



**PLANNING COMMISSION
CITY OF FREDERICKSBURG, VIRGINIA AGENDA
January 13, 2016
7:30 P.M.
COUNCIL CHAMBERS, CITY HALL**

1. Call To Order
2. Pledge Of Allegiance
3. Adoption Of Minutes
 - 3.1. December 9, 2015 - Regular Meeting Draft
Documents: [MINUTES DECEMBER 9 2015 - REGULAR MEETING DRAFT.PDF](#)
4. Public Hearing Items
 - 4.1. CANCELLED AT THE REQUEST OF THE APPLICANT: SE2015-02: Medicorp Properties Special Exception
5. New Business
 - 5.1. Comprehensive Plan Compliance Review - Right-Of-Way Vacation
Documents: [COMP PLAN COMPLIANCE REVIEW - RIGHT OF WAY VACATION.PDF](#)
6. General Public Comment Period
7. Other Business
 - 7.1. Discussion Of Capital Improvements Plan
8. Planning Commissioner Comment
9. Planning Director Comment
10. Adjournment



PLANNING COMMISSION MINUTES

December 9, 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

Richard Dynes – Vice Chair
Jim Pates, Secretary
Jim Beavers
Roy McAfee
Roy Gratz
Richard Friesner
Tom O'Toole

CITY STAFF

Chuck Johnston, Director of CP&B Dept.
Mark Whitley, Assistant City Manager
Kathleen Dooley, City Attorney
Mike Craig, Zoning Administrator
Deidre Jett, Budget Manager

1. CALL TO ORDER

The December 9, 2015 Planning Commission meeting was called to order by Vice-Chair, Richard Dynes.

2. PLEDGE of ALLEGIANCE

3. ELECTION OF A CHAIR

Mr. Beavers nominated Mr. McAfee as Chair. Mr. Friesner seconded the motion. Motion carried unanimously.

Mr. McAfee assumed the Chair position.

4. ADOPTION OF MINUTES

- November 18, 2015 Regular Meeting Minutes were adopted.

Mr. Pates arrived after the adoption of the minutes.

5. **DISCUSSION OF THE CAPITAL IMPROVEMENTS PLAN (CIP)**

Mark Whitley, Assistant City Manager

Mr. Whitley introduced Deidre Jett, Budget Manager. He also distributed the December draft of the updated FY 2016-2020 CIP for information and review. He touched on some of the items listed in that document and described changes to the CIP, which had been made as recently as the evening prior to the Commission meeting. Mr. Whitley asked that Commissioners review the information and e-mail either the Planning Staff, or his office directly with any questions, suggestions, or concerns. He said that staff would follow up at a future date with the water/sewer recommendations for the CIP.

Mr. McAfee asked why the water and sewer figures are not included in the draft.

Mr. Whitley said that the summary is included in the document but that there simply was not enough time to include the project sheets. He said those items would be provided within the next few weeks.

Mr. Dynes referenced the line item: Planning Area Plan Updates, in the amount of \$150,000 for five years. He asked the intent of utilizing these funds.

Mr. Johnston said when the Comp Plan was adopted, the idea was that the City would be working on the 10 Area Plans, doing two Areas per year. He said he is currently working on developing an RFP for the upcoming Fiscal Year.

Mr. Pates asked if anything had been incorporated into the draft CIP that reflected new items that were included in the recently-adopted Comprehensive Plan.

Mr. Whitley said he believed only to the extent that the Comp Plan reflects what was already there. One of the tasks in building [a recommended CIP] for the City Manager's recommended budget will be going back and forth with the Planning staff and City Manager staff to determine if there may be something missing that is noted in the Comp Plan. He said one thing that comes to mind is brick sidewalks, for which the [draft] CIP shows a small allotment but that may need to be increased. He said this will be a task for March.

Mr. Pates noted that the Council recently adopted an Action Plan for the Comprehensive Plan, which sets three (3) levels of priority for the Area Plans. He said some of those priorities are very general and he suggested that the Planning Commission schedule a discussion of these items at its next regular meeting and come back to the City Manager staff with some more specific ideas [for the CIP].

