



**PLANNING COMMISSION  
CITY OF FREDERICKSBURG, VIRGINIA AGENDA  
January 27, 2016  
7:30 P.M.  
COUNCIL CHAMBERS, CITY HALL**

- 
1. Call To Order
  2. Pledge Of Allegiance
  3. Adoption Of Minutes
    - 3.I. January 13, 2016 - Regular Meeting - DRAFT  
Documents: [JANUARY 13, 2016 MINUTES - DRAFT.PDF](#)
  4. Public Hearing Items
    - 4.I. RZ2016-01 - Employment Resources, Inc. Rezoning Request  
Documents: [RZ2016-01 ERI REZONING REQUEST - ALL DOCS.PDF](#)
  5. General Public Comment Period
  6. Other Business
  7. Planning Commissioner Comment
  8. Planning Director Comment
  9. Adjournment



## PLANNING COMMISSION MINUTES

January 13, 2016

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](http://fredericksburgva.gov)

### MEMBERS

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

### CITY STAFF

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

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#### 1. CALL TO ORDER

The January 13, 2016, Planning Commission meeting was called to order by Chairman McAfee. Mr. McAfee explained the meeting procedures and informed those present that Agenda Item #4: SE2015-02: Medicorp Properties, Inc., Special Exception request had been removed from the Agenda at the request of the applicant.

#### 2. PLEDGE of ALLEGIANCE

#### 3. ADOPTION OF MINUTES

- December 9, 2015 - Regular Meeting - Adopted

### PUBLIC HEARINGS

4. **SE2015-02: 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 with a footprint of 1,316 square feet (the sign is a 10' x 13' sign that due to its size (1,316 square feet where 20,000 square feet is the minimum allowed by-right) and

**REMOVED AT THE REQUEST OF THE APPLICANT**

width (35 feet and 37 feet 7 inches where 100 feet is the minimum allowed by-right) requires special exceptions

## **NEW BUSINESS**

- 5. Comprehensive Plan Compliance Review:** The Fredericksburg Economic Development Authority 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 acre) 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.

Ms. Sherman presented the application. She asked that if the Planning Commission finds that the request to vacate a portion of Amelia Street, adjacent to GPIN7789-05-6246 (1016 Charles St) will advance the goals, policies, and initiatives within the 2015 Comprehensive Plan, that they approve the Resolution included in their Planning Commission Packets (Resolution 16-01).

Mr. Beavers asked if there were any compelling reasons why this right-of-way vacation should not be granted.

Mr. Johnston said he thinks that the determination, as Ms. Sherman indicated, is that this right-of-way is in excess of what is needed in order for Amelia Street to function in accord with transportation planning objectives and is, therefore, in no way a detriment to the goals and objectives of the Comprehensive Plan, and in fact addresses an encroachment issue.

Ms. Sherman also noted that the right-of-way in this subject area for no known reason is in excess and approval of the vacation would make it more in line with the other properties on this stretch of Amelia Street.

Dr. Gratz asked for confirmation as to how much right-of-way is being vacated.

Ms. Sherman said it is 3 feet.

Mr. Dynes asked if this is the lot that the City purchased with the intention to tear down the building and create a surface parking lot, but that the ARB had determined could not be torn down for various historical reasons. He asked if the City is intending to sell the building with the parking attached.

Mr. Johnston said yes, that the building is now actually owned by the EDA.

Mr. Dynes said then that in order for the EDA to sell this property – they have an encumbrance which will make it difficult to sell today so it behooves for this vacation to take place. He asked if the City would be charging a price for this.

Ms. Sherman said the cost of the land is at the discretion of the City Council.

Mr. McAfee asked that if this was a private property owner that had approached the City to fix this encroachment issue, if this would have been the same process they would have gone through.

Ms. Sherman said yes, this is the same process that Liberty Place needed to go through in the past.

Mr. Pates made a motion to recommend that the proposed vacation of a portion of the Amelia Street Right-of-Way is substantially in accord with the 2015 Comprehensive Plan and to adopt Resolution 16-01 (attached).

Mr. Friesner seconded the motion.

Motion carried by a unanimous vote of 7 – 0.

### **GENERAL PUBLIC COMMENT**

*6. 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.*

None.

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

### **OTHER BUSINESS**

#### **7. Discussion of the Draft Capital Improvements Plan (CIP)**

Mr. Pates said that he had tried to locate the Action Plan for the Comprehensive Plan that had recently been approved by City Council in order to review items identified by the Commission as priority items but was unable to find the published copy. He suggested that perhaps the Commission discuss items of interest this evening.

Mr. Friesner said that with having a couple children he would hope to see the School project needs to be moved forward, based on the Commission's review

and the number of students that are expected at the timeframe that the schools would be at capacity when the construction money was allotted, and not when they are actually at capacity.

Ms. Dooley explained the CIP process/procedure and noted that once the complete draft CIP is fully done that it would then come back to the Planning Commission for its review.

Mr. McAfee said that in his experience, waiting in the process until the draft has been “completed” does not allow enough time for the Planning Commission to review the document and provide valuable input as to what projects need top priority.

Mr. Pates said that Ms. Dooley is probably not aware that the Planning Commission had recently adopted changes to its By-Laws that included:

*“5-13 In October of each year, the Chair shall invite the City manager to brief the Commission on the City’s adopted Capital Improvements Plan (CIP or Plan) and the status of potential changes to the Plan for the next fiscal year. By December 1, the Commission shall review this information and provide suggestions, based on the Comprehensive Plan and extending for a period not to exceed five years in accordance with Virginia Code Section 15.2-2239, for his consideration in preparing his proposed CIP for the next year. Upon receipt of the City Manager’s CIP proposal for the next year, the Commission shall hold a public hearing and submit a report and recommendation to the Council on the proposed CIP, not later than the following April 30.”*

Mr. Pates suggested that staff arrange a work session with Mr. Whitley, Assistant City Manager, to discuss the CIP and to be afforded the opportunity to provide necessary input prior to the document moving forward to City Council.

Mr. Johnston said he would check to determine if either January 27, 2016 at 6:00 p.m., or February 10, 2016 at 6:00 p.m. would best suit Mr. Whitley’s schedule. Once he determines this he said he would contact Commissioners with the confirmed date.

## **8. Planning Commissioner Comment**

Mr. Beavers referenced an e-mail from Ms. Dooley, which was sent to Commissioners offering a training session in the Spring. He said he looks forward to the opportunity.

Mr. Dynes referenced the parking lot discussed earlier in the evening under New Business and suggested that the City would now have an idea on how much it would cost for a parking space to be leased out. He also noted the Fee-in-Lieu parking that the City offers to businesses and said he would like the opportunity

to compare those two numbers.

Mr. Pates said he had three questions:

- Does staff have an idea when the Final Comp Plan will be published and distributed to Commissioners and other Boards and Commissions?
- What is the status of the Area Plans?
- Where is the City in the process of the proffer study, and what will be the function of the Planning Commission?

Mr. Beavers offered congratulations to Dr. Richard Friesner in his recent accomplishment in earning his PhD.

## **9. Planning Director Comments**

Mr. Johnston addressed Mr. Pates' three questions:

- Regarding the published/final copy of the Comp Plan – He said that staff is currently waiting on IT software and hopes to have the distribution copies available in a month or so.
- Regarding the Area Plans – He said he has written the Scope of Work for the RFP and that he will be working with our new Procurement Officer to put out a bid for services.
- Regarding the Proffer Study Process – He said the consultant hopes to have a draft within the next couple weeks and that the City Manager will then take it to City Council for its initial review and ask their desired process for moving the item forward.

Mr. Pates said the proffer policy is a very important issue for the City and the Planning Commission and that he hopes the Commission can have a joint meeting with the City Council to be actively engaged in the entire process.

