory,*
- *amend the method for calculating yard setbacks,*
- *specify that the front building façade to be oriented toward the front yard, and*
- *reduce the minimum infill side yard setback.*

Mr. McAfee seconded the motion.

Motion carried by a vote of 4 – 1, with Mr. McAfee voting against the motion.

10. **SE2015-01 - General Washington Executive Center (GWEC) Telecommunications Structures**, requests a Special Exception to the increase the height of a nonconforming structure in the CH, Commercial Highway Zoning District, so as to install a telecommunications facility on top of General Washington Executive Center (GPIN 7779-89-7284) located at 2217 Princess Anne Street. The telecommunication facility would be located partially on the

main roof and partially on the penthouse roof of the GWEC. The main roof level of the building is 53 foot 4 inches above grade. The telecommunications structures would be 15 foot 8 inches higher than the roofline or a total of 69 feet above grade. The proposal will not add any additional floor area to the site and will not affect the overall floor area ratio. The Comprehensive Plan designates the area for General Commercial, which has no specific density. The Comprehensive Plan also specifically recommends this parcel be part of a Planned Development – Mixed Use.

Mr. Craig presented the staff report on the application. The public hearing on this item had been left open at the October 14, 2015 meeting to allow the applicant time to submit additional information.

Mr. Pates noted that this property is located within the area that is referenced in the City Code as being governed by the “Princess Anne Street Corridor Overlay,” which has specific guidelines. Specifically, he asked whether, since the Overlay district ordinance states that utilities such as telecommunications facilities should not be visible from Princess Anne Street, this application would also need an exception from these guidelines.

Mr. Johnston said the whole concept for the special exception is from an Ordinance requirement. He said the “Guidelines” to which Mr. Pates refers are administered by the Development Administrator and not part of the Ordinance itself. So he said he does not believe it is the appropriate mechanism to go through the special exception process for the “guidelines” but something to be considered by the Development Administrator if warranted. He also said he believes the guidelines are more for the front façade of the buildings.

Mr. Pates said he had doubts about such an interpretation of the Code. He asked how many antennas were proposed.

Mr. Craig said the GDP proposes 6 antennas.

Mr. Pates asked if the applicants will be able to increase the number of antennas, the height of antennas, etc., if the special exception is granted, as staff has recommended.

Mr. Craig said the special exception is to increase the nonconformity, and the nonconformity is the height of the building, so it is going to set a cap. As proposed, he said, it would allow for more antennas to be put up there but with the conditions proposed by staff.

Mr. Friesner said he believes it makes sense to co-locate and to encourage it rather than having these types of structures scattered about within the City.

Mr. Charlie Payne, Attorney, representing the applicant provided a brief review of the application and said he would be happy to answer any questions of the Commission. He noted that this is the second time the application has been before the Commission.

Mr. Beavers said he had visited the subject site earlier in the day and asked why the flag pole is not being taken down since it is not used. He said he believes that someone’s

eyes would be drawn to the antennas if it were taken down and, therefore, become less obtrusive.

Mr. Tommy Mitchell, owner of the building, said the flag pole was there when he bought the property. He said he will consider taking it down but would not make a decision this evening.

Mr. Pates opened the floor for public comment

Public Comment

There was no public comment.

Mr. Pates closed the public hearing on this item.

Mr. McAfee made a motion to recommend approval of the special exception to include the five conditions listed in the staff report.

Dr. Gratz seconded the motion.

Mr. Pates said that although the antennas are visible, he believes the visibility is limited and tasteful and unobtrusive in design.

Motion carried by a vote of 5 – 0.

NEW BUSINESS

- 11. Comprehensive Plan Compliance Review:** City of Fredericksburg - to acquire the former bank building at the corner of Amelia and Charles Streets (1016 Charles Street), in order to remove the structure and establish a 55-space surface parking lot.

Mr. Nelson presented the staff report on the application and noted that Mr. Bill Freehling, Assistant Director for Economic Development was also in attendance to answer any questions of the Planning Commission.

Mr. Pates referred to a letter dated October 22, 2015, from Mr. Cameron and Mr. Freehling to Mr. Johnston, specifically where it states *“As part of the purchase agreement with Union bank & Trust, twelve of the spaces will be reserved for the building at 1001 Princess Anne St., which will help that property.”* He asked Mr. Freehling to explain this statement.

Mr. Freehling said part of the purchase agreement would give the new buyer of 1001 Princess Anne Street an option of leasing 12 parking spaces from the City in that lot. The thought is it would help facilitate the sale and ultimate re-use of that building.

Mr. Pates confirmed that the spaces would be leased from the City.

Mr. Freehling said that was correct.

Mr. Friesner asked if that is where the \$82,500 revenue would come from.

Mr. Freehling said this was correct.

Mr. McAfee made a motion to approve Resolution 15-03, which states that approval of the proposed parking facility at the corner of Charles and Amelia Streets as substantially in accord with the 2015 Comprehensive Plan.

Mr. Beavers seconded the motion.

Motion carried unanimously by a vote of 5 – 0.

GENERAL PUBLIC COMMENT

*12. A general public comment period is provided at each regular meeting for comments by citizens regarding any matter **related to Commission business that is not listed on the Agenda for Public Hearing**. The Chair will request that speakers observe the **three-minute time limit** and yield the floor when the Clerk indicates that their time has expired. No dialogue between speakers will be permitted.*

There were no comments.

Mr. Pates closed the general public comment portion of the meeting.

OTHER BUSINESS

13. Planning Commissioner Comment

Mr. McAfee welcomed Mr. O'Toole, the newest member of the Planning Commission.

14. Planning Director Comments

Mr. Johnston provided updates on recent City Council action.

- Mill District Rezoning ("Dreamland")
- M&M Auto Parts (Battlefield Industrial Park)
- Comprehensive Plan Action Plan

Mr. Johnston said there is a meeting scheduled for November 24th to provide updates on the work-in-progress Proffer Guidelines.

Mr. Johnston noted upcoming Planning Commission items that will be discussed at the December 9, 2015 meeting.

ADJOURNMENT

Meeting adjourned at 9:40 p.m.



James Pates, Chair, Pro-Tem

MediCorp Properties, Inc.
Special Exception Request
Mary Washington Hospital Campus
Entrance Signs

Presented by

Dr. Michael P. McDermott

MWHC President and Chief Executive Officer

November 18, 2015



Mary Washington
Healthcare

Mary Washington Healthcare

- Providing healthcare to the members of this community for over 100 years
- Not-for-profit regional system of two hospitals and 28 healthcare facilities and wellness services
- Employ more than 4,000 people, with a medical staff of over 718 physicians
- In 2014, cared for 36,940 patients in our hospitals, delivered 3,874 babies, provided care to 326,052 outpatients, and saw 118,367 emergency patients



Mary Washington Healthcare

Mary Washington Hospital Campus

- Location of the region's only Tertiary care hospital and Level II Trauma Center
- Home to more than 7 medical facilities (including Regional Cancer Center, Fredericksburg Ambulatory Surgery Center, Snowden at Fredericksburg) and many physician office practices
- Over 6,000 patients, visitors, and vendors visit the campus daily



Entrance Jefferson Davis Highway and Mary Washington Boulevard

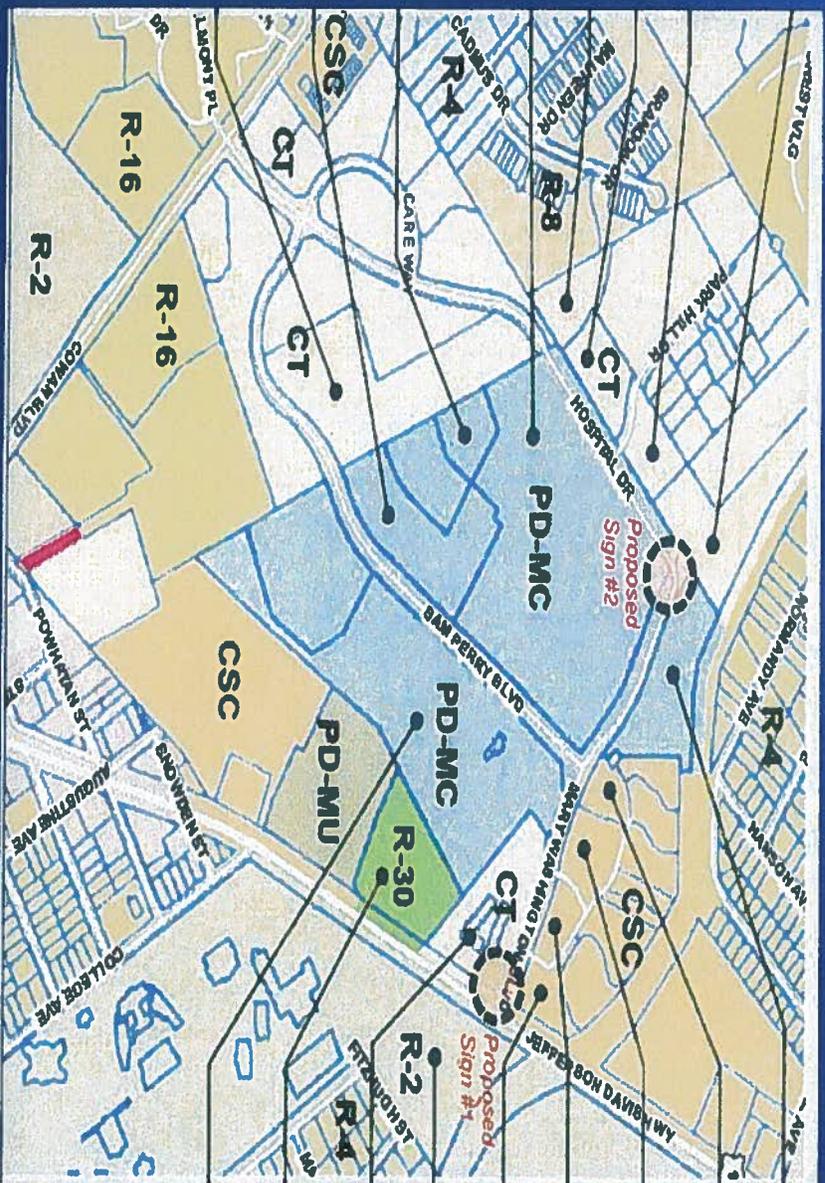


Mary Washington Healthcare

Proposed Sign 1 Entrance Jefferson Davis Highway and Mary Washington Boulevard

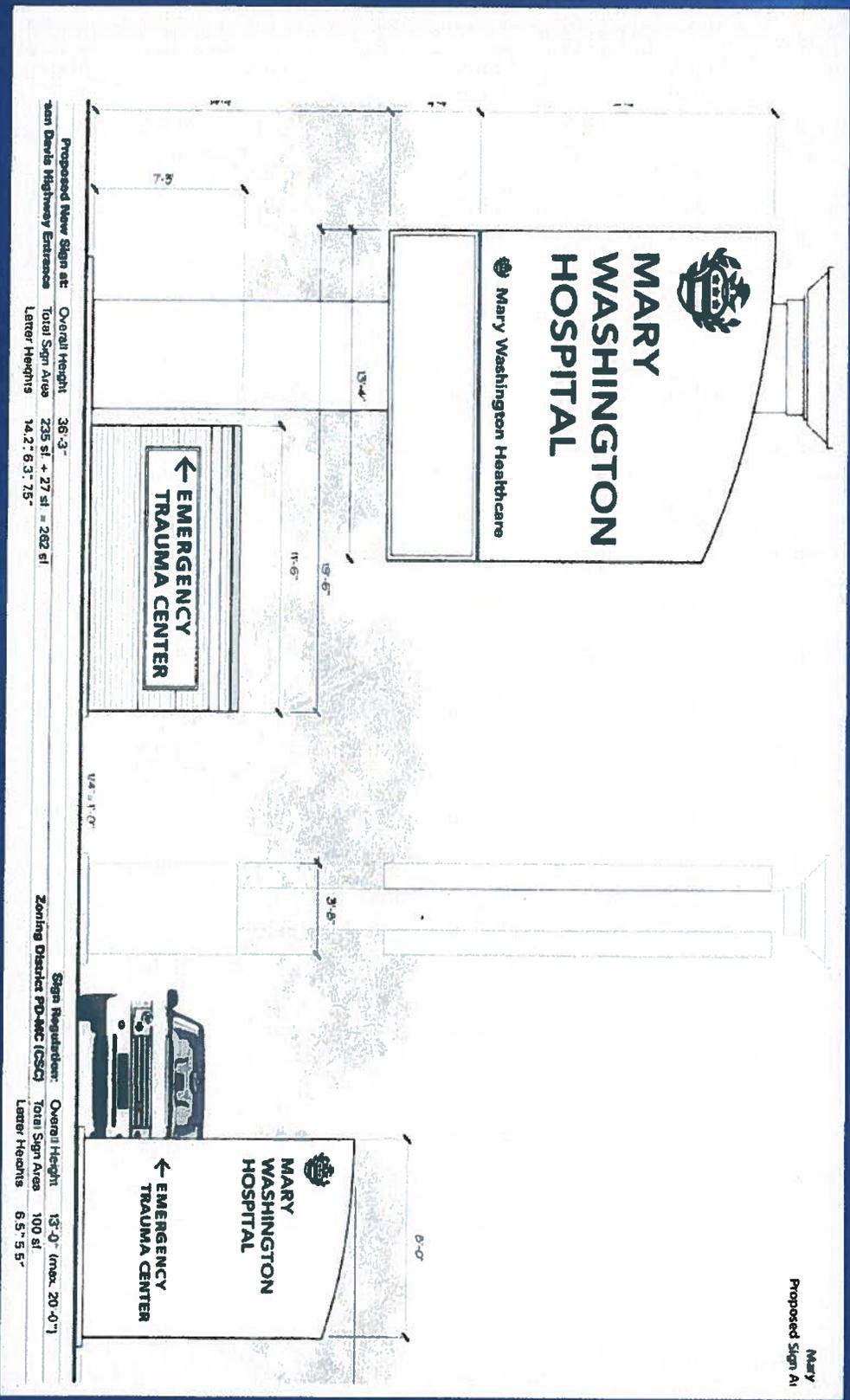


Proposed Sign 2 Mary Washington Boulevard and Hospital Drive

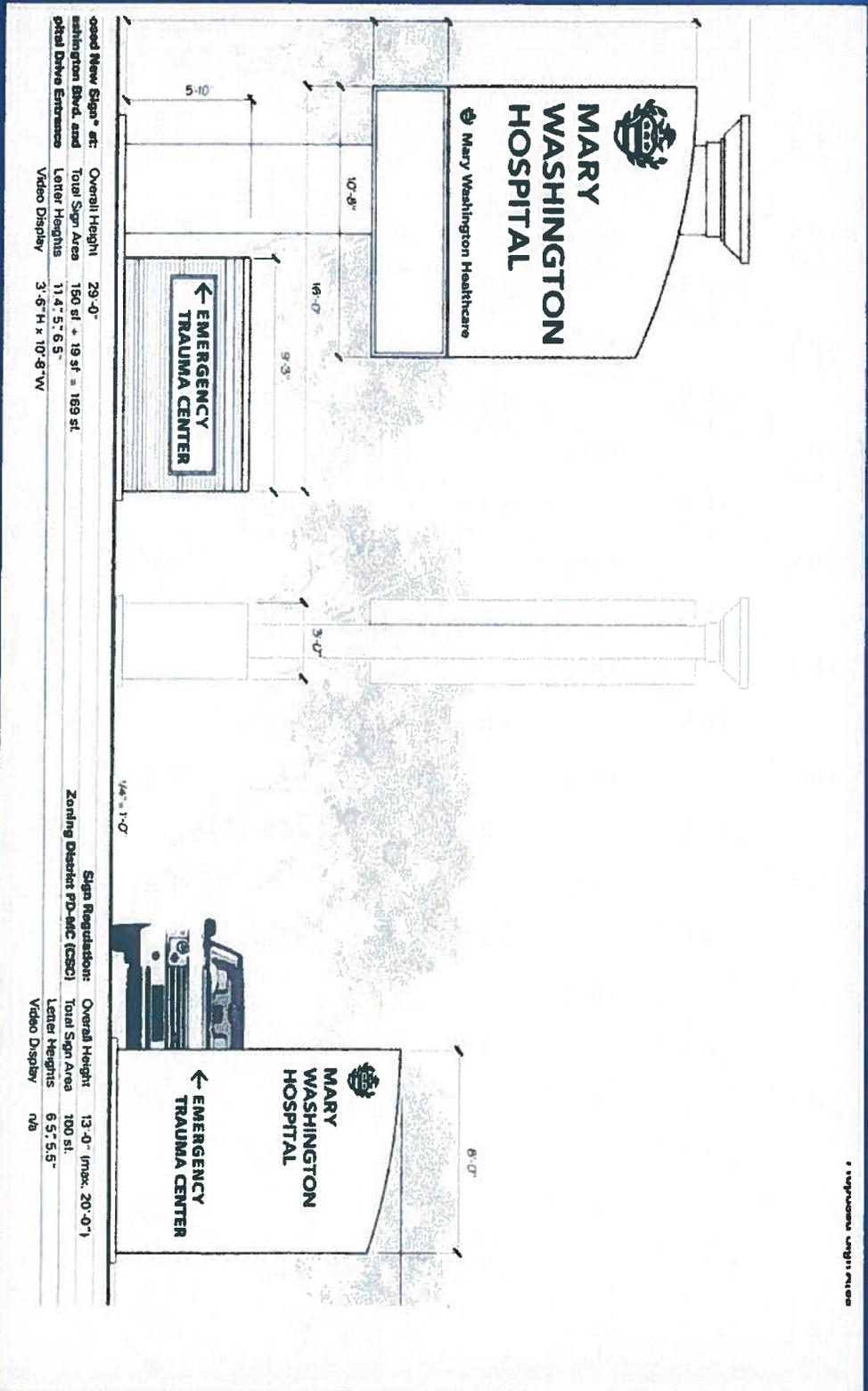


Mary Washington Healthcare

Sign 1 Architectural Design



Sign 2 Architectural Design

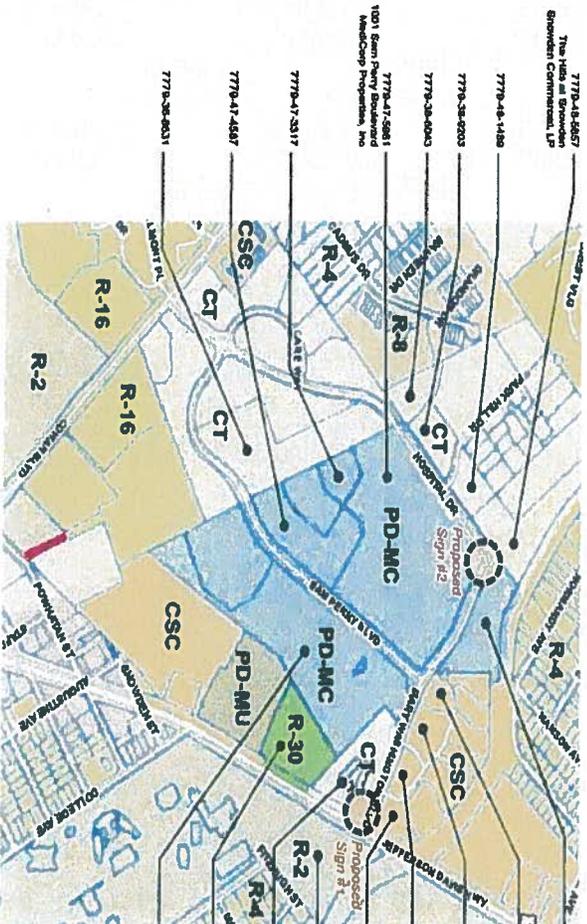


Adjacent Property Owners

Zoning Map & Adjacent Property Owners

PD-MC = Planned Development Medical Center
 PD-MU = Planned Development Mixed Use
 CSC = Commercial/Community Center
 CT = Commercial/Transitional Office

R-2 = Residential
 R-4 = Residential
 R-16 = Residential
 R-18 = Residential
 R-30 = Residential



7770-48-4867
 The Vista at Snowden
 Snowden Commercial, LP

7770-48-1480
 7770-28-4203
 7770-28-4043
 7770-47-2881
 1001 Sam Parny
 MedCorp Properties, Inc

7770-47-2817
 7770-47-4567
 7770-28-4831

7770-48-4867
 Snowden Pharmacy Farms
 MedCorp Properties, Inc.

7770-48-4277
 Snowden Executive Center
 240 Executive Center, LLC

7770-48-7128
 RCH Family, LLC

7770-48-0010
 120 Executive Center Parkway
 1201 Management Co., LLC

7770-47-2881
 574 Snowden Drive Highway
 574 Snowden Drive Properties, LLC

7770-47-2817
 7770-47-4567
 7770-48-4302
 No. 50 Bld. 200-1-20 Ctr., Prop
 University of Maryland System

7770-47-4567
 5711 Addition Drive Highway
 Snowden Office Properties

7770-47-2881
 1100 Sam Parny Boulevard
 MedCorp Properties, Inc.

Mary Washington
 Healthcare

1 October 2015

C.1



Mary Washington Healthcare

Summary

- MWHC is committed to promoting the vision, goals, and objectives of the Frederickburg Comprehensive Plan, 2007
- MWHC is committed to preserving the architectural integrity and historical landscape of Frederickburg
- MWHC provides a critical public health, safety and welfare function to this community
- MWHC requests special exception for proposed new Campus Entrance Pylon Signs



QUESTIONS?



Mary Washington Healthcare



MOTION: McAfee

SECOND: Beavers

**November 18, 2015
Planning Commission
Resolution No. 15-03**

RE: APPROVAL OF THE PROPOSED PUBLIC PARKING FACILITY AT THE CORNER OF CHARLES AND AMELIA STREETS AS SUBSTANTIALLY IN ACCORD WITH THE 2015 COMPREHENSIVE PLAN

ACTION: APPROVED; Ayes: 5; Nays: 0

The City of Fredericksburg plans to purchase approximately ½ acre of land at the corner of Charles and Amelia Streets, which extends to Prince Edward Street, for the development of a public surface parking lot. The property is downtown, the former site of the Union Bank. It is located in Planning Area 7.