Mr. Friesner asked if a timeline has been established for the CIP presentation to City Council.

Mr. Whitley said that the Planning Commission will not need to vote on the document presented this evening. He said the document will be considered a base or foundation for the next document, which will develop into the City Manager's recommendations to City Council, and will be released in March 2016. He suggested that Commissioners discuss items amongst themselves and the Planning Staff to bring forward any concerns or recommendations that the City Manager may wish to consider. He said they expect to hold public hearings on the City Manager's recommendations in the March – May timeframe.

PUBLIC HEARINGS

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. ***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 on November 18, 2015. He said that staff is recommending that condition #2 among the conditions listed in the staff report (relating to the use of the facility for fire training purposes) 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 [fire-suppression] 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 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 the number 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 [representatives to see] if they would agree to this or what the standard practice is for the industry.

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

Mr. Pates referenced Condition #1, regarding the applicant's offer 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, the facility 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 it would be useful because it would give the City its own legal authority to make sure [any potential violations] were corrected. Or, if the City did not agree with the remedy [required by DEQ or EPA], it would have some say.

Mr. McAfee asked staff that, as written, if the facility were out of compliance with State and Federal regulations, who would be the authority to shut it 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 (Spotsylvania 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 offered 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.

7. **2015-02: Medicorp Properties, Inc,** requests a revision to Special Exception 2011-01 to change the entry signage for the Mary Washington Hospital campus. The existing sign in the median of Mary Washington Boulevard at the US Route 1 intersection will be replaced with a standing sign. The applicant is requesting a sign that due to its size (1,316 square feet where 20,000 square feet is the minimum allowed by-right) and width (35 feet and 37 feet 7 inches where 100 feet is the minimum allowed by-right) requires special exceptions.

8. **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 the 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 staff report on the application. He also provided background information related to the recently-issued 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 were made, 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 meetings.

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 said 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 apparently considering a micro-brewery at this location to be a less intensive (less non-conforming) use than Creative Color. He asked why this is the case.

Mr. Craig said they outlined all the details in the memo regarding the non-conforming use change [included in the Commissioners' packets]. However, he said, the microbrewery has less noise, less traffic, less parking demand, etc. He said there would also 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 [on Princess Anne Street].

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, 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 those 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 might be a problem with the 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, 22401, 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 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 no 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 it should 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.

GENERAL PUBLIC COMMENT

- 9. 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.*

Ms. Bea Paolucci, 1500 Caroline Street, said she had not thought about restricting parking the entire day in the 200 block of Pitt Street. She said her intent was to seek permission for restricted parking between the hours of 5:00 p.m. until a reasonable morning hour.

Mr. Johnston said he would work with the public works department and the City Council in an attempt to accomplish the request made by Ms. Paolucci.

There was no additional general public comment.

Mr. McAfee closed the general public comment portion of the meeting.

OTHER BUSINESS

10. Planning Commissioner Comment

Mr. Dynes referenced the Special Exception request made by MediCorp, which had been removed from the agenda this evening at the request of the applicant. He also referenced an e-mail that Planning Staff and the Commission received from Snowden Office Park Businesses, dated December 7, 2015. He said he shared some of the same concerns noted in that letter. He said he does not believe the sign needs to be as large as proposed.

Mr. McAfee said it is his opinion that because the signs are offering information/direction to people who may be in need of critical life care, he disagrees with Mr. Dynes.

Mr. Pates offered two other comments. First, he said he would like to have the CIP discussion at the January 2016 Planning Commission meeting. Second, he said he was curious as to when the Commissioners would receive their final copy of the recently adopted Comprehensive Plan (2015).

Mr. Johnston said that staff is currently working on the final steps in pulling together the Comp Plan with the Action Plan and hopes the document will be available in the very near future.