Mr. Johnston said in that regard that he would encourage the Chair of the Commission to contact the Mayor with the Planning Commissions wishes. He said it is intended to be an ongoing process.

Mr. Johnston provided an update of City Council action on January 12, 2016.

## **ADJOURNMENT**

Meeting adjourned.

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Roy McAfee, Chair



## MEMORANDUM

**TO:** Roy E. McAfee, Chair of the Planning Commission  
**FROM:** Mike Craig, Zoning Administrator  
**DATE:** January 21, 2016 (for the January 27 meeting)  
**SUBJECT:** RZ2016-01 – Employment Resources, Inc (Owner) requests the amendment of the Official Zoning District Map so as to rezone property at 404 Willis Street (GPIN 7779-91-3157) from Light Industrial (I-1) and Commercial Downtown with conditions (CD), to Commercial Downtown with conditions.

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### **ISSUE**

Shall the Planning Commission recommend approval of a rezoning at 404 Willis Street (the “Property”) to Commercial Downtown with conditions?

### **RECOMMENDATION**

Recommend approval to the City Council of the rezoning of the 0.8829 portion of the Property from I-1 to CD with a condition that the property not be used for residential development.

Defer action until March 9 on the 3.7470 acre portion of the Property to work out remaining impacts on the street network and Marye’s Heights.

### **BACKGROUND**

Employment Resources, Incorporated (ERI) owns a 4.6229 acre parcel at 404 Willis Street. The parcel contains the Gladys Oberle School building, its parking, and a large open field. The Gladys Oberle School serves middle and high school students with serious emotional disturbances, specific learning disabilities, intellectual disability, and other health impairments as well as any student experiencing difficulty in the traditional public school setting.

The Property is across the street from Marye’s Heights to the west, is adjacent to the VCR trail to the south, is across the street from an automotive service station and an apartment building to the east and is adjacent to five single family homes and the commercial uses around the Battlefield Restaurant to the north.

The Property is accessed from Lafayette Boulevard by Young Street and Willis Street. The Property contains no environmental features.

404 Willis Street is split zoned. A 0.8829 portion of the Property is zoned I-1. The I-1 portion of the Property contains the main school building and its parking, yet I-1 zoning does not permit school uses. The remaining 3.7470 portion of the parcel was rezoned to Commercial Downtown with conditions associated with the Cobblestone Development in 2003. The 3.7470 acre portion of the property was called “Parcel 4” in the Cobblestone rezoning.

The Applicant wants to add security vestibules to the existing school building at this time to protect the students. The Applicant would also like to expand their school facility in the future onto the 3.7470 portion of the parcel. The Applicant shared a draft site plan of the expansion with the Zoning Administrator showing a large field house. At this time, the Applicant is not prepared to proffer the draft site plan as a Generalized Development Plan for future expansion.

## **DEVELOPMENT PROPOSAL**

### *a. Existing Zoning*

The 0.8829 portion of the Property zoned I-1 provides for commercial and light industrial uses at a 0.50 FAR. The I-1 zoning district has large setbacks: the front (Willis Street) is 50 feet and the side and rear for this Property are 40 feet.

The existing zoning is not reasonable to augment / improve the school use. I-1's large setbacks prohibit the construction of one of the security vestibules. I-1 does not permit middle or high schools. The Gladys Oberle School is a legal non-conforming use. As currently zoned, the expansion of the use would require an Minor Expansion of a Non-Conforming Use approval in accordance with City Code § 72-24.3.

In 2003, the remaining 3.7470 portion of the Property was zoned C-D with proffered conditions as part of the Cobblestone rezoning. The existing proffers are attached to this report. Proffers 1-4, 6, and 8, 9, and 10 have been fulfilled. The remaining proffers still apply to the 3.7470 portion of the Property:

- a. Proffer 5 limits the total amount of residential use at Cobblestone to 398 total units. 398 units have been built on Parcels 1-3 effectively removing permitted residential use from Parcel 4.
- b. Proffer 7 requires that buildings on Parcel 4 be brick construction.
- c. Proffer 11 states that, "if retail uses are proposed on Parcel 4, they will be permitted only on the first floor of the buildings proposed along Lafayette Boulevard. Buildings on Parcel 4 for office and/or retail uses will have no less than a total of 50,000 sq. ft. of floor area.
- d. Proffer 12 states that, "the following uses will not be permitted on any of Parcels 1-4: quick-service food stores and self-service gas stations."

In addition the existing zoning would allow:

- a. Limits retail use to the first floor of buildings along Lafayette Boulevard which would limit retail use to a maximum 1.0 FAR or 163,220 square feet.
- b. Require office and retail uses to be located in buildings greater than 50,000 square feet in floor area, which effectively prohibits smaller strip center development along Lafayette.
- c. Prohibit fast food, convenience stores or self-service gas stations.

The existing C-D zoning on the 3.7470 portion of the Property permits the expansion of school use; however, it requires that any expansion be built completely of brick. The Applicant has indicated that requiring school buildings to be built entirely of brick is a financial challenge for the school's budget. The existing zoning allows for a large square footage of commercial use with an FAR of 3.0. Retail, however, is limited to a third of the total non-residential amount. The existing zoning also prohibits small strip centers, fast food, convenience stores, and self-service gas stations from the property.

The entire Property is within the “Downtown District” of the Lafayette Corridor Overlay District. The “Downtown District” contains guidelines for streetscape elements, buildings and site design. The Downtown District has a varying frontage zone, a minimum five foot and maximum ten foot pedestrian zone and a minimum five foot edge zone / landscape area. Landscaping, lighting and other streetscape elements are meant to reflect their context and be relatively cohesive throughout the Lafayette Boulevard district. Buildings are to be oriented toward the public street with active facades. Buildings are limited to between two and four stories in height. Building elements controlled by the district include mass and scale, façade treatment (which includes a list of appropriate materials within the Downtown District: brick, glass, metal, stucco, stone, concrete, and wood).

*b. Proposed Zoning*

On January 21, 2016 the Applicant submitted a revised proposal to split the proposed rezoning in two pieces:

1. The 0.8829 acre portion of the Property zoned I-1 is proposed to be rezoned to Commercial Downtown with the condition that the site shall not be used for residential development. The rezoning would:
  - a. Make the existing school use a conforming use.
  - b. Create setbacks in proportion to the existing development adjacent to the school which would permit the construction of the security vestibules.
  - c. Increase the amount of non-residential square footage permitted on the property from 19,230 square feet of industrial space to 115,377 square feet of commercial space.

The proposed rezoning is intended to bring the school use into conformance with its zoning district and permit the retrofitting of the school building to provide for modern security requirements.

2. The 3.7470 acre portion of the Property is proposed to remain in Commercial Downtown with amended proffers. The Applicant has indicated preliminarily that:
  - a. Residential use will not be permitted on the Property.
  - b. Fast food, convenience stores, and self-service gas will not be permitted on the Property.
  - c. That the requirement for all brick construction would be removed from the Property.
  - d. The Applicant has not decided to preserve the proffer that limits the total amount of retail on-site and prohibits small strip center development on the Property.

The Applicant has requested that the Planning Commission table this portion of the Property. Preliminary discussion of the Property will be beneficial in finalizing a proposal for the March 9 meeting.

*e. Relationship to the Comprehensive Plan*

The Comprehensive Plan’s Future Land Use Map calls for this area to be Commercial / Transitional Office. This project is within Land Use Planning Area 7: Downtown. Relevant Opportunities listed for Planning Area 7 include:

- c. Support redevelopment that respects historic structure, but without dictating architectural style or limiting creativity.