Under Code of Virginia §15.2-2232 and City Code §72-22.2, no new public facility may be constructed unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof.

The 2015 Comprehensive Plan Vision Statement notes the importance of a vibrant downtown and economic vitality.

Planning Area 7 (Downtown) provides guiding principles for Downtown Adaptive Reuse Activity, including “enhance the downtown area as the region’s urban hub, with center-city amenities that serve the greater regional community,” and “attract investors, residents, and visitors to the downtown area through attention to mixed-uses and flexible parking requirements.”

Among the stated goals for Planning Area 7 is to evaluate parking needs and develop appropriate strategies (shared parking, structures, etc.) that provide for the continued viability of downtown Fredericksburg as well as its further growth and development.

The Fredericksburg Planning Commission therefore resolves the proposed public parking lot at the corner of Charles and Amelia Streets, extending to Prince Edward Street, is substantially in accord with the 2015 Comprehensive Plan.

Votes:

Ayes: McAfee, Beavers, Friesner, Gratz, Pates

Nays: None

Absent from Vote: Dynes, O’Toole

Absent from Meeting: Dynes

December 3, 2015
Regular Meeting
Res. No. 15-12-01

MOTION: CADDIGAN

SECOND: THOMAS

RE: APPROVE – MINUTES – NOVEMBER 5, 2015

ACTION: APPROVED

WHEREAS, on November 5, 2015, at 7:00 p.m. the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) convened their regular meeting at the PRTC Transit Center, located at 14700 Potomac Mills Road, Woodbridge, Virginia; and

WHEREAS, PRTC conducted business in accordance with a published agenda dated November 5, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the minutes of November 5, 2015.

Votes:

Ayes: Anderson, Barg, Caddigan, Durany, Horsley, Jenkins, Jones, Kelly, Miller, Principi, Trampe, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: Lawson, Nohe

Alternate Present Not Voting: Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell, Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST:



Eric Marx, Interim Executive Director

December 3, 2015
Regular Meeting
Res. No. 15-12-02

MOTION: CADDIGAN

SECOND: KELLY

RE: APPROVE – AGENDA – DECEMBER 3, 2015

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) meets on a monthly basis and an agenda is presented to the Commission for review and approval.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the agenda of December 3, 2015, as amended.

Votes:

Ayes: Anderson, Barg, Caddigan, Durany, Horsley, Jenkins, Jones, Kelly, Miller, Principi, Trampe, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: Lawson, Nohe

Alternate Present Not Voting: Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell, Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST:



Eric Marx, Interim Executive Director

December 3, 2015
Regular Meeting
Res. No. 15-12-03

MOTION: PRINCIPI

SECOND: KELLY

RE: APPROVE – CONSENT AGENDA – DECEMBER 3, 2015

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) was presented with a consent agenda; and

WHEREAS, an opportunity was afforded for items to be added or deleted from the consent agenda.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the consent agenda of December 3, 2015, as presented.

Votes:

Ayes: Anderson, Barg, Caddigan, Durany, Horsley, Jenkins, Jones, Kelly, Miller, Principi, Trampe, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: Lawson, Nohe

Alternate Present Not Voting: Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell, Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST:



Eric Marx, Interim Executive Director

December 3, 2015
Regular Meeting
Res. No. 15-12-04

MOTION: PRINCIPI

SECOND: KELLY

**RE: ACCEPTANCE OF THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION
COMMISSION MONTHLY JURISDICTIONAL FINANCIAL REPORT FOR THE PERIOD
ENDED SEPTEMBER 30, 2015**

ACTION: APPROVED

WHEREAS, a financial report for each jurisdiction is prepared each month for presentation to the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission"); and

WHEREAS, this report supplies information on the current month and year-to-date motor fuel tax collections; earned interest, other revenues, state administration cost, expenditures, transfers and encumbrances; and

WHEREAS, this information covers the PRTC as a whole, as wells as each separate jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby accept the Jurisdictional Financial Report for the period ended September 30, 2015, as presented.

Votes:

Ayes: Anderson, Barg, Caddigan, Durany, Horsley, Jenkins, Jones, Kelly, Miller, Principi, Trampe, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: Lawson, Nohe

Alternate Present Not Voting: Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell, Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST:



Eric Marx, Interim Executive Director

December 3, 2015
Regular Meeting
Res. No. 15-12-05

MOTION: PRINCIPI

SECOND: KELLY

RE: APPROVAL OF THE 2016 BOARD MEETING CALENDAR FOR THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission meets the first Thursday of each month unless otherwise specified; and

WHEREAS, in accordance with the Bylaws, the Commission shall adopt a schedule of the times, dates, and places of its regular meetings for the ensuing calendar year at its December meeting.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby accepts the 2016 Meetings Schedule, as proposed (attached).

Votes:

Ayes: Anderson, Barg, Caddigan, Durany, Horsley, Jenkins, Jones, Kelly, Miller, Principi, Trampe, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: Lawson, Nohe

Alternate Present Not Voting: Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell, Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST:



Eric Marx, Interim Executive Director



Potomac and Rappahannock
Transportation Commission

PRTC 2016 MEETING SCHEDULE

PRTC Commission Meetings are held on the first Thursday of each month at 7:00 p.m. in the Second Floor Conference Room of the PRTC Transit Center, 14700 Potomac Mills Road, Woodbridge, Virginia 22192, unless otherwise noted.

January 7

February 4

March 3

April 7

May 5

June 2

July 7

August – Board Recess (no meeting)

September 8*

October 6

November 3

December 1 – Nominations Committee meets prior to PRTC Board Meeting

*Date changed due to holiday

PRTC Operations Committee (bus-sponsoring jurisdictions) meets on an as-needed basis prior to the regular scheduled PRTC Board Meeting – advance notification is provided.

VRE Operations Board meetings are scheduled for the third Friday of each month at 9:00 a.m. and take place at PRTC Headquarters (except for the Board's August recess).

MOTION: PRINCIPI

SECOND: KELLY

**RE: AUTHORIZATION TO BUDGET AND APPROPRIATE SPOTSYLVANIA COUNTY'S
MOTOR FUELS TAX FUNDS FOR VARIOUS FY16 TRANSPORTATION PROJECTS**

ACTION: APPROVED

WHEREAS, Spotsylvania County, by Resolution 2015-113 requests approval to budget and appropriate \$4,461,167 of Spotsylvania's motor fuels tax funds for various FY16 transportation projects as follows:

Transportation-related positions	\$505,568
Transportation operating costs	12,258
FRED bus service	400,041
Debt service on previous transportation bond issues	<u>3,543,300</u>
Total	\$4,461,167

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes the budgeting and appropriation of \$4,461,167 of Spotsylvania County's motor fuels tax funds for various FY16 transportation projects.

Votes:

Ayes: Anderson, Barg, Caddigan, Durany, Horsley, Jenkins, Jones, Kelly, Miller, Principi, Trampe, Thomas, Way

Nays: None

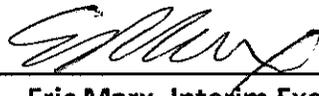
Abstain: None

Absent from Vote: Lawson, Nohe

Alternate Present Not Voting: Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell, Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST:



Eric Marx, Interim Executive Director

MOTION: PRINCIPI

SECOND: KELLY

RE: AUTHORIZATION TO BUDGET AND APPROPRIATE STAFFORD COUNTY'S MOTOR FUELS TAX FUNDS FOR FY15 FOURTH QUARTER AND FY16 FIRST QUARTER TRANSPORTATION EXPENDITURES

ACTION: APPROVED

WHEREAS, Stafford County, by Resolution R15-347, requests approval to budget and appropriate \$3,441,688 of Stafford's motor fuels tax funds for transportation expenditures for the fourth quarter of FY15 and the first quarter of FY16, as follows:

Road Construction	\$2,922,368
Road Improvements	209,777
FRED Regional Transit	232,815
Stafford Regional Airport Authority	42,857
Street Signs	15,140
Social Services Client Transportation	11,916
Financial Services	<u>6,815</u>
Total	\$3,441,688

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes the budgeting and appropriation of \$3,441,688 of Stafford County's motor fuels tax funds for transportation expenditures for the fourth quarter of FY15 and the first quarter of FY16.

Votes:

Ayes: Anderson, Barg, Caddigan, Durany, Horsley, Jenkins, Jones, Kelly, Miller, Principi, Trampe, Thomas, Way

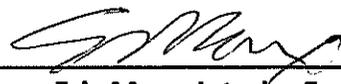
Nays: None

Abstain: None

Absent from Vote: Lawson, Nohe

Alternate Present Not Voting: Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell, Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST: 
Eric Marx, Interim Executive Director

December 3, 2015
Regular Meeting
Res. No. 15-12-08
VRE Agenda Item 9-A

MOTION: CADDIGAN

SECOND: KELLY

**RE: ACCEPTANCE OF THE FY 2015 AUDITED FINANCIAL STATEMENTS AND
AUDITOR'S REPORT**

ACTION: APPROVED

WHEREAS, the Virginia Railway Express (VRE) Operations Board has contracted with the firm of PBMares, LLC for the audit of its financial statements; and

WHEREAS, the audit of VRE's FY 2015 financial statements has been completed; and

WHEREAS, the auditors have issued an unqualified opinion that VRE's statements, in all material respects, fairly and accurately present the financial position of the commuter rail operation; and

WHEREAS, the VRE Operations Board recommends the following.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby accepts the FY 2015 Comprehensive Annual Financial Report (CAFR) and associated information from the auditors.

Votes:

Ayes: Anderson, Barg, Caddigan, Durany, Horsley, Jenkins, Jones, Kelly, Miller, Principi, Trampe, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: Lawson, Nohe

Alternate Present Not Voting: Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell, Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST:



Eric Marx, Interim Executive Director

December 3, 2015
Regular Meeting
Res. No. 15-12-09

MOTION: CADDIGAN

SECOND: WAY

**RE: APPROVE AN AMENDMENT TO THE VRE CHIEF EXECUTIVE OFFICER'S
EMPLOYMENT AGREEMENT**

ACTION: APPROVED

WHEREAS, the Virginia Railway Express (VRE) Operations Board has concluded an evaluation of the VRE Chief Executive Officer's performance for the second year of his service; and

WHEREAS, the VRE Operations Board is recommending an amendment to the VRE Chief Executive Officer's employment agreement ("the Second Amendment") based on its assessment of Mr. Allen's second year performance; and

WHEREAS, the Potomac and Rappahannock Transportation Commission has reviewed the VRE Operations Board recommendation and concurs.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the Second Amendment to the employment agreement with Mr. Allen, and authorizes PRTC's Chairman to execute it on behalf of the Commission.

Votes:

**Ayes: Anderson, Barg, Caddigan, Durany, Horsley, Jenkins, Jones, Kelly, Miller, Principi,
Trampe, Thomas, Way**

Nays: None

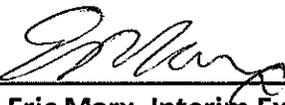
Abstain: None

Absent from Vote: Lawson, Nohe

Alternate Present Not Voting: Withers

**Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell,
Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren**

ATTEST:



Eric Marx, Interim Executive Director

December 3, 2015
Regular Meeting
Res. No. 15-12-10

MOTION: JONES

SECOND: KELLY

**RE: AUTHORIZATION TO ACCEPT FY15 AUDITED FINANCIAL STATEMENTS,
REQUIRED COMMUNICATION TO THE COMMISSIONERS, AND PBMARES, LLP
MANAGEMENT LETTER**

ACTION: APPROVED

WHEREAS, the accounting firm of PBMares, LLP has completed the Potomac and Rappahannock Transportation Commission's FY15 audit; and

WHEREAS, PBMares determined that the financial statements present fairly, in all material respects, the Potomac and Rappahannock Transportation Commission's financial position as of June 30, 2015; and

WHEREAS, PBMares noted one material weakness in internal control over financial reporting, for which management has provided planned corrective action; and

WHEREAS, PBMares presented the required communication to the Commissioners about the audit, which is required under auditing standards generally accepted in the United States; and

WHEREAS, PBMares presented a management letter, which includes comments for management's consideration and with which management concurs.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby accept the FY15 audited financial statements, required communication to the Commissioners, and management letter as presented by PBMares, LLP.

December 3, 2015
Regular Meeting
Res. No. 15-12-10
Page Two

Votes:

Ayes: Anderson, Barg, Caddigan, Horsley, Jenkins, Jones, Kelly, Lawson, Miller, Nohe,
Principi, Trampe, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: Durany, Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell,
Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST:



Eric Marx, Interim Executive Director

December 3, 2015
Regular Meeting
Res. No. 15-12-11

MOTION: KELLY
SECOND: CADDIGAN
RE: ADOPT 2016 LEGISLATIVE AGENDA
ACTION: APPROVED

WHEREAS, each year the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) adopts state and federal legislative agendas to guide its advocacy efforts; and

WHEREAS, the combined 2016 draft agenda was presented to the Commission in draft form at its November 5, 2015 meeting and in final form at its December 3, 2015 meeting, and the Commission agrees with management’s recommendations.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve its 2016 legislative agenda.

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby direct the Interim Executive Director to continue efforts already underway to advocate for issues contained in the 2016 legislative agenda.

Votes:

Ayes: Barg, Caddigan, Horsley, Jenkins, Jones, Kelly, Lawson, Nohe, Principi, Trampe, Thomas, Way

Nays: None

Abstain: Anderson, Miller

Absent from Vote: None

Alternate Present Not Voting: Durany, Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell, Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST:



Eric Marx, Interim Executive Director

December 3, 2015
Regular Meeting
Res. No. 15-12-12

MOTION: BARG

SECOND: WAY

RE: AUTHORIZATION TO ENTER INTO AGREEMENT WITH THE INDEPENDENCE EMPOWERMENT CENTER (IEC) TO APPLY FOR GRANTS TO CONTINUE THE WHEELS-TO-WELLNESS PROGRAM AND ACT AS RECIPIENT FOR AWARDED PROGRAM GRANTS

ACTION: DEFERRED TO THE JANUARY 7, 2016 COMMISSION MEETING

WHEREAS, the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) deferred the agreement with the Independence Empowerment Center (IEC) for consideration at its January meeting.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby authorize the Interim Executive Director to defer the agreement with the Independence Empowerment Center to apply for and receive grants and/or donations on behalf of the Wheels-to-Wellness program to the Commission’s January 7, 2015 meeting.

December 3, 2015
Regular Meeting
Res. No. 15-12-12
Page Two

Votes:

Ayes: Anderson, Barg, Caddigan, Horsley, Jenkins, Jones, Kelly, Lawson, Miller, Nohe,
Principi, Trampe, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: Durany, Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell,
Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST:



Eric Marx, Interim Executive Director

December 3, 2015
Regular Meeting
Res. No. 15-12-13

MOTION: CADDIGAN

SECOND: LAWSON

RE: ACCEPTANCE OF THE SUMMARY OF PRTC'S STRATEGIC RETREAT MEETING

ACTION: APPROVED

WHEREAS, on November 14, 2015, a special Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission") strategic planning meeting/retreat was held, pursuant to the Commission's stated desire to do so at its October 1, 2015; and

WHEREAS, outcomes of the meeting included: 1) general consensus that a draft resolution presented by Commissioner Principi was a sensible approach to addressing the short-term funding crisis; 2) unanimous consent that PRTC should move forward with development of a comprehensive strategic plan; and 3) desire to hold the next retreat meeting in the December-January timeframe.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby accept the *Summary of PRTC's Strategic Retreat Meeting*, held on November 14, 2015.

Votes:

Ayes: Anderson, Barg, Caddigan, Horsley, Jenkins, Jones, Kelly, Lawson, Miller, Nohe, Principi, Trampe, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: Durany, Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell, Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST:



Eric Marx, Interim Executive Director

December 3, 2015
Regular Meeting
Res. No. 15-12-14

MOTION: JONES

SECOND: PRINCIPI

**RE: DISCONTINUANCE OF MEALS PRIOR TO THE MONTHLY POTOMAC AND
RAPPAHANNOCK TRANSPORTATION COMMISSION MEETINGS**

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission") provides meals prior to the monthly Commission meetings; and

WHEREAS, the Commission wishes to discontinue serving meals prior to the monthly Commission meetings commencing in January 2016.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation does hereby authorize the Interim Executive Director to discontinue the service of meals prior to the monthly Commission meetings commencing in January 2016.

Votes:

**Ayes: Anderson, Barg, Caddigan, Horsley, Jenkins, Jones, Kelly, Lawson, Miller, Nohe,
Principi, Trampe, Thomas, Way**

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: Durany, Withers

**Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell,
Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren**

ATTEST:



Eric Marx, Interim Executive Director

December 3, 2015
Regular Meeting
Res. No. 15-12-15

MOTION: CADDIGAN

SECOND: WAY

RE: REVISED FY17 BUDGET GUIDELINES

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission (PRTC) must develop and adopt an annual operating and capital budget; and

WHEREAS, the budget preparation process begins with the development of budget guidelines; and

WHEREAS, FY17 budget guidelines were adopted by the PRTC Board at its September meeting; and

WHEREAS, the adopted guidelines called for status quo assumptions; and

WHEREAS, since September the anticipated budget deficit has worsened; and

WHEREAS, it is clear to PRTC management that some amount of additional cost savings will be needed to help solve the deficit.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby directs the Interim Executive Director to develop a FY17 budget that reduces net Prince William County expenses by approximately \$1.7M per year, as one component of an overall budget balancing strategy that must address required changes in revenues and expenses to close the projected \$11.5 million funding gap.

December 3, 2015
Regular Meeting
Res. No. 15-12-15
Page Two

Votes:

Ayes: Anderson, Barg, Caddigan, Horsley, Jenkins, Jones, Kelly, Lawson, Miller, Nohe,
Principi, Trampe, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: Durany, Withers

Absent from Meeting: Aveni, Bohmke, Lasch, Lovejoy, May, McLaughlin Milde, Mitchell,
Naddoni, Pittard, Puller, Ross, Sellers, Skinner, Stewart, Wren

ATTEST: _____



Eric Marx, Interim Executive Director

MINUTES

PUBLIC TRANSIT ADVISORY BOARD

October 7, 2015

8:30 a.m.

Conference Room at FREdericksburg Regional Transit

Members in Attendance: Lawrence A. Davies, City of Fredericksburg
Angeline Crowder, Caroline County
Jan Erkert, Fredericksburg Regional Chamber of Commerce
Joey Hess, Stafford County
Diana Utz, George Washington Regional Commission
Dr. Roy Weinstock, Community Representative
Ann Woolford, Germanna Community College

Staff Present: Wendy Kimball, Director of Public Transit/FRED
Rodney White, Assistant Director of Public Transit/FRED
Glenn Jenkins, Operations Manager/FRED
R. Craig Reed, Manager, Policy, Planning and Compliance/FRED
Sharon Sullivan, Administrative Assistant/FRED

Others Present: Don Engiles, Travel Trainer/RAAA
Arnold Levine, Consultant/FRED

Members Absent: Erma Baker, University of Mary Washington
Kevin Koziol, disAbility Resource Center
Doug Morgan, Spotsylvania County
Lloyd Robinson, Alternate/George Washington Regional Commission

Others Absent: Denis Paddeu, Regional Mobility Manager/RAAA

The meeting was called to order by Rev. Davies on October 7, 2015, at 8:35 a.m. in the conference room at the FREdericksburg Regional Transit facility (a/k/a The Lawrence A. Davies Transit Center), 1400 Jefferson Davis Highway, Fredericksburg, VA.

There were no public comments.

The minutes of the June 10, 2015 meeting were presented for approval. A motion was made by Ms. Erkert and seconded by Ms. Woolford to approve the minutes as written. In addition, the minutes of the July 8, 2015 meeting were presented for approval. A motion was made by Ms. Erkert and seconded by Dr. Weinstock to approve the minutes as written. Both motions were approved by unanimous vote.

Report of Director of Public Transit:

- Update on IT Project: Mr. Reed reported that FRED drivers are still operating tablets and collecting data manually. FRED staff will continue to conduct quality assurance reviews of system data. Mr. Reed also reported that RouteMatch staff (the software vendor) will be visiting FRED next week to observe operations and provide hands-on training for dispatchers. Mr. Reed noted that auto back clearing issues have continued to be a problem with this software. Ms. Kimball expressed her gratitude to Mr. Reed and FRED staff for working diligently with RouteMatch to ensure this project can go “live” by January 2016.
- Update on Maintenance Facility: Mr. White reported that the four remaining punch list items are scheduled to be completed at the Maintenance Facility within the next 30 days. These items include touch up painting, relocating a waterline in the Maintenance Building and replacing shrubbery and trees.
- Half-Fare Program: Ms. Kimball reported that the Half-Fare Program has been fully implemented. FRED staff worked with the City’s Information Systems Department to install ID card software in order to issue participants a Half-Fare ID card. Ms. Kimball also reported that FRED staff will be taking a closer look at expanding the current off-peak service hours for next fiscal year. Mr. White distributed a sample Half-Fare ID card for PTAB member review. Ms. Kimball added that FRED offers two types of Half-Fare ID cards; a permanent and a temporary (for short-term disabilities). Ms. Woolford added that Germanna Community College now has a new student ID card that went into effect Fall 2015. Ms. Kimball requested a template of the new student ID card to familiarize FRED drivers of this change.
- FY2016 Grants: Ms. Kimball reported that FRED received full approval of its FY2016 capital and operating grants. Ms. Kimball also reported that FRED will be transitioning to a new grant management software called TrAMS. Ms. Kimball added that FY2016 grants will be entered into this new system by mid-November 2015. Ms. Kimball stated that Mr. White and Ms. Sullivan will be receiving grant software training in the future.
- Budget Status Update (FY’17): Ms. Kimball requested that PTAB members notify FRED staff of any route additions or changes for FY’17. Ms. Kimball announced that the quarterly Operations meeting will be held following the adjournment of the PTAB meeting. Mr. Reed added that FY’17 budget preparations are underway.
- FRED Bus Incident: Ms. Kimball reported that FRED had a bus fire on September 25, 2015 which is currently under investigation by multiple agencies. Ms. Kimball also reported the FRED driver was able to evacuate passengers off the bus to safety. Ms. Kimball added that the wheelchair manufacturer and insurer are currently onsite to investigate the bus fire. Ms. Kimball informed PTAB that more information will be provided at the next PTAB meeting.
- Customer Appreciation Day: Ms. Kimball reported that FRED held its annual Customer Appreciation Day on July 31, 2015 at FRED Central and Stop #26 in Lee’s Hill. The first 500 riders received an “I Take FRED Instead” t-shirt (with a special thank you on the back to our Public and Private Partners). Passengers were able to spin the FRED wheel and play corn hole at FRED Central to win prizes. Drawings were held for FRED goodie bags, fare cards, monthly passes and a grand prize of a FRED yearly pass. Every Friday during the month of August, passengers that received a t-shirt in July could ride FRED for free.
- FRED Picnic: Ms. Kimball reported that FRED held its Annual Employee Picnic on Saturday, September 26, 2015 at the Training Building in the Bowman Center. FRED employees and their families enjoyed bingo, corn hole, moon bounce, and a fully stocked ice cream truck. Ms. Kimball invited PTAB members to come join FRED at next year’s picnic.