11. Planning Director Comments

Mr. Craig provided background as to why MediCorp had to redo the public hearing for their request for a Special Exception for signage.

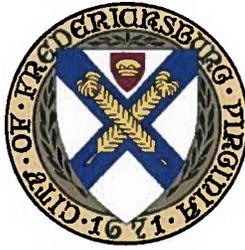
Mr. Johnston provided Commissioners information regarding recent City Council actions.

Mr. Johnston provided Commissioners with an update regarding the interview process for the Environmental Planner and Historic Preservation Planner positions.

ADJOURNMENT

Meeting adjourned.

Roy McAfee, Chair



MEMORANDUM

TO: Chairman McAfee and Planning Commission Members
FROM: Marne E. Sherman, Development Administrator
RE: Comprehensive Plan Compliance Review to Vacate a Portion of Amelia Street Right-of-Way, adjacent to GPIN 7789-05-6246 (1016 Charles Street)
DATE: January 5, 2016 (for the **January 13, 2016 meeting**)

ISSUE

The Fredericksburg Economic Development Authority (EDA) requests a Comprehensive Plan Compliance Review to determine if the vacation of public right-of-way containing a portion of Amelia Street, west of Charles Street, is substantially in accord with the 2015 Comprehensive Plan per the Code of Virginia, Section 15.2-2232. The 400 square foot (0.01 acres) area runs along the south side of Amelia Street adjacent to GPIN # 7789-05-6246 (1016 Charles Street) and is zoned C-D, Commercial-Downtown.

RECOMMENDATION

Staff recommends that the Planning Commission finds the vacation request to be substantially in accord with the City's 2015 Comprehensive Plan.

BACKGROUND

Amelia Street is an improved public right-of-way of varying widths, beginning at Sophia Street and continuing west through downtown to Washington Avenue. The roadway contains two lanes of traffic, both flowing west, with curb, gutter, and parallel parking on each side of the street. The right-of-way also contains sidewalks ranging from four feet (4') in width to eight and a half feet (8.5') in width, grass strips, utilities, and street trees along its course. Between Charles Street and Prince Edward Street, the existing right-of-way for Amelia Street varies from approximately sixty-three feet (63') in width adjacent to GPIN 7789-05-6246 to approximately fifty-six feet (56') in width at the corner of Prince Edward Street.

The EDA, in partnership with the City of Fredericksburg, purchased GPIN # 7789-05-6246 (1016 Charles Street) and 7789-05-5139 (adjoining parking lot) to increase the inventory of public parking spaces in the downtown. Following a boundary line adjustment and minor site improvements, the existing building and surrounding property to remain on GPIN 7789-05-6246 will be resold to a private entity for reuse. The EDA will deed the parking lot on GPIN 7789-05-5139 to the City.

The building at 1016 Charles Street was originally constructed in 1966. In 1973, an addition was built along the Amelia Street side resulting in a 0.9' encroachment into the Amelia Street right-of-way. The encroachment was identified by survey in 1996, with the purchase of the property by Virginia Heartland Bank. On May 2, 1996, the City Manager granted conditional approval for the continued encroachment of the building within the right-of-way. The conditional approval is revocable at any time and denies liability from expenses or damages arising out of the use of the encroachment area.

To permanently relieve the encroachment and encourage the sale and reuse of the building at 1016 Charles Street, the EDA requests the vacation of 400 square feet (0.01 acres) of right-of-way along the south side Amelia Street. This acreage equates to approximately three feet (3') of right-of-way along the frontage of Amelia Street, reducing the remaining right-of-way width to approximately sixty feet (60'), or thirty feet (30') from the centerline. The area to be vacated will be consolidated into GPIN 7789-05-6246. The proposed right-of-way boundary would become more consistent with the adjacent right-of-way limits along the Amelia Street corridor.