- d. Continue revitalization of the key corridors of Princess Anne Street, Kenmore Avenue, William Street, and Lafayette Boulevard.
- e. Evaluate the area between Lafayette Boulevard and Hazel Run, adjacent to the National Park, for possible preservation or appropriate redevelopment.
- f. Respect battlefield lines-of-sight.

The parcel is in Sub Planning Area 7D. The area has historical significance as both a battlefield and a historic transportation route into the City. According to the Comprehensive Plan, “this route has a variety of zoning districts, which need to be reconsidered for a more flexible Planned Development-Mixed Use zoning” (CP 223).

The Gladys Oberle School provides unique services for middle and high school aged students for the Fredericksburg region. The Comprehensive Plan’s Public Facilities goals include:

- g. Goal 3: Education Facilities. Provide high quality education facilities.
- h. Goal 4: Education System. Provide a quality education that assures opportunity for all students, so that they are encouraged to meet high academic standards and empowered to become productive citizens.

One of the policies for public services, public facilities and preserved open space is to “identify opportunities and mechanisms for private developers to share in the cost and provision of public services and facilities...” While these goals are specifically written about public facilities, private schools like the Gladys Oberle School are an important piece of the overall education infrastructure in the City of Fredericksburg and the larger region.

The Historic Preservation portion of the Comprehensive Plan contains a map of Battlefield Lines of Sight (CP 147). The parcel is only in the Line of Sight from the Shelter at Lee Drive. The proposed development is not within the Line of Sight established atop the hill to the north of Marye’s Heights. Elevation at the Lee Drive Shelter is 210 feet, at Marye’s Heights it is 130 feet, and at the Property it is 56-60 feet.

#### *f. Public Facilities*

The current use of the site is a school. Public water and sewer are adequate and available.

The proposed change from I-1 to CD conditional will not have a large impact on the road network. However, for discussion purposes, the change of zoning on the remaining 3.747 acre portion of the Property could potentially.

Existing land use controls currently prohibit some high-traffic uses from the Property. Existing Proffers 11 and 12 prohibit quick food service uses (fast food and convenience stores), self-service gas stations, and smaller strip retail centers and also limit the amount of total retail permitted on the site. The Applicant has stated their intention to continue some of these restrictions but has not decided whether they intend to restrict smaller strip retail centers and limit the total amount of retail permitted on-site.

The Property is accessed from Lafayette Boulevard by Willis Street and Young Street. At the time of the Cobblestone rezoning, Willis Street was envisioned by Public Works as the primary entrance into the property. The intersection of Willis Street and Lafayette Boulevard was to be signalized so that it would be capable of handling higher levels of traffic from the proposed non-residential uses.

However, the intersection is lined by historic structures adjacent to the sidewalk. The turning radii are very small and limited in how much they can be enlarged by storm sewer inlets. According to Public Works, these constraints make signalization (and the capacity to carry higher traffic) unviable.

Young Street intersects Lafayette Boulevard on a curve, which hampers site distance for vehicles traveling in all directions. In 2003, the parcel between ERI's Property and Hazel Run was rezoned as the Highlander Fitness Center and Office Park (containing 77,500 sf of indoor fitness center, 24,200 sf of office space, four outdoor tennis courts and two outdoor basketball courts). A traffic study was completed with the rezoning. The study assumed full Cobblestone buildout and that Willis Street would be signalized. The recommendation of the study was that the Young Street intersection be revised to prevent any left out movements.

Willis and Young Streets are limited in the amount of traffic they can handle without a serious rebuild. The existing CD conditional zoning on the ERI parcel and the Highlander parcel assumed that Willis Street would be signalized and capable of carrying more traffic than is currently anticipated by Public Works. If the proposal on the 3.747 acre portion of the Property removes the proffer which could result in a significant increase in retail land use than the proposal may require additional study.

*g. Marye's Heights and the VCR Trail*

This discussion is relevant to the future development proposed on the 3.747 acre portion of the Property.

During the 2003 Cobblestone rezoning, the developer, the National Park Service and the City worked together to create regulations that softened the impact of additional land uses across the street from Marye's Heights. Retail and office uses were required to be contained in footprints greater than 50,000 square feet (eliminating strip retail centers) and retail was limited to a single story (effectively limiting the amount of retail on-site). Fast-food, convenience stores, and gas stations were prohibited. Development on the parcel was required to be all brick construction.

The National Park Service and the City's Historic Resources Planner made the following comments on this application. The comments primarily relate to the use of the 3.7470 acre portion of the property:

- NPS - Please consider proffering building materials that will be compatible with the national cemetery across Lafayette Boulevard and the view from the VCR trail. We recommend a brick treatment.
- NPS - Per discussion with NPS, please consider proffering that there will be a height limit to the usable areas to the buildings. Decorative elements exceeding that height aren't an issue to the NPS so long as the height of decorative elements does not constitute a precedent for future uses.
- NPS - Please consider proffering away potential uses--including uses above the height of usable spaces--not critical to the present project.
- City - This area is within the viewshed of Marye's Heights (National Cemetery), which will be of concern to the NPS. Similarly, the view of the heights from the VCR Trail should remain open so that area can be historically interpreted as well. The proposed school uses will not obscure anyone's

view, but other uses allowed in the C-D zone could become an issue. Consideration should be given to proffering out any uses that could result in buildings that block the existing views.

The Lafayette Boulevard Design Guidelines were accepted by the City Council in 2011. The Design Guidelines provide architectural standards for any future development. Though they don't require brick treatment, they do provide a minimum standard for materials. They provide for a height limit of between two and four stories in height<sup>1</sup>.

If combined with proffers that limit strip retail centers, gas stations, and fast food restaurants, these standards could provide adequate enough architectural control to remove the requirement for all brick construction, protect Marye's Heights, and allow the Gladys Oberle School enough flexibility to grow organically while still meeting most of the comments provided by the National Park Service.

#### *h. Conclusion*

To simplify the process, the Applicant has requested to move forward with a simple rezoning of the I-1 portion of the property to CD with the condition that the site shall not be used for residential development. This rezoning will allow the reasonable continuation and modernization of the Gladys Oberle School.

There are issues presented by changing the proffers on the remaining 3.747 acre portion of the Property. The Applicant has been working with the City on addressing those issues in a way that accomplishes their goals and retains the high level of protection provided for the sensitive area of the City where their school is located. It is likely that these problems can be adequately addressed by the February 24 meeting.

#### **ATTACHMENTS:**

1. Ordinance
2. Application and supporting materials
3. Ord. 03-13 and 02-09 (Cobblestone rezoning)

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<sup>1</sup> Lafayette Boulevard Design Guidelines page 36.



Application #RZ 2015-03

Date: \_\_\_\_\_

Fee/Check #: \_\_\_\_\_

**APPLICATION  
ZONING MAP AMENDMENT**

APPLICANT NAME: DANA W. HERLONG, ARCHITECT, HERLONG ASSOCIATES INC.

MAILING ADDRESS: 1009 PRINCE EDWARD ST, FREDERICKSBURG VA 22401

TELEPHONE #: 540.899.9898 E-MAIL: DANA.W@HERLONGINC.COM

INTEREST IN PROPERTY: PROJECT MANAGER, OWNER REPRESENTATIVE

If the Applicant is not the Owner, indicate the nature of Applicant's authority to apply and attach appropriate documentation of Owner's consent.