Committee Reports:

(1) Mission, Goals and Objectives:

- No report.

(2) Partnership/Marketing:

- Ms. Erkert noted that a new partnership agreement has been signed with WFLS. Ms. Erkert also added that she will help to find someone to represent WFLS on PTAB. Mr. White reported that FRED received \$1,500 from Rappahannock Goodwill Industries for three months worth of in-bus advertising.

(3) Services to the Underserved:

- Ms. Woolford reported that Mr. Koziol submitted a draft survey to Ms. Kimball for review. Ms. Woolford requested that any feedback related to the survey to be sent to Mr. Koziol for committee review.

(4) Operations and Oversight:

- Mr. White reported that FRED hired four part-time transit drivers. Mr. White also reported that FRED's Fleet Manager has retired. The Fleet Manager position has been advertised and will close on October 9, 2015. Mr. White added that FRED relocated a bus stop at the University of Mary Washington (UMW) to accommodate the new building on College Avenue. Ms. Kimball reminded PTAB committees to hold at least two meetings per year.

RAAA Trainer Report:

- Mr. Engiles gave a report on his recent presentations and training trips. A copy of this report is attached hereto and made a part of these minutes.

Other Business:

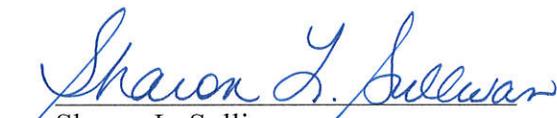
- Mr. Levine commended Germanna Community College on the recent article in The Free Lance-Star related to their new asphalt education program that will help improve Virginia's highways.
- Mr. Levine also reported that Fredericksburg's City Manager, Mr. Bev Cameron, will be retiring at the end of Fiscal Year 2016. Mr. Levine complimented Mr. Cameron's support of FRED operations and expressed how he will be greatly missed. Rev. Davies suggested drafting a resolution for Mr. Cameron to be presented on the behalf of PTAB at a City Council meeting.

Announcements:

- The next PTAB meeting will be held on December 2, 2015, with a Holiday Breakfast for Board members before the meeting.

The meeting was adjourned at 9:19 a.m.

Approved by the Public Transit Advisory Board


Sharon L. Sullivan


Date

Report for PTAB Meeting by DJE

Meeting Date 7 October 2015 @ 0830; Location FRED Central (8/5 Meeting cancelled)

Activities since the 10 June 2015 Meeting:

Special Events/Presentations made: Six (6)

6/10/15	Partners in Aging Event at local Expo Center	(30)
6/11/15	Ride FRED Presentation @ The Madonna House	(6)
6/17/15	Ride FRED Presentation @ Mill Park Terrace	(13)
8/6/15	The Meadows Apts.	(6)
9/23/15	English Oaks Apts.	(2)
9/30/15	RAAA/RACSB Driver Safety Training	

Total Attendees (57)

Special Events/Presentations Scheduled: One

11/13/15	Veteran Event @ VFW Post	
12/8/15	Commonwealth Workforce Meeting @ VA DARS	

Training Trips made: Thirteen

6/25/15	The Madonna House to Downtown Fred'burg	(3)
7/15/15	Bridgewater St. to Germanna Auto Tech Ctr, Stfd	(1)
7/16/15	Mary Washington Hosp to Downtown	(1)
7/16/15	Mill Park Terrace to Downtown (verbal instruction)	(1)
7/28/15	Bridgewater St. to DARS Office	(2)
8/3/15	Micah Ministries to RAAA Office (verbal instruction)	(1)
8/4/15	Bridgewater st. to Germanna Comm. Coll.	(2)
8/18/15	The Meadows Apts. to Spotsy Towne Center	(2)
8/18/15	The Meadows Apts. to Walmart @ South Point	(2)
8/25/15	The Meadows Apts. to 912 Lafayette Blvd. City	(2)

9/8/15	#302 Ferry Rd. to Moss Clinic (Instruction only)	(1)
9/10/15	Olde Forge to Walmart @ Ferry Farms	(1)
10/1/15	RAAA Office to FRED Central	<u>(1)</u>

Total Individuals: (20)

Training Trips – Scheduled: None

10/8/15 The Commons Apartments to Downtown Fredericksburg.

I researched several requests for information on feasibility of riding FRED. I also provided information pertaining to several deviation requests.



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL
MINUTES
Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

ITEM #9A

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

**Council Work Session
November 10, 2015**

Planning Commission Interviews

The Council of the City of Fredericksburg, Virginia held a work session on Tuesday, November 10, 2015, beginning at 6:15 p.m. in City Hall Conference Room.

Council Present. Mayor Mary Katherine Greenlaw, Presiding. Councilors William C. Withers, Jr., Kerry P. Devine, Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. Clerk of Council Tonya B. Lacey.

Kenneth Gantt stated that the he has lived in the City for 10 years. He is retired military. He would like to serve on the Planning Commission because he has a belief in this City and what it represents. He would like to sustain the City's historical atmosphere. He said he worked as a strategic planner for 18 years and he has a skill set that he believes would support what he has read and believe that the City would like to do.

When asked what the two most pressing issues were in the City when it comes to developing and moving forward he said the infrastructure was a challenge because the streets are not made for the traffic that the development is bringing. He the second challenge was integrating businesses properly. He also said with the Dreamland project he would have looked harder at the infrastructure because this project would invite more people into the area.

When asked about his thoughts on homeownership versus rental property he said it could be a challenge and he was more supportive of homeownership. He would like to see a 75 homeowners/25 rental percentage.

Mr. Gantt said the following were the City's greatest assets and there threats are: the downtown – its losing the down home feel; trails – threat is that families are concerned when it gets dark; police and fire services are good but they are overtaxed and University of Mary Washington the threat is what does the growth look like and their purchasing of property.

ITEM #9A

He said he would like to see more recreation facilities in the Fall Hill area and he did not think there were enough fields for the kids on Route 2.

Mr. Gantt spoke to the question on parking and said it may be advantageous to look to see if the City has enough transportation services.

Thomas O'Toole stated that he has lived in the City over 40 years and being a civil engineer, he has done a lot of work in the City and he has had to deal with many Planning Commissions. He said he is retired and now has the time to devote and he thinks he will be an asset due to his experience. He said it is interesting to see how development has taken place over the last 10 years. He said development must blend in with the current mixture of eateries and shops downtown. He said the City has done an amazing job the way it has been doing things. He felt the greatest asset of the City was James Monroe High school and the school system itself as well as the downtown and the low taxes.

Mr. O'Toole said he would like to see more single-family homes built but there was not a lot of land left to build them on.

He said he wish the area could be more regional because when something happens in one of the counties it affects the City. He agreed that the City must take a look at what is happening around them.

Mr. O'Toole talked about the gateways and he thought the City has done a great job with Route 3, Cowan Boulevard and currently Fall Hill Avenue. He said it takes time and money to get there. He said he would not be against partnering on some of the projects but there must be a good business plan.

Closed Meeting Approved. Upon the motion of Councilor Devine, seconded by Councilor Duffy and passed by the following recorded votes, Council approved a closed session for consultation with the City Attorney about the George Street project, under Virginia Code §2.2-3711(A)(7). Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Return to Open Meeting Approved. Upon the motion of Councilor Devine, seconded by Councilor Duffy and passed by the following recorded votes, Council approved a return to an open meeting. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

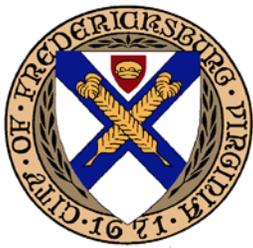
Resolution 15-82, Approved, Certifying Closed Meeting. Upon the motion Councilor Devine approved Resolution 15-82 certifying the closed meeting; seconded by

ITEM #9A

Councilor Duffy and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Adjournment. There being no further business to come before the Council at this time. Mayor Greenlaw declared the work session officially adjourned at 7:10.

**Tonya B. Lacey
Clerk of Council
City of Fredericksburg**



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL
MINUTES
Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

ITEM #9B

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

**Council Work Session
November 24, 2015**

**Status of the Proffer Policy
Acquisition of Former StellarOne Bank Property
Closed Session**

The Council of the City of Fredericksburg, Virginia held a work session on Tuesday, November 24, 2015, beginning at 5:30 p.m. in City Hall Conference Room.

Council Present. Mayor Mary Katherine Greenlaw, Presiding. Councilors William C. Withers, Jr., Kerry P. Devine, Bradford C. Ellis, Charlie L. Frye, Jr. (6:34) and Matthew J. Kelly.

Council Absent. Timothy P. Duffy, Out of Town but participated as a listener only.

Also Present. City Manager Beverly R. Cameron, Assistant City Manager Mark. Whitley, City Attorney Kathleen Dooley, Director of Planning Services Charles Johnston, Assistant Director of Economic Development Bill Freehling and Clerk of Council Tonya B. Lacey.

Others Present. Chris Hornung, EDA Chairman.

Status of the Proffer Policy. Mr. Johnston introduced Ms. Julie Herlands, Principle for Tishler Bise. The Tishler Bise firm was hired to do a proffer study for the City.

Ms. Herlands presented a PowerPoint presentation that covered introductions, cash proffer basics, general overview cash proffer methodologies, summary of City of Fredericksburg cash proffer study, overview of draft Fredericksburg demographics, preliminary approaches to City of Fredericksburg cash proffer calculations and next steps for the study. (See attachment for more information).

Mr. Johnston noted that many jurisdictions that go through this process involve the public and he asked Council if they wanted to do that with a Citizens Committee or have the Planning Commission be that committee. He explained by January or February they would be

ITEM #9B

ready for some sort of public forum. The policy would focus on public impacts such as impact on schools, and emergency services from new projects.

Discussion ensued on how those fees would be applied to an apartment complex versus mixed use project as well as how the fees would apply to 55 and 65 and older communities.

Acquisition of Former StellarOne Bank Property. Assistant Economic Development Director Freehling presented a PowerPoint presentation. In the presentation he covered the background on the property, Options 1 – Pros and Cons of Giving up the contract, Option 2 – Pros and Cons of Pursuing the appeal and demolition, Option 3 – Pros and Cons of Partnering with the Economic Development Authority (EDA), How the EDA partnership would work, Potential site layout, Net parking gains and costs and the building description and pictures. (See attachment for more information).

Mr. Herlong explained the thought was to have the EDA take title of the building and the 12 or 13 spaces and subdivide the property, remove the canopy of the drive through and convey the 13 spaces to the City. The bank building sale would be contingent of them having the right to lease the 12 spaces.

Council was concerned with the parking in section C and who the parking belonged to and how much of that parking would be available. They would like the parking to be clarified before making any final decisions.

Council was in agreement with looking into partnering with the EDA but if the EDA decided at their meeting not to partner with the City majority of Council agreed that they would like the City to prepare the appeal on the ARB's decision.

Closed Meeting Approved. Upon the motion of Councilor Kelly, seconded by Vice-Mayor Withers and passed by the following recorded votes, Council approved a closed session for consultation with the City Attorney about the George Street project, under Virginia Code §2.2-3711(A)(7). Ayes (7) Councilors Greenlaw, Withers, Devine, Ellis, Frye, and Kelly. Nays (0).

Return to Open Meeting Approved. Upon the motion of Councilor Devine, seconded by Councilor Ellis and passed by the following recorded votes, Council approved a return to an open meeting. Ayes (7) Councilors Greenlaw, Withers, Devine, Ellis, Frye, and Kelly. Nays (0).

Resolution 15-82, Approved, Certifying Closed Meeting. Upon the motion Councilor Devine approved Resolution 15-82 certifying the closed meeting; seconded by

ITEM #9B

Councilor Ellis and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Ellis, Frye, and Kelly. Nays (0).

Adjournment. There being no further business to come before the Council at this time. Mayor Greenlaw declared the work session officially adjourned at 7:10.

**Tonya B. Lacey
Clerk of Council
City of Fredericksburg**

Briefing on Cash Proffer Study

City of Fredericksburg

City Council

November 24, 2015

Bethesda, MD | 301.320.6900

Bradenton, FL | 443.280.0723

TischlerBise.com



Presentation Outline

- Introductions
- Cash Proffer Basics
- General Overview Cash Proffer Methodologies
- Summary of City of Fredericksburg Cash Proffer Study
- Overview of Draft Fredericksburg Demographics
- Preliminary Approaches to City of Fredericksburg Cash Proffer Calculations
- Next Steps for the Study
- Questions & Answers/Discussion



- | | | |
|-------------------------|-----------------------------|------------------------------|
| Amherst County | Henrico County | Prince William County |
| Augusta County | Isle of Wight County | Spotsylvania County |
| Charles County | James City County | Stafford County |
| Chesapeake | Leesburg | Suffolk |
| Fairfax | Norfolk | Sussex County |
| Falls Church | Poquoson | |
| Frederick County | Powhatan County | |
| Goochland County | Prince George County | |

- Fiscal, economic, and planning consultants
- National Practice
- Fiscal Impact Evaluations (800+)
- Impact Fees (900+)
- Infrastructure Needs & Revenue Strategies
- Public and Private Sector Experience



Cash Proffer Basics

- One-time voluntary monetary commitment by property owner
- At rezoning only; not by-right
- For **capital facilities** and additional capacity—cannot be used for operating costs
- Offsets impact of the rezoning to provide capital facilities
- Represents new growth's fair share of capital facility needs and costs
- Unique to Virginia (and West Virginia)



Cash Proffer Ground Rules

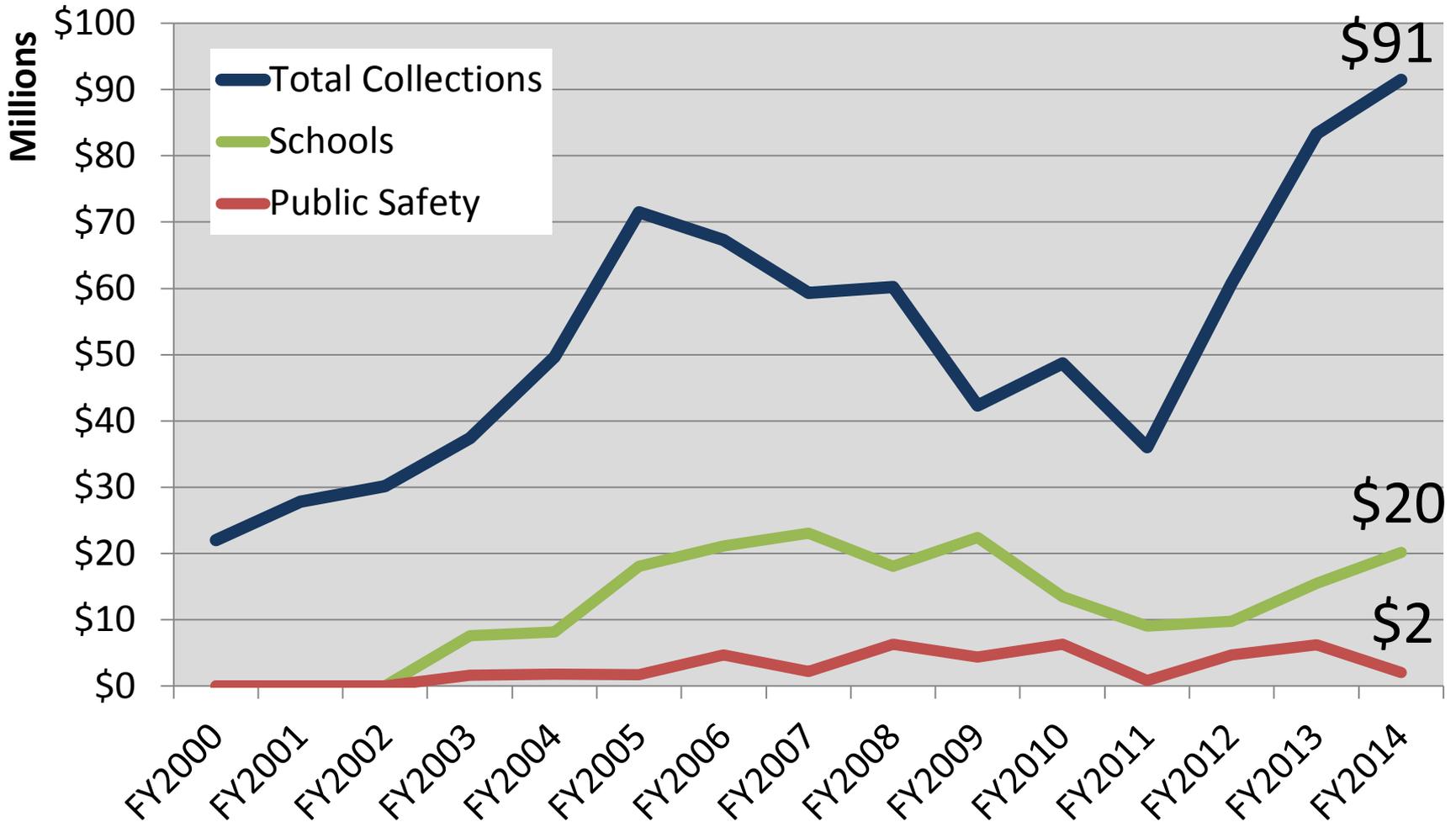
- Not a revenue raising mechanism but a way to meet growth-related infrastructure **needs**
 - It's a land use regulation
 - To provide infrastructure as growth occurs
- Reflects **proportionate share** of capital costs for system improvements
- Payers must receive a **benefit**
 - Timing and type of improvements
 - Accounting and expenditure controls



Cash Proffer Ground Rules

- Conform to **Comprehensive Plan**
- Include type of facilities in a **CIP**
- Commit at **rezoning** but paid later
- Include **credits** / reimbursements in analysis
- Allow **special studies** for unique situations, but limit frequency
- Account for funds **separately**
- Spend funds in a **timely manner** (within 7 years)
- May be calculated by **geographic area**

Cash Proffer Statewide Collections



Source: VA Commission on Local Government, "Report on Proffered Cash Payments and Expenditures by Virginia's Counties, Cities, and Towns 2013-14," Nov. 2014.

Cash Proffer Statewide Collections

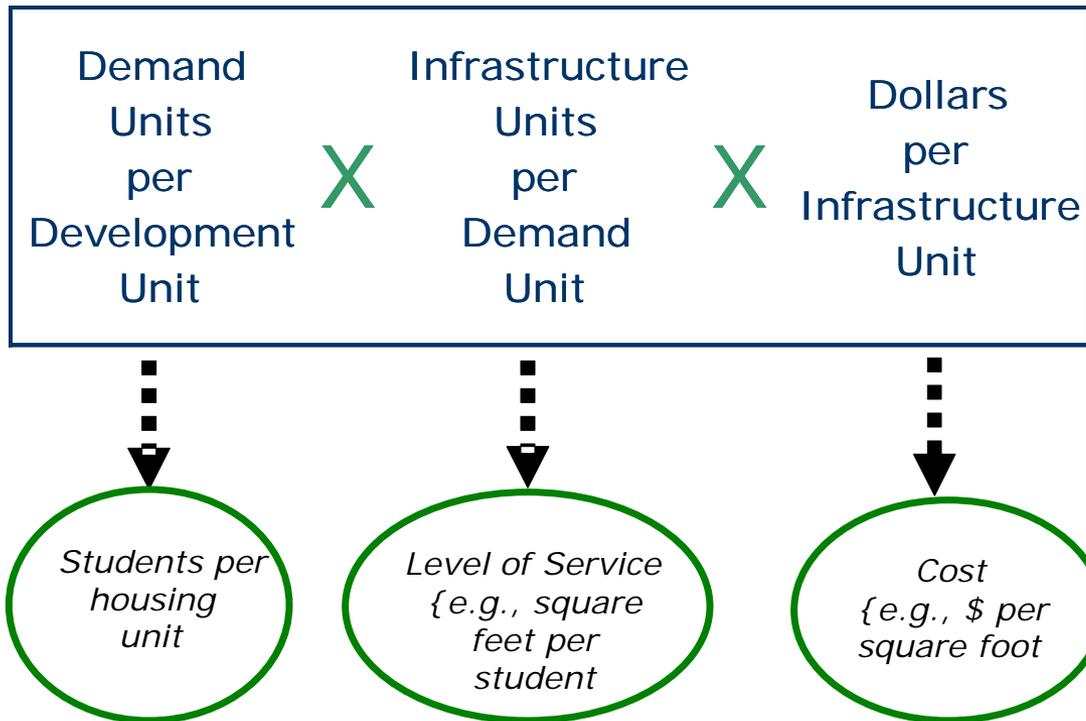
	Fiscal Year 2014		
	Cash Proffer Collections	Population Estimate	Per Capita Amount
Counties (includes Towns)	\$85,915,521	5,777,448	\$14.87
Cities	\$5,525,103	2,548,841	\$2.17

Sources: VA Commission on Local Government, "Report on Proffered Cash Payments and Expenditures by Virginia's Counties, Cities, and Towns 2013-14," Nov. 2014; Weldon Cooper Center

General Methodologies

- Cost Recovery (past)
 - Oversized and unique facilities
- Incremental Expansion (present)
 - Formula-based approach documents level-of-service with both quantitative and qualitative measures
- Plan-Based (future)
 - Common for utilities and transportation but can also be used for other public facilities

Incremental Formula



The slide features a dark blue header with a white and green curved graphic on the right. In the top left corner, there is a small image of a modern building at night.