Public Works has evaluated the request and finds that the vacation of the right-of-way will not adversely affect the ability to maintain existing or planned transportation, landscaping, or utility infrastructure. The proposed right-of-way line will extend to approximately one foot (1') behind the sidewalk to allow for maintenance of the pedestrian facility. The private landscaping and driveway would be more contained within the private property limits, relieving the City of the potential request for maintenance. No existing public infrastructure will change.

Recent Comparable

On August 12, 2014, following the Planning Commission's finding of substantial accord with the 2007 Comprehensive Plan, the City Council approved a request to vacate 0.04 acres of Amelia Street right-of-way between Winchester Street and Douglas Street to accommodate the Liberty Place project. This acreage equated to vacation of approximately ten feet (10') of right-of-way along the south side of Amelia Street, reducing the remaining right-of-way width to approximately fifty-four feet (54'), or twenty-seven feet (27') from the centerline. The developer proposed an easement over the proposed widened sidewalk to accommodate the pedestrian facility along Amelia Street.

Zoning

The underlying zoning district within the subject right-of-way is Commercial-Downtown (C-D).

Street Vacation Process

The legal process for street vacation in the City is governed by the Code of Virginia §15.2-2006 and the City Code §66-42. In addition, the Code of Virginia §15.2-2232 specifically requires that vacations of rights-of-way go before the Planning Commission to determine substantial compliance with the City's Comprehensive Plan. If the Planning Commission finds the vacation of Amelia Street (portion) to be substantially in accord with the City's Comprehensive Plan, City Council will schedule a public hearing and take action on an ordinance to vacate the right-of-way.

COMPREHENSIVE PLAN COMPLIANCE REVIEW ANALYSIS

The City of Fredericksburg's 2015 Comprehensive Plan addresses goals, policies, and initiatives for transportation, business development, and historic preservation in the Downtown Planning Area.

Transportation Policies and Initiatives, Chapter 3, pages 59-61:

Policy 2: "Maintain the integrity of the City's traditional street grid by keeping streets open."

Initiative 11: "Actively examine the potential for redesigning the one-way paired streets (William-Amelia and Princess Anne-Caroline) to better accommodate local traffic, pedestrian safety, and parking."

This section of Amelia Street is improved and currently used for vehicular, pedestrian, and transit travel routes and parking. Based upon the review by Public Works, the vacation of 400 square feet (0.01 acres) of right-of-way on the south side of Amelia Street, adjacent to GPIN 7789-05-6246, would not adversely affect the existing or planned infrastructure along Amelia Street. The integrity of the City's traditional street grid will remain intact with a more consistent right-of-way boundary along the length of the street. The remaining right-of-way would accommodate for the potential transportation and utility uses along Amelia Street. Further, it would not preclude a redesign of the street into two-way travel should the City Council move forward with Initiative 11.

Business Opportunities Goals, Chapter 6, page 119:

Goal 1: Downtown as a Center for Commerce, Culture, and Community

"Ensure that downtown Fredericksburg continues to serve as a center of commerce, art, culture, recreation, historic amenities, and government, in order to provide economic stability and a sense of community. Actively pursue the preservation and adaptive reuse of downtown buildings and ensure that infill projects are designed with sensitivity to the City's historic character."

Goal 3: Business Development

"Ensure the City can accommodate and capture its projected share of regional economic growth, by actively recruiting desired new businesses and providing retail and office space development in areas identified for growth."

The EDA is currently marketing the 1016 Charles Street property for sale and reuse to provide economic stability and capture new business development. A permanent solution to address the existing building encroachment will enhance the marketability of the downtown property and likelihood for business growth.

Historic Preservation Goals, Chapter 8, page 152:

Goal 1: City Character

"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."

On November 9, 2015, the City's Architectural Review Board, denied a Certificate of Appropriateness to demolish the building at 1016 Charles Street. The Notification of Action provided that "keeping the solid Colonial Revival structure at the corner of the lot, even if the lot is used for parking, would retain an urban element at the street edge to mitigate the visual impact of the surface parking." The vacation of right-of-way to relieve the encroachment would ensure that the existing building could continue to enhance the character of the downtown and mitigate impacts of the future public parking lot behind it.