**NAME OF PROPERTY OWNER**

(if different from applicant): JIAN MCLAUGHLIN, PRESIDENT, EMPLOYMENT RESOURCES INC

MAILING ADDRESS: 404 WILLIS STREET, FREDERICKSBURG VA 22401

TELEPHONE #: 540.372.6710 E-MAIL: JMCLAUGHLIN-42@ERI-VA.COM

**THE PROPERTY IN QUESTION IS DESCRIBED AS FOLLOWS:**

STREET ADDRESS: 404 WILLIS STREET, FREDERICKSBURG VA 22401

GPIN #: 7779-91-3157

TOTAL AREA OF PROPERTY (Acreage or Square Feet) 4.6299 ACRES

PRESENT USE OF PROPERTY: Middle-High School Campus

**PROPOSED USE OF PROPERTY:** Continued Middle-High School Use: The consolidated ERI School Campus is a 4.6299 Acre Site. The parcel zoning remains both I-1 and CD, with previous owner proffers no longer relevant to the school use. The ERI School Owner requests a zoning map amendment of the partial (0.8829 Acre) parcel from I-1 to CD. This zoning will bring the entire site into conformance with the Comprehensive Plan, The Future Land-Use Map and the current School "Use" as UDO permitted. Since proffer conditions are not needed for the school campus, the previously recorded proffer conditions attached to the parcel as Cobblestone Parcel 4 in Ordinance No. 03-13, 7/15/03, are to be removed.

Zoning Map Amendment  
(Application Continued)

I (we), the applicant(s) petition the Planning Commission and the City Council of Fredericksburg, Virginia to amend the Zoning Map of the City of Fredericksburg, Virginia by reclassifying the property described above from the I-1 District to the CD District.

Has any previous application or appeal been filed in connection with this property?

No  Yes

If yes, what type of application \_\_\_\_\_ Date \_\_\_\_\_

*I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true and that no member of the City Council of Fredericksburg, Virginia has any interest in the land to be rezoned or has any interest in the outcome of the decision.*

  
Signature of Applicant

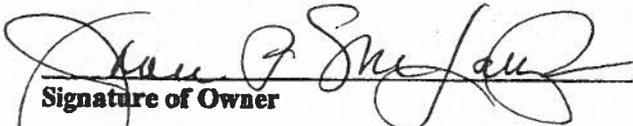
12.1.15  
Date

PRINT NAME OF APPLICANT DANA W. HERLONG, ARCHITECT/OWNER REP.

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 \_\_\_\_\_

  
Signature of Owner

12-1-2015  
Date

PRINT NAME OF OWNER JOAN P. McLAUGHLIN, PRESIDENT

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 \_\_\_\_\_

**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:** JANUARY 27, 2016

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

**ISSUE DESCRIPTION:** The consolidated ERI School Campus is a 4.6299 Acre Site. The parcel zoning remains both I-1 and CD, with previous owner proffers no longer relevant to the school use. The ERI School Owner requests a zoning map amendment of the partial (0.8829 Acre) parcel from I-1 to CD. This zoning will bring the entire site into conformance with the Comprehensive Plan, The Future Land-Use Map and the current School "Use" as UDO permitted. Since proffer conditions are not needed for the school campus, the previously recorded proffer conditions attached to the parcel as Cobblestone Parcel 4 in Ordinance No. 03-13, 7/15/03, are to be removed. The subject property will not be used for residential development..

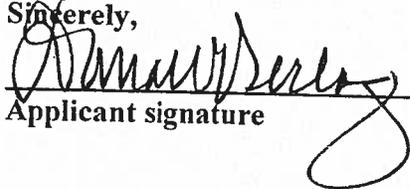
**PROPERTY:** Gladys H. Oberle Campus, Employment Resources Incorporated (ERI)

**ADDRESS:** 404 Willis Street, Fredericksburg VA 22401

**GPIN NUMBER:** 7779-91-3157

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 540-899-9898.

Sincerely,

  
Applicant signature

Dana W. Herlong, Architect, Owner Representative  
Applicant printed name

CITY OF FREDERICKSBURG PROFFER  
CODE OF VIRGINIA 15.2-2303  
CITY CODE 72-22.4

OWNER: Employment Resources Inc, Joan P. McLaughlin, President

PROPERTY: 404 Willis Street, Fredericksburg, VA 22401

PROJECT NAME: Gladys H. Oberle School

REZONING REQUEST: Zoning Amendment of the 0.8829 Acre portion of the 4.6299 Acre Parcel, as shown on Consolidation Plat by HGP, Inc, dated 12/04/2015, approved 3/24/2015, and recorded CLR 15-714, Plat Book 17, Page 161.

CASE NUMBER: RZ 2015-03

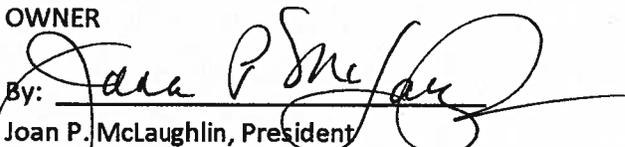
DATE: January 21, 2016

Pursuant to Code of Virginia 15.2-2303 and City Code 72-22.4, the Owner hereby voluntarily proffers the following conditions, which shall be applied to the Property if the rezoning request is approved.

The subject property shall not be used for residential development.

The Owner acknowledges that the foregoing Proffers are reasonable. The signatory below, signing on behalf of the Owner, covenants and warrants that she is an authorized signatory of the Owner for this Proffer Statement.

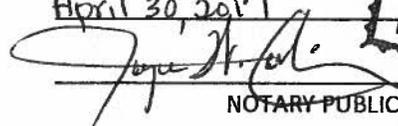
OWNER

By:   
Joan P. McLaughlin, President  
Employment Resources Incorporated  
GPIN # 7779-91-3157

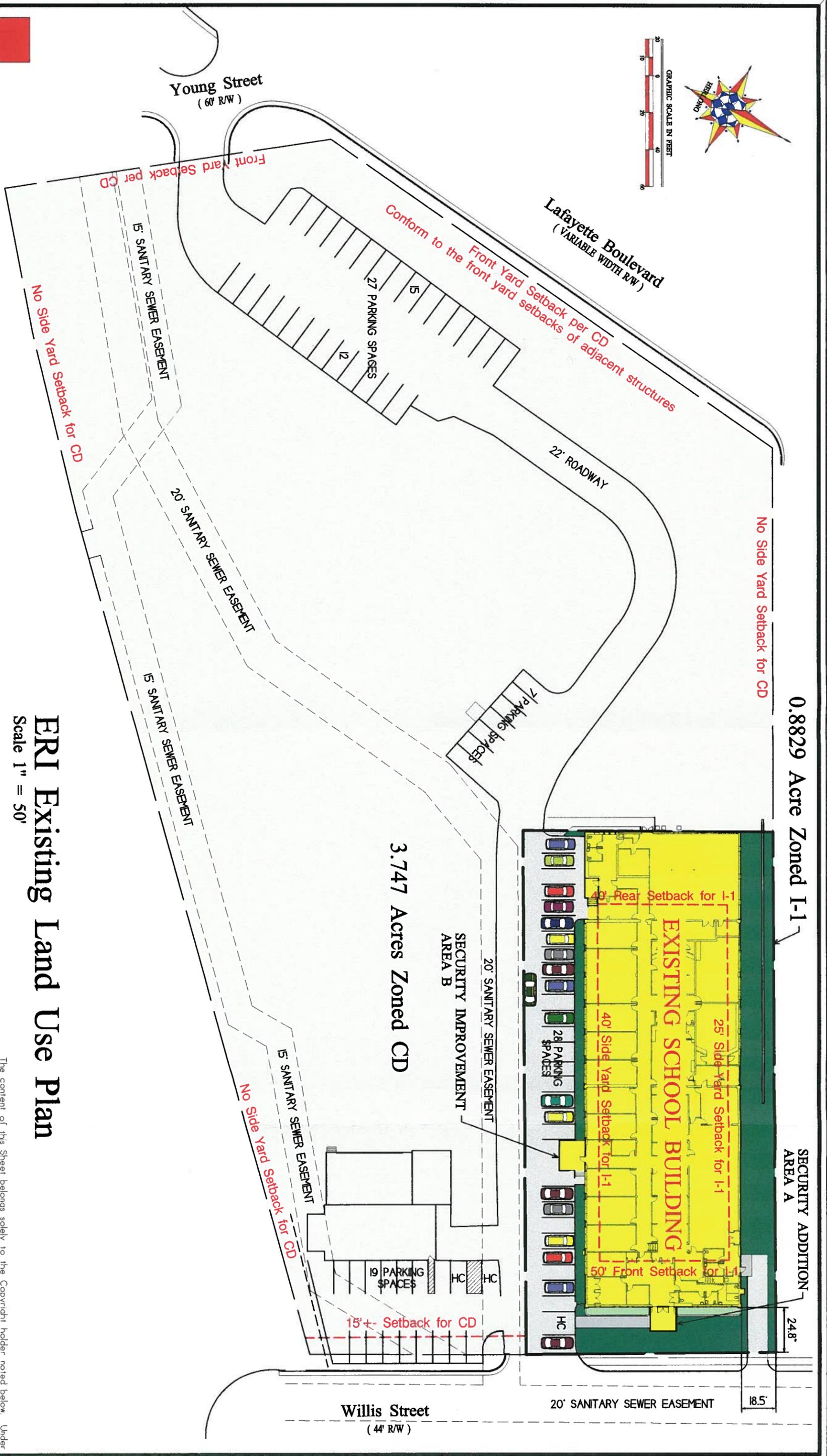
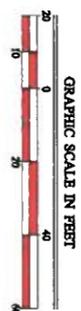
NOTARY CERTIFICATE  
COMMONWEALTH OF VIRGINIA  
CITY OF FREDERICKSBURG