City of Fredericksburg Study Process

- Interview key staff/obtain information
- Analyze current demographics and develop growth projections
- Determine existing levels of service and capital needs due to new growth
- Determine appropriate generators of demand
- Evaluate methodological alternatives
- Evaluate need for credits
- Calculate cash proffer amounts

City of Fredericksburg Estimates

- City Population: 28,287
- City Housing Units: 11,478
- City Schools Total Enrollment: 3,536
- Jobs located in City: 23,091
- City Nonresidential Floor Area: 10.6 million Sq. Ft.

City of Fredericksburg Household Size

<i>Type of Unit</i>	<i>Persons</i>	<i>Housing Units</i>	<i>Hsg Unit %</i>	<i>Persons Per Housing Unit (rounded)</i>
Single Family*	13,681	5,716	52%	2.39
MultiFamily/Other	9,623	5,172	48%	1.86
Total	23,304	10,888		2.14

** Includes single family detached and manufactured homes*

Source: U.S. Census Bureau 2009-2013 American Community Survey 5-Yr Estimates

Summary of Projected City Growth

	July 1, Base Year	Projections==> 5-Year Increments					Net Increase
	2015	1 2016	5 2020	10 2025	15 2030	20 2035	
Population	28,287	28,644	30,126	32,107	34,242	36,541	8,254
Total Housing Units	11,478	11,650	12,365	13,321	14,350	15,459	3,981
At-Place Employment	23,091	23,403	24,936	26,995	29,224	31,637	8,546
Jobs to Population Ratio	0.82	0.82	0.83	0.84	0.85	0.87	1.04
Enrollment	3,536	3,662	4,029	4,528	4,791	5,075	1,539



City Cash Proffer Categories

Cash Proffer Categories

- Schools
- Fire & Rescue

Summary of Preliminary Components

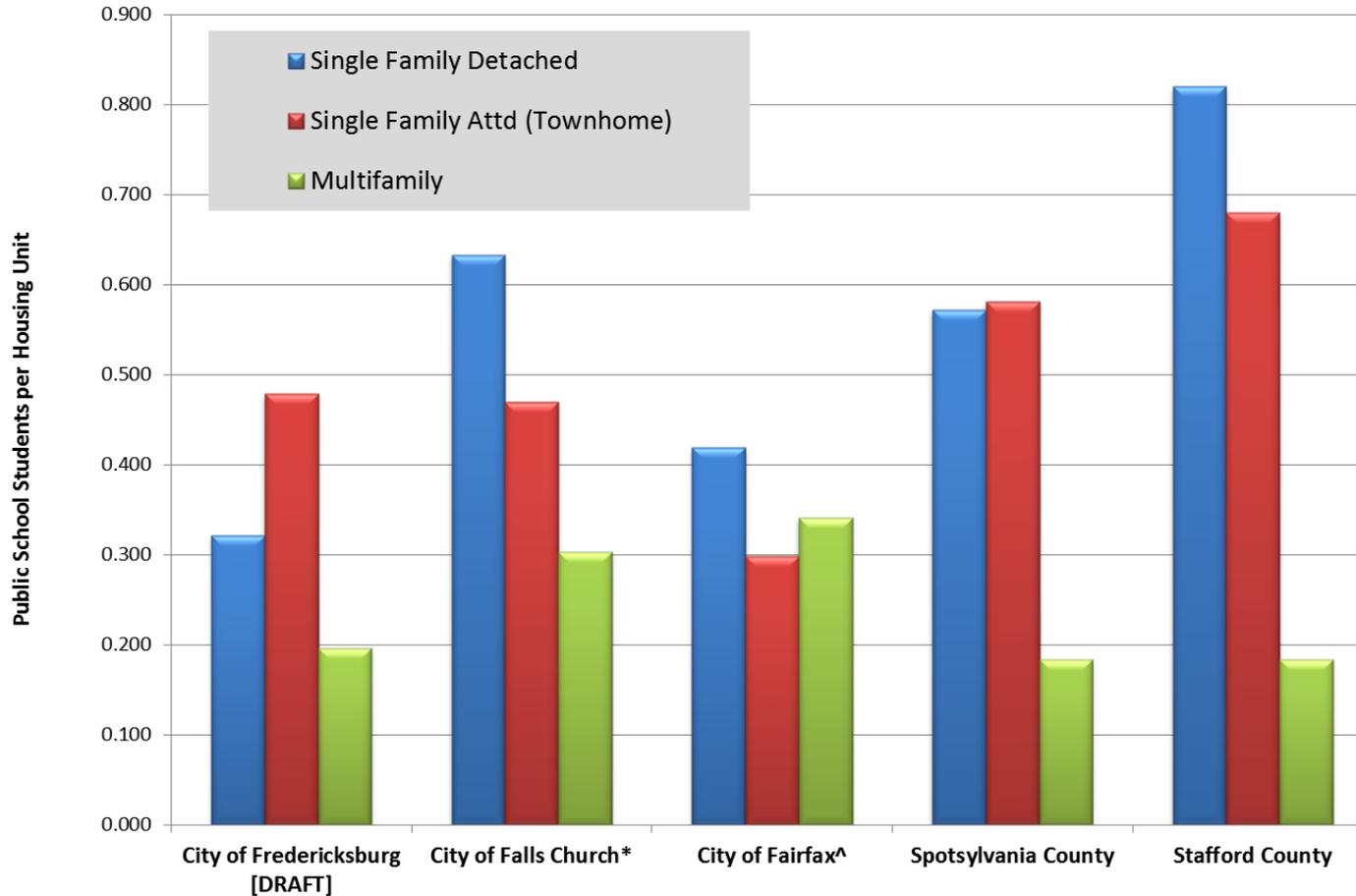
Type of Public Facility	Incremental Expansion	Plan Based	Cost Recovery	Cost Allocation
<i>Schools</i>	<ul style="list-style-type: none"> ▪ School Construction ▪ Land ▪ Mobile Units ▪ Buses 	<ul style="list-style-type: none"> ▪ Admin / Special Programs Space 	Not applicable	Public School Students from Residential Development
<i>Fire and EMS</i>	Not applicable	<ul style="list-style-type: none"> ▪ Station Space ▪ Vehicles/Apparatus 	Not applicable	Residential and Nonresidential Development

Preliminary Approach

- Incremental expansion
- Potential components
 - School construction
 - Land
 - Mobile Units
 - Buses
 - Admin/Operations facility
- Demand generator: Student enrollment
- Credit for outstanding debt

Student Generation Rates

Student Generation Rate Comparisons by Jurisdiction



* City of Falls Church Multifamily (MF) rate shown is weighted average for all Multifamily (MF) units; the City has detailed MF rates by type, ownership, and size of a unit.

^ City of Fairfax rates shown are for “established” units; the City has rates for “established” vs. “new” units.

Sources: Counties: County analysis used in Cash Proffer policies. Cities: City analysis used in respective Fiscal Impact Models

Schools Current Levels of Service

LOWER ELEMENTARY SCHOOL (K-2)

Inventory, Enrollment, and Levels of Service

Facility	Site	Building	Portables	Official	Capacity	Current
	Acreage	Square Feet	Classrooms	2015 Enrollment		
Hugh Mercer Elementary School	38.64	142,891	4	868	940	92%
TOTALS	38.6	142,891	4	868	940	92%

Demand

Elementary School Levels of Service	Units (Students)	Acres per Student	Building SF per Student	Portables per Student
LOS based on Current Enrollment	868	0.044	164	0.0046
LOS based on Capacity	940	0.041	152	0.0042

UPPER ELEMENTARY SCHOOL (Grades 3-5)

Inventory, Enrollment, and Levels of Service

Facility	Site	Building	Portables	Official	Capacity	Current
	Acreage	Square Feet	Classrooms	2015 Enrollment		
La Fayette Upper Elementary School	21.53	97,760	0	773	1,010	77%
TOTALS	21.5	97,760	0	773	1,010	77%

Demand

Elementary School Levels of Service	Units (Students)	Acres per Student	Building SF per Student	Portables per Student
LOS based on Current Enrollment	773	0.027	126	0.0000
LOS based on Capacity	1,010	0.021	96	0.0000

Schools Current Levels of Service (cont'd)

MIDDLE SCHOOL (Grades 6-8)

Official

Inventory, Enrollment, and Utilization

Facility	Site Acreage	Building Square Feet	Portables Classrooms	2015 Enrollment	Capacity	Current Utilization
Walker-Grant Middle School	21.5	103,590	1	677	880	77%
TOTALS	21.5	103,590	1	677	880	77%

Demand

<i>Middle School Levels of Service</i>	Units (Students)	Acres per Student	Building SF per Student	Portables per Student
LOS based on Current Enrollment	677	0.031	153	0.0014
LOS based on Capacity	880	0.024	117	0.0011

HIGH SCHOOL (Grades 9-12)

Official

Inventory, Enrollment, and Utilization

Facility	Site Acreage	Building Square Feet	Portables Classrooms	2015 Enrollment	Capacity	Current Utilization
James Monroe High School	23.67	198,000	0	1038	1,164	89%
TOTALS	23.7	198,000	0	1,038	1,164	89%

Demand

<i>High School Levels of Service</i>	Units (Students)	Acres per Student	Building SF per Student	Portables per Student
LOS based on Current Enrollment	1,038	0.022	190	0.0000
LOS based on Capacity	1,164	0.020	170	0.0000

Preliminary Approach

- Incremental expansion
- Potential components
 - Station space
 - Vehicles/apparatus
- Cost allocation: % Calls for service by type of land use
- Demand generator: Population (residential) and at-place employment (nonresidential)
- Possible credit if future debt

Fire and Rescue Assumptions

Fire Stations

Site	Sq. Ft.
Fire Station 1 601 Princess Anne St	6,808
Fire Station 2 101 Altoona Dr	9,014
Fire Station 3 (planned) Celebrate Virginia South	16,500
TOTAL	32,322

Planned : Total Apparatus Citywide

Type of Vehicle	Current Value (\$)		Planned Cost (\$)		Value (\$)	
	Current #	Total	Planned #	Total	Total #	Total
Engine	3	\$2,550,000	1	\$850,000	4	\$3,400,000
Ladder	1	\$1,500,000	0	\$0	1	\$1,500,000
Tower	1	\$1,325,000	0	\$0	1	\$1,325,000
Ambulances (Medics, Rescues)	5	\$1,175,000	1	\$235,000	6	\$1,410,000
SUVs/Trucks	8	\$440,000	0	\$0	8	\$440,000
Haz-Mat Equipment	4	\$1,088,000	0	\$0	4	\$1,088,000
	22	\$8,078,000	2		24	\$9,163,000



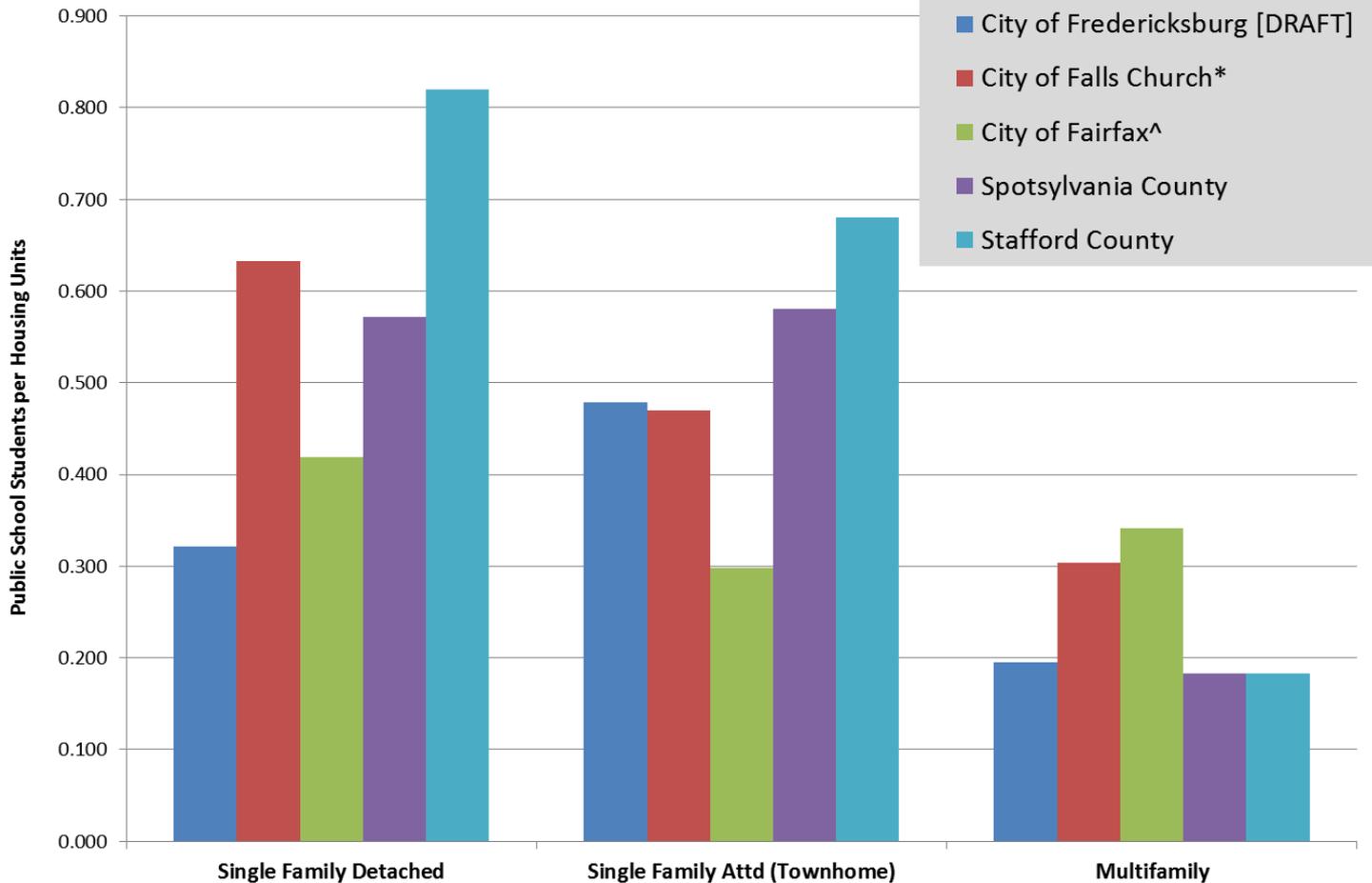
Wrap Up

- Next steps for Cash Proffer Study
- Questions / Discussion

Thank you

Appendix: Student Generation Rates

Student Generation Rate Comparisons by Type of Housing Unit



* City of Falls Church Multifamily (MF) rate shown is weighted average for all Multifamily (MF) units; the City has detailed MF rates by type, ownership, and size of a unit.

^ City of Fairfax rates shown are for "established" units; the City has rates for "established" vs. "new" units.

Sources: Counties: County analysis used in Cash Proffer policies. Cities: City analysis used in respective Fiscal Impact Models

A photograph of a brick building with a gabled roof and a crosswalk in the foreground. The building is made of red brick and has a white gable. There are several windows and doors. A tree with yellow leaves is in front of the building. A utility pole is on the right. A crosswalk with white stripes is in the foreground. The sky is blue.

A path forward at 1016 Charles

Presentation to City Council

November 24, 2015

Background

- Council under contract to buy property
- Union Bank wants closing by Dec. 31
- Original plan: Remove building, build parking
- ARB denies COA for demo (drive-through)
- City has formally appealed ARB decision
- Three options to move forward

Option 1 – Give up contract

Pros

- Saves \$1.4 million (contract price plus cost to build lot)
- Private sector has opportunity to purchase

Cons

- Lose valuable parking opportunity
- Could make sale of 1001 Princess Anne more difficult

Option 2 – Pursue appeal/demo

Pros

- Opportunity to execute original concept
- Option that would add the most parking spots

Cons

- Ignores ARB concerns
- Adds cost to project (demo won't be cheap)
- Tears down attractive brick building that could be home to a small business

Option 3 – Partner with EDA

Pros

- Preserves nice building (3,278 SF with finished basement, conference space in attic)
- Still creates ample parking
- Brings in new business
- Saves significant money (perhaps saves \$800,000)
- Acknowledges ARB concerns
- Still enables successful sale of 1001 Princess Anne

Cons

- Adds some complexity, time
- Lose some parking (but not too much – see next slide)



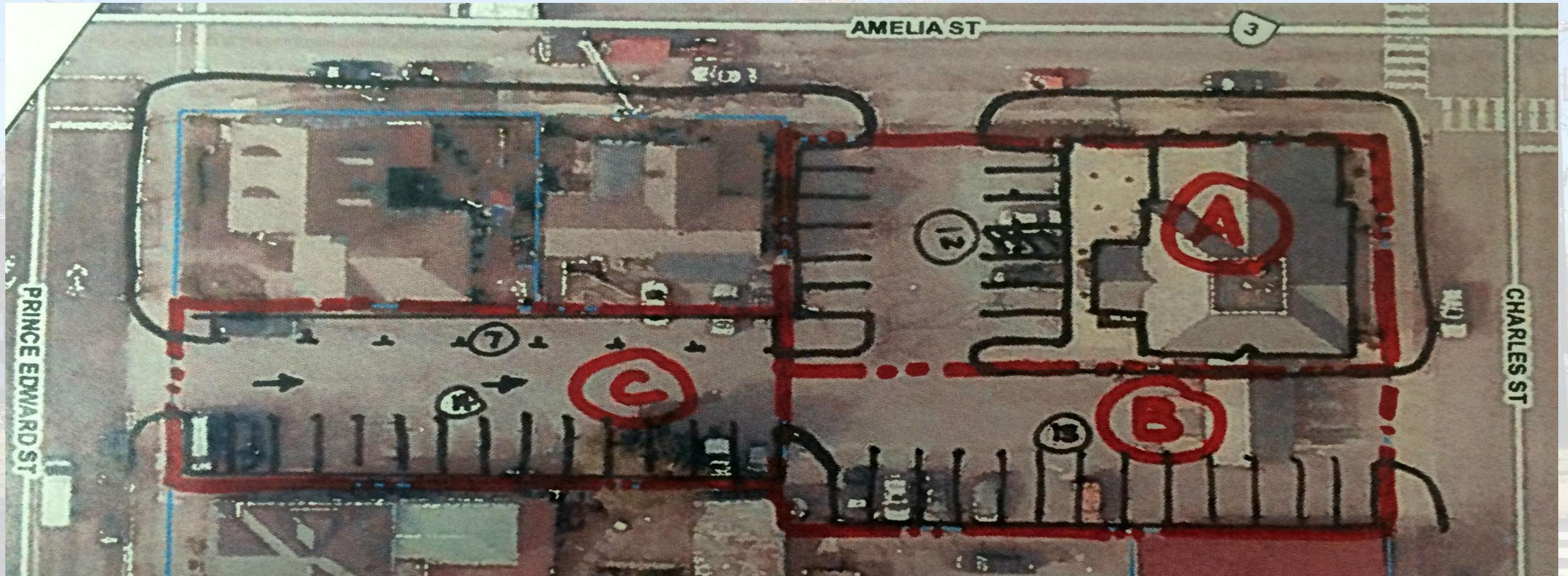
Corner of Princess Anne and Amelia streets

The ARB will want the city to add some sort of hard-scaping to corner of Charles and Amelia if the building is torn down. This feature at the Baptist Church lot is just shy of half dimensions of bank building (22x32).