Summary

Staff recommends that the Planning Commission find that the request to vacate a portion of Amelia Street adjacent to GPIN 7789-05-6246 (1016 Charles Street) will advance the goals, policies, and initiatives within the 2015 Comprehensive Plan, as specified above. Therefore, staff recommends that the Planning Commission finds that the request is in substantial accord with the 2015 Comprehensive Plan under the requirements of §15.2-2232 of the Code of Virginia.

FISCAL IMPACT

The 400 square feet (0.01 acres) of vacated right-of-way will be taxed, adding to the revenue of the City. Costs associated with the sale of land will be at the discretion of City Council.

Attachments:

Draft Resolution

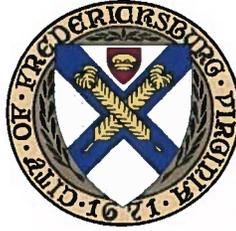
Cover letter, dated December 16, 2015

Right-of-Way Vacation Exhibit, prepared by Webb and Associates, dated December 16, 2015

Aerial Photo from FredGIS

Public Works Memo, dated December 18, 2015

cc: Doug Fawcett, Director of Public Works



January 13, 2016
Planning Commission
Resolution No. 16-__

MOTION:

SECOND:

**RE: APPROVAL OF THE PROPOSED VACATION OF A PORTION OF THE AMELIA STREET
RIGHT OF WAY AS SUBSTANTIALLY IN ACCORD WITH THE 2015 COMPREHENSIVE PLAN**

ACTION: _____; **Ayes:** __; **Nays:** __

The City Council has received an application from the Fredericksburg Economic Development Authority to vacate a portion of the Amelia Street right of way, consisting of approximately 400 square feet. The purpose of the vacation application is to resolve the encroachment of a one story brick building into the Amelia Street right of way at this location (GPIN 7789-05-6246), as shown on the Plat of Survey entitled "1016 Charles Street & 1011 Prince Edward Street," by Webb and Associates, dated October 27, 2014. The area to be vacated is shown on a plat entitled "Right of Way Vacation Exhibit, 400 Block of Amelia Street," by Webb and Associates, dated December 16, 2015.

Under Code of Virginia §15.2-2232(C) and City Code §72-22.2, an application for the vacation of a public street right of way shall be submitted to the Planning Commission for review for substantial conformance with the Comprehensive Plan.

The proposed vacation of a portion of the Amelia Street right of way, to resolve the encroachment, is consistent with the transportation and downtown chapters of the 2015 Comprehensive Plan, as stated more fully in the staff report.

The Fredericksburg Planning Commission therefore resolves the proposed vacation of a portion of the Amelia Street right of way is substantially in accord with the 2015 Comprehensive Plan.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

FREDERICKSBURG
ECONOMIC
DEVELOPMENT
AUTHORITY

December 16, 2015

Mrs. Marne Sherman
Development Administrator, City of Fredericksburg
715 Princess Anne St.
Fredericksburg, VA 22401

Dear Mrs. Sherman,

Please accept this request for a right-of-way vacation to be considered for the property at 1016 Charles St. (GPIN 7789-05-6246). As you know, the Fredericksburg Economic Development Authority plans to purchase this property December 29 from Union Bank & Trust as part of a partnership with the City of Fredericksburg. The EDA plans to subdivide a portion of the property for sale to a private buyer, while the remainder will be deeded to the City of Fredericksburg for public parking. The project will create 42 public parking spaces during peak demand on nights and weekends, helping to attract visitors and area residents to downtown.

We are requesting that the boundary line on the north side of the property (along Amelia Street) be moved from its current location as shown on the provided Webb & Associates survey from Oct. 27, 2014, to a line that runs parallel near the edge of the Amelia Street sidewalk. The line would be moved to the north 3.03 feet. This would make the property's northern boundary line more consistent with the two properties directly to the east along Amelia Street (GPINs 7789-05-5246 and 7789-05-4282). The City of Fredericksburg would be vacating approximately 400 square feet (approximately 0.01 acres) of Amelia Street right-of-way as part of this request. We are not seeking any changes to the boundary line along Charles Street.