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY JOYCE W. CORBIN, PRESIDENT OF EMPLOYMENT RESOURCES INC THIS 21<sup>st</sup> DAY OF JANUARY, 2016

MY COMMISSION EXPIRES: April 30, 2017

  
NOTARY PUBLIC





0.8829 Acre Zoned I-1

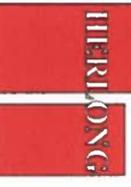
SECURITY ADDITION AREA A

3.747 Acres Zoned CD

SECURITY IMPROVEMENT AREA B

# ERI Existing Land Use Plan

Scale 1" = 50'



Existing Land Use Plan for:  
**Gladys H. Oberle, Employment Resources Incorporated**  
404 Willis Street, Fredericksburg, Virginia

PN: 1308307

**HERLONG ASSOCIATES INC**  
Facilities Management and Architecture  
Post Office Box 68, Fredericksburg, Virginia 22408  
Telephone: 540-899-9898 Fax: 540-899-2818  
www.HerlongInc.com

Sheet: **A2**  
Of  
Date: 1/20/2016

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© 2016, HERLONG ASSOCIATES INC

**OWNERS' CONSENT AND DEDICATION**

THE PLATING, AND LOT CONSOLIDATION OF GPN: 7779-91-5421 AND GPN: 7779-91-3157, THE VACATION OF LUDLOW STREET RIGHT OF WAY AND THE RESERVATION OF A 20' SANITARY SEWER EASEMENTS SHOWN HEREON, IS WITH THE FREE CONSENT, AND IS IN ACCORDANCE WITH THE TERMS OF THE APPLICABLE ORDINANCES.

*James P. ...*  
 EMPLOYMENT RESOURCES INC. (OWNER/PRESIDENT)

**NOTARY CERTIFICATE**

COMMONWEALTH OF VIRGINIA  
 CITY/COUNTY OF FREDERICKSBURG  
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY  
 JOAN P. McALPIN, PRESIDENT OF EMPLOYMENT RESOURCES INC.  
 THIS 5th DAY OF MARCH, 2015  
 MY COMMISSION EXPIRES: JULY 31, 2015

**NOTARY CERTIFICATE**

COMMONWEALTH OF VIRGINIA  
 CITY/COUNTY OF FREDERICKSBURG  
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY  
 BEVERLY R. CAMERON, CITY MANAGER AGENT OF THE CITY OF  
 FREDERICKSBURG THIS 12th DAY OF MARCH, 2015  
 MY COMMISSION EXPIRES: JULY 31, 2015



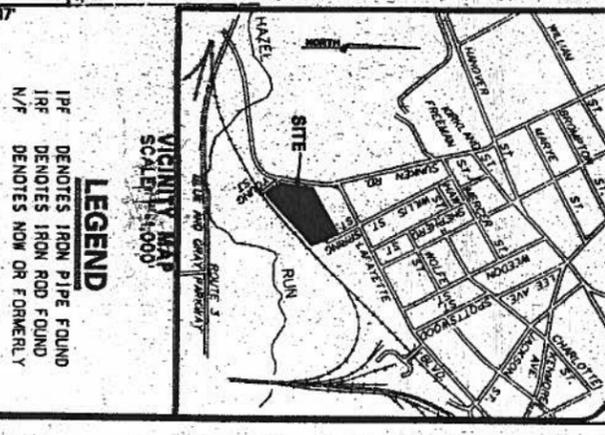
- NOTES:**
1. THE PURPOSE OF THIS PLAN IS A LOT CONSOLIDATION, VACATION OF RIGHT OF WAY AND THE RESERVATION OF A 20' SANITARY SEWER EASEMENT.
  2. NO TITLE REPORT FURNISHED; EASEMENTS NOT SHOWN MAY EXIST.
  3. METHOD BASED ON VIRGINIA GRID NORTH.
  4. THE PROPERTY SHOWN HEREON IS IN ZONE "C" OTHER FLOOD AREAS AS SHOWN ON FEMA MAP NO. 50083 0037 C AND DATED SEPT 18, 2007.
  5. APPROXIMATE SHOWN HEREON ARE FROM FIELD SURVEY'S FROM AERIAL PHOTOS, AND FROM PREVIOUS SURVEYS.
  6. THIS PLAT DOES NOT WARRANT TITLE TO THE PROPERTY SHOWN HEREON.
  7. THE PARCEL DESCRIBED WITHIN THIS PLAN LIES WITHIN THE RESOURCE MANAGEMENT AREA (RMA) AND DOES NOT CONTAIN RESOURCE PROTECTION AREAS (RPA) WITHIN THE CHESTERFIELD BAY PROTECTION AREA OVERLAY DISTRICT.
  8. THE LUDLOW STREET RIGHT OF WAY WAS APPROVED TO BE VACATED BY CITY COUNCIL ON OCTOBER 28, 2014 (ORDINANCE #1371).
  9. THIS SITE LIES WITHIN THE LAFAYETTE BOULEVARD CORRIDOR OVERLAY DISTRICT PER THE PROCEDURES MANUAL.

THE PLAT IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM (VCS) AND IS COMPRISED FROM A FIELD SURVEY WHICH TIES THIS SUBDIVISION BOUNDARY TO STAFFORD COUNTY, UNITED STATES DEPARTMENT OF DEFENSE OR NATIONAL GEODETIC SURVEY MONUMENT VA17 HAN.

THE GRID FACTOR (ELEVATION FACTOR (X) SCALE FACTOR) WHICH HAS BEEN APPLIED TO THE FIELD DISTANCE TO DERIVE THE REFERENCED COORDINATES IS 0.999991116. UNLESS OTHERWISE STATED, THE PLAT DISTANCES SHOWN ARE INTENDED TO BE HORIZONTAL DISTANCES MEASURED AT THE MEAN ELEVATION OF THE SUBDIVISION.