How EDA partnership would work

- Terms to be worked out between city, EDA
- EDA votes Dec. 3, City Council votes Dec. 8
- City, EDA each contribute to costs
- Drive-through removed, property subdivided
- Parking lot planned, re-surfaced, striped
- City leases spaces to 1001 P.A. buyer
- EDA sells building. Parcel includes 12 spaces that would be available to public after hours

Potential site layout



- Parcel A: To be resold to private buyer. 12 parking spaces (public after hours)
- Parcel B: City parcel. 13 spaces (Leased to 1001 P.A. buyer, public after hours)
- Parcel C: City parcel. 21 full-time parking spaces
- Might pick up 1-2 on-street spaces

Net parking gains and costs

- Project would create:
 - 22-23 new full-time spaces
 - 25 new after-hours spaces
 - (47-48 new spaces for nights and weekends)
- City, EDA could split costs
- Estimated city cost: \$600,000 (\$12,500 per space)
- Tax revenue from building, business

The building

- Brick, slate roof
- 3,278 square feet on main level
- Built in 1966
- Full finished basement with kitchen
- Conference room in attic
- Three bathrooms
- 8-12 offices

Basement breakroom/kitchen



Basement office 1



Basement office 2



Basement office 3



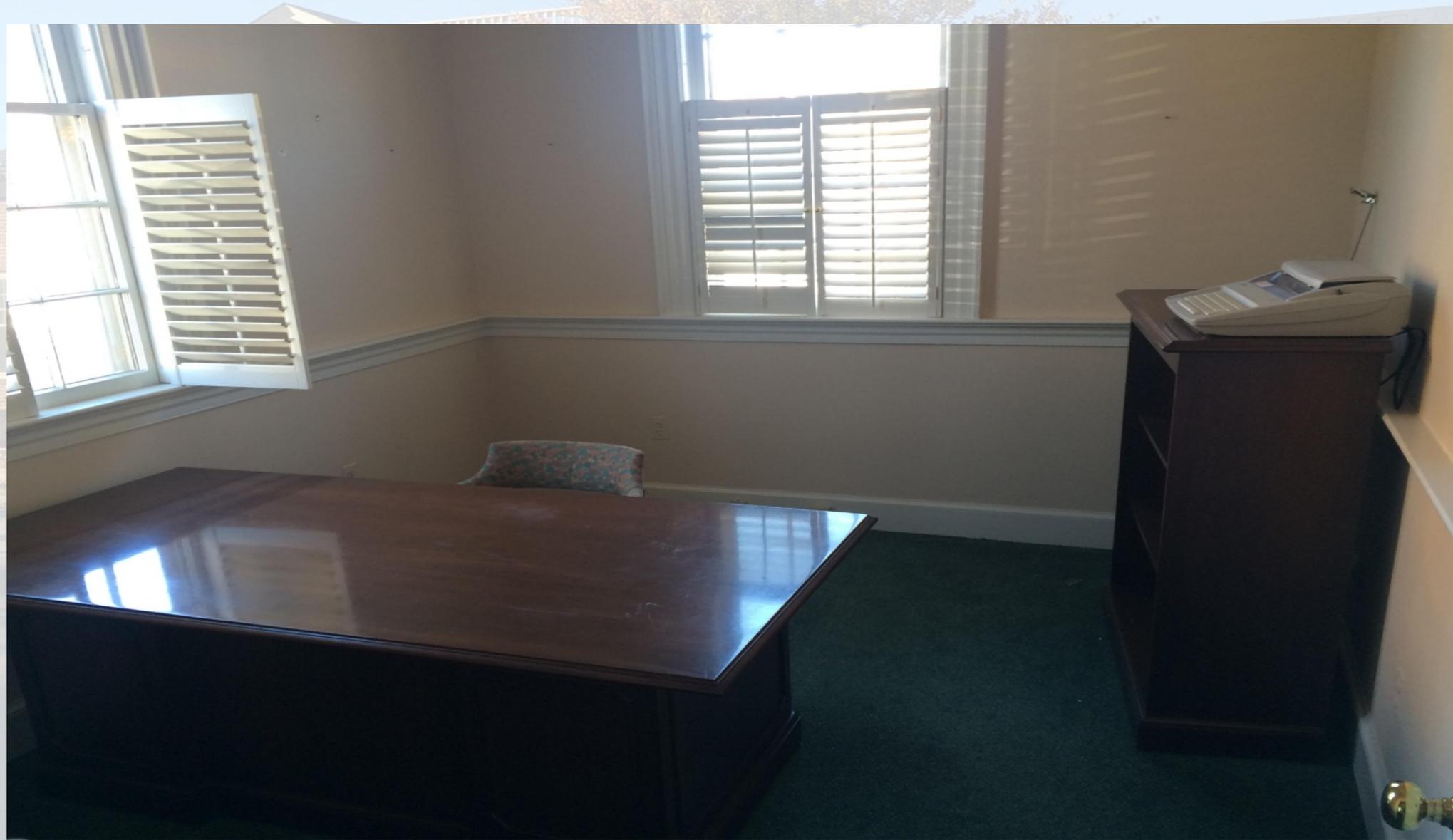
Teller area and vault



Main floor office 1



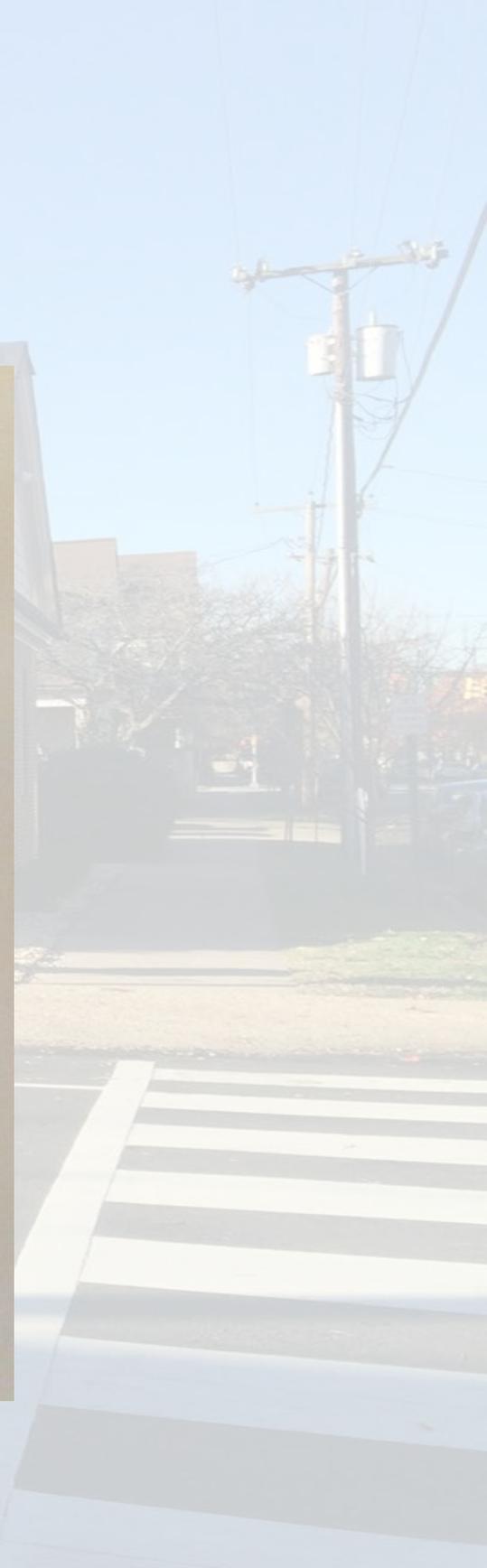
Main floor office 2



Main floor office 3



Main floor office 4



Main floor office 5



Attic conference room



Question before City Council

*Which of the three options
to pursue?*



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL

MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

November 24, 2015

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, November 24, 2015, beginning at 7:32 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy (participated remotely – out of town), Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Beverly R. Cameron, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Budget Manager Deidre Jett, Fire Chief Eddie Allen, Police Chief David Nye, Planning & Building Director Charles Johnston, Zoning Administrator Michael Craig, Assistant Economic Development Director Bill Freehling, Public Works Director Doug Fawcett, and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D15-__ thru D15-__). The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

Ordinance 15-29, First Read Approved, Granting Dominion Virginia Power an Easement for the Extension of Electrical Service at

the Rappahannock Regional Landfill (D15-__ thru D15-__). – no speakers.

After staff presentation Councilor Kelly made a motion to approve Ordinance 15-29, on first read, granting Dominion Virginia Power an easement for the extension of electrical service at the Rappahannock Regional Landfill; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Motion to Suspend the Rules. In order to place Ordinance 15-29 on for second read Councilor Kelly moved to suspend the rules; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Ordinance 15-29, Second Read Approved, Granting Dominion Virginia Power an Easement for the Extension of Electrical Service at the Rappahannock Regional Landfill (D15-__ thru D15-__). – Councilor Kelly made a motion to approve Ordinance 15-29, on second read, granting Dominion Virginia Power an easement for the extension of electrical service at the Rappahannock Regional Landfill; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 15-87, Second Read Approved, Amending the Fiscal Year 2016 Budget to Fund Improvements to the Public Safety Radio System (D15-__). – three speakers. Chief Allen presented a PowerPoint presentation on the public safety radio system. In his presentation he covered the Project Background,

Actions Completed, Path Forward, One-time Costs and Recurring Costs. (See D15-__) for more information.

Councilor Kelly said he was contacted by a Spotsylvania County Board of Supervisor and they were surprised to hear the City had taken action. He mentioned the letter that was written by Harris the operator for the Spotsylvania County system. He asked staff to give a general overview of the thoughts on the letter from Harris.

Chief Allen stated he had received the letter but explained that the City had retained a consultant and the consultant did an evaluation of four options. He said they looked at the Spotsylvania system objectively. It took three months to get a meeting with Spotsylvania and they were told at that time that they would be operational July 1, 2015 and that has not occurred. They were told it would be December and that does not look like it would happen. One of Spotsylvania's issues was obtaining tower sites and they were having problems with two and construction was to begin in December or January at those sites. Chief Allen explained that the best time to bring a new system up was during full foliage because this was when you find the good and bad spots depending on the foliage. Spotsylvania was anticipating testing in late spring or early summer then the system has to be accepted which would be sometime in 2016.

Chief Allen noted that at a County Board of Supervisors meeting in 2011 that a Board member said the County was under a time constraint and the system needed to be operational by January 2014 due to life support issues with the current system. The radio system contract was awarded to Harris in March 2013 and assuming no additional delays Harris is stating that the system will be ready sometime in 2016. It has been approximately two years getting the system on board.

Working with the consultant and evaluating the systems the consultant recommended Stafford as the best option although they told the City at the work session that it was the most expensive. The staff not only looked at what the consultant provided but did their own testing. The testing came back with excellent results with the exception of three sites: the Courthouse, basement of the hospital and the center of Kohl's Department store. Chief Allen said he fully supports the Stafford system and he stated that many in the National Capital Region (Arlington, Alexandria, Fairfax, Prince William, Stafford) are on Motorola systems and in the Richmond Region (Chesterfield, Richmond, Hanover, Henrico and recently Caroline County) are all on Motorola system. Caroline was offered to join Spotsylvania and chose the Motorola system.

Chief Allen felt this was the best option and stated that if the City went on its own it would cost \$5-7 million depending on if it could use existing towers. The Stafford system was a proven system. He said those on the Fire/EMS side use the system every day because they have the radios in their trucks. The radios were issued to them because they do mutual aid in Stafford and Stafford does mutual aid in the City. He said he and Police Chief Nye try to provide the best system for their providers and they both agreed as well as the Sheriff that this was the best system.

City Manager Cameron said this was a very important project and he said he, Chief Allen and his staff had been working on this project for many months and they were confident in their recommendation to partner with Stafford County. Mr. Cameron gave Council five key reasons:

- Radio signal coverage was over 97 percent reliability for both talk out and talk in. The coverage had been tested by computer models and field tests.

- Stafford's system was mature and there are benefits to joining a mature system. This system has been in place since 2007 and all of the towers are fully operational. The software is operational and refined. Staff training has been completed. The City can join the system now and be up within four to six months.
- Cost of the equipment has been negotiated using the Stafford County contract as a baseline. Due to the timing the City will receive additional discounts. The cost is fair and reasonable which is similar to those systems purchased in many other jurisdictions.
- Cost to join Stafford has been negotiated by City and County staff over the past six months. Both Stafford and the City believe that an equitable cost has been agreed to. The City has the opportunity to join a state of the art radio system that had a capital cost of \$26 million in 2007. The City's operation and maintenance cost to Stafford will be \$285,000 per year with a five percent annual escalation. The cost is roughly proportionate to the number of radios that the City will add to the Stafford System. The City is prepared to provide a TDMA channel to the Stafford system.
- Urgency is the final reason. The City needs to move forward with the implementation of the new system as soon as possible. The City learned from the radio study that the current City system has coverage gaps that create risks for the first responders. This is the reason for moving this up on the capital projects.

Councilor Frye asked Chief Allen would the City have trouble communicating

with Spotsylvania if they needed to and Chief Allen said they would not.

Wayne Duff (D15-__), Harris Public Safety Communications, stated that he spent 20 years in law enforcement and if there was urgency to getting up on a new system then it would make sense to join Stafford County. He said if the sense of urgency was not there he would like Spotsylvania to be an option. He was surprised that a decision has been made because he thought the option to join Spotsylvania was still being evaluated.

He said Chief Allen was correct that the Spotsylvania system was not operational at this time and they were working to get two of the eleven towers secured. He said the towers that would serve Fredericksburg are installed but still need to be tested and it would take some time. He said the City could install its own Project 25 (P25) Phase 2 system for less than \$4 million and tie into the surrounding counties. He said the prices he saw on the needs assessment seemed to be more pricy than the equipment they proposed when they provided the consultant with that information. He warned Council to make sure they look at all P25 systems before making a decision.

Harold Bannister, 1901 Fall Hill Avenue, asked whether the Stafford system would be able to handle video transmission in the future and will it be able to be expanded to allow this and he asked if the Stafford system would be able to expand in the future as needed.

Jeremy Thomas, Motorola Representative, said although the data transmission was strong the capability of the Stafford radio system and the bandwidth of the data channels would not be as sufficient to support video transmission. He said there were many other advantages of the data channels and video requires an intensive bandwidth. It may be capable over an LTE network or Wi-Fi network. He said Motorola continues to

look at ways to expand. He said they spend over a half million dollars annually to increase the capabilities for public safety users. He said they are considering in the future as capabilities expand.

Councilor Kelly said he would like to defer the vote and take the next two weeks to answer the questions in the letter from Harris.

Councilor Devine made a motion to approve Resolution 15-87, on second reading, amending the Fiscal Year 2016 budget to fund improvements to the public safety radio system; motion was seconded by Councilor Ellis

Councilor Devine said this has been a priority of Council and while the Council had not been discussing this as much staff had and the Council charged them with bringing a recommendation forward. She said staff's recommendations and justifications were rational and she was ready to vote.

Councilor Kelly said when new information comes available the City should take a closer look at the system.

Vice-Mayor Withers said he would support the motion but asked if the Council moved forward would it allow time to look at the equipment again to decide if that's what they wanted. Mr. Cameron said they could provide more detailed information on what they plan to purchase. Vice-Mayor Withers said that if the Police, Fire and City Manager felt more comfortable with this system then he would support the recommendation because the safety of the personnel outweighs the cost that the City might save.

Councilor Frye said he would support the system as well he said public safety was the number one priority. He said if the Spotsylvania system was up and running he would understand.

Councilor Duffy said he feels delaying the vote would lead to delaying implementation significantly.

The motion passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Ellis and Frye. Nays (1). Councilor Kelly.

Adjournment. There being no speakers to come before the Council at this time, Mayor Greenlaw declared the hearing officially adjourned at 8:10 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL

MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

November 24, 2015

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, November 24, 2015, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy (participated remotely – out of town), Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Beverly R. Cameron, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Budget Manager Deidre Jett, Fire Chief Eddie Allen, Police Chief David Nye, Planning & Building Director Charles Johnston, Zoning Administrator Michael Craig, Assistant Economic Development Director Bill Freehling, Public Works Director Doug Fawcett, and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Matthew J. Kelly followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

Officer Recognized. Mayor Greenlaw recognized the presence of Officer Stuart Butterfield at this evening's meeting.

Public Hearing Conducted (D15-__ thru D15-__). The regular session was recessed in order to conduct the scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. The following speakers came forward to participate in the citizen comment portion of this evening's meeting.

Karen Kallay (D15-__), Representative for the Rappahannock Area Community Services Board – Ms. Kallay gave an update on what has happened at the RACSB over the past year. She also distributed a packet with the Fiscal Year 2015 highlights and the Fiscal year 2016 priorities.

Ed Whalen, 1705 Princess Anne Street, came to reiterate what was done to address density concerns and the development along the river. He said he has always looked at this project as a cooperative partnership with the City to revitalize an important corridor and entrance into the historic district of downtown. He said he heard the concerns regarding the density of the residential units and the increase in by-right development on the river. He said he was prepared to remove the residential portion from the river and he was prepared to reduce the density of the residential units on the Germannia acreage by twenty percent this would provide enough funding to provide underground parking for residents while preserving additional green space. He said the residential units would be spread out over the three acres and remains within the 30 units per acre much like the Maury Commons project. He said he has proffered to sell all the residential units within 10 years. He said the reason they cannot sell the units right away was because the area needed to be revitalized first in order to sell the units.

Harold Bannister, 1901 Fall Hill Avenue, applauded Mr. Whalen for what he was

proposing to do in the Mill District but said it did not work for that area. He asked Council to reject the proposal.

Mr. Bannister also invited City Council and the residents to the Electric Lights Tour from December 1 through December 27, in the Fall Hill neighborhood. He said maps can be found at the Fredericksburg Visitor's Center and the Mason Dixon restaurant.

Frederic Howe, III (D15-__), 311 Cannon Circle, spoke in opposition of the plan for 50 Syrian refugees to be relocated in the City. He was concerned that this would be an unfunded program budget passed down to the City tax payers. He requested that Council engage with State and Federal representatives to lobby and demand that they shift the tax burden of their policy and program mandates back to those that pass or implement the programs.

Mike Taggart, 425 Bunker Hill Street, stated that at the last Fall Hill Neighborhood meeting they discussed the Mill District project and they were concerned with the environmental impact, mass density causing the proposed buildings to be out of proportion. He said in the JumpStart plan this area was to be redeveloped like the Hyperion corner which he felt would fit better. They were also concerned with the traffic study that was provided. He felt the study did not accurately depict the traffic and the impact that it would cause in the Fall Hill neighborhood.

Anna Sandborn, 1707 Princess Anne Street, addressed the traffic and she compared this project and the traffic that would be generated to the William Street area with all the new development.

Ms. Sandborn also recognized all the time and effort that had been put into this project. She said she cares about the trails and all the people in the neighborhood but she

also said she cares about the revitalization of all the abandoned buildings in the proposed area. She listed a number of vacant commercial spaces within a short distance and stated that putting more commercial in this area did not make sense. This project would be an affordable place for young professionals.

Ann Little, 726 William Street, stated that a number of Fall Hill Neighbors and Heritage Trail members had concerns about the trail and the number of vehicles that would cross it due to the development as well as the density of the project. She said there were also many in the Fall Hill neighborhood that did not like the idea of having apartments because there were already too many rentals in the City. She also pointed out how the Maury Commons condos have caused many owners to improve their homes and building since the condos were built and she said this is what was needed in this corridor. She was concerned that the apartment would degrade the Fall Hill neighborhood.

Council Agenda Presented. The following items were presented to Council.

7A. Regional Greenhouse Gas Initiative – Councilor Devine

7B. Refugee Placement – Mayor Greenlaw

7C. Resolution 15-89, Authorizing the City Attorney to File a Declaratory Judgment Action Contesting the Validity of the October 26, 2015 Fredericksburg Architectural Review Board Approval of Certificate of Appropriateness for Site Planning, Scale and Massing of Townhomes on the 300 Block of George Street – Vice-Mayor Withers

7D. City Recycling – Councilor Devine

7E. Tanker Car Update – Councilor Frye

Regional Greenhouse Gas Initiative – Councilor Devine stated that

Council had received a letter from the Clean and Green Commission urging the Council to support the Greenhouse Gas Initiative. It encourages the expansion of energy efficient programs that will reduce the dependence of fossil fuels and fossil fuel pollutions. She said states that have signed on have seen bills declining. She asked council to sign on urging the state of Virginia to become the tenth member of RGGI by endorsing the letter from the Clean and Green Commission.

Councilor Devine made a motion to allow Fredericksburg to join the other Cities in urging Virginia to join the RGGI; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Refugee Placement – Mayor Greenlaw explained how refugees are placed and what role the City can take in the placement, if any at all. The United State Department contracts with Catholic Charities Resettlement Services to place refugees in Northern Virginia and in this region. Homeland Security vets those refugees and determine who is a refugee. The 101 Afghans and Iraqis’ who have found a home in this area have a history of working with the U.S. Military or Government are forced to flee because they were targets because they were imbedded with our military.

Mayor Greenlaw said she had been in contact with the President of Catholic Charities and he said that no refugees from Syria have been placed in our area and there were no plans to place any Syrians here. She noted that the City could not refuse any refugees legally or morally. She said she would continue to talk to Catholic Charities on the number of refugees sent here. The allotment is 50 and it has been for some time. The Total number anticipated for Fiscal Year 2016 is 120. She has explained to Catholic

Charities that this number was disproportionate for the City because of the impact on the school system. Mayor Greenlaw said she and the School Superintendent would continue to discuss the matter with Catholic Charities.

Mayor Greenlaw said she appreciated the citizens' concerns but stated that it was important to have accurate information.

Councilor Ellis stated that he did not like the fear tactics that have been used by some in the community. The City does not have the resources to support the refugees when they are placed in the City. He noted that he was not insensitive to the situation because his church has helped on many occasions. He said as leaders in the City something needed to be done. Councilor Ellis spoke on how he used to train Iraqis when he was in the Marines and in many occasions they would turn on those that trained them. He said the United States was dealing with an enemy that was dangerous and the policy for welcoming refugees needed to stop on every level. He suggested a formal message from the locality because the City could not take on the risk that refugees impose. Councilor Ellis recommended passing a resolution that conveys the City concerns and ask surrounding counties to do the same to send a united message.

Councilor Duffy said he did not want to minimize the efforts but felt the City should tread lightly. He said he work with refugees daily and said they were not handout they were assets. He said the discussion was great but needed to be balanced.

Vice-Mayor Withers stated that his concern was the overloading of schools and the social services. He felt as though the City was getting a disproportionate amount of refugees.

Councilor Devine said it is a burden when they place more student in the schools

but many were hard working. She said although it may be a burden it is generally a short burden. She said she did not like the idea of limiting the number of certain refugees. She suggested keeping the placement and origin of refugees separate. She noted that the Fredericksburg area was attractive because it was more affordable for resettling.

Councilor Frye said the residents must stick together and look out for one another. He asked if the Council could get a follow-up on where the refugees are now that settled here in the past. Mayor Greenlaw stated that the liaisons have records on the refugees and they should be able to provide that information.

Councilor Ellis asked if there was support for the resolution and Vice-Mayor Withers asked if it could be a letter instead. Mayor Greenlaw asked that Councilor Ellis draft a letter to be circulated. She said efforts in the past have worked and said the City could try again.

Resolution 15-89, Approved, Authorizing the City Attorney to File a Declaratory Judgment Action Contesting the Validity of the October 26, 2015 Fredericksburg Architectural Review Board Approval of Certificate of Appropriateness for Site Planning, Scale and Massing of Townhomes on the 300 Block of George Street – Vice-Mayor Withers (D15-__). – Vice-Mayor Withers asked City Attorney Dooley to present. Ms. Dooley explained that at the November 10 meeting Council adopted Resolution 15-85 suspending the Certificate of Appropriateness for new construction on the 300 block of George Street. In adopting the Resolution Council stated that the ARB had exceeded their authority delegated to them for the review of new construction within the Historic Fredericksburg

district. She asked Council to authorize the City Attorney to file a petition for declaratory judgment to the same effect in Circuit Court. The Circuit Court provides a clear path to judicial determination of the statements that City Council made in the resolution. If Council adopts the proposed resolution it would authorized the City Attorney to file a petition for declaratory judgment in the Circuit Court declaring that the ARB's approval of the Certificate of Appropriateness for site planning scale and massing for the new construction at 300 George Street is invalid.