We are making this request because a small portion of the brick building currently encroaches into the public right of way, which could create problems for the ultimate purchaser of the subdivided property due to the defective title. There is landscaping, asphalt and gravel in the remaining portions of the right-of-way that we are seeking to vacate. This vacation would not negatively affect the width of Amelia Street, the sidewalk or the travel lanes.

Chad Webb of Webb & Associates has sent you a plat showing the proposed changes. We are also including the October 27, 2014, survey with this application.

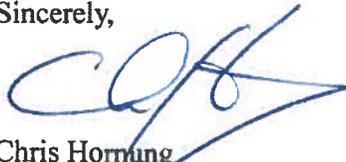
This vacation is one small step in the process of creating a municipal parking lot at 1016 Charles St. It will make the property more marketable for the EDA, whose involvement in this project reduced the City of Fredericksburg's originally budgeted costs by approximately \$750,000. The EDA will use the proceeds from the sale to foster economic development in Fredericksburg, including its downtown.

Fredericksburg's Department of Public Works has stated that it does not need the requested right of way, and indeed does not want to be responsible for maintaining any landscaping that is in the right of way in question. The vacated right of way would be used as it is currently should this request be approved. The request does not affect any adjacent landowners.

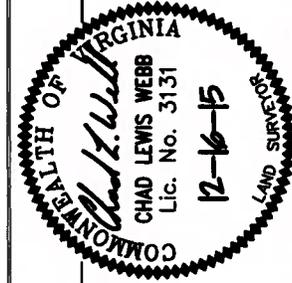
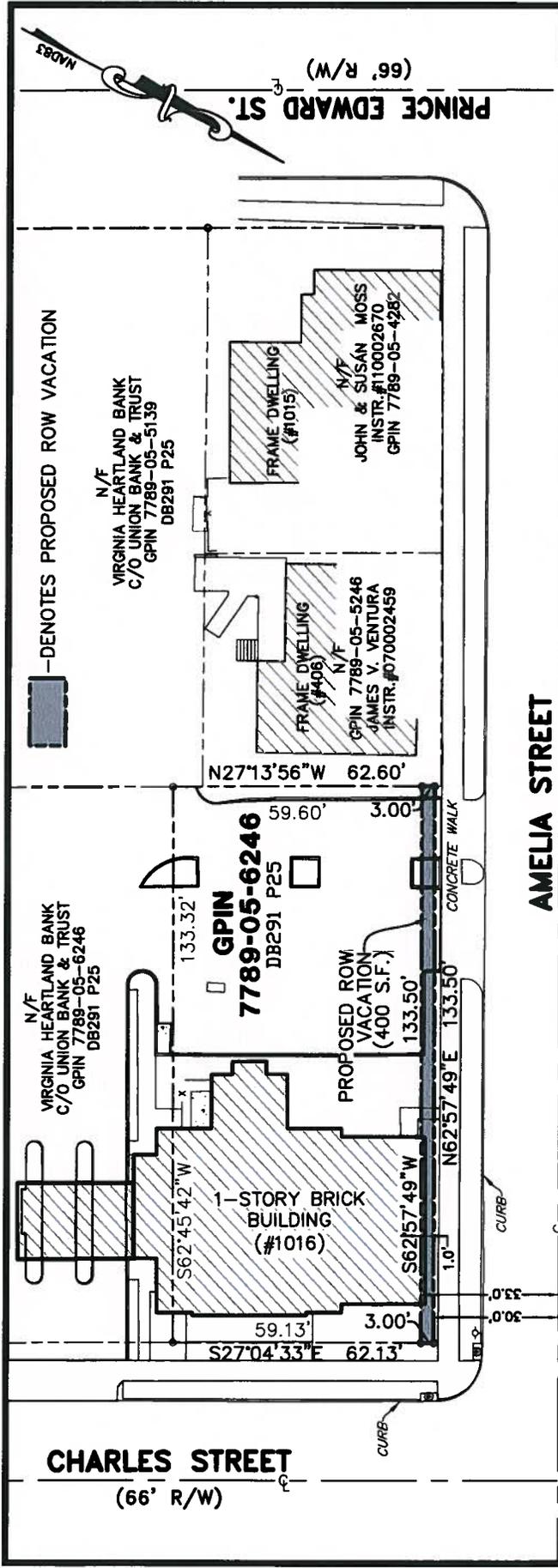
We believe that this overall project, which will save a building deemed worthy of preservation by the city's Architectural Review Board, is very much in keeping with the city's 2015 Comprehensive Plan. The business going into the building will help "ensure that downtown continues to serve as a center of commerce" and develop the city's tax base. The overall project "supports redevelopment that respects historic structures," and helps to "evaluate parking needs and develop appropriate strategies ... that provide for the continued viability of downtown Fredericksburg as well as its further growth and development."