THE BEARINGS SHOWN ARE REFERENCED TO VCS 1983 GRID NORTH TO CONVERT TO TRUE NORTH APPLY THE CORRECTION ANGLE OF 37.0243°. THE FOOT DEFINITION USED FOR CONVERSION OF VCS 1983 COORDINATES IS THE "FLAT SURVEY FOOT" (1 FOOT = 125.27 METERS).

THE ELEVATIONS SHOWN ARE REFERENCED TO NA1983 VERTICAL DATUM.



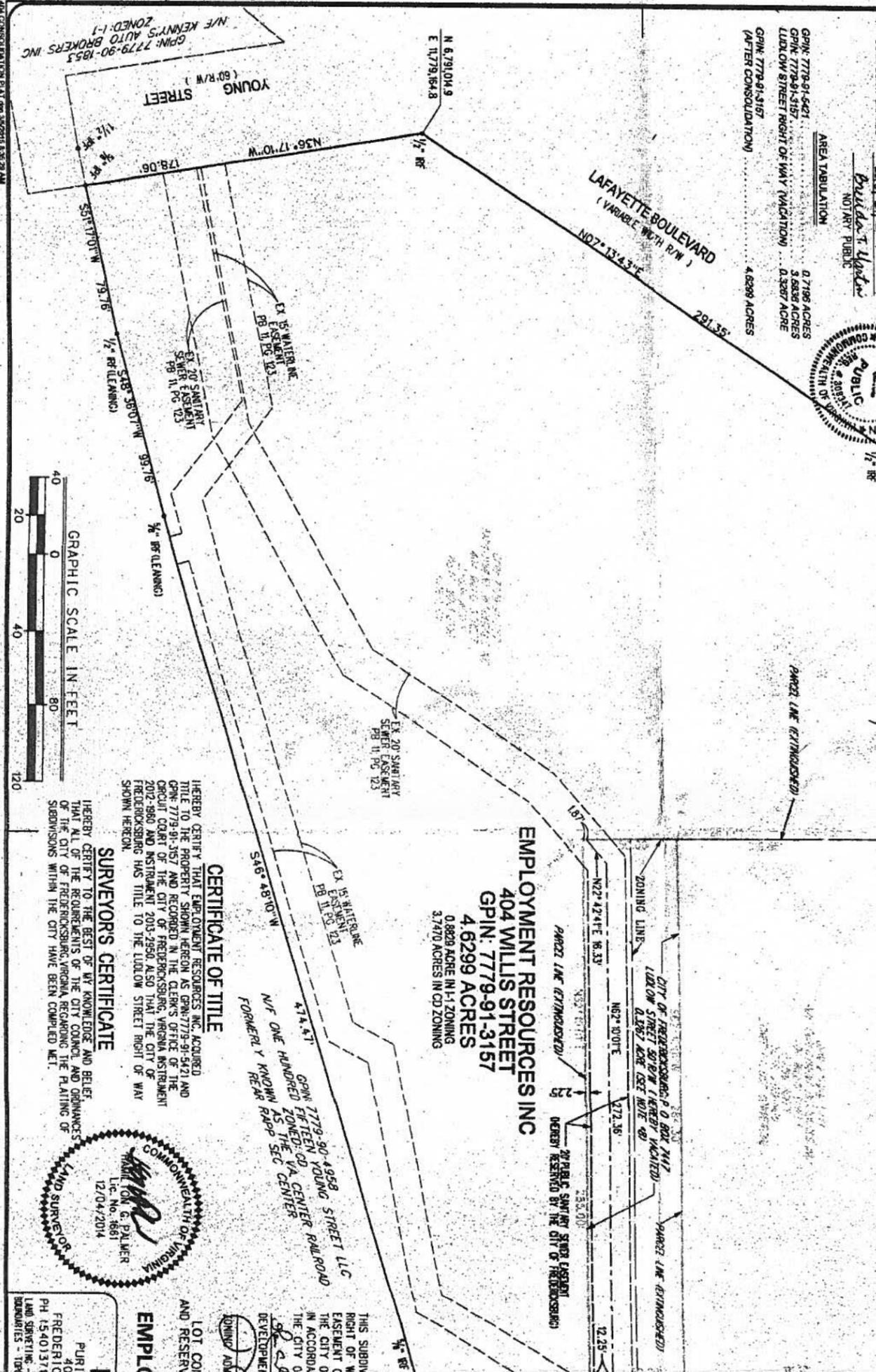
**LEGEND**

IPF DENOTES IRON PIPE FOUND  
 IRF DENOTES IRON ROD FOUND  
 N/F DENOTES NOW OR FORMERLY

**AREA TABULATION**

GPN: 7779-91-5421 ... 0.7198 ACRES  
 GPN: 7779-91-3157 ... 3.6828 ACRES  
 LUDLOW STREET RIGHT OF WAY (VACATION) ... 0.3287 ACRE  
 GPN: 7779-91-3157 (AFTER CONSOLIDATION) ... 4.6299 ACRES

LAFAYETTE BOULEVARD  
 (VARIABLE WIDTH R/W)



**EMPLOYMENT RESOURCES INC**  
 404 WILLIS STREET  
 GPN: 7779-91-3157  
 4.6299 ACRES  
 0.8828 ACRE IN L-1 ZONING  
 3.7470 ACRES IN CD ZONING

**CERTIFICATE OF TITLE**

HEREBY CERTIFY THAT EMPLOYMENT RESOURCES INC. ACQUIRED TITLE TO THE PROPERTY SHOWN HEREON AS GPN: 7779-91-5421 AND GPN: 7779-91-3157 AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF FREDERICKSBURG, VIRGINIA INSTRUMENT 2012-1880 AND INSTRUMENT 2013-2950. ALSO THAT THE CITY OF FREDERICKSBURG HAS TITLE TO THE LUDLOW STREET RIGHT OF WAY SHOWN HEREON.

**SURVEYOR'S CERTIFICATE**

HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT ALL OF THE REQUIREMENTS OF THE CITY COUNCIL AND ORDINANCES OF THE CITY OF FREDERICKSBURG, VIRGINIA REGARDING THE PLATING OF SUBDIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH.



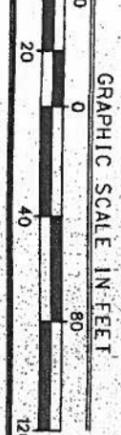
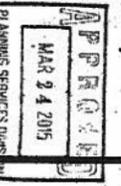
**CERTIFICATE OF APPROVAL**

THIS SUBDIVISION KNOWN AS LOT CONSOLIDATION, VACATION OF RIGHT OF WAY AND RESERVATION OF A 20' SANITARY SEWER EASEMENT ON THE LANDS OF EMPLOYMENT RESOURCES INC. AND THE CITY OF FREDERICKSBURG, IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH THE EXISTING SUBDIVISION REGULATIONS OF THE CITY OF FREDERICKSBURG AND MAY BE ADMITTED TO RECORD.

DATE: 3/24/15  
 DEVELOPMENT ADMINISTRATOR: [Signature]  
 CITY OF FREDERICKSBURG, VIRGINIA

**EMPLOYMENT RESOURCES INC**

**HGP, INC.**  
 CITY OF FREDERICKSBURG, VIRGINIA  
 PURINA TOWER SUITE 100  
 401 CHARLES STREET  
 FREDERICKSBURG, VIRGINIA 22401  
 PH: (540) 371-5171 Email: hpalmer@hgp.com  
 LAND SURVEYING - CONSULTING - PLANNING - SUBDIVISIONS  
 BOUNDARIES - TOPOGRAPHY - RES. APPLIC. - EXCISE CONTROL





## CITY OF FREDERICKSBURG, VIRGINIA

### ORDINANCE NO. 03-13

**An Ordinance to Amend Ordinance 02-09 to Rezone Approximately  
30-acres of Land Bordered by the RF&P Railroad, Hazel Run, the Old VCR Railroad  
Bed and Lafayette Boulevard**

**IT IS HEREBY ORDAINED**, by the City Council of the City of Fredericksburg, Virginia that the official Zoning Map of the City, established pursuant to Article III, Division 2 of Chapter 14 of the City Code, is amended as follows:

#### **I. Background Information**

Lafayette Boulevard LLC, is requesting approval of an amendment to one of the proffer conditions associated with their proposed 398-unit apartment project. City Council approved the subject 398-unit apartment project (rezoning) in April 2002.