Vice-Mayor Withers made a motion to approve Resolution 15-89, authorizing the City Attorney to file a Declaratory Judgment Action contesting the validity of the October 26, 2015 Fredericksburg Architectural Review Board approval of Certificate of Appropriateness for site planning, scale and massing of townhomes on the 300 block of George Street; motion was seconded by Councilor Kelly.

Councilor Ellis stated that he would not support because of the following: the first tactic was to appeal ARB decision, second was suspending the ARB decision, third was the City Manager appealing the detail design, and finally he felt this resolution was to show the Planning staff that they do not know what they are doing.

Councilor Kelly noted there were a number of issued going above the process. He asked the Council if the preservation of the City's historic character was significant enough to preserve.

The motion passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (1). Councilor Ellis.

City Recycling – Councilor Devine reminded citizens that plastic bags were not allowed in the single stream recycling. She noted that this causes problems in the

recycling system. She urged citizens to take the bags to the local grocery stores to recycle them.

Tanker Car Update – Councilor Frye gave an update on the side tracks in the City. He said he met with Representatives and the work was projected to be done and tankers moved from the City and move them to the Lansdowne Road area.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D15-__ thru D15-__). Following review and as recommended Councilor Kelly moved approval of the City Manager's consent agenda items; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

- Transmitting the FRED Transit Progress Report – October 2015 (D15-__).
- Transmitting the First Quarter Financial Results – Fiscal Year 2016(D15-__).
- Ordinance 15-27, Second Read, Permitting Additions and Exterior Alterations to the Brick Building at 2800 Princess Anne Street, Permitting Construction of Additional Buildings on the Property, and Removing the Deed Restriction on the Use of the Property (D15-__).
- Ordinance 15-28, Second Read, Granting CW Corner, LLC a Sixty Year Lease for the Air Space Above the Public Sidewalk at 324 William Street for the Construction, Operation, Maintenance and Replacement of a Balcony for a Roof Top Terrace Restaurant (D15-__).

- Ordinance 15-30, First Read, Authorizing the Architectural Review Board to Administer Restrictive Covenants Governing Development of 2800 Princess Anne Street (D15-__).
- Transmittal of Boards and Commission Minutes
 - Potomac, Rappahannock Transportation Commission – November 5, 2015 (D15-__).

Adoption of Minutes. There were no minutes submitted for approval.

Board of Zoning Appeals Appointment – Beatrice Paolucci.

Councilor Devine moved to appoint Beatrice Paolucci to the Board of Zoning Appeals; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Ordinance 15-26, Second Read Approved, Designating the Rappahannock Regional Landfill as the Disposal Site for Solid Waste Collected in the City of Fredericksburg (D15-__ thru D15-__). After staff presentation Councilor Kelly made a motion to approve Ordinance 15-26, on second read, designating the Rappahannock Regional Landfill as the disposal site for solid waste collected in the City of Fredericksburg: motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 15-90, Authorizing the City Manager to Apply for \$825,000 in Fiscal Year 2017 Virginia Department of Transportation Revenue Sharing Funds for Street Reconstruction and Resurfacing

(D15-__). After staff presentation Councilor Devine made a motion to approve Resolution 15-90, authorizing the City Manager to apply for \$825,000 in Fiscal Year 2017 Virginia Department of Transportation Revenue Sharing Funds for Street Reconstruction and Resurfacing; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 15-91, Amending the Fiscal Year 2016 Budget and Authorizing a Lease for a Storage Facility for the Fire Department (D15-__). After staff presentation Councilor Devine made a motion to approve Resolution 15-91, amending the Fiscal Year 2016 Budget and authorizing a lease for a storage facility for the Fire Department; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Rezoning Approximately 6.980 Acres of Land from Commercial-Highway, C-H, and Residential R-2 to Planned Development Mixed Use (PD-MU) for the “Mill District”. Mr. Johnston explained that due to the applicants request he requested Council hold off on a vote until the applicant had more time to shift the density around on the project.

Councilor Ellis thanked the applicant on his consistent effort. He said he was afraid Council would lose the ability to work collaboratively with the applicant if he decided to build by-right.

Councilor Frye asked what happened if the applicant sold the property before the

apartments were sold and Mr. Johnston explained that the proffers would run with the property and would be the same with the new owners.

Vice-Mayor Withers stated that everyone was in support of the redevelopment of this area but he could not support apartment units of this size on this small piece of property. He also noted that JumpStart does not even mention apartments in this area.

Councilor Kelly said this was a tough corridor to redevelop because of the condition it was in. He noted that all the traffic problems in the City were not because of the people in the City it was because of those coming to the City. The units are going to be about \$1,000-\$1,200 and there was not much difference between apartments and condominiums. Councilor Kelly added that this area needed something to kick start the redevelopment of this corridor, so he was willing to give the developer the opportunity to present a new design with the shifting of the density.

Councilor Kelly made a motion to defer action on rezoning approximately 6.980 acres of land from Commercial-Highway, C-H, and Residential R-2 to Planned Development Mixed Use (PD-MU) for the “Mill District” until the first meeting in January; motion was seconded by Councilor Ellis.

Majority of Council was in support of deferring the vote in order to get more clarity of the changes, but Councilor Frye said he could not support he wanted to see something Council could vote on.

The motion to defer passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Ellis and Kelly. Nays (1). Councilor Frye.

City Manager’s Report and Council Calendar (D15-__ thru D15-__). City Manager Cameron asked if there were any questions regarding the Manager’s

report or the Council Calendar. Activities highlighted on the report were as follows: Update to Wayside Exhibit Panels, Fredericksburg City School Board Offices Moved Into 601 Caroline Street, Police Department Hires New Officers, Mary Washington Healthcare YMCA Annual Turkey Trot and Site Development Report.

City Manager Cameron also noted that the Police Department elected to pursue the Gold Accreditation this year and they learned that they successfully earned the Gold. This is outstanding for a department of our size. Twenty-eight Police Departments are accredited by CALEA.

School bus parking – as the schools are growing so was the need for bus parking. The City Manager and the School Superintendent have been working on a location and they have completed negotiations with a property owner to store 53 buses and automobiles. The property also has a small office.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 10:04 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC

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CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL

MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
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HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

December 8, 2015

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, December 8, 2015, beginning at 7:32 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Beverly R. Cameron, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Planning & Building Director Charles Johnston, Deputy Director of Planning Services Erik Nelson, Director of Economic Development and Tourism Karen Hedelt, Assistant Economic Development Director Bill Freehling, Visitor Center Manager Julie Perry, Fire Chief Eddie Allen, Deputy Fire Chief Mike Jones, Police Chief David Nye, Public Works Director Doug Fawcett, Budget Manager Deidre Jett and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D15-__ thru D15-__). The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

Ordinance 15-31, First Read Approved, Authorizing a Lease Option for Twelve Parking Spaces in the Proposed Public Parking Lot

at Amelia and Charles Street, to the Owner of 1001 Princess Anne Street, the Fredericksburg Area Museum and Cultural Center or Successor (D15-__ thru D15-__). – no speakers. After staff presentation Councilor Ellis made a motion to approve Ordinance 15-31, on first read, authorizing a lease option for twelve parking spaces in the proposed public parking lot at Amelia and Charles Street, to the owner of 1001 Princess Anne Street, the Fredericksburg Area Museum and Cultural Center or successor; motion was seconded by Councilor Duffy.

Councilor Kelly opposed purchasing this property because the City has a parking plan and he said the City needed to get serious about it. He did not think this would get the City where it needed to be.

The remaining members of Council were all in support of the ordinance and thanked the EDA for stepping up and helping out.

The motion passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Ellis and Frye. Nays (1). Councilor Kelly.

Motion to Suspend the Rules. In order to place Ordinance 15-31 on for second read Councilor Devine moved to suspend the rules; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Ellis and Frye. Nays (1). Councilor Kelly.

Ordinance 15-31, Second Read Approved, Authorizing a Lease Option for Twelve Parking Spaces in the Proposed Public Parking Lot at Amelia and Charles Street, to the Owner of 1001 Princess Anne Street, the Fredericksburg Area Museum and Cultural Center or

Successor (D15-__ thru D15-__). – Councilor Ellis made a motion to approve Ordinance 15-31, on second read, authorizing a lease option for twelve parking spaces in the proposed public parking lot at Amelia and Charles Street, to the owner of 1001 Princess Anne Street, the Fredericksburg Area Museum and Cultural Center or successor; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Ellis and Frye. Nays (1). Councilor Kelly.

Resolution 15-92, Approved, Granting a Special Use Permit to Cowan MT Retail, LLC, for a Fast Food Restaurant at 1607 Jefferson Davis Highway (D15-__). – no speakers. After a brief summary by staff Councilor Kelly made a motion to approved Resolution 15-92, granting a Special Use Permit to Cowan MT Retail, LLC, for a fast food restaurant at 1607 Jefferson Davis Highway; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Adjournment. There being no speakers to come before the Council at this time, Mayor Greenlaw declared the hearing officially adjourned at 7:46 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC

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CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL

MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

December 8, 2015

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, December 8, 2015, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Beverly R. Cameron, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Planning & Building Director Charles Johnston, Deputy Director of Planning Services Erik Nelson, Director of Economic Development and Tourism Karen Hedelt, Assistant Economic Development Director Bill Freehling, Visitor Center Manager Julie Perry, Fire Chief Eddie Allen, Deputy Fire Chief Mike Jones, Police Chief David Nye, Public Works Director Doug Fawcett, Budget Manager Deidre Jett and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Bradford C. Ellis followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

Officer Recognized. Mayor Greenlaw recognized the presence of Officer

Chris Menck at this evening's meeting.

Public Hearing Conducted (D15-__ thru D15-__). The regular session was recessed in order to conduct the scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. The following speakers came forward to participate in the citizen comment portion of this evening's meeting.

Marilyn Brown, 5287 Cedon Road, Woodford, VA said she works so she does not have to rely on getting support from the City. She also stated that the FRED buses don't have a set schedule.

Perna Shrestha, from Kathmandu, Nepal, business owner in the city for 10 years came in support the Kathmandu Sister City.

Jose Sainz, professor at the University of Mary Washington and the director for the Center for International Education. He commended that City on the efforts of establishing a Sister with Kathmandu, Nepal. The Center for National Education has been in contact with the Executive Director at the Center for International Relations at Tribhuvan University and they were working to build a partnership with a common mission to building an international community for faculty, students and staff. He said his counterpart in Nepal was very excited about this venture. He spoke of a Multicultural event that the University would be holding in April to allow people to get a better understanding of the Nepalese culture.

David Caprara, 17 Rosewood Drive, representing the formation of a Sister City with Kathmandu, Nepal Committee, spoke in support of the formation of a sister city with Kathmandu, Nepal. He explained that Nepal was the struck by a major earthquake in

April that killed over 9,000 and rendered 100,000 homeless. In June, many in the City reached out and did a benefit. Mr. Caprara passed out a PowerPoint that showed pictures of what the members here in the City had been doing as well as pictures of the places he visited in Nepal.

Bill Beck, 708 Caroline Street, said he was enthusiastic about all the support being shown for the Kathmandu Sister City relationship.

Mr. Beck also spoke on the townhomes that were being proposed in 300 block of George Street. He commended Council on their efforts because he believed the Architectural Review Board (ARB) was wrong by their own ordinance. The townhomes were out of scale at this location. He hoped to convey that this was not an isolated incident. He said there had been many wrong decisions coming from the planning staff and the ARB. He was pleased to know that the City was hiring a preservationist to take over the ARB. He said Fredericksburg was a national treasure and the City has an obligation to take care of it. He said there are organizations that help the City to take care of it and the City needed to work with organizations like the National Park Service.

Scott Walker, 921 Marye Street, Board Member and Treasurer of Historic Fredericksburg Foundation, he spoke of the changes that have been made in the City. He spoke on preservation. He said preservation was good business and it would be good for the City as well as businesses and developers. He said preservation was not easy, inexpensive or fast. He said Fredericksburg was valuable and it gives value to many areas. He said preservation was good business and it was good for business.

Danea Peckler, 1410 Prince Edward Street, commended the Economic Development Authority and the City Council for preserving the bank property at 1610

Charles Street. She also thanked the members who volunteer on the ARB and she noted that it was a difficult and thankless job.

Council Agenda Presented. The following items were presented to Council.

7A. Kathmandu Sister City – Mayor Greenlaw

7B. English Construction Settlement Update – Councilor Kelly

7C. Murder Free Fredericksburg – Councilor Frye

7D. Fredericksburg 2nd Annual Gun Giveback Program – Councilor Frye

7E. Liberty Place Archeology – Councilor Kelly

Kathmandu Sister City – Mayor Greenlaw announced that there was an enthusiastic group who were exploring a Sister City with Kathmandu, Nepal. She said she was proud of the shelters that were built after the rise of Nepal and out of the 500 that were built 150 came from this area. She noted that all the sister Cities of the City were voluntarily manned and the City was working on an oversight committee. Mayor received a letter from the Chief Officer of Kathmandu. She asked Council to consider endorsing the efforts of the development committee.

Councilor Kelly made a motion to have the Mayor write a letter back to Kathmandu establishing a sister city relationship; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

English Construction Settlement Update – Councilor Kelly noted that at the first meeting in October the Council faced considerable destruction of considerable assets to the City with the demolition of the mound at the Riverfront Park site. He said at that meeting the Council was told they would get answers to how it happened. He said the

information had been out for weeks and decisions had been made and he wanted to provide a background on what happened and what steps had been taken to make sure nothing like this happened again.

Mr. Cameron distributed a letter from English Construction Company which served as the settlement offer to the City for the unauthorized excavation that they undertook at the riverfront park site. The letter reflects direct negotiations he had with Mr. Hamlin. The contractor agreed to pay \$23,957.50 and this will cover 100 percent of the removal of the archeology work pertaining to burial removal at the site. He explained that when the mound was removed it disturbed remains that were buried at the site. The City hired an archeology firm to do the documenting, uncovering and protecting of the human remains and while on site the City authorized them to perform additional services not related to the removal of the mound. This work would have been required before the construction of the park. The contractor paid fines to the City in the amount of \$3,000 for the excavation of the mound. Mr. Cameron asked Council to make a motion approving the settlement offer from English Construction.

Councilor Kelly gave the background of the agreement with English Construction for the removal of the Masonic Lodge that sat on the site. He said the City needed to do things in writing to make sure nothing like this happens again in the future. He said the amount of history lost at this site was great and this was an egregious act on behalf of the contractor and the settlement did not come close to what the City lost. He would like to see English pay the full amount for their actions. Councilor Kelly wanted to know if any of Council had spoken to the City Manager regarding this issue.

Vice-Mayor Withers said he spoke with the City Manager after this happened and

he would support the City Manager on this agreement because he had made a decision and he was committed. He said this was a mistake made by many but the City needed to move on. He did agree that the City needed to do more to preserve the resources.

Councilor Devine said she also spoke with staff and was satisfied that staff understood there were issues and there was blame to go around. She disagreed with Councilor Kelly's reaction to First Choice stating that they have worked with the City and everyone had acknowledge that it was a mistake and mistakes happen. The City Manager had addressed it and English Construction and First Choice had addressed it.

Councilor Frye stated that Mr. Downing the project manager came and admitted there was a mistake and he felt Mr. Cameron addressed it. He said Councilor Kelly was pushing the limit when he spoke as though City Council was not engaged. He also noted the he did not agree with the building being torn down but he respected Council's decision.

Councilor Duffy said he appreciated Councilor Kelly's comments because it is a sobering loss for the City. He regretted what happened but he appreciated what the City Manager had done, but said it was impossible to repay because the loss was so large. He was in support of the settlement.

Councilor Ellis wanted on the record that when this was originally brought up to demolish the lodge he asked was there a way to retain the building in a different location so it could tell the story and when the City sent out the email that that building was about to be demolished he asked if everyone were sure they wanted this.

Mayor Greenlaw said the City Manager did circulate the agreement and she said she respected Councilor Frye's comments. She said this was a fair and equitable

agreement but no amount of money could make up what was lost.

Councilor Kelly said he did not think the conversation would have happened if he had not put it on the agenda. He was not happy with the settlement because they were only paying for the work done and not for the damages they caused.

Councilor Devine made a motion to accept the offer for \$23,957.50 from First Choice and Downey and Scott for the archeology work associated with the investigation and analyzing of human remains disturbed by the unauthorized excavation on the Sophia Street property; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (5). Councilors Greenlaw, Withers, Devine, Duffy and Ellis. Nays (2). Councilors Frye and Kelly.

Murder Free Fredericksburg – Councilor Frye announced that he would like to see a murder free Fredericksburg and he believes if people would utilize all the resources that are available in the City such as the services for drug treatment, domestic violence, homelessness, etc. this would help to prevent the senseless murders. In 2016, he would like to begin tracking these efforts.

Councilor Duffy commended Councilor Frye on his efforts and he looked forward to the day when the City will see no murders.

Fredericksburg 2nd Annual Gun Giveback Program – Councilor Frye announced the 2nd Annual Gun Giveback program would be held on Saturday, December 12 from 10:00 am to 2:00 p.m. at the Police Department Headquarters. Ms. Doris Buffet will donate \$100 per gun to an organization.

Liberty Place Archeology – Councilor Kelly requested that staff schedule Tom Wack to come and do a presentation at the January 12 meeting to discuss the

archeology efforts at Liberty Place and to present the finding because the items would be hauled away because of the underground parking that will be built.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D15-__ thru D15-__). Councilor Kelly pulled item 8C for discussion. Following review and as recommended Councilor Kelly moved approval of the City Manager's consent agenda items; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

- Ordinance 15-30, Second Read, Authorizing the Architectural Review Board to Administer Restrictive Covenants Governing Development of 2800 Princess Anne Street (D15-__).
- Transmittal of Planning Commission Resolution Finding a Parking Facility at Charles and Amelia Street to be in Substantial Compliance with the Comp Plan (D15-__).
- Resolution 15-93, Adopting the Emergency Operations Plan (D15-__).
- Transmittal of Boards and Commission Minutes
 - Board of Social Services – August 13, 2015 (D15-__).
 - Memorials Advisory Commission – November 19, 2014 (D15-__).
 - Memorials Advisory Commission – February 18, 2015 (D15-__).
 - Memorials Advisory Commission – April 15, 2015 (D15-__).
 - Memorials Advisory Commission – June 17, 2015 (D15-__).
 - Memorials Advisory Commission – September 16, 2015 (D15-__).
 - Planning Commission Work Session – September 30, 2015 (D15-__).

- Planning Commission – October 14, 2015 (D15-__).

Resolution 15-94, Approved, Endorsing Transportation Projects (D15-__). Councilor Kelly was concerned that this resolution did not give an idea of what the City was planning on doing with the endorsement, if the Augustine/Jefferson Davis Highway intersection improvements project was added. He stated that he wanted to hold off on voting on this until Council received more details and allow time for this to be discussed with the College Heights people.

Mr. Nelson said he was looking to get the project back into the pie plank because it's a known problem area. He said they would need more money to do the preliminary work. The City staff could not come up with any solution and they need resources to do that and they were not proposing any work they were asking for the funding to begin the process and do a good job with it.

Councilor Kelly said if Council wanted to move forward with this he would support but warned that members of the Stafford and Spotsylvania Board may not be in support because they may want to see the money put toward projects already in the process.

Mr. Nelson explained that this resolution was only to get the project into the process and it must be considered or the City would lose.

Vice-Mayor Withers made a motion endorsing transportation projects; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Adoption of Minutes (D15-__). Councilor Devine moved approval of the November 10, 2015 Public Hearing and Regular Session minutes; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors

Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Building Codes Appeal Board – James McGhee. Vice-Mayor Withers moved to reappoint James McGhee to the Building Codes Appeal Board; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Architectural Review Board – Kerri Barile. Councilor Kelly moved to reappoint Kerri Barile to the Architectural Review Board; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Clean and Green Commission – Carolyn Helfrich and Shane Riordan. Councilor Devine moved to suspend the rules to allow Carolyn Helfrich to continue serving as the arborist for a third term and to appoint Ms. Helfrich to the Clean and Green Commission; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Councilor Devine made a motion to appoint Shane Riordan to the Clean and Green Commission; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Potomac & Rappahannock Transportation Commission and the Virginia Railway Express Council Appointments. Councilor Devine moved to reappoint Councilor Kelly as the representative and Vice-Mayor Withers as the alternate

on the Potomac & Rappahannock Transportation Commission and the Virginia Railway Express Boards; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Devine, Duffy, Ellis, Frye and Kelly. Nays (1). Councilor Withers.

Ordinance 15-32, First Read Approved, Extending the Arts and Cultural District License Tax Reduction for Existing Businesses (D15-__ thru D15-__). After staff presentation and brief discussion Councilor Devine made a motion to approve Ordinance 15-32, on first read, extending the Arts and Cultural District license tax reduction for existing businesses: motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 15-95, Approved, Authorizing the City Manager to Execute an Agreement Assigning the Union Bank & Trust Land Purchase Agreement to the Economic Development Authority (D15-__ thru D15-__). Assistant Economic Development Director Freehling presented a PowerPoint presentation which he covered the background, deal points, why involve the EDA, project expenses for the City, preliminary site plan, cost per space, revenues and staff recommendation. Staff recommended authorizing the City Manager to execute an agreement assigning the Union Bank and Trust land purchase agreement to the Fredericksburg EDA.

Councilor Kelly asked what expertise the EDA had with selling and marketing of the property and whether they could do it better than a commercial real estate agent. Mr.

Freehling noted that the Chairman is the Vice-President for Planning and Engineering for the Silver Companies (the largest developer in town), there is also a Commercial Real Estate Agent, a former banker, professional staff of attorney's and engineers which they will be calling upon for their assistance. He said the EDA would be able to sell the property and make the EDA whole, achieve significant public parking which may not be achievable under a typical commercial real estate agent.