Thank you for your consideration, and please call or e-mail if you need any additional information.

Sincerely,



Chris Hornung
Chairman, Fredericksburg Economic Development Authority



N/F
GPIN 7789-05-5339
WILSON REALTY LLC
INSTR.#040000189

N/F
GPIN 7789-05-5493
DAVID SCOTT, III
INSTR.#130001023

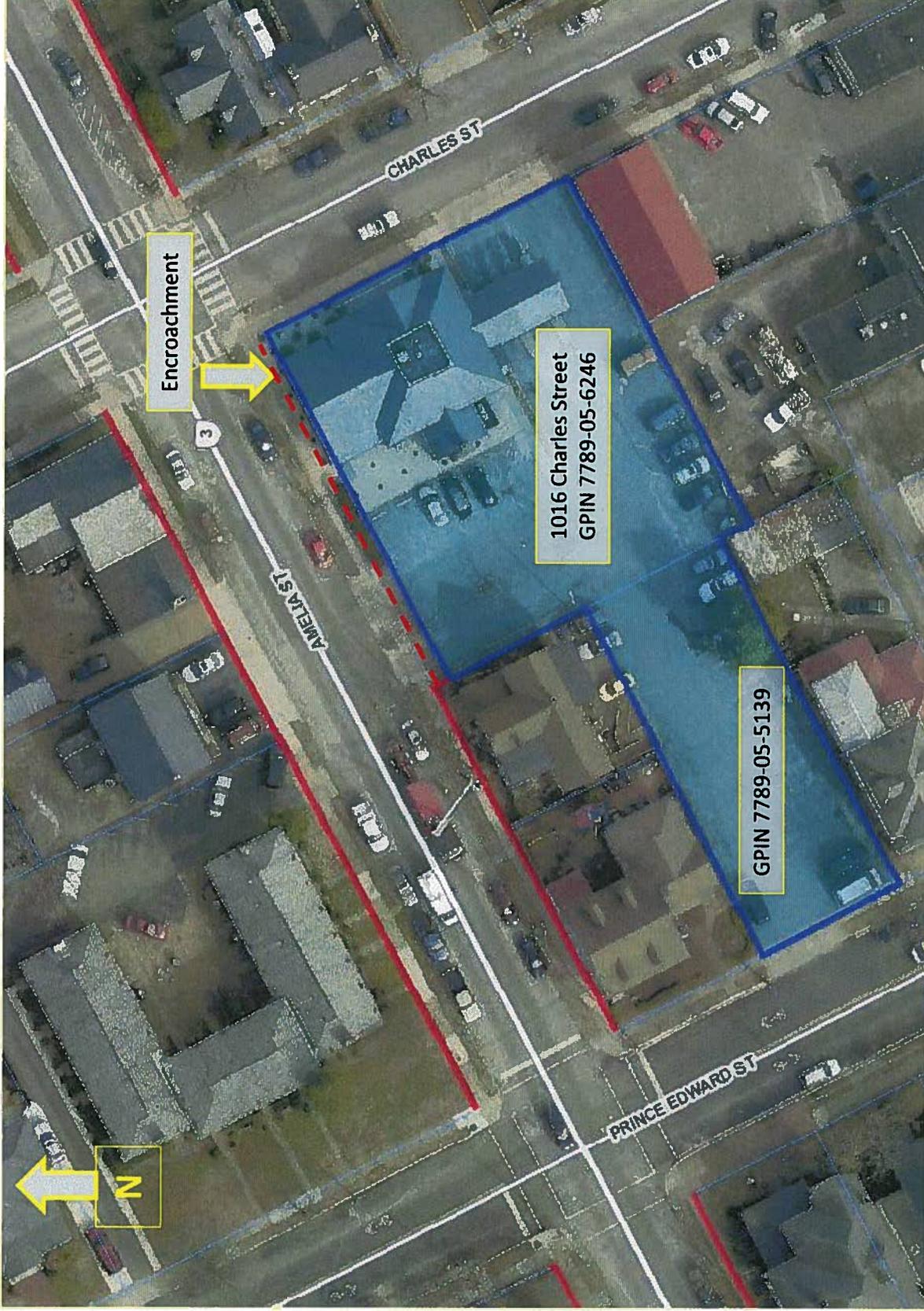
N/F
GPIN 7789-05-4347
PRINCE EDWARD APARTMENTS LLC
INSTR.#060000420