*Done.  
dated  
4/30/07*

Proffer #3 called for the developer to construct a new street (Hazel Street) from Lafayette Boulevard to the old VCR railroad right-of-way bed, as one of several access points proposed for their Cobblestone Square apartments project. The requested proffer amendment is to eliminate this proposed new street as access to the project, and instead, provide a contribution of \$75,000 to be used to design and install a new traffic signal at the intersection of Willis Street and Lafayette Boulevard. The project will continue to have its eastern access point via Essex Street Extended off Lafayette Boulevard, and the railroad bridge over the old VCR railroad right-of-way bed will be used as a third access point into the project.

#### **II. Official Zoning Map Amendment**

The City's official Zoning Map, prepared in accordance with Section 14-68 of Chapter 14 of the City Code, is hereby amended as follows:

*"All that certain property owned by Lafayette Boulevard LLC, and located generally between the RF&P Railroad, Hazel Run, and Lafayette Boulevard, totaling approximately 30-acres and consisting of four separate parcels as shown on the "Cobblestone Square" Generalized Plan, as prepared by*

*Welford Engineering Associates, dated May 6, 2003, and attached hereto as Exhibit 1 (four parcels specifically outlined below under this section), is hereby amended. The proffer conditions voluntarily submitted by the owner, and running with the land, and binding to any heirs, successors and assigns are also amended. The proffers are attached hereto as Exhibit 2.*

- *Parcel 1 – Shown on City Tax Map 94-1 as Parcel P-1, consisting of 0.0473-acres.*
- *Parcel 2 – Shown on City Tax Map 94-2, addressed 510 Essex Street, consisting of 1.5685-acres.*
- *Parcel 3 – Shown on City Tax Map 90-C as Parcel P-1 consisting of 24.0342-acres.*
- *Parcel 4 – Shown on City Tax Map 132-1, addressed 1020 Lafayette Boulevard, consisting of 3.5781-acres.*

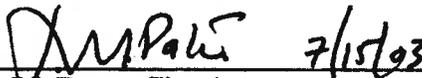
**III. Effective Date**

This Ordinance shall become effective immediately.

**First Reading: June 10, 2003**

**Second Reading: June 24, 2003**

**Approved as to Form:**

  
\_\_\_\_\_  
James M. Pates, City Attorney

**CERTIFICATION:**

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 03-13 duly adopted at a City Council meeting held 6/24/03 at which a quorum was present and voted.

  
\_\_\_\_\_  
Deborah H. Naggs, CMC  
Clerk of Council

*as amended by Ord. 03-13*

Proffers

June 10, 2003

## EXHIBIT 2

The Owner offers the following proffers in conjunction with its application for rezoning of Parcels 1-4:

1. The Owner will design a passive nature park containing approximately 10 acres in the area adjacent to Hazel Run and shown on the Generalized Development Plan ("GDP) prepared by Welford Engineering Associates, entitled "Cobblestone Square," dated March 26, 2002, a copy of which is attached hereto and incorporated herein by reference." Amenities which the Owner will create are a pedestrian trail with soft surface, trail signage and opportunities for historical interpretation. The Owner will create a pedestrian trail for access to the park from the old Virginia Central right-of-way in the approximate area shown on the GDP. After completion of the park amenities, the Owner may divide the park from the rest of the Project, so that it will be a separate parcel. Upon the written request of the City, the Owner shall dedicate said 10 acres, more or less, to the City in fee simple for use and maintenance by the City as a passive nature park open to the public. The City shall have the right to make such request at any time within five years from the date of this rezoning. If such request is not made within said five-year period, the Owner agrees to operate and maintain said nature park permanently as an amenity for the residential units located on Parcels 1 and 4.
2. The Owner will design and construct a lighted and landscaped trail within the City's old Virginia Central right-of-way from its intersection with Willis Street extended to its intersection with Essex Street. The trail will be ten feet wide and have an asphalt surface.
3. The Owner will extend Willis Street from its present eastern terminus to the old Virginia Central rail-bed and will construct a new two-way street within the Virginia Central rail-bed between Willis Street as extended toward the northeast to approximately the projection of the alignment of Hazel Street. Both Willis Street and the new street to be built in the Virginia Central rail-bed will be constructed to City public street specifications. The paving, curbing and sidewalks for Willis Street extended will be built within the present right-of-way limit of the existing street. Additionally, the Developer will make a

cash contribution to the City in the amount of \$75,000.00 upon approval by the City of the initial certificate of occupancy for a residential building within the Project, which cash contribution will be for the express purpose of the City designing and installing a traffic signal at the intersection of Willis Street and Lafayette Boulevard.

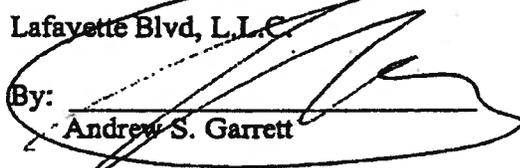
4. The off-site street and trail improvements in items 2 and 3 above shall be constructed as part of Phase II of the Project. The Owner's obligation to make these improvements is subject to the City's approval of the use of its land for these purposes in a separate resolution. The improvements will be public facilities owned and maintained by the City.
5. The acreage contained in Parcels 1, 2, 3 and 4 will permit a Project-wide total of 398 multi-family residential units. The Owner recognizes that no more can be constructed on any of the parcels, even if one or more of the parcels is to contain none of the 398 units. The multi-family Project will be a "Market Rate" Project which will not lend itself to the awarding of tax credits based upon government mandated limits on market rents.
6. The Owner will provide a FRED bus stop on the property in the area of the old freight warehouse.
7. The buildings on Parcel 4 will be brick construction.
8. The buildings on parcels other than Parcel 4 will be primarily brick construction, but the Owner reserves the right to use other materials for the top floor of each building.
9. The existing freight warehouse on the property will be renovated for reuse as part of the Project. The Owner will build a community meeting place for residents of the Project within the freight warehouse.
10. The Owner will provide a swimming pool as a recreational amenity for residents of the Project.
11. If retail uses are proposed on Parcel 4, they will be permitted only on the first floor of the buildings proposed along Lafayette Boulevard. Buildings on Parcel 4 for office and/or retail uses will have no less than a total of 50,000 sq. ft. of floor area.

12. The following uses will not be permitted on any of  
Parcels 1-4: quick-service food stores and self-service  
gas stations.

Proffers 1, 6, 8, 9 and 10 apply only to Parcels 1, 2 and 3. Proffers 2, 3, 4, 5 and  
12 apply to all Parcels. Proffers 7, and 11 apply only to Parcel 4.

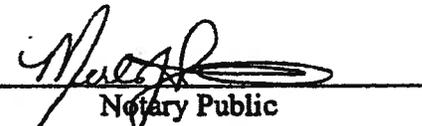
Although the following statement of expectation is not a proffer, it is here because  
of interest in the existing truss bridge between the property and Lafayette  
Boulevard: The Owner hopes to use the bridge for pedestrian/vehicular traffic,  
but this will depend upon the results of the Owner's evaluation of the bridge's  
condition and other considerations and is subject to the City's approval of an  
extension of the lease governing placement of the bridge on mutually agreeable  
terms for a minimum of 40 years. The bridge would be a private amenity, without  
City maintenance, and would not be a public way.