Councilor Frye and Vice-Mayor Withers asked for clarification on who gets the money if the property was sold and Mr. Freehling explained that the EDA would get any fund from the sale of the bank property to include the 14 parking spaces behind the bank and the City would get 100 percent of the funds from the two parcels that stretch between Charles and Prince Edward Street. He also explained that the City would have a deeded easement to allow perpetual right for public parking on nights and weekends in the fourteen spaces.

Councilor Ellis asked how much of the tax revenue the EDA would get and Mr. Freehling said they would not get any.

Vice-Mayor Withers made a motion to approve Resolution 15-95 authorizing the City Manager to execute an agreement assigning the Union Bank & Trust Land Purchase Agreement to the Economic Development Authority; motion was seconded by Councilor Ellis.

Councilor Kelly stated that this was a prime piece of real estate that any commercial developer would like to have and redevelop. He noted that the spaces were being used on a regular basis until they were blocked off by the bank and he felt the use of the spaces could be negotiated with the sale of the property. He said he does not see any

benefit with this deal and the Council needed to use this money to move forward with building the next parking garage. He said Council has been directing staff to go after certain parcels for the garage but he felt nothing was happening. He said these little parcels are not getting the City where it needed to be with parking.

Vice-Mayor Withers agreed that the City needed to get back to the parking garage but stated that no developer would buy this property and leave the parking as public. He said this was 30 plus parking spaces in an area that needed it. Councilor Ellis agreed.

Mayor noted that it was not fair to say that no one was doing anything on parking because the City had made offers on properties to build a garage and they have been turned down. She also noted that the City worked with Liberty Place on parking and it has gained the City 156 additional parking spaces.

Councilor Devine agreed and said she appreciate staff's creativity in working out the parking deals. She said she would like to explore the idea of other transit measures and not solely focus on cars and parking.

The motion passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Ellis and Frye. Nays (1). Councilor Kelly.

Resolution 15-96, First Read Approved, Amending the Fiscal Year 2016 Budget by Appropriating \$300,000 to Fund Balance and for a \$300,000 Interfund Transfer for Public Parking at Amelia Street and Charles Street (D15-__). After staff presentation Vice-Mayor Withers moved to approve Resolution 15-96 on first read, amending the Fiscal Year 2016 budget by appropriating \$300,000 to fund balance and for a \$300,000 interfund transfer for public

parking at Amelia Street and Charles Street; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Ellis and Frye. Nays (1). Councilor Kelly.

Motion to Suspend the Rule. In order to place Resolution 15-96 on for second read Vice-Mayor Withers moved to suspend the rules; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Ellis and Frye. Nays (1). Councilor Kelly.

Resolution 15-96, Second Read Approved, Amending the Fiscal Year 2016 Budget by Appropriating \$300,000 to Fund Balance and for a \$300,000 Interfund Transfer for Public Parking at Amelia Street and Charles Street (D15-__). After staff presentation Vice-Mayor Withers moved to approve Resolution 15-96 on second read, amending the Fiscal Year 2016 budget by appropriating \$300,000 to fund balance and for a \$300,000 interfund transfer for public parking at Amelia Street and Charles Street; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Ellis and Frye. Nays (1). Councilor Kelly.

Delaying the Appeal of the Decision of the Fredericksburg Architectural Review Board Regarding the Demolition of a Structure at 1016 Charles Street (D15-__). This item required no action because it was negated by the actions taken above.

Resolution 15-97, Approved, Awarding a Contract for Public Safety Radios and Associated Equipment to Motorola Solutions (D15-

___). After staff presentation Councilor Frye made a motion to approve Resolution 15-97, awarding a contract for public safety radios and associated equipment to Motorola Solutions; motion was seconded by Councilor Devine.

Councilor Kelly had some concern with the process taken and he wanted the questions answered in the letter from Harris but voted to support the item.

The motion passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Ordinance 15-33, First Read Approved, Approving a Radio Communications System Use Agreement with Stafford County (D15-___).

After staff presentation Councilor Devine moved to approve Ordinance 15-33 on first read, approving a Radio Communications System Use Agreement with Stafford County; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Motion to Suspend the Rule. In order to place Ordinance 15-33 on for second read Councilor Devine moved to suspend the rules; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Ordinance 15-33, Second Read Approved, Approving a Radio Communications System Use Agreement with Stafford County.

After staff presentation Councilor Devine moved to approve Ordinance 15-33 on second read, approving a Radio Communications System Use Agreement with Stafford County; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7).

Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 15-98, First Read Approved, Amending the Fiscal Year 2016 Budget by Appropriating Asset Forfeiture Funding (D15-__). After a brief summary by staff Councilor Devine moved to approve Resolution 15-98 on first read, amending the Fiscal Year 2016 budget by appropriating asset forfeiture funding; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

City Manager's Report and Council Calendar (D15-__ thru D15-__). City Manager Cameron asked if there were any questions regarding the Manager's report or the Council Calendar. Activities highlighted on the report were as follows: Fredericksburg Police Awarded Advanced Accreditation with Excellence form CALEA, Partners Join to Make Annual Tree Lighting a Success, Special Events Review Committee Processes Approvals in 2015, Lieutenant Presutto Completes Leadership Education Program, and Fredericksburg Police Raise \$2,550 for Pediatric Cancer.

City Manager Cameron also commended the City's Parks Recreation & Public Facilities, Public Works, Tourism & Economic Development, Police and Fire Departments for a successful 2nd Annual City Christmas Parade.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 9:57 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC



MEMORANDUM

TO: Mayor Greenlaw and City Council
FROM: Tonya B. Lacey, Clerk of Council
DATE: January 7, 2016
SUBJECT: Central Rappahannock Regional Library Board Appointment

BACKGROUND

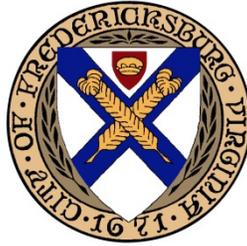
There is currently one vacancy on the CRR Library Board. Janet Gibson has resigned because she has moved out of the City and Cheryl Miller is seeking appointment to the Board.

RECOMMENDATION

At the January 12, regular session, Council is requested to make an appointment to the CRR Library Board. The appointment application from Ms. Miller will be forwarded for your review and consideration.

Tonya B. Lacey
Tonya B. Lacey
Clerk of Council

Attachments: Application



MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Deidre Jett, Budget Manager
RE: FY 2016 Budget Amendment – New voting Machines
DATE: January 5, 2016

ISSUE

Shall the City Council amend the FY 2016 budget to fund the purchase of new voting equipment (six optical scan tabulators), with General Fund Contingency?

RECOMMENDATION

The staff recommends approval of the attached resolution. This resolution requires one reading.

BACKGROUND

The Registrar wishes to purchase twelve optical scan tabulators. Half will be purchased in FY 2016 and half will be purchased in FY 2017. Calendar year 2016 is a presidential election year. In addition to the November 8th general election, there is a presidential primary scheduled for March 1st, a local general election on May 3rd, and a primary on June 14th. The Registrar has requested that the City's existing voting equipment be replaced prior to these elections. The equipment was in service during the past two presidential elections, and has reached the end of its useful life. This optical scan tabulators are included on the Commonwealth of Virginia Department of Elections' approved list of vendors and voting equipment that localities may use.

The plan is to have two machines available at each of the City's five precincts and one at the Registrar's office for the November general election. The Registrar is also requesting a twelfth machine to provide redundancy on Election Day. Based on the number of registered voters, two scanners are required at each precinct to handle the expected turnout at the November general election. The Registrar requests that the new equipment be available at the primaries and local general election so that voting officials and voters will be familiar with the new procedure prior to the November general election.

FISCAL IMPACT

Funding voting machines referenced in the attached resolutions will require \$31,720 of the FY 2016 General Fund Contingency, leaving a balance of \$ 156,937. Additional funding has been requested for FY 2017.

Attachment: Resolution Amending the FY 2016 Budget



January 6, 2016
Regular Meeting
Resolution No. 16-__

MOTION:

SECOND:

RE: AMENDING THE FISCAL YEAR 2016 BUDGET BY USING \$31,720 OF GENERAL FUND CONTINGENCY FOR THE PURCHASE OF NEW VOTING MACHINES

ACTION: APPROVED: Ayes: 0; Nays: 0

WHEREAS, the City of Fredericksburg desires to provide an effective and efficient process for voting in primary and general elections,

WHEREAS, the existing voting equipment has reached the end of its useful life and been identified for replacement,

WHEREAS, the Commonwealth of Virginia Department of Elections provides a list of approved vendors and voting equipment; and

WHEREAS, the City Council wishes to amend the FY 2016 budget to purchase replacement voting equipment using funds from the General Fund Contingency;

NOW, THEREFORE, BE IT RESOLVED that the FY 2016 Budget be amended to include the following appropriations, and authorizing the expenditures, in the General Fund (Fund 100):

GENERAL FUND

Source

General Fund Contingency

4-100-099100-9901	General Fund Contingency	\$ 31,720
	Department Total	<u>\$ 31,720</u>

Total Source: \$ 31,720

Use

Planning

4-100-013200-8102	Machinery & Equipment Replacement	\$ 31,720
	Department Total	<u>\$ 31,720</u>

Total Use: \$ 31,720

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16- duly adopted at a meeting of the City Council meeting held January 12, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Mike Craig, Zoning Administrator
DATE: January 4, 2016 (for the January 12 meeting)
SUBJECT: RZ2014-05 – Dreamland, LLC (agent for Princess Anne Restoration) requests the amendment of the Official Zoning District Map so as to rezone property in the Mill District from Commercial-Highway, CH and Residential 2, R2, to Planned Development - Mixed Use, PD-MU.

ISSUE

Shall the City Council approve a revised request from Dreamland, LLC (agent) for the amendment of the Official Zoning Map so as to rezone the following parcels to PD-MU:

GPIN	Address	Acres	Owner	On-site Feature
7779-98-5465	1901 Princess Anne St	0.650	Marianne C. Whelan Revocable Trust	Ice Plant
7779-98-5248	1821 Princess Anne St	0.399	Seibert Properties, Inc.	Old BP Station
7789-07-0802	1700 Caroline St	2.000	Princess Anne Restoration, LLC	Old Silk Mill
	1701-1709 Princess Anne St			Inn at the Old Silk Mill
<i>Current Total:</i>		<i>3.049 acres</i>		

RECOMMENDATION

Approve the revised requested rezoning subject to the Generalized Development Plan, “Mill District Planned Development-Mixed Use District Regulations”, and Proffer Statement.

CITY COUNCIL PUBLIC HEARING

On November 24, 2015 the City Council reconsidered the proposed Mill District rezoning. Five people spoke about the project during the public comment portion of the meeting including the Applicant. One person was in favor of the project citing the opportunity for the Mill District area and the Princess Anne Street Corridor. The other people spoke against the proposal citing the project density, impacts on the trail, and traffic impacts. The Applicant also spoke and stated his intention to further reduce his project and bring it back for consideration at the January 12 meeting.

REVISED DEVELOPMENT PROPOSAL

The following is an executive summary of the current proposal. A more in depth comparison between the November 10, 2015 and December 22, 2015 proposals is included as Appendix A and B:

a. Proposed Zoning

The revised proposal is now two land bays, formerly Phase I and Phase III of the November 2015 proposal with 90 multi-family dwelling units (30 units per acre) and 83,500 square feet of non-residential space (0.62 FAR) on 3.049 total acres, as broken out in the following chart:

Current Address	Prop. Development	Land Use Characteristics	Overall Density
1901 Princess Anne St 1821 Princess Anne St	The Germania Mills Flats	70 Residential Units	Residential: - 90 Total Units - 3.046 acres (total and excluding strictly non-residential lands) - 30 units per acre
		8,200 Commercial Square Feet	
		Parking Underneath Germania Mills Bldg	
		1.049 acres (Total and excluding strictly NR land)	
		Site density: 67 units per acre in the Germania Mills Flats	
1700 Caroline St 1701-1709 Princess Anne Street	The Silk Mill Block	20 Residential Units	Non-residential: - 83,500 square feet - 3.049 acres * 65% = 1.98 acres - 0.97 FAR
		15,300 Commercial Square Feet (Existing)	
		60,000 Commercial Square Feet (New and including 100 hotel rooms)	
		2.000 acres (Total and excluding strictly NR land)	
		Site density: 10 units per acre	

The project will be developed as two mixed-use blocks. The Germania Mills building has been reduced in bulk, mass, scale, and density since the previous proposal. The building is 5,000 square feet smaller, the fourth story has been stepped back from the primary façade, and the total number of units has been reduced by 20. The 20 residential units have been relocated to the Silk Mill Block which has no other proposed changes from the November 2015 proposal.

The Applicant has added a proffer stating that:

“Germania Mills shall be developed and leased as individual units as may be required by governmental loan restrictions, the units may be leased for no more than 10 years from the date of issuance of an occupancy permit, and then shall be offered for sale if not so offered sooner.”

The proposed rezoning also includes a cash proffer for the schools, architectural proffers and a commitment to build any public utility upgrades necessitated by the project during site development. For more background information and a further discussion of the proposed residential density please see Appendix B.

b. Existing Zoning

The existing zoning provides for highway commercial and mixed use development with residential densities up to 12 units per acre and maximum commercial density of a 0.7 floor area ratio. The CH / R2 zoning designation would allow 37 residential units and 90,225 square feet of commercial space. The existing land uses within the boundary of the proposed Mill District are a vacant building, an old gas station that is now a used car lot, and hotel, retail and conference center uses in the Silk Mill block.

The existing zoning permits uses like gasoline sales and car washes that are not permitted in the PD-MU district. The most significant effect of the rezoning would be an increase in residential density on the Germania Mills site. The rezoning would also slightly reduce the residential density on the Silk Mill Block and shifts non-residential square footage from the Germania Mills site to the Silk Mill block. The 3.9 +/- acres removed from this proposal will remain in the CH zoning district.

c. Relationship to the Comprehensive Plan

The project conforms to the JumpStart Plan and the Comprehensive Plan’s Future Land Use Map. The project furthers the Business Opportunity goals within the Comprehensive Plan. The discussion of the Princess Anne Street Corridor on page 116 of the CP specifically cites the Mill District as a place for redevelopment. The project conforms to the Environmental Protection goal

of redeveloping within the City in a compact pattern. The project furthers most of the CP's Transportation goals, however, the development includes an at grade crossing of the Rappahannock River Heritage Trail which, should be made as safe for pedestrians and bicyclists as possible according to the Transportation section's Walkability Goal and Transportation Policy 3.

d. Public Facilities

The proposed rezoning includes a \$70,000 lump sum schools proffer (\$777.77 per unit). This amount is a decrease in the overall lump sum but an increase in cash per unit from the November 2015 proposal. The proposed project will generate approximately 23 school age children (which is 12 less than would be generated by the November 2015 proposal).

The Applicant has reduced the number of units in the Germania Mills phase of the project from 90 to 70. According to the Applicant's traffic engineer, the reduction in units will reduce trips across the trail to 204 VPD. The engineer asserts that only residential traffic would use the entrance. The entrance onto Caroline Street is important from an automobile standpoint. Currently, 10,404 VPD travel along Princess Anne Street. Only 2,817 VPD, or less than 30% of the amount on Princess Anne Street, travel on Caroline Street.

Attachments:

1. Ordinance
2. Appendix A-D
3. Revised Project Documents

APPENDIX A --- BACKGROUND

Initially, a Mill District rezoning was discussed by the Planning Commission at several meetings starting in January 2014. The property owner submitted a rezoning application in August 2014. It was heard by the Planning Commission in September and October 2014, and was the subject of a joint public hearing between the Planning Commission and the City Council in November of that year. After the joint public hearing the project was further revised because the Applicant had both lost a real estate contract and wanted to address public comments received during the public hearings in 2014. The project was then taken back through the Planning Commission in October of 2015 and was the subject of a public hearing before the City Council on November 10, 2015. A final revised proposal was submitted on December 22, 2015. The proposal had been revised based on public comment as detailed below:

		Nov. 10, 2015 Proposal	Dec. 22, 2015 Proposal
Development Variable			
	Acreage	6.977	3.049
	Dwelling Units Proposed	138	90
	Dwelling Units By-right	84	37
	Residential Density Proposed	41 DU/Acr.	30 DU/Acr. *
	Commercial S.F. Proposed	117,400	83,500
Environmental Impact			
	Dev. in Floodway	Yes	No
Trail System Impact			
	Number of Crossings	1	1
	VPD Across Trail	425	204 **
Public Facilities Impact			
	Students Generated (Total Units)	35	23
	School Proffer Total	\$100,000	\$70,000
	School Proffer / Total Units	\$724.64	\$777.78
	Comm. / Res. Link	Yes	Yes
	Vehicles Per Day	2650	1921 ***
District Character			
	Architectural Standards	Yes	Yes
	Unified District	No	No
	Historic Buildings Renovated	2	1

* Residential density in the PD-MU District is calculated by "the gross land area of the district minus any portion of the gross land area to be devoted to nonresidential uses." Part of the difference in residential density between the two proposals is that the December 22, 2015 proposal is more mixed and therefore has more land area available to use in the denominator of the density calculation.

** Vehicle trips taken from "Memorandum RE: Mill District" dated December 23, 2015 and attached to this report.

*** Estimate based on trip generation for Silk Mill Block development shown on pg 16 of the "Revised Traffic Impact Analysis for the Mill District Rezoning" dated September 19, 2014 (pg 16) and revised Germania Mills trip generation shown in Memorandum RE: Mill District dated December 23, 2015.

APPENDIX B – EXISTING AND PROPOSED ZONING

1. EXISTING ZONING

The December 22, 2015 Mill District area contains 2.959 acres zoned Commercial-Highway (CH) and 0.09 acres are zoned Residential-2 (R2). The purpose of the CH district is, “to provide locations on heavily traveled collector and arterial highways for those commercial and service uses which are oriented to the automobile and require good access but not dependence on adjacent uses or pedestrian trade.” The purpose of R2 is to provide for single-family detached dwellings in suburban-style subdivisions.

The existing zoning provides for highway commercial development, residential, or mixed use development with residential densities up to 12 units per acre. The CH / R2 zoning designation would allow 37 residential units and 90,226 square feet of commercial space. Setbacks in the CH zoning district are 25 foot front, 15 foot side, 20 foot rear (though the Princess Anne Corridor Overlay’s 15 foot maximum front setback would supersede the front requirement along that street).

CH permits virtually all commercial uses by-right, including heavy uses like Gasoline Sales and Car Washes (uses allowed in CH but not in PD-MU) and Convenience Stores with Gas and Fast Food Restaurants (uses allowed in CH that are special uses in PD-MU) by-right. CH also permits residential including multi-family, single family attached, and upper-story dwelling units. R2 primarily permits single-family detached.

The Mill District is subject to several existing overlay districts:

Overlay District	Ches. Bay	Floodplain	Historic	Pr Anne Corridor
• Germania Mills residential		X		X
• Old Silk Mill			X	X
• Inn at the Old Silk Mill				X

2. PROPOSED ZONING

The 3.049 acre development is proposed to be rezoned to PD-MU. The purpose of the PD-MU district is, “to promote areas appropriate for office, retail, and residential uses, designed in a unified and cohesive manner in order to create an attractive environment in which to live, work and recreate.”

a. The General Development Plan and Development.

The Mill District GDP contains 90 multi-family dwelling units and 83,500 square feet of non-residential commercial, office, event, and hotel space dispersed on two future parcels. Compared to the proposal from November 2015, the current proposal has less residential units and non-residential space. It will produce less automobile traffic and school children, which were identified as issues by the public during the numerous public hearings on this item.

Another main concern raised by the public was the development’s impact on the City’s trail system. The Applicant reduced the number of residential units in the Germania Mills block from 90 to 70. When combined with the Applicant’s addition of a second entrance to that phase (the previous means to reduce impacts on the trail), the vehicle trips per day across the trail have been reduced to 204 (or less than a third of the number of trips generated by the original iteration of the Mill District heard before Council in November 2014).

Another concern about the Germania Mills building was its mass and scale in relation to Princess Anne Street. The Applicant first addressed this concern with the November 2015 submission by incorporating two facades into the building to give it a less imposing appearance. With the December 22, 2015 submission Germania Mills was reduced by 5,000 square feet and the fourth story was recessed as seen on sheet C-9 of the GDP.

The final major concern raised about the impact of this project was the inclusion of development in the Floodway of the Rappahannock River. The portion of the project within the Floodway has been removed from the project.

b. Proffers

The December 22, 2015 proffer statement contains one significant change. The schools cash proffer has been reduced from \$100,000 (for 138 units) to \$70,000 (for 90 units). The number is still higher than the November 2015 proposal on an overall per unit basis. The original cash proffer amount proposed in November 2014 was \$26,000 (for 162 units).

c. The Mill District PD-MU.

The Applicant's "Mill District Planned Development-Mixed-Use District Regulations" (MDR) has not changed significantly since November 2015.

3. COMPARABLE NON-RESIDENTIAL SQUARE FOOTAGE

Overall, the rezoning from CH / R2 to PD-MU will reduce the permitted amount of non-residential square footage on the 3.049 acres. The rezoning will also shift non-residential land use from the Germania Mills building to the Silk Mill Block as seen in the following chart:

Block	NR Acreage	By-right NR SF	Proposed NR SF
Germania Mills	0.959*	29,242	8,200
Old Silk Mill	2.000	60,984	75,300
Total	2.959	90,226	83,500

* The Germanial Mills block contains 0.959 acres of CH and 0.09 acres of R2.