RIGHT OF WAY VACATION EXHIBIT
400 BLOCK OF AMELIA STREET
GPIN 7789-05-6246
CITY OF FREDERICKSBURG, VA.

SCALE: 1"=30'
DECEMBER 16, 2015
WEBB AND ASSOCIATES
11903 BOWMAN DRIVE, SUITE 106
FREDERICKSBURG, VA. 22408
PHONE: (540) 371-1209 FAX: (540) 371-4650



1016 Charles Street / Amelia Street ROW Vacation





MEMORANDUM

TO: Charles Johnston, Director of Community Planning and Building
Development
FROM: Doug Fawcett, Director of Public Works
RE: 1016 Charles Street –Public Works Staff Review for Request to Vacate
Public Right of Way
DATE: December 18, 2015

Public Works staff has completed its review of the issues for which you have requested such review related to the proposed vacation of public right of way on the Amelia Street side of 1016 Charles Street. Our review is based on information provided in a letter from the Fredericksburg Economic Development Authority (EDA) dated December 16, 2015 and a survey plat prepared by Chad Webb of same date.

The purpose of the below comments is to provide responses to your request for review of the proposed vacation of public right of way on Amelia Street

The issues and our comments are as follows:

1. The EDA has proposed vacation of approximately 400 square feet (0.01 acre) of City right of way along the Amelia Street frontage of the property. (See above referenced Webb and Associates survey plat.)

Public Works has no concern about this proposed vacation. The portion of the ROW proposed for vacation appears to be behind the existing sidewalk and not needed by the City for any anticipated purpose.

2. Any existing or proposed utilities within the area to be vacated for which the City may need to reserve an easement.

We are not aware of any public utilities, existing or future, that require reservation of a utility easement in the area to be vacated.

3. The possibility that Amelia Street may become a 2 way street with on-street parking.

Although we are not aware of any current plans to convert Amelia Street to 2-way traffic, nor are we suggesting any plans to do so, the City's comprehensive plan includes the following statement:

"To enhance safety and promote development, consideration should be given to returning the existing one-way traffic patterns to traditional two-way traffic and/or expanding on-street parking to help reduce speeds (traffic calming)."

We do not foresee the vacation of the Amelia Street right way causing any conflicts or concerns should the City decide to convert the traffic pattern in the future. Additionally, we do not foresee any impacts with on-street parking regardless of the traffic pattern on Amelia Street.