Lafayette Blvd, L.L.C.

By:   
Andrew S. Garrett

Commonwealth of Virginia  
County of Stafford, to-wit:

Acknowledged before me this 5<sup>th</sup> day of June, 2003.

  
Notary Public

My commission expires: June 30, 2006



CITY OF FREDERICKSBURG, VIRGINIA

Ordinance 02-09

*Amended by  
Ordinance  
03-13*

**An Ordinance to Rezone Approximately 30-acres Bordered by the R.F.& P. Railroad, Hazel Run, the old VCR Railroad bed and Lafayette Boulevard, from I-1 Light Industrial to the C-D Commercial Downtown Zoning District**

**IT IS HEREBY ORDAINED**, by the City Council of the City of Fredericksburg, Virginia that the Official Zoning Map of the City, established pursuant to Article III, Division 2 of Chapter 14 of the City Code, is amended as follows:

**I. Background Information.**

Lafayette Boulevard, LLC, owner of the subject property, proposes to rezone approximately 30-acres bounded by the R.F.&P. Railroad, Hazel Run, the old VCR railroad bed and Lafayette Boulevard in order to develop "Cobblestone Square" a proposed 398-unit apartment complex with a 10-acre passive park amenity, as well as about 50,000 square-feet of office space on the old Rappahannock Regional jail site at 1020 Lafayette Boulevard. The project also includes renovation and adaptive re-use (for offices and shops) of the 12,000 square-foot existing railroad freight warehouse located on the subject site.

The City's Comprehensive Plan calls for light industrial/office space for the subject property. The Planning Commission noted, however, that the subject property (adjacent to the R.F.&P. railroad) had been zoned industrially since the early 1970's without any serious proposals for light industrial or office development. The Planning Commission further noted that the property also constituted somewhat of a growing "eyesore" in relative close proximity to the downtown as well as the National Park Service cemetery and visitor center off Lafayette Boulevard near Sunken Road.

**II. Official Zoning Map Amendment.**

The City's Official Zoning Map, prepared in accordance with Section 14-68 of Chapter 14 of the City Code, is hereby amended as follows:

*"All that certain property owned by Lafayette Boulevard LLC, and located generally between the R.F.&P. Railroad, Hazel Run, and Lafayette Boulevard, totaling approximately 30 acres and consisting of four (4) separate parcels as shown on the "Cobblestone Square" generalized*

development plan, as prepared by Welford Engineering Associates, dated 3-26-2002 and attached hereto as "Exhibit 1" (four (4) parcels specifically outlined below under this section), is removed from the I-1 Light Industrial Zoning District and placed in the C-D Commercial Downtown Zoning District. The rezoning is subject to proffer conditions voluntarily submitted by the owner-applicant, said proffers to "run with the land" and be binding to any heirs, successors and assigns. The proffers are attached hereto as "Exhibit 2".

- Parcel 1 – Shown on City Tax Map 94-1 as parcel P-1, consisting of 0.0473 acres.
- Parcel 2 – Shown on City Tax Map 94-2, addressed 510 Essex Street, consisting of 1.5685 acres.
- Parcel 3 – Shown on City Tax Map 90-C as parcel P-1, consisting of 24.0342 acres.
- Parcel 4 – Shown on City Tax Map 132-1, addressed 1020 Lafayette Boulevard (former Regional Jail site), consisting of 3.5781 acres.

### III. Effective Date.

This Ordinance shall become effective immediately.

First Reading: March 26, 2002 Second Reading: April 9, 2002

Approved As to Form:

James M. Pates 4/11/02  
James M. Pates, City Attorney

### CERTIFICATION

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 02-09 duly adopted at a City Council meeting held 4/9/02 at which a quorum was present and voted.

Deborah H. Ratliff  
Deborah H. Ratliff, Clerk of Council

Exhibit 1 may be found in FRED. City Council Ordinance Book JAN 23, 2001 to Dec. 12, 2002

## EXHIBIT 2

### Proffers

The Applicant offers the following proffers in conjunction with its application for rezoning of Parcels 1-4:

✓1.  
*To be decided*

The Developer will design a passive nature park containing approximately 10 acres in the area adjacent to Hazel Run and shown on the GDP. Amenities which the Developer will create are a pedestrian trail with soft surface, trail signage and opportunities for historical interpretation. The Developer will create a pedestrian trail for access to the park from the old Virginia Central right-of-way in the approximate area shown on the GDP. After completion of the park amenities, the Developer may divide the park from the rest of the Project, so that it will be a separate parcel. The Developer intends to donate the park to the City as a passive nature park, if the City indicates within 5 years after the date of this rezoning that it would be receptive to the donation.

✓2.

The Developer will design and construct a lighted and landscaped trail within the City's old Virginia Central right-of-way from its intersection with Willis Street extended to its intersection with Essex Street. The trail will be ten feet wide and have an asphalt surface.

✓3.  
*Amended*

The Developer will construct Hazel Street from Lafayette Boulevard to the old Virginia Central right-of-way, will extend Willis Street from its present terminus to the old Virginia Central right-of-way, and will construct an undivided two-way street, without parking spaces, within the old Virginia Central right-of-way between Hazel Street extended and Willis Street extended. The three streets will be built to City public street specifications. The paving, curbing and sidewalks for Hazel Street and Willis street extended shall be built within the present right-of-way limits of these two streets. There will be no sidewalk along the street within the old Virginia Central right-of-way, because the trail will be constructed in lieu of the sidewalk.

✓4.

The off-site street and trail improvements in items 2 and 3 above shall be constructed as part of Phase II of the Project. The Developer's obligation to make these improvements is subject to the City's approval of the use of its land for these purposes in a separate resolution to

be considered this date. The improvements will be public facilities owned and maintained by the City.

- ✓5. The acreage contained in Parcels 1, 2, 3 and 4 will permit a Project-wide total of 398 multi-family residential units. The Developer recognizes that no more can be constructed on any of the parcels, even if one or more of the parcels is to contain none of the 398 units. The multi-family Project will be a "Market Rate" Project which will not lend itself to the awarding of tax credits based upon government mandated limits on market rents.
- ✓6. The Developer will provide a FRED bus stop on the property in the area of the old freight warehouse.
7. The buildings on Parcel 4 will be brick construction.
8. The buildings on parcels other than Parcel 4 will be primarily brick construction, but the Developer reserves the right to use other materials for the top floor of each building.
9. The existing freight warehouse on the property will be renovated for reuse as part of the Project. The Developer will build a community meeting place for residents of the Project within the freight warehouse.
- ✓10. The Developer will provide a swimming pool as a recreational amenity for residents of the Project.
11. If retail uses are proposed on Parcel 4, they will be permitted only on the first floor of the buildings proposed along Lafayette Boulevard. Buildings on Parcel 4 for office and/or retail uses will have no less than a total of 50,000 sq. ft. of floor area, and will not exceed three stories in height.
12. The following uses will not be permitted on any of Parcels 1-4: quick-service food stores and self-service gas stations.

Proffers 1, 6, 8, 9 and 10 apply only to Parcels 1, 2 and 3. Proffers 2, 3, 4, 5 and 12 apply to all Parcels. Proffers 7, and 11 apply only to Parcel 4.

Although the following statement of expectation is not a proffer, it is here because of interest in the existing truss bridge between the property and Lafayette Boulevard: The Developer hopes to use the bridge for pedestrian/vehicular

traffic, but this will depend upon the results of the Developer's evaluation of the bridge's condition and other considerations and is subject to the City's approval of an extension of the lease governing placement of the bridge on mutually agreeable terms for a minimum of 40 years. The bridge would be a private amenity, without City maintenance, and would not be a public way.