4. COMPARABLE RESIDENTIAL DENSITY

a. Overall Residential Density

The Mill District's overall residential density is proposed at 30 units an acre (90 units over 3.049 acres). The PD-MU district requires density to be calculated differently than is otherwise calculated in the ordinance. Residential density in the PD-MU District is calculated by "the gross land area of the district minus any portion of the gross land area to be devoted to noresidential uses." Both the Germania Mills site and, now, the Silk Mill Block are proposed to include a mix of commercial and residential uses. The result is that all 3.049 acres of the project is used in the denominator of the residential density calculation. Here is a comparative chart showing the residential density in relation to some other recent projects:

Development	# of Units	Acres	Overall Density
Mill District	90	3.046	30 units per acre
Liberty Place	53	1.46	36 units per acre
Eagle Village Phase I	156	7.13	22 units per acre
Amelia Square	22	1.61	14 units per acre
Cobblestone Square	398	30	13 units per acre

b. Comparable Residential Density and Development Pattern for Germania Mills

Within its land bay, the Germania Mills building is 67 units per acre. The density number has been identified by public comment as an issue. The intent of this section is to provide context about density levels, density's relationship to infrastructure and development pattern, and to find some comparables that can help put Germania Mills into context.

The Germania Mills building will be (along with the Liberty Place buildings) the first of its kind in the City of Fredericksburg in that it has (nearly) all of its parking within the building footprint. This is possible at Germania Mills because the site has unique topography that drops 36 feet from the entrance to the site from Princess Anne Street to its access onto Caroline Street.

With the exception of Liberty Place, the development footprints of all the other projects charted in section 3.a. contain surface parking and vehicular use areas that result in lower units per acre numbers. Cobblestone also has significant amenities and a nature area incorporated into its site that keeps its unit per acre number down. Take the automobile out of the Eagle Village or Cobblestone or internalize it into the building footprint and the corresponding units per acre for these projects would be significantly higher. Here is a comparison of the effect this would have on two of the Cobblestone condominium buildings and Eagle Village:

Germania Mills = 67 units per acre (70 units over 1.046 acres)
 Eagle Village = 56 units per acre (156 units over 2.79 acres) See picture below.
 Cobblestone Condos = 54 units per acre (84 units over 1.55 acres) See picture below.



Cobblestone Square Condos



Eagle Village Residential

Historically, Fredericksburg developed at a higher density in part because sites weren't blown out by surface parking. For example, here is a comparison of units per acre at the intersection of Hanover and Caroline Street in the heart of the Downtown:

Germania Mills	=	67 units per acre (70 units over 1.046 acres)
800 Caroline Street	=	100 units per acre (12 units over 0.12 acres)
200 Hanover Street	=	47 units per acre (8 units over 0.17 acres)



Intersection of Hanover and Caroline



200 Hanover (L) and 800 Caroline (R)

When combined together, the 20 units over 0.29 acres is 69 units per acre. One effect of the higher density is that buildings can be closer together and form part of a historic streetscape that modern planning struggles to replicate.

The Germania Mills building is not easily compared to other development in the City. It has a high unit count (70) which is closer to the levels in modern developments like Cobblestone - 398, Eagle Village - 156, and Liberty Place - 53. Unlike Eagle Village and Cobblestone, it has built in parking and automobile access. Germania Mills has a historical density level and achieved in part by internalizing its required infrastructure and as a result has the potential, like Liberty Place, to recreate an urban fabric comparable to the City's difficult to replicate Downtown.

CP Transportation Goal 4 is Walkability, which states that the City should “continue to expand the conditions that make Fredericksburg a pedestrian-friendly city, acknowledging that sidewalks and trails are critical infrastructure and not merely amenities....” Similarly, Transportation Policy 3 states that the City should, “protect and enhance pedestrian safety by providing appropriate travel routes and by addressing bicycle/pedestrian-vehicle conflict areas, such as intersections.” The development proposal includes an at-grade crossing of the Rappahannock River Heritage Trail. The Applicant has taken steps to minimize automobile / pedestrian / bicyclist conflicts at the crossing but 204 cars a day will still cross the trail.

CP Business Opportunity Goal 4 is Community Character, which states “preserve and enhance the City’s visual appeal by pursuing patterns of development that respect the City’s historic growth pattern (mixed-use development) and by installing landscaping and street trees (complete streets). CP Business Opportunity Goal 5 is Mixed-Uses in Corridors, which states “achieve mixed-use development patterns as redevelopment occurs within designated corridors, by blending commercial and residential uses, as appropriate to specific locations.” The discussion of the Princess Anne Street Corridor on page 116 of the CP states that, “of special interest within this corridor is the area called the Mill District, which is an area with large industrial structures and connections to the Rappahannock River. There are substantial opportunities for adaptive reuse of the historic buildings as well as for new construction on nearby vacant land.”

CP Historic Preservation Goal 1 is City Character, which states “protect and enhance the character of Fredericksburg’s historic area and city center as a means to preserve the community’s sense of place, to promote economic strength, and to ensure the City’s continued appeal to residents, businesses, and visitors.” CP Historic Preservation Goal 2 is City Character, which states “promote redevelopment of downtown properties in a manner that reflects the character of the City as a vibrant and growing community.” The property is part of the Old Mills Historic District.

d) Environmental Protection

Environmental Protection is an important element of the 2015 CP. Environmental Protection Goal 1 is Resource Protection and Goal 2 is Watersheds. Both goals envision protecting the different environmental features that feed the Rappahannock River ecosystem.

The proposed River Lofts building contradicted many of the Environmental Protection Goals in the Comprehensive Plan. That portion of the development has been removed from consideration. A portion of the Germania Mills and Silk Mill Block sites are within the 100 year floodplain. A portion of the Germania Mills surface parking lot is shown on the GDP within the floodplain. Otherwise, this project will have no environmental impact.

APPENDIX D --- PUBLIC FACILITIES

1. Public water and sewer

The project will utilize a sanitary sewer pump station on the north western corner of the intersection of Ford and Caroline Streets. The Applicant has proffered that any improvement needed to the City utility system as a result of their project will be designed and completed by the Applicant.

2. Public schools

Fredericksburg City Schools Operation staff estimates that multi-family apartments will generate approximately 0.25 school age children per unit. The Applicant set a maximum of 90 dwelling units. Accordingly, this project will generate approximately 23 school age children. In accordance with public comment received, the Applicant had previously increased his school proffer from a \$26,000 to a \$100,000 lump sum to be paid prior to receiving the Occupancy Permit for Germania Mills. With the reduction in total units with this resubmission (from 138 to 90) the Applicant has reduced the lump sum to \$70,000.

3. Transportation

a. The Heritage Trail:

The new Heritage Trail links to the Canal Path at a trailhead on the western side of Princess Anne Street. The trail is integrated into the sidewalk system on both sides of Princess Anne Street. In the previous application the sole access to the commercial and residential in the Germania Mills land bay was across the Heritage Trail at Caroline Street. In response to citizen concern and input from the Pathways Steering Committee the Applicant has provided a second entrance to the phase and reduced the amount of residential units in the phase from 90 to 70.

b. Public streets:

The Applicant completed a Traffic Impact Analysis along with their previous development proposal which is attached to this Memo. The TIA indicated that the project's traffic did not require any improvements to the road network or any additional intersection signalization. A left turn lane from Princess Anne Street onto the new proposed Germania Mills land bay has been studied and found to be unwarranted.

The City Engineer is concerned that the increase in automobile traffic from this development may negatively impact the convergent traffic pattern at the Caroline Street and Herndon Street intersection. He believes that improvements to the intersection would be warranted to slow automobile speeds. The Applicant has not proffered any improvement to the intersection.



January 12, 2016
Regular Meeting
Ordinance No. 16-__

MOTION:

SECOND:

RE: REZONING APPROXIMATELY 3.049 ACRES OF LAND FROM COMMERCIAL HIGHWAY C-H AND RESIDENTIAL R-2 TO PLANNED DEVELOPMENT MIXED USE PDMU FOR THE “MILL DISTRICT”

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ SECOND READ: _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that the official zoning map of the City, established pursuant to City Code §72-30, is amended as follows:

I. Introduction

This is a request to rezone approximately 3.049 acres of land from Highway Commercial C-H and Residential R-2, to Planned Development Mixed Use PDMU for a development called the “Mill District”. The new district is comprised of three lots, identified as GPINs 7789-07-0802, 7779-98-5248, and 7779-98-5465, shown on pages C-4 and C-5 of the Generalized Development Plan for The Mill District. Portions of the lots are overlaid by the Floodplain (FPO), Chesapeake Bay Preservation Area (CBPA), Old and Historic Fredericksburg (HFD) and Princess Anne Street Corridor overlay districts. The overlay district maps and regulations are not proposed to be amended.

In adopting this ordinance, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the requested rezoning.

II. Official Zoning Map Amendment

The official zoning map, prepared in accordance with City Code §72-30, is hereby amended by rezoning approximately 3.049 acres of land comprising three lots, identified as GPINs 7789-07-0802, 7779-98-5248, and 7779-98-5465, shown on page C-3 of the Generalized Development Plan entitled, “The Mill District,” by Welford Engineering Associates, dated June 23, 2014 last revised December 22, 2015, from Commercial Highway and Residential R-2 to Planned Development-Mixed Use.

III. Proffered Conditions

This is a conditional rezoning. The proffers contained in the Voluntary Proffer Statement dated December __, 2015 are accepted and shall govern the use and development of this land. For future reference, the “Germania Mills” development is shown on the Generalized Development Plan pages C-5 and C-8 as a single, mixed-use building.

IV. Effective Date

This ordinance is effective immediately. The applicant shall record a certified copy of this ordinance with a notice of conditional zoning, in a form approved by the City Attorney, in the land records of the Fredericksburg Circuit Court Clerk, with each owner of land within the district as the “grantor” and the City as the “grantee,” within 30 days of the adoption of this ordinance.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk’s Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16-__ duly adopted at a meeting of the City Council meeting held January 26, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MEMORANDUM

TO: Mayor Greenlaw and Members of City Council
FROM: Beverly R. Cameron, City Manager
DATE: January 5, 2016
SUBJECT: City Manager's Update

Highlights of major activities and other notable developments:

Restaurant Week - The Department of Economic Development and Tourism is pleased to announce its 10th annual, Restaurant Week January 15 – 25. There will be 23 participating restaurants serving hungry patrons delicious, three-course dinners for \$20.16 and two-course lunches for \$10.16. The 2016 Restaurant Week boasts the largest number of participating restaurants since its inception and sample menus for the 10-day event feature a wide variety of dishes such as crab and corn chowder from Cork and Table, flank steak béarnaise from La Petite Auberge, house made cannoli from Poppy Hill Tuscan Kitchen and even a beer float from Spencer Devon Brewing. Restaurant Week is the perfect time to revisit a family favorite or sample offerings from somewhere new. For more information on participating restaurants and featured menus go to www.visitfred.com

Washington Avenue Mall Trees Public Meeting - On Monday, January 25, from 7:00-9:00 PM a public meeting will be held at the Dorothy Hart Community Center, 408 Canal Street in response to a petition signed by approximately 50 residents who expressed concerns about recent tree plantings on the Washington Avenue mall. The petition calls for the removal of most, if not all trees planted on the mall over the past 2 years, and restoration of the grassy areas. Staff and the Clean & Green Commission will explain the process involved with planting trees on the mall over the past several years. Citizens will then be given an opportunity to express their concerns, comments, and questions about the current and future plans for tree plantings on the mall. Citizens who are unable to attend the meeting may submit written comments to staff until February 15. Comments may be submitted to dking@fredericksburgva.gov

Curbside Christmas Trees Collections - Trees and small amounts of refuse will be collected beginning Monday, January 11. Please have your [items](#) at the curb no later than 7:30 a.m. on January 11. Items that will **not** be collected include: items larger than 16 cubic feet, items heavier than 75 pounds, household garbage, paints, brush piles, hazardous materials, and building materials.

Leaf Collection - Generally speaking, the leaves fell early this past year and the leaf collection crews are on schedule. When the leaves fall early in the season, the vast majority of leaves are collected during the first round. The first round was completed just before the Christmas holiday. Crews have begun the second round of collection and estimate to be completed mid-January.

City Crews Prepare for Winter Weather - During the week of November 9-13, 2015, 85 city “snow fighters” attended an intensive Snow Operators training course. Members of Public

Works, Parks Maintenance, and Public Facilities attended the 8-hour training course coordinated by the City Safety Office. HT Solutions, LLC instructors Hank Gobar, Gary Wilbur, and James Carpenter provided both classroom and practical instruction to employees on preparing for the storm, snow fighting materials and equipment, basic snow plow operations, and snow scenarios. The week ended with a joint meeting / training session with VDOT Regional and City Department Supervisors in attendance. Special thanks to Jeff Faircloth, General Manager at Jim Carpenter Lumber who allowed the use of their company parking lot for the snow plow obstacle course.

As part of the annual review process that Public Works staff performs, this year they have assigned specific equipment and drivers to individual plow routes. The assignments are made based on truck type, experience of the driver, difficulty of the route, etc. Drivers have performed a “dry run” of their assigned route to become more familiar with their route’s curb locations, fire hydrants, on-street parking, etc. Additionally, the department recently replaced its radio communication system and now has the ability to effectively communicate among drivers and the dispatcher during emergency conditions.

Retire Your Old Glory - The City continues its participation in [Retire Your Old Glory](#), a program that provides collection points for worn and faded US flags so that the flags may be respectfully retired. A total of 298 US flags (147 at the Dorothy Hart Community Center and 151 at City Hall), as well as 15 “other” flags” were collected in 2015.

The City also continues its partnership with the Fredericksburg-Rappahannock Chapter of the Isaak Walton League of America and various Boy and Girl Scout troops for the conduct of the flag retirement ceremonies. The third such ceremony for retirement of flags collected by the City was held June 13, 2015 and additional ceremonies will be held in the future.

2015 Year End Economic Impact Report on Group Business - Conventions, conferences, meetings, reunions and weddings are bringing in revenue into the City of Fredericksburg and the surrounding region. The estimated economic impact of group business is \$14.6 million booked and supported by the Department of Economic Development and Tourism in 2015. Not included in the economic impact report, which was prepared by city staff, are additional costs or other ancillary services paid by clients, such as meeting room rental, audio visual, photographers, historical site visitation, transportation, and more.

Police Department Launches Anonymous Tip App for Smart Phones - The Police Department has launched FPD Tip, a free smart phone app that allows for citizens to send anonymous tips directly to the police department from their smart phones. The app allows the public to share important public safety information anonymously with police by sending a secure message about crimes or suspicious activity in Fredericksburg and is available on the iPhone and Android platform. Anyone with a cell phone who does not want to download the app can send an anonymous tip to “847-411” by texting FPD tip and their message/tip to 847411 (tip411). Anonymous web tips can also be submitted right from the [Fredericksburg Police Department website](#).

Building Construction Reports for October – November 2015 - A summary of monthly building reports are attached for review.

CITY OF FREDERICKSBURG, VIRGINIA
Community Planning and Building Department



BUILDING CONSTRUCTION ACTIVITY - OCTOBER 2015

RESIDENTIAL	Oct-15		Oct-14		YTD 2015	YTD 2014	
New-Residential	17		1		18	3	
New-Plumbing/Electrical/Mechanical/Other	0		4		8	9	
Alterations/Additions	18		17		71	67	
Alt/Add - Plumbing/Electrical/Mechanical	48		31		168	146	
Certificates of Occupancy	6		0		14	7	
Fees Collected	\$22,214.30		\$6,703.30		\$43,974.25	\$28,509.60	
COMMERCIAL/MULTI-FAMILY		SQFT/#UNITS		SQFT/#UNITS			
New-Commercial	1	24,647 SF	0	0	3	1	
New-Multi-Family	0	0	0	0	0	0	
New-Plumbing/Electrical/Mechanical/Other	7		6		24	24	
Alterations	28		27		126	120	
Alt-Plumbing/Electrical/Mechanical	33		42		182	189	
Certificates of Occupancy	2		2		5	9	
Fees Collected	\$11,976.00		\$10,974.21		\$59,884.05	\$62,317.37	
CERTIFICATES OF OCCUPANCY-EXISTING							
	10		14		43	55	
BUILDING INSPECTIONS PERFORMED							
	544		560		2222	2290	
UTILITY FEES COLLECTED							
Water Tap	\$2,600.00		\$0.00		\$2,600.00	\$4,700.00	
Water Availability	\$48,000.00		\$0.00		\$52,000.00	\$29,610.00	
Sewer Tap	\$5,100.00		\$0.00		\$5,100.00	\$10,200.00	
Sewer Availability	\$80,000.00		\$0.00		\$86,600.00	\$58,510.00	

COMMENTS

The jump in residential comes from 15 new SF Attached Townhomes at Summerfield and new SF Detached Homes at 304 Pitt Street and 140 Ridgeway Street. The commercial permit is the tenant build-out for Habitat for Humanity at 2378 Plank Road.

CITY OF FREDERICKSBURG, VIRGINIA
Community Planning and Building Department



BUILDING CONSTRUCTION ACTIVITY - NOVEMBER 2015

RESIDENTIAL	Nov-15		Nov-14		YTD 2015	YTD 2014	
New-Residential	0		0		18	3	
New-Plumbing/Electrical/Mechanical/Other	1		2		9	11	
Alterations/Additions	11		18		82	85	
Alt/Add - Plumbing/Electrical/Mechanical	28		40		196	186	
Certificates of Occupancy	4		7		18	14	
Fees Collected	\$3,485.00		\$7,270.45		\$47,459.25	\$35,780.05	
COMMERCIAL/MULTI-FAMILY		SQFT/#UNITS		SQFT/#UNITS			
New-Commercial	0		0	0	3	1	
New-Multi-Family	0	0	0	0	0	0	
New-Plumbing/Electrical/Mechanical/Other	1		3		25	27	
Alterations	17		14		143	134	
Alt-Plumbing/Electrical/Mechanical	40		27		222	216	
Certificates of Occupancy	2		1		7	10	
Fees Collected	\$11,519.75		\$9,287.80		\$71,403.80	\$71,605.17	
CERTIFICATES OF OCCUPANCY-EXISTING							
	4		11		47	66	
BUILDING INSPECTIONS PERFORMED							
	377		357		2599	2647	
UTILITY FEES COLLECTED							
Water Tap	\$0.00		\$2,600.00		\$2,600.00	\$7,300.00	
Water Availability	\$0.00		\$3,000.00		\$52,000.00	\$32,610.00	
Sewer Tap	\$0.00		\$5,100.00		\$5,100.00	\$15,300.00	
Sewer Availability	\$0.00		\$5,000.00		\$86,600.00	\$63,510.00	

COMMENTS

Residential activity dropped off in November, while commercial activity was similar to last year.



CITY COUNCIL MEETINGS & EVENTS CALENDAR

City Hall Council Chambers, 715 Princess Anne Street, Fredericksburg, VA 22401

1/12/16	5:30 p.m.	Work Session <ul style="list-style-type: none"> • Riverfront Park Task Force Update • Comprehensive Annual Financial Report • Closed Session 	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
1/26/16	5:30 p.m.	Work Session	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
2/9/16	7:30 p.m.	Regular Session	Chambers
2/23/16	7:30 p.m.	Regular Session	Chambers
3/8/16	7:30 p.m.	Regular Session <ul style="list-style-type: none"> • FY17 Recommended Budget Released 	Chambers
3/22/16	7:30 p.m.	Regular Session	Chambers

Boards & Commission	Meeting Dates/Time	Actual Date of Meeting	Members Appointed	Contact Person
Board of Social Services	bi-monthly 2nd Thursday/8:30 a.m.	February 11 at 8:30 a.m.	Duffy	Christen Gallik
Central Rappahannock Regional Library	Quarterly 2nd Monday/5:00 p.m.	February 8 at 5 p.m.	Devine	Martha Hutzler
Chamber Military Affairs Council	Every other 3rd Thursday/3:30 p.m.	January 21 at 3:30 p.m.	Ellis	Susan Spears
Community Policy Management Team	Thursday after 3rd Tuesday/2:00 p.m.	January 21 at 2 p.m.	Greenlaw	Rosemary Grant
Fredericksburg Arts Commission	3rd Wednesday/6:30 p.m.	January 20 at 6:30 p.m.	Devine, Kelly	Julie Perry
Fredericksburg Area Museum C.C.	4th Wednesday/4:00 p.m.	TBD	Ellis	Tom Wack
Fredericksburg Clean & Green Comm.	1st Monday/6:00 p.m.	February 1 at 6 p.m.	Devine	Robert Courtage
Fredericksburg Regional Alliance	Quarterly 3rd Monday/5:00 p.m.	January 18 at 5 p.m.	Greenlaw, Duffy	Curry Roberts
GWRC/FAMPO	3rd Monday/6:00 p.m.	January 25 at 6 p.m. **	Kelly, Withers, Ellis - Alt.	Tim Ware
Housing Advisory Committee	As needed	TBD	Ellis, Frye	TBD
PRTC	1st Thursday/7:00 p.m.	January 7 at 7 p.m.	Kelly	Gina Altis
Rappahannock Area Agency on Aging	3rd Wednesday/1:30 p.m.	January 20 at 1:30 p.m.	Withers	Jim Schaefer
Rappahannock Council Against Sexual Assault	2nd Thursday/5:30 p.m.	January 14 at 5:30 p.m.	Ellis	Bobby Anderson
Rappahannock Juvenile Detention	bi-monthly last Monday/12 noon	January 25 at 12 noon	Greenlaw - Alt.	Carla White
Rappahannock Regional Solid Waste	bi-monthly 3rd Wednesday/1:30 p.m.	February 17 time TBD	Kelly, Withers	Keith Dayton
Rappahannock River Basin	Quarterly/1:00 p.m.	March 30 at 1 p.m. King George Co.	Withers	Eldon James
Recreation Commission	3rd Thursday/7:00 p.m.	January 21 at 7 p.m.	Duffy	Jane Shelhorse
Regional Group Home Commission	2nd Thursday/2:30 p.m.	January 14 at 2:30 p.m.	Duffy, Whitley	Ben Nagle
Town & Gown	Quarterly/3:30 p.m.	March 31 at 3:30 p.m. at University Center	Devine, Withers	Pam Verbeck
Virginia Railway Express Operations Board	3rd Friday/9:30 a.m.	January 15 at 9:30 a.m.	Kelly, Withers -Alt.	Richard Dalton
		** Date change due to MLK, Jr. Holiday		